

# A RETROSPECTIVE ANALYSIS OF THE LEGISLATION DEVELOPMENT AND THE MODERN STATE OF CORRUPTION IN THE KYRGYZ REPUBLIC THE LEGISLATION IN THE CORRUPTION FIELD (ACCORDING TO KYRGYZ REPUBLIC MATERIALS)

**AIGANYSH ISRAILOVA**

(ORCID: 0000-0002-5224-5187), Ph.D. in Economics and Management, Department of Economics at the Faculty on Economics and Management, Czech University of Life Science, Prague.

The author's scientific interest lies in the determination of corruption, its types and its causes. The author is interested in the economic consequences of corruption's growth and the results of the measures of general and private corruption prevention, particularly for the CIS countries, and their steps in fighting this social phenomenon.

**For the correspondence:** 129, Kamýcká St., 165 00 Praha-Suchdol, Prague, Czech Republic; tel. +420775635751; e-mail: israilova79@mail.ru

## ***Abstract***

*Corruption is a social phenomenon that prevalence represents a colossal scale and has negative consequences such as economic and political instability. It destructs the normal regulation in healthcare, education, and justice. Corruption is one of the negative manifestations in society and affects both the Kyrgyz Republic and many countries of the world. In order to successfully combat corruption, national legislation, as well as international regulatory legal acts, are improved every year. In this article, the author considers the relevance of the study of corruption, analyzes it in a historical aspect (in the Soviet and post-Soviet periods). Retrospective analysis helps to reveal the current state and the problem's causes. The normative legal acts adopted in the Kyrgyz Republic on combating corruption are given, and the United Nations Convention against Corruption is also mentioned. In conclusion, the author proposes the improvement of legal work in the field of combating corruption.*

**Keywords:** corruption; Republic of Kyrgyzstan; corrupt practices; giving a bribe; normative legal acts; Criminal Law.

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### 1. Introduction

Corruption in the twenty-first century has become a pressing problem in the legal and social mainstream of the world community.

For three decades, the Kyrgyz Republic has set itself the goal of solving problems and eliminating crimes, with detrimental consequences, namely the fight against corruption.

Corruption, being a crime that does not have the highest number of its commission, has a place to be in every layer of society. This is due to its high latency.

As experts rightly noted, the alarming political situation, the constant change of power, the unspoken decisions made by officials, the ongoing personnel work in the form of "their own team",

when kinship, nepotism, acquaintance, etc. are taken into account when selecting officials for senior positions, create soil for corruption at the top.

Sydykova and Sulaimanova (2018) note: ‘the moment of suppression of nepotism, family relations (gudaçylyk), favoritism, epitism in the state sector is very important. It is necessary to lay down a more specific mechanism. So, that public positions is not inherited or patronized.’

The system of placing personnel in law enforcement agencies is carried out through corrupt ways, which determines corruption in advance when candidates get jobs through the monetary rewards (Nasyrov, 2018).

Officials behind the key authorities, knowing about the temporary stay of power, try to cash in on the short term of their activities. Such behavior of many officials began to be perceived by the ordinary population as ordinary things since it is not easy to bring illegally enriched officials to justice, because they, being corrupt, are themselves at the head of the country's anti-corruption policy (Baihubatova and Sarmanova, 2018).

So, as history shows, the cause of two big revolutions that took place in the country (2005 and 2010) was corruption. Tired of the people of corruption, the authorities had no other choice but to expel the presidents, who during the reign could not eradicate corruption, despite the fact that they were entrusted with the main task to fight against corruption.

As practice shows, the existence of corruption in the upper echelons of power is fraught with the fact that it spreads its roots in the lower rungs of government. Thus, corruption as a social phenomenon exists in such important areas as healthcare, education, justice. In addition, in certain sources, corruption in the parliament, in the sphere of public administration, as well as in enterprises is singled out, dividing it also into grassroots and top (Tursunova and Sayakbaev, 2018).

In order to counteract corruption, Kyrgyzstan has been tirelessly fighting the causes of its growth for three decades. The country's first steps were the adoption of international treaties to combat corruption and to pursue an anti-corruption policy.

Kyrgyzstan as a member of the United Nations at the forefront with other countries participates in many anti-corruption programs. Such an important role in combating corruption is assigned in order to stabilize the country's economy and politics.

Starting from 2014, after the entry of the Kyrgyz Republic into the Eurasian Economic Union, a new stage of the intensified fight against corruption began. Golovina (2018) notes ‘the reduction of trade barriers, which has become an integral part of the process of globalization and the free movement of goods, people and money associated with it, creates all over the world new incentives and means for corruption, which has such a devastating effect on the economy, especially in developing countries.’

