

THE EMERGENCE OF THE INSTITUTION OF INDEPENDENT ANTI-CORRUPTION EXAMINATION OF DRAFT LEGISLATION IN THE REPUBLIC OF UZBEKISTAN DEVELOPMENT PROSPECTS

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ABSTRACT: This material was prepared as part of writing a dissertation for the degree of Doctor of Philosophy (PhD). First of all, the author notes the importance of having such a tool as an independent anti-corruption expertise of draft regulations. The moment of appearance in the Republic of Uzbekistan of mechanisms for such examination is described, as well as the requirements for experts in this field are described in detail. In conclusion, based on the experience of neighboring countries, proposals were made to further improve the independent anti-corruption expertise of draft legislation in Uzbekistan.

KEYWORDS: Anti-corruption examination, draft of normative legal acts, corruption, legislation, fight against corruption, independent experts, scientific expertise.

INTRODUCTION

Independent anti-corruption examination is one of the most important mechanisms in the field of preventing corruption components at the legislative level, the effectiveness of which depends on the opportunities provided to specialists and civil society institutions. "The institute of independent anti-corruption examination is designed to strengthen public control over government bodies as one of the instruments of civil society action, to implement the principle of publicity and openness in the activities of state bodies and local governments".

The Republic of Uzbekistan has recently taken a significant step towards the formation and development of an independent anti-corruption examination, as evidenced by the fundamental document in this area - the Decree of the President of the Republic of Uzbekistan of 2021 "On measures to further improve the conduct of anti-corruption examination of regulatory

normative legal acts and their drafts". It was this decision of the President of the Republic of Uzbekistan that marked the beginning of the formation of an independent anti-corruption examination in Uzbekistan. According to this decision:

from January 1, 2022, the right to conduct scientific and independent anti-corruption examination of draft legislation has been granted to representatives of scientific organizations and higher educational institutions, as well as to individuals - independent experts;

the Ministry of Justice was assigned the Register of Experts for conducting anti-corruption examination of legislative acts and their drafts, and was also authorized to develop and approve the requirements for the formation and maintenance of this Register;

conclusions based on the results of scientific and independent anti-corruption examination of normative legal acts and their drafts are subject to mandatory review by the relevant state bodies and organizations, as well as a certificate drawn up based on the results of their review, is sent to the persons who conducted the review and the Ministry of Justice.

THE MAIN FININGS AND RESULTS

Uzbekistan has the following requirements for:

a) independent experts: citizenship of the Republic of Uzbekistan; availability of higher education; work experience in the specialty for at least 5 years; possession of knowledge and skills in the field of preventing and combating corruption;

b) scientific experts: citizenship of the Republic of Uzbekistan; availability of higher education; carrying out activities in a scientific organization and (or) a higher educational institution with at least 5 years of work experience in the specialty and a scientific degree and (or) scientific title.

Thus, despite the recommendations of the CIS, Uzbekistan did not include the criterion of having a higher legal education for independent experts. There are many discussions on this issue among scientists, most of whom (Khabrieva T.Ya., Rossinskaya E.R., Galyashina E.I., Podkatilina M.L.) argue about the low quality of anti-corruption expertise if it is carried out by persons without legal education. Tonkov E.E. and Turanin V.Yu. in principle, agreeing with this position, cite the opinion of Andryukhina O.V. about independent experts accredited in Russia: "There are a large number of people who have the education of an engineer (electrical engineer, aero hydro mechanical engineer, systems engineer, metallurgical engineer, etc.), doctor, musicologist, etc. In this regard, the expediency of obtaining such a status is not clear,

and the quality of expertise from such specialists is very doubtful or comes down to a narrow sphere of Russian law.

Thus, in practice, the institute of non-state anti-corruption expertise of draft legislation in Uzbekistan began to function in 2022 and acts as a scientific and independent expertise. Examination is carried out exclusively by individuals entered in the Register of Experts at the expense of their own funds and (or) funds of customers, which can be both state and non-state organizations.

It is proposed to emphasize the essential importance of having and improving the mechanisms for conducting an independent anti-corruption expertise, as many researchers in the field under consideration have said and are talking about. For example, experts in the field of anti-corruption policy of the National Research University of Russia "Higher School of Economics" Dolotov R.O. and Krylova D.V. emphasize that "the development of the institution of independent anti-corruption expertise of normative legal acts and their projects is one of the topical areas of interaction between the state and civil society institutions and citizens in the fight against corruption".

In conclusion, in order to further improve this area in the Republic of Uzbekistan, it is first of all proposed to expand the circle of subjects of anti-corruption expertise. Taking into account the CIS standards in the field of anti-corruption expertise, as well as the experience of Kyrgyzstan, Russia and Tajikistan, it is proposed in Uzbekistan to allow legal entities (public organizations) to conduct independent anti-corruption expertise.

Secondly, taking into account the experience of researchers in this field, it is proposed to include the criterion of having a higher legal education for independent experts, which, in our opinion, will improve the quality of the prepared examinations.

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