- THE CONSTITUTIONAL AND LEGAL FRAMEWORK FOR COUNTERING CORRUPTION IN THE REPUBLIC OF UZBEKISTAN: ANALYSIS OF REFORMS AND IMPLEMENTATION

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https://doi.org/10.5281/zenodo.17490837

ARTICLE INFO

Received: 28th October 2025
Accepted: 29th October 2025
Online: 30th October 2025

KEYWORDS

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ABSTRACT

Corruption poses a significant threat to sustainable development, national security, public trust, and the effective functioning of state institutions. For the Republic of Uzbekistan, which is currently engaged in a period of ambitious systemic modernization and state-building, establishing a robust and effective anti-corruption framework is a cornerstone of its national strategy. This paper provides a comprehensive analysis of the constitutional and legal foundations established to counter corruption in Uzbekistan

The **primary objective** of this research is to critically evaluate the existing legal architecture, identifying its core components, institutional mechanisms, and the evolution of this framework, particularly in light of recent constitutional reforms. The research seeks to answer: To what extent do Uzbekistan's constitutional provisions and legislative acts provide a sufficient basis for preventing, detecting, and prosecuting corruption?

The **methodology** employed is a qualitative, normative-legal analysis (formal-dogmatic method) of primary legal sources. This includes a systematic review of the Constitution of the Republic of Uzbekistan, the Law "On Countering Corruption", and relevant presidential decrees and national strategy documents. This domestic legal analysis is supplemented by a review of contemporary legal scholarship and comparative analysis with international standards and best practices, such as those prescribed by the UN Convention Against Corruption (UNCAC).

The **key findings** indicate that Uzbekistan has developed a sophisticated *de jure* framework. This includes the institutionalization of a specialized body (the Anti-Corruption Agency), the codification of principles of transparency and accountability, and the establishment of legal obligations for public servants. The paper argues that while the legislative foundation is comprehensive, significant challenges remain in the *de facto* implementation and enforcement of these norms. A critical gap often exists between the adopted legislation and its practical application, highlighting issues in judicial independence, parliamentary oversight, and the active role of civil society.

This study **concludes** that the long-term effectiveness of Uzbekistan's anti-corruption strategy is contingent not only on the legal text but also on fostering a culture of integrity, strengthening independent oversight institutions, and ensuring the consistent and impartial application of sanctions. This research contributes to the broader academic discourse on legal and constitutional reform in transitional states, offering specific recommendations for enhancing the mechanisms for combating corruption in Uzbekistan.

Keywords: Corruption, Anti-Corruption, Constitutional Law, Legal Framework, Republic of Uzbekistan, Rule of Law, Good Governance, Public Administration, Anti-Corruption Agency.

1. Introduction

Corruption remains one of the most persistent and systemic challenges to global governance, undermining the rule of law, impeding economic development, and eroding public trust in state institutions [8]. For the Republic of Uzbekistan, currently navigating a period of profound socio-economic and political transformation under the "New Uzbekistan" reforms and the "Strategy Uzbekistan – 2030" [5], establishing an effective anti-corruption framework is not merely a legal formality but a fundamental prerequisite for sustainable development.

In recent years, Uzbekistan has demonstrated significant political will to address this challenge. This commitment has been operationalized through the adoption of the foundational Law "On Countering Corruption" [4], the establishment of a specialized Anti-Corruption Agency (ACA), and a comprehensive modernization of its constitutional order [1].

However, a significant gap often persists between *de jure* legal frameworks and the *de facto* realities of their implementation [7]. This paper provides a critical analysis of the constitutional and legal foundations of Uzbekistan's anti-corruption system. The primary objective is to evaluate the coherence of this legal architecture, its alignment with international standards, and the principal challenges that inhibit its effective enforcement.

2. Methodology

This study employs a qualitative, normative-legal (formal-dogmatic) research methodology. The primary objects of analysis are the key legal instruments governing anti-corruption policy in Uzbekistan. This includes a textual and systemic analysis of the 2023 Constitution [1], the 2017 Law "On Countering Corruption" [4], and related legislative acts concerning the civil service, public procurement, and public control.

The secondary analysis incorporates a review of contemporary legal scholarship [2, 6] and monitoring reports from international bodies, including the Organisation for Economic Co-operation and Development (OECD) [3]. The domestic legal framework is assessed against the international benchmarks and best practices articulated in the United Nations Convention Against Corruption (UNCAC), to which Uzbekistan is a party [8].

