

**TOSHKENT DAVLAT YURIDIK UNIVERSITETI HUZURIDAGI
ILMIY DARAJALAR BERUVCHI DSc.07/30.12.2019.Yu.22.02
RAQAMLI ILMIY KENGASH**

TOSHKENT DAVLAT YURIDIK UNIVERSITETI

MAXMUDOV FIRUZ BAXTIYOR O‘G‘LI

**DAVLAT FUQAROLIK XIZMATCHILARI FAOLIYATIDA
MANFAATLAR TO‘QNASHUVINI OLDINI OLISHNING TASHKILIY-
HUQUQIY ASOSLARINI TAKOMILLASHTIRISH**

12.00.02. – Konstitutsiyaviy huquq. Ma’muriy huquq.
Moliya va bojxona huquqi

**Yuridik fanlar doktori (DSc) dissertatsiyasi
AVTOREFERATI**

Toshkent – 2025

Fan doktori (DSc) dissertatsiyasi avtoreferati mundarijasi

Content of the Doctoral (DSc) Dissertation Abstract

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Maxmudov Firuz Baxtiyor o‘g‘li

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KIRISH (fan doktori (DSc) dissertatsiyasi annotatsiyasi)

Dissertatsiya mavzusining dolzarbligi va zarurati. Dunyoda ijtimoiy munosabatlar doirasi o'zgarib, zamonaviy ko'rinish olayotgan, iqtisodiy manfaatlar tobora ustuvorlik kasb etib borayotgan bugungi globallashuv sharoitida davlat fuqarolik xizmatchilari faoliyatida korrupsiya va manfaatlar to'qnashuvini oldini olish dolzarb vazifalardan biri bo'lib qolmoqda. Amalga oshirilgan huquqiy islohotlar natijasida manfaatlar to'qnashuvini oldini olishning fundamental huquqiy asoslari yaratilib, davlat fuqarolik xizmatchilarining faoliyat samaradorligi oshirilayotgan bo'lsa, bugungi kunda mavjud huquqiy asoslarni samarali ijro etish mexanizmlarini takomillashtirish va manfaatlar to'qnashuvini hal qilish bo'yicha tashkiliy-huquqiy asoslarni takomillashtirishga ehtiyoj sezilmoqda. 2024-yilda Korrupsiyani qabul qilish indeksida to'plangan ball pasayib, O'zbekiston 180 ta davlat orasida 121-o'rinni egalladi. So'nggi besh yilda "Korrupsiyaning mavjud emasligi" ko'rsatkichida O'zbekiston 23 pog'ona yuqori ko'tarilib, 2023-yilda 140 ta mamlakat orasida 66-o'rinni egallagan, Markaziy Osiyo mintaqasida bu yo'nalishda sezilarli ijobiy ko'rsatkichga erishilgan bo'lsa-da, 2024-yilda 6 ming 898 nafar shaxs tomonidan 5 ming 716 ta korrupsiya jinoyati sodir etilgan. Birgina davlat xaridlari sohasida manfaatlar to'qnashuviga yo'l qo'yish natijasida 11,6 mlrd. so'm miqdorda zarar yetkazilgan¹. Yuqorida keltirilgan omillar davlat fuqarolik xizmatchilari faoliyatida korrupsiya va manfaatlar to'qnashuvini oldini olishga qaratilgan samarali tashkiliy-huquqiy asoslarni yanada takomillashtirish zarurligini ko'rsatmoqda.

Jahonda davlat fuqarolik xizmatchilari faoliyatida "ochiqlik siyosati"ni kuchaytirish, "aqli boshqaruv", "manfaatlar to'qnashuvi bo'yicha aniq davlat siyosati" va "raqamli tartibga solish" konsepsiyalarini joriy qilish, har bir mamlakatning rivojlanish darajasi va huquq tizimidan kelib chiqib, korrupsiyaga qarshi kurashish bo'yicha milliy strategiyani ishlab chiqish, korrupsiya va manfaatlar to'qnashuvi to'g'risida xabar berganlarning huquqiy himoyasini ta'minlash, davlat fuqarolik xizmatchilarining munosib xulq-atvorini shakllantirish, shuningdek manfaatlar to'qnashuvi ustidan davlat va jamoatchilik nazoratini kuchaytirish masalalariga ham ilmiy, ham amaliy xarakterga ega muhim tadqiqot yo'nalishi sifatida e'tibor qaratilmoqda.

Respublikamizda samarali davlat fuqarolik xizmatini tashkil etish, uning huquqiy va tashkiliy asoslarini mustahkamlash, davlat fuqarolik xizmatchilarining yangi, zamonaviy korpusini shakllantirish borasida qator islohotlar olib borildi, ixcham va natijadorlikka asoslangan davlat boshqaruv mexanizmlari yaratildi. Manfaatlar to'qnashuvini oldini olishga qaratilgan huquqiy mexanizmlar ishlab chiqilib, unga qarshi davlat va jamiyatning bevosita munosabati shakllandi. Shu bilan bir qatorda, aholi farovonligi yildan yilga yaxshilanib, iqtisodiy muammolar bosqichma bosqich hal qilinayotganiga qaramasdan shaxsiy manfaatdorlik bilan bevosita bog'liq bo'lgan huquqbuzarliklar – poraxo'rlik, manfaatlar to'qnashuvi, lobbizm, korrupsiyaviy jinoyatlar sodir etilishi davom etmoqda. Mazkur

¹ <https://anticorruption.uz>

huquqbuzarliklarning sodir etilish va yuzaga kelish shakllari, turlari, ko‘rinish va xarakterining turlicha bo‘lib borishi muammoni ilmiy-nazariy jihatdan tadqiq etish va huquqiy tartibga solish zaruratini kuchaytirmoqda.

Korrupsiyaviy omillarni bartaraf etish samaradorligini oshirish, jamiyatda korrupsiyaga nisbatan murosasiz munosabatni shakllantirish ishlarini jadal davom ettirish, jumladan, Transparency International xalqaro tashkiloti tomonidan e‘lon qilinadigan Korrupsiyani qabul qilish indeksida kamida 50 pog‘onaga ko‘tarilishga erishish, davlat xaridlari to‘g‘risidagi qonunchilik hujjatlari talablarini buzish holatlarini 2 barobarga kamaytirishga erishish, 100 foiz normativ-huquqiy hujjatlarning “korrupsiyadan xoli qonunchilik” tamoyili asosida ishlab chiqilishini ta‘minlash ustuvor vazifa etib belgilangan².

Alohida e‘tirof etish lozimki, so‘nggi yillarda tadqiqot obyekti bilan bevosita bog‘liq bo‘lgan maxsus – “Korrupsiyaga qarshi kurashish to‘g‘risida”gi, “Davlat fuqarolik xizmati to‘g‘risida”gi hamda “Manfaatlar to‘qnashuvi to‘g‘risida”gi qonunlar qabul qilinib, tizimda korrupsiya va manfaatlar to‘qnashuvini oldini olish va unga qarshi kurashish davlat siyosatining ustuvor yo‘nalishi sifatida belgilandi. Ayniqsa, O‘zbekiston Respublikasi Vazirlar Mahkamasining davlat fuqarolik xizmati bilan bevosita bog‘liq bo‘lgan ijro etuvchi hokimiyat organlarining ishida ochiqlik va shaffoflikni, qonuniylik va samaradorlikni ta‘minlashi, ularning faoliyatida korrupsiya holatlariga qarshi kurashish, davlat xizmatlarining sifatini oshirish va ulardan foydalanish imkoniyatini kengaytirish bo‘yicha choralar ko‘rishi konstitutsiyaviy norma sifatida belgilandi. Yangi konstitutsiyaviy-huquqiy sharoitda davlat xizmatchilari faoliyatida manfaatlar to‘qnashuvini oldini olishga oid qonunchilik tizimini modernizatsiya qilishda shu kabi ilmiy tadqiqot ishlari muhim ahamiyatga ega.

Ushbu dissertatsiya tadqiqoti O‘zbekiston Respublikasining Konstitutsiyasi (2023), “Korrupsiyaga qarshi kurashish to‘g‘risida”gi (2017), “Davlat fuqarolik xizmati to‘g‘risida”gi (2022), “Manfaatlar to‘qnashuvi to‘g‘risida”gi (2024) “Jamoatchilik nazorati to‘g‘risida”gi (2018) qonunlari, O‘zbekiston Respublikasi Prezidentining “O‘zbekiston Respublikasida korrupsiyaga qarshi kurashish tizimini yanada takomillashtirish chora-tadbirlari to‘g‘risida”gi PF-5729-son (2019), “O‘zbekiston Respublikasida kadrlar siyosati va davlat fuqarolik xizmati tizimini tubdan takomillashtirish chora-tadbirlari to‘g‘risida”gi PF-5843-son (2019), “Korrupsiyaga qarshi murosasiz munosabatda bo‘lish muhitini yaratish, davlat va jamiyat boshqaruvida korrupsiyaviy omillarni keskin kamaytirish va bunda jamoatchilik ishtirokini kengaytirish chora-tadbirlari to‘g‘risida”gi PF-6257-son (2021), “Korrupsiyaga qarshi kurashish tizimini yanada takomillashtirish hamda davlat organlari va tashkilotlari faoliyati ustidan jamoatchilik nazorati tizimi samaradorligini oshirish chora-tadbirlari to‘g‘risida”gi PF-200-son (2023), ““O‘zbekiston — 2030” strategiyasi to‘g‘risida”gi PF-158-son (2023) farmonlari, “O‘zbekiston Respublikasi Prezidenti huzuridagi Davlat xizmatini rivojlantirish agentligi faoliyatini tashkil etish chora-tadbirlari

² O‘zbekiston Respublikasi Prezidentining 2023-yil 11-sentabrdagi PF-158-son Farmoni bilan tasdiqlangan “O‘zbekiston — 2030” strategiyasi // Qonunchilik ma‘lumotlari milliy bazasi, 29.12.2023-y., 06/23/214/0984-son

to‘g‘risida”gi PQ–4472-son (2019), “Korrupsiyaga qarshi kurashish samaradorligini reyting baholash tizimini joriy etish chora-tadbirlari to‘g‘risida”gi PQ–81-son (2022), “Davlat boshqaruvi sohasida korrupsiyaviy xavf-xatarlarni bartaraf etish mexanizmlarini takomillashtirish va ushbu sohada jamoatchilik ishtirokini kengaytirish chora-tadbirlari to‘g‘risida”gi PQ–240-son (2022), “O‘zbekiston Respublikasining “Manfaatlar to‘qnashuvi to‘g‘risida”gi Qonuni ijrosini samarali tashkil etish chora-tadbirlari to‘g‘risida”gi PQ–210-son (2024) qarorlari va mavzuga oid boshqa qonun hujjatlarida belgilangan vazifalarni amalga oshirishga muayyan darajada xizmat qiladi.

Dissertatsiya mavzusi bo‘yicha xorijiy ilmiy tadqiqotlar sharhi.

Davlat fuqarolik xizmatchilari faoliyatida manfaatlar to‘qnashuvini oldini olish masalalariga qaratilgan ilmiy tadqiqotlar bugungi kunda dunyo ilm va ta‘lim markazlari, ilmiy izlanuvchilarning mustaqil tadqiqot obyektiga aylangan. Jumladan, Garvard universiteti (AQSH), Oksford universiteti (Buyuk Britaniya), Texas va Dallas universiteti (AQSH), Dalhousie universiteti (Kanada), Kembrij universiteti (Buyuk Britaniya), Kaliforniya Lutheran universiteti (AQSH), Santa Klara universiteti qoshidagi Markkula amaliy etika markazi (AQSH), Komenius universiteti (Slovakiya) va boshqa dunyo bo‘ylab yuzlab ta‘lim muassasasi va ilmiy tadqiqot markazlarida, Rossiyaning qator nufuzli universitetlari va aql markazlarida manfaatlar to‘qnashuvini oldini olish masalalari ilmiy jihatdan tadqiq qilinmoqda.

Xususan, Kaliforniya Lutheran universitetida (AQSH) manfaatlar to‘qnashuvining moliyaviy manfaatlar bilan bog‘liqligi masalasi tahlil etilib, uni oldini olish uchun ta‘lim mexanizmlarini joriy etish yuzasidan tadqiqotlar o‘tkazilgan³. Santa Klara universiteti qoshidagi Markkula amaliy etika markazida (AQSH) esa davlat xizmatchilari faoliyatidagi manfaatlar to‘qnashuvi mazmunini aniqlashga ustuvorlik qaratilib, manfaatlar to‘qnashuvini davlat mansabdor shaxslarining shaxsiy yoki moliyaviy manfaatlar bilan jamoat manfaatlariga xizmat qilish majburiyatlari o‘rtasida ziddiyat yuzaga kelishida namoyon bo‘lishi ilmiy jihatdan asoslab berilgan⁴. Komenius universiteti (Slovakiya) tomonidan o‘tkazilgan ilmiy tadqiqotlarda asosiy e‘tibor davlat xaridlari tizimidagi manfaatlar to‘qnashuvi masalasiga qaratilib, Yevropa Ittifoqidagi 250 000 dan ortiq davlat organlari har yili xizmatlar, ishlar va materiallarni sotib olishga YIMning 14 foizini (taxminan 2 trillion yevro) sarflashi, shu sababli, qonuniy davlat xaridlarini ta‘minlashda manfaatlar to‘qnashuvini boshqarish va bartaraf etish davlat mablag‘lari samaradorligini ta‘minlashda asosiy vosita ekanligi bo‘yicha ilmiy xulosalar olingan⁵. Kembrij universiteti (Buyuk Britaniya) olimlari tomonidan esa manfaatlar to‘qnashuvini tartibga solish uchun u bilan bog‘liq real huquqiy nizo sodir bo‘lgan yoki yo‘qligini aniqlash mumkin emasligini, sodda qilib aytganda, holat huquqiy oqibat keltirib chiqargan yoki chiqarmasligini kutib turish shart emasligini, oldindan

³<https://www.callutheran.edu/research/rpo/conflict-of-interest/>

⁴John Pelissero, Five Common Conflicts of Interest in Government and How to Prevent Them. 2023, <https://www.scu.edu/government-ethics/resources/five-common-conflicts-of-interest-in-government-and-how-to-prevent-them/>

⁵JUDr. PhD, Comenius University in Bratislava, Slovakia, e-mail: hana.kovacikova@flaw.uniba.sk, ORCID ID:<https://orcid.org/0000-0002-4158-0924>.

profilaktika bo‘lishi kerakligi bo‘yicha ilmiy tadqiqot xulosalariga kelingan⁶. Garvard universiteti (AQSH) tadqiqotlari natijasida esa manfaatlar to‘qnashuvi toifasi va uning tartibga solinishi so‘nggi 30 yilda keskin o‘zgarganligi, davlat huquqiy tartibga solish orqali katta natijalarga erishgan bo‘lsa-da, bugungi iqtisodiy rivojlanish nafaqat qonun ta’sir kuchi yordamiga, balki axloq ko‘magiga ham bog‘liqligi bo‘yicha ilmiy xulosalar olingan. Dalhousie universiteti (Kanada) tadqiqotlari mazmunida manfaatlar to‘qnashuvi holatini jamoatchilikka faol ravishda oshkor qilish yotadi. Unga ko‘ra aniq va shaffof tartib-qoidalar orqali bunday siyosatlar axloqiy qoidalarga rioya etilishini jamoatchilik tomonidan baholashning samarali vositasi hisoblanadi, chunki holatni ommaga oshkor qilish oldini olish va rag‘batlantiruvchi funksiyani bajarishi mumkin: jamoatchilik qanchalik ko‘p bilsa, axloqiy me‘yorlar shunchalik hurmat va nazorat qilinadi⁷.

Oksford universiteti (Buyuk Britaniya) tomonidan esa “Manfaatlar to‘qnashuvi bo‘yicha aniq davlat siyosati” (*A Clear COI Policy*) konsepsiyasi ilgari surilib, tadqiqot natijasiga ko‘ra, shaxsiy munosabatlar (*Personal Relationships*), moliyaviy munosabatlar (*Financial Interests*), boshqa tashkilotda ishlash (*Outside Employment*) hamda sovg‘alar va mehmondo‘stlik (*Gifts and Hospitality*) kabi manfaatlar to‘qnashuvini keltirib chiqaruvchi asosiy munosabatlarni tartibga solish manfaatlar to‘qnashuvini oldini olishda hal qiluvchi ahamiyat kasb etadi⁸. Texas va Dallas universiteti (AQSH) tadqiqotlari natijasida manfaatlar to‘qnashuvi 3 ta katta yo‘nalishda – shaxsiy, moliyaviy va tashkiliy manfaatlar to‘qnashuvi kesimida tahlil qilingan. Uning mazmunida esa asosan manfaatlar to‘qnashuvini yagona klassifikatsiyaga solib bo‘lmasa-da, odatda shu 3 yo‘nalish takror sodir etilishi aytib o‘tiladi. Rossiyaning qator nufuzli universitetlari va aql markazlari tomonidan esa manfaatlar to‘qnashuvining oldini olish korrupsiyaga qarshi kurashish doirasida amalga oshirilib, tadqiqot natijalari ham asosan korrupsion faktlarni bartaraf etish modellariga asoslanmoqda.

Dunyo ilmiy hamjamiyatida mavzu yuzasidan olib borilgan tadqiqotlar “Davlat xizmatini amalga oshirishning 4 asosiy xulq-atvor standarti”, “Raqamli tartibga solish”, “Ichki tartibga solish va xabar berish”, “Jamoatchilik ishonchi”, “Ommaviy etika”, “Muammoni kompleks tartibga solish”, “Manfaatlar to‘qnashuvi bo‘yicha aniq davlat siyosati”, “Ta’lim va hushyorlikni oshirish”, “Ochiq suhbat va ishonch” kabi modellar doirasida rivojlanmoqda.

Tadqiqotning respublika fan va texnologiyalari rivojlanishining ustuvor yo‘nalishlariga mosligi. Mazkur tadqiqot respublika fan va texnologiyalar rivojlanishining I. “Demokratik va huquqiy jamiyatni ma’naviy-axloqiy va madaniy rivojlantirish, innovatsion iqtisodiyotni shakllantirish ustuvor yo‘nalishi” doirasida tayyorlangan bo‘lib, dissertatsiya “12.00.02 – Konstitutsiyaviy huquq. Ma’muriy huquq. Moliya va bojxona huquqi” ixtisosligiga mos keladi.

⁶Stark, A. (2003). *Conflict of Interest in American Public Life*. Cambridge, MA: Harvard University Press.

⁷Mark D. Jarvis & Paul G. Thomas, 2009, ‘The Limits of Accountability: what can and cannot be accomplished in the Dialectics of Accountability?’ Paper presented at Dalhousie University, Halifax, November 11-13, p. 11.

⁸Hawkins, K. O., & Miller, R. L. (2021). *Conflicts of Interest in the Professions*. Oxford University Press. 14(3), 317-340.

Muammoning o'rganilganlik darajasi. Mamlakatimizda davlat fuqarolik xizmatchilari faoliyatida korrupsiya va manfaatlar to'qnashuvini oldini olish, shuningdek davlat boshqaruvi va davlat xizmatining konstitutsiyaviy va ma'muriy-huquqiy jihatlari bilan bog'liq tadqiqotlar F.X.Otaxonov, R.R.Hakimov, Sh.U.Yakubov, J.N.Ne'matov, B.I.Ismailov, M.Axmedshayeva, A.Saidov, A.Bekmurodov, A.M.Xoshimxonov, G.Murodullaeva, B.Axrarov, A.Bo'riyev, X.T.Azizov, B.Sh.Mirboboyev, X.S.Xayitov, E.T.Xojiyev, O.T.Xusanov, F.U.Yuldasheva, K.Tojiboyev, R.Zufarov, M.Rustambayev, G.Sattarov, A.Axrarov, N.Salayev, M.Kalandarova, N.Said-Gaziyeva tomonidan tadqiq etilgan.

Shuningdek, B.Mirboboyev, B.Alimov, X.Xayitov, Sh.Asadov, S.B.Yusupov tomonidan davlat boshqaruvi va mazkur jarayonda davlat xizmatining ayrim jihatlari nazariy-huquqiy jihatdan tahlil qilingan bo'lsa, E.T.Xojiyev, N.Sh.Said-Gaziyeva, B.Sh.Mirboboyev, X.T.Azizov, E.Bazarbay, U.Tojixanov, Sh.Y.Jo'rayev, A.A.Li, E.T.Xojiyev, G.S.Ismailova, M.A.Raximovalar davlat xizmatini mustaqil kasbiy faoliyat sifatida tadqiq etganlar. Shuningdek, milliy olimlardan R.Hakimov, Sh.Yakubov, F.Otaxonov, E.Xojiyev, G.Ismailova, M.Raximova, B.Ismailov, J.Abdullayev, G.Nurmuxammedova, A.Dadasheva, B.Narimanov hamda M.Mamasiddiqovlar korrupsiya va manfaatlar to'qnashuvini oldini olishda jamoatchilik nazorati, nodavlat notijorat tashkilotlari faoliyatini tahlil qilganlar.

MDH mamlakatlari olimlaridan B.M.Lazarev, A.P.Alexin, V.M.Manoxin, Y.A.Tixomirov, E.E.Duysenov, Y.M.Kozlov, A.V.Obolonskiy, Y.N.Starilovlar davlat xizmati bilan bog'liq jihatlarni tahlil qilgan bo'lsalar, S.S.Frolov, A.Dementiev, A.G.Zdravomyslov, O.Panina, K.Xarchenko, N.Krasyukova, A.F.Nozdachev, A.K.Zaytsev, A.Ilyakov, D.Dedov, A.Solovev, N.Axmetova tomonidan manfaatlar to'qnashuvini oldini olish masalalari atroflicha o'rganilgan.

Yevropa mamlakatlari olimlaridan esa Jose Vicente, C.R.Sunstein, R.Kerridge, R.S.Miller, K.O.Hawkins, D.Mark, Stark, Bryn Williams-Jones, A.Richard, Epstein, Dávid-Barrett, B.M.Dickens, R.J.Cook, M.Philp, P.F.Druker, V.Urey, J.Holliday, C.Veisman, X.Xekxauzen, B.Turvey, M.Florin, F.Zibold, H.James, V.Grib, G.Chebotareva, M.Shediy va boshqa olimlar manfaatlar to'qnashuvi borasida mustaqil ilmiy izlanishlar olib borganlar⁹.

Garchand ushbu olimlarning ilmiy izlanishlarida davlat boshqaruvi va davlat xizmati institutlari, ularda korrupsiya va manfaatlar to'qnashuvini oldini olish masalalari u yoki bu darajada tadqiq qilingan bo'lsa-da, mustaqil tadqiqot obyekti sifatida, jumladan, davlat fuqarolik xizmatchilari faoliyatidagi manfaatlar to'qnashuvini oldini olish jihatlari, ularning tashkiliy-huquqiy asoslarini takomillashtirish masalalari kompleks tadqiqot asosida o'rganilmagan.

O'tgan yillarda ushbu yo'nalishda amalga oshirilgan keng ko'lamli islohotlar, qabul qilingan normativ-huquqiy hujjatlar mazmuni va zamonaviy ilm-fan yutuqlaridan kelib chiqib, ushbu amalga oshirilgan tadqiqot yuqoridagi olimlarning ilmiy izlanishlarini yanada to'ldirishga, tadqiqot obyektining ma'lum darajada takomilga yetishiga xizmat qilgan.

⁹ Mazkur olimlarning ilmiy ishlari dissertatsiya ishining foydalanilgan adabiyotlar ro'yxatida berilgan.

Dissertatsiya tadqiqotining dissertatsiya bajarilgan oliy ta'lim muassasasining ilmiy tadqiqot ishlari rejalari bilan bog'liqligi. Dissertatsiya mavzusi Toshkent davlat yuridik universitetining ilmiy tadqiqot ishlari rejasiga kiritilib, ilmiy tadqiqotlarning ustuvor yo'nalishlari doirasida amalga oshirilgan.

Tadqiqotning maqsadi davlat fuqarolik xizmatchilari faoliyatida manfaatlar to'qnashuvini oldini olishning tashkiliy-huquqiy asoslarini takomillashtirish bo'yicha taklif va tavsiyalar ishlab chiqishdan iborat.

Tadqiqotning vazifalari:

zamonaviy davlat boshqaruvi va davlat fuqarolik xizmatining ilmiy-nazariy asoslarini tahlil qilish;

manfaatlar to'qnashuvining yuridik tabiatini tushunish bo'yicha doktrinal qarashlarni o'rganish;

manfaatlar to'qnashuvining turli ko'rinishlarini tavsiflash, bu bo'yicha ilmiy yondashuv va tendensiyalarni tadqiq qilish;

davlat fuqarolik xizmatchilari faoliyatida manfaatlar to'qnashuvini oldini olishga qaratilgan qonunchilik asoslarining shakllanishi va rivojlanish bosqichlarini tahlil etish;

davlat xaridlari bilan bog'liq munosabatlarda manfaatlar to'qnashuvini oldini olishning tashkiliy-huquqiy jihatlarini tadqiq etish;

davlat fuqarolik xizmatchilari faoliyatida manfaatlar to'qnashuvini oldini olishda jamoatchilik nazoratini amalga oshirishning huquqiy asos va mexanizmlarini aniqlash;

manfaatlar to'qnashuvini oldini olish va hal qilishda cheklov mexanizmini qo'llashning huquqiy jihatlarini o'rganish;

manfaatlar to'qnashuvini hal qilish bo'yicha vakolatli subyektlar hamda ularning huquq, majburiyat va faoliyat prinsiplarini tahlil qilish, manfaatlar to'qnashuvini hal qilish bo'yicha tashkiliy-huquqiy chora-tadbirlar ishlab chiqish;

davlat fuqarolik xizmatchilari faoliyatida manfaatlar to'qnashuvini oldini olish bo'yicha xorijiy mamlakatlar tajribasini o'rganish;

manfaatlar to'qnashuvini oldini olishga qaratilgan odob-axloq va etika standartlari bilan bog'liq zamonaviy konsepsiya va modellarni O'zbekistonda joriy etish istiqbollari tadqiq qilish;

davlat fuqarolik xizmatchilari faoliyatida manfaatlar to'qnashuvini oldini olishning tashkiliy-huquqiy asoslarini takomillashtirish bo'yicha ustuvor yo'nalishlarni ishlab chiqish.

