



## THE APPROACHES OF DEVELOPED COUNTRIES IN ANTI-CORRUPTION INITIATIVES

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**Annotation.** *Corruption undermines democratic institutions, slows economic development, and contributes to governmental instability. Developed countries have implemented a variety of anti-corruption initiatives to combat this pervasive issue. This thesis examines the strategies employed by developed nations, including legal frameworks, institutional mechanisms, and public engagement efforts. By analyzing these approaches, the article aims to identify best practices and potential areas for improvement in the fight against corruption.*

**Keywords.** *Anti-Corruption, Developed Countries, Legal Frameworks, Institutional Mechanisms, Public Engagement, Best Practices, China, USA, UK, Singapore, Finland, South Korea, Denmark, Sweden, New Zealand, Canada, Norway, Georgia, Uzbekistan.*


### Introduction

Corruption is a significant barrier to effective governance and economic progress. While it is often perceived as a challenge predominantly faced by developing nations, corruption also exists in developed countries, albeit in different forms.


The term *corruption* (Latin: *Corrumpere*, to corrupt) usually refers to the misuse of official authority and rights by officials for their own personal gain, contrary to the law and morals. The historical roots of corruption go back to ancient times, and it is believed that this phenomenon originated from the custom of giving gifts to tribal leaders in order to obtain a certain position in the tribe. In those days, this was considered normal. However, the complexity and centralization of the state apparatus showed that corruption was a major obstacle to the development of the state. The ancient Sumerian state is recognized as the first state to fight corruption. It is known from the sources that have survived to us that ancient states were particularly concerned about bribery of law enforcement agencies. Because this situation severely damaged the reputation of the state.

### Main part

Currently, corruption-related crimes can also be found in developed countries, but they are constantly fighting corruption and are ranked high in the world in terms of low corruption levels. In particular, according to statistics from the international non-governmental organization Transparency International in 2020, New Zealand ranked 1st, Denmark 2nd, Finland, Singapore, and Switzerland 3rd in the ranking of countries with low corruption levels, while Kazakhstan ranked 94th, Kyrgyzstan 124th, and Uzbekistan




146th among the Central Asian countries [1]. No country is completely protected from corruption and its harmful consequences. Therefore, the fight against corruption is recognized as one of the most urgent issues in the laws of each country. In particular, according to Article 382 of the Chinese Criminal Code, it is considered corruption if civil servants take advantage of their official privileges to embezzle, steal, fraudulently obtain or otherwise misappropriate state property. It is also determined that persons entrusted with the management and management of state property by state organs, state-owned enterprises, enterprises, organizations, and people's associations take advantage of their official privileges to embezzle, steal, or fraudulently acquire state property in other ways. The punishment for corruption-related crimes is determined by the severity of the crime, and for individual corruption involving more than 100,000 yuan, the penalty is imprisonment for a term of more than ten years, with or without confiscation of property, or imprisonment for a term of years or life imprisonment, in particularly aggravating circumstances, the death penalty and confiscation of property. In addition, according to Chinese law, any public official whose assets or expenses exceed his legal income is required to explain the sources of his assets, if the difference is too large. If he cannot prove that the sources are legal, the part exceeding his legal income is considered illegal wealth. Any public official must report to the state in due course about his funds held in banks outside *China* [2]. In our opinion, Chinese law has established good practice in the fight against corruption, in which if officials declare their assets and cannot prove with reasonable evidence where the excess came from, it is considered corruption and serves as a basis for holding the official accountable.



According to *German* jurists, official crimes are grouped not only by the character of the subject as an official, but also by the normal functioning of the state apparatus, the protected object. "A person is considered an official if: a) he is an official or a judge; b) he is in another public-legal service relationship; c) he is called upon to perform public administration duties in a government body or other institution or on its instructions." In addition, a person who is "directly called upon to perform public service," that is, "an employee who, although not an official himself, performs public administration duties in a government body or is employed in an institution or association that performs such duties, is considered a subject of official crimes" [3]. According to Article 332 of the Criminal Code of the Federal Republic of Germany, corruption-related crimes are punishable by imprisonment for a term of six months to five years [4]. So, although the punishment for corruption in German law is not very severe, the subject of this crime can be not only an official, but also any employee of state bodies, and they are held equally liable.

