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IBI (India) = 4.260
OAJI (USA) = 0.350

SOI: [1.1/TAS](#) DOI: [10.15863/TAS](#)

International Scientific Journal **Theoretical & Applied Science**

p-ISSN: 2308-4944 (print) e-ISSN: 2409-0085 (online)

Year: 2022 Issue: 11 Volume: 115

Published: 09.11.2022 <http://T-Science.org>

Issue

Article



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ANALYSIS OF THE EFFECTIVENESS OF COMBATING CORRUPTION IN THE EDUCATION SYSTEM OF THE REPUBLIC OF UZBEKISTAN AND WAYS TO IMPROVE IT

Abstract: This article is devoted to the topical issue of improving the effectiveness of combating corruption in the education system of Uzbekistan. The article's aim is to analyze the effectiveness of combating corruption in the education system of the Republic of Uzbekistan and ways to improve it. The research methods were the following: analysis of scientific literature and legal acts, comparative legal analysis, induction, deduction and forecasting. The article's author comes to the conclusion that much has been done in the Republic of Uzbekistan in recent years to improve the effectiveness of combating corruption in general and in the education system in particular. At the same time, there are still many unresolved problems, which are also noted by experts from OECD countries. Nowadays, manifestations of corruption in education are of particular concern, since they are widespread. The article presents specific proposals for improving the current anti-corruption legislation of Uzbekistan and a list of priority measures that will improve the effectiveness of combating corruption in the education system of the Republic of Uzbekistan.

Key words: combating corruption, improving effectiveness, legislation modernization, education system, Uzbekistan.

Language: English

Citation: Mirzaev, R. I. (2022). Analysis of the effectiveness of combating corruption in the education system of the Republic of Uzbekistan and ways to improve it. *ISJ Theoretical & Applied Science*, 11 (115), 453-457.

Soi: <http://s-o-i.org/1.1/TAS-11-115-23> **Doi:**  <https://dx.doi.org/10.15863/TAS.2022.11.115.23>

Scopus ASCC: 3300.

Introduction

In 2018-2022 many effective anti-corruption reforms have been carried out in the Republic of Uzbekistan, since 2017 anti-corruption legislation has been continuously modernized¹, however, the country still lacks legal norms regulating the declaration of assets and income of civil servants, key issues of the organization and functioning of the judiciary, as well as the support of courts and judges should not be regulated by acts of the President or the Cabinet of Ministers, but by a law in which only technical or procedural issues are classified as regulations. It is

important to reconsider the role and scope of powers of the Supreme Court in the organization of the judiciary, in particular, in matters of financing courts and remuneration of judges. At present, only partially implemented are the recommendations of the OECD², which were provided by the organization to Uzbekistan in 2019 based on the results of anti-corruption monitoring. At the same time, there is a concentration of anti-corruption efforts mainly on reducing the level of corruption manifestations in public authorities. It seems that at the same time it is important to strengthen the fight against corruption in

¹ Закон Республики Узбекистан «О противодействии коррупции» №ЗРУ-419 от 03.01.2017 // Lex.uz. – URL: <https://lex.uz/docs/3088013> (дата обращения: 27.07.2022).

² Anti-corruption reforms in Uzbekistan 4th round of monitoring of the Istanbul Anti-Corruption Action Plan // OECD. – 2019. – URL:

https://www.oecd.org/corruption/acn/OECD-ACN-Uzbekistan-4th-Round_Monitoring-Report-2019-ENG.pdf 8-12 pp. (reference date: June 27, 2022).

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various areas of public life, including the field of education. Education today is not sufficiently protected from corruption; this is clearly demonstrated by the high statistics of bringing workers in this area to justice.

At the beginning of 2020, the Prosecutor General of Uzbekistan N. Yuldashev announced that over the past two years, 326 employees of the system of higher and secondary specialized education were prosecuted for crimes related to the educational process, including 220 in colleges and lyceums, 106 in higher educational institutions.³ Corruption affects not only the quality of education, but also negatively affects the positions of the country's universities in international rankings. In particular, the largest educational institution, the National University of Uzbekistan, occupies 3971th place in the global Webometrics ranking, which includes about 30 thousand universities in the world.⁴

Corruption manifestations in the field of education in the Republic of Uzbekistan currently have the following types in the areas of activity: due to the implementation of educational functions; caused by the provision of goods and services, which is accompanied by inappropriate professional behavior; based on violations in the field of taxation and disposal of property.⁵ In the scientific literature, one can also find the division of corruption into large-scale (at the level of organizations) and small-scale (at the level of individual officials' bribing).⁶

