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**ABOUT “UZBEKISTAN IN THE CONTROL OF CORRUPTION  
INDICATOR BY WORLD BANK: DESCRIPTIVE ANALYSES OF  
IMPROVING THE POSITION”**

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**UZBEKISTAN IN THE CONTROL OF CORRUPTION INDICATOR BY  
WORLD BANK: DESCRIPTIVE ANALYSES OF IMPROVING  
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## INTRODUCTION

The fight against corruption has become one of the most pressing issues facing the world community today. Its devastating impact on the states, the economy, politics and social life of the region can be seen in the example of the crisis in some countries. Another important aspect of the issue is that the level of corruption in the country has a direct impact on its political and economic prestige in the international arena. This criterion is becoming crucial in issues such as relations between countries, the volume of investments, the signing of bilateral agreements on equal terms. Therefore, political parties have made the fight against corruption their top priority in the parliamentary and presidential elections held in foreign countries. Concerns about this defect are often echoed from the highest pulpits in the world.

Comprehensive reforms aimed at improving the business environment for doing business, guaranteeing the rights of business entities, developing corporate governance are being undergone in the Republic of Uzbekistan. Relevant government agencies have been entrusted with the task of improving the position of the Republic of Uzbekistan in international economic and political-legal rankings and indices, further enhancing the position of Uzbekistan in the international arena, systematic cooperation with foreign rating agencies.

Fighting corruption has become a priority of public policy in Uzbekistan. This can be seen in the conceptual normative and legal documents adopted in recent years in the field. In particular, the “Action Strategy for the five priority areas of development of the Republic of Uzbekistan for 2017-2021,” adopted at the initiative of the President, plays an important role in increasing the effectiveness of the fight against corruption. One of the important tasks of this Action Strategy is to ensure the rule of law, and improve the organizational and legal mechanisms of fighting against corruption, and increase the effectiveness of anti-corruption measures in the

priority areas of further reform of the judicial system. On the basis of this policy document, a number of important measures have been taken to prevent corruption. For example, more than 70 normative and legal acts aimed at curbing corruption in all spheres of state and society building have served as a solid basis for the implementation of the above reforms. On this regard, several presidential decrees were adopted. For instance, Presidential decrees number 4210 “On Measures to Improve the Place of the Republic of Uzbekistan in International Ratings and Indexes”, and number 6003 “New Mechanism for Improving the Republic of Uzbekistan’s Position in International Ratings and Indexes.” The most important step in this direction was the signing of the Law “On Combating Corruption” as one of the first pieces of legislation after the President took office. Moreover, the main directions of the state policy in the field of combating corruption are recognized by this law. The followings are these policy directions:

- increase of a legal awareness and legal culture of the population, formation of an intolerant attitude towards corruption in the society;
- implementation of measures to prevent corruption in all spheres of a life of the state and society;
- timely detection, suppression of corruption offenses, elimination of their consequences, causes and conditions that contribute to it, ensuring a principle of inevitability of responsibility for committing corruption offenses.<sup>1</sup>

In 2020, Uzbekistan increased by 7 points compared to 2019 and achieved stable growth for 4 consecutive years in the Transparency International Corruption Perceptions Index, one of the most important ratings on the corruption perception level of a country in the world. In 2019, Uzbekistan’s performance in the WGI’s

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<sup>1</sup> Law of the Republic of Uzbekistan “On Combating Corruption” dated January 3, 2017., № LRU-419 [online resource] URL: <https://lex.uz/docs/4056495> (Accessed 20 January 2020)

Control of Corruption also increased to 14,42 percentile rank (-1,05 governance) comparing to 8,65 percentile rank (-1,26 governance) which was in 2015. Therefore, in CPI's 2020 report, the organization recognized Uzbekistan as one of the fastest growing countries in the region. In addition, Uzbekistan has seen steady growth in almost all of the 13 indices that form the basis of the Corruption Perceptions Index.

### **Substantiation of the topic**

Corruption has a disproportionate impact on the poor and most vulnerable, increasing costs and reducing access to services, including health, education and justice, etc. According to the World Bank Group's consideration, corruption comes in various forms. This would be from the giving small amount of material treasure till service delivery, such as performing a routine service as a bribe. Each type of corruption is important and tackling all of them is critical to achieving progress and sustainable change.

Therefore, the government of Uzbekistan is paying more attention to improving the living standards of the population, accelerating the flow of investment into the country and state protection of investor property. These public policy and reforms are aimed at improving the business environment for doing business, guaranteeing the rights of business entities and human rights, developing corporate governance. International rankings and indices compiled by international organizations in various fields are important in order to present results of State public policy to the world community. Fifth priority direction of "National Development Strategy of Actions 2017-2021" that as adopted by the Presidential decree No. 4947 on 7 February 2017 states that "*strengthening the international image of the Republic of Uzbekistan, bringing to the world community objective information about the ongoing reforms in the country*". Therefore, relevant government agencies have been entrusted with the task of improving the position of the Republic of

Uzbekistan in international economic and political-legal rankings and indices, further enhancing the position of Uzbekistan in the international arena and systematic cooperation with foreign rating agencies. Presidential decrees No. 4210 “On Measures to Improve the Place of the Republic of Uzbekistan in International Ratings and Indexes”, and No. 6003 “New Mechanism for Improving the Republic of Uzbekistan’s Position in International Ratings and Indexes” were adopted in this regard.

Furthermore, Presidential decree No. 5687 was adopted in order to improve the position of the Republic of Uzbekistan in economic and political-legal ratings and indices. This decree considers that improvement the position of Uzbekistan in international economic and political-legal rankings and indices, and effective coordination of the activities of relevant ministries and agencies in order to achieve abovementioned goals. In addition, decree No. 5687 determines systematic cooperation with foreign rating agencies and strengthening personal responsibility for the timely and quality performance of the tasks assigned to the heads of responsible government agencies in order to cooperate and inform all reforms which allow to ensure the good governance in Uzbekistan. In this regard, on June 6, 2021, a new presidential Decree No. PD-6257 “On measures to create an environment of uncompromising anti-corruption, sharply reduce corruption in public administration and expand public participation” was established. By this decree, several tasks were scheduled to be performed. However, despite the results achieved, Uzbekistan still has huge tasks ahead of us.

Indeed, the key factor in achievement of the final result of state policy, reforms is good governance. Most scholars, policymakers, aid donors, and aid recipients recognize that good governance is a fundamental ingredient of sustained

economic development.<sup>2</sup> Definition of governance was proposed by the World Bank as a “governance is the manner in which power is exercised in the management of a country’s economic and social resources for development.”<sup>3</sup> According to Besancon (2003), good governance is a result of effective performance and efficient working of the state machinery. Control of Corruption is one of the dimensions of Good Governance. Corruption is a serious malaise, that if prevails in any society or economic system can lead to devastating effects (M. Ali Khan, 2014).

All these ongoing public policy and reforms, scholar’s opinions represent the importance of a research on Control of Corruption. In this study, Control of Corruption which is in the political and legal spheres of rankings will be main topic. The objective of the study is to examine Control of Corruption and its sub-components in order to explore what factors are impacting on the low performance of Uzbekistan on Control of Corruption.

**Object** of the following dissertation is the anticorruption institutional and legal mechanisms of the Republic of Uzbekistan and their affiliation with the state positioning in international rankings.

**Subject** of the research covers ongoing anticorruption state policies of the Republic of Uzbekistan and their relevance to the positioning of the Republic of Uzbekistan in the Control of Corruption indicator by the World Bank; doctrinal researches on Control of Corruption and its subcomponents; implementation and/or

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<sup>2</sup> “Kaufmann, Daniel; Kraay, Aart; Mastruzzi, Massimo. 2010. The Worldwide Governance Indicators: Methodology and Analytical Issues. Policy Research working paper; no. WPS 5430. World Bank. © World Bank. <https://openknowledge.worldbank.org/handle/10986/3913> License: CC BY 3.0 IGO.”

<sup>3</sup> Governance and development (English). Washington, D.C.: World Bank Group. <http://documents.worldbank.org/curated/en/604951468739447676/Governance-and-development>

consideration of international experience of anticorruption reforms in national legislation and practice.

### **Methods**

Research is conducted based on qualitative approach to the issue by examining various subcomponents of WGI's Control of Corruption indicator and analyzing the existence of the gap in the enhancement of Uzbekistan's position in this indicator.

Furthermore, Analytical, logical, dialectical, comparative legal methods, etc were applied in the process of research to achieve the goals.

### **Scientific novelty**

Aggregate indexes of the quality of governance, covering large samples of countries, have become enormously popular in comparative political analysis. However, few studies have examined the measures on improvement country's position in these indexes. Finding the point which is causing the low performance of Uzbekistan has crucial importance. This work will examine the methodology of Control of Corruption and its subcomponents. As a result, this study attempts to partially fill this gap.

### **Description of work structure**

Following master degree dissertation consists of two chapters that consist of six paragraphs; introduction and conclusion; reference list is attached in the end of the thesis, but before the attachments part.



## **CHAPTER I. MEASURING CORRUPTION THROUGH THE WORLDWIDE GOVERNANCE INDICATORS BY WORLD BANK**

### **1.1. Measuring Corruption through the Worldwide Governance Indicators of World Bank: ongoing scholarly discussions**

Corrupt crime today can be confidently called a traditional and fairly widespread type of crime that exists not only in our state, but also in many other civilized countries of the world.<sup>4</sup> Therefore, the fight against this global problem, which seriously threatens freedom, human rights, interests and the development of society, is in the center of constant attention of the world community.

Due to difficulty to observe corruption, most empirical research attempts to collect data to measure it and test simple economic hypotheses. The main observation is that there is no perfect method for measuring corruption. Each approach has its own limitations. However, this observation is not a reason to stop trying to measure corruption, as well as assess anti-corruption activities. There are a number of remedies to overcome these limitations.

How to measure corruption, often as much attention is given to the question of who should do it. During the 1990s, the number of various attempts to measure corruption and evaluate anti-corruption policies grew steadily, and this development continues to this day. These attempts have been undertaken by various actors - international and national non-governmental organizations (for example, Transparency International), intergovernmental organizations (for example, the

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<sup>4</sup> <https://yuz.uz/ru/news/klyuchevoy-faktor-v-protivodeystvii-korruptsii---informatcionnaya-otkrstost>

Council of Europe), including international financial institutions (for example, the World Bank), national governments and academic institutions.<sup>5</sup>

Since 1996 the World Bank has paid particular attention to governance indicators (The Worldwide Governance Indicators) which based on six key dimensions of governance. The Worldwide Governance measure based on a well-established source of organizations the quality of governance in more than 200 countries. It should be mentioned that they can also serve as an important means of validating corruption.

The Worldwide Governance Indicators (hereinafter WGI) are recognized as the most widely used international governance indicators.<sup>6</sup> Covering a large number of countries, several researchers at the World Bank adopted this indicator to reduce measurement errors behind TI's index but attempted to improve on it in several respects in their WGI project.<sup>7</sup> Regarding the errors, they may be correlated among sources, but so long as there is some idiosyncratic or source-specific error, the resulting index may be more accurate than any randomly-selected single source.

The World Bank Institute gives definition to governance as the traditions and institutions with the help of which authority of a country in question is exercised. This includes a number of the process which directed to selection, monitoring and replacement of governments. The government's capacity formulates and implies effectively sound policies. Another point is the respect of the citizens and state for

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<sup>5</sup> Wathne, C., & C. Stephenson, M. (2021). The credibility of corruption statistics A critical review of ten global estimates (U4 Issue 2021:4). U4 Anti-Corruption Resource Centre.

<sup>6</sup> Kaufmann, Daniel and Kraay, Aart and Mastruzzi, Massimo, Governance Matters VIII: Aggregate and Individual Governance Indicators, 1996-2008 (June 29, 2009). World Bank Policy Research Working Paper No. 4978, Available at SSRN: <https://ssrn.com/abstract=1424591>

<sup>7</sup> Kaufmann, D., A. Kraay and P. Zoido-Lobaton (1999), "Aggregating Governance Indicators", World Bank Policy Research Working Paper 2195.

the institutions regulating social and economic intersections among citizens and state.

It is considered that poor governance has a direct connection with corruption. As corruption can be the result of poor governance, the definition and practice of corporate governance is expanding beyond the traditional understanding of a set of statutory rights and obligations. In the 1999 World Bank's Corporate Governance Review, Sir Adrian Cadbury further refined his earlier classic definition, quoted above: "Corporate governance maintains a balance between economic and social goals, and between personal and social goals ... The challenge is to ensure the greatest possible alignment between the interests of individuals, corporations and society. "As such, corporate governance is vital to fighting corruption and ensuring all other aspects of business."<sup>8</sup>

The six dimensions of governance indicators estimating over 200 countries since 1996 and present have become widely utilized among the policymakers and academics. The mentioned dimensions are:

*a) Voice and Accountability*

Corruption is also defined as a hidden action. So, if action is hidden, it brings to the absence of accountability. The voice and accountability index are aimed to measure the capability of citizens to put the politicians under the accountability. This means a government's willingness to be held accountable through citizen feedback mechanisms, democratic institutions, and an independent press. Includes respect for political rights and civil liberties.