The *Spanish* Criminal Code, on the other hand, divides the crime of bribery into two types, depending on whether the acts committed in exchange for bribery are legal or illegal. According to article 419 of the Code, it is criminalized for an official or civil servant to accept, request or agree to accept a gift, reward or any form of consideration for himself or for third parties, in exchange for a breach or failure to perform his official duties, and is



punishable by imprisonment for a term of three to six years, as well as a specific ban on engaging in public service and a ban on holding public office for a term of seven to twelve years for the act committed. Article 420 of the Code provides for criminal liability for committing such acts or omissions without breaching their duties [5]. In Spanish law, we can see that if a public official commits a crime related to corruption, he or she is only prohibited from working in public service for a certain period without being held criminally liable. This is considered a unique way to combat corruption and has an effective effect on preventing corruption.

Article 129 of the *South Korean Criminal Code* establishes liability for not only accepting a bribe, but also for soliciting a bribe and promising to accept a bribe. It is noteworthy that the criminal law of this country considers not only the act of giving a bribe or promising to give a bribe as a punishable act, but also the fact that a person has expressed his or her desire to give a bribe [6]. This method of imposing penalties for anti-corruption crimes in South Korea is considered effective, in which not only the person who committed the crime, but also the person who expressed his or her desire to receive or give a bribe is the subject of the crime and is held liable.


Under *US* and *UK* criminal law, both public officials and other employees of public institutions can be held liable for bribery.

Unlike *US* and *UK* criminal law, Italy, France and Germany have a more stable legal framework for preventing bribery. Until 1992, in France, the perpetrators were prosecuted under Articles 177-183 of the 1810 Criminal Code; significant amendments to the Italian Criminal Code of 1930 regarding official crimes were only made in 1990 [7].

In *UK* statutory law, liability for bribery is established by laws of 1889, 1906, 1916 and 1925, as well as by court precedents. This indicates that English anti-corruption legislation is dynamic. Detailed, sometimes overly detailed definitions, the creation of special norms identical to general sanctions, or the unnecessary inclusion of classified (privileged) content (for example, the article on liability for giving and receiving bribes) are characteristic features of *US* anti-corruption legislation.

Section 201 of Title 18 of the *US Code of Crimes and Procedure* establishes criminal liability for bribery of officials or witnesses. According to it, in addition to accepting and giving a bribe, offering, promising, soliciting, and agreeing to accept a bribe are also criminal offenses [8]. Like South Korea, the *US* also provides for liability for the expression of intent to commit a corruption offense. Therefore, this approach is also considered effective and contributes to a certain extent to the prevention of corruption.

According to the *Irish Criminal Justice (Corruption Offences) Act 2018*, active bribery includes acts such as offering, offering, or agreeing to offer a bribe, while passive bribery is defined as accepting, soliciting, or agreeing to accept a bribe. understood. This document establishes criminal liability for taking or giving a bribe not only for the benefit of the person himself, but also for the benefit of third parties [9]. Thus, in *Irish* law, there are two types of corruption-related crimes, which are divided into active and passive.



bribery. This division of corruption-related crimes into types indicates that not only the taking or giving of a bribe, but also the consent to it itself indicates the commission of this crime.


We can also see the separation of actions or inactions committed in exchange for a bribe according to the legality or illegality of the act or omission committed in exchange for a bribe in the criminal legislation of other countries. In particular, Article 225 of the *Lithuanian Criminal Code* provides for a more severe liability for a crime in the form of taking a bribe by committing unlawful acts. Lithuanian criminal law establishes norms on bringing to responsibility with aggravating elements for cases where the amount of the bribe is large [10]. Lithuanian law imposes more severe penalties for corruption-related crimes than other countries, with the amount of the bribe being of particular importance. This serves as the basis for imposing a more severe or milder sentence and ensures compliance with the principles of fairness of punishment.

*Singapore* is one of the countries with the lowest level of corruption. According to section 5 of the Prevention of Corruption Act, any person who, by himself or with another person, solicits or receives or consents to receive a bribe for himself or another person, or gives, promises or offers a bribe to or for the benefit of any person, is guilty of an offence and is liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 5 years [10]. It is also significant that the Act establishes separate liability for corruption-related offences of a member of parliament and a member of a public body. Singaporean law delimits bribery offences by establishing a specific list of acts that can be carried out in exchange for a bribe. A similar provision can be found in the Malaysian Anti-Corruption Commission Act 2009 [11]. In addition, this law also criminalizes, in addition to taking and giving bribes, soliciting, accepting or promising to accept bribes, as well as promising to give or offering a bribe. Thus, the laws of Singapore and Malaysia clearly define the list of corruption-related crimes, which prevents difficulties in bringing those who commit these crimes to justice, and it has a positive effect on keeping records of such crimes and determining measures to combat them.

