

## INTRODUCTORY ARTICLE

**ANTI-CORRUPTION EXPERTISE OF LEGISLATIVE ACTS: YESTERDAY AND TODAY****Bobur SAIDBEKOV\***

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**Abstract:** *This article presents the concept of anti-corruption expertise of legal documents, its specific features, stages of development, and reflects on the achievements in this field.*

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One of the priorities of the reforms carried out in our country is the introduction of a system based on advanced international standards for preventing corruption and uncompromising fight against it.

For the last five years, **more than 80** legislative acts aimed at elimination of corruption factors in all sectors of the economy and social sphere have been adopted.

As a result, Uzbekistan improved its position in the index of **Transparency International** by **17 points** and in the **indicators of Control of Corruption at the Worldwide Governance Indicators** rating by **10 points**. Necessary conditions for effective implementation of public control in public administration were created; the accountability of officials to the population was established.

At the same time, it is impossible to eliminate the causes of corruption with a single tool or method. This requires comprehensive tools covering all sectors of public administration. **Anti-corruption expertise of legislative documents** is undoubtedly one of the **effective preventive measures** to prevent corruption.

In particular, article 19 of the Law of the Republic of Uzbekistan "On Combating Corruption", the organization of anti-corruption expertise of normative legal acts and their drafts is recognized as one of the measures aimed at preventing corruption in public authorities and administration.

According to the definition of the current legislation, anti-corruption expertise is a complex of measures aimed at identifying corruption factors in normative legal acts and their drafts, the development of

recommendations aimed at eliminating the identified corruption factors, and the adoption of appropriate measures.

Anti-corruption expertise of normative-legal acts in Uzbekistan was started in 2006, and the history of its formation can be divided into several periods, including the following:

In **2006-2009**, the Center for Economic Research, supported by the United Nations Development Program, carried out a number of studies based on the methods of anti-corruption expertise. These studies examined the issues of privatization, wholesale and retail trade, foreign trade operations, banking services, technical regulation, public procurement regulations and tax legislation.

In **2011**, the first steps were taken to create a legal framework for this activity – the Ministry of Justice developed a special methodology. On its basis in **2015**, the Methodology of anti-corruption expertise of normative legal acts and their projects was adopted (reg. No.2745, December 25, 2015).

It should be noted that during this period, the anti-corruption expertise of legislative documents was not conducted as an independent process, but as part of the legal expertise; types of corruptive factors were not fully covered, the expertise caused certain difficulties for persons who are not specialists in the field of law.

In **2021**, a new version of Article 25 of the Law "On normative legal acts" established strict norms for mandatory anti-corruption expertise of draft normative legal acts along with legal expertise. In the same year, an Order on approval of the Regulation on the Procedure for conducting anti-corruption expertise of normative legal acts and their drafts was adopted (Reg. No. 3287, February 24, 2021).

This Regulation includes a methodology of identifying corruption factors and a sample questionnaire – a checklist consisting of **23** items on various corruption factors in **4** areas. With the help of specific examples given for each factor, all persons can identify

the relevant anti-corruption norms in the acts of legislation.

Development of the system of anti-corruption expertise of legislative documents entered a **new** stage with the adoption of the Presidential Decree of November 22, 2021, No. PP-5263 "On measures to further improve the conduct of anti-corruption expertise of normative legal acts and their drafts".

Within the framework of the system introduced by this Decree, **for the first time** the practice of anti-corruption expert examination of existing legislative acts was launched. Thus, in 2021, the Ministry of Justice together with the relevant ministries and agencies conducted an anti-corruption expert examination of more than **800** legislative acts regulating the daily life of the **population and business entities**.

More than **650 corruptive factors** were identified in **224** of these documents (**28 percent**) and appropriate measures were developed to eliminate them.

In this connection, the above-mentioned decree of the Head of the State approved the **plan** of systematic continuation of work and anticorruption examination of **all existing legislative acts** (more than **21** thousand in all) until 2026. According to the schedule, only this year an anticorruption expert examination will be carried out for **more than 1800** legislative acts concerning social protection, banking and financial activity, entrepreneurship and customs affairs. All necessary measures for this are determined by the Decree № 140 of the Cabinet of Ministers of March 26, 2022 "On measures to conduct an anti-corruption expertise of normative legal acts in 2022.

The Ministry of Justice is tasked with **coordinating the activities of state bodies and organizations** in the field of anti-corruption expertise and **providing them with methodological support**.

In addition, based on the positive experience of foreign countries the legal basis for the wide involvement of the **public, scientific organizations** and **independent**

**experts** in the processes of anti-corruption expertise was created.

Henceforth, persons interested in this sphere can be included in the **Roster of experts on anti-corruption expertise of legislative acts and their drafts**, which is maintained by the Ministry of Justice, and can work as an independent or scientific expert. At the same time, their conclusions on anti-corruption expertise of legislative acts

will be considered by state bodies and organizations.

Summing up, we can say that today all the effective mechanisms of the system of anticorruption expertise of legislative acts and their drafts, based on the international standards aimed at preventing corruption and uncompromising fight against it, are implemented in our country.