

Issues of Elimination of Corruption Factors and its Prevention in Relation to Executive Actions

Bekkulov Anvar Farkhodovich

State executive of the Kashkadarya inter-district department of the Enforcement Bureau
He is a student of the master's program of the Academy of Law Enforcement, anti-corruption course

ABSTRACT: Enforcement actions in the Republic of Uzbekistan are carried out by two competent bodies. First, JIEKs under the IIV and district IIO FMB are considered. They mainly execute the rulings, decisions, and sentences of the Criminal Court on administrative and criminal offenses under the Criminal Procedure Code. The basis for the execution of the sentence is the legally binding sentence, ruling, or decision of the court, as well as the act of amnesty or amnesty. The second is the Bureau of Compulsory Enforcement under the General Prosecutor's Office of the Republic of Uzbekistan. The Bureau of Compulsory Enforcement conducts its activities under the Constitution and laws of the Republic of Uzbekistan, decisions of the Chambers of the Oliy Majlis of the Republic of Uzbekistan, decrees, decisions, and orders of the President of the Republic of Uzbekistan, other legal documents, as well as the General Prosecutor of the Republic of Uzbekistan (hereinafter shall be referred to as the Prosecutor General) under the Law "On Execution of Court Documents and Documents of Other Bodies" following orders and instructions. Also the legislation of the two competent authorities with the power of coercion. The execution procedure is also different. Another difference is that the legislation on the execution of punishment is consolidated into a single Criminal-Executive Code. Legislation on enforcement of court documents and documents of other bodies of the Enforcement Bureau consists of this Law and other legal documents. In this paragraph, we will highlight the issue of eliminating and preventing corruption factors in the Bureau's executive actions.

KEYWORD: Criminal-Executive Code, Law and other legal documents, President, Documents, FMB, JIEK, decisions, rulings.

In particular, court decisions, rulings, and decisions, court of criminal cases and administrative courts the part of decisions related to property recovery, as well as criminal cases judgments of the court providing for a fine, documents whose rulings and decisions must be executed without words is considered.

According to the provisions of this Law, the following are the categories of works that must be executed:

- 1) decisions, rulings, and decisions of civil courts, economic and administrative courts;
- 2) the part of judgments, rulings, and decisions of courts on criminal cases related to property recovery, as well as judgments, rulings, and decisions providing for punishment in the form of a fine;
- 3) the part of the court decisions on cases of administrative offenses related to property recovery;
- 4) notarized agreements on the payment of alimony;

- 5) execution letters of notaries;
- 6) decisions of labor dispute commissions;
- 7) decisions issued by bodies (officials) authorized to review cases of administrative offenses;
- 8) decisions of the arbitration court;
- 9) decisions of foreign courts and arbitrations in cases stipulated by the legislation of the Republic of Uzbekistan or international agreements;
- 10) decisions of prosecutors on the administrative relocation of persons who have arbitrarily occupied the residence or who live in houses deemed to be in a state of emergency;
- 11) decisions of state executives in the cases provided for in this Law;
- 12) documents of other bodies in cases provided for by law.

To ensure the execution of the documents subject to execution, the official of the body that requested execution shall send the execution documents specified in Article 7 of the Law to the MIB execution portal. After receiving the electronic enforcement document, the state bailiff issues a decision to initiate enforcement proceedings on the MIB portal to ensure its enforcement. With the adoption of the decision on the execution of the executive document, the state executor enters into relations with the persons participating in the execution proceedings.

What corrupting factors arise when dealing with executive actions?

Based on the opinions expressed by many experts, it can be concluded that the following are the reasons for the corruption factors that arise in relations related to executive actions:

- the excess of the executive's expenses over his income;
- lack of public control of an effective system of monitoring the executive;
- irregular working hours;
- lack of a legal culture for the employee;
- employee's behavior is prone to corruption;
- tribalism, localism, familiarity;
- employee's interest and the existence of a conflict of interest.

In the above paragraphs, we have listed several corruption problems and factors leading to corruption. As President Shavkat Mirziyoyev said, **"We should stop giving bribes, not taking bribes, to eliminate corruption."**

The state executor of the Bureau, authorized by law, has the right to independently determine the procedure for the execution of executive documents in the course of his work. It is these rights that can empower the executive to engage in corrupt practices. If we give a legal assessment of the situation, there is a risk of corruption based on the offer received from the debt collector or the debtor in return for performing the tasks that the executor can solve at the level of his position.