Considering the danger of corruption, which leads to the property stratification of the population, distorting the structure of society, its study is very important (Sydykova and Sulaimanova, 2018). And also, in connection with constantly occurring new events, corruption remains an acute problem of society. Of course, many scientific works devoted to its elimination have been written among domestic scientists. However, today there is a need for a comprehensive study of the legislation of the Kyrgyz Republic in the field of corruption.

## **2. A retrospective analysis of the development of Criminal Liability for committing corruption under the legislation of the Kyrgyz Republic**

The current state of corruption in the Kyrgyz Republic should begin with a review of a retrospective analysis. Since it is a historical analysis that gives the right to assess the extent, prevalence, and danger of this disease at present. Consider corruption in the Kyrgyz Republic in the Soviet and post-Soviet periods.

**Soviet period.** In the ‘Criminal Law of the Kirghiz SSR’ (29 Dec., 1960), which applied to all states that were part of the Soviet Union, the norm specifically devoted to corruption was not considered. This can be explained by the fact that at that time, the use of the term corruption did not exist, instead, there were such terms as bribery, bribery, abuse of office, etc. Articles 180 and 181 of the ‘Criminal Law of the Kirghiz SSR’ were devoted to the norms for receiving and giving bribes. Within the framework of these norms, the legislator once considered acts of corruption.

These norms were contained in the seventh chapter under the title ‘Official Crimes’. Along with the above articles, the legislator considered such acts as: abuse of power or official position (art. 177);

illegal use of one's official position in the course of privatization, tax, customs, or licensing activities (art. 177-1); refusal or delay in the issuance of a license (art. 177-2); refusal or delay in registration of an enterprise (art. 177-3); exceeding power or official authority (art. 178); negligence (art. 179); official forgery (art. 182).

Under the bribe, the legislator proposed to understand the following ‘the receipt by an official personally or through intermediaries in any form of a bribe for the performance or non-performance in the interests of the bribe giver of any action that the official should or could have performed using his official position.’ The concept of the term giving a bribe was not given.

Liability for taking a bribe was punishable by imprisonment for a term of ten to fifteen years with confiscation of property. Giving a bribe was also punishable by imprisonment from three to fifteen years with or without confiscation of property. For the commission of an act under parts 1 and 2 of article 180 in the form of taking a bribe by an official in a responsible position, with aggravating circumstances, the punishment was the death penalty.

According to the measures of punishment, in Soviet times, such terms for the application of punishment were classified as especially serious crimes. But, despite the tough measures taken, taking and giving a bribe was committed, like many other acts (we will give statistical data below when considering the current state). The establishment of such penalties may have had a deterrent to the growth of bribery crime.

The repressive approach of determining such harsh penalties was aimed at combating the consequences of acts of corruption. According to domestic scientists Tursunov and Sayakbaev (2018), a combination of repressive measures aimed at combating corruption was the vector of a new development of anti-corruption policy.

Based on the foregoing, it can be concluded that the criminal legislation of the Kyrgyz SSR did not apply the concept of corruption, norms 180 and 181, receiving and giving a bribe were considered ‘acts of corruption’. The fight against corruption had its own specific features at that time. Corruption was not a social disease. It did not have a large scale of prevalence; it was not recognized as a phenomenon in official sources. Only in 1962 did the first mention of the fight against bribery, theft of the common good of the people appear.

The exposure of corruption was hampered by the immunity of top party officials of the time. Only towards the end of the eighties did the first high-profile cases of bribery begin to appear. This was facilitated by the relaxation of the economic sphere of activity of the Soviet Union with its subsequent collapse.

**Post-Soviet Time.** By the beginning of the 1990s, after the collapse of the Soviet Union, many countries, including Kyrgyzstan, were left alone in the fight against corruption. In turn, the independent Kyrgyz Republic (1992) for the first time adopted the Decree of the President ‘On measures to organize the fight against corruption in the civil service of the Kyrgyz Republic’ (No. 388) began to fight corruption.

First of all, the struggle was aimed at the activities of commercial structures: any illegal acts in the commercial sphere were stopped. Civil servants were forbidden to engage in entrepreneurial activities. In order to strengthen the in-depth fight against economic activities and corruption, the Department for Combating Economic Crime and Corruption was established under the Ministry of Internal Affairs of the Kyrgyz Republic. As an incentive for anti-corruption officers, an additional payment (30%) of the amount reimbursed to the state was organized.

