VOLUME 1 | ISSUE 1 | OCTOBER 2026

International Journal of Justice

RESEARCH. DIALOGUE. IMPACT.

ACADEMY OF JUSTICE OF THE REPUBLIC OF UZBEKISTAN

Founded by the Academy of Justice of the Republic of Uzbekistan



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THE FORMATION AND DEVELOPMENT OF THE INSTITUTION OF CRIMINAL LIABILITY IN THE FIELD OF PUBLIC PROCUREMENT: A HISTORICAL-LEGAL ANALYSIS

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***Abstract*:** *This article provides a retrospective study of the formation and development of liability mechanisms for offenses in the field of public procurement, spanning from the period of the "Avesta" to the present day. The subject of the research encompasses legal relations in public procurement and the targeted expenditure of budget funds, utilizing historical-legal comparative analysis, systematic approach, and formal-legal methodology. The main results obtained reveal the evolution of the public procurement institution and the specifics of punitive measures for corruption and breach of obligations across various historical stages. Furthermore, scientifically grounded proposals have been developed to eliminate gaps in current legislation and introduce special norms into the Criminal Code. The research results can be applied in law enforcement practice, the law-making process, and the academic curricula of law schools. In conclusion, preventing offenses and improving accountability in public procurement serve as a crucial prerequisite for ensuring the financial stability and security of the state.*

***Keywords*:** *public procurement, criminal liability, budget funds, corruption, historical-legal analysis, offense, transparency, economic security.*

It is known that to examine any event using the historical comparative method, that is, how it came about, Understanding the stages it has passed through and the manner in which it did so, as well as the consequences of the measures taken, makes it possible to ascertain the present state of this phenomenon and its prospects for future development[1, 5-6 pp.]. The historical method of analysis is of not only practical but also theoretical importance in revealing the essence of the existing legislation, because it "... reinforces the foundations of scientific theory and reflects its compatibility with national legislation and societal traditions"[2, 16 p.]. Therefore, the study of historical criminal law sources forms the basis for the formation of modern scientific views, ideas and theories, conditions their scientific significance and rigour, and for the criminal liability for the analysed crime, criminal-legal nature of criminal liability for the analysed crime, creating an opportunity to develop new proposals and recommendations aimed at further improving liability in the future[3, 56 p.]. An analysis of the history of the formation of norms and rules on liability for crimes in the field of public procurement shows that views on liability for them began to take shape with the emergence of the doctrine of crime. Because at every stage of society's development the wrongful and unjust punishment of an innocent person has been condemned, evidence has always been the inherent companion of justice. A glance at the

development of the doctrine of criminal law in Uzbek statehood leads back to the monument of the first half of the first millennium BC, the "Avesta". The earliest written source is provided in the "Avesta". The Avesta was the first to provide a detailed account of the tribes and peoples who inhabited this land, the legendary heroes, monarchs and states, the systems of state governance, and the issues of crime and punishment. The Avesta contains myths and legends about God and the gods, religious hymns and doctrines, and is closely linked with the religious tenets of Zoroastrianism.

The Avesta reflects the transition from a nomadic lifestyle to settled agriculture and early statecraft, noting the necessity of creating centralised reserves of grain, livestock, and weapons to protect the community and to provide for rulers. State needs were met not through market tenders but by compulsory levies in kind, comprising agricultural produce and handicraft goods. Furthermore, in the Avesta, special importance is given to the inviolability of obligations and the principle of honesty in transactions. The god Mitra is depicted as the guardian of contracts. Breach of contract, deceit in exchange, or failure to fulfil obligations, including those owed to the community or ruler, was considered one of the most serious offences[4, 18 p.]. The Avesta reflects the legal views of the peoples of the Near and Middle East. Although the legal rules are not presented in a systematic manner, they reflect the legal relations of that era. The regulation and methods of punishment are based on high human values. According to Zoroastrian doctrine, treason against the state and usurping another's property were considered sins, i.e., crimes. For it is recorded therein that no one should deny the trust he has received from his neighbour, 'let him not speak a lie', '... the fate of one who breaks his oath at the water and the kindling fire is unforgivable'[5].

