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Problems of defining the concept of corruption and its content: A philosophical analysis

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Abstract---In this article, the author has tried to define the concept and essence of corruption as a special social phenomenon characterized by various levels and manifestations, consisting in the merging of the state and municipal apparatus with business, when official powers and position are used not in the public interest, but in personal or corporate interests, while receiving illegal remuneration is systematic and is the purpose of being in the state or municipal service. Corruption is a self-perpetuating phenomenon that exists within public life and has no national or territorial borders. This concept testifies to its imperfection and weakness and arises from the "bowels" of the state, the low legal culture of not only officials, but also society as a whole. After all, officials are a part of society. At the same time, corruption is one of the elements of the "legal" shadow life.

Keywords---the concept of corruption; the essence of corruption; signs of corruption; corruption lobbying; corruption in the criminal law understanding.

Introduction

Since ancient times, corruption has existed in human society, thereby creating a barrier to rapid development. It has a negative economic development and, above all, corrodes the social infrastructure of the state. In the modern period, the topic of combating corruption is a hot topic at the moment and is in the focus of scientific of the scientific community of Uzbekistan. But it is worth noting that studying the problem of corruption is impossible without defining its concept and essence.

This social phenomenon, to this day, does not have a uniform definition and it forms a complicated process of perception of corruption. What people should understand by corruption? It is worth noting that the views of foreign and national scientists in defining corruption differ significantly.

The concept of "corruption" comes from the Latin "corruption" - bribery, which means "destruction" or "violation," and is derived from a combination of the Latin words "corei", "several parties in a compulsory legal relationship over a single subject in dispute" and "rumpere" - "to violate something" in order to gain an advantage.

According to foreign authors, the shortest definition of corruption is defined by G. Senturius as "the abuse of public power for private gain power for private benefit[1]". This definition does not fully disclose the nature of corruption, but nevertheless it covers the main features of corruption crimes.

Among foreign scholars, G. Myrdal and S. Rose-Ackerman noted the concealed, clandestine nature of corruption is an important characteristic. What is not hidden from the public eye and is permissible from the what is not hidden from the public eye and is acceptable from the society's point of view has nothing to do with corruption.

Scholars and specialists of criminal law in Uzbekistan also give their definitions of corruption.

From the criminological and socio-legal point of view corruption is one of the forms of From the criminological as well as socio-legal point of view corruption is one of the forms of organized crime.

The purpose of committing these crimes is not only material enrichment, but also the desire for power. Corruption is a social phenomenon characterised by the use of by state and other civil servants of their official duties of their official authorities as well as privileges and opportunities related to them for personal or group, corporate interests[2]". -Corruption is a set of corruption is a set of socially dangerous acts (liability for these acts is provided for in corruption is a set of socially dangerous acts (and the liability for such acts is provided for in the relevant articles of the Criminal Code) committed by persons authorised to carry out tasks of state importance or persons equated to them with Using their official powers or related powers for personal gain or other personal benefit[3]". Corruption as a phenomenon has been familiar to people since ancient times. It is not one of the oldest, but it is also not a relatively young phenomenon of social reality. For about seven centuries, history has taught us that in the course of civilization mankind has been quite successful in fighting this evil. But even at the beginning of the third millennium, we humans have not yet succeeded in.

Since ancient times, power and corruption have been inseparable. Throughout history, corruption has evolved in parallel with the evolution of the state. While at the dawn of statehood, paying a priest, leader or warlord for personal recourse to their assistance was considered a universal norm, later, as the state apparatus became more complex, professional officials began to receive only a fixed income officially - which meant that bribes moved into the realm of the shadow economy.

The first mention of corruption (and, accordingly, the fight against it) can be attributed to the second half of the 24th century BC, when Urukagina, the king of the ancient Sumerian city of Lagash in modern Iraq, reformed the state

administration in order to curb numerous abuses of his officials and judges. However, the fight against corruption in the ancient world usually did not bring the desired results, especially in the eastern despotisms. According to the author of the ancient Indian treatise Arthashastra[4], "it is easier to guess the way of the birds in the sky than the tricks of cunning officials. Corruption reached its apogee during the decadence of antiquity in the Roman Empire and became one of the reasons of its collapse. The word "corruption" has its Latin origin; *corrumpere* means "to corrupt, to spoil, to damage".

