

# THE DETECTION OF CORRUPTION CASES AND THE CONSOLIDATION OF EVIDENTIARY MATERIALS IN CRIMINAL PROCEEDINGS: CHALLENGES AND PRACTICES IN THE CONTEXT OF UZBEKISTAN'S EXPERIENCE

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## I. INTRODUCTION

Since 2020, a number of institutional and legal mechanisms for the early detection of corruption cases have been improved in Uzbekistan. In particular, on the initiative of the President of the Republic of Uzbekistan, the Anti-corruption Agency was established at the national level with the mandate to consolidate and coordinate anti-corruption practices across the country.<sup>1</sup>

Unlike similar bodies established in certain foreign countries, this agency, in its activities, primarily focuses on detecting corruption cases through the review of public procurement processes and citizen complaints, and on transmitting the collected documentation to the prosecutorial authorities for the purpose of conducting investigative actions.

In addition, taking into account that, in the period prior to 2020, the volume of corruption-related complaints submitted to the prosecutorial authorities had been increasing year by year, a Presidential Decision of the Republic of Uzbekistan adopted in 2021 mandated the establishment of internal anti-corruption control units (anti-corruption compliance divisions) within state bodies and organizations.<sup>2</sup>

The activities of these units are regulated, in accordance with the international ISO 37001 standard<sup>3</sup> and the recommendations of the Financial Action Task Force (FATF),<sup>4</sup> by a model statute approved by the Anti-corruption Agency in August 2021. Their primary mandate is to ensure the early detection and prevention of corruption cases, to eliminate their causes and enabling conditions, to prevent conflicts of interest and to implement measures aimed at fostering a culture of zero tolerance towards corruption.<sup>5</sup>

According to analytical data, to date, internal anti-corruption control units have been established in 114 state bodies and organizations, as well as in banks, comprising a total of 1,477 staff positions.<sup>6</sup> However, following a critical review of their performance in light of the President of the Republic of Uzbekistan's address of 5 March 2025, the heads of the anti-corruption compliance divisions in these 114 state bodies and organizations were dismissed.<sup>7</sup> Subsequently, by Presidential Decree No. PQ-147 of 21 April 2025, measures

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<sup>1</sup> The Anti-corruption agency of the Republic of Uzbekistan // <https://anticorruption.uz/en/about> (accessed: 23.07.2025).

<sup>2</sup> Resolution of the President of the Republic of Uzbekistan On additional measures for the effective organization of anti-corruption efforts on 6 July 2021, No. RP-5177 // <https://lex.uz/docs/5495538> (accessed: 23.07.2025).

<sup>3</sup> T. Safarov (2024) Improvement of internal anti-corruption mechanisms (by the example of the Ministry of Justice of the Republic of Uzbekistan) abstract of doctoral thesis (PhD) on legal sciences. Tashkent - P.40-42 // <https://library.ziynet.uz/ru/book/131522> (accessed: 23.07.2025).

<sup>4</sup> Uzbekistan's progress in strengthening measures to tackle money laundering and terrorist financing // <https://www.fatf-gafi.org/en/publications/Mutualevaluations/fur-uzbekistan-2023.html>.

<sup>5</sup> "Model Regulation on the Activities of Internal Anti-Corruption Control Units (registered by the Ministry of Justice of the Republic of Uzbekistan on 8 September 2021, registration No. 3319) <https://lex.uz/docs/5621185> (accessed: 23.07.2025).

<sup>6</sup> The national anti-corruption report in the republic of Uzbekistan // <https://anticorruption.uz/en/ozbekiston-respublikasida-korrupsiyaga-qarshi-kurashish-togrisida-milliy-maruz>.

<sup>7</sup> A meeting of the National Anti-Corruption Council held // [https://uza.uz/en/posts/a-meeting-of-the-national-anti-corruption-council-held\\_694861](https://uza.uz/en/posts/a-meeting-of-the-national-anti-corruption-council-held_694861) (accessed: 23.07.2025).

were adopted to improve the functioning of these units.<sup>8</sup>

In addition, over the past five years, anti-corruption legislation has introduced a number of legal mechanisms aimed at the early detection of corruption and the implementation of effective investigative measures. These include the monitoring of transparency in the activities of state institutions, the regulation of conflicts of interest, the assessment of corruption-related risks and the regulation of the acceptance of gifts by public civil servants.