The conducted research showed that it is possible to free the education system of Uzbekistan from corruption manifestations by ensuring the transparency of the regulatory system, strengthening the managerial resource and increasing the responsibility of personnel and introducing stricter controlled accountability. Anti-corruption activities in education require clear rules and regulations, transparent procedures and a clear policy for the distribution of responsibility between a wide range of parties interested in the use of educational resources. Improved management, accounting, monitoring and auditing skills are required. It is important to focus on improving the quality of training for all administrative

staff, as well as providing the general public with access to information in order to stimulate citizen involvement in the control system. Citizens of Uzbekistan should have full information about the ways and methods of protecting their rights, so that all manifestations of corruption are promptly identified, promptly eliminated and prevented. Corruption in education not only causes economic damage to the country, but also leads to a loss of confidence in teachers and public authorities.⁷

We also studied the phenomenon of giving gifts as one of the types of corruption in the education of the Republic of Uzbekistan, in legal terms this issue is not regulated, because unlike in many countries of the world, gifts in Uzbekistan are not limited to any amount of money or types of acceptable gifts for teachers. It is important to understand that a gift is a managerial category, as it is associated with building relationships in an organization and corporate culture.⁸ In this regard, we propose to resolve this issue in the Civil Code of the Republic of Uzbekistan⁹ and the Law of the Republic of Uzbekistan "On the State Civil Service"¹⁰ in relation to civil servants and public sector employees.

Each educational institution in Uzbekistan should adopt codes of ethics for teachers, which, among other things, reflect the position of the educational organization regarding the acceptance of gifts by teachers. The practice of ethical codes in educational institutions is widespread abroad and has already proven its effectiveness, so it is useful for Uzbekistan to adopt it. The document should provide for a whole range of relationships between the teacher and students, their parents, the administration of the educational institution, colleagues, etc. In this regard, the provisions of the code must be clearly structured, written in a language understandable to any employee, practically feasible, and it is important to control their compliance, since otherwise it is difficult to ensure liability for violations.

Young students must be educated in the spirit of rejection of any manifestations of corruption and the desire for respectable behavior. In this matter, the most coordinated and comprehensive joint work of the

³ «Коррупция существует на всех ступенях высшего образования» – Танзила Нарбаева // Газета.UZ. – 07.08.2020. – URL: <https://www.gazeta.uz/ru/2020/08/07/corruption-edu/> (дата обращения: 27.07.2022).

⁴ Ibidem.

⁵ УНП ООН продвигает политический диалог по вопросам борьбы с коррупцией в высшем образовании Узбекистана // UNODC. – 27.02.2020. – URL: <https://www.unodc.org/centralasia/en/news/unodc-promotes-policy-debate-on-anti-corruption-in-higher-education-in-uzbekistan-ru.html> (дата обращения: 27.07.2022).

⁶ Archambeault D.S., Webber S., Greenlee J. Fraud and Corruption in U.S. Nonprofit Entities: A Summary of Press Reports 2008-2011 // Sage Journals. – Vol. 44. – Issue 6. – 2015. – P. 131.

⁷ Коленко Е.В., Шамсутдинов Б.С. Вопросы ответственности за коррупционные преступления. Монография. – Т.: Академия

Генеральной прокуратуры Республики Узбекистан, 2020. – С. 37.

⁸ Бикеев И.И. Проблемы отграничения взятки от подарка: практика и тенденции // Актуальные проблемы экономики и права. – 2019. – № 1. – С. 249.

⁹ Гражданский Кодекс Республики Узбекистан (Часть первая). Утвержден Законом Республики Узбекистан № 163-1 от 21 декабря 1995 года) (с изменениями и дополнениями по состоянию на 20.04.2022 г.) // Online.zakon.kz. – URL: https://online.zakon.kz/Document/?doc_id=30421270 (дата обращения: 27.07.2022).

¹⁰ Закон Республики Узбекистан «О государственной службе безопасности президента Республики Узбекистан». Принят Законодательной палатой 7 мая 2021 года. Одобрен Сенатом 29 мая 2021 года // Lex.UZ. – URL: <https://lex.uz/ru/docs/5491509> (дата обращения: 27.07.2022).

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state, all educational institutions, the youth themselves, civil society and the media is required.¹¹

The main directions of anti-corruption development of the education system in the Republic of Uzbekistan are associated with the adoption of the following measures:

- Ensuring stability, order and clarity in the system of secondary education - approximation and identification of national standards with the best European and world practices;

- Improving the quality of education, including universal access to the education system, achieving a high degree of involvement of the population in educational activities; applicability of training, comparability of achievements in the context of a comprehensive educational process;

- Increasing the financing of education at the expense of budgetary funds and attracting private investment, increasing the salaries of teachers and other officials in the field of education;

- Effective management focused on strategic planning, organization, coordination and control of integrated educational activities, decentralization and autonomy of self-government bodies.¹²

The Council of Europe has launched the Pan-European Platform on Ethics, Transparency and Integrity in Education (ETINED)¹³, which is a new platform for combating corruption in the education system, the principle of which it is useful to analyze the principle of Uzbekistan in the process of improving legislation aimed at combating corruption and introducing ethical standards and rules of conduct.

