
CONFLICT OF INTEREST PREVENTION: UZBEK AND INTERNATIONAL EXPERIENCE

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Abstract: The article analyzes the norms and processes of preventing conflict of interests in public service in accordance of the current legislation in the field of corruption, the methods of preventing conflict of interests and developing forms and ways of informing about situation of conflict of interests.

Keywords: Corruption, impartial, conflict of interests, declaration of income, property and conflict of interest of civil servants.

Introduction

Despite the fact that large-scale reforms have been carried out to combat corruption in our country, to eradicate its various manifestations, the indicators of corruption still remain high in our society. According to the information given by the prosecutor general of the Republic of Uzbekistan Nigmatilla Yoldoshev as proof of our opinion, in 2017-2019 the issue of criminal responsibility of 6127 officials on corruption was resolved [1] and in accordance with the report of the International Transparency agency in 2020, we can say that the list of 180 countries in the index of countries with corruption of the Republic of Uzbekistan is ranked in 146th [2].

It seems to us that the failure to comply with the conflict of interests, along with the acquisition of money, extortion, fraud, property, is also one of the manifestations of corruption.

In particular, conflict of interest arises in those cases when the personal interests of civil servants affect or may affect the impartial and impartial performance of their service duties. The personal nature of civil servants includes their personal or close relatives, as well as their access to any nafs or advantages for other persons who may be in close or business relationships.

The Main Findings and Results

It should be noted that the law of the Republic of Uzbekistan "On combating corruption" has been given a tariff on the concept of conflict of interest, and personal (direct or indirect) violence is called a conflict of interest to a situation that affects or may affect the performance of a person's career or service obligations to the extent. This means that for the occurrence of a conflict of interest, there are situations in which a person can influence or influence the impartial and impartial performance of the services entrusted to him. According to the current legislation, in the event of a conflict of interest, it is established that the civil servant should take the necessary measures in order to prevent the conflict of interest in accordance with the procedure established by the legislation.

If we pay attention to the current legislation, we can see that in the current legislation documents on prevention of conflict of interest, the procedure and mechanism for resolving conflict of interest by civil servants is not developed at the level of international requirements. For example, in the law "Combating corruption" only the definition of the concept of conflict of interest, as well as the fact that when there is a

conflict of interest, the civil servant is satisfied with the need to inform his high-ranking leader. Also, the exemplary rules of conduct of employees of Public Administration bodies and local executive authorities, approved by the decision of the Cabinet of Ministers No. 62 of March 2, 2016 on the Prevention of conflicts of interest, are also in force, and these rules have left many issues open for the Prevention of conflicts of interest.

In particular, in the above-mentioned legislation, the existence of a number of uncertainties regarding with the practical application of the rules for the Prevention of conflict of interest, the absence of the organizational and legal framework for the declaration of income, property and conflict of interest of civil servants, as well as the fact that the civil servant who has not complied with.

However, countries such as Germany, Kazakhstan, and Hungary have already reached these issues in their legislation a few years ago.

Taking into account the above-discussed actual problems, we found it necessary to propose the following proposals to the legislature on further improvement of organizational and legal basis of the solution of conflict of interest in the civil service, in particular in the field of public procurement, increasing the transparency and accountability of the activities of the Civil Service, and increasing responsibility for non-fulfillment:

First of all, by making various additions to Article 21 of the law of the Republic of Uzbekistan "Combating corruption", we should reduce the discretionary powers to prevent conflicts of interest and clearly define the procedure and term for informing the civil servant.

Because the law does not allow profiling the conflict of interest to be carried out unless it is clearly established how long and in what form the civil servant will inform the

head directly about the conflict of interest, as well as what measures the leader who received the message about the conflict of interest should take.