The effectiveness of these measures has contributed to the early detection of corruption in certain sectoral areas. For example, in 2023, 4,349 compliance control checks conducted by these bodies revealed embezzlement of funds in the amount of 342.6 billion Uzbek soums, as well as financial violations totalling 928.9 billion Uzbek soums in the spheres of public procurement, wage payments and other sectors. The collected documentation was transmitted to law enforcement authorities for legal assessment.<sup>9</sup>

However, the absence of legal foundations for certain corruption-related offences in compliance and investigative practice constitutes a major obstacle to the application of legal measures against such conduct. Examples include the promise of a bribe, illicit enrichment, the disclosure of insider information to counterparties, conflicts of interest involving persons who are not close relatives and the adoption of corrupt decisions by supervisory boards of legal entities. In the initial stage, such corrupt acts are most often encountered by the anti-corruption compliance divisions of state institutions, which are unable to provide a legal qualification for them, resulting in various problematic situations during the subsequent investigation of the corruption incidents.

The paper will examine the application of internal investigation measures, actions and corruption prevention mechanisms in the absence of legislative prohibitions on certain types of corruption as stipulated in international instruments.

## II. ANALYSIS OF THE SITUATION

In Central Asia, traditional practices such as gift-giving, family loyalty and clan networks are part of everyday life. While these customs are culturally important, they often lead to corruption when they replace fair procedures or laws. Many people don't see these actions as wrong, because they are considered part of "normal" life. To fight corruption, it is not enough to change the law—it is also necessary to change public attitudes and promote transparency.

Strain and rational-choice theories help explain individual motives. General Strain Theory suggests that when social pressures (economic hardship, inequality, limited opportunity) mount, individuals may turn to corruption as a coping mechanism. Central Asian officials often face heavy demands from extended family and community – pressures not accounted for by meritocratic salaries. Engaging in bribery or patronage can be a rational response to these strains. Rational-choice models view corrupt acts as calculated decisions: if the benefits of favour-trading outweigh expected punishments, and the informal system of reciprocity provides network support, then such behaviour is "cost-effective" for the actor. Indeed, as Steenberg notes, many so-called corrupt practices are "rational and ethically sound choices" given one's social context. The existence of parallel norms effectively lowers the perceived cost of corruption for insiders (family loyalty is rewarded by the group) even as formal penalties loom. Cultural criminology and socio-legal perspectives emphasize that corruption is defined by culture. In Central Asia, gift-exchange and loyalty are cultural imperatives, so bribe-taking can carry no stigma within that frame.<sup>10</sup>

<sup>8</sup> Resolution of the President of the Republic of Uzbekistan On measures to ensure the independence and enhance the efficiency of internal anti-corruption control units within state bodies and organizations on April 21, 2025, No. RP-147 // <https://lex.uz/docs/7486316> (accessed: 23.07.2025).

<sup>9</sup> The national anti-corruption report in the republic of Uzbekistan // <https://anticorruption.uz/en/ozbekiston-respublikasida-korrupsiyaga-qarshi-kurashish-togrisida-milliy-maruz> (accessed: 23.07.2025).

<sup>10</sup> R. Urinboyev. Living Law, Legal Pluralism, and Corruption in Post-Soviet Uzbekistan.

The criminal procedure in Uzbekistan is governed primarily by the Criminal Procedure Code. It sets out the principles of legality, equality before the law, adversarial process, presumption of innocence and protection of human rights. Corruption crimes are defined mainly in Chapter 34<sup>1</sup> of the Criminal Code, including bribery (Art. 210–212), abuse of power (Art. 205–206), and embezzlement or misuse of public funds (Art. 167). Investigations and prosecutions are carried out by specialized departments of the Prosecutor General's Office, the Anti-Corruption Agency, and sometimes the State Security Service when national interests are involved. Before a formal case is opened, law enforcement authorities verify information about possible corruption offences. This stage includes: analysis of reports, audit results, or complaints; operational-search activities; coordination by prosecutors duration: 10–30 days (under Articles 324–325 CPC).

