

PREVENTIVE MEASURES AGAINST OFFICIAL CRIMES COMMITTED BY OFFICIALS OF COMMERCIAL ORGANIZATIONS

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Abstract. *Official crimes committed by officials of commercial organizations represent a significant threat to lawful economic activity, corporate governance, and public trust in market institutions. Such crimes include abuse of authority, commercial bribery, and other offenses committed through the misuse of managerial or administrative powers. This thesis examines preventive measures aimed at reducing the risk and prevalence of official crimes in commercial organizations. Drawing on criminal-law theory, criminological research, and international anti-corruption standards, the study analyzes general social, special criminological, and individual preventive measures. The research demonstrates that effective prevention requires a комплекс approach combining legal regulation, corporate compliance systems, ethical business culture, and effective law enforcement mechanisms.*

Keywords. *Official crimes; commercial organizations; crime prevention; abuse of authority; private-sector corruption; corporate compliance*

The rapid development of market economies has significantly increased the role of commercial organizations in social and economic life. Alongside these developments, the number of crimes committed by officials within such organizations has also grown. Unlike ordinary economic offenses, official crimes in the private sector are characterized by the misuse of organizational or administrative powers entrusted to an individual by virtue of their position.

A person who has committed inducement through commercial bribery has the right, of his or her own free will, to submit a report to any state authority (the National Security Service, the prosecutor's office, the court, the police, local government bodies, the mahalla committee, or others), in any form (oral, written, or through third parties). When determining the voluntary nature of such a report, it must be taken into account that it must be made before law enforcement authorities become aware of the crime. The motives and purposes of such a report (fear of exposure or punishment, remorse, pangs of conscience, etc.) are not relevant for exemption from criminal liability.

However, exemption from criminal liability of a person who has committed inducement through commercial bribery does not mean that the elements of a crime are absent in his or her actions. (M.H.Rustamboev, 2016)

Scholars emphasize that official crimes committed in commercial organizations are particularly dangerous due to their latent nature and the difficulty of detection, as they are often disguised as legitimate business decisions (Holovkin, 2020). Therefore, preventive measures play a decisive role in counteracting such crimes, complementing criminal-law repression and contributing to the stability of economic relations.

Official crimes in commercial organizations are primarily directed against the interests of service and lawful corporate governance. They differ from general economic crimes in that the offender uses official authority or service powers as the main instrument of criminal conduct (Bezverkhov, 2020).

From a criminal-law perspective, prevention aims to eliminate the legal and organizational conditions that facilitate such misuse of authority. Clear legal definitions, proportional sanctions, and consistent law enforcement are essential elements of general prevention (Markuntsov & Wassmer, 2021).

Criminology views crime prevention as a system of measures designed to identify, neutralize, and eliminate the causes and conditions of crime. In relation to official crimes in commercial organizations, prevention must address both individual motivations and organizational risk factors, such as weak internal controls and tolerance of unethical behavior (Lukashevych, 2021).

General social prevention aims to improve the overall socio-economic and legal environment in which commercial organizations operate. This includes the promotion of transparency in business activities, reduction of excessive administrative regulation, and strengthening of legal awareness among business actors.

International standards, particularly the United Nations Convention against Corruption (UNCAC), emphasize the role of the private sector as a key partner in preventing corruption-related crimes (Syroid, 2024). Harmonization of national legislation with international anti-corruption norms enhances the effectiveness of general prevention.

Special criminological prevention focuses on reducing criminogenic risks within commercial organizations. Research highlights the importance of anti-corruption compliance systems, internal audits, and risk assessments as effective preventive tools (Markuntsov & Wassmer, 2021).

The introduction of corporate compliance programs creates internal barriers against abuse of authority and commercial bribery by establishing clear rules of conduct and accountability mechanisms. Empirical studies show that organizations with well-functioning compliance systems demonstrate lower levels of corruption-related offenses (Mulyati et al., 2019).

Individual prevention targets officials who occupy managerial or administrative positions in commercial organizations. Such measures include professional selection, regular training on ethical standards, and performance evaluations based on integrity indicators.

Criminological studies indicate that personal factors such as greed, low legal awareness, and perceived impunity significantly increase the risk of official crimes (Sagandykova et al., 2023). Therefore, individual prevention must be aimed at shaping law-abiding behavior and reinforcing personal responsibility.

An important preventive mechanism is the establishment of legal liability not only for individuals but also, where appropriate, for legal entities. Corporate liability encourages organizations to invest in preventive systems and internal controls (Hatchard, 2012).

Furthermore, clear differentiation between disciplinary, civil, and criminal liability ensures proportionality and fairness, thereby strengthening the preventive function of criminal law (Bezverkhov, 2020).

Conclusion

Preventive measures against official crimes committed by officials of commercial organizations constitute a crucial element of modern criminal policy. Effective prevention requires a comprehensive approach that integrates criminal-law regulation, criminological prevention, corporate compliance, and ethical business culture. Strengthening general social, special criminological, and individual preventive measures will significantly reduce the risk of abuse of authority and other official crimes in the private sector.

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