Tadqiqotning obyekti davlat fuqarolik xizmatchilari faoliyatida manfaatlar to'qnashuvini oldini olish jarayonida yuzaga keladigan ijtimoiy-huquqiy munosabatlar tizimi hisoblanadi.

Tadqiqotning predmetini davlat fuqarolik xizmatchilari faoliyatida manfaatlar to'qnashuvini oldini olishning tashkiliy-huquqiy asoslarini takomillashtirish bilan bog'liq dolzarb tashkiliy-huquqiy muammolar, shuningdek ushbu faoliyatni tartibga soluvchi qonunchilik hujjatlari, ularni qo'llash amaliyoti, xorijiy mamlakatlar qonunchiligi va tajribasi, yuridik fandagi mavjud konseptual yondashuv, ilmiy-nazariy qarashlar va huquqiy kategoriyalar hamda mazkur

munosabatlarni tartibga soluvchi qonunchilik hujjatlarini takomillashtirishga oid masalalar tashkil etadi.

Tadqiqotning usullari. Tadqiqotda ilmiy bilishning formal yuridik, tizimli va funksional tahlil, kuzatish, tarixiylik, analiz va sintez, induksiya va deduksiya, mantiqiylik, qiyosiy-huquqiy tahlil, statistik tadqiqot usullaridan foydalanilgan.

Tadqiqotning ilmiy yangiligi quyidagilardan iborat:

manfaatlar to‘qnashuviga yo‘l qo‘ymaslikni davlat xizmatchilari faoliyatining asosiy prinsiplaridan biri sifatida belgilash zarurligi asoslantirilgan;

ishlab chiqilayotgan normativ-huquqiy va boshqa hujjatlarga biron-bir shaxs, guruh yoki idoralar manfaati nuqtai nazaridan yondashmaslik hamda ularning manfaatlari ifoda etilishiga yo‘l qo‘ymaslik lozimligi asoslab berilgan;

tashkilotlarning komplains nazorat bo‘linmalari (yoki ushbu vazifa yuklatilgan mas’ul shaxs) xizmat safariga yuborilgan xodimlarni manfaatlar to‘qnashuvi va korrupsiyaviy holatlarga yo‘l qo‘ymasliklari ustidan doimiy nazorat olib borishga mas’ul hisoblanishi asoslantirib berilgan;

davlat organi yoki boshqa tashkilot xodimining yaqin qarindoshlarini, shuningdek ularning aksiyalari yoki ulushlariga egalik qilayotgan yoxud tizimida ishlayotgan yuridik shaxslarni davlat organi yoki boshqa tashkilotning xodimiga aloqador shaxslar sifatida belgilash lozimligi asoslab berilgan;

ehtimoliy manfaatlar to‘qnashuvi to‘g‘risidagi deklaratsiya tartibini joriy etish, deklaratsiyani taqdim etish tartibini qonunchilikda belgilash, mazkur vazifalarni amalga oshirishni tashkilotlardagi maxsus bo‘linmalar zimmasiga yuklash zarurligi asoslantirilgan;

davlat organi yoki boshqa tashkilot xodimini manfaatlar to‘qnashuvi yuzaga kelmaydigan boshqa rahbarning bo‘ysunuviga o‘tkazish, o‘zini o‘zi rad etishi orqali yoki majburan chetlashtirish, lavozimiga teng boshqa lavozimga o‘tkazish yoki mehnat shartnomasini bekor qilish kabi choralarni manfaatlar to‘qnashuviga oid holatlar yuz berganda qo‘llaniladigan choralar sifatida belgilash kerakligi asoslab berilgan.

Tadqiqotning amaliy natijalari quyidagilardan iborat:

davlat fuqarolik xizmatchilari faoliyatining samaradorligini baholash (KPI) bo‘yicha indikatorlarda korrupsiya va manfaatlar to‘qnashuviga yo‘l qo‘ymaganlik me‘zonini ham kiritish zarurligi asoslantirildi;

kadrlar bilan ishlashning yagona va yaxlit tizimini joriy etish, kadrlar zaxirasini shakllantirish hamda yangi avlod rahbar kadrlarini tayyorlash, odob-axloq qoidalariga amal qilish va uning monitoringi, mehnatga haq to‘lashning adolatli va zamonaviy mexanizmlarini joriy etish zarurati asoslab berildi;

Korrupsiyaga qarshi kurashish agentligi tomonidan davlat fuqarolik xizmatchilarining halollik darajasini baholaydigan Milliy halollik indeksini ishlab chiqish taklifi bildirildi;

davlat xaridlarida Insofsiz ijrochilar reestrini sifatli yuritish, manfaatlar to‘qnashuviga yo‘l qo‘ygan shaxslarni ma’lum muddatlarda davlat xaridlarida qatnashishini cheklash amaliyoti taklif etildi;

“Normativ-huquqiy hujjatlarning va ular loyihalarining korrupsiyaga qarshi ekspertizasi to‘g‘risida”gi Qonun bilan tasdiqlangan Korrupsiyani keltirib

chiqaruvchi omillarni aniqlash bo'yicha cheklist tajribasini davlat xizmatchilarining mehnat shartnomasi, vazifa va vakolatlardagi manfaatlar to'qnashuvi bilan bog'liq risklarni aniqlashga tatbiq etish taklifi ilgari surildi;

faoliyati yo'lga qo'yilmagan davlat xizmati tizimida manfaatlar to'qnashuvini hal qilishga vakolatli subyektlar korpusini joriy etish, kompleks nazorat tuzilmalari bo'yicha yagona normativ-huquqiy hujjat ishlab chiqish taklifi berildi;

davlat fuqarolik xizmatchisini ishga qabul qilishda deklaratsiya to'ldirish tartibini belgilash, bunda deklaratsiya to'ldirishdan bo'yin tovlash uni xizmatga qabul qilishni rad etishga asos bo'lishi asoslantirildi;

qarindosh-urug'chilik va boshqa tashkilotlarda birga ishlaganlik holatini aniqlashda FHDY organlari reyestri, my.gov.uz portali, davlat xaridlari yagona elektron bazasi, Yagona milliy mehnat tizimi, Argos elektron tizimlari va sun'iy intellekt imkoniyatlaridan foydalanish taklifi ilgari surildi;

korrupsion xavflarni boshqarish avtomatlashtirilgan tizimini ishga turshirish, investitsiya, grant va loyihalarni manfaatlar to'qnashuvi bo'yicha jamoatchilik va huquqiy ekspertizasidan o'tkazish zarurligi asoslantirib berildi.

Tadqiqot natijalarining ishonchliligi. Tadqiqot natijalarining ishonchliligi ishda qo'llanilgan usullar, uning doirasida foydalanilgan ilmiy-nazariy yondashuvlarning rasmiy manbalardan olinganligi, xalqaro tajriba va milliy qonunchilik normalarining o'zaro tahlil qilingani, xulosa, taklif va tavsiyalarning amaliyotda joriy etilganligi, natijalarning yetakchi milliy va xorijiy nashrlarda e'lon qilinganligi, vakolatli tuzilmalar tomonidan tasdiqlanganligi bilan belgilanadi.

Tadqiqot natijalarining ilmiy va amaliy ahamiyati. Tadqiqot natijalarining ilmiy ahamiyati undagi ilmiy-nazariy xulosalar, taklif va tavsiyalardan davlat fuqarolik xizmatchilari faoliyatida manfaatlar to'qnashuvini oldini olishning tashkiliy-huquqiy asoslarini takomillashtirish masalalari yuzasidan ilmiy izlanishlar olib borish, qonun hujjatlarining tegishli normalarini sharhlash, milliy qonunchilikni takomillashtirish hamda "Ma'muriy huquq", "Davlat xizmati", "Korrupsiyaga qarshi kurashish va kompleks nazorat", "Manfaatlar to'qnashuvini oldini olish" kabi fan, modul va kurslarni o'qitish, shuningdek ilmiy-nazariy jihatdan yanada boyitishda foydalanish mumkinligida namoyon bo'ladi.

Tadqiqot natijalarining amaliy ahamiyati korrupsiya va manfaatlar to'qnashuvini oldini olishga qaratilgan normativ-huquqiy hujjatlarni, huquqni qo'llash amaliyotini takomillashtirishda, shuningdek davlat fuqarolik xizmatchilari faoliyatida foydalanish mumkinligi bilan belgilanadi.

Tadqiqot natijalarining joriy qilinishi. Tadqiqot ishi bo'yicha olingan ilmiy natijalar quyidagilarda foydalanilgan:

manfaatlar to'qnashuviga yo'l qo'ymaslikni davlat xizmatchilari faoliyatining asosiy prinsiplaridan biri sifatida belgilash zarurligiga oid taklif O'zbekiston Respublikasi Vazirlar Mahkamasining 2022-yil 14-oktabrdagi 595-son qarori bilan tasdiqlangan Davlat fuqarolik xizmatchilari odob-axloqining namunaviy qoidalari 2-bandini ishlab chiqishda inobatga olingan (O'zbekiston Respublikasi Bosh vaziri kotibiyati Axborot-tahlil va yuridik ta'minlash departamentining 2024-yil 8-apreldagi 12-son dalolatnomasi). Ushbu taklifning joriy qilinishi davlat xizmatchilari faoliyatida manfaatlar to'qnashuvini oldini olishga xizmat qilgan;

ishlab chiqilayotgan normativ-huquqiy va boshqa hujjatlarga biron-bir shaxs, guruh yoki idoralar manfaati nuqtai nazaridan yondashmaslik hamda ularning manfaatlari ifoda etilishiga yo‘l qo‘ymaslik lozimligiga oid taklif O‘zbekiston Respublikasi Vazirlar Mahkamasining 2022-yil 14-oktabrdagi 595-son qarori bilan tasdiqlangan Davlat fuqarolik xizmatchilari odob-axloqining namunaviy qoidalari 2-bandini ishlab chiqishda inobatga olingan (O‘zbekiston Respublikasi Bosh vaziri kotibiyati Axborot-tahlil va yuridik ta‘minlash departamentining 2024-yil 8-apreldagi 12-son dalolatnomasi). Ushbu taklifning joriy qilinishi normativ-huquqiy va boshqa hujjatlar mazmunida manfaatlar to‘qnashuvini keltirib chiqaradigan normalarning bo‘lishini oldini olishga xizmat qilgan;

tashkilotlarning komplaens nazorat bo‘linmalari (yoki ushbu vazifa yuklatilgan mas‘ul shaxs) xizmat safariga yuborilgan xodimlarni manfaatlar to‘qnashuvi va korrupsiyaviy holatlarga yo‘l qo‘ymasliklari ustidan doimiy nazorat olib borishga mas‘ul hisoblanishi haqidagi taklif O‘zbekiston Respublikasi Vazirlar Mahkamasining 2022-yil 2-avgustdagi 424-son qarori bilan tasdiqlangan O‘zbekiston Respublikasi hududida xizmat safarlari to‘g‘risidagi nizomning 25-bandini ishlab chiqishda inobatga olingan (O‘zbekiston Respublikasi Bosh vaziri kotibiyati Axborot-tahlil va yuridik ta‘minlash departamentining 2024-yil 8-apreldagi 12-son dalolatnomasi). Ushbu taklifning joriy qilinishi xizmat safariga yuborilgan xodimlarni manfaatlar to‘qnashuvi va korrupsiyaviy holatlarga yo‘l qo‘ymasliklari ustidan nazorat olib borish mexanizmlarini yaratishga xizmat qilgan;

davlat organi yoki boshqa tashkilot xodimining yaqin qarindoshlarini, shuningdek ularning aksiyalari yoki ulushlariga egalik qilayotgan yoxud tizimida ishlayotgan yuridik shaxslarni davlat organi yoki boshqa tashkilotning xodimiga aloqador shaxslar sifatida belgilash lozimligiga oid taklif O‘zbekiston Respublikasining 2024-yil 5-iyundagi “Manfaatlar to‘qnashuvi to‘g‘risida”gi O‘RQ-931-son Qonuni 5-moddasini ishlab chiqishda inobatga olingan (O‘zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasi Sanoat, qurilish va savdo masalalari qo‘mitasining 2024-yil 24-iyuldagi 04/7-10-78-son dalolatnomasi). Ushbu taklifning joriy qilinishi nafaqat davlat organi yoki boshqa tashkilot xodimi faoliyatida, balki unga aloqador shaxslar faoliyatida ham manfaatlar to‘qnashuvi bilan bog‘liq holatlarning oldini olishga xizmat qilgan;

ehtimoliy manfaatlar to‘qnashuvi to‘g‘risidagi deklaratsiya tartibini joriy etish, deklaratsiyani taqdim etish tartibini qonunchilikda belgilash, mazkur vazifalarni amalga oshirishni tashkilotlardagi maxsus bo‘linmalar zimmasiga yuklash zarurligi haqidagi taklif O‘zbekiston Respublikasining 2024-yil 5-iyundagi “Manfaatlar to‘qnashuvi to‘g‘risida”gi O‘RQ-931-son Qonuni 18-moddasini ishlab chiqishda inobatga olingan (O‘zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasi Sanoat, qurilish va savdo masalalari qo‘mitasining 2024-yil 24-iyuldagi 04/7-10-78-son dalolatnomasi). Ushbu taklifning joriy qilinishi manfaatlar to‘qnashuvini oldini olish maqsadida ehtimoliy manfaatlar to‘qnashuvi to‘g‘risidagi deklaratsiya tartibini joriy etish, deklaratsiyani taqdim etish tartibining huquqiy asoslarini yaratishga xizmat qilgan;

davlat organi yoki boshqa tashkilot xodimini manfaatlar to‘qnashuvi yuzaga kelmaydigan boshqa rahbarning bo‘ysunuviga o‘tkazish, o‘zini o‘zi rad etish yoki

majburan chetlashtirish, lavozimiga teng boshqa lavozimga o'tkazish yoki mehnat shartnomasini bekor qilish kabi choralarni manfaatlar to'qnashuviga oid holatlar yuz berganda qo'llaniladigan choralar sifatida belgilash kerakligiga oid taklif O'zbekiston Respublikasining 2024-yil 5-iyundagi "Manfaatlar to'qnashuvi to'g'risida"gi O'RQ-931-son Qonuni 21-moddasini ishlab chiqishda inobatga olingan (O'zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasi Sanoat, qurilish va savdo masalalari qo'mitasining 2024-yil 24-iyuldagi 04/7-10-78-son dalolatnomasi). Ushbu taklifning joriy qilinishi davlat fuqarolik xizmatchisi faoliyatida manfaatlar to'qnashuvi bilan bog'liq vaziyat yuzaga kelsa, uni qanday hal qilish mexanizmlarini yaratishga xizmat qilgan.

Tadqiqot natijalarining aprobatsiyasi. Mazkur tadqiqot natijalari 7 ta ilmiy anjumanda, jumladan 4 ta xalqaro, 3 ta respublika miqyosida o'tkazilgan ilmiy-amaliy konferensiya, davra suhbatlari va seminarlarda sinovdan o'tgan.

Tadqiqot natijalarining e'lon qilinganligi. Mazkur tadqiqot natijalari bo'yicha jami 21 ta ilmiy ish, jumladan, 1 ta monografiya, 1 ta o'quv qo'llanma, 1 ta darslik (hammualliflikda), Oliy attestatsiya komissiyasining doktorlik dissertatsiyalari asosiy ilmiy natijalarini chop etish tavsiya etilgan ilmiy nashrlarda 11 ta (9 ta respublika va 2 ta xorijiy nashrlarda) maqola chop etilgan.

Dissertatsiyaning tuzilishi va hajmi. Dissertatsiya tarkibi kirish, to'rtta bob, xulosa, foydalanilgan adabiyotlar ro'yxati va ilovalardan iborat. Dissertatsiyaning hajmi 260 betni tashkil etgan.

DISSERTATSIYANING ASOSIY MAZMUNI

Dissertatsiyaning kirish qismida tadqiqot mavzusining dolzarbligi va zarurati, uning respublika fan va texnologiyalari rivojlanishining asosiy ustuvor yo'nalishlariga mosligi, mavzuga oid xorijiy ilmiy tadqiqotlar sharhi, muammoning o'rganilganlik darajasi, maqsad va vazifalari, obykti, predmeti, usullari, ilmiy yangiligi, amaliy natijasi, natijalarning joriy qilinishi, aprobatsiyasi, dissertatsiyaning hajmi va tuzilishi yoritilgan.

Dissertatsiyaning birinchi bobi "**Davlat fuqarolik xizmatchilari faoliyatida manfaatlar to'qnashuvini oldini olishning ilmiy-nazariy asoslari**" deb nomlanib, unda olimlar va yetakchi huquqiy maktablar doktrinal qarashlari asosida zamonaviy davlat boshqaruvi tizimida davlat fuqarolik xizmatining ilmiy-nazariy asoslari, davlat fuqarolik xizmatchilari faoliyatida manfaatlar to'qnashuvining yuridik tabiatini tushunish bo'yicha doktrinal qarashlar va manfaatlar to'qnashuvining turli ko'rinishlarini tavsiflash bo'yicha ilmiy yondashuvlar tahlil qilingan.

Jumladan, tadqiqot ishida samarali va natijaga asoslangan ixcham "mobil boshqaruv apparati"ni yaratish borasidagi ma'muriy-huquqiy islohotlar tahlili amalga oshirilib, ijro etuvchi hokimiyat organlari tuzilmasi, soni va asosiy vazifalari, davlat boshqaruvi organlarining huquqiy maqomi belgilanganligi, 2023-yil 1-yanvardan boshlab mustaqil faoliyat yurituvchi respublika ijro etuvchi hokimiyat organlarining soni **61 tadan 28 tagacha**, shu jumladan vazirliklar soni **25 tadan 21 tagacha** qisqartirilganligi keltirib o'tilgan.

Tadqiqotchi tomonidan davlat boshqaruvi nazariyasida asosiy model va tizimlar sifatida *Anglo-sakson (minimal davlat)*; *German (organizm)*; *Fransuz (bonopartizm yoki napoleonizm)* va *Skandinaviya (anglo-sakson va german an'analarining aralashmasi)* konsepsiyalari rivojlanganligi qayd etilib, xulosa sifatida bugungi kunda zamonaviy davlat boshqaruvini amalga oshirishda ikkita boshqaruv konsepsiyasi – **“New Public Management”** va **“Good Governance”** muhim ahamiyat kasb etayotganligi ta'kidlanadi.

Tadqiqot ishida milliy olimlardan **M.Axmedshayeva, A.Saidov, O.Xusanov, R.Xakimov, A.Bekmurodov, B.Mirboboyev, B.Alimov, X.Xayitov, Sh.Asadov** va boshqalar tomonidan mamlakat rivojida zamonaviy davlat boshqaruviga doimo ehtiyoj mavjudligi qayd etilishi, bu borada ixcham davlat boshqaruvi tizimi, davlat funksiyalarini fuqarolarga xizmat qilishga yo'naltirish, nomarkazlashtirish, elektron davlat xizmatlari, jamoatchilik va parlament nazorati masalalari davlat boshqaruvini takomillashtirishda asosiy elementlar sifatida aytib o'tiladi.

Muallif davlat boshqaruvi masalasida xulosa qilgan holda ***zamonaviy davlat boshqaruvini*** *ixcham va natijaga asoslangan, vazifa va funksiyalar davlat va nodavlat sektor o'rtasida mutanosib va aniq taqsimlangan, markazlashishdan qochgan, boshqaruv qarorlarini qabul qilishda fuqarolarning faol ishtirokini nazarda tutadigan boshqaruv aparatini tashkil etadigan faoliyat turi* sifatida ta'riflaydi. Tahlillar natijasida **zamonaviy virtual davlat boshqaruvi** tizimini huquqiy va tashkiliy jihatdan tartibga solish zaruratini aytib o'tadi.

Tadqiqotchi davlat fuqarolik xizmati ustida ilmiy izlanishlar olib borib, davlat fuqarolik xizmati huquqiy jihatdan mamlakatda yangi institut hisoblansa-da ilmiy yoki faoliyat nuqtai nazardan ancha yillardan beri mavjudligini qayd etadi. Shakllangan ilmiy maktablarga ko'ra, **B.M.Lazarev, A.P.Alexin, V.M.Manoxin, Y.A.Tixomirov, E.E.Duysenov, Y.M.Kozlov, A.V.Obolonskiy, Y.N.Starilovlar** davlat xizmatiga davlat organlarida davlatning funktsiya va vazifalarini amalga oshirishga qaratilgan, maosh evaziga bajariladigan faoliyat sifatida ta'rif berishgan bo'lsa, milliy olimlardan **E.Bazarbay, U.Tojixanov, A.A.Li, E.T.Xojiyev, G.S.Ismailova, shuningdek M.A.Raximov**lar davlat xizmatini kasbiy faoliyat turining bir ko'rinishi sifatida tadqiq etishgan. Boshqa yana bir ilmiy maktab olimlari – **E.T.Xojiyev, N.Sh.Said-Gaziyeva, B.Sh.Mirboboyev va X.T.Azizov** kabilarning qarashlarida esa davlat xizmati mehnat faoliyati ekanligi e'tirof etilgan.

Ilmiy nazariy jihatdan “fuqarolik xizmati” tushunchasiga e'tibor berilganda, jahon amaliyotidagi **“public service”** (“ommaviy xizmat”), **“civil service”**, (“fuqarolik xizmati”) **“government service”** (“hukumat xizmati”) atamaları bu bilan bevosita bog'liqdir, degan xulosaga kelingan.

Muallif tomonidan davlat fuqarolik xizmatiga quyidagi mualliflik ta'rifi ishlab chiqilgan:

davlat fuqarolik xizmati – *bu muayyan haq evaziga davlatning asosan ijro etuvchi hokimiyati tarmog'idagi funktsiya va vazifalarini bajarishga qaratilgan davlat xizmatining bir turi bo'lgan kasbiy faoliyat hisoblanadi.*

Shuningdek, “Davlat fuqarolik xizmati tog'risida”gi Qonunni qo'llashda kamchiliklar mavjudligi nazariy va amaliy jihatdan tahlil qilinib, bu borada davlat fuqarolik xizmatchilarining toifalarini aniqlash – **Davlat fuqarolik**

xizmatchilarining yagona reyestrini qabul qilish zarurati asoslab berilgan. Davlat fuqarolik xizmati sohasida shakllangan kichik tajriba sohani takomillashtirishda tashkiliy va huquqiy jihatdan ehtiyojlar borligini ko'rsatib berganidan kelib chiqib, kadrlar bilan ishlashning yagona va yaxlit tizimini joriy etish, kadrlar zaxirasini shakllantirish hamda yangi avlod rahbar kadrlarini tayyorlash, ishga qabul qilish, gender tengligi, odob-axloq qoidalariga amal qilish va uning monitoringi, mehnatga haq to'lashning adolatli va zamonaviy mexanizmlarini (**AQSh, Koreya, Buyuk Britaniya, Fransiya, Singapur, Germaniya** tajribasi, alohida KPI shartlari asosida – **Singapur** va **Koreya** tajribasi) joriy etish dolzarbli asoslab berilgan.

Tadqiqotchi dissertatsiyada sohani takomillashtirishda bugungi kunda huquqiy bo'shliq bo'lgan davlat fuqarolik xizmati tatbiq etiladigan **tashkilotlarining ro'yxatini** belgilash, tizimga ishga qabul qilish yuzasidan **tanlov o'tkazish tartibini** huquqiy tartibga solish, **kadrlar zaxirasini shakllantirish** tartibini ishlab chiqish, davlat fuqarolik xizmatchilarining **uzluksiz malakasini oshirish tartibini** normativ tartibga solish lozimligini asoslab bergan.

Tadqiqot ishida manfaatlar to'qnashuvi **ilmiy-doktrinal, milliy-huquqiy** va **xalqaro-huquqiy** jihatdan tahlil qilinib, ilmiy doirada 2 ta katta maktab shakllanganligi ko'rsatiladi:

Birinchi maktab vakillariga (S.S.Frolov, A.Dementiev, P.F.Druker, A.G.Zdravomyslov, A.F.Nozdachev, V.Urey, J.Holliday, C.Weisman, X.Xekxauzen, A.K.Zaytsev, M.Kalandarova va boshqalar) ko'ra, manfaatlar to'qnashuviga neytral ma'noda, ya'ni har doim ham zararli oqibatlar keltirib chiqarmaydigan holat sifatida qaraladi;

Boshqa maktab vakillari (B.Turvey, A.Ilyakov, D.Dedov, A.Solovev, N.Axmetova, B.Axrоров, B.Ismailov, N.Said-Gaziyeva, G.Murodullayeva) esa uning ijtimoiy zarari haqida gapirib, mamlakat rivoji uchun har doim zararli deb hisoblashadi.

Shuningdek, ba'zi maktab vakillari (**B.Ismailov, G.Murodullaeva, B.Axrоров, A.Bo'riyev, M.Florin, F.Zibold, O.Panina, K.Xarchenko, A.Nozdachev, A.Ilyakov, N.Krasyukova D.Dedov va boshqalar**) manfaatlar to'qnashuvini alohida tadqiqot obyekti sifatida ko'rish va tahlil qilish, o'rganish zarur emas deb hisoblashadi. Ularning fikrlariga ko'ra, manfaatlar to'qnashuvi korrupsiya ifodalaydigan holatni anglatadi va bu jarayonni korrupsiyaga qarshi kurashish doirasida tahlil qilish maqsadga muvofiq.

