

## TYPES OF LIABILITY OF OFFICIALS OF COMMERCIAL ORGANIZATIONS FOR OFFICIAL (OFFICE-RELATED) CRIMES

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**Abstract.** *Officials of commercial organizations play a key role in economic activity and corporate governance. When such officials misuse their official powers, exceed authority, or commit other office-related crimes, the law provides for various types of legal liability. This thesis examines the main types of liability—criminal, administrative, civil, and disciplinary—applicable to officials of commercial organizations for official crimes. Special attention is paid to criminal liability for abuse of office, corruption-related offenses, and the differentiation between personal liability of officials and liability of the corporation as a legal entity. The study highlights comparative legal approaches and emphasizes the importance of clear legal standards to ensure accountability while protecting lawful business activity.*

**Keywords.** *commercial organization; official; office-related crime; abuse of office; criminal liability; corporate liability; corruption*

### **Introduction**

In modern market economies, commercial organizations exercise significant influence over economic and social relations. Officials of such organizations are entrusted with managerial and administrative powers that must be exercised lawfully and in good faith. However, misuse of official authority, corruption, and other office-related crimes committed by corporate officials pose serious threats to economic order, fair competition, and public trust. Consequently, legal systems establish different forms of liability to address unlawful conduct by officials of commercial organizations.

**Knowingly providing something unlawfully** shall be understood as situations in which such action (or omission) is directly prohibited by applicable regulatory legal acts or constituent documents, or does not arise from the lawful scope of the employee's official activity under the law.

Performing or refraining from performing actions through the use of official powers presupposes the use of existing legal and practical opportunities. This includes actions (or omissions) that do not formally fall within the scope of the employee's authority, as well as those that go beyond it but are based on the employee's official influence, authority, reputation, awareness, access to information, and similar factors.

The performance or non-performance of actions must, by its nature, be unlawful in advance or be contrary to the lawful interests of the non-governmental commercial organization or other non-governmental bodies, enterprises, institutions, or organizations in which the employee works.

The method and form of inducement through bribery are legally irrelevant. The unlawful receipt of material valuables or property benefits may be carried out by the employee personally or through an intermediary.

Inducement through bribery may be carried out openly or covertly, in the form of a gift, through the sale of material valuables at an obviously reduced price, by concluding fictitious employment contracts, or in other forms. (M.X.Rustamboev, 2016)

Criminal liability is the most severe form of liability imposed on officials for office-related crimes. It applies when an official commits socially dangerous acts such as abuse of office, exceeding authority, bribery, embezzlement, or misuse of corporate powers for personal gain.

Scholarly research emphasizes that criminal liability of corporate officials is based on personal fault and unlawful use of entrusted powers, even when the crime is committed in the interests of the corporation (Beniwal, 2015). Courts increasingly recognize that officials may be held criminally liable not only for active misconduct but also for failure to prevent violations within their area of responsibility (Termini, 2017).

Legal scholars further argue that criminal responsibility should be differentiated based on the nature of the functions performed by the official, regardless of whether the organization is public or private (Yatsynina, 2016).

Administrative liability applies to less socially dangerous violations related to official activity, such as breaches of regulatory requirements, financial reporting rules, or competition law. Unlike criminal liability, administrative sanctions usually include fines, disqualification, or temporary restrictions on professional activity.

Research indicates that administrative liability plays a preventive role by ensuring compliance with regulatory standards in corporate governance and economic activity (Saputra et al., 2025).

Civil liability arises when an official's unlawful actions cause financial or property damage to the commercial organization, shareholders, or third parties. This type of liability is primarily compensatory and is aimed at restoring violated rights.

Legal doctrine stresses that civil liability of officials is independent of criminal or administrative liability and may be applied even in the absence of criminal conviction, provided that damage and causation are established (Wibisana et al., 2021).

Disciplinary liability is imposed within the framework of labor or corporate law and includes measures such as reprimand, demotion, or dismissal. It applies when an official violates internal rules, corporate policies, or employment obligations.

Although disciplinary liability is the least severe form, scholars note its importance in maintaining corporate discipline and preventing escalation into criminal behavior (Singh, 2018).

### Conclusion

Officials of commercial organizations may be subject to criminal, administrative, civil, and disciplinary liability for office-related crimes, depending on the nature and severity of the violation. Criminal liability plays a central role in combating abuse of office and corruption, while other forms of liability ensure compensation, compliance, and internal discipline. An effective legal framework requires a clear distinction between the liability of the corporation and the personal liability of its officials, ensuring accountability without undermining legitimate business activity.

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