The world was changing and so was the scale of corruption. Globalisation and the development of the world economy have enabled corruption to spread internationally and become one of the most widespread and dangerous phenomena[5].

The definitions of corruption considered allow us to conclude that the following:

- I. Having analyzed the existing definitions of corruption, set forth both in international legislation and in the national legal system, we come to the conclusion that there is no universally accepted definition of corruption does not really exist;
- II. The analysis of the definitions given above allows us to identify the analysis of the above definitions allows us to identify the features of corruption that must be reflected in the national national legislation. The main signs are: the social essence of corruption (Example: degradation of power), normative nature of acts of corruption (Example: Prohibited by norms of law), selfish the normative nature of acts of corruption (Example: prohibited by the rules of law) and selfish motivation of their action;
- III. The structure of acts of corruption includes not only the structure of acts of corruption includes not only crimes of corruption but also other types of offences (such as the structure of acts of corruption includes not only crimes of corruption but also offences (administrative, disciplinary, civil law), which contributes to the the structure of acts of corruption includes not only crimes of corruption, but also offences (administrative, disciplinary, civil and legal) that facilitate criminal law's implementation of the maximum criminalization of In a preventive sense, to form an effective system of anti-corruption policy an effective system of anti-corruption policy of the state;
- IV. The above-mentioned international legal documents refer to Corruption is defined in the above-mentioned international legal documents as abuse of authority in connection with the above-mentioned international legal documents refer to corruption as selfish abuse of power in state, municipal and private spheres, different forms of bribery and corruption of public officials who perform managerial functions, as well as illegal actions of such persons in own interests in connection with the exercise of their powers.

Further, the author proposes to study the existing types and forms in which it is manifested, which in turn will make it possible to determine the scale of this phenomenon and to identify the areas most susceptible to corruption.

The History Of Corruption

If we look at the origins of corruption in a society, we should probably look for it in the primitive society. Probably, they are related to pagan beliefs: our ancestors, totally dependent on the forces of nature, tried to placate the gods that personified these forces. People made sacrifices to them, which were, in fact, peculiar gifts. As the society developed and the first cult servants appeared: shamans, sorcerers, healers, etc., "close to gods", they also began to make gifts and offerings to them in order to win favor of the gods themselves through them.

The first ruler mentioned as a fighter against corruption was Urukagina, the Sumerian king of the city-state of Lagash in the second half of the twenty-fourth century B.C. Despite exemplary and often severe punishments for corruption, the fight against it did not lead to the desired results. At best, the most dangerous crimes were prevented, but at the level of petty embezzlement and bribes, corruption was widespread. The first treatise discussing corruption - "Arthashastra" - was published under the pseudonym of Kautilya, a minister of Bharata (India) in IV century B.C. In the pessimistic conclusion he made: "the king's property could not be misappropriated, however small, by those who were in charge of it".

Corruption is mentioned and condemned in all leading religions of the world. It is confirmed by the Bible and the Koran: "You shall not receive gifts, for gifts make the blind blind and turn the matter right" (Exodus 23:8, see also Deuteronomy 16:19); "You shall not misappropriate each other's property and shall not bribe judges to deliberately appropriate part of other people's property" (Koran 2:188), etc.

However, starting from the end of the 18th century, the public attitude towards corruption in the West changed. The liberal changes took place under the slogan that state power exists for the benefit of the people subject to it and, therefore, subjects support the government in exchange for strict compliance with the laws by officials. In particular, under the U.S. Constitution adopted in 1787, bribery is one of the two explicitly mentioned crimes for which the President of the United States can be impeached. Society began to have more and more influence on the quality of the state apparatus. As political parties and government regulation have grown stronger, episodes of collusion between political elites and big business have become a growing concern. Nevertheless, objectively, the level of corruption in developed countries during the 19th-20th centuries has decreased considerably as compared to the rest of the world.

In the second half of the twentieth century, corruption increasingly began to become an international problem. Bribery of high officials abroad by corporations became a mass phenomenon. Globalisation has made corruption in one country have a negative impact on the development of many countries. At the same time, the countries with the highest levels of corruption were no longer limited to the Third World: liberalization in the former socialist countries of the 1990s was accompanied by blatant official abuse. In its December 31, 1995 issue, the Financial Times declared 1995 as the "year of corruption". The UN established the

International Anti-Corruption Day (December 9) to promote knowledge about corruption.