Boshqa olimlar guruhi (**K.Tojiboyev, R.Zufarov, M.Rustamboyev, G.Sattarov, M.Kalandarova, N.Said-Gaziyeva, B.Voljenkin, N.Kuznetsova, H.James, va boshqalar**) esa manfaatlar to'qnashuvini alohida obyekt sifatida ko'rib, uni korrupsiyadan mutlaqo farq qiladigan, uning bir ko'rinishi bo'lsa-da, huquqiy tartibga solish va oldini olish, bu borada maxsus mexanizmlarni joriy etishga alohida munosabat va e'tibor bilan qarashadi.

Shuningdek, Birlashgan Millatlar Tashkilotining **Korrupsiyaga qarshi konvensiyasi, Korrupsiyaga qarshi Akti, Mansabdor shaxslarning xulq-atvor kodeksi, Davlat fuqarolik xizmatchilari Akti** xalqaro darajada manfaatlar to'qnashuvini tartibga solishga xizmat qilgan bo'lsa, tadqiqot obyekti milliy huquq doirasida "**Korrupsiyaga qarshi kurashish to'g'risida**"gi, "**Davlat fuqarolik**

xizmati to‘g‘risida”gi va “Manfaatlar to‘qnashuvi to‘g‘risida”gi qonunlar bilan tartibga solinganligi qayd etiladi.

Muallif tomonidan manfaatlar to‘qnashuvi va uning ko‘rinishlariga ilmiy-nazariy jihatdan quyidagi ta‘riflar ilgari suriladi:

manfaatlar to‘qnashuvi – bu shaxsning o‘z funksional xizmat vazifalarini o‘zi yoki o‘zi uchun aloqador shaxslar manfaatlari yo‘lida bajarishi yoki bajarmasligi natijasida o‘zi yoki o‘zi uchun aloqador shaxslar bilan fuqarolar, jamiyat va davlat manfaatlari o‘rtasida yuzaga kelgan, yuzaga keladigan yoki yuzaga kelishi mumkin bo‘lgan qarama-qarshilik tusidagi vaziyatdir.

mavjud (real) manfaatlar to‘qnashuvi – bu shaxsning shaxsiy manfaatdorligi uning o‘z xizmat majburiyatlarini bajarishiga ta‘sir ko‘rsatgan (ko‘rsatayotgan) hamda o‘z manfaatdorligi bilan fuqarolarning, tashkilotlarning, jamiyatning yoki davlatning manfaatlari o‘rtasida qarama-qarshilik yuzaga kelgan (kelayotgan) vaziyat hisoblanadi;

ehtimoliy (potensial) manfaatlar to‘qnashuvi – bu shaxsning shaxsiy manfaatdorligi kelajakda uning o‘z xizmat majburiyatlarini bajarishiga ta‘sir ko‘rsatishi mumkin bo‘lgan yoki shunday xavf (risk)ni yuzaga keltiradigan hamda o‘z manfaatdorligi bilan fuqarolarning, tashkilotlarning, jamiyatning yoki davlatning manfaatlari o‘rtasida qarama-qarshilik yuzaga keladigan (kelishi mumkin bo‘lgan) vaziyat hisoblanadi;

Dissertant tadqiqot ishida manfaatlar to‘qnashuvi bilan bog‘liq qator ko‘rinishlarni tahlil qilib, ularni aniq chegaralab bo‘lmasligini, u shaxsiy manfaatdorlik natijasida xizmat vakolatlarini amalga oshirish bilan bog‘liq har qanday vaziyatda yuzaga kelishi mumkinligini ilmiy jihatdan asoslab bergan.

Lekin shunday bo‘lsa-da, manfaatlar to‘qnashuvi ko‘rinishlari bilan bevosita bog‘liq bo‘lgan **nepotizm, favoritizm, lobbizm, traybalizm, kronizm va patronaj** kabi ko‘rinishlar ommalashganligini kuzatish mumkin. Shuningdek, **urug‘-aymoqchilik, mahalliychilik, proteksionizm, guruhbozlik** kabi ko‘rinishlar mazmunini ham bevosita manfaatlar to‘qnashuvining asosi bo‘lgan noqonuniy shaxsiy manfaatdorlik tashkil etadi.

Shuningdek, huquqshunos olimlar R.Zufarov va B.Axrarovlar korrupsiyaning bugungi kunda keng tarqalgan **maishiy** (*tanish-bilish, qarindoshlik, o‘zaro yon bosish, yordam berish*), **ish yuzasidan** (*davlat hokimiyati va biznes vakillari o‘rtasidagi*), shuningdek **yuqori hokimiyat organlari tomonidan sodir etiladigan korrupsiya** (*oliy mansabdor shaxslar tomonidan shaxsiy manfaat yo‘lida sodir etiladi*) va **raqamli (kiber) korrupsiya** turlarini ham qayd etib o‘tadilar.

Dissertatsiyaning ikkinchi bobi **“Davlat fuqarolik xizmatchilari faoliyatida manfaatlar to‘qnashuvini oldini olishning huquqiy jihatlari” deb nomlanib, uning doirasida** davlat fuqarolik xizmatchilari faoliyatida manfaatlar to‘qnashuvini oldini olishga qaratilgan qonunchilik asoslari tahlili, davlat fuqarolik xizmatchilarining davlat xaridlari bilan bog‘liq munosabatlarida manfaatlar to‘qnashuvini oldini olishning tashkiliy-huquqiy jihatlari hamda manfaatlar to‘qnashuvini oldini olishda jamoatchilik nazoratini amalga oshirishning huquqiy jihatlari atroflicha tahlil qilingan.

Mazkur bob doirasida, avvalo, davlat fuqarolik xizmatchilari faoliyatida manfaatlar to‘qnashuvini oldini olishga qaratilgan qonunchilik asoslari tahlili 3 davrga (**1991-yildan 2008-yilgacha; 2008-yildan 2017-yilgacha; 2017-yildan bugungi kungacha**) bo‘lgan holda tahlil qilindi. Qator normativ-huquqiy hujjatlardagi huquqiy bo‘shliqlar aniqlanib, ularni bartaraf etish yuzasidan ilmiy-nazariy xulosalar, taklif va tavsiyalar ishlab chiqildi.

Davrlar kesimidan kelib chiqib, manfaatlar to‘qnashuvini oldini olishga qaratilgan milliy qonunchilikni rivojlanishiga e’tibor qaratiladigan bo‘lsa, 1- va 2-davrlarda manfaatlar to‘qnashuvi kichik bir normalarda belgilangan va normativ-huquqiy hujjatlar soni **10ga** ham yetmagan. 3-davrda esa mamlakatida manfaatlar to‘qnashuviga jiddiy huquqiy muammo sifatida qaralib, maxsus tartiga solish amaliyoti shakllangan. So‘nggi 6-7 yilda **60ga yaqin** normativ-huquqiy hujjatlarda manfaatlar to‘qnashuvini oldini olishga qaratilgan qoidalar belgilangan.

Davlat fuqarolik xizmatchilari faoliyatida manfaatlar to‘qnashuvini oldini olishga qaratilgan qonunchilik asoslari tahlili yuzasidan 2024-yil holatga ko‘ra lex.uz saytida mavjud **80ga yaqin** normativ-huquqiy hujjatlarda manfaatlar to‘qnashuvini tartibga solishga oid normalar belgilanganligi faoliyatni tartibga solish ancha tarmoqlashganligini ko‘rsatadi.

Shu bilan birga, mazkur bob doirasida “Korrupsiyaga qarshi kurashish to‘g‘risida”gi va “Davlat xaridlari to‘g‘risida”gi qonunlarda davlat xaridlarini amalga oshirish jarayonida manfaatlar to‘qnashuvi bilan bog‘liq holatda qabul qilingan qaror va tartib-taomillarni bekor qilish yoki o‘zgartirishga oid talablarni aks ettirishni nazarda tutadigan o‘zgartirish va qo‘shimchalarni kiritish zarurligi asoslantirildi.

Davlat xaridlari tizimidagi manfaatlar to‘qnashuvi holatlarini munosib tartibga solish maqsadida Korrupsiyaga qarshi kurashish agentligiga manfaatlar to‘qnashuvi bilan bog‘liq har qanday holatlar aniqlanganda, shartnoma, buyruq va boshqa hujjatning amal qilishini to‘xtatib turish to‘g‘risida taqdimnoma yoki uni haqiqiy emas deb topish bo‘yicha sudga da’vo kiritish vakolatini berish yuzasidan tegishli qonunlarga o‘zgartirish kiritish, bu borada tegishli tartibda sudga ariza berish, bu jarayonda davlat bojidan ozod qilish, ma’muriy bayonnomalar tuzish vakolatini berish, **“Davlat nazorati to‘g‘risida”gi qonun** loyihasini ishlab chiqish masalalari tahlil qilindi.

Shuningdek, tadqiqotchi *korrupsiyani keltirib chiqaruvchi omillarni aniqlash bo‘yicha cheklist* bilan bog‘liq huquqiy tajribani *davlat fuqarolik xizmatchilari bilan tuziladigan mehnat shartnomasi, vazifa va vakolatlarda manfaatlar to‘qnashuvi bilan bog‘liq risklarni aniqlash faoliyatiga* ham tatbiq etish maqsadga muvofiq, degan xulosaga keladi.

Muallif bir xil amaliyotni ta’minlash maqsadida O‘zbekiston Respublikasining 2022-yil 8-avgustdagi “Davlat fuqarolik xizmati to‘g‘risida”gi O‘RQ-788-son Qonuni 19-moddasini *mavjud manfaatlar to‘qnashuvi va ehtimoliy manfaatlar to‘qnashuvi* kategoriyalari hamda *monitoring va javobgarlik asoslari* bilan, “Korrupsiyaga qarshi kurashish to‘g‘risida”gi Qonunning 21-moddasini esa manfaatlar to‘qnashuvi yuzaga kelganda xodim nafaqat rahbariga balki **yuqori**

turuvchi davlat organiga ham ma'lum qilishiga oid norma bilan to'ldirish, maqsadga muvofiqligini qayd etadi.

Shuningdek, tadqiqot davomida dissertant davlat fuqarolik xizmatchilarining davlat xaridlari bilan bog'liq munosabatlarida manfaatlar to'qnashuvini oldini olishning tashkiliy-huquqiy jihatlariga alohida etibor qaratib, ilmiy-nazariy va tashkiliy-huquqiy jihatdan batafsil tahlilni amalga oshirgan. Davlat xaridlarining ahamiyatiga to'xtalib, birgina O'zbekistonda 2022-yil davomida davlat xaridlari orqali **1.5 milliarddan ortiq** shartnoma tuzilganligi, bu loyihalarning umumiy qiymati **200 trillion so'mdan** oshishini, shuningdek asossiz to'g'ridan to'g'ri shartnoma tuzish (833 ta), qimmat narxda tovar sotib olish (353 ta), **manfaatlar to'qnashuvi (253 ta) holatlari** yuz berganligini, davlat xaridining 46 foizi (115 trillion so'm) tanlov va tenderlarsiz, to'g'ridan to'g'ri shartnoma orqali amalga oshirilganini misol sifatida keltirgan. Shuning uchun mazkur jarayonda manfaatlar to'qnashuvini oldini olish masalasi juda dolzarb ekanligi tadqiqotda qayd etilgan.

Bundan tashqari, dolzarblikni asoslashda quyidagi raqamlar keltirib o'tilgan:

2023-yilning fevral oyida vazirlik va idoralar tomonidan amalga oshirilgan **4.35 trln. so'mlik 77 411 ta** xaridlarda jami **25 mlrd. so'mlik** qonunbuzilish holatlari yuzasidan buyurtmachilarga **26 ta** taqdimnoma kiritilgan. Kiritilgan taqdimnoma va so'rovnomalar natijasida 12 ta davlat xaridi bekor qilingan hamda 7 ta ma'muriy ish qo'zg'atilgan. Bevosita tadqiqot obyekti nuqtai nazaridan e'tibor qaratiladigan bo'lsa, 2021-yil va 2022-yilning 5 oyi davomida **429,3 mlrd. so'mlik 5 805 ta davlat xaridlarida** manfaatlar to'qnashuvi holatlari yuz bergan.

Shundan kelib chiqib, tadqiqot natijasida ushbu sohada quyudagi tavsiyalarga alohida e'tibor qaratish bo'yicha xulosaga kelingan:

davlat xaridlari to'g'risidagi qonunchilikni buzganlik uchun ma'muriy javobgarlikni kuchaytirish, Jinoyat kodeksida bu bilan bog'liq **norma kiritish**;

O'zbekiston Respublikasining "Davlat xaridlari to'g'risida"gi Qonunida manfaatlar to'qnashuviga olib keladigan kelishuv va bitimlarni bekor qilish, o'zgartirishga oid maxsus normalar belgilanmaganligi sababli 44-moddasini "*Korrupsiya va manfaatlar to'qnashuviga yo'l qo'ygan holda davlat xaridlari tartib-taomili amalga oshirilganda davlat organi yoki maxsus vakolatli organ jarayonning istalgan bosqichida davlat xaridini bekor qilishi mumkin*" degan norma bilan to'ldirish;

sohani tartibga solishga bevosita mas'ul bo'lgan **O'zbekiston Respublikasi Vazirlar Mahkamasi huzurida Davlat xaridlarini muvofiqlashtirish bo'yicha maxsus vakolatli organi**ni tuzish;

noqonuniy deb topilgan davlat xaridlarini **ommaviy e'lon qilib borish**.

Shu bilan birga, davlat fuqarolik xizmatchilari faoliyatidagi manfaatlar to'qnashuvini oldini olishda **jamoatchilik nazoratini** amalga oshirishning huquqiy jihatlarini tadqiqotda muhim o'rin egallagan.

Har yili birgina Korrupsiyaga qarshi kurashish agentligi tomonidan OAV vakillari tomonidan e'lon qilingan va kelib tushgan murojaatlar asosida manfaatlar to'qnashuvini bartaraf etish yuzasidan o'rtacha **25-30 ta** taqdimnoma kiritiladi. Boshqa huquqni muhofaza qiluvchi organlar bilan hisoblaganda **100 dan** ziyod OAV xabarlarini asosida huquqbuzarliklar aniqlanadi. Birgina bugungi kunda

mashhur ommaviy axborot vositasiga aylangan kun.uz saytida manfaatlar to‘qnashuvi bilan bog‘liq **50 ga yaqin** material e‘lon qilingan. Mazkur ko‘rsatkichlar ham manfaatlar to‘qnashuvini oldini olishda jamoatchilik nazoratining ahamiyatini ko‘rsatib beradi.

Muallif manfaatlar to‘qnashuvini oldini olishda jamoatchilik nazoratining o‘rni va ahamiyatini aniqlashda qator ilmiy olimlar, xususan, R.Hakimov, Sh.Yakubov, F.Otaxonov, E.Xojiyev, G.Ismailova, M.Raximova, B.Ismailov, M.Axmedshayeva, J.Abdullayev, A.Dadasheva, B.Narimanov, G‘.Mamatov, Sh.Eshimov, Sh.Mavlyanov, Sh.Kulturaev, M.Mamasiddiqov, A.Otajonov, X.Muxamedxodjayeva, G.Nurmuxammedova, G.Murodullayeva, V.Grib, G.Chebotareva, A.Lapshina, T.Xabriyeva, S.Roganov, V.Fedorov, A.Dalgatova, V.Saetgaraev, M.Shediy, S.Taxoeva, Y.Matveychuk, V.Yuritsin, T.Roganova, M.Vaxitina, A.Shalamova, N.Chernogor, A.Shulikov kabi xorijiy olimlar tadqiqotlariga murojaat qilgan.

Tadqiqotchi tomonidan “Ochiq parlament” (“**Open Parliament**”) doktrinasi, “**Korrupsiyaga qarshi kurashishda parlament va oliy nazorat organlarining roli to‘g‘risida**”gi tavsiyanoma, **Fuqarolik va siyosiy huquqlar to‘g‘risidagi xalqaro pakt, Ochiq hukumat bo‘yicha Parij deklaratsiyasi, Iqtisodiy hamkorlik va taraqqiyot tashkiloti Kengashining “Davlat sektorida manfaatlar to‘qnashuvini boshqarish bo‘yicha tavsiyalari”, Ommaviy halollik bo‘yicha kengashi tavsiyalari** kabi xalqaro hujjatlar asosida mavzu tadqiq etilib, qator tavsiyalar ilgari surilgan.

Jumladan, davlat xizmatchilari faoliyatining samaradorligini baholash (KPI) bo‘yicha aniq indikatorlarni belgilash va ularning bir turi sifatida **jamoatchilik nazorati shakllari asosida yig‘ilgan ma‘lumotlarga baho berishni** ham belgilash maqsadga muvofiqligi asoslantirilgan. Davlat organlari va mansabdor shaxslarning **korrupsiya va manfaatlar to‘qnashuvi bilan bog‘liq faoliyatini** jamoatchilik nazorati obykti sifatida belgilash, jamoatchilik nazorati yakunlari bo‘yicha qabul qilingan qarorlarni **keng jamoatchilikka majburiy tartibda e‘lon qilish** kabi normalarni “Jamoatchilik nazorati to‘g‘risida”gi Qonunga kiritish bo‘yicha tashabbuslar bildirilgan.

Shuningdek, tadqiqot ishida korrupsiya va manfaatlar to‘qnashuvi to‘g‘risida xabar berish amaliyotini ommalashtirish, xabar beruvchilarning tashkiliy va huquqiy himoyasini ta‘minlash maqsadida “Korrupsiyaga oid huquqbuzarlik haqida xabar bergan shaxslarni himoya qilish to‘g‘risida”gi Qonunni qabul qilish zarurligi asoslantirildi.

Dissertatsiyaning uchinchi bobi “**Davlat fuqarolik xizmatchilari faoliyatida manfaatlar to‘qnashuvini hal qilishning tashkiliy-huquqiy mexanizmlari**” deb nomlanib, unda davlat fuqarolik xizmatchilari faoliyatida manfaatlar to‘qnashuvini oldini olish va hal qilishda cheklov mexanizmini qo‘llashning huquqiy jihatlari, manfaatlar to‘qnashuvini hal qilish bo‘yicha vakolatli subyektlar hamda ularning huquq, majburiyat va faoliyat prinsiplari, shuningdek davlat fuqarolik xizmatchilari faoliyatida manfaatlar to‘qnashuvini hal qilish yuzasidan tashkiliy-huquqiy chora-tadbirlar ilmiy-nazariy va tashkiliy-huquqiy jihatdan tahlil qilingan.

Jumladan, mazkur bobda bevosita **cheklovlar masalasi** manfaatlar to‘qnashuvini oldini oluvchi mexanizm hamda huquqiy kategoriya sifatida qator qonunchilik hujjatlari asosida tahlil qilingan. Ilmiy olimlarning fikrlari asosida *davlat xizmati bilan bog‘liq bo‘lgan cheklovlar deganda Konstitutsiya va boshqa me‘yoriy-huquqiy hujjatlar bilan belgilangan, davlat xizmatchisining chiqishi man etilgan, huquq doirasida belgilangan shart va qoidalar tushunilishi* qayd etilgan.

Taqiq va cheklov masalalarida ilmiy-nazariy jihatdan quyidagicha mualliflik ta’riflari ilgari surilgan:

*«**taqiq** – bu davlat tomonidan maxsus normativ-huquqiy yoki ichki lokal hujjatlar asosida belgilangan, lavozim vazifalari va xususiyatlaridan kelib chiqib muayyan xatti-harakatlarni amalga oshirishni keskin taqiqlaydigan davlatning umummajburiy ko‘rsatmasidir»;*

*«**cheklov** – bu davlat xizmatchilari uchun davlat tomonidan maxsus normativ-huquqiy yoki ichki lokal hujjatlar asosida belgilangan, faqatgina muayyan tartib-taomil va me‘zonlar asosida vakolatlardan foydalanishning huquqiy chegarasini belgilovchi mexanizm hisoblanadi.*

Shuningdek, milliy qonunchilikka o‘zgartirish va qo‘shimcha kiritish asosida **taqiq va cheklovlarning alohida ro‘yxatini** “Davlat fuqarolik xizmati to‘g‘risida”gi Qonunda alohida-alohida moddalarda belgilash maqsadga muvofiqligi asoslantirilgan. O‘zaro yaqin qarindoshlik asosida **bitta davlat fuqarolik xizmatida** ishlash, O‘zbekiston Respublikasining amaldagi qonunchiligida belgilangan tarihlarga zid ravishda **xorijiy mamlakatga chiqish**, ilmiy va ijodiy faoliyatdan tashqari **haq to‘lanadigan** boshqa faoliyat bilan shug‘ullanish va **tadbirkorlik** faoliyati bilan shug‘ullanish, **sovg‘alar** olishni taqiqlash **masalasi** kabi cheklov choralari ilmiy-nazariy jihatdan baho berilgan. Bu boradagi statistik ma’lumotlarga ko‘ra, 2022-yil davomida jami **1 625 nafar** davlat xizmatchilari davlat xizmati bilan birga rahbar yoki ta’sischi sifatida tadbirkorlik faoliyati bilan shug‘ullanib kelayotgani ya’ni **ehtimoliy manfaatlar to‘qnashuvga** yo‘l qo‘ygani Korrupsiyaga qarshi kurashish agentligi xodimlari tomonidan aniqlangan.

Shundan kelib chiqib bu boradagi huquqiy bo‘shliqlarni bartaraf etish, jumladan, **deklaratsiya tartibini** joriy qilish tashabbuslari bildirilgan.

Dissertant tomonidan korrupsiya va manfaatlar to‘qnashuvini hal qilish bo‘yicha vakolatli subyektlar doirasini aniqlashda ularni **umumiy va maxsus vakolatli** subyektlarga ajratish maqsadga muvofiq degan xulosaga kelinib, quyidagi subyektlar toifalashtirilgan:

Maxsus vakolatli organlar:

O‘zbekiston Respublikasi Korrupsiyaga qarshi kurashish agentligi;

O‘zbekiston Respublikasi Bosh prokuraturasi;

O‘zbekiston Respublikasi Davlat xavfsizlik xizmati;

O‘zbekiston Respublikasi Ichki ishlar vazirligi;

O‘zbekiston Respublikasi Adliya vazirligi;

O‘zbekiston Respublikasi Bosh prokuraturasi huzuridagi Iqtisodiy jinoyatlarga qarshi kurashish departamenti.

Tadqiqotchiga ko'ra, **umumiy vakolatli organlar** toifasiga O'zbekiston Respublikasidagi barcha davlat va xo'jalik boshqaruvi organlarini, O'zbekiston Respublikasi davlat xizmatida yagona kadrlar siyosatini boshqarishga bevosita mas'ul bo'lgan Davlat xizmatini rivojlantirish agentligini, shuningdek O'zbekiston Respublikasi Korrupsiyaga qarshi kurashish Milliy kengashi va uning hududiy kengashlarini kiritish mumkinligi asoslantirilgan.

Bundan tashqari, subyektlar masalasida *Davlat fuqarolik xizmati organi, uning rahbari va davlat fuqarolik xizmatchisi; Davlat fuqarolik xizmati organida korrupsiya va manfaatlar to'qnashuvini oldini olish faoliyati bilan shug'ullanadigan tarkibiy bo'linmalar (kadrlar bo'limi, korrupsiyaga qarshi kurashish bo'limi va boshqa); Odob-axloq komissiyalari; Kompleans nazorat xizmati* hamda ularning *huquq va majburiyatlari* tadqiqot ishida alohida tahlil qilingan.

Tadqiqotchi manfaatlar to'qnashuvini oldini olishda davlat fuqarolik xizmati organida tuzilgan **kompleans nazorat xizmatiga** alohida e'tibor qaratib, uning ahamiyatini quyidagi ma'lumotlar asosida ham asoslashga harakat qilgan.

Jumladan, statistik ma'lumotlarga qaraydigan bo'lsak, **“Baker and McKenzie”** xalqaro tashkilotining ma'lumotlarida mazkur davrga kelib **180 dan ortiq** mamlakatlarda korrupsiyaga qarshi ichki nazorat tizimi tatbiq etilganligi qayd qilingan. Milliy doirada esa **89 ta** davlat organlari va tashkilotlarida, shuningdek banklarda **1 350 nafar** shtatni o'z ichiga olgan kompleans nazorat tuzilmalari faoliyati yo'lga qo'yilgan, ular faoliyatini tartibga solish bo'yicha **10 ta** idoraviy normativ huquqiy hujjat qabul qilingan. Shuningdek, mazkur xizmatlar tomonidan birgina 2022-yilda **66 ta** davlat tashkilotida o'tkazilgan o'rganish natijasida **3 101 ta** holatda **592.4 mlrd.** so'mdan ortiq moliyaviy qonunbuzilish holatlari aniqlangan.

Shundan kelib chiqib, faoliyati yo'lga qo'yilmagan davlat fuqarolik xizmati organlarida kompleans nazorat, axloq komissiyasi, kadrlar bo'limi, ichki inspeksiya yoki shu turdagi bo'limlarni tashkil etishni kechiktirmaslik, “kompleans nazorat” bo'yicha **yagona normativ-huquqiy hujjat** ishlab chiqish lozimligi bo'yicha xulosaga kelingan.

Dissertant davlat fuqarolik xizmatchilari faoliyatida manfaatlar to'qnashuvini hal qilish bo'yicha vakolatli subyektlarning faoliyat prinsiplari sifatida *davlat va jamoat manfaatlarining ustunligi, ochiqlik va shaffoflik, shaxsiy namuna, korrupsiya va manfaatlar to'qnashuviga qarshi murosasizlik, xabar bergan shaxslarning huquqlarini va mahfiylikni ta'minlash* masalalarini muhokama qilib, ularning hal qilish jarayonidagi ahamiyatini ilmiy-huquqiy jihatdan asoslantirgan.