Subsequently, at the beginning of the 8th century, Arab rule began in the territories of Central Asia, and with the introduction of Islam into these regions, Sharia norms came into effect. In Sharia law, the field of public procurement is based on the principles of protecting the public interest (maslaha al-amma), justice, from the people, abuse and waste are not permitted in procurement processes. For example, the use of interest-bearing loans or a penalty (fine) for delayed payment is forbidden in procurement contracts and their financing. The contract terms, product quality, price, and delivery deadlines must be absolutely clear. Ambiguity that could lead to future disputes was not permitted.

In particular, Allah the Almighty has commanded in the Noble Qur'an: "Do not consume one another's wealth by false means. And do not give a bribe to the judges (to consume a portion of the people's wealth by sinful means) while you know." (Surah Al-Baqarah, verse 188)[6, 19 p.]. Thus, it is clear that, according to Sharia norms, those who have taken the people's by bribery are subject to punishment in proportion to the criminal consequences of their actions.

In Islamic law (Sharia norms), "Indeed, Allah commands you to entrust the trusts to their rightful owners and to judge between people with justice" (Surah an-Nisa, verse 58)[7, 5 p.]. Therefore, this means that in tender and procurement processes, awarding the contract fairly, without favouritism, to the deserving entrepreneur who can carry out the work in the best and highest quality manner is a religious obligation. Later, in the 9th–12th

centuries, the Qarakhanids ruled in the territory of present-day Uzbekistan, In the states ruled by the Samanids and Ghaznavids, goods and services were procured to cover military expenditure, construction works, food supplies and other state-related costs. During this period, state procurements were often carried out through compulsory tax levies or funds allocated from state reserves. Procurement in these times was often decentralised, conducted through direct negotiations or simple orders. This, in turn, could not ensure the transparency of procurement[8, 139 p.].

Subsequently, these matters were resolved on the basis of the Mongol Yassa, which served as one of the principal sources of law during the period of Mongol rule in Central Asia in the early 13th century[9, 149 p.]. In particular, this document does not directly contain the term "public procurement" in the modern sense, since no such economic system existed at the time. However, very severe penalties were prescribed for corruption and indiscipline in the spheres of trade, product delivery and the fulfilment of obligations. In this regard, the most famous and relevant rule in the 'Yasa' is as follows: 'Whoever takes a commodity three times and on all three

occasions becomes bankrupt (fails to fulfil their obligation), shall be sentenced to death after the third time.' By contrast, in the modern public procurement system, companies that fail to fulfil their contractual obligations are entered into a 'register of dishonest contractors' ('blacklist') and excluded from procurement. In Genghis Khan's time, however, chronic failure to fulfil obligations in the state and trade system was considered treason against the state and was punishable by death. Furthermore, under the Yassa, theft, fraud, and bribery in the process of supplying goods and weapons to the state (army) were punishable by a single penalty: death. The abuse of office by responsible officials was absolutely forbidden[10].

After the Mongol rule, during the Timurid period (14th–16th centuries), criminal matters were also resolved on the basis of Muslim law, the 'Temur's Lawbook', the customs and laws of the peoples of Central Asia and the wider region, and other sources. In particular, the Temur Tuzuklari placed great emphasis on state treasury provisioning, the secure procurement of weapons and food for the army, and the administration of the financial and supervisory system. Amir Timur adhered to strict rules in the expenditure of state funds, the regulation of markets, and the procurement of goods for state needs[11, 97 p.].

After Central Asia, including Uzbekistan, was conquered by Russia, its laws, including its criminal code, remained directly linked to those of Russia from 1864 to 1991. Before Central Asia was conquered by Tsarist Russia, the Emirate of Bukhara and the Khanates of Kokand and Khiva largely applied Sharia law. Documents issued under Sharia norms were almost identical[12, 97 p.].