*b) Political Stability and Absence of Violence or Terrorism*

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<sup>8</sup> Kaufmann, Daniel, Aart Kraay and Massimo Mastruzzi (2007b). "Growth and Governance: A Reply/Rejoinder". *Journal of Politics*. 69(2):555-562.

This means that government is likely to be destabilized by violent means including terrorism. In other words, political stability and absence of political violence crime and terrorism are peacefully transferred by constitutional means. This index is intended to measure political transitions' orderliness based on the fixed rules.

*c) Government Effectiveness*

Government Effectiveness, including the policy-making process, commitment to the stated course, the competence of civil servants and their independence from political pressure, the quality of public service delivery and the ability to effectively manage resources.

*d) Regulatory Quality*

Under regulatory quality is understood as the absence of the burden of administrative regulation and the government's ability to formulate and implement sound policies and regulations that foster private sector development. If governments put a number of barriers to conducting business, it artificially creates opportunity for public and governmental officials to gather and collect bribes before the service is being delivered. Accordingly, corrupt governments create barriers, which can be a chance for public officials to collect bribes.

So, the Regulatory Quality index is aimed to measure formal regulations that regulate relation between the public and private sector.

*e) Rule of Law*

It is accountability of governmental officials and agents under the law, equality before the laws which are clear, fair, publicly disclosed, equally enforced and protect human rights, and an opportunity of access to judiciary that is independent and impartial. Rule of law in the understanding of fair and open rules

on basic social and economic issues, the independence of the judiciary and the police, the protection of property rights and the execution of contracts, etc. From the prospective of corruption, corrupt actions are forced in a black market, where contracts are imposed in illegal way. RL means an “fair”, open market, where agreements and contracts are enforced by rules that are commonly known to the parties including parties outside of the contract and applied to all equitably.

*f) Control of Corruption*

Corruption is defined as the use of public power for personal gain and includes petty corruption, grand corruption and state capture. In other words, controlling corruption means the reduction in the usage of public resources for personal gain. Corruption is the absence of voice and accountability and rule of law. It means that it is hidden and illegal transfer of revenues.<sup>9</sup>

WGI have used several amounts of information gained from more than 30 different sources in order to include wide dimension in the measuring indexes of countries. It should be noted that these evaluations are also build on capturing governance perceptions such as reports of non-governmental organization, survey respondents, organizations of public sector and commercial business information providers. All these sources give a wide road for making and providing valuable indexes for countries. However, it should be taken into consideration that even though there are wide ranges of sources in WGI, it is not easy to evaluate situation in the countries according to six dimensions. Especially, the providing index of the measure of corruption in sates is complex task. An excellent summary of the complexities of measuring corruption can be found in a World Bank publication:

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<sup>9</sup> World Bank, URL: <https://info.worldbank.org/governance/wgi/>

“Although significant progress has been made in recent years in measuring corruption, analysts are increasingly acknowledging how difficult it is to adequately assess this phenomenon, especially over time. In some countries, the number of bribes paid may decrease, while other less overt forms of corruption will become more visible, such as the mandatory use of consultants with links to politicians or the requirement to employ the relatives of officials. In other countries, the need for bribes may be similar, but increased economic growth and greater predictability have led firms to conclude that this is the smallest impediment to their business. In third countries, the level of demand for bribes may decrease as corruption becomes more predictable and “efficient”, although the number of bribes received may remain the same or even increase. These are complex questions, both conceptually and empirically, and there are no easy answers...”<sup>10</sup>

### **Ongoing scholarly debates.**

The above mentioned six indicators are found on figures gained by about 30 organizations. On the other side these organizations are also based on the responses of citizens, business leaders and experts. All these said sources of data have their own way and methodology of collecting them. Therefore, it should be noted that due to different mythology of gathering figures WGI has naturally been drawn criticism by scholars as one of the most popular and widely used sets of cross-country governance indicators. Some scholars consider that some of the criticisms cannot be true. For example, according to Kraay, Mastruzzi and Kaufman’s opinions most of these criticisms are basically invalid.<sup>11</sup> Basically, if some of them consider

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<sup>10</sup> Kaufmann, Daniel, Aart Kraay and Massimo Mastruzzi (2007b). “Growth and Governance: A Reply/Rejoinder”. *Journal of Politics*. 69(2):555-562.

<sup>11</sup> *Id.*

governance index is useful for economic growth, others are in the opinion that rule of law is enough for economic growth. Furthermore, some critics evaluate the scores in different ways, presenting different results. Most critics express their points based on the three arguments.

*They address mainly three topics:*

1. The aggregation mythology;
2. The independence of the evaluation of governance presented by WGI's different data sources;
3. Biases in the individual assessment.

Each of the scholars has proved their position by providing and maintaining their arguments. Although WGI gets its data from wide sources including businesses and individual, that information cannot be always reliable due to mythology and individual evaluation. We will have a look at the discussed criticisms below one by one.

Lack of Comparability over Time and across Countries is one of these criticisms. The first criticism is that the aggregating mythology does not provide us to compare the governance over time and over countries. The scholars as Arndt and Oman argue that owing to WGI sources which are from different countries and time it is impossible to compare governance rightly. In other words, the practical character of the aggregate estimates applies that their scales are broad and cannot be reliable for observing changes in the proportion of governance progressively. From the other side Kaufmann consider them to some extend informative regarding to changes of countries positively over the time.<sup>12</sup>

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<sup>12</sup> Kaufmann, Daniel and Kraay, Aart and Mastruzzi, Massimo, Governance Matters VIII: Aggregate and Individual Governance Indicators, 1996-2008 (June 29, 2009). World Bank Policy Research Working Paper No. 4978, Available at SSRN: <https://ssrn.com/abstract=1424591>

Some other critics have also concerned about incomparability of WGI indexes over time and around the countries, the reason is that those indicators are based on the units that establish universal average of governance having been the same in all stages, that comparison among countries are built on several different data sources, and that a number of errors are occurred in the aggregate WGI. Moreover, the different sources of WGI use different mythology to measure corruption. The Country Risk Guide focuses on more the political corruption, the Country Policy and Institutional Assessment watch for administrative corruption. With regard to data, Knack claims that since the sources measure the different conception of corruption, the clear definition of corruption changes over time while comparing two different countries.

However, in our view, the criticisms are groundless for several reasons. Firstly, there is no other trend measuring the global average of governance. Secondly, the changes in the sources do not create significant changes over time within the countries on the aggregate WGI. Thirdly, the presence of error in the WGI has its benefits, serving as a useful tool when the country ranks are measures by other means of governance indexes.

Another criticism is the independence of the evaluation of governance presented by WGI's different data sources. Other types of critiques claim that WGI's data sources are independent. If one data source misses the information, I can take from other sources and inform the same outcomes. Scholars as Mastruuzi, Kraay, Kaufman argue that if such phenomenon happen, the mistakes made by two sources are related with each other.<sup>13</sup> So, the aggregate methodology will evaluate the governance including errors in their assessment. Mastruuzi, Kraay, Kaufman published in their work about the error and identified how far the results are from

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<sup>13</sup> Kaufmann, Daniel and Aart Kraay (2008). "Governance Indicators: Where Are We and Where Should We Be Going?" World Bank Research Observer. Spring 2008.



the mean. If a person sees the results of different sources, one cannot define which of the results are errors. One way of identifying this problem is to find out access to the WGI data sources and to connect them with other sources.

Biases in Individual Assessments is the next criticism. Several critics have argued that WGI's data sources are biased towards the business elites and they are affected by the country's level of development. It means that developed and developing countries get the higher scores due to the fact that they are economically rich. Kurtz and Shrank mentioned that in the countries where bureaucracies impose taxes and regulations, business elites judge them as burdens. On the other hand, in the countries where controls are fewer, they tend to be evaluated positively. Therefore, the assessments of governance based on perceptions are biased. Kurtz and Shrank also argued that indicators showing the efficacy of government are significantly related to economic performance. Based on the calculation and ordinary least square regression analysis, they find a link between government effectiveness and the rate of economic growth.

It should also be noted that some critics have considered that individual assessments also make some errors while evaluating countries. Thus, Kaufmann, Kraay, and Mastruzzi propose that these biases are not important.

From the last view of scholars about errors, it becomes clear that it will lead to overestimate such sources in aggregate WGI, which will weight personal data sources while estimating their precision, which at the same time are based on exposed interrelations among sources. Therefore, due to the errors, some critics have suggested that this is likely to be unimportant.

Reliance on "Subjective" Data is one of the important key factors when it comes to the effectiveness of indicators. Apart from the above-mentioned points, several critics have claimed that the WGI are based on perception-based data which do not reflect more vague perceptions than specific objective realities and such measure

should be enhanced in the reforms of government. Actually, most governance indicators include some element of subjectivity. Those data are valuable, due to the fact that they involve the points of stakeholders who base on these views.

Making conclusion even though there are some criticisms with regard to the relevance of WGI data sources, they are significantly important to evaluate the governance index of countries, which consist of six indicators. Moreover, they have practical value to provide activists and to make reforms within the country. It should be also taken into account that WGI data sources are collected by wide range of sources including organizations, individuals, respondents, from the more than 30 organizations. However, it will also be valuable to take into consideration the errors and criticisms and to make proper, correct assessments.

## 1.2. Overview of the methodology of World Governance Indicators and its sub-components: Control of Corruption

Based on the basic approach of the Transparency International CPI, World Bank researchers attempted to improve on it in several respects in their WGI project.<sup>14</sup> WGI is aggregate indicator for more than 212 countries from 1996.<sup>15</sup> As was mentioned above, this project reports for six dimensions of governance, namely *Voice and Accountability*, *Political Stability/Absence of Violence*, *Government Effectiveness*, *Regulatory Quality*, *Rule of Law*, and *Control of Corruption*.<sup>16</sup> Every indicator has its a system of methods and principles for collecting data and statistics. WGI as well as its six indicators have their methodology for collecting various data for summing up final result. These indicators focus on thoughts of citizens, enterprises and surveys carried out by experts in developing and industrial countries.

Kaufmann et al. used the peculiar methodology for analysis of a governance result in the WGI. They construct each of the WGI's composite indicators in such a way that the resulting estimates of governance have an expected value of zero, and a standard deviation of one. This implies that virtually all scores lie between – 2.5 and 2.5, with higher scores corresponding to better outcomes.<sup>17</sup>

Kaufmann and others provide statistical confidence intervals for each country's score on each indicator in a given year. This aggregated method imposes error limits for management estimates for each country, which should be taken into account when comparing states and over time. The difference between scores is

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<sup>14</sup> Kaufmann,D, A.Kraay and P.Zoido-Lobatón (1999),“Aggregating Governance Indicators”, World Bank Policy Research Working Paper 2195.

<sup>15</sup> World Bank, URL: <https://info.worldbank.org/governance/wgi/>

<sup>16</sup> Arndt,C.and C.Oman (2006), Uses and Abuses of Governance Indicators, OECD Development Centre Studies, p.107.

<sup>17</sup> World Bank, URL: <https://info.worldbank.org/governance/wgi/>

meaningful only in the case of countries where scores differ by so much that their confidence intervals do not overlap.<sup>18</sup> The greater the number of sources the World Bank uses to generate the composite indicator for the country and the more closely these sources are correlated with each other, the smaller the country's confidence interval will be.<sup>19</sup>

The aggregated indicators are more informative about unobserved governance than any individual source which is one of the advantages of this method. An Unobserved Component Model is the method of the World Bank for the aggregation of the various responses to its six indicators. This type of model is used to account for the fact that corruption itself is not observable and one can only approximate it by aggregating the scores from given indicators.

### ***WGI Control of Corruption's methodology***

According to the World Bank definition and explanation about the functions of Control of Corruption indicator, it captures perceptions of the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as "capture" of the state by elites and private interests.<sup>20</sup> Existing perception indicators was collected by the World Bank for producing Control of Corruption component of WGI. Collected perception indicators in various countries contained useful information for evaluating the quality of Control of Corruption. This indicator focuses on more than 25 sources with 40 indicators which can be seen

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<sup>18</sup> Arndt, C. and C. Oman (2006), Uses and Abuses of Governance Indicators, OECD Development Centre Studies, p.29.

<sup>19</sup> *Id.*, p.64.