If we look at the experience of *Georgia* in combating corruption, Article 164 of the Criminal Code of the Republic of Georgia establishes liability for bribery of voters, and the intentional receipt of an offer, promise, transfer of money, securities (including financial instruments), other property, property rights, an offer, a promise to provide services or any other thing, benefits or services, or the conclusion of fictitious, fraudulent or other transactions for the purpose of circumventing the restrictions established by law, is punishable by a fine or imprisonment for up to three years.

*Denmark, Finland, Sweden, New Zealand, Canada, Norway* are also considered countries with high levels of corruption. In these countries, corruption is considered by the government as a matter of national security, a threat to internal and external security.

According to Transparency International, one of the countries with the lowest level of corruption is New Zealand. This country consistently ranks high in the ranking of countries



with the lowest level of corruption. If we look at the experience of New Zealand in terms of liability for corruption-related crimes, the sixth section of the Crimes Act of 1961 is called "Offences affecting the administration of law and justice", and this section also establishes liability for bribery and corruption [12]. It is noteworthy that this section separates the liability of each state official for corruption-related crimes. In particular, section 100 of the Act provides for the bribery of judges and court officers, section 101 for the bribery of a court officer, section 102 for the bribery of ministers, section 103 for the corruption and bribery of a member of parliament, section 104 for the corruption and bribery of a law enforcement officer, section 105 for the bribery of a public official, section 105C for the bribery of a foreign public official, section 105D for the bribery of a foreign public official outside *New Zealand*, and section 105E for the corruption of foreign public officials. The offences listed above provide for liability not only for accepting a bribe, but also for giving a bribe and abetting the giving of a bribe. Therefore, we can say that in New Zealand, the determination of individual responsibility for corruption-related crimes of each official is related to their role in society and the importance of the assigned task. This method is considered very effective in the fight against corruption and increases the responsibility of each official.


Finland's experience in combating corruption is noteworthy. According to the international organization Transparency International, *Finland* is one of the countries with the lowest level of corruption. This country is among the top five countries with the lowest level of corruption. Currently, Finland has 3 or 4 criminal cases related to bribery per year. If we compare this situation with the period from 1980 to 1989, during these years, 81 people were convicted of accepting a bribe and 49 people were convicted of giving a bribe.

It is noteworthy that the Finnish Criminal Code does not contain the concept of "corruption". It establishes criminal liability for bribery of officials, and officials who commit such a crime are subject to a fine or imprisonment for up to 4 years, depending on the social danger of the act.

Unlike other countries, Finland does not have a specific anti-corruption law, nor has a special anti-corruption body been established. Corruption is combated as part of general crime. The Finnish Constitution, the Criminal Code, the Civil Service Act, administrative regulations and other subordinate legislation are documents aimed at preventing corruption. The most important of these is the Code of Ethics.

Effective institutional frameworks are crucial for the implementation of anti-corruption initiatives. Developed countries employ various mechanisms:

1. Independent Anti-Corruption Agencies. Countries like Canada and the United Kingdom have established independent agencies tasked with investigating corruption and enforcing anti-corruption laws. These agencies operate with a degree of autonomy to ensure impartiality.



2. Judicial Independence. A strong and independent judiciary is vital for enforcing anti-corruption laws. Developed nations typically have well-established judicial systems that uphold the rule of law and ensure accountability.

3. Inter-Agency Collaboration. Developed countries often promote collaboration between various governmental agencies, including law enforcement, tax authorities, and regulatory bodies, to enhance information sharing and coordinated responses to corruption.

### **Conclusion**

Analyzing the experience of developed foreign countries in preventing corruption-related crimes and issues of liability for corruption-related crimes, we can see that foreign countries have established different levels of punishment for corruption-related crimes. In some countries, depending on the social danger of the crime, punishment ranges from a fine to imprisonment, and in some, from imprisonment to the death penalty. Also, in almost all of the developed countries analyzed above, a clear list of corruption-related crimes has been established, and punishment is assigned depending on the social danger of these crimes and the position held by the persons who committed them, their place in society, and this serves to ensure the correct application of principles such as fairness and justice of punishment, and to reduce corruption in society to the lowest level. In addition, in order to prevent corruption, many foreign countries have established a system of declaring the property of officials, public control in all areas, and the electronic implementation of services provided by state organizations.

Developed countries have adopted a multifaceted approach to combat corruption through robust legal frameworks, effective institutional mechanisms, and active public engagement. While significant progress has been made, challenges remain in ensuring consistent enforcement and fostering a culture of integrity. By sharing best practices and continuously refining their strategies, developed nations can strengthen their anti-corruption initiatives and contribute to a more transparent global governance framework.

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