The main moment in the fight against corruption was the adoption of the Criminal Code of the Kyrgyz Republic (1997). It provided for Article 303 ‘Corruption’ which was contained in Chapter Thirty, titled ‘Official Crimes’. This chapter, along with corruption, considered such acts as: abuse of official position (art. 304); carrying out illegal inspections by an official of the state regulatory body (art. 304-1); abuse of official powers (art. 305); torture (art. 305-1); violation of the land legislation of the Kyrgyz Republic (art. 305-2); conclusion of a contract, implementation of public procurement contrary to the interests of the Kyrgyz Republic (art. 306); illegal use of one's official position in the course of privatization, tax, customs, or licensing activities (art. 307); illegal use of budgetary funds (art. 308); illegal participation in entrepreneurial activity (art. 309); bribe-reward (art. 310); bribe-bribery (art. 311); receiving a bribe for providing a position (art. 312); extortion of a bribe (art. 313); giving a bribe (art. 314); official forgery (art. 315); negligence (art. 316).

As can be seen from the above, the legislator at this point determines the place and role of corruption in criminal law, along with corruption, puts new types of acts of corruption manifestation with their detailed differentiation and a broad classification.

However, the inexperience of practical law enforcement officials and the judiciary in cases related to corruption did not give good results in the fight. This is evidenced by the following statistics (Table 1).

On the one hand, if crimes in the field of corruption could have such data in reality, then the country could be proud of its success in the fight against corruption. However, the picture that existed, in reality, looked different. The reason for the lack of detection of crimes in the field of corruption is, first of all, its high latency, and secondly, the corruption of the strictly state bodies.

This was evidenced by a survey of independent respondents conducted in 2005-2010. So, according to a survey of 200 respondents aged 16 to 65, the following indicators were given. When asked, have you ever encountered corruption in dealing with any issues? - 72% of respondents answered in the affirmative, 25% found it difficult to answer. 81% of the respondents spoke positively about the existence of corruption in state structures.

To improve the fight against corruption Zhogorku Kenesh of the Kyrgyz Republic issued a regulation on the fight against corruption, organized crime, and the shadow illegal economy (21 Feb. 2001). This step is considered one of the first attempts to tighten the measures taken on corruption by the government of the country.

In general, the picture was not the best not only in the Kyrgyz Republic, but many independent young countries of the former Soviet Union also tried to introduce an intensified fight against corruption. In order to achieve a successful solution, the United Nations adopted the Convention against corruption (2003).

The Kyrgyz Republic ratified this Convention by the Law of the Kyrgyz Republic (6 Aug. 2005; No. 128). The adoption of such an important normative legal document of an international nature had its positive aspects and gave impetus to the development of further strengthening the fight against corruption. In this connection, the country created a special agency for the prevention of corruption. From 2005 to 2017, some important regulatory legal acts were adopted in the country to combat corruption (Table 2).

One of the important regulatory legal acts for this period from 2005 to 2017 was the following.

Adoption of the new Law of the Kyrgyz Republic 'On Combating Corruption' (8 Aug. 2012; No. 153). This law considers general concepts, the legal nature of corruption, fight corruption, their functional duties, etc. It should be noted, this law, being the main regulatory legal act on combating corruption, does not contain the main points such as:

- responsibility for the result of the ongoing work to combat corruption (in order to prevent concealment of corruption schemes);
- the mechanism of ongoing anti-corruption work;
- the relationship of functions between state bodies (legislative and executive power) in the formation of legal and organizational measures.

According to Islamova (2016), the cause of corruption is the imperfection of legislation along with economic instability, the inefficiency of public authorities. The imperfection of laws lay the foundation for the corrupt behavior of civil servants.

### **3. Introduction of new criminal legislation**

Undoubtedly, the anti-corruption reforms carried out by the Kyrgyz Republic show a lot of adopted normative documents on the fight against corruption, but the absence of a political and legal multifunctional concept that would contain the real state of the corruption potential of the population, there are no actual countermeasures taken by the authorities.

The criminal legislation of the Kyrgyz Republic of 2017 begins a new countdown in the fight against corruption.

By the newly adopted criminal legislation of the Kyrgyz Republic, corruption is provided for in Chapter 44 under the title 'Corruption and other crimes against the interests of the state and municipal service'. This chapter considers thirteen norms relating to different types of corruption and other types of acts. Thus, Table 3 shows the titles of articles on the fight against corruption.