Davlat fuqarolik xizmatchilari faoliyatida manfaatlar to'qnashuvini hal qilish yuzasidan tashkiliy-huquqiy chora-tadbirlar tahlilida nazariy jihatdan **“manfaatlar to'qnashuvini oldini olish”, “manfaatlar to'qnashuvini boshqarish”, “manfaatlar to'qnashuvini aniqlash”, “manfaatlar to'qnashuvini hal qilish” va “manfaatlar to'qnashuvini huquqiy tartibga solish”** bilan bog'liq jumlar mavjudligi qayd etilgan.

Manfaatlar to'qnashuvini hal qilish masalasida o'tkazilgan tadqiqotlarga ko'ra (*Chikago universiteti Huquq maktabi professori Richard Epstein tadqiqoti*) manfaatlar to'qnashuvini hal qilishda 2 ta katta model taklif etiladi: **birinchi model**

oldindan holatni baholash va oldini olish choralari ustuvorlik berish kerakligini nazarda tutsa, **ikkinchi modelning** mohiyatini jazolash mexanizmi orqali manfaatlar to‘qnashuvi holatini hal qilish mumkin.

Muallif tomonidan esa manfaatlar to‘qnashuvini hal qilishda **“tashqi ko‘rinish standarti”**, **jamoatchilik yordamiga asoslanish**, **xususiy sektor bilan hamkorlik qilish**, **bozor mexanizmi asosida haq to‘lash** modellariga alohida ahamiyat qaratiladi. Bu borada Birlashgan Millatlar Tashkilotning **Korrupsiyaga qarshi konvensiyasi**, **Yevropa Kengashining SM/Rec (2014) 7-tavsiyasi** va **“Axborot beruvchilar to‘g‘risida”gi Yevropa Ittifoqi Deriktivasi** asosida manfaatlar to‘qnashuvini aniqlash va hal qilishda korrupsiyaviy huquqbuzarliklar to‘g‘risida xabar berishga alohida ahamiyat qaratish lozimligi, bu borada ularning huquqiy himoyasini qonun bilan muhofazalash zarurligi bo‘yicha xulosaga kelingan.

Shuningdek, manfaatlar to‘qnashuvi bilan bog‘liq vaziyat yuzaga kelganda, uni hal qilish uchun qo‘llanadigan choralarda **o‘zini o‘zi rad etish instituti** markaziy o‘rinda turadi. Rad qilishning asosiy maqsadi esa ishni hal qilishda ishtirok etayotgan shaxsning qonun talablaridan, o‘z xizmat majburiyatidan o‘z manfaati yoki uchinchi shaxslar manfaati yo‘lida chetga chiqishi oqibatida fuqaroning huquq va manfaatlariga ziyon yetishini oldini olishga qaratilgandir. Lekin aynan rad qilish instituti amaliyotda har doim ham ishlamasligi bu borada huquqiy islohot va tashkiliy tadbirlarni, ijroni ta‘minlash mexanizmlarini joriy etishni talab etadi.

Shu jihatdan, qonun hujjatlarida rad qilish institutini takomillashtirishga oid normalarni belgilash, xususan, **“Davlat fuqarolik xizmati to‘g‘risida”gi, “Manfaatlar to‘qnashuvi to‘g‘risida”gi** qonunlarda manfaatlar to‘qnashuvini oldini olish va munosib hal qilishga qaratilgan o‘zini o‘zi rad etish bilan bog‘liq normalarni aniq belgilash, ularning bajarilish kafolatini esa Ma‘muriy javobgarlik to‘g‘risidagi kodeksga **rad qilish instituti bilan bog‘liq majburiyatlarga amal qilmaganlikka nisbatan javobgarlik choralari**ni kiritish orqali ta‘minlash maqsadga muvofiq sanaladi.

Dissertatsiyaning to‘rtinchi bobi **“Davlat fuqarolik xizmatchilari faoliyatida manfaatlar to‘qnashuvini oldini olishning tashkiliy-huquqiy asoslarini takomillashtirish istiqbollari”** deb nomlanib, unda davlat fuqarolik xizmatchilari faoliyatida manfaatlar to‘qnashuvini oldini olish bo‘yicha xorijiy mamlakatlar tajribasi, manfaatlar to‘qnashuvini oldini olishga qaratilgan odob-axloq va etika standartlari bilan bog‘liq zamonaviy konsepsiya va modellarni O‘zbekistonda joriy etish istiqbollari, shuningdek manfaatlar to‘qnashuvini oldini olishning tashkiliy-huquqiy asoslarini takomillashtirish bo‘yicha ustuvor yo‘nalishlar tahlil qilingan.

Tadqiqotchi tomonidan manfaatlar to‘qnashuvini oldini olish bo‘yicha xorijiy mamlakatlar tajribasi, avvalo, quyidagi modellar asosida tahlil qilingan:

manfaatlar to‘qnashuvini tartibga solishning Osiyo modeli;

manfaatlar to‘qnashuvini tartibga solishning o‘tish davri modeli;

manfaatlar to‘qnashuvini tartibga solishning kontinental modeli;

manfaatlar to‘qnashuvini tartibga solishning anglo-sakson modeli.

Xususan, **kontinental model** mohiyatiga ko‘ra manfaatlar to‘qnashuvi maxsus davlat munosabatini nazarda tutadi, maxsus qonunchilik va asosan qonunosti (idoraviy) hujjatlar bilan tartibga solishni ifoda etadi. Modelni o‘zida samarali qo‘llagan mamlakatlar sifatida esa **Germaniya, Yaponiya, Fransiya** mamlakatlarini qayd etish mumkin.

Anglo-sakson modelida esa manfaatlar to‘qnashuvi axloq, huquq va adolat, qonun prinsiplari asosida aniqlanishi, oldi olinishi va tartibga solinishini nazarda tutadi. Ushbu model qonunlarda mustahkamlangan va vaziyatlar kesmida o‘zini tutish qoidalari, xulq-atvor standartlari bilan tavsiflangan. Bu modelni rivojlantirgan va samarali qo‘llagan mamlakatlar sifatida esa **AQSh, Buyuk Britaniya, Kanada, Avstraliya** kabi mamlakatlarni ko‘rsatish mumkin. **Osiyo va o‘tish davri modellarida** esa asosan manfaatlar to‘qnashuvini tartibga solish korrupsiyaga qarshi kurashish doirasidagi islohotlarni o‘z ichiga olishi bilan xarakterlanadi.

Bundan tashqari, boshqa ayrim manbalarda manfaatlar to‘qnashuvini oldini olish bo‘yicha xorijiy mamlakatlar tajribasida **Britaniya, Fransuz va Nordik modellari** ham rivojlanganligi qayd etib o‘tilgan. Xususan, **Britaniya modeli** tarkibiga kiruvchi mamlakatlarda (*Buyuk Britaniya, Avstraliya, Kanada, Yangi Zelandiya*) manfaatlar to‘qnashuvini oldini olish masalalari, davlat xizmatchilarining xizmat faoliyatlarini olib borishlari yuqori darajadagi axloq, faoliyatga vijdonan yondashish, har qanday shaxsiy manfaatlar haqida e‘lon qilish yoki hisobot berish tendensiyasiga asoslanadi.

Keyingi keng tarqalgan model – **Fransuz modelining** asosiy xususiyati esa (*Fransiya, Italiya, Polsha, Chexiya, Ispaniya*) ochiqlik va shaffoflik mexanizmiga asoslanadi. Uchinchi model – **Nordik modeli** esa alohida e‘tiborni talab etadi. Jumladan, bugungi kunda davlat boshqaruvini samarali tashkil etish va farovonlikni ta‘minlash, korrupsiya va uning turli ko‘rinishlariga qarshi kurashish masalasidagi qator xalqaro reyting va indekslarda mazkur model tarkibiga kiruvchi mamlakatlar (*Shvetsiya, Finlandiya, Norvegiya, Daniya*) yetakchilik qilmoqda. Mazkur modelning asosiy xususiyatlari mazmunan yuqoridagi ikkita modelning ham ijobiy jihatlarni o‘zida aks ettirganligi bilan xarakterlanadi.

Shu bilan bir qatorda, tadqiqotchi xorijiy mamlakatlar tajribasini quyidagi geografik tuzilish asosida tahlil qilgan:

Amerika Qo‘shma Shtatlari va Kanadaning manfaatlar to‘qnashuvini tartibga solishga qaratilgan tajribasi;

Yevropa mamlakatlarining manfaatlar to‘qnashuvini tartibga solishga qaratilgan tajribasi;

MDH va ayrim Osiyo mamlakatlarining manfaatlar to‘qnashuvini tartibga solishga qaratilgan tajribasi.

Shuningdek, tadqiqotchi tomonidan manfaatlar to‘qnashuvini oldini olish bo‘yicha **zamonaviy konsepsiya va modellar** (“*Davlat xizmatini amalga oshirishning 4 asosiy xulq-atvor standarti*”, “*Raqamli tartibga solish*”, “*Ichki tartibga solish va xabar berish*”, “*Jamoatchilik ishonchi*”, “*Ommaviy etika*”, “*Muammoni kompleks tartibga solish*”, “*Manfaatlar to‘qnashuvi bo‘yicha aniq davlat siyosati*”, “*Ta‘lim va hushyorlikni oshirish*”, “*Ochiq suhbat va ishonch*”) tahlil qilindi, ularni O‘zbekistonda joriy etish istiqbollari Buyuk Britaniya tajribasi asosida o‘rganildi.

O‘zbekiston Respublikasining **korrupsiyaga qarshi kurashish bo‘yicha 2030-yilgacha mo‘ljallangan milliy strategiyasini** qabul qilish, keyingi yillardagi vazifalarni aynan mazkur strategiya doirasida tizimli, bosqichma bosqich davom ettirish maqsadga muvofiqligi asoslab berildi. Manfaatlar to‘qnashuvini aniqlashda matbuot va so‘z erkinligi, OAV imkoniyatlaridan keng foydalanish, bu borada ularning tashkiliy va huquqiy himoyasini kuchaytirish, ayniqsa, xabar

beruvchilarning bu boradagi huquqlarini himoya qilishga qaratilgan maxsus qonunni qabul qilish asoslantirildi.

Tadqiqotchiga ko'ra, mamlakatda so'nggi yillarda korrupsiyaga qarshi kurashish borasida olib borilayotgan islohotlar mazmuniga e'tibor berilsa, jazolash yoki oqibatlari bilan kurashish emas, oldini olish va barvaqt aniqlashga qaratilgan preventiv choralarini qo'llashga katta ahamiyat berilmoqda. Shu jihatdan, mamlakatda korrupsiya va manfaatlar to'qnashuvini aniqlashga qaratilgan **korrupsiya holatlarini dastlabki o'rganish – korrupsion surishtiruv institutini** joriy etish muhim hisoblanadi.

Korrupsion surishtiruv korrupsiya holatlarini tekshirish va ularni tasdiqlash yoki rad etish uchun ma'lumot to'plashdan iborat bo'lgan, tegishli subyektlar tomonidan vakolat doirasida holatni dastlabki o'rganish orqali amalga oshiriladigan, korrupsiyani barvaqt oldini olishga qaratilgan chora-tadbir hisoblanadi. Boshqacha aytganda, korrupsion surishtiruv holat yuz berishidan oldin tekshirish-o'rganish asosida olib boriladigan preventiv chora sanaladi. Mazkur tizim guvohlar bilan suhbatlashish, hujjatlar va yozuvlarni olish, ma'lumotlarni tahlil qilish va tegishli shaxslar faoliyatini o'rganish orqali amalga oshiriladi.

Yuqoridagilardan kelib chiqib, tadqiqotchi O'zbekiston Respublikasining tegishli qonunchilik hujjatlari, jumladan, **“Korrupsiyaga qarshi kurashish to'g'risida”gi** va **“Manfaatlar to'qnashuvi to'g'risida”gi qonunlariga korrupsion surishtiruv institutini kiritish**, ularni amalga oshirish mexanizmlari va subyektlar doirasini belgilash, Korrupsiyaga qarshi kurashish agentligi va davlat fuqarolik xizmati organlaridagi maxsus ichki tuzilmalarga korrupsiya va manfaatlar to'qnashuvini dastlabki aniqlash – korrupsion surishtiruv bilan bog'liq aniq vakolatlarni berish maqsadga muvofiq, degan xulosaga keladi.

Shuningdek, davlat fuqarolik xizmatchilari faoliyatida korrupsiya va manfaatlar to'qnashuvini oldini olishga qaratilgan **milliy halollik standarti** (*Public integrity*) institutini joriy etish ham muhim hisoblanadi. Shundan kelib chiqib, mazkur institutni korrupsiya va manfaatlar to'qnashuvini tartibga soladigan hujjatlarda huquqiy norma sifatida belgilash, ishlab chiqilgan standart asosida halollik darajasini baholaydigan **Milliy halollik indeksi** ishlab chiqish maqsadga muvofiq. Bu borada davlat fuqarolik xizmatchilarining yillik reytinglarini yuritib borish, ular faoliyatiga baho berish va yuqori lavozimlarga tayinlashda inobatga olish tartibini joriy etish maqsadga muvofiq.

Tadqiqot ishida ***davlat fuqarolik xizmatchilari bilan bog'liq yuzaga kelayotgan nizolarning sudga tegishli va taalluqliligi masalasida*** yagona amaliyot yo'q bo'lib, ilmiy olimlar va amaliyotchi-mutaxassislar o'rtasida ham turli fikrlar borligi qayd etib o'tiladi. Masalaning huquqiy yechimi sifatida esa, avvalo, **“Davlat fuqarolik xizmati to'g'risida”gi Qonun tatbiq etiladigan sohalar (tashkilotlar)ni belgilash** (*“Manfaatlar to'qnashuvi to'g'risida”gi Qonun tatbiq etiladigan tashkilotlar belgilangan amaliyot kabi*), shuningdek **Davlat fuqarolik xizmatchilarining yagona reyestrini** qabul qilish orqali hal qilinishi lozimligi, shu bilan bir qatorda, bugungi kunda davlat fuqarolik xizmati va mehnat qonunchiligining tartibga solish doirasi masalasida ham qator holatlar yuzaga kelayotganligi sababli bu borada **sudlar tomonidan davlat fuqarolik xizmati sohasi bilan bog'liq qonunchilikni qo'llash amaliyoti bo'yicha Oliy sud Plenumi qarorini qabul qilish** maqsadga muvofiqligi asoslantiriladi.

Tadqiqotchi fikricha, davlat fuqarolik xizmatchilari bilan mehnat shartnomasi emas, *xizmat shartnomasi* tuzilishi kerak va unda qonunda belgilanganidek, mehnat shartnomasi kabi umumiy qoidalar emas, o'ziga xos va alohida (*rotatsiya, korrupsiya va manfaatlar to'qnashuvini oldini olishga qaratilgan, cheklov instituti bilan bog'liq bo'lgan*) qoidalar nazarda tutilishi kerak.

Shu bilan birgalikda, mazkur bob yakunlariga ko'ra quyidagi xulosalarga kelingan:

Davlat fuqarolik xizmatchilarini rotatsiya qilish tartibi to'g'risidagi nizomni qabul qilish;

davlat fuqarolik xizmatchilari tomonidan respublika hududidan tashqarida hisobvaraqlar ochishga va ularga ega bo'lishga, ko'chmas mulkka va boshqa mol-mulkka egalik qilish masalalarini tartibga soladigan **maxsus normativ huquqiy hujjat qabul qilish**;

O'zbekiston Respublikasi Prezidenti hujjati asosida **martaba darajalarini berish tartibini**, shuningdek bugungi kunda huquqiy bo'shliq bo'lgan davlat fuqarolik xizmatchilarining **attestatsiyasi jarayonlarini** qonunchilikda aniq belgilash;

“O'zbekiston Respublikasi Korrupsiyaga qarshi kurashish agentligi to'g'risida”gi Qonunni qabul qilish.

Dissertatsiyada dunyo va mahalliy doirada manfaatlar to'qnashuvini munosib tartibga solish bo'yicha shakllanayotgan ustuvor yo'nalishlar, konsepsiya va modellar, shuningdek tashkiliy-huquqiy asoslardan kelib chiqib, davlat fuqarolik xizmatchilari faoliyatida manfaatlar to'qnashuvini oldini olishning tashkiliy-huquqiy asoslarini takomillashtirishni quyidagi ustuvor yo'nalishlar asosida tahlil qilish bo'yicha xulosaga kelingan:

manfaatlar to'qnashuvini oldini olishning tashkiliy-huquqiy asoslarini takomillashtirish bo'yicha konsepsiya va modellar;

manfaatlar to'qnashuvini oldini olishning huquqiy asoslarini takomillashtirish bo'yicha ustuvor yo'nalishlar;

manfaatlar to'qnashuvini oldini olishning tashkiliy asoslarini takomillashtirish bo'yicha ustuvor yo'nalishlar.

Tadqiqot davomida manfaatlar to'qnashuvini oldini olishning tashkiliy asoslarini takomillashtirish bo'yicha ustuvor yo'nalishlarda faoliyatni elektronlashtirish – raqamlashtirish siyosatini yangi bosqichga olib chiqish (*ishga qabul qilish jarayonida qarindosh-urug'chilik va boshqa tashkilotlarda birga ishlaganlik holatini aniqlab beradigan axborot tizimlari va sun'iy intellekt imkoniyatlaridan foydalanish*), huquqiy ekspertiza masalasini takomillashtirish, korrupsion xavflarni boshqarish avtomatlashtirilgan tizimini ishga tushirish, xorijiy va mahalliy investitsiyalar, grant va loyihalarni manfaatlar to'qnashuvi bo'yicha nazorat qilish va ekspertizasini tashkil etish, davlat fuqarolik xizmatchilarining ish haqlari miqdorini oshirish hamda daromad va mol-mulkni deklaratsiya qilish tartibini yo'lga qo'yish masalalari asoslab berildi;

Ishga yangi qabul qilingan davlat fuqarolik xizmatchilarini har 6 oyda, amalda ishlab kelayotgan xizmatchilarni esa har 3 yilda korrupsiya va manfaatlar to'qnashuvini oldini olishga qaratilgan maxsus malaka oshirish kurslaridan majburiy o'tish tartibini joriy qilish, bunda davlat xizmatiga ishga kirish oldidan esa

nomzodlarni mazkur kursdan o‘tganlik sertifikatiga ega bo‘lish amaliyotini yo‘lga qo‘yish maqsadga muvofiq, degan xulosaga kelindi;

Manfaatlar to‘qnashuvini oldini olishda keng jamoatchilik vakillari, shu jumladan, mustaqil baholovchilarni doimiy jalb etib borish, jamoatchilik ekspertizasini o‘tkazish, xalqaro tashkilotlarning korrupsiyadan holi tizim bo‘yicha maxsus sertifikatlarini olish amaliyotini joriy etishni maqsadga muvofiq, degan xulosaga kelindi.

Umuman olganda, tadqiqotchi davlat fuqarolik xizmatchilari faoliyatida manfaatlar to‘qnashuvini oldini olishning tashkiliy-huquqiy asoslarini takomillashtirish nafaqat ilmiy jihatdan asoslangan zamonaviy konsepsiya va modellarni tahlil qilish va amaliyotga kiritishni, balki unga parallel ravishda milliy qonunchilik asoslarini takomillashtirib, undagi huquqiy bo‘shliqlarni bartaraf etishni, tashkiliy tadbirlarni ko‘rish ham kerak, deb hisoblaydi. Mazkur ajralmas mexanizm asosida faoliyatni muntazam takomillashtirib borish mamlakat huquq tizimida, xususan, davlat fuqarolik xizmatida manfaatlar to‘qnashuvini munosib tartibga solish imkonini beradi.

Mazkur tadqiqot natijalari sifatida qator qonun hujjatlarining konsepsiyalari (**1-2-ilovalar**), xabarnoma, deklaratsiya namunalari (**3-ilova**), Davlat xaridlarida manfaatlar to‘qnashuvi va maxfiylik kelishuvi (**4-ilova**), Davlat fuqarolik xizmatchilari odob-axloqining umumiy standartlari (**5-ilova**), Manfaatlar to‘qnashuvi ko‘rinishlari (**6-ilova**), Davlat organlari va tashkilotlarida manfaatlar to‘qnashuvini aniqlash va baholash metodikasi (**7-ilova**) ilova qilingan.

Tadqiqot ishida muhokama qilingan ilmiy-nazariy xulosa va tashkiliy-huquqiy asoslardan kelib chiqib, taklif va tavsiyalar ishlab chiqilgan.

XULOSA

“Davlat fuqarolik xizmatchilari faoliyatida manfaatlar to‘qnashuvini oldini olishning tashkiliy-huquqiy asoslarini takomillashtirish” mavzusidagi tadqiqot ishi natijasida quyidagi ilmiy-amaliy taklif va tavsiyalar ishlab chiqildi:

I. Ilmiy-nazariy xulosalar

1.1. Dunyoda shakllanayotgan zamonaviy, “**aqlli boshqaruv**” modellari, konsepsiya va yondashuvlar (*Anglo-sakson, German, Fransuz, Skandinaviya modellari*) tahlil qilinib, bugungi ommalashgan va qator davlatlar namuna sifatida olayotgan “**New Public Management**” va “**Good Governance**” modellarini O‘zbekistonda faol qo‘llash istiqbolli degan xulosaga kelindi;

1.2. “Fuqarolik xizmati” tushunchasi jahon amaliyotidagi “**public service**” (“ommaviy xizmat”), “**civil service**” (“fuqarolik xizmati”), “**government service**” (“hukumat xizmati”) faoliyat yo‘nalishlari asosida tahlil etilib, “**Raqamli davlat xizmati**”ni rivojlantirish bo‘yicha ilmiy-nazariy xulosaga kelindi;

1.3. Davlat fuqarolik xizmatidagi manfaatlar to‘qnashuvi bilan bog‘liq **nepotizm, favoritizm, lobbizm, traybalizm, kronizm va patronaj, urug‘-aymoqchilik, mahalliychilik, proteksionizm, guruhbozlik** kabi ko‘rinishlar ilmiy-nazariy jihatdan tahlil qilindi;

1.4. Davlat fuqarolik xizmati tatbiq etiladigan tashkilotlarining **ro‘yxatini belgilash**, tizimga ishga qabul qilish yuzasidan **tanlov o‘tkazish tartibini** huquqiy

tartibga solish, **kadrlar zaxirasini shakllantirish** tartibini ishlab chiqish, davlat fuqarolik xizmatchilarining **uzluksiz malakasini oshirish** tartibini normativ tartibga solish lozimligi bo'yicha ilmiy-nazariy xulosaga kelindi;

1.5. Tadqiqot ishi bilan bog'liq quyidagi ilmiy-nazariy tushunchalarga mualliflik ta'riflari ishlab chiqildi:

a) zamonaviy davlat boshqaruvi – ixcham va natijaga asoslangan, vazifa va funksiyalar davlat va nodavlat sektor o'rtasida mutanosib va aniq taqsimlangan, markazlashishdan qochgan, boshqaruv qarorlarini qabul qilishda fuqarolarning faol ishtirokini nazarda tutib, boshqaruv apparatini tashkil etadigan faoliyat turidir;

b) davlat fuqarolik xizmati – bu muayyan haq evaziga davlatning asosan ijro etuvchi hokimiyati tarmog'idagi funksiya va vazifalarini bajarishga qaratilgan davlat xizmatining bir turi bo'lgan kasbiy faoliyat hisoblanadi;

c) manfaatlar to'qnashuvi – bu shaxsning o'z funksional xizmat vazifalarini o'zi yoki o'zi uchun aloqador shaxslar manfaatlari yo'lida bajarishi yoki bajarmasligi natijasida o'zi yoki o'zi uchun aloqador shaxslar bilan fuqarolar, jamiyat va davlat manfaatlari o'rtasida yuzaga kelgan, yuzaga keladigan yoki yuzaga kelishi mumkin bo'lgan qarama-qarshilik tusidagi vaziyatdir;

d) mavjud (real) manfaatlar to'qnashuvi – bu shaxsning shaxsiy manfaatdorligi uning o'z xizmat majburiyatlarini bajarishiga ta'sir ko'rsatgan (ko'rsatayotgan) hamda o'z manfaatdorligi bilan fuqarolarning, tashkilotlarning, jamiyatning yoki davlatning manfaatlari o'rtasida qarama-qarshilik yuzaga kelgan (kelayotgan) vaziyat hisoblanadi;

e) ehtimoliy (potensial) manfaatlar to'qnashuvi – bu shaxsning shaxsiy manfaatdorligi kelajakda uning o'z xizmat majburiyatlarini bajarishiga ta'sir ko'rsatishi mumkin bo'lgan yoki shunday xavf (risk)ni yuzaga keltiradigan hamda o'z manfaatdorligi bilan fuqarolarning, tashkilotlarning, jamiyatning yoki davlatning manfaatlari o'rtasida qarama-qarshilik yuzaga keladigan (kelishi mumkin bo'lgan) vaziyat hisoblanadi;

f) manfaatlar to'qnashuvi ustidan jamoatchilik nazorati – bu jamoatchilik nazoratini amalga oshirish vakolati berilgan subyektlar tomonidan davlat hokimiyati va boshqaruvi organlari, shu jumladan, davlat fuqarolik xizmati organlari hamda davlat ulushi mavjud bo'lgan tashkilotlarda xizmat qiluvchi shaxslar faoliyatida shaxsiy manfaatdorlik asosida yuzaga keladigan manfaatlar to'qnashuvini aniqlash, oldini olishi va hal qilish jarayonlari ustidan olib boriladigan nazorat turi;

g) taqiq – bu davlat tomonidan maxsus normativ-huquqiy yoki ichki lokal hujjatlar asosida belgilangan, lavozim vazifalari va xususiyatlaridan kelib chiqib muayyan xatti-harakatlarni amalga oshirishni keskin taqiqlaydigan davlatning umummajburiy ko'rsatmasi;

h) cheklov – bu davlat xizmatchilari uchun davlat tomonidan maxsus normativ-huquqiy yoki ichki lokal hujjatlar asosida belgilangan, faqatgina muayyan tartib-taomil va me'zonlar asosida vakolatlardan foydalanishning huquqiy chegarasini belgilovchi mexanizm;