### **Example No.1**

A corruption case has been officially reported against the republican “Yoshlik” Physical Culture and Sports Society. However, government assessments of the physical culture and sports sector in Uzbekistan point to systemic weaknesses—especially in procurement, use of budget funds and organization of sports events—which create typical corruption risks for youth sports structures. In 2024 Uzbekistan even introduced criminal liability for corruption in sport, confirming the relevance of these risks for all sports organizations, including “Yoshlik” Physical Culture and Sports Society.

*“Yoshlik” works with budget money + youth contingents + events across regions, the classic risk nodes are:*  
*1. Procurement and services:* buying sports equipment, uniforms, inventory at inflated prices; choosing “their” supplier without open competition; splitting purchases to avoid e-procurement; *2. Travel, tournaments, mass events:* overstating the number of participants; fictitious expenses for transport/feeding/accommodation; “preferred” contractors for catering or transport; *3. Repair and small construction of sports sites:* price padding, low-quality work, paying for work not done; *4. Membership/fee money and sponsorship:* not entering part of payments into accounting; non-transparent spending of sponsor help meant for children.

**Source** – complaint from parents/coach, or mismatch in figures found by internal corruption department.

**Checking process** – the supervising ministry (jismoniy tarbiya va sport tizimi) or prosecutors compare documents versus actual participants, prices, scope of work. In the sports sector the centre already said “there are systemic shortcomings,” so such checks are expected (in one month).

**Qualification** – if damage to the State is found, it is referred for a criminal case (embezzlement, abuse of office, falsification of documents). After 2024, if there is bribery or corrupt influence around competitions/events—that can fall under the new sport-corruption norm. All of these are exactly the kinds of situations for which Uzbekistan introduced tougher responsibility in sport in 2024–2025. A criminal case is initiated when sufficient grounds exist that a crime has been committed (Art. 329 CPC). The prosecutor or investigator issues a resolution and registers it in the Unified Register of Pre-Trial Investigations.

This is the longest and most complex phase in corruption cases. Investigators collect evidence, question witnesses and conduct expert examinations (e.g., financial or forensic audits).

Given the involvement of officials, the process requires coordination with multiple agencies and adherence to procedural guarantees.

*Standard duration:* General rule—up to 2 months (Art. 353 CPC); may be extended: up to 6 months by the district prosecutor, up to 12 months in complex corruption cases by the regional or republican prosecutor.

