

## ISSUES OF IMPROVING THE REGULATION OF OFFICIAL CRIMES COMMITTED BY OFFICIALS OF COMMERCIAL ORGANIZATIONS

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**Annotation.** *This thesis examines the legal nature, characteristics, and regulation of official crimes committed by officials of commercial organizations. In modern market economies, commercial entities play a crucial role in economic development, which increases the risk of abuse of authority, corruption, and other official crimes within such organizations. The study analyzes existing legal approaches to defining and regulating official crimes in the private sector, identifies key shortcomings in current legislation and enforcement practices, and proposes directions for improving criminal law regulation. Special attention is paid to the differentiation between public-sector and private-sector official crimes, the scope of criminal liability of commercial officials, and the need to strengthen preventive and compliance mechanisms.*

**Keywords:** *official crimes, commercial organizations, abuse of authority, corporate crime, criminal liability, corruption, private sector regulation*

The development of market relations and the expansion of private entrepreneurship have significantly increased the role of commercial organizations in social and economic life. Along with these processes, new forms of criminal activity have emerged, particularly crimes committed by officials of commercial organizations through the misuse of their authority. Such crimes cause substantial harm not only to individual companies but also to fair competition, economic stability, and public trust in business institutions.

Intentional misuse of official authority should be understood as actions of a person that arise from their official position and are connected with the exercise of the rights and duties granted by the powers of the position they hold, but which, by their content, contradict the goals and functions pursued by the relevant body in carrying out its activities.

Official authority refers to the rights and obligations that a person possesses by virtue of the position they occupy. Accordingly, the lawful use of official authority is recognized as actions carried out by an official within the scope of their service powers, exercised within the limits of the rights granted to them and the duties imposed on them due to the position they hold. (M.H.Rustamboyev, 2016)

Traditionally, official crimes were associated mainly with public officials. However, modern legal systems increasingly recognize that officials of commercial organizations possess significant managerial and administrative powers, the abuse of which may result in

serious social consequences. This creates an urgent need to improve the regulation of official crimes in the private sector and to ensure effective criminal liability mechanisms. Official crimes committed by officials of commercial organizations represent a specific category of economic and corporate crime. These offenses are characterized by the use of official or managerial powers contrary to the legitimate interests of the organization, shareholders, partners, or society as a whole.

An official of a commercial organization is typically a person who performs managerial, administrative, or supervisory functions, such as directors, executives, managers, and other persons authorized to make legally significant decisions. Unlike public officials, their authority arises from corporate governance structures rather than state power. Nevertheless, the harm caused by their criminal actions may be comparable to that caused by public-sector corruption. Common forms of such crimes include abuse of authority, excess of powers, commercial bribery, falsification of financial documents, concealment of profits, and intentional bankruptcy. These acts often involve complex economic schemes, which complicates their detection and prosecution.

Despite the recognition of private-sector official crimes in many legal systems, several significant problems remain. First, there is often uncertainty in legal definitions. Legislation may inadequately define who qualifies as an official of a commercial organization, leading to inconsistent judicial practice. This creates difficulties in distinguishing criminal acts from civil or corporate disputes.

Second, insufficient differentiation of liability poses a problem. In some jurisdictions, the sanctions for private-sector official crimes are either too lenient compared to their social harm or disproportionately severe, discouraging entrepreneurial activity.

Third, evidentiary challenges significantly hinder enforcement. Crimes committed within commercial organizations are frequently concealed through internal documentation, complex financial transactions, and the use of corporate secrecy mechanisms.

Fourth, weak preventive mechanisms exist in many commercial entities. The absence of effective compliance programs, internal controls, and corporate ethics standards increases the risk of official crimes.

International legal instruments emphasize the importance of combating corruption and abuse of authority in both public and private sectors. For example, the United Nations Convention against Corruption highlights the need to criminalize private-sector bribery and abuse of functions (United Nations, 2004).

Comparative legal analysis shows that many developed jurisdictions have expanded criminal liability for corporate officials and introduced corporate criminal liability alongside individual liability. This approach strengthens accountability and encourages companies to implement internal control mechanisms.

Some legal systems also emphasize restorative and preventive approaches, including compensation for damages, disqualification from managerial positions, and mandatory compliance reforms, rather than relying solely on punitive sanctions.

Finally, coordination between criminal law, corporate law, and administrative regulation should be enhanced to ensure a balanced and effective response to private-sector official crimes.

#### Conclusion

Official crimes committed by officials of commercial organizations pose a serious threat to economic security, corporate integrity, and public trust. While modern legal systems increasingly recognize the importance of regulating such crimes, significant challenges remain in defining, detecting, and preventing them. Improving legal regulation requires clearer legislative frameworks, differentiated criminal liability, stronger enforcement mechanisms, and effective preventive measures within commercial organizations. A comprehensive and balanced approach will contribute to the protection of lawful business activities and the sustainable development of the economy.

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