1.6. Davlat fuqarolik xizmatchilari faoliyatida manfaatlar to'qnashuvini hal qilish bo'yicha subyektlar **umumiy va maxsus vakolatli** subyektlarga ajratildi, ularning huquq va majburiyatlari *davlat fuqarolik xizmati organi, davlat fuqarolik*

xizmatchisi, xizmatchining yaqin qarindoshlari va unga aloqador shaxslar, Odob-axloq komissiyasi yoki maxsus bo‘linma kesimida tahlil qilindi;

1.7. Manfaatlar to‘qnashuvini oldini olishga qaratilgan qonunchilikning rivojlanishi **1991-2008-yillar, 2008-2017-yillar, 2017-yildan bugungi kungacha bo‘lgan davrlar** asosida tahlil qilinib, manfaatlar to‘qnashuvini oldini olishga oid qonunchilik 2017-yilgacha tarqoq holda rivojlanganligi, holatni tartibga solish bo‘yicha bevosita maxsus munosabat so‘nggi 6-7 yilda rivojlanganligi, bu davrda **60 ga yaqin** huquqiy asoslar yaratilganligi asoslantirildi;

1.8. Manfaatlar to‘qnashuvini oldini olishga qaratilgan faoliyat prinsiplari *davlat va jamoat manfaatlarining ustunligi, ochiqlik va shaffoflik, shaxsiy namuna, korrupsiya va manfaatlar to‘qnashuviga qarshi murosasizlik, xabar bergan shaxslarning huquqlarini ta‘minlash, xolislik, axborotni oshkor qilishning shartligi, manfaatlar to‘qnashuvi bo‘yicha profilaktik choraning ustuvorligi, javobgarlik va jazoning muqarrarligi* prinsiplari kesimida nazariy jihatdan tahlil qilindi;

1.9. Tadqiqot bilan bog‘liq **“manfaatlar to‘qnashuvini oldini olish”, “manfaatlar to‘qnashuvini boshqarish”, “manfaatlar to‘qnashuvini aniqlash”, “manfaatlar to‘qnashuvini hal qilish”** va **“manfaatlar to‘qnashuvini huquqiy tartibga solish”** tushunchalarining ilmiy-nazariy tahlili amalga oshirildi;

1.10. Manfaatlar to‘qnashuvini tartibga solishning *Osiyo, o‘tish davri, kontinental va anglo-sakson hamda Britaniya, Fransuz va Nordik, High Road (qiyin yo‘l) va Law Road (qonun yo‘li)* modellari tahlil qilindi, geografik nuqtai nazardan *Amerika Qo‘shma Shtatlari va Kanada; Yevropa mamlakatlari; MDH va Osiyo mamlakatlari* tajribasi o‘rganildi, ularning ijobiy va salbiy jihatlari asosida milliy huquq tizimini rivojlantirish borasida ilmiy xulosalarga kelindi;

1.11. Manfaatlar to‘qnashuvini oldini olish bo‘yicha **zamonaviy konsepsiya va modellar** (*“Davlat xizmatini amalga oshirishning 4 asosiy xulq-atvor standarti”, “Raqamli tartibga solish”, “Ichki tartibga solish va xabar berish”, “Jamoatchilik ishonchi”, “Ommaviy etika”, “Muammoni kompleks tartibga solish”, “Manfaatlar to‘qnashuvi bo‘yicha aniq davlat siyosati”, “Ta‘lim va hushyorlikni oshirish”, “Ochiq suhbat va ishonch”*) tahlil qilindi, ularni O‘zbekistonda joriy etish istiqbollari Buyuk Britaniya tajribasi asosida o‘rganildi.

II. Normativ-huquqiy hujjatlarni takomillashtirishga oid taklif va tavsiyalar

2.1. O‘zbekiston Respublikasining **korrupsiyaga qarshi kurashish bo‘yicha 2030-yilgacha mo‘ljallangan milliy strategiyasini qabul qilish**, keyingi yillardagi korrupsiya va manfaatlar to‘qnashuvini oldini olishga qaratilgan vazifalarni mazkur strategiya doirasida tizimli, bosqichma-bosqich amalga oshirish taklifi asoslantirildi;

2.2. Tadqiqot natijalaridan kelib chiqib, davlat mablag‘lari nazoratini kuchaytirish, korrupsiya va manfaatlar to‘qnashuvini oldini olishning huquqiy asoslarini takomillashtirish, jarayonda ishtirok etuvchi shaxslarning huquq va manfaatlarini ishonchli himoya qilish va tizimda yagona boshqaruv tizimini yaratish maqsadida **“Korrupsiyaga oid huquqbuzarlik haqida xabar bergan shaxslarni himoya qilish to‘g‘risida”gi** qonunni qabul qilish zarurati asoslantirildi, **“O‘zbekiston Respublikasi Korrupsiyaga qarshi kurashish agentligi to‘g‘risida”gi** va **“Davlat nazorati to‘g‘risida”gi** qonunlarni qabul qilish taklif etiladi;

2.3. O‘zbekiston Respublikasining “Manfaatlar to‘qnashuvi to‘g‘risida”gi Qonuniga quyidagi o‘zgartirish va qo‘shimchalar kiritish taklif etiladi:

a) Qonunning 3-moddasidagi davlat organining yoki boshqa tashkilotning xodimi tushunchasiga berilgan ta’rifni quyidagi tahrirda bayon qilish:

*“davlat organining yoki boshqa tashkilotning xodimi – davlat organlarida yoki boshqa tashkilotlarda mehnat shartnomasi (kontrakt) asosida yoxud saylab qo‘yiladigan yoki tayinlanadigan lavozimlarda mehnat (xizmat) faoliyatini amalga oshirayotgan **“rahbar (boshqaruv) va mutaxassis xodimlar”**;*

b) Qonunning 8-moddasi 1-band sakkizinchi xatboshisini quyidagi tahrirda bayon etish:

*“o‘zi mehnat (xizmat) faoliyatini amalga oshirayotgan, **shuningdek o‘ziga bo‘ysunuvchi yoki nazoratidagi** tashkilotning mol-mulkini sotib olishda yoki ijaraga olishda o‘zi ishtirok etishga haqli emas.”;*

2.4. O‘zbekiston Respublikasining “Davlat fuqarolik xizmati to‘g‘risida”gi Qonuniga quyidagi o‘zgartirish va qo‘shimchalar kiritish taklif etiladi:

a) Qonunning 13-moddasini quyidagi cheklov chorasi bilan to‘ldirish:

“O‘zbekiston Respublikasining amaldagi qonunchiligida belgilangan tartiblarga zid ravishda xorijiy mamlakatga chiqishga”;

b) Qo‘sh lavozimda ishlash va manfaatlar to‘qnashuvini oldini olish hamda pedagogik, ilmiy va ijodiy faoliyatdan tashqari haq to‘lanadigan boshqa faoliyat bilan shug‘ullanishga oid belgilangan cheklovlar va konstitutsiyaviy prinsipning real ijrosini ta’minlash maqsadida Qonunning 13-moddasi uchinchi xatboshisidagi *“O‘zbekiston Respublikasi qonunlarida hamda O‘zbekiston Respublikasi Prezidenti qarorlarida nazarda tutilgan holatlar bundan mustasno”* degan jummalarni, shuningdek Davlat fuqarolik xizmatchilari odob-axloqining Namunaviy qoidalaridagi *davlat fuqarolik xizmatchilari tadbirkorlik yoki haq to‘lanadigan boshqa faoliyat bilan shug‘ullanishi mumkinligiga oid* istisnoni chiqarib tashlash;

c) Yagona yuridik amaliyot va huquqiy normalar qo‘llanilishining bir xilligini ta’minlash maqsadida “Manfaatlar to‘qnashuvi to‘g‘risida”gi Qonun bilan “Korrupsiyaga qarshi kurashish to‘g‘risida”gi Qonunga o‘zgartirish kiritilib, manfaatlar to‘qnashuvi tushunchasi yangi tahrirda bayon etilgani kabi **“Davlat fuqarolik xizmati to‘g‘risida”gi Qonun 19-moddasiga ham o‘zgartirish kiritib, manfaatlar to‘qnashuvi bilan bog‘liq moddani yangi tahrirda bayon etish;**

d) Qonunning 46-moddasini quyidagi band bilan to‘ldirish taklif etiladi:

“Davlat fuqarolik xizmatchisi tomonidan korrupsion huquqbuzarliklar, shu jumladan, manfaatlar to‘qnashuvi bilan bog‘liq huquqbuzarliklar sodir etilishi ularni to‘g‘ridan-to‘g‘ri egallab turgan lavozimidan ozod qilish va davlat fuqarolik xizmatiga qayta qabul qilinmasligiga sabab bo‘ladi”;

e) qonunchilikka o‘zgartirishlar kiritish asosida taqiq va cheklovlarning ro‘yxatini alohida-alohida moddalarda belgilash (*Rossiya va boshqa ayrim MDH mamlakatlari tajribasi*), Davlat xizmatini rivojlantirish agentligi va Korrupsiyaga qarshi kurashish agentligi tomonidan davlat fuqarolik xizmatchilarining ishlashi mumkin bo‘lgan kasb va lavozimlarning ro‘yxatini ishlab chiqish;

2.5. O‘zbekiston Respublikasining ma’muriy va jinoyat qonunchiligiga davlat xizmatchilari tomonidan **tadbirkorlik faoliyatida ishtirok etganligining** huquqiy

oqibatlarini belgilashni nazarda tutuvchi tegishli javobgarlik asoslarini belgilash, davlat fuqarolik xizmati organi rahbariga nisbatan davlat fuqarolik xizmatchilarini **ishga qabul qilishning belgilangan tartibini (tanlov) buzish** holatiga nisbatan ma'muriy javobgarlik belgilash, **davlat xaridlari to'g'risidagi** qonunchilikni buzganlik uchun belgilangan ma'muriy javobgarlikni kuchaytirish, Jinoyat kodeksida bu bilan bog'liq **norma kiritish** maqsadga muvofiq;

2.6. O'zbekiston Respublikasining "Korrupsiyaga qarshi kurashish to'g'risida"gi Qonunining 21-moddasini quyidagi tahrirda bayon etish taklif etiladi:

"Manfaatlar to'qnashuvi yuzaga kelgan taqdirda, davlat organlarining xodimlari o'zining bevosita rahbarini yoki yuqori turuvchi davlat organini darhol xabardor qilishi kerak. Manfaatlar to'qnashuvi mavjudligi to'g'risida ma'lumotlar olgan rahbar yoki yuqori turuvchi davlat organi bu to'qnashuvning oldini olish yoki uni bartaraf etish yuzasidan o'z vaqtida choralar ko'rishi shart";

2.7. O'zbekiston Respublikasining "Jamoatchilik nazorati to'g'risida"gi Qonuniga quyidagi o'zgartirish va qo'shimchalar kiritish taklif etiladi:

a) Qonunining jamoatchilik nazorati obyektlari nazarda tutilgan 4-moddasini **"davlat organlari va mansabdor shaxslarning korrupsiya va manfaatlar to'qnashuvi bilan bog'liq faoliyatiga"** degan xatboshi bilan to'ldirish;

b) Qonunning 8-moddasini **"davlat organlarining ochiq hay'at majlislarida ishtirok etuvchi subyektlar audio, foto va videoni qayd etish vositalaridan foydalanishlari mumkin"** degan mazmundagi xatboshi bilan to'ldirish;

c) Qonunning 17-moddasini **"Jamoatchilik nazorati yakunlari bo'yicha davlat organlariga ko'rib chiqish uchun kiritilgan axborot, tavsiya va takliflar davlat organlari tomonidan qanday tartibda ko'rib chiqilgani va natijasi, shuningdek qabul qilingan qarorlar keng jamoatchilikka majburiy tartibda e'lon qilinadi"** degan mazmundagi xatboshi bilan to'ldirish;

2.8. O'zbekiston Respublikasi Prezidenti hujjati asosida davlat fuqarolik xizmatchilariga **martaba darajalarini berish tartibini**, ularning **attestatsiya jarayonlarini** qonunchilikda aniq belgilash va mazkur rag'bat mexanizmini qo'llashda davlat fuqarolik xizmatchisining *korrupsiya va manfaatlar to'qnashuvini* oldini olishga oid faoliyatini alohida me'zon sifatida belgilash maqsadga muvofiq;

2.9. O'zbekiston Respublikasining "Davlat xaridlari to'g'risida"gi Qonunida manfaatlar to'qnashuviga olib keladigan kelishuv va bitimlarni bekor qilish, o'zgartirishga oid maxsus normalar belgilanmaganligi sababli (*masalan, raqobatni cheklagan holda tanlovlar o'tkazganda tartib-taomilni bekor qilish masalasi O'zbekiston Respublikasining "Raqobat to'g'risida"gi Qonunda nazarda tutilgan*) Qonunning 44-moddasini quyidagi xatboshi bilan to'ldirish taklif etiladi:

"Korrupsiya va manfaatlar to'qnashuviga yo'l qo'ygan holda davlat xaridlari tartib-taomili amalga oshirilganda davlat organi yoki maxsus vakolatli organ jarayonning istalgan bosqichida davlat xaridini bekor qilishi mumkin;

2.10. Bugungi kunda manfaatlar to'qnashuvi bilan bog'liq holatlar asosan davlat xaridlari sohasida yuz berayotganligi va tizimda byudjet mablag'lari bilan bog'liq huquqbuzarliklar ko'p sodir etilayotganidan kelib chiqib, sohani tartibga solishga bevosita mas'ul bo'lgan **O'zbekiston Respublikasi Vazirlar Mahkamasi huzurida Davlat xaridlarini muvofiqlashtirish bo'yicha maxsus vakolatli**

organni tuzish va unga davlat xaridlarini tashkil etish, o‘tkazish, monitoring qilish va javobgarlik asoslari bo‘yicha tegishli vakolatlarni berish taklif etiladi;

2.11. Ochiq ma‘lumotlar sifatida joylashtirilishi kerak bo‘lgan ijtimoiy ahamiyatga molik ma‘lumotlar ro‘yxatini (*davlat xaridlari, soliq va bojxona imtiyozlari, xizmat safar xarajatlari, byudjet va byudjetdan tashqari jamg‘arma daromadi va xarajatlari, ish haqiga oid ma‘lumotlar, xorijiy grant, tanlov, investitsiya loyihalari*) kengaytirish, *davlat va nodavlat sektorda investitsiya, qarz va zayomlar, kreditlar jalb etish bilan bog‘liq normativ va texnik xususiyatga ega bo‘lgan hujjatlarning majburiy huquqiy va jamoatchilik ekspertizasini joriy etish;*

2.12. Korrupsiya holatlari to‘g‘risida xabar beruvchilarni rag‘batlantirish toifasini kengaytirish maqsadida Vazirlar Mahkamasining 2020-yil 31-dekabrda 829-son qarori bilan tasdiqlangan nizomning 3-qism to‘rtinchi xatboshisini quyidagi tahrirda bayon etish taklif etiladi:

“korrupsiyaga qarshi kurashishga boshqa tarzda ko‘maklashish – korrupsiyaga oid jinoyatlarni tergov qilish va uni fosh etishda ahamiyatga ega bo‘lgan dalillar haqida, shuningdek davlat va jamiyat manfaatlariga zarar yetkazadigan manfaatlar to‘qnashuvi to‘g‘risida huquqni muhofaza qiluvchi organlarga xabar berish yoki bunday toifadagi jinoyatlarni tergov qilish yoxud tezkor-qidiruv tadbirlarini o‘tkazishda bevosita ko‘maklashish”;

2.13. Davlat fuqarolik xizmatchisi tomonidan xizmat safarlari, xalqaro va boshqa rasmiy tadbirlar munosabati bilan olinishi mumkin bo‘lgan sovg‘a qiymati, shuningdek uni tasarruf etish tartibi to‘g‘risidagi nizomga o‘zgartirishlar kiritib, nafaqat norasmiy tadbirlar, balki *rasmiy tadbirlar, xizmat safari bilan bog‘liq bo‘lmagan boshqa tadbirlar* jarayonida ham sovg‘alar olish masalasini tartibga solish, sovg‘a sifatida olishga ruxsat berilgan mahsulotlar aks etgan *normani chiqarib tashlash* yoki mazkur sovg‘alar olinganda ham *deklaratsiya topshirish, reyestrini yuritish, uch kun ichida hisobot topshirish* amaliyotini joriy etish;

2.14. Mamlakatda korrupsiya va manfaatlar to‘qnashuvini aniqlashga qaratilgan **korrupsiya holatlarini dastlabki o‘rganish – korrupsion surishtiruv institutini** joriy etish zarurati asoslantirildi, “Korrupsiyaga qarshi kurashish to‘g‘risida”gi va “Manfaatlar to‘qnashuvi to‘g‘risida”gi qonunlariga korrupsion surishtiruv institutini kiritish, ularni amalga oshirish mexanizmlari va subyektlar doirasini belgilash, Korrupsiyaga qarshi kurashish agentligi va Davlat fuqarolik xizmati organlaridagi maxsus ichki tuzilmalarga korrupsiya va manfaatlar to‘qnashuvini dastlabki aniqlash – korrupsion surishtiruv bilan bog‘liq aniq vakolatlarni berish;

2.15. Davlat fuqarolik xizmatchilari bilan bog‘liq yuzaga kelayotgan nizolarning *sudga tegishli va taalluqliligi* masalasini **“Davlat fuqarolik xizmati to‘g‘risida”gi Qonun tatbiq etiladigan sohalar** (tashkilotlar)ni belgilash va **Davlat fuqarolik xizmatchilarining yagona reyestrini** qabul qilish orqali *ma‘muriy sudlarda ko‘rish*, sudga taalluqlilik va sudlovlilik masalasida sudlar tomonidan davlat fuqarolik xizmati sohasi bilan bog‘liq qonunchilikni qo‘llash amaliyoti bo‘yicha **Oliy sud Plenumi qarorini qabul qilish** maqsadga muvofiq;

2.16. Rotatsiya tartibini belgilashga qaratilgan **Davlat fuqarolik xizmatchilarini rotatsiya qilish tartibi to‘g‘risidagi nizomni** qabul qilish, unda

subyektlar, ularning vakolatlari, rotatsiya tartiblari, turlari, muddati, kafolatlari va boshqa masalalarni aniq belgilash;

2.17. Davlat fuqarolik xizmatchilari tomonidan *respublika hududidan tashqarida hisobvaraqlar ochishga va ularga ega bo'lishga, ko'chmas mulkka va boshqa mol-mulkka egalik qilish masalalarini tartibga soladigan* maxsus normativ huquqiy hujjat qabul qilish maqsadga muvofiq;

2.18. “Davlat fuqarolik xizmati to'g'risida”gi, “Manfaatlar to'qnashuvi to'g'risida”gi qonunlarda manfaatlar to'qnashuvini oldini olish va munosib hal qilishga qaratilgan **o'zini o'zi rad etish bilan bog'liq normalarni aniq belgilash**, ularning bajarilish kafolatini esa Ma'muriy javobgarlik to'g'risidagi kodeksga **rad qilish instituti bilan bog'liq majburiyatlarga amal qilmaganlikka nisbatan javobgarlik choralari**ni kiritish orqali ta'minlash maqsadga muvofiq sanaladi.

III. Manfaatlar to'qnashuvini oldini olishning tashkiliy asoslarini takomillashtirishga oid taklif va tavsiyalar

3.1. Davlat fuqarolik xizmatchilari faoliyatining samaradorligini baholash (KPI) bo'yicha indikatorlarda **korrupsiya va manfaatlar to'qnashuviga yo'l qo'ymaganlik** mezonini ham kiritish, davlat fuqarolik xizmatchilari faoliyatiga baho berishda **jamoatchilik nazorati shakllari asosida yig'ilgan ma'lumotlarni inobatga olish**, manfaatlar to'qnashuvi bilan bog'liq vaziyatlarni hal qilish jarayoniga jamoatchilik vakillarini jalb etish;

3.2. Korrupsiyaga qarshi kurashish agentligi tomonidan yuritiladigan davlat organlarining “**ochiqlik indeksi**”da “*manfaatlar to'qnashuvi holatlarini oldini olishga qaratilgan mexanizmlar*”ni alohida indikator sifatida belgilash, davlat fuqarolik xizmatchilarining halollik darajasini baholaydigan **Milliy halollik indeksi** ishlab chiqish zarurati asoslantirildi;

3.3. Davlat xaridlarida **Insofsiz ijrochilar reyestrini** sifatli yuritish, manfaatlar to'qnashuviga yo'l qo'ygan shaxslarni belgilangan muddatlarda (masalan, 2-3 yil) **davlat xaridlarida qatnashishini cheklashni** ommalashtirish, bekor qilingan yoki noqonuniy deb topilgan davlat xaridlarini **ommaviy e'lon qilib borish** amaliyotini yo'lga qo'yish;

3.4. O'zbekiston Respublikasining “Normativ-huquqiy hujjatlarning va ular loyihalarining korrupsiyaga qarshi ekspertizasi to'g'risida”gi Qonuni bilan tasdiqlangan **Korrupsiyani keltirib chiqaruvchi omillarni aniqlash bo'yicha cheklist** tajribasini davlat xizmatchilarining mehnat shartnomasi, vazifa va vakolatlardagi manfaatlar to'qnashuvi bilan bog'liq risklarni aniqlashga tatbiq etish;

3.5. Kadrlar bilan ishlashning yagona va yaxlit tizimini joriy etish, kadrlar zaxirasini shakllantirish hamda yangi avlod rahbar kadrlarini tayyorlash, odob-axloq qoidalariga amal qilish va uning monitoringi, **mehnatga haq to'lashning adolatli va zamonaviy mexanizmlarini** (AQSh, Koreya, Buyuk Britaniya, Fransiya, Germaniya tajribasi, alohida KPI shartlari asosida – Singapur va Koreya tajribasi) **hamda daromad va mol-mulkni deklaratsiya qilish** tartibini joriy etish;

3.6. Faoliyati yo'lga qo'yilmagan barcha davlat xizmati organlarida manfaatlar to'qnashuvini hal qilishga **vakolatli subyektlar tizimini joriy etish**, bu borada

“Komplaens nazorat” tuzilmalariga alohida e’tibor qaratish, “komplaens nazorat” bo’yicha **yagona normativ-huquqiy hujjat** ishlab chiqish;

3.7. Davlat fuqarolik xizmatchisini ishga qabul qilishda **deklaratsiya to’ldirish tartibini** belgilash, bunda deklaratsiya to’ldirishdan bo’yin tovlash uni xizmatga qabul qilishni **rad etishga asos bo’lishini**, yolg’on ma’lumotlar asosida deklaratsiya to’ldirish esa, avvalo, xizmatdan bo’shatish bilan bog’liq **intizomiy javobgarlikni** majburiy qo’llagan holda, kelib chiqqan korrupsion huquqbuzarlik toifasiga qarab boshqa javobgarlik choralarini qo’llash;

3.8. Senat raisi boshchiligida barcha darajadagi davlat xizmatchilarining odo-axloq normalariga amal qilish holatlari yuzasidan qonunchilik normalarining bajarilishini nazorat qiladigan, qo’llanilgan jazo choralari ta’sirini baholab boradigan parlament palatalari vakillaridan iborat **Respublika odo-axloq komissiyasini tuzish** yoki bugungi kunda faoliyat yuritayotgan **Korrupsiyaga qarshi kurashish bo’yicha Milliy va hududiy kengashlar** faoliyatining bir yo’nalishi sifatida manfaatlar to’qnashuvini oldini olishga qaratilgan odo-axloq qoidalarini ijrosi nazoratini belgilash;

3.9. Davlat fuqarolik xizmati bilan bog’liq faoliyatni **elektronlashtirish** – raqamlashtirish, ishga qabul qilish jarayonida qarindosh-urug’chilik va boshqa tashkilotlarda birga ishlaganlik holatini aniqlab beradigan axborot tizimlari (**FHDY organlari reyestri, my.gov.uz portali, davlat xaridlari yagona elektron bazasi, Yagona milliy mexnat tizimi, Argos** elektron tizimlari va boshqa elektron axborot vositalari asosida) va **sun’iy intellekt** imkoniyatlaridan foydalanish;

3.10. Ishga yangi qabul qilingan davlat fuqarolik xizmatchilarini **har 6 oyda**, amalda ishlab kelayotgan xizmatchilarni esa **har 3 yilda** korrupsiya va manfaatlar to’qnashuvini oldini olishga qaratilgan **malaka oshirish kurslaridan majburiy o’tish tartibini joriy qilish**, davlat xizmatiga ishga kirish oldidan esa nomzodlarni mazkur kursdan o’tganlik **sertifikatiga ega bo’lish** amaliyotini yo’lga qo’yish, Korrupsiyaga qarshi kurashish agentligi hamda Davlat boshqaruvi akademiyasi bilan hamkorlikda muntazam ravishda davlat fuqarolik xizmatchilari uchun qisqa muddatli **“Etika” kurslarini** tashkil etib borish;

3.11. **Korrupsion xavflarni boshqarish avtomatlashtirilgan tizimini** ishga tushirish, xorijiy va mahalliy investitsiya, grant va loyihalarni manfaatlar to’qnashuvi bo’yicha **jamoatchilik va huquqiy ekspertizasini** tashkil etish, xalqaro tashkilotlarning korrupsiyadan holi tizim bo’yicha **maxsus sertifikatlarini olish** amaliyotini kengaytirish;

3.12. Davlat fuqarolik xizmatchilari bilan **xizmat shartnomasi** tuzish va unda o’ziga xos va alohida (*rotatsiya, korrupsiya va manfaatlar to’qnashuvini oldini olishga qaratilgan, cheklov instituti bilan bog’liq bo’lgan*) qoidalarini nazarda tutish.