Types and Forms of Corruption

Depending on the chosen basis, corrupt practices may be depending on the chosen basis, corruption can be divided into bureaucratic and political corruption; coercive and concerted, centralized and decentralized[6], purely criminal, mainly of economic nature, and political, which are in turn divided into deviant behaviour and criminal behavior[7].

A more complex classification is provided by Johnston who identifies several types of corruption: bribes to officials in commerce (for selling illegally produced goods, overstating the quality of goods, etc. The following types of corruption are distinguished by Johnston: bribery of officials in trade (sale of illegally produced goods, sale of high quality goods, etc.); relations in patronage systems, including patronage based on relationships in patronage systems, including patronage based on fellow countrymen, kinship, and party principles (a phenomenon described by M. Weber and later by R. Merton); friendship and nepotism; and the so-called the so-called "crisis corruption" conditioned by the fact that entrepreneurs are forced to operate under the conditions of extreme risk are forced to work under the conditions of extreme risk when government decisions of the government may lead to significant changes for the business, and therefore, these decisions decisions of state authorities may result in significant changes in business; therefore, such decisions are subject to trading[8].

Ya. Kuzminov distinguishes between corruption in the broad and narrow sense. The first Corruption in the narrow sense is associated with the violation by an official of his duties for the sake of the second relates to bribery and bureaucratic entrepreneurship[9].

From the point of view of classifying corruption, the list of criminal offences of corruption contained in the. In terms of classifying corruption, it is interesting to look at the list of criminal corruption offences contained in the United Nations Convention against Corruption[10].

- bribery of domestic public officials; Bribery of foreign public officials and officials of public international organizations;
- the embezzlement, misappropriation or other diversion property by a public official;
- trading in influence - promising, offering or giving to a public official or any to a public official or any other person, whether in person or through intermediaries, any undue advantage in order that the public official or such other person abuse his or her actual or supposed influence in order to for the purpose of obtaining from an administration or public authority of the State any undue advantage to the original initiator of such action or any other person;
- extortion or acceptance by a public official or any other person, personally or through intermediaries, of any undue advantage, for himself or herself or for another person, in order that the public official or such other person in

order that the public official or such other person abuse his or her actual or supposed influence in order to obtain from administration or a public authority of the state any undue advantage;

- abuse of office - the commission of an act or omission, in violation of law, by a public the act or omission of a public official in the performance of his or her functions for the purpose of obtaining the term "abuse of functions" means the commission of an act or omission by a public official in the exercise of his or her functions for the purpose of obtaining an undue advantage for himself or herself or another person or entity;

- illicit enrichment - a significant increase in the assets of a public official in excess of his or her lawful income, which he or she cannot reasonably justify;

- bribery in the private sector - promising, offering, or giving, personally or through intermediaries, of any undue advantage to any person who directs the operation of a private or works, in any capacity, for such organization, for the such person or another person, in order that that person perform, in breach of of his duties, any act or omission;

Based on the existing approaches to the classification of corruption, the author the author considers it appropriate to analyze the most common types of corruption as political corruption and economic corruption.

It can be concluded from the existing political practice that political corruption is of particular importance in it, since it is directly related to the exercise of power at all levels - from an individual society to international relations and at the same time covers all spheres of modern society.

The signs of political corruption are:

- a) Absence of obvious wrongdoing;
- b) Aiming to seize, maintain, strengthen and distribute power, both by individuals and their groups (parties, other stable communities);
- c) the use of both state and public resources to achieve these goals, state and public resources.

Causes of corruption

The author allows himself to disagree with the opinion of the head of state. Lack of respect for the law is just one of the factors behind the growth of corruption in Russia. There are many reasons for it, and we will try to consider both the primary and secondary ones. What are the roots of corruption?

Some researchers have given a concise and witty answer to this question. One of the first to do so was Professor Robert Klitgaard, the creator of the famous "corruption formula" $C = M + P - O$, Where C is corruption, M is monopoly power, P is arbitrary decision-making and O is responsibility.

In other words, corruption is determined by the degree of monopoly power and the right to make arbitrary decisions, given to government officials, and also the measure of their responsibility for their actions.