<sup>20</sup> *Id.*, p.105.

in the table 1. These indicators also have their peculiar methodology used to get answers for their specific questions.

Table 1

Representative sources	Non-representative sources
	African Development Bank Country Policy and Institutional Assessments (ADB)
	Afrobarometer (AFR)
	Asian Development Bank Country Policy and Institutional Assessments (ASD)
Economist Intelligence Unit Riskwire & Democracy Index (EIU)	Business Enterprise Environment Survey (BPS)
World Economic Forum Global Competitiveness Report (GCS)	Bertelsmann Transformation Index (BTI)
Gallup World Poll (GWP)	Freedom House (FRH)
Institutional Profiles Database (IPD)	Transparency International Global Corruption Barometer Survey (GCB)
Political Risk Services International Country Risk Guide (PRS)	Global Integrity Index (GII)
Varieties of Democracy Project (VDM)	IFAD Rural Sector Performance Assessments (IFD)
Global Insight Business Conditions and Risk Indicators (WMO)	Latinobarometro (LBO)
	World Bank Country Policy and Institutional Assessments (PIA)
	Political Economic Risk Consultancy Corruption in Asia Survey (PRC)
	Vanderbilt University Americas Barometer (VAB)
	Institute for Management and Development World Competitiveness Yearbook (WCY)
	World Justice Project Rule of Law Index (WJP)

Despite this straightforward focus, the particular aspect of corruption measured by the various sources differs somewhat, ranging from the frequency of “additional payments to get things done,” to the effects of corruption on the business environment, to measuring “grand corruption” in the political arena, or to the tendency of elite forms to engage in “state capture”. The presence of corruption is often a manifestation of a lack of respect on the part of both the corrupter (typically a private citizen or firm) and the corrupted (typically a public official or politician)

for the rules which govern their interactions, and hence represents a failure of governance according to the definition of the World Bank.

Many indicators and sources are used by Control of Corruption indicator to produce true level of Control of Corruption in the country. Rohwer Anja explains in her work on the measuring corruption indicators that the aggregation of the different sources used takes place in five steps:

First, World Bank Control of Corruption indicator combines these all indicators from the same source illustrated in the above table into a single indicator. In this process, average of individual sources is used to reveal a single number of the source.

Next step is determination of coverage dimension of the individual constructed indicators. More precisely, these constructed indicators are rescaled separately for determining whether numerous countries with a various economy in different regions are covered by the source for classification of representative source. For example, nine out of 25 sources used for the Control of Corruption indicator are classified as representative.<sup>21</sup>

After that, these representative sources are aggregated into an initial compound indicator Control of Corruption. It should be noted that World Bank weights these various representative sources based on the strength of their correlation with one another.<sup>22</sup> More precisely, the weight assigned to the numbers from each source is inversely proportional to its error variance relative to the other sources used to construct the indicator, so that the more closely the numbers from

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<sup>21</sup> Rohwer, Anja (2009), *Measuring Corruption: A Comparison between the Transparency International's Corruption Perceptions Index and the World Bank's Worldwide Governance Indicators*, CESifo DICE Report, ISSN 1613-6373, p. 46.

<sup>22</sup> *Id.*

one source correlate with those of other sources, the lower the source's perceived error variance is and the higher the weight is.

The fourth step is that “the World Bank regresses the non-representative sources on the previously calculated composite indicator to obtain estimates of the error variances of these sources.”<sup>23</sup> In this process, the same weighting is used by the World Bank as was explained in the step 3. The usage of the non-representative sources is necessary to be corrected for “the attenuation bias imparted by the measurement error in the estimates of the preliminary composite indicator in step 3.”<sup>24</sup>

Finally, after these processes new indicators which focuses on the all indicators mentioned above appears. This result can be basis for the calculation of new estimates for analyzing true Control of Corruption level for each country.<sup>25</sup>

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<sup>23</sup> *Id.*

<sup>24</sup> Arndt,C.and C.Oman (2006), Uses and Abuses of Governance Indicators, OECD Development Centre Studies, p.107.

<sup>25</sup> Supra note 5.

### **1.3. Overview of Control of Corruption’s subcomponents used for evaluating Uzbekistan’s corruption perception level**

As was mentioned above that Control of Corruption indicator captures perceptions of the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as “capture” of the state by elites and private interests. In this regard, Control of Corruption indicator has been capturing corruption perception in Uzbekistan since 1996.

Control of Corruption level of Uzbekistan is measured by aggregating 10 or 12 sources in different years such as Asian Development Bank Country Policy and Institutional Assessments, Bertelsmann Transformation Index, Economist Intelligence Unit, Freedom House, IFAD Rural Sector Performance Assessments, Institutional Profiles Database, IHS Markit World Economic Service, World Bank Country Policy and Institutional Assessments, World Justice Project Rule of Law Index, Varieties of Democracy Project. Six out of twelve subcomponents of Control of Corruption are used by the Transparency CPI indicator for measuring corruption perception data.

In the following, we can see the subcomponents of Control of Corruption which are used to analyze Control of Corruption in Uzbekistan. This paragraph will examine each subcomponent individually in order to understand each subcomponent and to analyze in which subcomponent is influencing on the final result of Uzbekistan in Control of Corruption.

#### **1. Asian Development Bank Country Policy and Institutional Assessments**

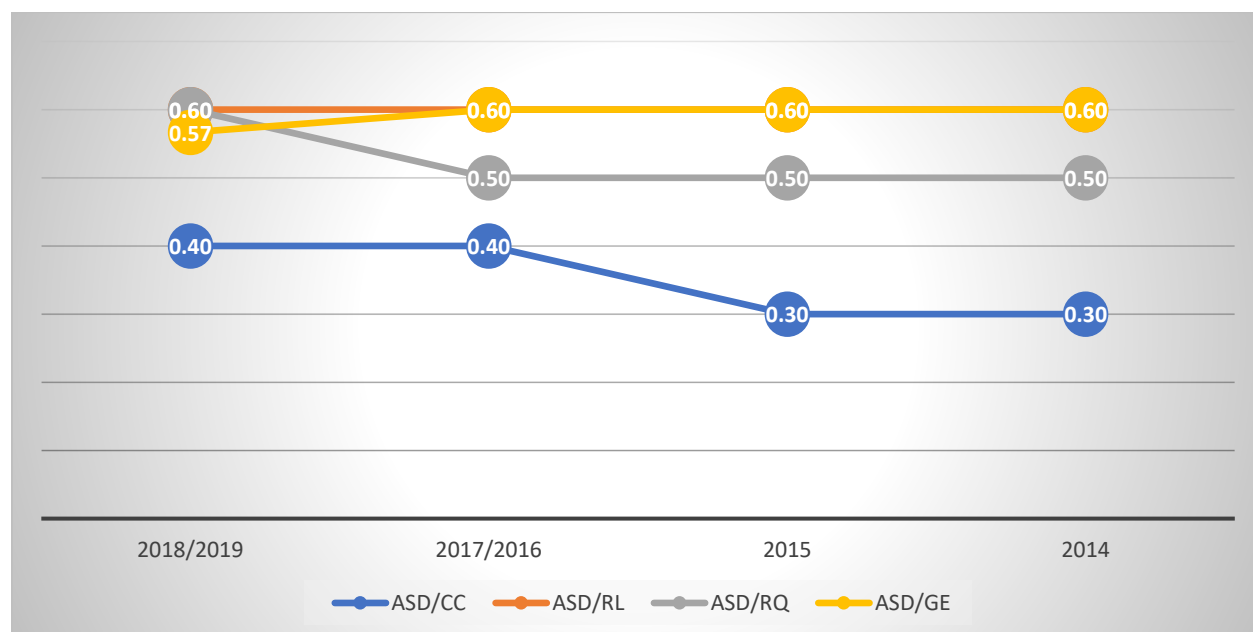
*Asian Development Bank conducts Country Performance Assessments* (hereinafter CPA) for all developing member countries with access to concessional resources.



The assessment of the CPA is focused on the policy and institutional frameworks of a developing countries for reducing poverty, promoting sustainable growth, and using concessional assistance effectively. The followings are the basis on assessment of each countries' performance:

- a) *quality of its macroeconomic management;*
- b) *coherence of its structural policies;*
- c) *degree to which its policies and institutions promote equity and inclusion;*
- d) *quality of its governance and public sector management;*
- e) *performance of its concessional assistance project portfolio.*<sup>26</sup>

Based on this assessment, Uzbekistan was got 0,40 value on “Transparency, Accountability & Corruption in the Public Sector.” This value has been remaining stable since 2016. Before 2016, this value was 0,30. These changes can be seen in the following line graph.



<sup>26</sup> Asian Development Bank's Policy on the Performance-based Allocation of Asian Development Fund Resources, available at: <https://www.adb.org/sites/default/files/institutional-document/32130/performance-based-allocation.pdf>

## 2. Bertelsmann Transformation Index

The *Bertelsmann Transformation Index* (hereinafter BTI) is the result of the collaboration of nearly 300 country and regional experts from leading universities and think tanks worldwide. The project analyzes and compares transformation processes towards democracy and inclusive market economy worldwide. The BTI aims to identify successful strategies for steering change.<sup>27</sup> The BTI has been published every two years by the Bertelsmann Stiftung since 2006. This index assesses the quality of government action in ranking list. This assessment bases on self-recorded data.

The BTI analyzes and evaluates whether and how developing countries and countries in transition are steering social change toward democracy and a market economy.<sup>28</sup> For analysis and evaluation of assessment, the BTI bases on the 17 criteria. Country experts assess level of fulfillment of these 17 criteria for each country by the guidance of the standardized codebook.

<b>Political transformation</b> 5 Criteria	<b>Economic transformation</b> 7 Criteria	<b>Governance</b> 5 criteria
Stateness	Level of socioeconomic development	Level of difficulty
Political participation	Organization of the market and competition	Steering capability
Rule of law	Monetary and fiscal stability	Resource efficiency
Stability of democratic institutions	Private property	Consensus-building
Political and social integration	Welfare regime	International cooperation
	Economic performance	
	Sustainability	

<sup>27</sup> BERTELSMANN TRANSFORMATION INDEX, available at: <https://www.bti-project.org/en/who-we-are.html>

<sup>28</sup> *Id.*, available at: <https://www.bti-project.org/en/methodology.html>

These experts base their scores on the assessment, which includes country reports, all of which are available online. Then, these assessments and scores will be reviewed by the second country experts. At the end, each of the 49 individual scores assigned to each country for regional and interregional calibration processes is taken into account to ensure consistency. Standardization of the analytical process in this way allows for a targeted comparison of reform policies.

In 2020 publication, The BTI experts are asked the following question for assessment.

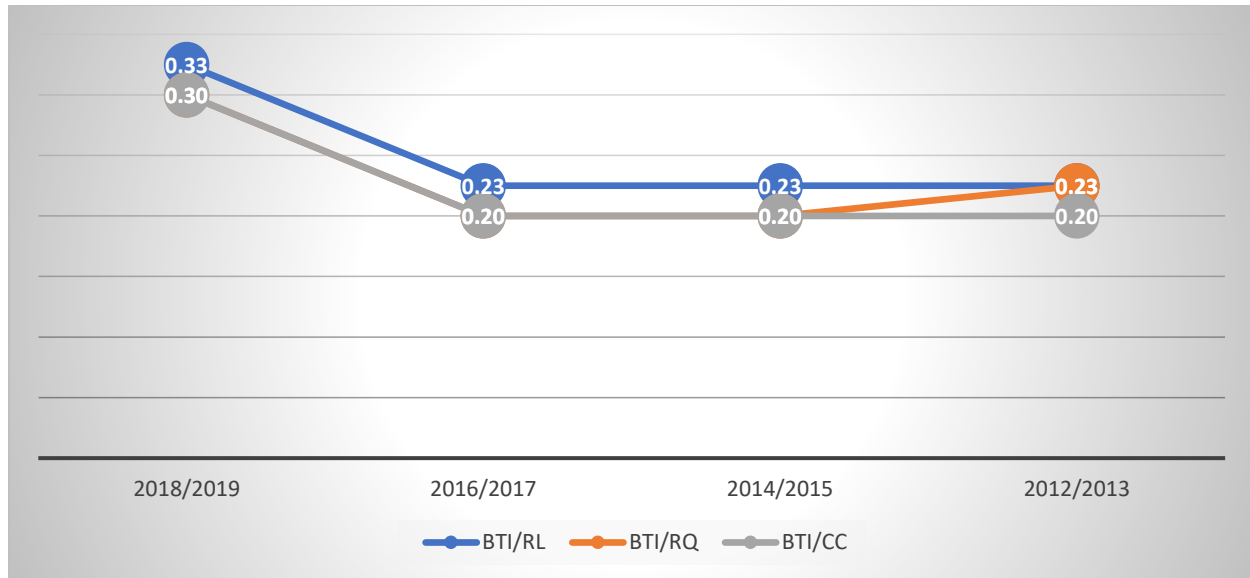
➤ **“To what extent are public officeholders who abuse their positions prosecuted or penalized?”**

Assessments range from a low of 1 to a high of 10. A low range is recognized where “Officeholders who break the law and engage in corruption can do so without fear of legal consequences or adverse publicity” while high range is recognized where “Officeholders who break the law and engage in corruption are prosecuted rigorously under established laws and always attract adverse publicity.”