As Central Asia was under Russian suzerainty for nearly 130 years and a large part of the region was incorporated into Russia, Russian influence on Central Asian legislation and document drafting was very strong. It is well-known that as early as the 4th century in Ancient Rome, the state imposed certain social duties and obligations on its citizens, including compulsory labour, transport work, a system called 'liturgies', which imposed the supply of goods for state needs and other similar duties, was widespread[13, 159-160 pp.]. As budget problems intensified and the money supply

contracted, the state began to intervene ever more in the free economy and, by threatening the harshest penalties, coerced participants in economic relations into engaging in one form or another of economic activity to carry out a particular form of economic activity. In general, the foundations of modern rules governing the supply of goods to state institutions in our country were first established in the 17th century. Initially, the primary aim of placing public orders was to reduce the costs of expending state funds and to prevent their misuse in a timely manner. One of the most effective mechanisms capable of addressing these problems was the award of public contracts on a competitive basis. Among the first general legal acts aimed at regulating public procurement was the decree of 7 July 1654, issued by Tsar Aleksey Mikhailovich, one can cite the Decree on setting the contract price for the delivery of sukhari and flour to the city of Smolensk. A specific price could be set for a specified quantity of the goods to be delivered. Under such terms, the existing contractor undertook the obligation to deliver the bread to the city of Smolensk and was, at the same time, completely exempted from state duties.

In other words, while auctions had not yet been established, their main features—the search for contractors, public tenders and the setting of terms—were beginning to emerge. In Russia, the normative regulation of legal relations concerning the conclusion of state contracts took on a systematic character in the early 18th century, during the reign of Peter I. Prior to Peter I's reforms, the regulations governing state procurement and the acceptance of promised bribes were of a permissive nature. The legislation of this period regulated the most significant contentious relations between the authorities and the populace. As P.V. Nikonoff rightly pointed out, "the legal norms primarily reflected acts that were directly connected with harming state interests or that had caused a particular resonance among the population, which could consequently lead to popular uprisings and thus posed a potential threat to the existing state order"[14, 96, 156 pp.]. O. V. Pokrovsky, for his part, noted that "in our country's history the areas of state governance traditionally most prone to corruption have been military supply, the system of state orders, and the civil service"[15, 22-23 pp]. Overall, during the reign of Peter I, the state and society were profoundly reformed. A system of state bodies was created, including the bodies responsible for implementing and overseeing state procurement. All state servants—military, civil and court officials — were divided into ranks and titles. State procurement became systematic, a clear for its implementation was established, and the principles of state procurement were defined.

The receipt of illegal rewards for the performance of official duties across all spheres of state activity continued to be widespread. Peter I began his fight against bribery in the areas that caused the greatest damage to the state and its treasury. Since Russia had taken part in numerous wars, it was necessary to strengthen the country's defence capabilities and develop its army and navy. In this context, under this policy, vast sums were allocated from the treasury and appropriated through state procurement. Illegal rewards for the exercise of official authority were also widespread in this sphere. In 1714, Peter I issued a decree 'On Prohibiting Bribes and Illegal Rewards for the Performance of Official Duties and Prescribing Punishments Therefor'. This decree was issued because 'many corrupt

practices had proliferated, among them the invention of contracts and other similar matters, which were ostensibly permitted, and some had even claimed that these practices were not prohibited, but they did not realise that any act which could cause damage and harm to the state is a crime,' was adopted[16].

According to legal historians, until 1917, there was an approach in Russia of broadly interpreting the concept of a 'public official'. As A.I. Yelistratov noted, during this period, "a public official was considered to be a person who performed a function recognised as necessary and compulsory for society in a given matter"[17]. Thus, liability was established for all officials in state bodies responsible for procurement who received illegal rewards for exercising their official authority, including bribes in the system of contracts for state needs. After the death of Peter I and until the Revolution of 1917, there were no significant changes in the procedure for conducting state procurements. In particular, during the reign of Anne of Russia, a new regulation for the Kammer-Kollegium was adopted in 1732, this stipulated that the procurement notice be published three times in a central newspaper, and also permitted merchants from other regions to participate in the procurement. During the reign of Elizabeth, in 1758, the 'Proviant Regulation' was adopted, which regulated advertising and the requirements for participants in state procurements. In 1775, Catherine II issued the 'Decree on the Institutions for the Administration of the Provinces'. It reflected new trends aimed at strengthening the position of the nobility. In accordance with this document, the task of conducting auctions was assigned to the newly established Treasury Chamber, and deadlines were set for each stage of the procurement process. In the 19th century, during the reign of Alexander II, the organisation of procurement became a very precise system, and merchants and entrepreneurs began to fulfil their obligations to the state responsibly.During the reign of Emperor Nicholas I, liability was established for breaches of procurement legislation. In 1830, the "Regulations on Obligations Arising from Tenders for Contracts and Supplies between the Treasury and Private Individuals" was adopted. It provided for liability for failure to fulfil a state order and prohibited collusion during auctions. These rules were later enshrined in the 1845 Statute on Criminal and Correctional Punishments.

