



TYOLOGY OF ANTI-CORRUPTION EXPERTISE IN NORMATIVE LEGAL REGULATION

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Corruption, due to its complex and multi-level nature, affects institutional, economic, political, and legal aspects of social relations, which necessitates its comprehensive scientific understanding. The effectiveness of anti-corruption efforts largely depends on the state's ability to timely identify the causes and conditions contributing to its reproduction, including those embedded in normative legal acts. In this regard, anti-corruption expertise of normative legal acts and their drafts acquires particular significance as a preventive tool influencing both law-making and law enforcement processes.

Scientific support of anti-corruption policy ensures the development of methodological approaches to identifying corruption-prone factors, the formation of criteria for assessing the quality of legal regulation, and the substantiation of effective mechanisms for their elimination^[1]. In this context, anti-corruption expertise functions not only as a procedural element of legal expertise but also as a systemic mechanism for ensuring the quality of legislation, possessing a pronounced analytical and scientific character.

The current development of the institution of anti-corruption expertise is characterized by its increasing complexity and differentiation, as evidenced by the diversity of its types, forms, and implementation mechanisms. This multidimensionality stems from differences in the subjects of expert analysis, the status of the entities conducting the expertise, the stages of legal regulation, and the legal consequences of expert opinions. In this regard, there is an objective need for a scientific classification of the types of anti-corruption expertise, which has both theoretical-methodological and practical significance^[2].

A systematic analysis of legislation and legal doctrine allows for the identification of several fundamental criteria for classifying anti-corruption expertise.

First, depending on the object of analysis, two key types of anti-corruption expertise can be distinguished. The first is the expertise of draft normative legal acts, carried out at the law-making stage and aimed at preventing the inclusion of corruption-prone factors in the text of a draft. This type has a preventive nature, as it allows for identifying and eliminating regulatory defects before their institutionalization within the legal system. The second is the expertise of existing normative legal acts, conducted in relation to acts that have already entered into force in order to identify corruption risks

manifested in the process of law enforcement. Unlike draft expertise, this type has a corrective nature and is closely linked to monitoring law enforcement practice.

This distinction makes it possible to define the functional specificity of anti-corruption expertise: in the first case, it performs a preventive function, while in the second case, it performs a corrective function aimed at eliminating already existing corruption-prone factors. Together, these types form a continuous mechanism of anti-corruption control throughout all stages of the life cycle of normative legal acts.

The second important classification criterion is the subject conducting the expertise. Based on this criterion, it is appropriate to distinguish between official (state) and unofficial (independent) expertise. State anti-corruption expertise is carried out by authorized bodies within their competence and entails legally significant consequences, as its results are subject to mandatory consideration and may lead to revision or amendment of normative legal acts. In contrast, unofficial expertise is conducted by civil society institutions, scientific organizations, and independent experts; it has a recommendatory character but plays an important role in ensuring transparency and openness of the law-making process.

Within the framework of state anti-corruption expertise, it is advisable to distinguish its main forms of implementation. These include internal (intra-departmental) expertise carried out by legal departments of drafting bodies, and supervisory expertise conducted by justice authorities, specialized anti-corruption bodies, and prosecution authorities. Internal expertise performs the function of a primary filter for corruption-prone factors; however, its effectiveness may be limited due to the institutional dependence of experts. Supervisory expertise, on the contrary, is characterized by a higher degree of independence and is aimed at identifying corruption risks both in draft and existing legislation.

A particular scientific problem arises in distinguishing among unofficial types of anti-corruption expertise. In legal doctrine, public and scientific expertise are often treated as a single type of independent expertise. However, it appears that they differ in their legal nature. Public expertise is carried out by civil society institutions and is aimed at exercising public oversight, whereas scientific expertise is based on specialized knowledge and conducted by the academic community. At the same time, the degree of their independence is not absolute and largely depends on institutional affiliation, funding sources, and the nature of interaction with public authorities.

In this regard, it is proposed to introduce into scientific discourse the category of “quasi-independent expertise”, reflecting situations in which formally non-state actors in fact operate within the system of public administration. This makes it possible to more accurately assess the real level of independence of expert activity and to avoid substituting genuine public oversight with formal procedures.

The scientific novelty of this study lies in the development of a comprehensive classification of anti-corruption expertise based on a combination of three key criteria:



object, subject, and form of implementation. Within this model, internal and supervisory expertise are considered as forms of state anti-corruption expertise, while public and scientific expertise are distinguished within the unofficial segment, taking into account the criterion of actual independence.

Thus, anti-corruption expertise represents a complex multi-level mechanism for preventing corruption risks, the effectiveness of which is ensured through the interaction of its various types. Their combined application makes it possible to provide a more complete and objective analysis of normative legal acts, thereby contributing to improving the quality of legislation and strengthening the preventive potential of anti-corruption policy.

References

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