➤ **“To what extent does the government successfully contain corruption?”**

Assessments range from a low of 1 from a low of 1, where “The government fails to contain corruption, and there are no integrity mechanisms in place,” to a high of 10, where “The government is successful in containing corruption, and all integrity mechanisms are in place and effective.”

Assessment range of Uzbekistan was 3 out of 10 (original data) in 2018/2019. This statistic shows that there was one point increase. The following line graph shows the statistics of Uzbekistan’s assessment (rescaled data).



### 3. Economist Intelligence Unit

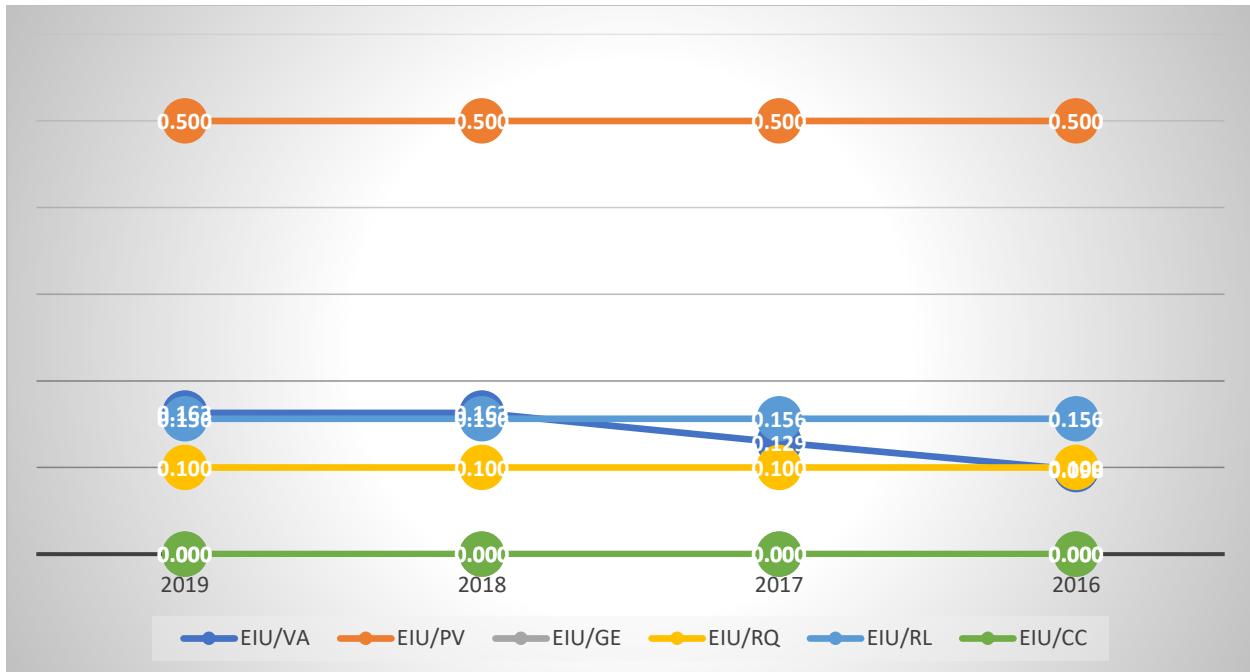
*The Economist Intelligence Unit* (hereinafter EIU) is the research and analysis division of Economist Group providing forecasting and advisory services through research and analysis.<sup>29</sup> Riskwire and Democracy Index are part of the EIU, and they assess and analyze specific areas.

The EIU compiled Democracy index to measure the state of democracy. This index measures based on other sixty indicators grouped in various five categories in turn. The Democracy index analyzes and assesses answers for the sixty questions made by the experts. Most answers are experts' assessments while some answers are provided by public-opinion surveys from the respective countries.<sup>30</sup>

In 2020 publication, the EIU experts are asked the questions for assessing risk evaluations based on qualitative and quantitative indicators. Specific guiding questions that it can be seen in ANNEX 1.

<sup>29</sup> <https://citinewsroom.com/2019/05/npp-will-secure-re-election-in-2020-eiu-report/>

<sup>30</sup> A YEAR OF DEMOCRATIC SETBACKS AND POPULAR PROTEST, Democracy Index 2019. Retrieved 24 January 2020. Available at: <https://www.eiu.com/n/campaigns/democracy-index-2020/>



This line graph shows that the assessment results on Corruption among public officials has not been marked since 2008. The reason for this could not be either open access for this information, or these indicators is not used in these years for evaluating the country performance.

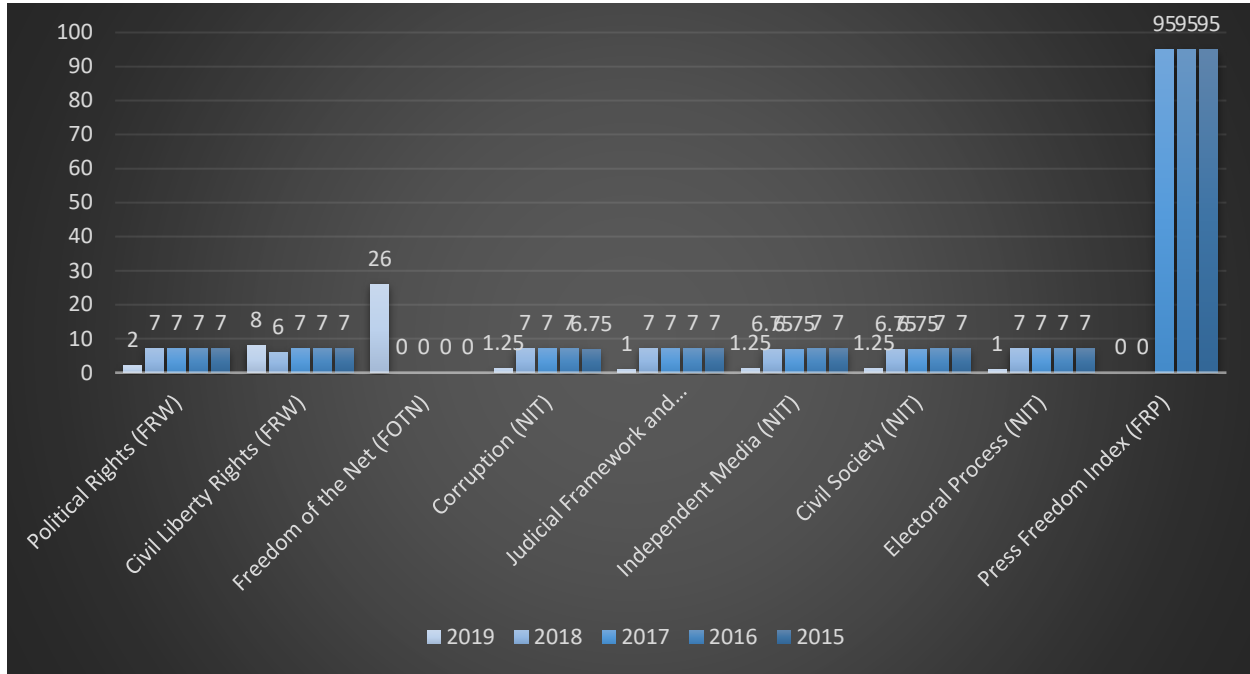
#### 4. Freedom House

*Freedom House* is the oldest, non-profit non-governmental organization American organization devoted to the support and defense of democracy, political freedom, and human rights around the world.<sup>31</sup> Political scientists, journalists and policymakers cite Freedom House's annual Freedom in the World report.<sup>32</sup>

<sup>31</sup> FREEDOM HOUSE, available at: <https://freedomhouse.org/about-us/our-history>

<sup>32</sup> *Id.*

In 2020 publication, the Freedom House's experts conducted qualitative expert assessment. The Freedom House experts are asked to explore a range of indicative questions which is shown in ANNEX 1.



This graph illustrates that some of the indicators were not used every year, or it has been stopped to be used. These scores are not scaled data. As of the 2019 update, FRW provides indicators for political rights on 40-point scale and for civil liberties on a 60-point scale. A new indicator for internet freedom (FOTN), which runs on a 100-point, scale is included starting in 2019. Up until 2018, the FRW indicators for political rights and civil liberties ran on a 7-point scale. Up until 2017, FRP provided an indicator of press freedom (100-point scale), though this has been phased out. The indicators are complemented with country narratives justifying the scores. FNT is a series of more detailed narrative country reports including common sets of quantitative indicators on democratic and economic issues, typically scored on a 7-point scale. These too are based on a checklist of underlying indicators. We

average data from FRW, FRP/FON and FNT and treat it as a single source that we refer to as FRH, as these are produced by the same teams.

## 5. IFAD Rural Sector Performance Assessments

*The International Fund for Agricultural Development's* (hereinafter IFAD) Rural Sector Performance Assessment (hereinafter RSPA) assesses the quality of pro-poor rural development and rural transformation policies and institutions.<sup>33</sup> IFAD uses RSPA in the methodology like the performance-based allocation system (PBAS) to distribute financial resources among its developing Member states.

The PBAS consists of a formula composed of a needs component and a performance component. The RSPA is one of the variables in the performance component.<sup>34</sup> The RSPA is also used to provide information on the development of IFAD country's strategic opportunities programs.

The RSPA is divided into six clusters and consists of a total of 19 questions. Each question can be broken down into a set of dimensional qualitative and quantitative indicators used to calculate the total RSPA score for each of the 125 countries.<sup>35</sup> Quantitative indicators measure the performance of country policies, whereas qualitative indicators measure the presence of an effective policy framework. For each question, a mix of qualitative and quantitative indicators is used. RSPA scores are based on a scale from 1 to 6 and are relative to the scores of the other countries included in the assessment exercise.<sup>36</sup>

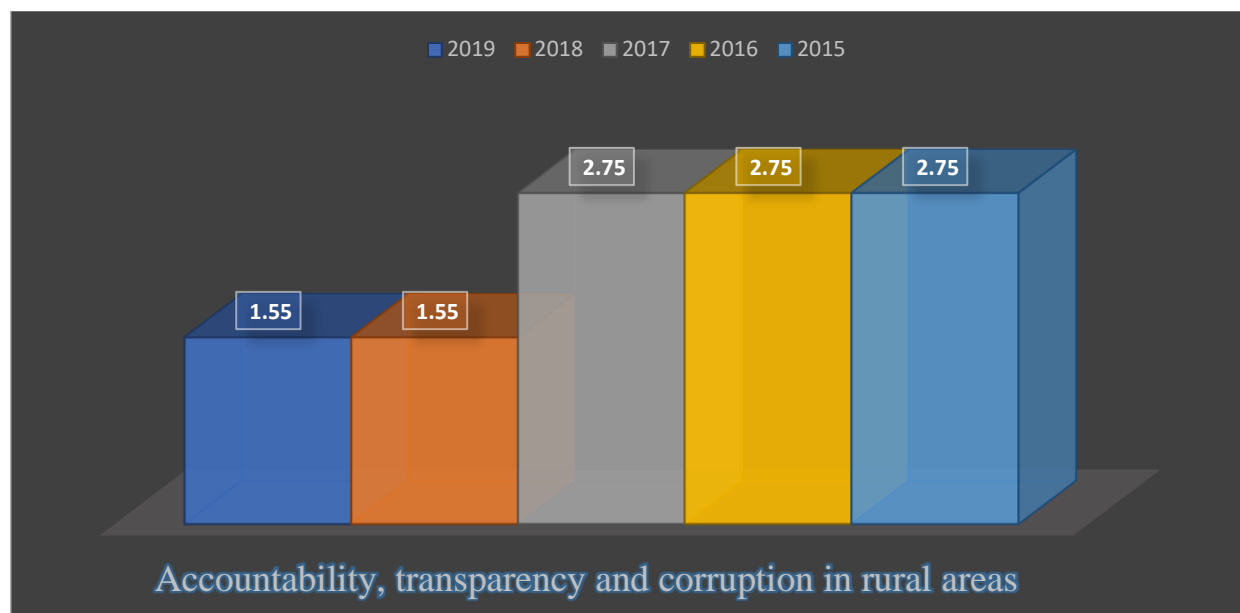
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<sup>33</sup> RURAL SECTOR PERFORMANCE ASSESSMENT, ANNEX A, Rural Development Report 2019. available at: [https://www.ifad.org/documents/38714170/41133079/Annex\\_A.pdf/9e33d7c7-306d-2445-aa44-86555eaf5f5](https://www.ifad.org/documents/38714170/41133079/Annex_A.pdf/9e33d7c7-306d-2445-aa44-86555eaf5f5)

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*



This graph shows the results of Uzbekistan in examining of the accountability, transparency and corruption in rural areas. These results were taken from original data, and it shows that there was a decrease in this category.