The Council of Europe plans to actively develop cooperation in this direction with other international organizations and agencies working in this field, with the aim of exchanging information and best practices in the field of ensuring transparency and integrity in education, developing solutions to combat corruption and involving all participants in observing fundamental positive ethical principles.

Platform-related events are held annually: an international workshop on plagiarism, research on academic integrity and openness in higher education, regional roundtables on the impact of national codes of conduct on the teaching profession, development of common guidelines and pilot projects for member countries.¹⁴

We systematized our proposals for amending the current regulatory legal acts of the Republic of

Uzbekistan aimed at combating corruption in the education system:

1. The Article 3. The Law of the Republic of Uzbekistan “On Combating Corruption” “Basic Concepts” shall be stated as follows: “Corruption is the abuse of the advantages of public status for personal gain”.

2. Amend the Law of the Republic of Uzbekistan “On the State Civil Service” in accordance with the draft law “On the State Service”, developed jointly by the Ministry of Justice, the Ministry of Employment and Labor Relations and the Academy of Public Administration under the President of the Republic of Uzbekistan in 2019. Supplement this law with the provisions on the Code of Ethics for Civil Servants and the mechanisms for monitoring its observance in order to prevent corruption. The Article 23 of this law “Ethics of a civil servant” shall be stated as follows: “In order to resolve issues related to compliance with the Ethical Rules, security units, inspections, professional ethics commissions, and anti-corruption compliance services are formed in state bodies and organizations. The activities of the above bodies are regulated by the Regulation approved by the authorized body for public service affairs”.

3. In the Special Part of the Criminal Code of the Republic of Uzbekistan, disparate norms governing corruption manifestations are combined into one chapter called “Corruption crimes related to the position of an official”.

4. The Article 23. The Law of the Republic of Uzbekistan “On Education” “Powers of the Cabinet of Ministers of the Republic of Uzbekistan in the field of education” shall be supplemented with the following provision: “determines the procedure for introducing ethical codes of pedagogical workers into all types and forms of education”.

5. The Ministry of Education of the Republic of Uzbekistan should develop and put into effect model codes of ethics for teachers for different levels of the education system with a view to their subsequent introduction into the systems of local acts of all educational institutions of the country.

6. The Anti-Corruption Agency, together with the Ministry of Higher and Secondary Specialized Education of the Republic of Uzbekistan, the Ministry of Public Education of the Republic of Uzbekistan, the Ministry of Preschool Education of the Republic of Uzbekistan, should develop and implement programs to educate the younger generation about anti-

¹¹ Исмаилов Б.И. Практика зарубежных стран в борьбе с коррупцией и формировании системы международных стандартов // Учебное пособие. – Т.: Академия Генеральной прокуратуры Республики Узбекистан, Научно-образовательный центр по борьбе с коррупцией, ЮМОМ. 2019. – С. 71.

¹² Зикриллаева Н.А. Дальнейшее совершенствование антикоррупционной политики Узбекистана // Экономика и финансы (Узбекистан). – 2021. – №12. – С. 48.

¹³ Смит Я., Гамильтон Т. Общеευропейскую платформу по этике, прозрачности и добпорядочности в образовании (ETINED). – URL: <https://rm.coe.int/tom-2-/168074cc74> (дата обращения: 27.07.2022).

¹⁴ Deliversky J. Preventing corruption in the education system // Journal of educational and instructional studies in the world. – June 2016. – Vol. 6. – Special Issue 1. – P. 145.

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corruption activities, actively involve young people in measures to combat corruption in the field education and the formation of an intolerant attitude towards corruption among citizens from early childhood.

7. The Ministry of Higher and Secondary Specialized Education of the Republic of Uzbekistan and the Ministry of Public Education of the Republic of Uzbekistan should establish a system of counseling centers that provide information to the younger generation about the possibilities of training and subsequent employment, as well as combining work with education; provide state funding for all types of educational institutions by providing social grants

with a strict system of control over the expenditure of budgetary funds.

Thus, much has been done in the Republic of Uzbekistan in recent years to improve the effectiveness of combating corruption in general and in the education system in particular. At the same time, there are still many unresolved problems, which are also noted by experts from OECD countries. Nowadays, manifestations of corruption in education are of particular concern, since they are widespread. We have presented in this article priority measures that will improve the effectiveness of combating corruption in the education system of the Republic of Uzbekistan.

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