



HISTORICAL DEVELOPMENT OF THE CRIME OF BRIBER

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Abstract: This article analyzes the historical formation of bribery and its long-standing threat to society. It examines the existence of bribery not only in our country but also in other ancient states. The periods of historical development of accountability for bribery are also studied.

Keywords: giving a bribe, taking a bribe, gift, present, bribery, accountability, historical formation.

The crime of bribery has a history as long as humanity itself. Depending on the factors influencing its occurrence, its prevalence has increased or decreased at different times. Especially in the current period of development, bribery threatens the economic, social, and spiritual life of society, and moreover, hinders the country's progress.

Within the framework of implementing the general strategy for building a legal democratic state and a strong civil society in our country, a number of measures are being taken to ensure the rule of law, protect the rights and freedoms of citizens, reform the judicial and legal system, and combat bribery crimes. During this period, the legal basis for ensuring legality and law and order in the country has been formed, and an effective anti-corruption system has been created.

Initially, the emergence and popularization of the concept of bribery goes back to the tradition of giving gifts to evoke inclination (desire) in a person. In itself, a valuable gift, i.e., a gift of high value, distinguished the person from others and served to fulfill his request in the interests of the bribe-giver. For this reason, paying a ransom to a priest or tribal leader has become a custom and tradition in primitive societies.

With the development of the state and the improvement of governance, when officials began to appear, they had to be content with only a fixed salary, but in practice, these officials tried to use their position to conceal and increase income.

The only person who remained in history as a ruler who fought against bribery is Uruinim - the Sumerian king of the city-state of Lagash in the second half of the 24th century BC. Despite the fact that during his reign, cruel punishments were applied for corruption, which served as an example for others, the fight against it did not lead to the expected results.

The first work discussing bribery - "Artha-shastra" - was published in the 4th century BC by one of the ministers of Bharat (India) under the pseudonym Kautilya. In it, the author concluded that "the king's property, even in small amounts, cannot be appropriated by those who manage this property." Similar corruption problems were encountered by the pharaohs of Ancient Egypt, where a bureaucratic apparatus emerged of officials who used arbitrariness and violence against free peasants, artisans, and even military nobles, making lawlessness their profession. In the advice of the so-called "Itahotel," which has survived to this day, the following recommendation is given: "Bow your back to the boss, then there will be order in

your house, your salary will be in place, whoever resists the boss, his life will not be easy, but when he shows favor, it will be easy to live" [8].

Also, the corruption of judges was of particular importance, which led to the illegal distribution of property and the resolution of disputes outside the legal field. It is not without reason that among the types of corruption in all religions, the bribery of judges is condemned first and foremost: in the Bible..."the chief demands a gift, the judge judges in exchange for a bribe, and the high-ranking officials punish us at their own discretion and misinterpret affairs..."[9]; "Do not accept gifts, for a gift makes the blind see and changes the truth" (23:8, 16:19); In the Holy Quran, "Do not take others' property unjustly and do not give your property as a bribe to your rulers to take what belongs to others" (Quran, 2:188) and so on.

The giving and receiving of bribes is mentioned in the 12 Tables of Law, which were in effect in Ancient Rome. In primitive and early class societies, paying a priest, tribal elder, or military leader for certain privileges was considered a natural phenomenon. The situation changed with the increasing complexity and professionalization of the state apparatus. High-ranking officials demanded that subordinate "servants" be satisfied only with their assigned salaries. Lower-level officials, on the contrary, preferred to secretly charge (or demand) additional remuneration from petitioners for the performance of their official duties[10].

The concepts of bribery also existed in the laws of Ancient Rome, where the term "corrumpere" was used in the sense of "purchasing testimony in court" and "bribing a judge": "Do you really consider the law, which punishes a judge or mediator appointed to investigate cases when speaking in court and receiving a bribe in this case with the death penalty, to be cruel?" [11].

Corruption and bribery also occupied a special place in the medieval legal system, and Niccolò Machiavelli, who lived and worked during this period, gave his works an important impetus to the understanding of corruption. He equated corruption with disease, for example, tuberculosis. If the patient has been transplanted, it is easy to detect, but very difficult to treat [12].

According to R.Bardhan, from the end of the 18th century, a fundamental shift occurred in society's attitude towards bribery in Western countries. The liberal changes that took place during this period proceeded under the motto that the state government exists in the interests of its subordinates, and therefore citizens feed the government in exchange for the unconditional observance of the law by officials. In particular, according to the US Constitution of 1787, bribery is mentioned as one of two types of crimes, for the commission of which the US President may be impeached[13].

In Great Britain, liability for bribery was not established until the beginning of the 19th century, and judicial precedents and laws establishing liability for bribery were adopted at the beginning of the 19th century (precedents of 1809 and 1914, as well as the Bribery in Public Organizations Act of 1889) [14].

In the judicial documents of the Russian state of 1497, one can find norms prohibiting the giving of a bribe to a judge. Rishvat refers to the receipt of gifts, illegal fees, bribes, and tributes by an official who administers justice or resolves disputes. However, court documents of that time did not establish any sanctions for taking bribes by judges.

In judicial documents of Russian law of 1550, the legislators distinguished between "bribery" and "usury." Bribery is understood as "the performance by an official participating in the consideration of a case, during the consideration of a case or application in court, of

official duties for remuneration in violation of the interests of justice." Bribery was understood as "the collection by an official of judicial bodies of a legally permissible duty, exceeding the norm established by law"[15].

It can be seen that in ancient and medieval times, responsibility for bribery existed not only in the states of Uzbekistan, but also in a number of other foreign countries.

E. L. Glaeser and C. Goldin explain their views on this matter as follows: as the role of society in public administration increased, it began to have a great influence on the quality of the work of the state apparatus. With the strengthening of political parties and state regulation, cases of collusion between large businesses and political parties have become more frequent. Nevertheless, during the 19th and 20th centuries, the level of corruption in developed countries decreased significantly compared to the rest of the world[16].

At the turn of the 19th and 20th centuries, a new stage in the development of bribery emerged in developed countries. The main reason for this was, firstly, the further strengthening of state regulation and, accordingly, the dominance of officials, and on the other hand, in the competitive struggle, the "bribery of the state" began to emerge as large private businesses appealed not to the periodic bribery of individual minor state employees, but to directly subordinating the activities of high-ranking officials and politicians to protect the interests of capital.

With the growing importance of political parties in public and state administration, party corruption developed in developed countries (especially in Western European countries after World War II), where large firms and transnational corporations, in order to protect and promote their interests, began to pay not only politicians personally, but also to the "party fund." That is, they became the material providers for party activities.

Issues of responsibility for corruption crimes have evolved throughout history and are one of the serious problems that have always attracted the attention of the world community. Regardless of the types or forms of corruption, combating and preventing it is an integral part of state policy today

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