## 6. Institutional Profiles Database

*The Institutional Profiles Database* (hereinafter IPD) is a source of institutional and policy data designed and produced by the “Agence Francaise de Developpement,” and as the survey structure has been expanded and enhanced after the 2006 wave.<sup>37</sup> The IPD provides an original measure of the institutional characteristics of countries through composite indicators based on cognitive data. This database is developed to facilitate and encourage research on inter-institutional relationships, long-term economic growth and development.<sup>38</sup> It has structured in nine functions: *political institutions; security, law and order, control of violence;*

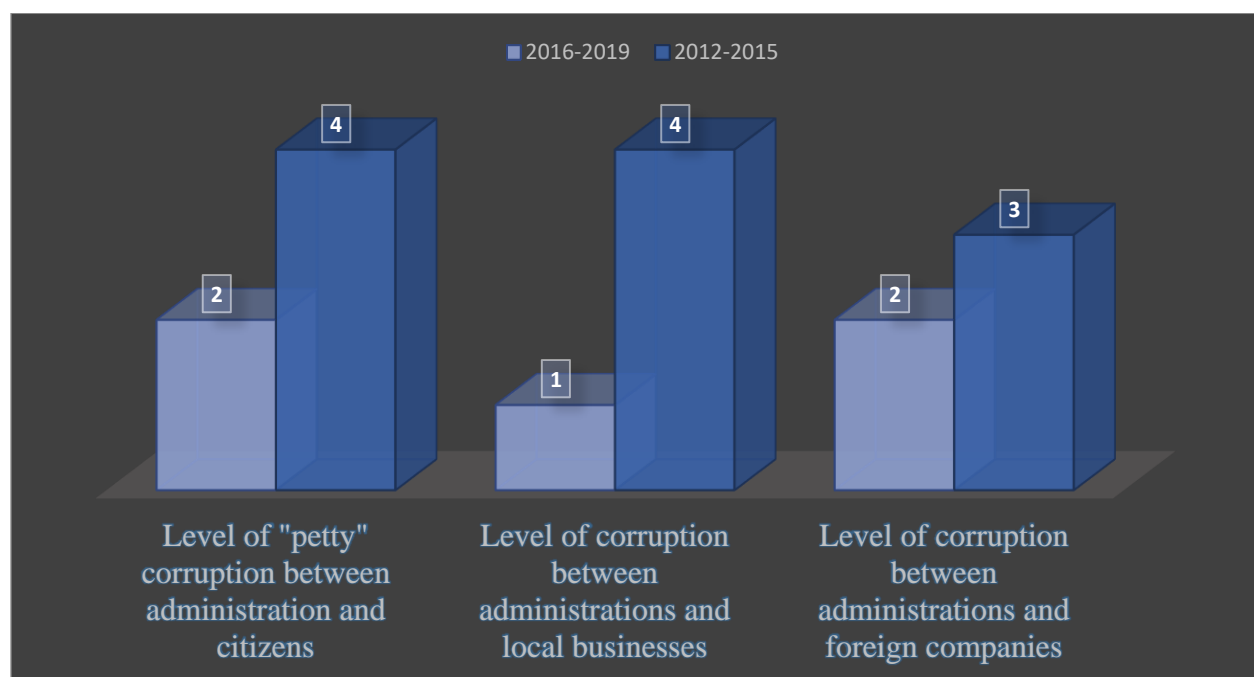
<sup>37</sup>Luciana Cingolani and Denis de Crombrughe, EXPLORING THE PANEL COMPONENTS OF THE INSTITUTIONAL PROFILES DATABASE, UNU-MERIT Working Paper Series, ISSN 1871-9872.

<sup>38</sup> *Id.*



*functioning of public administrations; free operation of markets; coordination of stakeholders, strategic vision and innovation; security of transactions and contracts; market regulation, social dialogue; openness; social cohesion and social mobility.*

The scores of the Uzbekistan which was examined are given in the following graph.



This graph illustrates that there was decrease in each assessed category by IPD during 2016 and 2019.

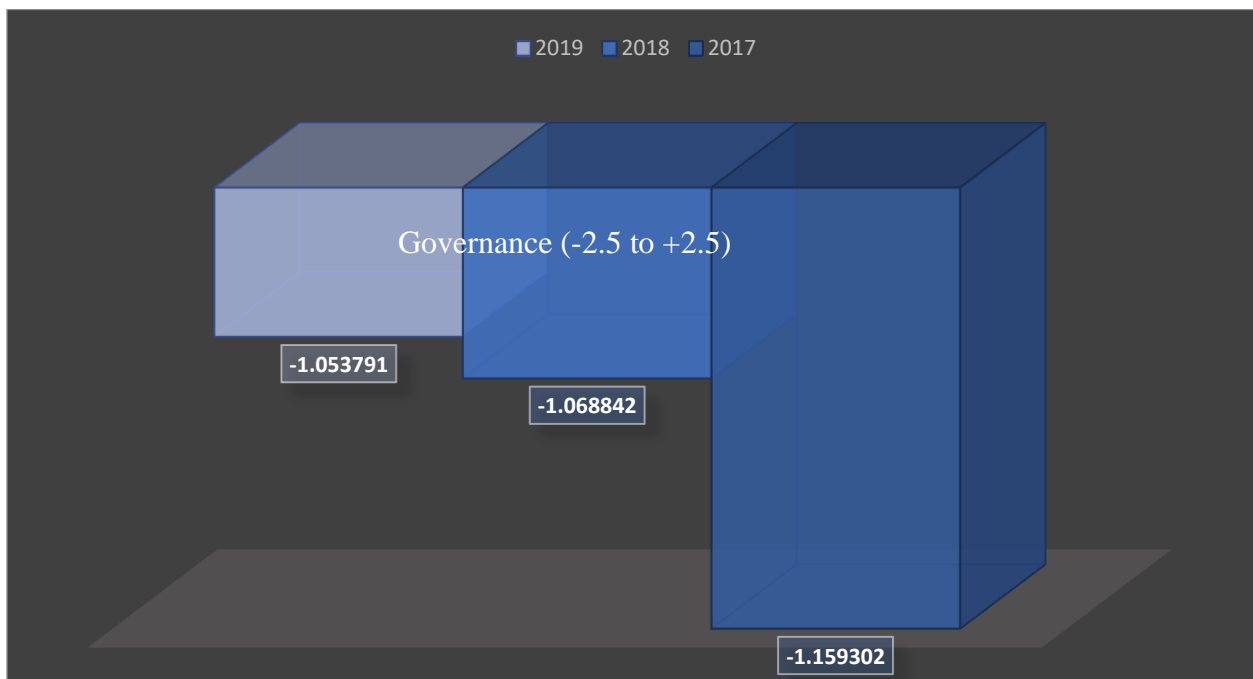
## 7. IHS Markit World Economic Service

*The World Economic Service* equips decision makers with long-term global economic data and 30-year forecasts for more than 200 countries to assess business opportunities and risks.<sup>39</sup>

<sup>39</sup> <https://ihsmarkit.com/products/global-economic-forecasts-analysis-and-data-world-economic-service.html>

The World Economic Service is used by the strategic planners, asset managers, business developers and government economists in order to formulate rapid responses to unfolding economic and political developments; to assess growth potential in individual or regional markets; to set corporate-wide and business unit sales and revenue plans; and to benchmark economic, financial and investment risk by country.

To show the changes and exact results of Uzbekistan is challenging. Because, full dataset is commercially available. However, the final governance scores of Uzbekistan can be compared by using the open access in the following graph.



This graph shows that there is a small increase in the results comparing 2019 to 2017.

The World Economic Service was used by the Control of Corruption to assess the intrusiveness of the country's bureaucracy in the Republic of Uzbekistan until 2014. The amount of red tape likely to be countered is assessed, as is the likelihood of encountering corrupt officials and other groups.

From the 2014, the World Economic Service is being used for analyzing the risk that individuals/companies will face bribery or other corrupt practices to carry out business, from securing major contracts to being allowed to import/export a small product or obtain everyday paperwork. This threatens a company's ability to operate in a country, or opens it up to legal or regulatory penalties and reputational damage.<sup>40</sup>

## **8. World Bank Country Policy and Institutional Assessments**

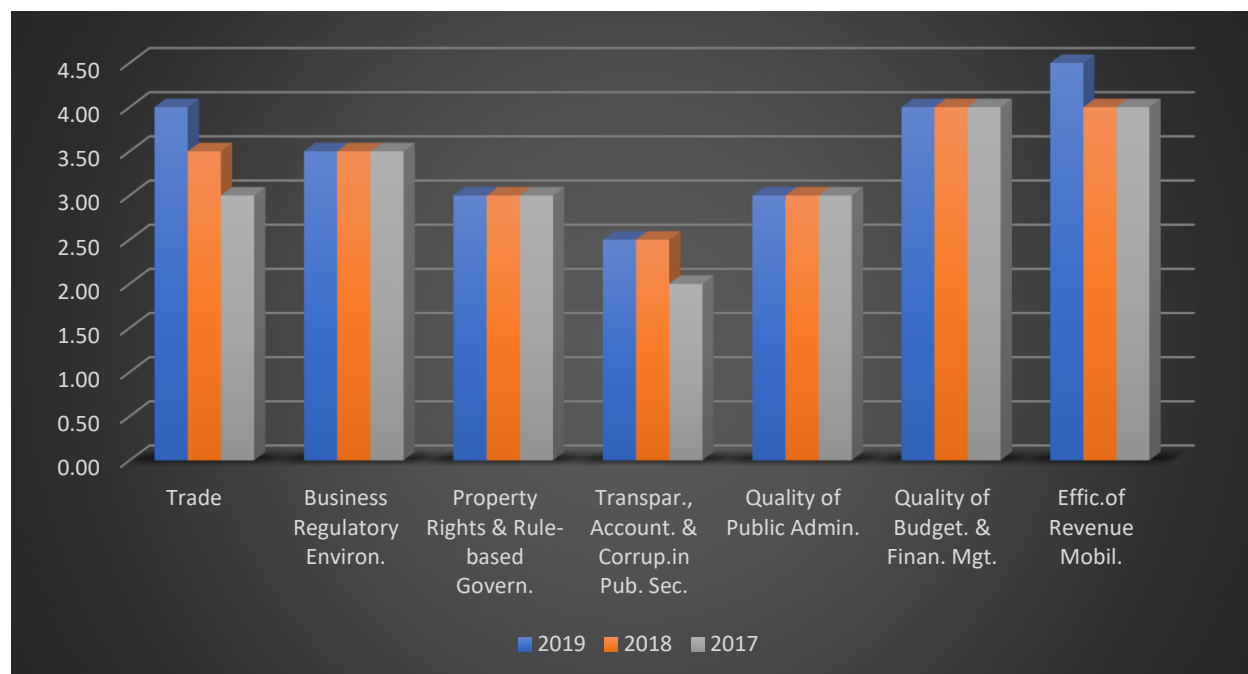
The World Bank's *Country Policy and Institutional Assessment* (hereinafter CPIA) assess the conduciveness of a country's policy and institutional framework to poverty reduction, sustainable growth, and the effective use of development assistance.<sup>41</sup> The CPIA correlate well with the various independent organizations and indicators such as International Development Association, International Bank for Reconstruction and Development.

The CPIA experts are asked to assess transparency, accountability and corruption in the public sector in the Republic of Uzbekistan. This criterion assesses the extent to which the executive can be held accountable for its use of funds and the results of its actions by the electorate and by the legislature and judiciary, and the extent to which public employees within the executive are required to account for the use of resources, administrative decisions, and results obtained. The following graph illustrates the assessment of transparency, accountability and corruption in the public sector in Uzbekistan.