For example, in Article 51 of the law of the Republic of Kazakhstan "On public service", which is the state Army for the Prevention of conflicts of interests, it is established that immediately after the civil servant finds a message about the conflict of interest, it is necessary to immediately warn the head of the buyer or the Rabar of the state:

- a) in connection with the occurrence of conflict of interest, the authority of this position is assigned to another civil servant;
- b) change of duties of civil servanttiradi;
- d) take other measures to eliminate conflicts of interest [3].

Therefore, we can say that in this law of the Republic of Kazakhstan the civil servant should immediately inform the leadership in writing about the conflict of interest and that the fact that it is established that he will take one of the measures established by the leadership, which is reported by him, has led to the restriction of the reduction of powers.

Article 21 of the law of the Republic of Uzbekistan "Combating corruption" is proposed in the following edition:

"The civil servant is prohibited from using his / her powers in the event of a conflict of interest. The civil servant must inform the head of state or the high-ranking state body in writing within 24 hours of the possibility of a conflict of interest or occurrence. The immediate head of the state body or the civil servant of the above-mentioned state body must take one of the following measures to prevent and resolve the conflict of interest immediately within 5 days of receipt of information from other sources:

a) in a situation where conflict of interest has arisen or may arise, the duty of the civil servant in the same matter is assigned to another civil servant;

b) the duty of the civil servant to prevent conflicts of interest must be changed".

Secondly, the development of a normative legal document on the Prevention of conflicts of interest in the provision of civil service and provision of civil servants with the use of this document serves to eliminate corruption in this area. Currently, there are standard rules of conduct of employees of Public Administration and local executive authorities, approved by resolution 62 of the Cabinet of Ministers, and the instructions established in this document do not contain specific instructions on how the civil servant will behave in a state of conflict of interest. However, the instructions of the Federal Ministry of internal affairs of Germany for the Prevention of corruption in 2004 year are already in force, and this document will be applied to all state bodies and organizations. Two documents have been attached to this directive, one is the code of Conduct for the fight against corruption, the other is the statute for the Prevention of corruption for employees of the Supervisory Authority and heads of state bodies [4]. This document gives clear and systematized explanations to civil servants on prevention of corruption, including prevention of conflicts of interest.

Therefore, we must introduce into our legislation the legal framework for the declaration of the conflict of interests, property and incomes of civil servants. That is, we will interpret the development of the law "on the declaration of income, property and conflict of interest of civil servants". This practice is also reflected in the legislation of the state of Moldova, and on June 7, 2016 the law "on declaration of the conflict of income, property and interests of civil servants" was adopted. This law provides for the declaration of property belonging not only to civil servants themselves, but also to their parents,

spouses and children, including property belonging to members of the family acquired from childhood and business entities [5]. That is, the declaration of the property and assets of civil servants serves to determine the circumstances in which the conflict of interests may arise.

Conclusion

According to the above analysis, it is possible to conclude that the norms for the Prevention of conflicts of interest in the Republic of Uzbekistan are not fully developed, as well as the practice of the application of Law (Court) in this field does not have a negative impact on the reputation of our country on an international scale, have a negative impact on.

Improvement of legislation to combat these consequences and prevent conflicts of interest in the provision of Public Service is an important step in the fight against corruption of our country.

References

1. <https://xs.uz/uzkr/post/yovuz-balo-bundan-khalos-bolmaguncha-zhamiyatning-hech-bir-tarmogi-rivozhlanmajdi>
2. <https://www.transparency.org/en/cpi/2020/index/uzb>
3. https://online.zakon.kz/document/?doc_id=36786682&doc_id2=36786682#pos=76;-170&pos2=981;-98
4. https://www.bmi.bund.de/SharedDocs/downloads/EN/themen/moderneverwaltung/Richtlinie_zur_Korruptionspraevention_in_der_Bundesverwaltung_englisch.pdf?__blob=publicationFile&v=1
5. <https://www.abacademies.org/articles/Conflict-of-interests-in-the-CIS-countries-a-comparative-analysis-1544-0044-22-5-403.pdf>