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AT TASHKENT STATE UNIVERSITY OF LAW**

TASHKENT STATE UNIVERSITY OF LAW

MAKHMUDOV FIRUZ BAKHTIYAR UGLI

**IMPROVEMENT OF ORGANIZATIONAL AND LEGAL BASIS FOR
PREVENTING CONFLICT OF INTEREST IN THE ACTIVITIES OF
CIVIL SERVANTS**

12.00.02. – Constitutional law. Administrative law.
Finance and Customs law

**Abstract of doctoral (DSc) dissertation
on legal sciences**

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INTRODUCTION (Abstract of the Doctor of Science (DSc) dissertation)

Relevance and necessity of the dissertation theme. In today's globalization environment, where the sphere of social relations in the world is changing and taking on a modern form, and economic interests are increasingly taking precedence, preventing corruption and conflicts of interest in the activities of civil servants remains one of the urgent tasks. While the implemented legal reforms have created fundamental legal foundations for preventing conflicts of interest and increasing the efficiency of civil servants, today there is a need to improve the mechanisms for the effective implementation of existing legal frameworks and improve the organizational and legal framework for resolving conflicts of interest. In 2024, Uzbekistan's score in the Corruption Perceptions Index declined, placing the country 121st out of 180 nations. Over the past five years, Uzbekistan rose 23 positions in the "Absence of Corruption" indicator, ranking 66th out of 140 countries in 2023. Although significant progress was achieved in this area within Central Asia, in 2024, a total of 5,716 corruption-related crimes were committed by 6,898 individuals. Although a significant positive indicator has been achieved in this area in the Central Asian region, in 2023 a total of 6,535 individuals were brought to criminal liability by courts across the republic for corruption-related crimes. As a result of conflicts of interest in the field of public procurement alone, 11.6 billion soums of damage were caused¹. The above factors indicate the need to further improve effective organizational and legal frameworks aimed at preventing corruption and conflicts of interest in the activities of civil servants.

In the world, attention is being paid to strengthening the "policy of openness" in the activities of civil servants, introducing the concepts of "smart governance", "clear state policy on conflict of interest" and "digital regulation", developing a national strategy to combat corruption based on the level of development and legal system of each country, ensuring legal protection for those who report corruption and conflict of interest, forming appropriate behavior of civil servants, as well as strengthening state and public control over conflict of interest as important research areas of both scientific and practical nature.

In our republic, a number of reforms have been carried out to organize an effective state civil service, strengthen its legal and organizational foundations, and form a new, modern corps of civil servants, and create compact and effective state management mechanisms. Legal mechanisms aimed at preventing conflicts of interest have been developed, and a direct response of the state and society to it has been formed. At the same time, despite the fact that the well-being of the population is improving year by year and economic problems are being gradually resolved, crimes directly related to personal interests - bribery, conflict of interest, lobbying, and corruption crimes – continue to be committed. The diversity of forms, types, manifestations, and nature of these crimes increases the need for scientific and theoretical research and legal regulation of the problem.

The priority tasks are to increase the effectiveness of eliminating corruption factors, to continue intensively the work on forming an intolerant attitude towards corruption in society, including achieving an increase of at least 50 points in the

¹ <https://anticorruption.uz>

Corruption Perceptions Index published by the international organization Transparency International, to reduce by 2 times the number of violations of the requirements of legislative acts on public procurement, and to ensure that 100% of regulatory legal acts are developed based on the principle of “corruption-free legislation”².

It should be noted that in recent years, special laws directly related to the object of the study - “On Combating Corruption”, “On State Civil Service” and “On Conflict of Interest” - have been adopted, and the prevention and fight against corruption and conflict of interest in the system has been established as a priority area of state policy. In particular, it has been established as a constitutional norm that the Cabinet of Ministers of the Republic of Uzbekistan must ensure openness and transparency, legality and efficiency in the work of executive bodies directly related to the state civil service, take measures to combat corruption in their activities, improve the quality of public services and expand their accessibility. In the new constitutional and legal environment, such scientific research is of great importance in modernizing the legislative system for preventing conflicts of interest in the activities of civil servants.

This dissertation research is based on the Constitution of the Republic of Uzbekistan (2023), the Laws “On Combating Corruption” (2017), “On State Civil Service” (2022), “On Conflict of Interest” (2024), “On Public Control” (2018), the Resolution of the President of the Republic of Uzbekistan “On Measures to Further Improve the System of Combating Corruption in the Republic of Uzbekistan” № PD-5729 (2019), “On Measures to Fundamentally Improve the Personnel Policy and State Civil Service System in the Republic of Uzbekistan” № PD-5843 (2019), “On Measures to Create an Environment of Uncompromising Anti-Corruption, Sharply Reduce Corruption Factors in State and Public Administration and Expand Public Participation in This” № PD-6257 (2021), Decrees № PD-200 (2023) “On measures to further improve the system of combating corruption and increase the effectiveness of the system of public control over the activities of state bodies and organizations”, Decrees № PD-158 (2023) “On the Strategy “Uzbekistan — 2030”, Decree № PD-4472 (2019) “On measures to organize the activities of the Agency for the Development of the Civil Service under the President of the Republic of Uzbekistan, it serves to implement the tasks set out in Resolutions № PD-81 (2022), “On measures to improve mechanisms for eliminating corruption risks in the field of public administration and expand public participation in this area” № PD-240 (2022), “On measures to effectively organize the implementation of the Law of the Republic of Uzbekistan “On Conflict of Interest” № PD-210 (2024) and other relevant legislative acts.

Review of foreign scientific research on the topic of the dissertation. Scientific research on the prevention of conflicts of interest in the activities of civil servants has today become an independent object of research by world science and educational centers and researchers. In particular, the issues of preventing conflicts of interest are being scientifically studied at Harvard University (USA), Oxford University (UK), the University of Texas and Dallas (USA), Dalhousie University (Canada), Cambridge University (UK), California Lutheran University (USA), the Markkula Center for Applied Ethics at Santa Clara University (USA), Comenius University (Slovakia) and

² The Strategy “Uzbekistan – 2030”, approved by the Decree of the President of the Republic of Uzbekistan № PD-158 dated September 11, 2023 // National Database of Legislative Information, 29.12.2023, No. 06/23/214/0984

hundreds of other educational institutions and scientific research centers around the world, as well as at a number of prestigious universities and think tanks in Russia.

In particular, at California Lutheran University (USA), the issue of conflict of interest related to financial interests was analyzed and research was conducted on the introduction of educational mechanisms to prevent it³. At the Markkula Center for Applied Ethics at Santa Clara University (USA), priority was given to identifying the content of conflict of interest in the activities of public servants, and it was scientifically substantiated that conflict of interest manifests itself in the event of a conflict between the personal or financial interests of public officials and their obligations to serve the public interest⁴. Scientific research conducted by Comenius University (Slovakia) focused on the issue of conflicts of interest in the public procurement system, and concluded that more than 250,000 public authorities in the European Union spend 14 percent of GDP (about 2 trillion euros) on the purchase of services, works and materials every year, and therefore managing and eliminating conflicts of interest in ensuring legal public procurement is a key tool for ensuring the effectiveness of public funds⁵. Scientists from the University of Cambridge (UK) have concluded in a scientific study that in order to regulate a conflict of interest, it is not possible to determine whether a real legal dispute has occurred or not. Simply put, it is not necessary to wait for the situation to lead to legal consequences or not, but to take preventive measures in advance⁶. As a result of research by Harvard University (USA), the category of conflict of interest and its regulation have changed dramatically over the past 30 years, and although the state has achieved great results through legal regulation, scientific conclusions have been drawn that today's economic development depends not only on the support of the influence of law, but also on the support of morality. The content of research by Dalhousie University (Canada) is the active disclosure of conflict of interest situations to the public. According to it, such policies, through clear and transparent procedures, are an effective means of assessing compliance with ethical rules by the public, since public disclosure of the situation can perform both a preventive and a motivating function: the more the public knows, the more ethical standards are respected and monitored⁷.

The University of Oxford (UK) has put forward the concept of “*A Clear COI Policy*”, and according to the results of the study, regulating the main relationships that cause conflicts of interest, such as personal relationships, financial interests, outside employment, and gifts and hospitality, is crucial in preventing conflicts of interest⁸. As a result of research by the University of Texas and Dallas (USA), conflicts of interest were analyzed in three main areas - personal, financial, and organizational conflicts of interest. Its content mainly states that although conflicts of interest cannot be classified into a single classification, these three areas are usually repeated. A number of

³<https://www.callutheran.edu/research/rpo/conflict-of-interest/>

⁴John Pelissero, Five Common Conflicts of Interest in Government and How to Prevent Them. 2023, <https://www.scu.edu/government-ethics/resources/five-common-conflicts-of-interest-in-government-and-how-to-prevent-them/>

⁵JUDr. PhD, Comenius University in Bratislava, Slovakia, e-mail: hana.kovacikova@flaw.uniba.sk, ORCID ID:<https://orcid.org/0000-0002-4158-0924>.

⁶Stark, A. (2003). *Conflict of Interest in American Public Life*. Cambridge, MA: Harvard University Press.

⁷Mark D. Jarvis & Paul G. Thomas, 2009, ‘The Limits of Accountability: what can and cannot be accomplished in the Dialectics of Accountability?’ Paper presented at Dalhousie University, Halifax, November 11-13, P. 11.

⁸Hawkins, K. O., & Miller, R. L. (2021). *Conflicts of Interest in the Professions*. Oxford University Press. 14(3), 317-340.

prestigious Russian universities and think tanks are implementing conflict of interest prevention as part of the fight against corruption, and the results of the study are also based mainly on models for eliminating corruption facts.

Research on the topic in the global scientific community is developing within the framework of models such as *“4 basic behavioral standards for the implementation of public service”*, *“Digital regulation”*, *“Internal regulation and reporting”*, *“Public trust”*, *“Public ethics”*, *“Comprehensive regulation of the problem”*, *“Clear state policy on conflicts of interest”*, *“Increasing education and vigilance”*, *“Open dialogue and trust”*.

The research is consistent with the priority areas of development of science and technology in the republic. This research was prepared within the framework of the I. “Priority direction of the development of science and technology of the republic” of the “Spiritual, moral and cultural development of a democratic and legal society, the formation of an innovative economy”, and the dissertation corresponds to the specialty “12.00.02 – Constitutional law. Administrative law. Financial and customs law”.

The level of understanding of the problem. Studies related to the prevention of corruption and conflict of interest in the activities of civil servants in our country, as well as the constitutional and administrative-legal aspects of public administration and civil service, have been conducted by F.Kh. Otakhonov, R.R. Khakimov, Sh.U. Yakubov, J.N. Ne’matov, B.I. Ismailov, M. Akhmedshayeva, A. Saidov, A. Bekmurodov, A.M. Khoshimkhonov, G. Murodullaeva, B. Akhrorov, A. Boriev, Kh.T. Azizov, B.Sh. Mirboboyev, Kh.S. Khayitov, E.T. Khojiyev, O.T. Khusanov, F.U. Yuldasheva, K. Tojiboyev, R. Zufarov, M. Rustamboev, G. Sattarov, A. Akhrorov, N. Salayev, M. Kalandarova, N. Said-Gazieva.

Also, B. Mirboboyev, B. Alimov, Kh. Khayitov, Sh. Asadov, S. B. Yusupov analyzed some aspects of public administration and public service in this process from a theoretical and legal perspective, while E. T. Khojiyev, N. Sh. Said-Gaziyeva, B. Sh. Mirboboyev, Kh. T. Azizov, E. Bazarbay, U. Tojikhonov, Sh. Y. Ju’rayev, A. A. Li, E. T. Khojiyev, G. S. Ismailova, M. A. Rakhimova studied public service as an independent professional activity. Also, national scientists R. Khakimov, Sh. Yakubov, F. Otakhonov, E. Khojiyev, G. Ismailova, M. Rakhimova, B. Ismailov, J. Abdullayev, G. Nurmammedova, A. Dadasheva, B. Narimanov, and M. Mamasiddikov analyzed public oversight and the activities of non-governmental non-profit organizations in preventing corruption and conflicts of interest.

Among the scientists from the CIS countries, B.M. Lazarev, A.P. Alexin, V.M. Manokhin, Y.A. Tikhomirov, E.E. Duysenov, Y.M. Kozlov, A.V. Obolonsky, Y.N. Starilov analyzed aspects related to the civil service, while S.S. Frolov, A.Dementiev, A.G. Zdravomyslov, O. Panina, K. Kharchenko, N. Krasnyukova, A.F. Nozdrachev, A.K. Zaitsev, A. Ilyakov, D. Dedov, A. Solovev, N. Akhmetova studied in detail the issues of preventing conflicts of interest.

Among the scientists from European countries, Jose Vicente, C.R. Sunstein, R. Kerridge, R.S. Miller, K.O. Hawkins, D. Mark, Stark, Bryn Williams-Jones, A. Richard, Epstein, Dávid-Barrett, B.M. Dickens, R.J. Cook, M. Philp, P.F. Drucker, W. Urey, J. Holliday, C. Weisman, H. Hackhausen, B. Turvey, M. Florin, F. Ziebold,

H. James, V. Grib, G. Chebotareva, M. Shedy and other scientists have conducted independent scientific research on conflicts of interest⁹.

Although the scientific research of these scholars has examined public administration and civil service institutions, and the issues of preventing corruption and conflicts of interest in them, as an independent object of research, including aspects of preventing conflicts of interest in the activities of state civil servants, and issues of improving their organizational and legal framework, has not been studied on the basis of comprehensive research.

Based on the large-scale reforms carried out in this area in recent years, the content of adopted regulatory and legal documents, and the achievements of modern science, this research has served to further complement the scientific research of the above scientists and to improve the object of research to a certain extent.

The relationship of the dissertation research to the scientific research plans of the higher education institution where the dissertation was completed. The topic of the dissertation was included in the scientific research plan of Tashkent State University of Law and was implemented within the framework of priority areas of scientific research.

The purpose of the study to develop proposals and recommendations on improving the organizational and legal framework for preventing conflicts of interest in the activities of civil servants.

Tasks of the research:

analysis of the scientific and theoretical foundations of modern public administration and civil service;

study of doctrinal views on understanding the legal nature of conflict of interest;

description of various manifestations of conflict of interest, study of scientific approaches and trends in this regard;

analysis of the stages of formation and development of legislative frameworks aimed at preventing conflict of interest in the activities of civil servants;

study of the organizational and legal aspects of preventing conflict of interest in relations related to public procurement;

identification of the legal bases and mechanisms for exercising public control in preventing conflict of interest in the activities of civil servants;

study of the legal aspects of using the restriction mechanism in preventing and resolving conflicts of interest;

analysis of authorized entities for resolving conflicts of interest and their rights, obligations and principles of activity, development of organizational and legal measures for resolving conflicts of interest;

study the experience of foreign countries in preventing conflicts of interest in the activities of civil servants;

study the prospects for introducing modern concepts and models related to moral and ethical standards aimed at preventing conflicts of interest in Uzbekistan;

develop priority areas for improving the organizational and legal framework for preventing conflicts of interest in the activities of civil servants.

⁹ The scientific works of these scientists are listed in the list of references of the dissertation.

The object of the study it is a system of social and legal relations that arise in the process of preventing conflicts of interest in the activities of state civil servants.

The subject of research current organizational and legal issues related to improving the organizational and legal framework for preventing conflicts of interest in the activities of civil servants, as well as legislative documents regulating this activity, the practice of their application, the legislation and experience of foreign countries, the existing conceptual approach in legal science, scientific and theoretical views and legal categories, and issues related to improving legislative documents regulating these relations.

Research methods. The research used the methods of formal legal, systematic and functional analysis of scientific knowledge, observation, historicity, analysis and synthesis, induction and deduction, logic, comparative legal analysis, and statistical research.

The scientific novelty of the study is as follows:

the need to establish the prevention of conflicts of interest as one of the basic principles of the activities of civil servants is substantiated;

the need to avoid approaching the developed regulatory, legal and other documents from the point of view of the interests of any person, group or agency and to prevent the expression of their interests is substantiated;

the need to establish that the compliance control units of organizations (or the responsible person entrusted with this task) are responsible for constant monitoring of employees sent on business trips to prevent conflicts of interest and corruption;

the need to establish close relatives of an employee of a state body or other organization, as well as legal entities that own shares or stakes in them or work in their system, as persons related to an employee of a state body or other organization is substantiated;

the need to introduce a procedure for declaring a potential conflict of interest, establish the procedure for submitting the declaration in legislation, and assign the implementation of these tasks to special units in organizations is justified;

it is justified to establish measures such as transferring an employee of a state body or other organization to another manager who does not have a conflict of interest, removing him/herself or by force, transferring him/her to another position of equal rank, or terminating the employment contract as measures to be taken in the event of a conflict of interest.

The practical results of the research are as follows:

the need to include the criteria for preventing corruption and conflicts of interest in the indicators for assessing the effectiveness of civil servants (KPI) was justified;

the need to introduce a unified and integrated system of working with personnel, form a personnel reserve and train a new generation of leaders, adhere to the rules of ethics and their monitoring, and introduce fair and modern mechanisms for remuneration was justified;

the Anti-Corruption Agency proposed developing a National Integrity Index to assess the level of integrity of civil servants;

the practice of maintaining a high-quality register of dishonest performers in public procurement and restricting persons who have committed conflicts of interest from participating in public procurement for certain periods was proposed;

A proposal was put forward to apply the experience of the Checklist in identifying factors that cause corruption, approved by the Law "On Anti-Corruption Expertise of Regulatory and Legal Acts and Their Drafts", to identify risks associated with conflicts of interest in the employment contract, duties and powers of civil servants;

a proposal was made to introduce a body of subjects authorized to resolve conflicts of interest in the civil service system, whose activities have not been established, and to develop a single regulatory legal document on compliance control structures;

it was justified to establish a procedure for filling out a declaration when hiring a civil servant, while evading filling out a declaration is a basis for refusing to hire him;

A proposal was put forward to use the registry of civil registry bodies, the my.gov.uz portal, the unified electronic database of public procurement, the Unified National Labor System, Argos electronic systems and artificial intelligence capabilities to determine the status of kinship and joint work in other organizations;

the need to launch an automated corruption risk management system and conduct public and legal expertise of investments, grants and projects on conflicts of interest was justified.

Reliability of research results. The reliability of the research results is determined by the fact that the methods used in the work, the scientific and theoretical approaches used in it, were taken from official sources, international experience and national legislative norms were analyzed, conclusions, proposals and recommendations were implemented in practice, the results were published in leading national and foreign publications, and approved by authorized structures.

Scientific and practical significance of the research results. The scientific significance of the research results is manifested in the fact that the scientific and theoretical conclusions, proposals and recommendations contained in it can be used in conducting scientific research on the issues of improving the organizational and legal framework for preventing conflicts of interest in the activities of civil servants, interpreting relevant norms of legislation, improving national legislation, and teaching such disciplines, modules and courses as "Administrative Law", "Public Service", "Fighting Corruption and Compliance Control", "Prevention of Conflicts of Interest", as well as in further enriching them scientifically and theoretically.

The practical significance of the research results is determined by the fact that they can be used in improving regulatory and legal documents aimed at preventing corruption and conflicts of interest, law enforcement practice, as well as in the activities of civil servants.

Implementation of research results. The scientific results obtained from the research work were used in the following:

the proposal on the need to establish the prevention of conflicts of interest as one of the basic principles of the activities of civil servants was taken into account in the development of paragraph 2 of the Model Rules of Ethics for Civil Servants of the State, approved by Resolution № 595 of the Cabinet of Ministers of the Republic of Uzbekistan dated October 14, 2022 (Act of the Department of Information, Analysis and Legal Support of the Secretariat of the Prime Minister of the Republic of Uzbekistan dated April 8, 2024 № 12). The introduction of this proposal served to prevent conflicts of interest in the activities of civil servants;

the proposal to avoid approaching the regulatory, legal and other documents being developed from the point of view of the interests of any person, group or agency and not to allow their interests to be expressed was taken into account in the development of paragraph 2 of the Model Rules of Ethics for State Civil Servants, approved by Resolution № 595 of the Cabinet of Ministers of the Republic of Uzbekistan dated October 14, 2022 (Act № 12 of the Department of Information, Analytical and Legal Support of the Secretariat of the Prime Minister of the Republic of Uzbekistan dated April 8, 2024). The introduction of this proposal served to prevent the presence of norms in the content of regulatory, legal and other documents that could lead to a conflict of interest;

the proposal that the compliance control units of organizations (or the responsible person entrusted with this task) be responsible for constant monitoring of employees sent on business trips to prevent conflicts of interest and corruption was taken into account when developing paragraph 25 of the Regulation on business trips in the territory of the Republic of Uzbekistan, approved by Resolution № 424 of the Cabinet of Ministers of the Republic of Uzbekistan dated August 2, 2022 (Act № 12 of the Department of Information, Analytical and Legal Support of the Secretariat of the Prime Minister of the Republic of Uzbekistan dated April 8, 2024). The introduction of this proposal served to create mechanisms for monitoring employees sent on business trips to prevent conflicts of interest and corruption;

the proposal to designate close relatives of an employee of a state body or other organization, as well as legal entities that own shares or stakes in them or work in their system, as persons related to an employee of a state body or other organization was taken into account when developing Article 5 of the Law of the Republic of Uzbekistan № URL-931 dated June 5, 2024 “On Conflict of Interest” (Act of the Committee on Industry, Construction and Trade of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan № 04/7-10-78 dated July 24, 2024). The introduction of this proposal served to prevent situations related to a conflict of interest not only in the activities of an employee of a state body or other organization, but also in the activities of persons related to him;

the proposal to introduce a declaration procedure for potential conflicts of interest, to establish in legislation the procedure for submitting declarations, and to assign the implementation of these tasks to special units in organizations was taken into account when developing Article 18 of the Law of the Republic of Uzbekistan № URL-931 dated June 5, 2024 “On Conflicts of Interest” (Act of the Committee on Industry, Construction and Trade of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan № 04/7-10-78 dated July 24, 2024). The introduction of this proposal served to create a legal basis for the introduction of a declaration procedure for potential conflicts of interest and the procedure for submitting declarations in order to prevent conflicts of interest;

the proposal to establish measures such as transferring an employee of a state body or other organization to another manager who does not have a conflict of interest, self-rejection or forced dismissal, transfer to another position equivalent to the position, or termination of the employment contract as measures to be applied in cases of conflict of interest was taken into account in the development of Article 21 of the Law of the Republic of Uzbekistan № URL-931 dated June 5, 2024 “On Conflict of Interest” (Act of the Committee on Industry, Construction and Trade of the Legislative Chamber of

the Oliy Majlis of the Republic of Uzbekistan dated July 24, 2024 № 04/7-10-78). The introduction of this proposal served to create mechanisms for resolving a situation related to a conflict of interest in the activities of a civil servant.

Approbation of research results. The results of this research were tested at 7 scientific conferences, including 4 international and 3 national scientific and practical conferences, roundtables, and seminars.

Publication of research results. Based on the results of this research, a total of 21 scientific works were published, including 1 monograph, 1 textbook, 1 textbook (co-authored), 11 articles (9 in republican and 2 in foreign publications) in scientific publications recommended for publication by the Higher Attestation Commission as the main scientific results of doctoral dissertations.

The structure and size of the dissertation. The dissertation consists of an introduction, four chapters, a conclusion, a list of references, and appendices. The volume of the dissertation is 260 pages.

MAIN CONTENT OF THE DISSERTATION

The introduction to the dissertation covers the relevance and necessity of the research topic, its relevance to the main priority areas of the development of science and technology in the republic, a review of foreign scientific research on the topic, the level of study of the problem, goals and objectives, object, subject, methods, scientific novelty, practical results, implementation and approval of the results, and the scope and structure of the dissertation.

The first chapter of the dissertation is entitled “**Scientific and theoretical foundations of preventing conflicts of interest in the activities of civil servants**”, which analyzes the scientific and theoretical foundations of civil service in the modern state administration system, doctrinal views on understanding the legal nature of conflicts of interest in the activities of civil servants, and scientific approaches to describing various forms of conflicts of interest, based on the doctrinal views of scientists and leading legal schools. In particular, the research work analyzes administrative and legal reforms aimed at creating an effective and result-oriented compact “mobile management apparatus”, determines the structure, number and main tasks of executive bodies, the legal status of state administration bodies, and states that from January 1, 2023, the number of independent executive bodies of the republic will be reduced from **61 to 28**, including the number of ministries from **25 to 21**.

The researcher notes that the following concepts have developed as the main models and systems in the theory of public administration: *Anglo-Saxon (minimal state)*; *German (organism)*; *French (Bonapartism or Napoleonism)* and *Scandinavian (a mixture of Anglo-Saxon and German traditions)*. In conclusion, it is emphasized that two management concepts – “**New Public Management**” and “**Good Governance**” – are of great importance in the implementation of modern public administration today.

In the research work, national scientists **M. Akhmedshayeva, A. Saidov, O. Khusanov, R. Khakimov, A. Bekmurodov, B. Mirboboyev, B. Alimov, Kh. Khayitov, Sh. Asadov** and others noted that there is a constant need for modern public administration in the development of the country, and in this regard, a compact public administration system, focusing state functions on serving citizens,

decentralization, electronic public services, public and parliamentary oversight are mentioned as key elements in improving public administration.