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<sup>40</sup> World Governance Indicators, available at: <http://info.worldbank.org/governance/wgi/pdf/WMO.xlsx>

<sup>41</sup> Independent Evaluation Group. 2010. The World Bank's Country Policy and Institutional Assessment: *An IEG Evaluation*. Washington, DC: World Bank. Available at: <https://openknowledge.worldbank.org/handle/10986/13547>



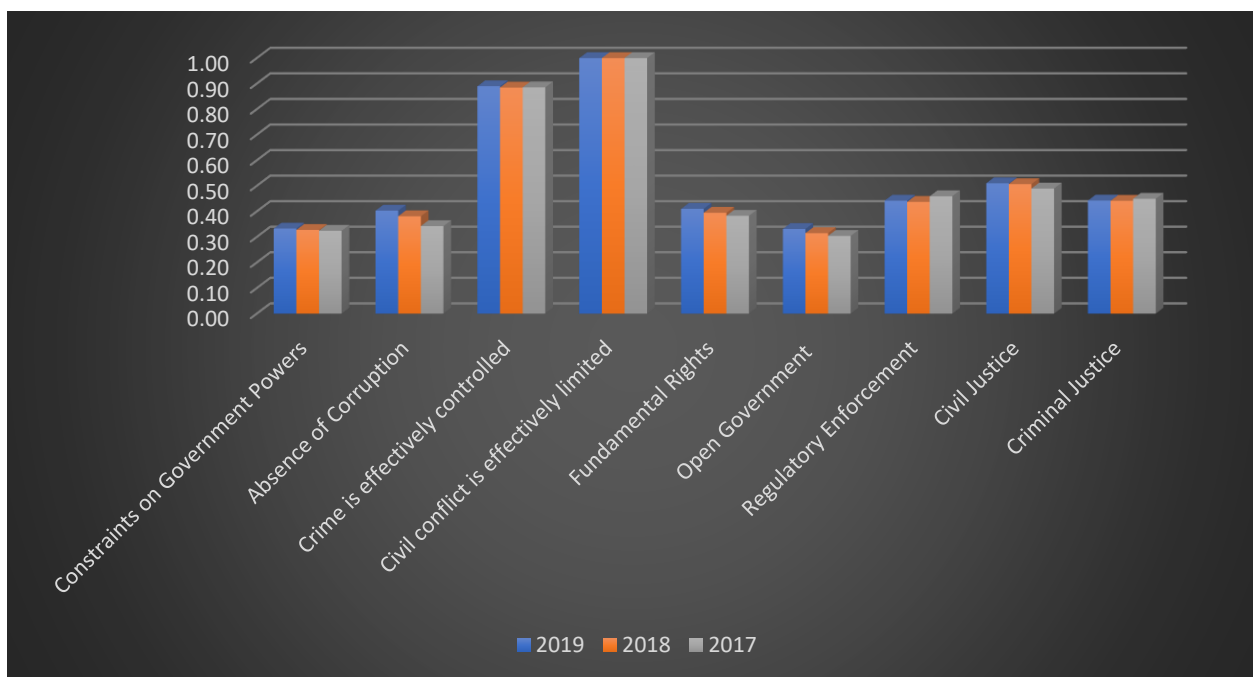
Comparing to the 2017, it can be seen the increase in Trade policy, Efficiency of revenue mobilization, and Transparency, accountability and corruption in public sector. However, Business regulatory environment, Property rights and rule-based governance, Quality of public administration, and Quality of budgetary and financial management are remaining in the same line.

## 9. World Justice Project Rule of Law Index

The World Justice Project *Rule of Law Index* is the world's leading source for original, independent data on the rule of law with the coverage of 128 countries and jurisdictions.<sup>42</sup> The Rule of Law Index measures worldwide experience and perception of rule of law by focusing on more than 130,000 household surveys and 4,000 legal practitioner and expert surveys. Rule of law performance of a country is measured according to the factors given in the following graph.

<sup>42</sup> World Justice Project, RULE OF LAW INDEX 2020 REPORT, ISBN (online version): 978-1-951330-35-4. Available at: <https://worldjusticeproject.org/our-work/publications/rule-law-index-reports/wjp-rule-law-index-2020>

The Rule of Law index rates countries on a variety of subcomponents relating to rule of law based on over *500 questions*, some of which are answered by **expert respondents annually**, others answered in a general **population survey once every three years**. For analysis of the absence of corruption in a country, a total of 53 questions are asked of experts on the extent to which government officials use public office for private gain. These questions touch on a variety of sectors within government including the public health system, regulatory agencies, the police, and the courts.<sup>43</sup>



This graph illustrates the categories for analyzing the Rule of Law in Uzbekistan. Slight decrease can be seen in Regulatory Enforcement and Criminal Justice categories while there is a small increase in Absence of Corruption, Fundamental rights, and Open government. In the other categories, it can be seen stable extent.

<sup>43</sup> *Id.*

## 10. Varieties of Democracy Project

*Varieties of Democracy* is a new approach to conceptualizing and measuring democracy. A multidimensional and disaggregated dataset provided by the Varieties of Democracy reflects the complexity of the concept of democracy as a system of rule that goes beyond the simple presence of elections.<sup>44</sup> The Varieties of Democracy uses the theoretical and methodological experience of its worldwide team to produce data as objectively and reliably as possible. About half of the indicators in the Varieties of Democracy's database are based on factual data from official documents such as the constitution and government records.<sup>45</sup> The other half consists of subjective assessments on topics such as political practices and adherence to de jure rules. It also draws on the team's academic expertise to develop theoretically informed techniques for aggregating indicators into mid- and high-level indices.<sup>46</sup>

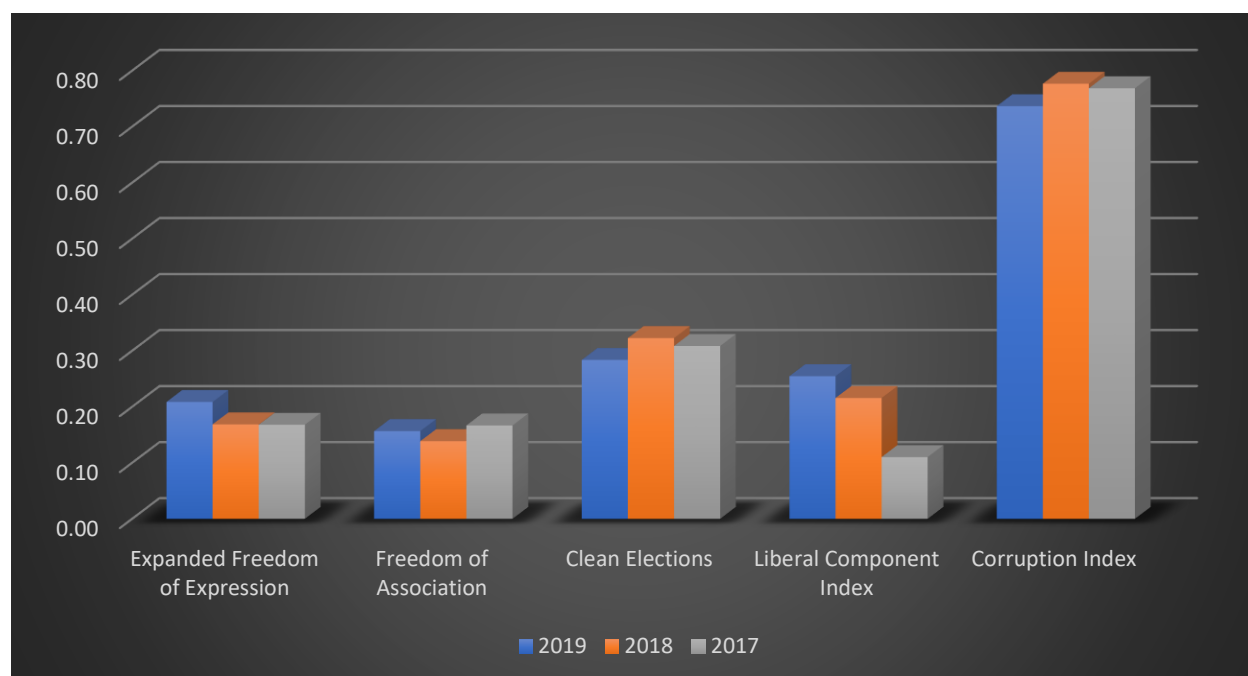
These subcomponents of Control of Corruption draw their individual scores and analysis, and collected data will be aggregated into one simple indicator by the Control of Corruption. Hence, each of the subcomponents has influence on the final result of a country in the Control of Corruption.

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<sup>44</sup> Varieties of Democracy, available at: <https://www.v-dem.net/en/about>

<sup>45</sup> Valeriya Mechkova and Rachel Sigman, VARIETIES OF DEMOCRACY (V-DEM), Policy Brief, No. #5, 2016. Available at: [https://www.v-dem.net/media/filer\\_public/f9/08/f908eb53-c0e2-40f0-9294-e067537d8f0b/v-dem\\_policybrief\\_5\\_2016.pdf](https://www.v-dem.net/media/filer_public/f9/08/f908eb53-c0e2-40f0-9294-e067537d8f0b/v-dem_policybrief_5_2016.pdf)

<sup>46</sup> *Id.*



This graph shows that Uzbekistan's level in Expanded Freedom of Expressions, Liberal Component Index increased while Corruption Index and Clean Elections decreased.

### **11. Business Environment and Enterprise Performance Survey (BPS)**

This survey, part of the Enterprise Survey project of the World Bank, collects a wide range of data on firms' financial performance and their perceptions of the regulatory and investment climate. We use data from this source for 2000-2015. Starting with the 2017 update of the WGI, this data source will no longer be included in the WGI (for calendar year 2016 onwards) as this source is no longer being updated sufficiently frequently for inclusion in the WGI.

### **12. Gallup World Poll**

The Gallup World Poll is a survey polling representative samples of households in a large sample of countries. The core survey instrument asks a wide range of questions, including some related to governance. Note that we have carried

forward scores for those countries that were covered in previous years but not in current year, up to a maximum of two years.

All in all, the indicators, and the underlying data behind them, are part of the current research and opinions that have reinforced the experiences and observations of reform-minded individuals in government, civil society, and the private sector, that good governance is key for development. Their growing recognition of the link between good governance and successful development, as empirical evidence suggests, has stimulated demand for monitoring the quality of governance across countries and within individual countries over time. Virtually all of the individual data sources underlying the aggregate indicators are, along with the aggregate indicators themselves, publicly available.

We have analyzed every subcomponent of the WGI Control of Corruption above. From this analysis, it can be concluded that Uzbekistan's performance in Institutional Profiles Database, IFAD Rural Sector Performance Assessments, Freedom House declined. However, other subcomponents show that some categories of them also went down in recent years. For example, Corruption index in Varieties of Democracy Project. Hence, the task before the country is to pay attention to these subcomponents and their requirements and questions for assessing the ranking of Uzbekistan.



## **CHAPTER II. OVERVIEW ANTI-CORRUPTION FRAMEWORKS IN UZBEKISTAN AND EXPERIENCE OF FOREIGN COUNTRIES FOR ENHANCEMENT OF POSITION IN THE CONTROL OF CORRUPTION**

### **2.1. Existing legal and institutional anti-corruption frameworks and ongoing anti-corruption policy of Uzbekistan**

The issue of corruption can be faced in almost every country all over the world. Corruption is one of the topics that has been widely discussed by the international community in recent years as a transnational crime. Legal and institutional anti-corruption frameworks are necessary to show how country policy is working on combating against the corruption. Furthermore, some subcomponents of Control of Corruption analyze existence and efficiency of these frameworks in order to rank a country. Therefore, this paragraph focuses on overview of these frameworks in Uzbekistan to examine drawbacks that is impacting on the image of Uzbekistan in Control of Corruption.

It should be noted that the damage caused by corruption is considered equal for all countries, and it has a negative impact on the reforms carried out in various spheres of the state particularly in the political, economic, social and cultural spheres, as well as on the image and investment attractiveness of the country in the international arena.

President of The Republic of Uzbekistan Mirziyoyev noted in his address to the Supreme Assembly of the Republic of Uzbekistan on January 24, 2020, *“the illiteracy of corruption in our society is becoming the impetus for our development with its various manifestations. It is impossible to create a real business and investment environment if we do not prevent this evil scourge, in general, not a single network of society will develop”*

The priority legal framework for the fight against corruption is expressed in a number of international legal norms, which can include the following:

- a) *“The UN Convention Against Corruption” adopted on 31 October 2003;*
- b) *“The UN Convention Against Transnational Organized Crime” adopted on 15 November 2000;*
- c) *European Council Convention “on criminal responsibility for corruption”, 27 January 1999;*
- d) *“Civil legal responsibility for corruption” 4 November 1999.*

Of the above-mentioned international norms, Uzbekistan ratified the United Nations Convention Against Corruption in 2008, as well as the Istanbul action plan on Combating Corruption adopted in 2010 within the framework of the organization for Economic Cooperation and development.