Based on the content of this chapter, I would like to note that, in our opinion, the legislator correctly identified the title of the chapter by including the main word ‘corruption crimes’ there, which was not provided earlier. However, it raises the question of crimes against the interests of the state and municipal service.

Since, according to the general concept of articles as corruption (Article 319); taking a bribe (art. 325); extortion of a bribe (art. 326); mediation in bribery (art. 327); giving a bribe (art. 328) implies intentional actions of a person aimed at illegally obtaining material benefits or advantages, or committing other intentional actions to please themselves using a certain means, in turn, such acts as abuse of official position (320); excess of power (art. 321); the conclusion of a knowingly unprofitable contract (art 322); illegal enrichment (art. 323); illegal participation of an official in entrepreneurial activity (art. 324); official forgery (art. 329); illegal issuance of a passport (art. 330); negligence (art. 331) is the use by a person of his official or other position.

Based on the Criminal Legislation (1960 or 1997), taking a bribe, bribery, corruption were considered under the same chapter, but were named ‘Official Crimes’.

#### **4. The concept of the term ‘corruption’**

When considering specifically corruption, we believe that the latter should be considered as a social phenomenon.

To define the term ‘corruption’, both foreign and domestic scientists in the field of jurisprudence have made a lot of efforts. Before considering the interpretation of corruption by the views of scientists, let us turn to the explanatory dictionary of the Russian language, within which corruption means the moral decay of officials and politicians, expressed in illegal enrichment, bribery, theft and merging with mafia structures (Ozhegov, 1984).

Such an interpretation of the concept of corruption, of course, did not fully cover its meaning, but given its scale in those days, which is not comparable to modern ones, it was quite acceptable. Given the annual prevalence of corruption manifestations, the concept of corruption began to be explored more widely. So, in different years, different scientists proposed the following definitions.

So, Roberts (2012) proposed to understand corruption as ‘any activity motivated by interest that violates the coercive rules of distribution, for the application of which he is responsible. Distribution rules refer not only to the letter of the law, but also to the norms recognized by society as binding, and/or to the norms of the officials of the system and the codes by which they work. In addition, ‘corrupt’ are those actions that society considers illegal or that are considered by the ruling elite as contrary to the logic of the system’.

Th. Hobbes, defined corruption as ‘the root from which flows at all times and under all temptations contempt for all laws’ (Ibdulaevich and Kizi, 2021). Friedrich (2017) noted that ‘corruption is a type of behavior that deviates from the norm in a particular context (for example, political). This deviant behavior is associated with a certain motivation, in particular, with obtaining personal gain at public expense’. In turn, Tiihonen (2003) noted: ‘corruption, in a broad sense, is the abuse of official position for non-official purposes ... Quite often, corruption is seen as giving and receiving a bribe, or other unlawful influence related to the extraction of benefits’.

In the explanatory dictionary by Efremova (2000) ‘corruption’ is explained as the crimes consisting in the use by officials and employees of the state apparatus of their official position for personal enrichment to the detriment of society and the state; bribery, bribery.

In the Basic Law of the Kyrgyz Republic ‘On Combating Corruption’ (8 Aug. 2012; No. 153) corruption should be understood as: ‘intentional acts that consist in creating an illegal stable connection of one or more officials with authority with individuals or groups in order to illegally obtain material, any other benefits and advantages, as well as the provision of these benefits and advantages to individuals and legal entities, creating a threat to the interests of society or the state’. A similar concept contains the current criminal legislation.

#### **5. Types of corruption**

The legal literature singles out the prevalence of economic and political corruption. The reason for this is the concern of the world community in the fluctuations of the economy and politics in almost all countries of the world, since such problems as the instability of the economy, politics,

illegal migration, the commission of criminal acts of an international nature (including corruption), as well as the manifestation of such an ailment as COVID- 19 currently remain not without a trace.

The reason for economic corruption in the Kyrgyz Republic is the unstable economy, low social security of the population, low wages of employees, high unemployment rate, increased prices for consumer products, closure of border zones (due to the pandemic, complication of bureaucratic procedures in government bodies).

The reason political corruption in the Kyrgyz Republic is primarily the political instability of the country. The two revolutions that took place in the country left their mark. The premature change of power, frequent reforms to change legislation, as well as the frequent adoption and repeal of laws led both representatives of government bodies and ordinary citizens to Corruption has become the main problem of the two revolutions in the country, which has become widespread (Table 4).

