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ANALYSIS OF THE CONCEPT OF CRIMES OF OFFICIALS

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Abstract: This article analyzes the crimes committed by officials. The definitions of malfeasance in national and world criminal law are studied. The negative consequences of these crimes are determined. Based on the analysis, signs of malfeasance were identified.

Keywords: Malfeasance, official, criminal code, liability, corruption.

Officials crimes is a broad concept that includes several criminal acts committed by officials. Analyzing the crimes committed by officials in the criminal legislation of the Republic of Uzbekistan, it can be said that official crimes are abuse of their authority and authority by officials, deviating from their scope, neglecting their authority and duties, or not performing their duties properly. are socially dangerous, criminal, illegal actions that violate the management procedure of state power, management and local self-government bodies, as well as non-state commercial and other non-state organizations, the rights, freedoms and interests of citizens established by law.

The Criminal Code of the Republic of Uzbekistan does not define official crimes. In the National Encyclopedia of Uzbekistan, official crimes are defined as "a large amount of damage or serious damage to the rights of citizens or the interests protected by law, or to the interests of the state or society as a result of the violation of the obligations established by the authority of an official by an official"[1].

However, according to R. Khodzhaev, it is necessary to take into account the amount of damage caused in official crimes [2]. Official crimes are listed in several chapters of the Criminal Code. These crimes are inextricably linked with the authority of a person, and the special feature of the social danger of these crimes is expressed by the fact that they are committed by an official. Due to the fact that responsibility for these acts is defined in various chapters of the Criminal Code, there is no possibility of correct, clear and appropriate responsibility for the perpetrators. Combining all of these crimes into a separate chapter and coordinating criminal liability according to the level of social danger creates the basis for ensuring the principle of legality in practice. In some literature, official crimes are conditionally divided into three groups according to the criminal status of the subject:

- general official crimes (crimes committed in connection with the activities of state administration and local government bodies);
 - special official crimes (crimes with additional specific characteristics, as well as crimes committed by officials of state administration and local government bodies);
 - alternative official crimes (crimes committed by both officials and non-officials)
- [3].

Abuse of authority by an official includes abuse of authority during the period of holding office. It does not constitute a criminal offense if an official uses his service or personal connections, the reputation of the position he holds, rather than his official powers, in order to reach the decision he needs [4].

The high risk of these crimes is manifested in the following,
firstly, to the violation of the normal activity of the state body;
secondly, the reputation of the state body will fall;
thirdly, to the fading of citizens' faith in social justice

fourthly, it is determined by the violation of the rights and interests of citizens.

The social danger of the above-mentioned crimes is explained by the fact that taking bribes drastically changes the established procedure for the execution of their official powers by officials and thereby grossly violates the interests of the public service.

Power means the ability and opportunity to influence people's activities and behavior through certain means - will, authority, rights, coercion, political dominance, and the system of state bodies [5]. Abuse of authority by an official includes abuse of authority during the period of holding office. If an official uses not his official powers, but his service or personal connections, the reputation of the position he holds, in order to reach the decision he needs, there will be no crime. The issue of serious damage to citizens' rights or interests protected by law, or state or public interests is resolved by investigative bodies and courts, taking into account all the circumstances of a particular case.

Abuse of official authority can take many forms. Illegal use of the labor of subordinates for personal gain (for example, in the construction of personal housing of workers, yards, repair of houses); mastering the work of subordinates; abuse in accommodation allocation; in the process of privatization of enterprises, the official uses his official position to protect the interests of himself, a person close to him, or other private individuals, in order to purchase them as private property or when an official takes over a large part of the shares; illegal transfer of finance and credit intended for public needs to commercial organizations with malicious or other bad intentions; waste of budget funds, including diversion of these funds in commercial banks; use of benefits not provided for in legal documents when obtaining credit, securities, real estate and other property; the use of rooms, transport and communication, electronic computing equipment, money and other property for personal or group purposes, etc.

The issue of criminal liability of officials, especially for their socially dangerous actions in the field of public procurement, is also strengthened in the criminal legislation of a number of foreign countries. among others, the issue of criminal liability of officials in this regard has been considered in the criminal legislation of the West European countries of the FRG, Denmark, Sweden, Switzerland, Holland, Spain, Great Britain, France, as well as the USA, Japan, and the PRC. The analysis of the responsibility of officials as a subject of crime in the criminal legislation of foreign countries shows that the issue of criminal responsibility of officials in the criminal legislation of the above-mentioned countries is diverse and somewhat contradictory in nature. In all of these foreign countries, socially dangerous acts related to the abuse of official powers are responsible under criminal law norms [6]. It should be noted that official crimes in the field of public procurement in foreign countries are also referred to as corruption, and it includes several criminal acts committed by officials [7].

Such socially dangerous acts are enshrined in the UN Convention against Corruption, which are "Bribery of national public officials"; Article 16 "Bribery of foreign public officials and officials of public international organizations"; Article 17 "Looting, illegal embezzlement or use of property for unintended purposes by a public official"; Article 18 "Use of position for malicious purposes"; Article 19 "Abuse of official position"; Article 21 "Bribery in the private sector"; Article 22 "Theft of property in the private sector"; Clause 1 of Article 23 "Legalization of proceeds of crime"; Article 24 "Concealment"; Article 25 "Obstruction of justice"; Article 27 is entitled "Participation and assassination". In turn, these actions are considered a criminal act according to the criminal law of Uzbekistan, and although the current criminal law does not define criminal responsibility for such actions in a single article, a number of articles of the Special part of the criminal law provide for criminal responsibility for various actions.

However, according to the content of the legal document on accession to the UN Convention against Corruption, the Republic of Uzbekistan did not accede to Article 20 of the Convention, which considers "Illegal acquisition of wealth" as a crime, and Article 26, which stipulates "Liability of Legal Entities".

In developed countries such as France, Germany, Great Britain, Italy, Japan and the USA, corruption of public officials in the field of public procurement is common. For example, in the second half of the 1990s in Germany, official criminal cases were initiated and investigated for official crimes against about 2,000 officials [8].

Based on the analysis of the above concepts, it can be said that official crimes have the following characteristics:

- is committed by a person who has the status of official or materially responsible person;

- is committed by a person using his official duties;

- is committed by illegal use of the provided powers;

- is committed for malicious purposes or for the purpose of obtaining benefits for third parties;

- the interests of the service will be harmed.

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