As was discussed above, that most subcomponents of the Control of Corruption analyze the existence of the legal and institutional frameworks combating against corruption. It is worth noting that in Uzbekistan, measures aimed at combating corruption and preventing the commission of crimes of this type are carried out systematically. A number of normative-legal documents aimed at eliminating the systemic problems of corruption factors in all spheres of life of the state and society have been adopted and applied to practical life.

First of all, the Constitution of the Republic of Uzbekistan has special importance in the fight against the corruption. The Constitution and the rule of law are defined as a priority objective in every state. In accordance with Article 15 of the Constitution, it is established that in the Republic of Uzbekistan the supremacy of the Constitution and laws of the Republic of Uzbekistan shall be recognized without

prejudice, and the state, its bodies, officials, public associations, citizens shall work in accordance with the Constitution and laws.<sup>47</sup>

In recent years, the implementation of reforms aimed at combating corruption in our country has become more intensive. In particular, law “on the fight against corruption” was adopted on January 3, 2017.<sup>48</sup>

The purpose of the law is to regulate relations in the fight against corruption. Concepts such as “corruption”, “corruption offense” and “conflict of interest” are defined with the adoption of this law. The concept of “corruption” was given an official definition. According to the article 3 of this law “corruption is illegal use by a person of official or duty position with the aim of obtaining tangible or intangible benefits in personal interests or in the interests of other persons, and an unlawful provision of such benefit.”<sup>49</sup> The same article also clarifies concepts of “corruption offense” and “conflict of interests”. According to this article, “corruption offense is an act possessing signs of corruption, for fulfillment of which the legislation provides for liability,” and “conflict of interests is a situation, in which personal interest (direct or indirect) affects or can affect the proper performance by a person of official obligations or duties and in which arises or may arise a contradiction between personal interest and the rights and legitimate interests of citizens, organizations, society or the state.”<sup>50</sup> These definitions have been developed taking into account international standards and fully covers the most important elements

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<sup>47</sup> The Constitution of the Republic of Uzbekistan. Available at: <https://www.lex.uz/docs/1413395>

<sup>48</sup> Ўзбекистон Республикасининг 2017 йил 3 январдаги “Коррупцияга қарши курашиш тўғрисида”ги ЎРҚ-419-сонли Қонуни // [Электрон манба]. URL: <https://lex.uz/docs/3088008>.

<sup>49</sup> Ўзбекистон Республикасининг 2017 йил 3 январдаги “Коррупцияга қарши курашиш тўғрисида”ги ЎРҚ-419-сонли Қонуни // [Электрон манба]. URL: <https://lex.uz/docs/3088008>.

<sup>50</sup> *Id.*

that reveal the meaning of the term “corruption”, “corruption offense”, and “conflict of interests”.

The responsibility for the corruption crimes is determined by the Criminal Code, Code of Administrative Responsibility of the Republic of Uzbekistan. However, the articles on the responsibility for corruption crimes are not assembled in a single chapter of the Criminal Code. Articles 192<sup>9</sup>-192<sup>10</sup>, 210, 211, 213-214 of the Criminal Code provides only for material values and property interests as the subject of corruption offenses, including bribery.

Article 192<sup>9</sup> says that it is unlawful knowingly giving material values or making it a property interest for an official of a non-governmental commercial organization or other non-governmental organization to commit such an act in the interests of the person who is using it in his or her power or in the interests of the person who is bribing him or her.<sup>51</sup> Article 192<sup>10</sup> is recognizes that extortion of an employee of a non-governmental commercial organization or other non-governmental organization for a bribe.<sup>52</sup> Articles 210, 211 define acceptance and giving a bribe.<sup>53</sup>

Corruption of Officer Corruption of an officer is also recognized by the criminal code of Uzbekistan, that is, knowingly illegal provision of remuneration or pecuniary benefit in significant amount to an officer, who is not an official of a state body, enterprise, institution, or organization, disregarding its ownership pattern, or of a public association or self-governmental body, for performance or nonperformance of certain action, which the officer must or could have officially

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<sup>51</sup> <https://lex.uz/docs/-111453#-265687>

<sup>52</sup> <https://lex.uz/docs/-111453#-265687>

<sup>53</sup> <https://lex.uz/docs/-111453#-265687>

performed, in the interests of the person committing corruption.<sup>54</sup> Furthermore, article 214 determines extortion of remuneration. It is that demand to provide remuneration or pecuniary benefit by an officer, who is not an official of a state body, enterprise, institution, or organization, disregarding its ownership pattern, or of a public association or self-governmental body, for performance of certain work or provision of certain service, which are within the official duties of such an officer, as well as intentional coercion of an individual to provide such remuneration so that the individual cannot otherwise prevent violation of his rights and legal interests.<sup>55</sup> These articles show that there are numerous legal norms preventing corruption crimes.

Articles 61<sup>1</sup>, 193<sup>1</sup>, 193<sup>2</sup> of Administrative Responsibility Code of the Republic of Uzbekistan are also related to the corruption crimes. These articles prohibit giving a bribe to an officer, who is not an official of a state body, enterprise, institution, or organization. If this act conducts one more time after the punishment for the same act, it will be recognized as a crime and the person who conduct such an action will be punished based on the articles of Criminal Code of Uzbekistan.

Turning to the institutional anti-corruption frameworks in the Republic of Uzbekistan, institutional anti-corruption frameworks mean a set of specialized institutions, government agencies or organizations that have special powers to regulate, legalize, monitor (monitor) certain relations, leading the fight against corruption and its prevention.

The institutional system of anti-corruption in Uzbekistan includes five government agencies engaged in anti-corruption activities, as specified in Article 7 of the Law “On Combating Corruption”:

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<sup>54</sup> <https://lex.uz/docs/-111453#-265687>

<sup>55</sup> <https://lex.uz/docs/-111453#-265687>

Prosecutor General's Office of the Republic of Uzbekistan; State Security Service of the Republic of Uzbekistan; Ministry of Internal Affairs of the Republic of Uzbekistan; Ministry of Justice of the Republic of Uzbekistan; Department for Combating Economic Crimes under the Prosecutor General's Office of the Republic of Uzbekistan coordinating the activities of bodies and organizations carrying out and participating in this activity.

According to the above-mentioned article of the law, anti-corruption activities are carried out by other state bodies in accordance with the legislation.<sup>56</sup> However, the law does not specify which bodies are understood under the phrase "other state bodies" and in what order and on what grounds they operate in this direction.

Above-mentioned five State organs which referred in the Law "On Combating against corruption":

- participate in the development and implementation of state programs and other programs in the field of combating corruption;
- consider appeals of individuals and legal entities on the facts of corruption and takes measures to restore their violated rights and protect their legitimate interests;
- participate in legislative activities in the field of combating corruption;
- participate in legal advocacy activities aimed at raising legal awareness, legal culture and strengthening the rule of law among the population;
- develop and implement measures to ensure the timely prevention, detection and suppression of corruption offenses, their consequences, as well as the elimination of the causes and conditions that allow them;
- cooperate with other bodies and organizations engaged in and participating in anti-corruption activities;

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<sup>56</sup> Кабилов Ш.Р. Инструментарий по противодействию коррупции. Ответственный редактор д.ю.н., проф. К.Р.Абдурасулова. – Т.: Академия МВД Республики Узбекистан, 2019. – 96 с.

➤ have general powers such as international cooperation in the fight against corruption.

Based on the main activities of these bodies, they are given special authority by Law “On Combating against corruption” as well as the special legislation regulating the activities of these bodies.

Regarding anti-corruption policy of Uzbekistan, mechanisms to ensure openness and transparency of government agencies, as well as public oversight institutions have been radically improved. The widespread use of digital and online technologies has increased the accountability of government agencies to the public. The system of online auction of land plots, state assets, as well as state number plates for vehicles has been established and is constantly being improved.

Furthermore, presidential decree signed in 2018 provides for the establishment of a public council under each ministry and government agency. Of course, such councils are an important link in establishing effective public control over the activities of government agencies. 2020 has a special place in the history of our country in improving the institutional framework for combating corruption. Because on June 29 of the same year, two important documents were adopted - the Presidential Decree “On Additional Measures to Improve the Anti-Corruption System in the Republic of Uzbekistan”<sup>57</sup> and the Resolution “On the Organization of the Anti-Corruption Agency of the Republic of Uzbekistan.”<sup>58</sup> A new body, the Anti-Corruption Agency was established to implement the state policy aimed at preventing and combating corruption with these documents.

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<sup>57</sup> Presidential Decree PD-6013 “On Additional Measures to Improve the Anti-Corruption System in the Republic of Uzbekistan” dated 29.06.2020. available at: <https://lex.uz/docs/-4875784>

<sup>58</sup> Presidential Decree PD-4761 “On the Organization of the Anti-Corruption Agency of the Republic of Uzbekistan.” dated 29.06.2020. available at: <https://lex.uz/docs/-4875782>

Recently, new Presidential decree No. PD-6257 has been adopted in order to increase the effectiveness of the system of combating corruption and early prevention of corruption, to involve the public in this process and to create an environment of intolerance to corruption. Uzbekistan's anti-corruption policy increased one step by adoption of this document.



## **2.2. Comparative analysis of foreign countries' anti-corruption frameworks and anti-corruption policy**

Learning the anti-corruption policy of foreign country allows to learn new approaches, exchange experiences on fighting against corruption. Hence, this work will examine the best practices of Ukraine, South Korea and Sweden in this section. The reason of choosing these countries to examine is that these countries will cover the different dimension of governmental system, policy since Uzbekistan is the post-soviet country with the Asian culture people, and furthermore, it needs to study Western approach on anti-corruption policy. Since Ukraine is also recognized as a former Soviet country which is conducting significant steps to reduce corruption, and learning the practice of Sweden the country with the good ranks in CPI and Control of Corruption indicators allows to look at the Western country's approach on combating against the corruption which led to increase the position of a country in corruption perception indicators. South Korea, with the Asian culture citizen, has the great experience on anti-corruption policy.

### **Ukraine**

Ukraine has conducted unprecedented measures dedicated to reduce the corruption in public life in Ukraine since 2014. This kind of essential measures has not been adopted in a short time to limit the space for corrupt practices while also creating new anti-corruption bodies and starting to reform its judiciary and law enforcement agencies by none of former Soviet countries, with the exception of the Baltic states and Georgia.<sup>59</sup> The considerable progress on increasing transparency and closing down opportunities for extracting administrative rents has outstripped

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<sup>59</sup> John Lough and Vladimir Dubrovskiy, (November 2018), Are Ukraine's Anti-corruption Reforms Working? Russia and Eurasia Programme, p3.

efforts to bring to justice past and present officials who have abused their public office.<sup>60</sup>

In general, with many countries with underdeveloped governance systems, Ukraine has a form of stubborn corruption that is deeply ingrained in public institutions. Citizens of Ukraine are well aware of this and continue to see corruption - especially high-level corruption - as one of the biggest challenges facing the country, as well as Russia's aggression.<sup>61</sup> The most popular notion is that corruption is a type of "rust" that tortures public institutions and requires their removal with an "iron brush" in the form of coercive punitive measures. As such, corruption is a symptom of underlying systemic problems, not their cause, even if it reinforces some of them. As Douglas North, John Joseph Wallis and Barry Weingast have noted, "Natural states, with limited access orders are not sick. They have their own logic and are not dysfunctional ... Natural states may appear to be corrupt according to the norms and values of open access orders."<sup>62</sup>

Considering these problems, Ukraine conducted several reforms for removing the corruption in public life. The positive results of Ukraine in 2020 were also affected by the anti-corruption changes introduced during the "turbo-mode" of the Verkhovna Rada of the IX convocation.<sup>63</sup> This legislation included the following changes:

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<sup>60</sup> *Id.*

<sup>61</sup> Rating Group (2018), 'Socio-political moods of the Ukrainians: new challenges', [http://ratinggroup.ua/en/research/ukraine/obschestvennopoliticheskie\\_nastroeniya\\_ukraincev\\_novye\\_vyzovy.html](http://ratinggroup.ua/en/research/ukraine/obschestvennopoliticheskie_nastroeniya_ukraincev_novye_vyzovy.html) (accessed 11 Sept. 2018).

<sup>62</sup> North, Wallis and Weingast (2009), *Violence and Social Orders*, p. 269.

<sup>63</sup> Transparency International, (online source) available at: <https://ti-ukraine.org/en/research/ukraine-in-the-corruption-perceptions-index-2020/>

- Ensuring the right to exercise covert investigative actions independently for the National Anti-corruption Bureau of Ukraine;
- Returning responsibility for illicit enrichment
- Strengthening of protection of whistleblowers
- Necessary changes in the field of public procurement.

Because of the reforms in Ukraine, its position in corruption perception indexes increased. For example, according to the CPI statistics Ukraine's position increased by 3 points. With 33 points out of maximum 100, we ranked 117th out of 180 countries in the CPI list.