At the same time, it is also necessary to take into account the high latency of corruption. In our opinion, the cause of corruption in the country is the low legal cultural component of society, its demoralization, the lack of organization and cohesion of society, the passivity of young people and a number of other reasons, as well as the imperfection of political parties, and lack of a single ideology of the Kyrgyzstan citizens (Perception Corruption Index, 2022).

According to the official data of 'Transparency International' the Kyrgyz Republic ranked 127 out of 180 countries of the world in 2020. For 2021 its position got down in 4 points (Perception Corruption Index, 2022).

Based on such data, many experts in the field of studying corruption have focused their attention on it. The state, in turn, in 2017 organized the creation of an anti-corruption service under the State Committee for National Service. This decision proceeded from the fact that the joint efforts of such law enforcement agencies as the prosecutor's office, the judiciary, the Ministry of the Interior, and the financial police did not produce the expected results. According to the official data of the Index of public confidence (2022) called 'Personal perception of the level of corruption in state executive bodies and local bodies' conducted in the Kyrgyz Republic, the following indicators are presented (Table 5):

Despite the presented data, according to the surveys of respondents, the most corrupt bodies were identified: law enforcement agencies; judiciary; educational institutions.

In order to eliminate the latter, the Law of the Kyrgyz Republic 'On the protection of persons who reported corruption offenses' (28 Jan. 2019; No. 19) was adopted. In 2020, Decree of the President of the Kyrgyz Republic 'On the State Strategy to Combat Corruption and Eliminate its Causes in the Kyrgyz Republic for 2021-2024' (No. 180). It is too early to draw definite conclusions about the full implementation of these regulatory legal acts.

## 6. Corruption Prevention Measures

**General methods of the corruption.** Prevention Measures Prevention of an act is an area of public regulation that has certain measures aimed at identifying the causes that influence the commission of a particular crime. In the specialized literature, the prevention system for combating corruption acts includes: control; evaluation; forecasting; promotion of anti-corruption among officials; development of a special anti-corruption program; removal from office of civil servants involved in corruption; active involvement of mass media; development of standards to prevent corruption phenomena; and holding round tables (Raimberdiev, 2021).

General measures to prevent corruption include a number of measures taken by both the state and civil society. Intensive work on the prevention of corruption is carried out in order to prevent the commission of a crime, since it is much easier to prevent and eliminate it than to clean up its consequences. Corruption prevention is about taking preventive measures. To do this, it is necessary to study the current state of corruption, the reasons for the commission, growth dynamics, the largest number of registered acts of corruption in the place, to analyze the characteristics of the subjects involved in corruption.

Preventive measures taken against corruption were implemented in view of: creation of a wide campaign advertising to the society about intolerance to corruption; creation of hotlines for reporting corruption manifestations on the part of state bodies; distribution of free bulletins about corruption; determination of remuneration in cases of detection and reporting of facts of corruption; on bonuses

as remuneration for law enforcement officers for revealing corruption schemes; and proposals in the country's universities to introduce a subject on anti-corruption boards.

The creation of general preventive measures is not always effective. In order to introduce work on the prevention of corruption by the civil community, it was proposed to create a commission from among independent civil activists to control, monitor and detect corruption among civil servants. However, as practice shows, the creation of a commission for this purpose has not been carried out.

The legal basis for crime prevention consists: the constitution; national laws in the field of corruption; international normative legal acts and agreements.

The Law of the Kyrgyz Republic 'On Combating Corruption' (2012) considers the main principles: legality; publicity; publicity and openness of state bodies; protection of human rights and freedoms; inevitability of responsibility for committing corruption; improvement of state bodies in terms of staffing; mutual cooperation with international organizations, foreign citizens and a number of others.

**Special measures to prevent corruption.** Special measures to prevent corruption are closely related to general measures of corruption because they are based on preventive measures. General and special measures to prevent corruption are implemented by both state bodies and civil society.

Non-governmental organizations play an active role in the adoption of general measures, which are inactive contact with state bodies. The interdependence of general and special measures consists in complementing each other.

In order to effectively apply preventive measures of a special nature, a comprehensive strategy must be created. Such a decision will help the state to introduce a unified policy of general and special measures in all spheres of the life of the state.

The study and elimination of gaps in national laws will provide an opportunity to identify manifestations of corruption committed by public servants.

The Law of the Kyrgyz Republic "On Combating Corruption" (2012) considers a number of necessary special measures: ensuring a unified policy in the field of combating corruption; implementation of the mechanism of work on the interaction of state bodies with local governments and civil society on the elimination of corruption; formation of the negative behavior of a person towards corrupt actions; taking measures about civil servants to participate in manifestations of corrupt behavior; increasing the level of education and qualifications of employees in the field of anti-corruption measures; ensuring non-interference injustice; elimination of any illegal restrictions in the sphere of the economy; increasing the level of control over citizens' appeals on corruption issues; and optimization of the functions of the state in the field of combating corruption.