The author, concluding on the issue of public administration, defines *modern public administration* as a type of activity that forms a management apparatus that is concise and results-based, with tasks and functions distributed proportionally and clearly between the state and non-state sectors, avoiding centralization, and providing for the active participation of citizens in making management decisions. As a result of the analysis, he points out the need to legally and organizationally regulate the **modern virtual public administration** system.

The researcher conducted scientific research on the state civil service and noted that although the state civil service is legally considered a new institution in the country, it has existed for many years from a scientific or operational point of view. According to the formed scientific schools, **B.M. Lazarev, A.P. Alexin, V.M. Manokhin, Y.A. Tikhomirov, E.E. Duysenov, Y.M. Kozlov, A.V. Obolonsky, Y.N. Starilov** defined the state service as an activity performed in state bodies for a salary, aimed at implementing the functions and tasks of the state, while national scientists **E. Bazarbay, U. Tojikhonov, A.A. Li, E.T. Khojiyev, G.S. Ismailova**, as well as **M.A. Rakhimova** studied the state service as a type of professional activity. In the views of scientists from another scientific school, such as **E.T. Khojiyev, N.Sh. Said-Gaziyeva, B.Sh. Mirboboyev and Kh.T. Azizov**, civil service is recognized as a labor activity.

When paying attention to the concept of “civil service” from a scientific theoretical perspective, it was concluded that the terms “**public service**”, “**civil service**”, “**government service**” in world practice are directly related to it.

The author developed the following author's definition of state civil service:

State civil service is a professional activity, a type of public service, aimed at performing functions and tasks of the state, mainly in the executive branch of government, for a certain fee.

Also, the shortcomings in the implementation of the Law “On State Civil Service” were analyzed theoretically and practically, and the need to define categories of state civil servants - adopt a unified **register of state civil servants** in this regard was justified. Based on the fact that the small experience formed in the field of state civil service has shown that there are organizational and legal needs for improving the sector, the urgency of introducing a single and integrated system of working with personnel, forming a personnel reserve and training a new generation of leadership personnel, recruitment, gender equality, adherence to ethical rules and its monitoring, and the introduction of fair and modern mechanisms for remuneration (the experience of the **USA, Korea, Great Britain, France, Singapore, Germany**, based on separate KPI conditions - the experience of **Singapore and Korea**) was justified.

In the dissertation, the researcher substantiated the need to determine the **list of organizations** where the state civil service is currently implemented, which is a legal gap, to legally regulate **the procedure for conducting a competition** for recruitment to the system, to develop a **procedure for forming a personnel reserve**, and to normatively regulate **the procedure for continuous professional development** of state civil servants.

The research work analyzes the conflict of interest from a **scientific-doctrinal, national-legal** and **international-legal** perspective, and shows that 2 major schools have formed in the scientific community:

According to representatives of the first school (S.S. Frolov, A. Dementiev, P.F. Druker, A.G. Zdravomyslov, A.F. Nozdrachev, V. Urey, J. Holliday, C. Weisman, H. Heckhausen, A.K. Zaitsev, M. Kalandarova and others), conflict of interest is viewed in a neutral sense, that is, as a situation that does not always lead to harmful consequences;

Representatives of the other school (B. Turvey, A. Ilyakov, D. Dedov, A. Solovev, N. Akhmetova, B. Akhrorov, B. Ismailov, N. Said-Gazieva, G. Murodullaeva) speak of its social harm and consider it always harmful to the development of the country.

Also, representatives of some schools (**B.Ismailov, G.Murodullaeva, B.Akhrorov, A.Buriyev, M.Florin, F.Zibold, O.Panina, K.Kharchenko, A.Nozdrachev, A.Ilyakov, N.Krasyukova, D.Dedov, etc.**) believe that it is not necessary to consider, analyze, and study conflict of interest as a separate object of research. In their opinion, conflict of interest is a state that represents corruption, and it is appropriate to analyze this process within the framework of the fight against corruption.

Another group of scholars (**K. Tojiboyev, R. Zufarov, M. Rustamboyev, G. Sattarov, M. Kalandarova, N. Said-Gazieva, B. Volzhenkin, N. Kuznetsova, H. James, and others**) view conflict of interest as a separate entity, completely different from corruption, and a form of it, but with special attention and attention to legal regulation and prevention, and the introduction of special mechanisms in this regard.

It is also noted that while the United Nations **Convention against corruption, the Anti-corruption Act, the Code of Conduct for Officials, and the Civil servants Act** serve to regulate conflicts of interest at the international level, the object of the study is regulated within the framework of national law by the laws **“On Combating Corruption”, “On Civil Service”, and “On Conflict of Interest”**.

The author puts forward the following scientific and theoretical definitions of conflict of interest and its manifestations:

a situation of conflict that has arisen is arising or may arise between oneself or one's related persons and the interests of citizens, society and the state as a result of one's performance or non-performance in the interests of related persons.

an existing (real) conflict of interest is a situation in which a person's personal interest has affected (is showing) the performance of his/her official duties and a conflict has arisen (is arising) between his/her own interest and the interests of citizens, organizations, society or the state;

a potential conflict of interest is a situation in which a person's personal interest may affect his/her performance of his/her official duties in the future or may create such a risk and a conflict has arisen (is arising) between his/her own interest and the interests of citizens, organizations, society or the state;

In his research, the doctoral candidate analyzed a number of manifestations related to the conflict of interest and scientifically substantiated that they cannot be clearly defined, and that they can arise in any situation related to the exercise of official powers as a result of personal interest.

However, it can be observed that manifestations such as **nepotism, favoritism, lobbying, tribalism, cronyism and patronage**, which are directly related to the manifestations of the conflict of interest, have become popular. Also, the content of manifestations such as **tribalism, localism, protectionism and groupism** is also directly based on illegal personal interest which is the basis of the conflict of interest.

Legal scholars R. Zufarov and B. Akhrarov also identify several prevalent forms of corruption today, including petty (based on personal connections, kinship, mutual favors, and assistance), **administrative** (occurring between state authorities and business representatives), **high-level corruption** (committed by senior officials for personal gain), and digital (**cyber**) **corruption**.

The second chapter of the dissertation is entitled “**Legal aspects of preventing conflicts of interest in the activities of civil servants**” and it includes a detailed analysis of the legislative framework aimed at preventing conflicts of interest in the activities of civil servants, the organizational and legal aspects of preventing conflicts of interest in the relations of civil servants related to public procurement, and the legal aspects of implementing public control in preventing conflicts of interest.

Within the framework of this chapter, first of all, an analysis of the legislative framework aimed at preventing conflicts of interest in the activities of civil servants was carried out in 3 periods (**from 1991 to 2008; from 2008 to 2017; from 2017 to the present**). Legal gaps in a number of regulatory legal acts were identified, and scientific and theoretical conclusions, proposals and recommendations were developed to eliminate them.

Based on the period, attention is paid to the development of national legislation aimed at preventing conflicts of interest, but in periods 1 and 2, conflicts of interest were defined in small norms and the number of regulatory legal acts did not even reach **10**. In period 3, conflicts of interest were considered a serious legal problem in the country and a practice of special treatment was formed. Over the past 6-7 years, about **60** regulatory legal acts have established rules aimed at preventing conflicts of interest.

The analysis of the legislative framework aimed at preventing conflicts of interest in the activities of civil servants shows that as of 2024, about **80** regulatory legal acts available on the lex.uz website contain norms on regulating conflicts of interest, which indicates that the regulation of activities is quite diversified.

At the same time, within the framework of this chapter, the need to introduce amendments and supplements to the Laws “On Combating Corruption” and “On Public Procurement” to reflect the requirements for the cancellation or modification of decisions and procedures adopted in cases of conflicts of interest in the process of implementing public procurement was justified.

In order to adequately regulate conflicts of interest in the public procurement system, the Anti-Corruption Agency was analyzed for the purpose of amending relevant laws to grant the agency the authority to file a petition to suspend the validity of a contract, order, or other document or to declare it invalid if any conflict of interest is detected, to file an application to the court in this regard in the appropriate manner, to grant exemption from state duty in this process, to issue administrative reports, and to develop a draft law “**On State Control**”.

The researcher also concludes that it is appropriate to apply the legal experience related to *the checklist for identifying factors* that cause corruption to the activities of

identifying risks related to *conflicts of interest in employment contracts, duties and powers concluded with civil servants*.

In order to ensure uniform practice, the author notes the expediency of supplementing Article 19 of the Law of the Republic of Uzbekistan № URL-788 dated August 8, 2022 “On State Civil Service” with the categories of **existing conflicts of interest and potential conflicts of interest**, as well as **the bases of monitoring and accountability** and Article 21 of the Law “On Combating Corruption” with a norm requiring an employee to notify not only his or her superior, but also a higher state body in the event of a conflict of interest.

In the course of the research, the doctoral candidate paid particular attention to the organizational and legal aspects of preventing conflicts of interest in the relations of civil servants involved in public procurement. A detailed scientific-theoretical and organizational-legal analysis was conducted. Emphasizing the significance of public procurement, it was noted that in Uzbekistan alone, **over 1.5 million** contracts were concluded through public procurement in 2022, with the total value of these projects exceeding **200 trillion soums**. The study also highlighted instances of unjustified direct contracting (833 cases), overpricing of goods (353 cases), and **conflicts of interest (253 cases)**. Furthermore, it was noted that 46 percent of public procurement amounting to 115 trillion soums was carried out without competitive bidding or tenders, through direct contracts. Therefore, the issue of preventing conflicts of interest in this process is very relevant, the study noted.

In addition, the following figures were cited in substantiation of the relevance:

In February 2023, **77,411** procurements worth **4.35 trillion** soums carried out by ministries and departments, **26** submissions were submitted to customers regarding violations of the law worth a total of **25 billion** soums. As a result of the submitted submissions and inquiries, 12 public procurements were canceled and 7 administrative cases were initiated. If we focus on the direct object of the study, during the 5 months of 2021 and 2022, conflicts of interest occurred in **5,805 public procurements** worth **429.3 billion soums**.

Based on this, the study concluded that special attention should be paid to the following recommendations in this area:

strengthening administrative liability for violations of the legislation on **public procurement, introducing a relevant norm** in the Criminal Code;

Since the Law of the Republic of Uzbekistan “On Public Procurement” does not provide for special norms on the cancellation or amendment of agreements and transactions that lead to a conflict of interest, Article 44 should be supplemented with a norm stating that *“In the event of the implementation of the public procurement procedure with the introduction of corruption and a conflict of interest, a state body or a specially authorized body may cancel the public procurement at any stage of the process”*;

establishing a special authorized body for the coordination of public procurement under the Cabinet of Ministers of the Republic of Uzbekistan, which is directly responsible for regulating the sector;

publicly announcing public procurements that have been found to be illegal.

at the same time the legal aspects of **public oversight** in preventing conflicts of interest in the activities of state civil servants played an important role in the research.

Every year, the Anti-Corruption Agency alone files an average of **25-30** complaints on the elimination of conflicts of interest based on complaints published and received by media representatives. When counting other law enforcement agencies, **more than 100** violations are identified based on media reports. Only on the kun.uz website, which has become a popular media outlet today, **about 50** materials related to conflicts of interest are published. These indicators also indicate the importance of public control in preventing conflicts of interest.

The author has identified the role and importance of public control in preventing conflicts of interest by a number of scientists, in particular, R. Khakimov, Sh. Yakubov, F. Otakhonov, E. Khojiyev, G. Ismailova, M. Rakhimova, B. Ismailov, M. Akhmedshayeva, J. Abdullayev, A. Dadasheva, B. Narimanov, G. Mamatov, Sh. Eshimov, Sh. Mavlyanov, Sh. Kulturaev, M. Mamasiddikov, A. Otajonov, Kh. Mukhamedkhodjayeva, G. Nurmammedova, G. Murodullaeva, V. Grib, G. Chebotareva, A. Lapshina, T. Khabriyeva, S. Roganov, V. Fedorov, A. Dalgatova, V. Saetgaraev, M. Shedi, S. Takhoeva, Y. Matveychuk, V. Yuritsin, T. Roganova, M. Vakhitina, He turned to the research of foreign scientists such as A. Shalamova, N. Chernogor, and A. Shulikov.

The researcher studied the topic based on international documents such as the **“Open Parliament”** doctrine, the Recommendation **“On the role of parliaments and supreme audit institutions in combating corruption”**, the **International Covenant on Civil and Political Rights**, the **Paris declaration on open government**, the **“Recommendations on Managing Conflicts of Interest in the Public Sector”** of the Council of the Organization for Economic Cooperation and Development and the recommendations of the Public Integrity Council and put forward a number of recommendations.

In particular, it is justified to establish specific indicators for assessing the effectiveness of civil servants (KPI) and as a type of them to assess the **information collected on the basis of forms of public oversight**. Initiatives have been expressed to include in the Law “On Public Oversight” norms such as designating the activities of state bodies and officials related to **corruption and conflict of interest** as objects of public oversight, and **mandatory publication of decisions made** on the results of public oversight to the general public.

The research also substantiated the need to adopt the Law “On the Protection of Persons Reporting Corruption-Related Offenses” in order to popularize the practice of reporting corruption and conflicts of interest and ensure organizational and legal protection of whistleblowers.

The third chapter of the dissertation is entitled **“Organizational and legal mechanisms for resolving conflicts of interest in the activities of civil servants”** which analyzes the legal aspects of the use of the restriction mechanism in preventing and resolving conflicts of interest in the activities of civil servants, the authorized entities for resolving conflicts of interest and their rights, obligations and principles of activity, as well as organizational and legal measures for resolving conflicts of interest in the activities of civil servants from a scientific, theoretical and organizational and legal perspective.

In particular, this chapter analyzes the issue of direct **restrictions as a mechanism** to prevent conflicts of interest and a legal category based on a number of legislative documents. Based on the opinions of scholars, it is noted *that restrictions related to*

public service are understood as conditions and rules established by the Constitution and other regulatory legal acts, which prohibit the exit of a civil servant, and are established within the framework of law.

The following author's definitions of prohibitions and restrictions have been put forward in scientific and theoretical terms:

“**a prohibition** is a generally binding instruction of the state, established by the state on the basis of special regulatory or internal local documents, which strictly prohibits the performance of certain actions based on the duties and characteristics of the position”;

“**a restriction** is a mechanism that establishes the legal limit for the use of powers by civil servants, established by the state on the basis of special regulatory or internal local documents, only on the basis of certain procedures and criteria”.

It is also justified to establish a separate **list of prohibitions and restrictions** in separate articles of the Law “On State Civil Service” on the basis of amendments and additions to national legislation. A scientific and theoretical assessment of restrictive measures such as the prohibition of **working in the same state civil service** on the basis of close kinship, **traveling to a foreign country** contrary to the norms established by the current legislation of the Republic of Uzbekistan, engaging in other paid activities other than scientific and creative activities and engaging in entrepreneurial activities and receiving **gifts** was given. According to statistical data in this regard, during 2022, a total of **1,625** civil servants were engaged in entrepreneurial activities as leaders or founders along with civil service that is they were found by employees of the Anti-Corruption Agency to have a **potential conflict of interest**.

Based on this, initiatives have been expressed to eliminate legal obstacles in this regard, including the introduction of a **declaration procedure**.

The doctoral candidate concluded that, in addressing corruption and conflicts of interest, it is appropriate to classify the authorized entities into **general and specialized** competent subjects. Accordingly, the following categories of entities were identified and classified.:

Specially authorized bodies:

Anti-Corruption Agency of the Republic of Uzbekistan;

Prosecutor General's Office of the Republic of Uzbekistan;

State Security Service of the Republic of Uzbekistan;

Ministry of Internal Affairs of the Republic of Uzbekistan;

Ministry of Justice of the Republic of Uzbekistan;

Department for Combating Economic Crimes under the Prosecutor General's Office of the Republic of Uzbekistan.

According to the researcher, it is justified that the category of generally authorized bodies includes all state and economic management bodies in the Republic of Uzbekistan, the Civil Service Development Agency which is directly responsible for managing a unified personnel policy in the civil service of the Republic of Uzbekistan, as well as the National Anti-Corruption Council of the Republic of Uzbekistan and its territorial councils.

In addition, *in terms of subjects the State Civil Service Body its head and civil servants; structural units engaged in the prevention of corruption and conflicts of interest in the State Civil Service Body (personnel department, anti-corruption*

department, etc.); Ethics Commissions; Compliance Control Service, as well as their rights and obligations were separately analyzed in the research work.

The researcher paid special attention to the **compliance control service** established in the state civil service body in preventing conflicts of interest, and tried to substantiate its importance based on the following information.

In particular, if we look at the statistics, the data of the international organization “**Baker and McKenzie**” indicate that by this period, an internal control system against corruption has been implemented in **more than 180** countries. At the national level, compliance control structures with a staff of **1,350** have been established in **89** state bodies and organizations, as well as banks, and **10** departmental regulatory legal acts have been adopted to regulate their activities. Also, as a result of a study conducted by these services in **66** state organizations in 2022 alone, in **3,101** cases, financial violations amounting to more than **592.4** billion soums were identified.

Based on this, it was concluded that it is necessary not to delay the establishment of compliance control, ethics commissions, personnel departments, internal inspections or similar departments in state civil service bodies that have not yet been established, and to develop a **single regulatory legal document** on “compliance control”.

The analysis of organizational and legal measures to resolve conflicts of interest in the activities of civil servants noted the existence of sentences theoretically related to “**prevention of conflicts of interest**”, “**management of conflicts of interest**”, “**identification of conflicts of interest**”, “**resolution of conflicts of interest**” and “**legal regulation of conflicts of interest**”.

According to research on resolving conflicts of interest (research by Richard Epstein, professor at the University of **Chicago Law School**), two major models are proposed for resolving conflicts of interest: **the first model** assumes that prioritization and preventive measures should be prioritized, while the essence of **the second model** is that conflicts of interest can be resolved through a mechanism of punishment.

The author places special emphasis on the “*appearance standard*”, *reliance on public support, cooperation with the private sector and market-based remuneration* models in resolving conflicts of interest. In this regard, it is concluded that, based on the **United Nations Convention against Corruption, Council of Europe Recommendation SM/Rec (2014) 7, and the European Union Directive on “Whistleblowers”**, it is necessary to pay special attention to reporting corruption offenses in identifying and resolving conflicts of interest and to ensure their legal protection by law.

Also, when a situation arises related to a conflict of interest, the **institution of self-rejection** is central to the measures taken to resolve it. The main purpose of recusal is to prevent damage to the rights and interests of citizens as a result of a person participating in resolving the case deviating from the requirements of the law, his official duties in favor of his own interests or the interests of third parties. However, the fact that the institution of recusal does not always work in practice requires legal reform and organizational measures, as well as the introduction of mechanisms to ensure its implementation.

In this regard, it is considered appropriate to establish norms in the legislation on improving the institution of refusal, in particular, to clearly define norms related to self-rejection aimed at preventing and adequately resolving conflicts of interest in the laws “**On State Civil Service**” and “**On Conflict of Interest**” and to ensure their

implementation by including **liability measures for failure to comply with obligations related to the institution of refusal** in the Code of Administrative Responsibility.

The fourth chapter of the dissertation is entitled “**Prospects for improving the organizational and legal framework for preventing conflicts of interest in the activities of civil servants**” which analyzes the experience of foreign countries in preventing conflicts of interest in the activities of civil servants, the prospects for introducing modern concepts and models related to moral and ethical standards aimed at preventing conflicts of interest in Uzbekistan, as well as priority areas for improving the organizational and legal framework for preventing conflicts of interest.

The researcher analyzed the experience of foreign countries in preventing conflicts of interest, primarily based on the following models:

Asian model of conflict of interest regulation;
transitional model of conflict of interest regulation;
continental model of conflict of interest regulation;
Anglo-Saxon model of conflict of interest regulation.

In particular, the **continental model**, by its very nature, assumes a special state attitude to conflict of interest, which is regulated by special legislation and mainly by sub-legal (departmental) documents. Countries that have effectively applied the model include **Germany, Japan and France**.

The Anglo-Saxon model assumes that conflicts of interest are identified, prevented and regulated on the basis of morality, law and justice, and the principles of law. This model is enshrined in law and is characterized by rules of conduct and standards of behavior in various situations. Countries that have developed and effectively applied this model include the **USA, Great Britain, Canada and Australia**. In the **Asian and transitional models**, the regulation of conflicts of interest is mainly characterized by the inclusion of reforms in the fight against corruption.

In addition, some other sources note that the experience of foreign countries in preventing conflicts of interest has also developed in the **British, French and Nordic models**. In particular, in countries included in the **British model** (*Great Britain, Australia, Canada, New Zealand*), the issues of preventing conflicts of interest are based on the high level of ethics, conscientious approach to work, and the tendency to declare or report any personal interests in the conduct of civil servants' official activities.

The next widespread model - **the French model** (*France, Italy, Poland, Czech Republic, Spain*) is based on the mechanism of openness and transparency. The third model - **the Nordic model** - requires special attention. In particular, today the countries included in this model (*Sweden, Finland, Norway, Denmark*) are leading in a number of international ratings and indices on the effective organization of public administration and ensuring prosperity, combating corruption and its various forms. The main features of this model are characterized by the fact that it reflects the positive aspects of both of the above two models.

In addition, the researcher analyzed the experience of foreign countries based on the following geographical structure:

The experience of the United States and Canada in regulating conflicts of interest;
The experience of European countries in regulating conflicts of interest;

The experience of the CIS and some Asian countries in regulating conflicts of interest.

The researcher also analyzed **modern concepts and models** for preventing conflicts of interest (“4 basic behavioral standards for the implementation of the civil service”, “Digital regulation”, “Internal regulation and reporting”, “Public trust”, “Public ethics”, “Comprehensive regulation of the problem”, “A clear state policy on conflicts of interest”, “Increasing education and vigilance”, “Open dialogue and trust”), and the prospects for their implementation in Uzbekistan were studied based on the experience of Great Britain.

The adoption of the **National Strategy of the Republic of Uzbekistan on Combating Corruption until 2030**, the expediency of systematically and gradually continuing the tasks of the coming years within the framework of this strategy, was substantiated. The adoption of a special law aimed at protecting the rights of whistleblowers in this regard, in particular, freedom of the press and speech in identifying conflicts of interest, the wide use of media opportunities, strengthening their organizational and legal protection in this regard, was substantiated.

According to the researcher, if we look at the content of the reforms carried out in the country in recent years in the fight against corruption, great importance is attached to the use of preventive measures aimed at prevention and early detection, rather than punishment or combating the consequences. In this regard, it is important to **introduce the institution of corruption investigation - a preliminary study of corruption cases** aimed at identifying corruption and conflicts of interest in the country.

A corruption investigation is a measure aimed at preventing corruption at an early stage, which consists in investigating cases of corruption and collecting information to confirm or refute them, carried out by relevant entities within the scope of their authority through a preliminary study of the situation. In other words, a corruption investigation is a preventive measure carried out on the basis of an investigation and study before the situation occurs. This system is carried out by interviewing witnesses, obtaining documents and records, analyzing data, and studying the activities of relevant individuals.

Based on the above, the researcher concludes that it is appropriate to **introduce the institution of corruption investigations** into the relevant legislative acts of the Republic of Uzbekistan, including the laws “**On Combating Corruption**” and “**On Conflict of Interest**”, determine the mechanisms for their implementation and the scope of subjects, and give special internal structures in the Anti-Corruption Agency and state civil service bodies clear powers related to the preliminary detection of corruption and conflicts of interest - corruption investigations.

It is also important to introduce the institution of a **national standard of integrity** (*Public integrity*), which is aimed at preventing corruption and conflicts of interest in the activities of state civil servants. Based on this, it is advisable to establish this institution as a legal norm in documents regulating corruption and conflicts of interest, and to develop a **National Integrity Index**, which will assess the level of integrity based on the developed standard. In this regard, it is advisable to introduce a procedure for conducting annual ratings of state civil servants, assessing their performance and taking them into account when appointing them to senior positions.

The research paper notes that there is no unified practice on the issue of the relevance and *relevance of disputes arising in connection with civil servants to the*

court and there are different opinions among scientists and practitioners. As a legal solution to the issue, it is justified that, first of all, it should be resolved by determining the areas (organizations) to which the Law “**On Civil Service**” applies (*as is the practice of determining the organizations to which the Law “On Conflict of Interest” applies*), as well as **by adopting a unified register of civil servants**, and at the same time, since a number of situations are currently arising in the regulatory framework of civil service and labor legislation, it is advisable to adopt **a decision of the Plenum of the Supreme Court on the practice of applying legislation related to the field of civil service by courts**.

According to the researcher, a service contract, not an employment contract, should be concluded with civil servants, and it should contain specific and separate rules (related to the institution of restrictions, aimed at preventing rotation, corruption, and conflicts of interest), rather than general rules such as an employment contract, as stipulated by law.

At the same time, the following conclusions were drawn based on the results of this chapter:

Adoption of the Regulation on the Procedure for Rotation of Civil Servants;

Adoption of a **special regulatory legal act** regulating the opening and possession of accounts by civil servants outside the territory of the republic, ownership of real estate and other property;

Clearly define in legislation **the procedure for assigning career ranks** based on the document of the President of the Republic of Uzbekistan, as well as the **processes of certification** of civil servants, which currently have a legal gap;

Adoption of the Law “On the Anti-Corruption Agency of the Republic of Uzbekistan”.

The dissertation concludes by analyzing the priority areas, concepts and models for the proper regulation of conflicts of interest in the global and local context, as well as the organizational and legal frameworks, and the improvement of the organizational and legal framework for preventing conflicts of interest in the activities of state civil servants based on the following priority areas:

concepts and models for improving the organizational and legal framework for preventing conflicts of interest;

priority areas for improving the legal framework for preventing conflicts of interest;

priority areas for improving the organizational framework for preventing conflicts of interest.