The first reason of this improvement is recognized that launching of the High Anti-Corruption Court with appropriate jurisdiction and restart of the National Agency on Corruption Prevention. Secondly, Ukraine's position increased due to small-scale privatization, anti-corruption initiatives of the Honcharuk government, and the long-awaited test launch of the NACP electronic register of political parties' accountability.<sup>64</sup>

### **South Korea**

Over a short period, South Korea has witnessed rapid growth that it has mostly been driven by the state. Nevertheless, South Korea still adheres to Confucian traditions, which occasionally results in conflicts between modern transparency and traditional loyalty, and any consideration of Korea's regulation of corruption should take account of these particular characteristics.<sup>65</sup>

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<sup>64</sup> *Id.*

<sup>65</sup> Tony Dongwook Kang and Yongman Bae, (30 November, 2020) The Anti-Bribery and Anti-Corruption Review: South Korea, The Law Reviews.

Various preventative measures to address the corruption of its public officials has been taken by South Korea.

First, South Korea established laws governing the ethics of public officials, such as *the State Public Officials Act* and *the Public Service Ethics Act*. Furthermore, there are rules and regulations punishing corrupt practices, such as domestic bribery and overseas bribery, in the private sector as well as in the public sector.<sup>66</sup> Moreover, there are other acts which are dedicated to preventing corruption.

Both domestic bribery and international bribery are prohibited by the legislation of South Korea and these acts are recognized as punishable. Furthermore, bribery not only in the public domain, but also in the private sector is also punishable.

Not only this legal anti-corruption frameworks but institutional anti-corruption frameworks in South Korea allowed to increase its position in CPI ranking. It can be seen that 6 points increased compared to 2019 result. In the integrity assessment for 2019 conducted by the Anti-Corruption and Civil Rights Commission, South Korean public agencies scored 8.19 points, up 0.07 points from 8.12 points of last year.<sup>67</sup>

Under these circumstances, the Anti-Corruption and Civil Rights Commission has issued “the 2020 Anti-Corruption and Integrity Policy Implementation Directive” which includes systematic anti-corruption strategies and specific measures aimed at addressing the root of the corruption problems. The Anti-Corruption and Civil Rights Commission will push forward with anti-corruption/integrity policies, based on the four strategies of “strengthening anti-

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<sup>66</sup> Article 129,130,131 of the Criminal Act of South Korea.

<sup>67</sup> Anti-Corruption and Civil Rights Commission  
<https://www.acrc.go.kr/en/board.do?command=searchDetail&method=searchList&menuId=02031601>

corruption foundation”, supporting innovative corruption prevention, “spreading integrity culture.”<sup>68</sup>

In this context, the Anti-Corruption and Civil Rights Commission established the Anti-Corruption Training Institute as a specialized anti-corruption training institute of Korea. The Anti-Corruption Training Institute’s training program has two objectives. One is to teach public officials necessary ethics regulations and the practical ways to deal with an ethical dilemma in their working circumstances.<sup>69</sup>

This program allowed to teach citizens with Confucian traditions to become more transparent and improve zero tolerance regarding the corrupt acts.

## **Sweden**

Corruption was not considered as an issue for a long time because it has recognized as a country with low-levels of corruption. It has been ranked among top 10 countries on CPI index as well as with good performance in WGI’s Control of Corruption. However, in recent years several major Swedish companies have been the subject of bribery allegations in the media, primarily because of conduct relating to their foreign operations.<sup>70</sup> Hence, Sweden is conducting measures to strengthen its anti-corruption frameworks by revision of its legislation. As a result of the efforts of the past years, Sweden now has a much more comprehensive anti-corruption system in place including legislation criminalizing most forms of bribery.

In accordance with the Chapter 10 of the Swedish Penal Code, there is no distinction between bribery of public officials and private bribery. There is also no distinction between bribery of foreign or domestic public officials. However, the

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<sup>68</sup> Id.

<sup>69</sup> Id.

<sup>70</sup> Gideon Robertson, (2017), *The Anti-Bribery and Anti-Corruption Review*, Great Britain, ISBN 978-1-910813-93-5

Chapter 10 of the Swedish Penal Code considers the bribery, and focuses on broad aspects of bribery. Furthermore, the same with Uzbekistan, the Swedish Criminal Code does not contain definition of public official since there is no specific offence for bribery of public officials. However, “employee or person performing an assignment” includes, *inter alia*, assignments based on election, appointment, duty and agreement.<sup>71</sup>

However, regarding the restrictions on hospitality expenses (gifts, travel, meals, entertainment, etc.), the Criminal Code does not set quantitative or qualitative restrictions on hospitality expenses. To assess whether hospitality expenses are considered bribes, it is necessary to determine whether hotel expenses are improper benefits. Penal Code recognizes the meaning of improper benefit such as a benefit that objectively has the potential to affect the performance of a task or be perceived as a reward for the performance of a task.<sup>72</sup> In this situation, it is important to take into account all the facts and circumstances surrounding the case to assess whether a hospitality expense could be considered bribery. The legal and institutional framework in Sweden are considered effective in fighting against corruption, and the government agencies are characterized by a high degree of transparency, integrity and accountability.<sup>73</sup>

According to an Anti-corruption European Commission report, an efficient public administration, high quality comprehensive services to citizens and enterprises, and a long tradition of openness and transparency in Swedish society

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<sup>71</sup> Mattias Hedwall & Olof König, Anti-Corruption in Sweden. (Online source) available at: <https://www.globalcompliancencnews.com/anti-corruption/anti-corruption-in-sweden/>

<sup>72</sup> Chapter 10, Section 5 of Swedish Penal Code.

<sup>73</sup> Business Anti-Corruption Portal. GAN Integrity Solutions. (online source) available at: <https://web.archive.org/web/20131110144209/http://www.business-anti-corruption.com/country-profiles/europe-central-asia/sweden/snapshot.aspx>

and institutions, along with a strong respect for the rule of law have positive effect on the low levels of corruption.<sup>74</sup>

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<sup>74</sup> EU Anti-Corruption Report Brussels, 3.2.2014 COM(2014) 38 final ANNEX 27.

### **2.3. Recommendations for improving the position of Uzbekistan in World Governance Indicator's Control of Corruption**

Conducted analysis of the subcomponents and methodology of WGI Control of Corruption illustrates that Uzbekistan's score in IHS Markit World Economic Service 0,17 value; in the World Justice Project 0,40; in the Varieties of Democracy Project 0,26; in the World Bank Country Policy and Institutional Assessments 0,30; in the Institutional Profiles Database 0,42; in the IFAD Rural Sector Performance Assessments 0,11; in the Freedom House 0,04; in the Bertelsmann Transformation Index 0,30; in the Asian Development Bank Country Policy and Institutional Assessments 0,40. This values mean that the performance of Uzbekistan is generally low comparing to the original data of these sources. However, we have to consider low values among given source.

Analysis of this work shows that Uzbekistan received the lowest values from IHS Markit World Economic Service 0,17 value; Freedom House 0,04; IFAD Rural Sector Performance Assessments 0,11.

Examining the low performance in the Freedom House, the result shows that there were decline in the categories "Political rights; Corruption; Civil Society" of the Freedom House. The experts of Freedom House have asked whether whistle blowers, anti-corruption activists, investigators, and journalists enjoy legal protections that make them feel secure about reporting cases of bribery and corruption, the public display a high intolerance for official corruption, along with there are adequate laws requiring financial disclosure and disallowing conflict of interest.

On February 25, 2019, the Resolution of the President of the Republic of Uzbekistan "On measures to improve the position of the Republic of Uzbekistan in international rankings and indices" was adopted. On the basis of this decree, the



institute of “Mystery Client of Public Services” was introduced. Researching the literatures and foreign countries experience do not go into specific details of implementation “Mystery Client” as a tool of anticorruption policies, except Kazakhstan. “One of the projects is a so-called **mystery buyer**. It will be aimed at improving the quality of public services and eliminating corruption risks. When the whole society is involved, when people act together and help identify unlawful actions, we will make appropriate decisions. There is a special department for monitoring the provision of public services, but we believe that its efforts are not enough. In order to bring this to the public, we decided to involve civil society,” Alik Shpekbaev, Civil Service Affairs and Anti-Corruption Agency Deputy Chairperson in Kazakhstan, said. As a result, with the exception of this statement I could not find information about the use of a “mystery client” in anti-corruption. This term is an established approach used by market research companies to measure the quality of services and it can certainly be used to monitor government services. I believe that it will be particularly useful to monitor regulatory reforms.

The purpose of the “Mystery Client” is not to identify shortcomings in the competent authorities and punish officials, but to improve the country’s position in international rankings and indices, increase efficiency, transparency, convenience and quality of public services, as well as avoid bureaucracy, red tape and other obstacles. Based on this study, I suggest to implement “Mystery Client” the legal basis for the rights of these individuals in order to fulfill a gap in our legislation on the concept. In our opinion, in order to resolve the conflict in this regard, it is proposed to amend the Law of 25.12.2012 “On operational search activities” as follows:

Article 14 of the Law proposes to include the concept of “Mystery Client” in the “Types of operational search activities” and describe it in the following wording:

**“Mystery Client Event”** - an event aimed at assessing compliance with the requirements of the legislation in the provision of public services by government agencies and other organizations, as well as the professionalism and efficiency of service personnel, their culture of dealing with the public.

In order to determine the legal status of persons assisting in the fight against corruption, it is proposed to supplement Article 23 of the law with the following words:

“The category of persons assisting in the fight against corruption includes persons with the status of secret clients. They fall into the category of those who participate in the process of public services as a real service recipient, at the same time the responsible officer of the judicial body involved by the order of the relevant judicial body to record the quality, duration, conditions of service and compliance with the rules of ethics of employees or volunteer citizens and other individuals.

In addition, Recommendation 5, Section 7 of the 2019 Action Plan of the Organization for Economic Co-operation and Development (OECD) recommends to enhance reporting of the facts of corruption and protection of whistle-blowers through monitoring the reports from civil servants, providing training, improving information channels, allowing consideration of anonymous reports. Continue development of legislation on whistle-blowers, provide practical training, designate a responsible state body, collect statistical data. In accordance with the part 1 of recommendation 38, it is also proposed to establish a legal basis for the obligatory consideration of anonymous reports about possible corruption crimes that are verifiable. In this regard, it is expedient to add the rule “except for appeals on corruption cases” after the words “anonymous appeals” in Part 1 of Article 29 of the Law “On appeals of individuals and legal entities” dated 11.09.2017. In addition, the analysis of the master’s dissertation shows that the creation of a legal basis for such

norms in our national legislation will have a positive effect on improving the level of corruption management indicators of the Republic of Uzbekistan.

Short of sweeping reform efforts, progress can be achieved through better and more open processes, professional accountability systems, and the use of the latest advanced technologies to capture, analyze, and share data to prevent, detect, and deter corrupt behavior.

On the other hand, examining the existence of legal and institutional anti-corruption frameworks in Uzbekistan shows that there are enough measurements to combat against corruption in both frameworks of Uzbekistan. However, for these anti-corruption frameworks to work well, it is necessary to create a legal awareness of the population, the formation of an anti-corruption culture, integrity and open government.

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## ANNEX 1

**Asked questions by the experts of Freedom House**

- a) *Has the government implemented effective anti-corruption initiatives?*
- b) *Is the country's economy free of excessive state involvement?*
- c) *Is the government free from excessive bureaucratic regulations, registration requirements, and other controls that increase opportunities for corruption?*
- d) *Are there significant limitations on the participation of government officials in economic life?*
- e) *Are there adequate laws requiring financial disclosure and disallowing conflict of interest?*
- f) *Does the government advertise jobs and contracts?*
- g) *Does the state enforce an effective legislative or administrative process - particularly one that is free of prejudice against one's political opponents - to prevent, investigate, and prosecute the corruption of government officials and civil servants?*
- h) *Do whistle blowers, anti-corruption activists, investigators, and journalists enjoy legal protections that make them feel secure about reporting cases of bribery and corruption?*
- i) *Are allegations of corruption given wide and extensive airing in the media?*
- j) *Does the public display a high intolerance for official corruption?*

**Asked question by experts of Economist Intelligence Unit**

- a) *Are there clear procedures and accountability governing the allocation and use of public funds?*
- b) *Are public funds misappropriated by ministers/public officials for private or party-political purposes?*

- c) *Are there special funds for which there is no accountability?*
- d) *Are there general abuses of public resources?*
- e) *Is there a professional civil service or are large numbers of officials directly appointed by the government?*
- f) *Is there an independent body auditing the management of public finances?*
- g) *Is there an independent judiciary with the power to try ministers/public officials for abuses?*
- h) *Is there a tradition of a payment of bribes to secure contracts and gain favors?*