The implementation of this list of measures is entrusted to all state bodies of the country without fail. The Anti-Corruption Service of the State Committee for National Security of the Kyrgyz Republic acted as the main body acting to carry out these activities in practice. However, in order to optimize and improve state bodies, at the beginning of 2021, this body was liquidated by the President of the country. To what extent was this decision made correctly? We will be able to get an answer to this question after a certain time.

The adoption of such a decision was perceived negatively by many scientists. For example, Shamurzaev (2020) in his study proposed to give the State Committee for the National Service of the Kyrgyz Republic broad powers in the fight against corruption, including transferring the possibility of alternative consideration of criminal cases of corruption that are committed against the interests of the public service. Currently, a certain burden of fighting corruption is placed on the Ministry of Internal Affairs of the Kyrgyz Republic.

## 7. Anti-Corruption Legislation of Foreign Countries

Along with domestic scientists Toguzakova and Ishchanov (2016), we believe that corruption is an international phenomenon, as it harms world development as a whole. Corruption, being considered in international normative legal acts, has an international character. At the same time, such transnational forms of corruption as bribery of officials of international organizations pose a high danger. Therefore, consideration of the laws of foreign countries is an important necessity.

In addition, in order to optimally propose effective anti-corruption measures, as well as for analysis, it is necessary to consider the legislation of other countries. Thus, following the legislation of the Russian Federation (25 Dec. 2008; N 273-FL) 'On Combating Corruption', it is proposed to understand the commission of a number of actions as corruption as: receiving a bribe; giving a bribe;

abuse of one's official authority; bribery (commercial); the use by an individual of his official position for the sake of his own interests, etc.

This definition differs from the concept that is provided for by our legislation. To the extent that in the criminal legislation of the Kyrgyz Republic receiving a bribe, giving a bribe, abuse of official position is considered independent norms.

In addition, we note that according to a survey of independent experts, bodies in the field of medicine, education, and business are considered corrupt structures in the Russian Federation. If we turn to our conducted research, then law enforcement agencies were in the first place in the Kyrgyz Republic in terms of corruption.

The legislation of the Republic of Kazakhstan also provides for liability for corruption. However, within the framework of the Law of the Republic of Kazakhstan 'On Combating Corruption' (6 Oct. 2020) the term corruption is given a similar concept, which is reflected in the criminal legislation of the Kyrgyz Republic. An interesting point is that corruption as an independent crime is not reflected in the criminal legislation of the Republic of Kazakhstan. The qualification of acts in the field of corruption falls under Article 366 of the Criminal Code of the Republic of Kazakhstan 'Taking a bribe'. The most corrupt bodies in the Republic of Kazakhstan, according to a survey of independent experts, are considered to be state authorities in the field of local 'Akimat', that is, management, internal affairs bodies, and the state revenue committee.

Next, consider the legislation of the Republic of Belarus. Thus, according to the criminal legislation of the Republic of Belarus, specific liability for corruption is also not provided for, as well as in the criminal legislation of the Republic of Kazakhstan. However, practitioners qualify for corruption according to norms 430-431 of the criminal legislation of the Republic of Belarus. The main law of the Republic of Belarus on anti-corruption policy is considered to be the Law of the Republic of Belarus 'On Combating Corruption' (15 July 2015; No. 305-Z). This national law contains the concept of corruption, which is similar to the concept reflected in our domestic legislation.

The legislation of the Republic of Armenia also does not provide for liability for corruption. Under Article 311 of the Criminal Code of the Republic of Armenia, acts of a corrupt nature are qualified. The Law of the Republic of Armenia 'On the Commission for the Prevention of Corruption' (06 Sept. 2017) is considered to be the main national law for regulating corruption issues.

The legislation of the Republic of Georgia is similar to the legislation of the Republic of Armenia. The main national law of the Republic of Georgia in the field of corruption is the Law of the Republic of Georgia 'On the incompatibility of interests and corruption in a public institution' (07 Dec. 2016). Table 6 demonstrates examples of sanctions for corruption in the above countries.

Thus, having considered the legislation of neighboring foreign countries, it can be noted that domestic legislation is the only one that provides for corruption as an independent norm, while delimiting the receipt of a bribe.