During the research, the following priority areas for improving the organizational framework for preventing conflicts of interest were substantiated: bringing the policy of electronicization and digitization of activities to a new level (*using information systems and artificial intelligence capabilities to identify kinship and co-working in other organizations during the recruitment process*), improving the issue of legal expertise, launching an automated corruption risk management system, organizing control and expertise of foreign and local investments, grants and projects for conflicts of interest, increasing the salaries of civil servants, and establishing a procedure for declaring income and property;

It was concluded that it would be appropriate to introduce a procedure for newly hired civil servants to undergo mandatory special advanced training courses every

6 months, and for existing civil servants every 3 years, aimed at preventing corruption and conflicts of interest, and to establish a practice of obtaining a certificate of completion of this course before entering the civil service;

It was concluded that it would be appropriate to introduce the practice of constantly involving representatives of the general public, including independent evaluators, conducting public expertise, and obtaining special certificates from international organizations on a corruption-free system in order to prevent conflicts of interest.

In general, the researcher believes that improving the organizational and legal framework for preventing conflicts of interest in the activities of civil servants requires not only the analysis and implementation of scientifically based modern concepts and models, but also, in parallel, improving the national legislative framework, eliminating legal gaps in it, and taking organizational measures. Continuous improvement of activities based on this integral mechanism will allow for adequate regulation of conflicts of interest in the country's legal system, in particular in the civil service.

The results of the study include a number of concepts of legislative acts (*Appendices 1-2*), samples of notifications and declarations (*Appendices 3*), Conflict of interest and confidentiality agreements in public procurement (*Appendices 4*), General standards of ethics of civil servants (*Appendices 5*), Forms of conflict of interest (*Appendices 6*), and a methodology for identifying and assessing conflicts of interest in state bodies and organizations (*Appendices 7*).

Based on the scientific and theoretical conclusions and organizational and legal frameworks discussed in the research work, proposals and recommendations were developed.

CONCLUSION

As a result of the research work on the topic “Improving the organizational and legal framework for preventing conflicts of interest in the activities of civil servants”, the following scientific and practical proposals and recommendations were developed:

I. Scientific and theoretical conclusions

1.1. The modern, “**smart governance**” models, concepts and approaches (*Anglo-Saxon, German, French, Scandinavian models*) being formed in the world were analyzed, and it was concluded that the active application of the “New Public Management” and “Good Governance” models, which are popular today and are taken as examples by a number of countries, is promising in Uzbekistan;

1.2. The concept of “**civil service**” was analyzed based on the world practice of “**public service**”, “**civil service**”, “**government service**” and a scientific and theoretical conclusion was made on the development of “**Digital public service**”;

1.3. The phenomena of **nepotism, favoritism, lobbying, tribalism, cronyism and patronage, nepotism, localism, protectionism and groupism** related to the conflict of interest in the state civil service were scientifically and theoretically analyzed;

1.4. A scientific and theoretical conclusion was made on the need to **determine the list** of organizations where the state civil service is implemented, to legally regulate the **procedure for conducting competitions** for recruitment to the system, to develop

a procedure **for forming a personnel reserve**, and to normatively regulate the procedure for **continuous professional development** of state civil servants;

1.5. Author's definitions were developed for the following scientific and theoretical concepts related to the research work:

a) **modern public administration** is a type of activity that is compact and results-oriented, with tasks and functions distributed proportionally and clearly between the state and non-state sectors, avoiding centralization, providing for the active participation of citizens in making management decisions, and forming a management apparatus;

b) **public civil service** is a type of professional activity aimed at performing functions and tasks in the executive branch of the state for a certain fee;

c) **conflict of interest** is a situation of conflict that has arisen, is arising or may arise between the interests of citizens, society and the state as a result of a person performing or not performing his functional service duties in the interests of himself or persons related to him;

d) **an existing (real) conflict of interest** is a situation in which a person's personal interest has (is) affected the performance of his/her official duties and a conflict has arisen (is arising) between his/her own interest and the interests of citizens, organizations, society or the state;

e) **potential conflict of interest** is a situation in which a person's personal interest may affect the performance of his/her official duties in the future or creates such a risk and a conflict arises (may arise) between his/her own interest and the interests of citizens, organizations, society or the state;

f) **public control over conflict of interest** is a type of control carried out by entities authorized to exercise public control over the processes of identifying, preventing and resolving conflicts of interest arising on the basis of personal interest in the activities of state authorities and administration bodies, including state civil service bodies and organizations in which the state has a share;

g) **prohibition** is a generally binding instruction of the state, established by the state on the basis of special regulatory legal or internal local documents, which strictly prohibits the performance of certain actions based on the duties and characteristics of the position;

h) **restriction** is a mechanism that establishes a legal limit for civil servants to exercise their powers only on the basis of specific procedures and criteria, established by the state on the basis of special regulatory or internal local documents;

1.6. Subjects for resolving conflicts of interest in the activities of civil servants were divided into **general and special authorized** subjects, their rights and obligations were analyzed in terms of the state civil service body, civil servant, close relatives of the servant and related persons, the Ethics Commission or a special unit;

1.7. The development of legislation aimed at preventing conflicts of interest was analyzed based on the periods **1991-2008, 2008-2017, and 2017 to the present**, and it was substantiated that the legislation on preventing conflicts of interest developed sporadically until 2017, that a direct special approach to regulating the situation developed in the last 6-7 years, and that **about 60** legal frameworks were created during this period;

1.8. The principles of activities aimed at preventing conflicts of interest were theoretically analyzed in terms of the *principles of the primacy of state and public*

interests, openness and transparency, personal example, zero tolerance for corruption and conflicts of interest, ensuring the rights of whistleblowers, impartiality, the conditionality of information disclosure, the priority of preventive measures for conflicts of interest, and the inevitability of responsibility and punishment;

1.9. A scientific and theoretical analysis of the concepts of “**conflict of interest prevention**”, “**conflict of interest management**”, “**conflict of interest identification**”, “**conflict of interest resolution**” and “**legal regulation of conflict of interest**” related to the study was carried out;

1.10. *Asian, transitional, continental and Anglo-Saxon, as well as British, French and Nordic, High Road and Law Road models* of conflict of interest regulation were analyzed, from a geographical perspective, the experience of *the United States and Canada; European countries; CIS and Asian countries* was studied, and scientific conclusions were drawn on the development of the national legal system based on their positive and negative aspects;

1.11. Modern concepts and models for preventing conflicts of interest (“*4 basic behavioral standards for the implementation of the civil service*”, “*Digital regulation*”, “*Internal regulation and reporting*”, “*Public trust*”, “*Public ethics*”, “*Comprehensive regulation of the problem*”, “*A clear state policy on conflicts of interest*”, “*Increasing education and vigilance*”, “*Open dialogue and trust*”) were analyzed and the prospects for their implementation in Uzbekistan were studied based on the experience of Great Britain.

II. Proposals and recommendations for improving regulatory legal documents

2.1. The proposal to **adopt the National Strategy of the Republic of Uzbekistan for Combating Corruption until 2030** and to systematically and gradually implement tasks aimed at preventing corruption and conflicts of interest in the coming years within the framework of this strategy was substantiated;

2.2. Based on the results of the study, the need to adopt the Law “**On the Protection of Persons Reporting Corruption-Related Offenses**” was substantiated in order to strengthen control over state funds, improve the legal framework for preventing corruption and conflicts of interest, reliably protect the rights and interests of persons participating in the process, and create a unified management system in the system, and it is proposed to adopt the Laws “**On the Anti-Corruption Agency of the Republic of Uzbekistan**” and “**On State Control**”;

2.3. It is proposed to make the following amendments and additions to the Law of the Republic of Uzbekistan “**On Conflict of Interest**”:

a) To clarify the definition of an employee of a state body or other organization in Article 3 of the Law as follows:

*“an employee of a state body or other organization - a “**manager (management) and specialist personnel**” performing labor (service) activities in state bodies or other organizations on the basis of an employment contract (contract) or in elected or appointed positions”;*

b) to clarify the eighth subparagraph of paragraph 1 of Article 8 of the Law as follows:

“he or she shall not have the right to participate in the purchase or lease of property of an organization in which he performs labor (service) activities, as well as

in the acquisition or lease of property of an organization subordinate to him or under his control.”;

2.4. It is proposed to make the following amendments and additions to the Law of the Republic of Uzbekistan “On State Civil Service”:

a) to supplement Article 13 of the Law with the following restrictive measure:

“to travel to a foreign country contrary to the rules established by the current legislation of the Republic of Uzbekistan”;

b) *to exclude the phrases “except for the cases stipulated by the laws of the Republic of Uzbekistan and resolutions of the President of the Republic of Uzbekistan”* in the third paragraph of Article 13 of the Law, as well as the exception in the Model Rules of Ethics of State Civil Servants that state civil servants may engage in entrepreneurship or other paid activities in order to prevent double employment and conflicts of interest and to ensure the real implementation of the established restrictions and constitutional principle;

c) In order to ensure uniform legal practice and uniform application of legal norms, the Law “On Conflict of Interest” and the Law “On Combating Corruption” were amended to define the concept of conflict of interest in a new wording and **Article 19 of the Law “On State Civil Service” was amended** to define the article related to conflict of interest in a new wording;

d) It is proposed to supplement Article 46 of the Law with the following paragraph:

“Commitment of corruption offenses, including offenses related to a conflict of interest, by a civil servant shall entail their immediate dismissal from the position they hold and their non-reappointment to the civil service”;

e) on the basis of amendments to the legislation, establish a list of prohibitions and restrictions in separate articles (*the experience of Russia and some other CIS countries*), develop a list of professions and positions in which civil servants may work by the Agency for the Development of the Civil Service and the Agency for Combating Corruption;

2.5. It is advisable to establish the relevant bases of liability in the administrative and criminal legislation of the Republic of Uzbekistan, providing for the determination of the legal consequences of participation of civil servants in entrepreneurial activities, to establish administrative liability for the head of a state civil service body for violation of the established procedure for hiring civil servants (competition), to strengthen the established administrative liability for violation of the legislation on public procurement, and to introduce a relevant norm in the Criminal Code;

2.6. It is proposed to reword Article 21 of the Law of the Republic of Uzbekistan “On Combating Corruption” as follows:

“In the event of a conflict of interest, employees of state bodies must immediately notify their immediate superior or a higher state body. The superior or higher state body, having received information about the existence of a conflict of interest, must take timely measures to prevent or eliminate this conflict”;

2.7. It is proposed to make the following amendments and additions to the Law of the Republic of Uzbekistan “On Public Control”:

a) to supplement Article 4 of the Law, which provides for the objects of public control, with a paragraph **“on the activities of state bodies and officials related to corruption and conflict of interest”;**

b) to supplement Article 8 of the Law with a paragraph “*subjects participating in open sessions of state bodies may use audio, photo and video recording devices*”;

c) to supplement Article 17 of the Law with a paragraph “**Information, recommendations and proposals submitted to state bodies for consideration based on the results of public control are considered by state bodies and the results, as well as the decisions taken, are mandatory announced to the general public**”;

2.8. It is advisable to clearly define in the legislation **the procedure for assigning career ranks** to civil servants, **their certification processes** based on the document of the President of the Republic of Uzbekistan, and to establish the activity of a civil servant in preventing *corruption and conflicts of interest* as a separate criterion when applying this incentive mechanism;

2.9. Since the Law of the Republic of Uzbekistan “On Public Procurement” does not establish special norms on the cancellation and amendment of agreements and transactions that lead to a conflict of interest (*for example, the issue of cancellation of the procedure when conducting competitions with limited competition is provided for in the Law of the Republic of Uzbekistan “On Competition”*), it is proposed to supplement Article 44 of the Law with the following paragraph:

“When a public procurement procedure is carried out with the possibility of corruption and conflicts of interest, a state body or a specially authorized body may cancel the public procurement at any stage of the process;

2.10. Given that today, conflicts of interest mainly occur in the field of public procurement and that the system is prone to numerous violations involving budget funds, it is proposed **to establish a special authorized body for the coordination of public procurement under the Cabinet of Ministers of the Republic of Uzbekistan**, which is directly responsible for regulating the sector, and to grant it the relevant powers regarding the organization, conduct, monitoring and accountability of public procurement;

2.11. Expand the list of socially significant information that should be posted as open data (*government procurement, tax and customs privileges, business travel expenses, budget and extrabudgetary fund income and expenses, salary information, foreign grants, competitions, investment projects*), introduce *mandatory legal and public examination of documents of a regulatory and technical nature related to investment, borrowing and lending, and attracting loans in the state and non-state sectors*;

2.12. In order to expand the category of incentives for whistleblowers, it is proposed to amend the fourth paragraph of Part 3 of the Regulation, approved by Resolution № 829 of the Cabinet of Ministers of the Republic of Uzbekistan dated December 31, 2020, to read as follows:

“other assistance in combating corruption – informing law enforcement agencies about evidence important for the investigation and disclosure of corruption-related crimes, as well as about conflicts of interest that harm the interests of the state and society, or directly assisting in the investigation of such crimes or conducting operational-search activities”;

2.13. Amend the regulation on the value of gifts that may be received by a civil servant in connection with business trips, international and other official events, as well as the procedure for their disposal, to regulate the issue of receiving gifts not only during informal events, but also during **official events and other events not related**

to business trips, eliminate the norm reflecting the products allowed to be received as gifts, or introduce the practice of **submitting a declaration, maintaining a register, and submitting a report within three days** when receiving these gifts;

2.14. The need to introduce **the institution of corruption investigation - a preliminary study of corruption** cases aimed at identifying corruption and conflicts of interest in the country - was substantiated, including the institution of corruption investigation in the Laws “On Combating Corruption” and “On Conflict of Interest”, determining the mechanisms and scope of their implementation, and granting specific powers related to the preliminary identification of corruption and conflicts of interest - corruption investigation to special internal structures in the Anti-Corruption Agency and the State Civil Service;

2.15. It is advisable to consider the issue of the jurisdiction and admissibility of disputes arising in relation to civil servants *in administrative courts* by determining the areas (organizations) to which the Law “On Civil Service” applies and adopting a unified **register of civil servants**, and to **adopt a decision of the Plenum of the Supreme Court** on the practice of applying legislation related to the field of civil service by courts on the issue of jurisdiction and admissibility;

2.16. Adoption of the Regulation on the Procedure for Rotation of Civil Servants, aimed at establishing the rotation procedure, clearly defining the subjects, their powers, rotation procedures, types, terms, guarantees and other issues;

2.17. It is advisable to adopt a special **regulatory legal act regulating the opening and possession of accounts by civil servants outside the territory of the republic, ownership of real estate and other property**;

2.18. It is advisable to **clearly define the norms related to self-rejection** aimed at preventing and adequately resolving conflicts of interest in the Laws “On State Civil Service” and “On Conflict of Interest”, and to ensure their implementation by introducing liability measures for failure to **comply with obligations related to the institution of recusal into the Code of Administrative Responsibility**.

III. Proposals and recommendations for improving the organizational framework for preventing conflicts of interest

3.1. The indicators for assessing the effectiveness of civil servants' activities (KPI) include the criterion of **preventing corruption and conflicts of interest, take into account information collected on the basis of forms of public oversight** when assessing the activities of civil servants, involve public representatives in the process of resolving situations related to conflicts of interest;

3.2. The need to establish **“mechanisms aimed at preventing conflicts of interest” as a separate indicator in the “transparency index”** of state bodies maintained by the Anti-Corruption Agency, and develop a **National Integrity Index** that assesses the level of integrity of civil servants was substantiated;

3.3. To maintain a high-quality **register of dishonest performers** in public procurement, to publicize **the restriction of people** who have committed a conflict of interest from participating in public procurement for a specified period of time (for example, 2-3 years), to establish a practice of **publicly announcing** canceled or illegal public procurements;

3.4. To apply the experience of **the checklist for identifying factors that cause corruption**, approved by the Law of the Republic of Uzbekistan “On Anti-Corruption

Expertise of Regulatory Legal Acts and Their Drafts”, to identify risks associated with conflicts of interest in the employment contract, duties and powers of civil servants;

3.5. Introducing a single and integrated system for working with personnel, forming a personnel reserve and training a new generation of leaders, adhering to the rules of ethics and its monitoring, **introducing fair and modern mechanisms for remuneration** (*the experience of the USA, Korea, Great Britain, France, Germany, based on separate KPI conditions - the experience of Singapore and Korea*) and a procedure for **declaring income and property**;

3.6. Introduce a system of entities authorized to resolve conflicts of interest in all civil service bodies that have not yet been established, pay special attention to the **“Compliance Control”** structures in this regard, develop a **single regulatory legal act** on “compliance control”;

3.7. Establish a procedure for **filling out a declaration** when hiring a civil servant, while evading filling out a declaration is grounds for **refusing to hire** him and filling out a declaration based on false information is subject to **mandatory disciplinary liability**, primarily involving dismissal from service and other liability measures depending on the category of corruption offense committed;

3.8. Establish a Republican Ethics Commission, headed by the Chairman of the Senate and consisting of representatives of the parliamentary chambers, which will monitor the implementation of legislative norms and assess the impact of applied sanctions in cases of compliance with ethical norms by civil servants at all levels or establish control over the implementation of ethical rules aimed at preventing conflicts of interest as a part of the activities of the currently operating **National and Regional Anti-Corruption Councils**;

3.9. Electronicization - digitization of activities related to the civil service, information systems that determine the status of kinship and co-employment in other organizations during the recruitment process (**based on the register of civil service bodies, my.gov.uz portal, unified electronic database of public procurement, Unified National Labor System, Argos electronic systems and other electronic information tools**) and the use of **artificial intelligence** capabilities;

3.10. Introducing a procedure for newly hired civil servants to undergo mandatory advanced training courses aimed at preventing corruption and conflicts of interest **every 6 months**, and currently employed civil servants **every 3 years** and **establishing a practice of obtaining a certificate of completion** of this course for candidates before entering the civil service, regularly organizing short-term **“Ethics” courses** for civil servants in cooperation with the Anti-Corruption Agency and the Academy of Public Administration;

3.11. Launch an automated corruption risk management system, organize public and legal expertise of foreign and domestic investments, grants and projects on conflicts of interest, expand the practice of **obtaining special certificates** from international organizations on a corruption-free system;

3.12. Conclude a **service contract** with civil servants and provide for specific and separate provisions in it (aimed at preventing rotation, corruption and conflicts of interest, related to the institution of restrictions).

**НАУЧНЫЙ СОВЕТ DSc.07/30.12.2019.Yu.22.02 ПО ПРИСУЖДЕНИЮ
УЧЕНОЙ СТЕПЕНИ ПРИ ТАШКЕНТСКОМ ГОСУДАРСТВЕННОМ
ЮРИДИЧЕСКОМ УНИВЕРСИТЕТЕ**

**ТАШКЕНТСКИЙ ГОСУДАРСТВЕННЫЙ ЮРИДИЧЕСКИЙ
УНИВЕРСИТЕТ**

МАХМУДОВ ФИРУЗ БАХТИЁР УГЛИ

**СОВЕРШЕНСТВОВАНИЕ ОРГАНИЗАЦИОННО-ПРАВОВОЙ БАЗЫ
ПРЕДОТВРАЩЕНИЯ КОНФЛИКТА ИНТЕРЕСОВ В
ДЕЯТЕЛЬНОСТИ ГОСУДАРСТВЕННЫХ ГРАЖДАНСКИХ
СЛУЖАЩИХ**

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АВТОРЕФЕРАТ
докторской (DSc) диссертации по юридическим наукам

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С диссертацией можно ознакомиться в Информационно-ресурсном центре Ташкентского государственного юридического университета (зарегистрирована № 1390). (Адрес: 100047, г. Ташкент, ул. Сайилгох, 35. Тел.: (99871) 233-66-36).

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ВВЕДЕНИЕ (аннотация докторской диссертации (DSc))

Цель исследования заключается в разработке предложений и рекомендаций по совершенствованию организационно-правовых основ предотвращения конфликта интересов в деятельности государственных гражданских служащих.

Объектом исследования является система социально-правовых отношений, возникающих в процессе предотвращения конфликта интересов в деятельности государственных гражданских служащих.

Научная новизна исследования заключается в следующем:

обоснована необходимость определения недопущения конфликта интересов как одного из основных принципов деятельности государственных служащих;

обосновано, что при разработке нормативно-правовых и иных документов необходимо избегать подхода с точки зрения интересов какого-либо лица, группы или ведомства, а также не допускать выражения их интересов;

обосновано, что подразделения комплаенс-контроля организаций (или ответственное лицо, на которое возложена данная задача) несут ответственность за постоянный контроль над сотрудниками, направленными в служебные командировки, с целью недопущения конфликта интересов и коррупционных ситуаций;

обосновано необходимость определения близких родственников сотрудника государственного органа или иной организации, а также юридических лиц, акциями или долями которых они владеют, либо в системе которых они работают, как лиц, связанных с сотрудником государственного органа или иной организации;

обоснована необходимость внедрения порядка декларирования потенциального конфликта интересов, определения порядка представления декларации в законодательстве, возложения данных задач на специальные подразделения в организациях;

обосновано, что такие меры, как перевод сотрудника государственного органа или иной организации в подчинение другого руководителя, с которым не возникнет конфликт интересов, самоотвод или принудительное отстранение, перевод на равнозначную должность или расторжение трудового договора, следует определить как меры, применяемые по отношению к случаям конфликта интересов.

Внедрение результатов исследования. Научные результаты, полученные в ходе исследовательской работы, были использованы в следующем:

предложение о необходимости определения недопущения конфликта интересов как одного из основных принципов деятельности государственных служащих было учтено при разработке пункта 2 Типовых правил этики государственных гражданских служащих, утвержденных Постановлением Кабинета Министров Республики Узбекистан от 14 октября 2022 года № 595 (акт Департамента информационно-аналитического и юридического обеспечения Кабинета Министров Республики Узбекистан от 8 апреля 2024 года № 12).

Внедрение данного предложения послужило предотвращению конфликта интересов в деятельности государственных служащих;

предложение о том, что при разработке нормативно-правовых и иных документов необходимо избегать подхода с точки зрения интересов какого-либо лица, группы или ведомства, а также не допускать выражения их интересов, было учтено при разработке пункта 2 Типовых правил этики государственных гражданских служащих, утвержденных Постановлением Кабинета Министров Республики Узбекистан от 14 октября 2022 года № 595 (акт Департамента информационно-аналитического и юридического обеспечения Кабинета Министров Республики Узбекистан от 8 апреля 2024 года № 12). Внедрение данного предложения послужило предотвращению наличия норм, вызывающих конфликт интересов, в содержании нормативно-правовых и иных документов;

предложение о том, что подразделения комплаенс-контроля организаций (или ответственное лицо, на которое возложена данная задача) несут ответственность за постоянный контроль над сотрудниками, направленными в служебные командировки, с целью недопущения конфликта интересов и коррупционных ситуаций, было учтено при разработке пункта 25 Положения о служебных командировках в пределах Республики Узбекистан, утвержденного Постановлением Кабинета Министров Республики Узбекистан от 2 августа 2022 года № 424 (акт Департамента информационно-аналитического и юридического обеспечения Кабинета Министров Республики Узбекистан от 8 апреля 2024 года № 12). Внедрение данного предложения послужило созданию механизмов контроля за недопущением конфликта интересов и коррупционных ситуаций сотрудниками, направленными в служебные командировки;

предложение о необходимости определения близких родственников сотрудника государственного органа или иной организации, а также юридических лиц, акциями или долями которых они владеют, либо в системе которых они работают, как лиц, связанных с сотрудником государственного органа или иной организации, было учтено при разработке статьи 5 Закона Республики Узбекистан «О конфликте интересов» от 5 июня 2024 года №ЗРУ-931 (акт Комитета Законодательной палаты Олий Мажлиса Республики Узбекистан по вопросам промышленности, строительства и торговли от 24 июля 2024 года № 04/7-10-78). Внедрение данного предложения послужило предотвращению ситуаций, связанных с конфликтом интересов, не только в деятельности сотрудника государственного органа или иной организации, но и в деятельности лиц, связанных с ним;

предложение о необходимости внедрения порядка декларирования потенциального конфликта интересов, определения порядка представления декларации в законодательстве, возложения данных задач на специальные подразделения в организациях, было учтено при разработке статьи 18 Закона Республики Узбекистан «О конфликте интересов» от 5 июня 2024 года № ЗРУ-931 (акт Комитета Законодательной палаты Олий Мажлиса Республики Узбекистан по вопросам промышленности, строительства и торговли от 24 июля 2024 года № 04/7-10-78). Внедрение данного предложения послужило созданию правовых основ порядка внедрения декларирования потенциального конфликта

интересов и представления декларации с целью предотвращения конфликта интересов;

предложение о том, что такие меры, как перевод сотрудника государственного органа или иной организации в подчинение другого руководителя, с которым не возникнет конфликт интересов, самоотвод или принудительное отстранение, перевод на равнозначную должность или расторжение трудового договора, следует определить как меры, применяемые по отношению к случаям конфликта интересов, было учтено при разработке статьи 21 Закона Республики Узбекистан «О конфликте интересов» от 5 июня 2024 года № ЗРУ-931 (акт Комитета Законодательной палаты Олий Мажлиса Республики Узбекистан по вопросам промышленности, строительства и торговли от 24 июля 2024 года № 04/7-10-78). Внедрение данного предложения послужило созданию механизмов решения ситуации в случае возникновения конфликта интересов в деятельности государственного гражданского служащего.

Структура и объем диссертации. Диссертация состоит из введения, четырех глав, заключения, списка использованной литературы и приложений. Объем диссертации составляет 260 страниц.

E'LON QILINGAN ISHLAR RO'YXATI
LIST OF PUBLISHED WORKS
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I bo'lim (I part; I часть)

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