3. Analysis of the Constitutional and Legal Framework

Uzbekistan's anti-corruption architecture is structured around three core pillars: constitutional principles, specific legislation, and a dedicated institutional body.

3.1. Constitutional Foundations (Post-2023 Reforms)

The 2023 Constitution of the Republic of Uzbekistan provides the supreme normative basis for anti-corruption efforts. While it may not explicitly detail operational anti-corruption mechanisms, it enshrines the essential, underlying principles necessary for their success [6]. These include:

- Supremacy of Law: Reinforcing the principle that all state bodies, officials, and citizens are equal before the law.

- Transparency and Openness: The Constitution mandates the openness (oshkoralik) of state bodies and creates a public right to access information.
- Accountability of the State: It establishes the state's accountability to its citizens and strengthens the separation of powers, particularly enhancing the oversight functions of the Oliy Majlis (Parliament).
- Judicial Independence: It introduces stronger guarantees for an independent judiciary, which is the ultimate arbiter in the prosecution of corruption offences.

3.2. The Legislative Architecture

The centerpiece of the legal framework is the Law "On Countering Corruption" (2017). This law moves beyond mere criminalization and adopts a modern, preventative approach [4]. It codifies core principles such as legality, priority of preventative measures, and the inevitability of responsibility. Preventative Mechanisms mandates anti-corruption expertise for all draft legislation, establishes rules for conflicts of interest, and introduces financial controls (including the subsequent, phased introduction of asset and income declarations for public servants). The law explicitly provides for the role of media and civil society in anti-corruption efforts, reinforcing the legal basis for public control.

This foundational law is supported by a corpus of related legislation, including the Law "On Public Procurement," the Law "On the State Civil Service," and the Law "On Public Control."

3.3. The Institutional Mandate: The Anti-Corruption Agency

A significant institutional reform was the establishment of the Anti-Corruption Agency (ACA) in 2020. The ACA serves as the primary authorized state body responsible for coordinating and implementing state anti-corruption policy [2]. Its mandate is primarily preventative: it conducts systemic analysis, develops state programs, conducts anti-corruption audits of state agencies, and promotes legal awareness. It is crucial to note that the ACA does not possess full prosecutorial powers itself; rather, it refers identified cases of corruption to the Prosecutor General's Office for investigation.

4. Key Challenges and the Implementation Gap

Despite this comprehensive *de jure* framework, Uzbekistan's progress in tangible anti-corruption outcomes faces significant hurdles, as reflected in its modest position on the Corruption Perceptions Index [7]. The primary challenges have shifted from legal drafting to practical implementation. The operational independence of the ACA remains a subject of academic and international debate [3]. Its status and reporting structure can create ambiguities regarding its capacity to investigate high-level or politically connected corruption without external influence. Its lack of direct prosecutorial power, while intended to separate prevention from punishment, can also create bureaucratic delays in enforcement. The system for asset and income declarations, a cornerstone of modern anti-corruption policy, has been implemented in phases. Its effectiveness is contingent on two factors: comprehensive verification and public accessibility. Currently, the system lacks the full public transparency seen in other jurisdictions, limiting its utility as a tool for public accountability. While the Law "On Public Control" provides a legal basis for oversight, the *de facto* environment for investigative journalism and independent civil society organizations (CSOs) remains constrained. Effective anti-corruption requires a "whole-of-society" approach, where independent actors can safely and effectively expose wrongdoing [3].

5. Conclusion

The Republic of Uzbekistan has made undeniable and commendable progress in constructing a modern constitutional and legal framework to combat corruption, aligning its national legislation with key international standards like the UNCAC [8]. The 2023 Constitution [1] and the 2017 Law "On Countering Corruption" [4] provide a solid normative foundation for this fight.

The central thesis of this analysis is that the primary challenge is no longer one of legal gaps but of effective, impartial, and transparent implementation. The state's political will, codified in "Strategy Uzbekistan – 2030" [5], must now be translated into consistent enforcement.

Future success will depend on strengthening the genuine operational and financial independence of oversight bodies like the ACA, enhancing the transparency of public finances and asset declarations, and fostering a genuine, rather than formalistic, environment for public control by media and civil society. Future empirical research should focus on the prosecutorial outcomes of cases initiated by the ACA to measure the tangible impact of these reforms on the rule of law.

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