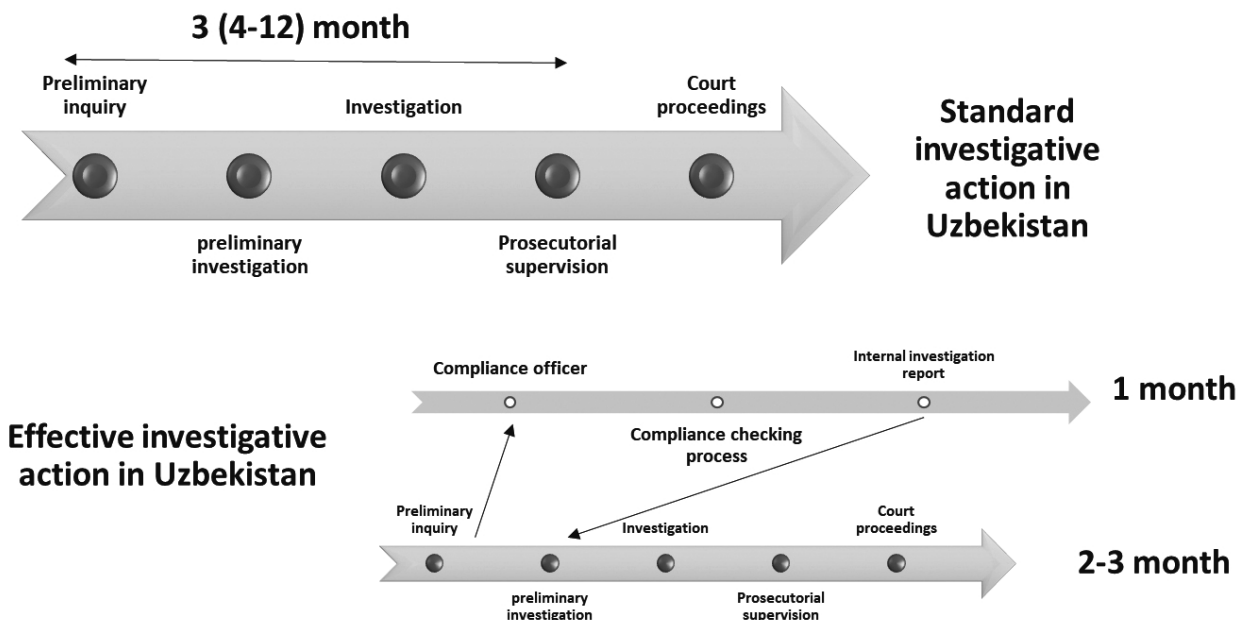
*Average in practice (based on internal statistical reviews):* 5–9 months for medium-level corruption; up to 12–18 months for major cases involving several defendants.

*Organizational outcome* – head is disciplined or replaced; financial discipline and procurement rules for the society are tightened.

The creation of internal anti-corruption departments within government agencies represents a transformative institutional reform in Uzbekistan's public administration system. These units, operating

under ministerial and departmental structures, function as first-line mechanisms of internal control and rapid response to integrity violations. Their primary advantage lies in the reduction of procedural latency traditionally associated with inter-agency referrals between law-enforcement bodies and administrative institutions. By enabling in-house detection, verification and documentation of corruption indicators at the earliest stage, these departments significantly accelerate the pre-investigative process, ensuring that preliminary evidence is collected in accordance with procedural standards before being transmitted to the Prosecutor General’s Office or the Anti-Corruption Agency. Furthermore, the integration of compliance, audit and disciplinary resources within one institutional framework enhances coordination efficiency and minimizes duplication of investigative functions, thereby shortening the overall time frame of case consideration. In essence, the decentralization of anti-corruption control through internal departments contributes to the operationalization of preventive and investigative measures, transforming anti-corruption policy from a reactive enforcement model into a proactive system of institutional self-cleansing consistent with the principles of good governance and administrative efficiency.

**Detecting corruption in criminal process (corruption crimes)**



**III. CONCLUSION**

Effective detection of corruption requires a systemic and multi-level approach that combines contextual understanding with institutional mechanisms of control.

*First*, a contextual analysis of the country must be conducted to identify structural, socio-economic and cultural factors that generate corruption risks. Such analysis serves as the empirical foundation for policy design and enables differentiation between systemic vulnerabilities and isolated incidents.

*Second*, it is essential to establish corruption-trigger mechanisms—institutional “traps” or early-warning indicators capable of revealing corrupt behaviour within both public and private sectors that interact with the State. These may include conflict-of-interest declarations, red-flag algorithms in procurement systems and anomalies in asset reporting.

*Third*, an effective balance between internal and external control mechanisms must be maintained. Internal control ensures the integrity of institutional processes within organizations, while external control—carried out by independent inspection bodies and audit institutions—guarantees impartial assessment. In

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administrative areas where comprehensive oversight is difficult, mechanisms of public control and civic monitoring should serve as compensatory safeguards of transparency.

*Fourth*, law enforcement agencies should perform the specialized function of detection and verification based on documented information, financial intelligence and legally obtained evidence, transforming raw data into prosecutable findings.

Together, these four interrelated pillars form a coherent national integrity system that allows for both preventive and reactive detection of corruption, ensuring accountability, transparency and sustainable governance.

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