## **8. The impact of corruption on the country's economy**

The economic component of the country plays the most important role in the life of a person and the country. The level of the country's economy affects all spheres of life. So, for a country to have a healthy nation with a normal level of living, it must be economically developed, since medicine, education, a social package for a living wage depend on the budget, and these are just the main aspects. Therefore, the normal functioning of the economic component in the country requires the creation of a certain level of order and compliance with the law in the country.

To date, the rule of law in the Kyrgyz Republic exists, but the level of order, as well as the development of the country's shadow economy, leaves much to be desired. One of the main factors in the growth of the country's shadow economy is the development of corruption. Thus, according to the official data of the Statistical Committee of the Kyrgyz Republic, about 30 billion soms annually do not enter the country's treasury. The percentage coefficient of the shadow economy is approximately 24% of GDP.

Such a picture can be traced, of course, not only in the Kyrgyz Republic but not on such a scale. Thus, from 2015 to 2020, the share of the shadow economy as a percentage of GDP averaged 23.6%. According to the calculations of specialists, the level of the uncontrolled shadow economy alone for 2019 amounted to one hundred and forty-five billion soms.

The reasons for such promiscuity are, first of all, the corruption of both the taxpayers themselves and the employees of the tax services. Since, the well-known factor about the payment of black and white wages by many organizations, about the illegal smuggling of goods, by bribing employees of special services to control the transportation of goods, etc.

Based on this, it can be stated that the influence of corruption plays a huge role in determining the economic component of the country. The elimination or reduction of corruption would bring many branches of the state back to normal functioning.

In recent years, corruption has increased in the industry of investing in international projects. Due to the corruption of officials, the authorities did not open the industrial zones needed for the country promptly, car factories, textile factories, and gold mines.

Everyone knows the fact about the theft of gold from the Kumtor deposit, which is located in the Issyk-Kul region of the Kyrgyz Republic. During the years of explication, 410 tons of gold were illegally exported from this deposit (according to unofficial sources), researchers still cannot indicate the exact figure. Huge losses occur today. Of course, the rule of the previous authorities of the country involved in corruption led to such a state.

### **9. Conclusion**

Based on the prevailing picture as a whole, it can be noted that corruption is a disease that the Kyrgyz Republic has been struggling with since its independence. Over the years of intensified fight against corruption, the legal field has changed more than once.

The tougher punishment, the application of the principle of humanization, the proposed alternative measures to eliminate the damage caused by corrupt actions did not lead to a successful result. As practice has shown, when investigating cases, law enforcement agencies did not initiate many acts, since many agencies themselves are involved in a corruption scheme. It would be wrong to say that there is no efficiency from the measures taken, however, given the old experience, one should strive for the following defining steps: create a single legal interdepartmental field in the field of corruption; develop in detail the mechanism of work of normative legal acts in the field of corruption; eliminate the causes and conditions for the development of corruption; assign effective penalties; create public control over the activities of state bodies; strengthen control over the spheres of state organizations; ensure the independence and transparency of the mass media that disclose acts of corruption; create open access to information about the economic component of the country; strengthen control over the tax authorities of the country; ensure the protection of persons who disclosed and exposed persons involved in corruption; to improve the legislation taking into account the new time!

### **10. Statements**

There is no conflict of interest in the presented research. The study has not been sponsored.

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**Table 1.** Number of court cases considered in the Kyrgyz Republic from 2005 to 2010

Time period	2005	2006	2007	2008	2009	2010
The total count	33277	31392	29151	29519	29715	35528
Corruption cases	114	136	130	93	67	73

The source: Statistical data of the Information and Analytical Center of the Ministry of Internal Affairs of the Kyrgyz Republic (2011).

**Table 2.** Regulatory legal acts in the field of combating corruption.

Year	Legislative acts
2005	The decree of the President of the Kyrgyz Republic "On urgent measures to combat corruption" was adopted. Decree of the Government of the Kyrgyz Republic "On Approval of the Set of Measures of the Government of the Kyrgyz Republic for the Implementation of the Action Plan for the Implementation of the State Anti-Corruption Strategy in the Kyrgyz Republic and the State Program for Combating Crime in the Kyrgyz Republic for 2006-2007" was adopted.
2006	By decree of the President of the Kyrgyz Republic, the fight against corruption is designated as a priority in the Country Development Strategy for 2007-2010.
2007	The Government of the Kyrgyz Republic adopts Decree No. 44 "On the Progress of Implementation by Ministries, State Committees, Administrative Departments and Other Executive Authorities of the Measures Provided by the Government's Package of Measures for the Implementation of the Action Plan for the Implementation of the State Anti-Corruption Strategy in the Kyrgyz Republic for 2006-2007".
2008	The decree of the President of the Kyrgyz Republic approves a new version of the National