Corruption factors can arise in the implementation of what type of executive work? We analyze these below:

- At the same time as issuing a decision on the initiation of enforcement proceedings by the state bailiff on executive documents that provide for the execution of a criminal sentence in the form of a fine, deciding

on the temporary restriction of the exit of the sentenced person or the debtor from the Republic of Uzbekistan in the course of enforcement proceedings related to;

- in executive proceedings where the right to temporarily restrict the debtor's natural person's exit from the Republic of Uzbekistan is established;
- assessment of the debtor's property in execution actions;
- in the execution of the execution document on eviction of the debtor from the house;
- more likely to occur in enforcement actions to relocate the debtor to housing.

We will show it with practical examples. *(I.F.Os and place names are subject to change.)*

- 1. In a quick event held in cooperation with the Andijan regional office of the DXX and the staff of the Personal Security branch of the **Andijan regional** office of the Bureau, the **Izbosgan district** State Executives of the Bureau **Alisher Bakiev** and **Baxodir Qodirov** handed over the execution document related to the relocation of citizens living in the residence belonging to the citizen Maxkamov Farxod to his relative **Soliev Samandar**. was caught when he received **4 thousand US dollars** in exchange for ensuring the execution.
- A, who worked as the head of the department of another district of the bureau, transferred the sum of **47 million 500 thousand sums** from the deposit account number to the plastic card of J.
- In the same manner, another citizen unrelated to the executive document transferred **28,600,000 sums** from the department's deposit account number to his plastic card.
- In a quick event held in cooperation with the employees of the Kashkadarya regional office of the DXX and the Kashkadarya regional office of the Department of Combating Economic Crimes, **Ismatov Islom**, the state bailiff of the Koson district branch of the Bureau, decided to temporarily restrict the exit of citizen **Axmedov Jamol** from the Republic of Uzbekistan due to alimony arrears. The debt collector, who applied for the annulment of the decision, was arrested when she received **500 US dollars** from **Azizova Farida**.
- Such morally impoverished employees, caught in the grip of corruption, harm the current policy of the Republic of Uzbekistan and the interests of the Bureau.
- If we keep a summary of corruption crimes, according to statistics, in 2017 - 2881 people, in 2018 - 1907 people, in 2019 - 1339 people, in 2020 - 1723 people, and 2021 - 2804 people. we can see that it is solved.

To prevent corrupt factors in relations related to executive actions, the following issues should be strictly followed:

- Self-discipline and self-discipline to fight against any violations of the law, especially cases of corruption, by public officials;
- to immediately inform the leader or the network of internal security about appeals inciting to commit a crime or other offense;
- to immediately inform the manager or the internal security network of information about the commission of a crime or other offense by other employees, involved professionals, or other persons related to the work, or actions encouraging these persons to commit a crime or other offense elimination of corruption risks in the system through;

- not receiving material values or property (non-property) benefits in exchange for action or inaction related to official duties;
- to report immediately to the supervisor or the internal security network about violations of the law committed or being prepared to be committed by colleagues.

By strictly following these rules, the employee will be able to refrain from corruption and conflict of interest and prevent other employees from getting involved in corrupt relationships.

To prevent and prevent corruption and other abuses, to regularly study the personal and professional qualities of the employee, and the effectiveness of his activity, as well as to form a reserve of personnel with qualifications and work experience in various areas of the Bureau's activities. rotation is carried out.

In the execution of court decisions, state enforcers should remember that enforcement work is to set the final point of the legal resolution of disputes and recover the property in dispute between the parties or restore the violated rights to their original state. The collecting party should not forget that they wandered for months to collect their dues through the court. The time they spent in court filled them. That's why it is too painful for them to lose their rights at the stage of execution. Therefore, every employee needs to be faithful to the oath he took at the beginning of his duty, to act conscientiously without deviating from the laws and looking at corruption with contempt.

Preventive measures against corruption should be carried out with each of the state executives in order not to commit such a crime, which is called a development conspiracy. Through this, we need to make them immune to corruption and educate them as honest citizens and honest executives who will fight corruption without compromise.

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