Another, no less interesting model of corruption [12] looks like this where I is country, t is year. A similar formula is used to calculate indices such as CPI (Corruption Perception Index) in Transparency International or WGI (Worldwide Governance Indicators) in the World Bank.

Let us analyze the formula

- 1) First, the higher the level of economic well-being (GDP per capita), the lower the propensity of officials to resort to illegal methods of profit making, the stricter the anti-corruption measures and the stronger the civil society.
- 2) Secondly, the more developed democracy is, the greater the risk that an official will lose his or her position and the greater the opportunities for the authorities to fight corruption.
- 3) Thirdly, the development of the judicial system also prevents the expansion of corrupt processes.
- 4) Fourth, the larger and more complex the bureaucracy, the more opportunities for corruption. The centralization of the state plays an important role: in most strictly centralized empires corruption reached unimaginable proportions, as in the Roman and Byzantine empires. On the other hand, not all experts are inclined to consider decentralization as a guarantee of low corruption.

Methods of combating corruption

There are so many works written on this topic that it is difficult to identify any definite "recipes" against corruption, especially since the package of measures to combat this phenomenon depends primarily on the specifics of the country (remember the model of corruption given in Chapter 2) - its level of economic well-being, institutional, historical, geographic, and cultural factors. The author considers it advisable to give examples of successful anti-corruption strategies - and to learn some lessons from them.

I. Singapore strategy. After gaining independence in 1965, Singapore had one of the highest levels of corruption in the world. The following steps have been taken to combat corruption:

Strict regulation of officials' actions, simplification of bureaucratic procedures, severe oversight of high ethical standards

An autonomous (!) Corruption Investigation Bureau (CPIB) was created. Its main functions are:

1. receive and investigate complaints containing allegations of corruption in the public and private spheres;
2. investigate cases of negligence and carelessness committed by public servants;
3. to examine the activities and operations carried out by civil servants in order to minimize the possibility of corrupt practices.

Legislation has been tightened, the independence of the judiciary has been increased (with high salaries and the privileged status of judges), economic sanctions have been introduced for paying bribes or refusing to participate in anti-corruption investigations, and harsh actions have been taken, up to and including the layoff of customs and other civil servants.

Deregulation of the economy Raising of officials' salaries and training of qualified administrative staff. It is noteworthy that corrupt officials, in addition to executing the usual court verdict, are required to reimburse the value of the bribe received. For those who are unable to make full repayment, a stricter court sentence is imposed. If the accused in the corrupt relations has already died, his

Conclusion

At the same time there is also passive bribery, which is defined as the solicitation the public official must not be held liable for the payment of any undue the public official shall not be liable for the payment of any undue advantage in order that he or she perform any act or omission in the performance of his or her official duties. In its essence, bribery is one of the various forms of is inherently one of the various forms of corruption and refers to the most widespread and well-known form of corruption, which bribery - giving and taking bribes or payoffs, i.e. giving or receiving an unlawful advantage.

Despite the fact that corruption is often compared to the hydra, there are quite effective methods of combating this phenomenon, as successfully evidenced by world practice. Not to fight corruption is to support it, and given the devastating consequences of such inaction in all spheres of society, the problem of countering this "internal enemy" is in any state. That is why it is so important to study the causes of corruption - after all, it is necessary to fight not only the weed itself, but also its seeds. By understanding what corruption is, by studying the phenomenon and the experience of other countries in resisting it, we gain knowledge, and knowledge, as you know, is power. The main thing is that this power must be used, and not only political will is needed for that, but also the support of the whole society. Otherwise, the battle against corruption will be lost.

Bribery should be understood as any actions of the subject of a corruption offence, the subject of which is a bribe. It would be advisable to include in this form It would be appropriate to refer to this form of bribery as a kickback, which, in fact, represents the same illegal payment in the form of a certain percentage of the transaction.

It would be appropriate to include in this form such a form of bribe as a kickback, which, in fact, represents the same illegal payment in the form of a certain percentage of the transaction, the execution of which was facilitated by an interested official. At It should be noted that the main difference between a kickback and a bribe is that The main difference between a kickback and a bribe is that the kickback does not result in an interest in solving a particular issue in the course of a transaction, for example, but in its full successful implementation.

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