	Anti-Corruption Strategy in the Kyrgyz Republic for 2009–2011. By Decree of the President of the Kyrgyz Republic dated December 14, 2011 No. 27, the Anti-Corruption Service was established in the State Committee for National Security of the Kyrgyz Republic.
2011	The Law of the Kyrgyz Republic "On Combating Corruption" was adopted; Decree of the President of the Kyrgyz Republic No. 26 "On the State Strategy for the Anti-Corruption Policy of the Kyrgyz Republic and Measures to Combat Corruption" was adopted.
2012	The decree of the President of the Kyrgyz Republic adopted № "On measures to eliminate the causes of political and systemic corruption in government."
2013	Decree of the Government of the Kyrgyz Republic No. 44-r "On the implementation of the Program and Action Plan of the Government of the Kyrgyz Republic to combat corruption for 2012-2014".
2014	Adopted by the Decree of the Government of the Kyrgyz Republic No. 170 on approval of the Action Plan of the state bodies of the Kyrgyz Republic for the implementation of the State Strategy for the Anti-Corruption Policy of the Kyrgyz Republic for 2015-2017.
2015	"Methodological guide for identifying, assessing and managing corruption risks" (approved by the order of the Prime Minister of the Kyrgyz Republic dated May 18, 2016 No. 281).
2016	Introduction of new criminal legislation.
2017	

**Table 3.** Articles contained in Chapter 44 of the 2017 Criminal Code of the Kyrgyz Republic

Article	Title of article
319	Corruption
320	Abuse of official position
321	Abuse of power
322	Conclusion of a knowingly unprofitable contract
323	Illicit enrichment
324	Illegal participation of an official in entrepreneurial activity
325	Receiving a bribe
326	Extortion of a bribe
327	Mediation in bribery
328	Bribery
329	Forgery
330	Illegal issuance of a passport
331	Negligence

**Table 4.** Number of court cases considered in the Kyrgyz Republic in 2017-2020

Time period	2017	2018	2019	2020
The total number	27481	27706	29718	41622
Corruption cases	100	57	45	168

Source: Statistical data of the Information and Analytical Center of the Ministry of Internal Affairs of the Kyrgyz Republic

**Table 5.** Index of public confidence in state bodies

Apparatuses	%
Ministry of Foreign Affairs Kyrgyz Republic	15.6
Ministry of Internal Affairs of the Kyrgyz Republic	16.6
Ministry of Justice of the Kyrgyz Republic	0.2
Ministry of Economy and Finance of the Kyrgyz Republic	0.6
Ministry of Investments of the Kyrgyz Republic	3.7
Ministry of Agriculture. development of the regions of the Kyrgyz Republic	11.2
Ministry of Transport and Communications of the Kyrgyz Republic	7.9
Ministry of Emergency Situations of the Kyrgyz Republic	4.7

Ministry of Education and Science of the Kyrgyz Republic	24.5
Ministry of Health and Social Development of the Kyrgyz Republic	13.7
Ministry of Culture, information. Sports and Youth Policy of the Kyrgyz Republic	0.7
Ministry of Digital Development of the Kyrgyz Republic	32.2
Ministry of Energy and Industry of the Kyrgyz Republic	28.2
State Committee for Ecology and Climate	8.0
State Service for Intellectual Property and Innovation under the Cabinet of Ministers of the Kyrgyz Republic	14.6
State Agency for Architecture. construction and housing and communal services	19.6
State Agency for Local Self-Government and Interethnic Relations	2.2
Offices of Plenipotentiary Representatives of the Cabinet of Ministers of the Kyrgyz Republic in the regions	28.9
Local State Administration	39.8
"Local self-government body of the Kyrgyz Republic:	
Bishkek Mayor's Office	27.0
Osh Mayor's office	41.2
Local self-government bodies of regional cities. district significance and aiyl aimaks	15.6

**Table 6.** Provisions for crimes in the field of corruption

<b>Country</b>	<b>Acts of corruption provided for in the Criminal Codes</b>
Russian Federation	Art. 201, 204, 285, 286, 290, 291
Republic of Kazakhstan	Art. 366, 367, 368
Republic of Belarus	Art. 430, 431, 432
Republic of Armenia	Art. 200, 201, 214, 311
Republic of Georgia	Art. 338, 339, 340