One of the measures aimed at strengthening the fight against corruption, including bribery and violations in the field of public procurement, was the adoption of the 1845 Ulozhenie on Criminal and Corrective Punishments. In this first codified document, liability for bribery and violations in the field of public procurement was established. The Statute established liability for violations in the field of public procurement for the first time (Chapter 11 — "On the Crimes and Offences of Officials in Certain Special Areas of Service"). Section 6 — 'On the illegal acts of officials in concluding contracts for construction and supply, in accepting goods for the treasury, and in conducting public auctions').Among these offences was a provision that constituted a preliminary form of liability for bribing a contract service officer, a contract manager, and a member of the procurement commission. In particular, Article 487 of the Ulozheniye provided that 'contractors or suppliers with officials or other persons in a position of trust at the places where they conduct their business, liability was prescribed for 'any monetary

transactions' if these cash transactions were carried out in the course of fulfilling contracts concluded at these locations. Both the contractors (suppliers) and the officials (other public servants) were penalised. Furthermore, if a public official received money instead of the goods that were due to be delivered, liability was also established for failure to fulfil the contract. In such a case, the person receiving the goods was held equally liable as for bribery. It is clear from this that in the process of conducting state procurements, in all other cases of bribing officials and other persons in positions of trust, they were held liable for accepting a bribe under Articles 372–379 of the Ulozhenie.

Subsequently, as a result of the 1917 revolution, the country's economic system was abolished along with the system of state bodies. In their place came a new system of state administration and a planned economy to be implemented by state and party bodies, as well as state enterprises. The system of state (municipal) procurement, which had been established during the Russian Empire, ceased to function. However, the entire Soviet economy was built on the principle of planned state provision. During the operation of the Soviet economy, cases of embezzlement of state funds and bribery began to be detected in all sectors of production. The state authorities attempted to combat these phenomena, including through criminal-legal measures.

In this regard, between 1717 and 1922, the workers' and peasants' legislation, building on the laws of the Russian Empire, adopted an approach of broadly interpreting the concept of 'official person', and in practice this concept was equated with that of 'servant'. According to M. A. Romanenko, during this period "an official was considered a servant whose activity was connected with state administration, regardless of whether they were in state or civil service"[18, 354 p.]. According to M. V. Tishkina[19, 189 p.] from 1922 Until 1949, the concept of a public official in Russian criminal law was shaped by both broad and narrow interpretations. That is, on the one hand, a 'public official' was understood to be a person occupying a position in a state (Soviet) institution, enterprise, organisation or union, and involved in the performance of economic and administrative functions. On the other hand—as a result of a broad interpretation of this concept—individuals associated with the performance of professional functions and state duties were also included among officials. From 1949 until the early 1990s, a restrictive trend in the interpretation of this concept prevailed. In criminal law, a "public official" began to be understood as a person vested with authority, as well as those occupying positions related to organisational-management or administrative-economic functions. Functions related to professional duties and the performance of state tasks were excluded from the scope of this concept. From the early 1990s to the present day, a narrow interpretation of the concept of a public official has prevailed. Moreover, according to some legal scholars,[20] during this period a sectoral approach to understanding the institution of a public official has taken shape, and no single unifying concept common to all areas of law has been developed.

In criminal law, there are observed tendencies to stratify this concept. In Russia, with the existence of private property and the recognition of a diversity of organisational forms for enterprises, institutions and organisations, a distinction was in fact made

between officials (in the narrow sense) and persons performing management functions in commercial and other organisations. At present, the concept of a "public official" is associated with the performance of functions of a representative of authority, as well as with the performance of organisational-management or administrative-economic functions in the bodies and organisations specified in the Criminal of the Russian Federation. The list of such bodies and organisations varies according to the state and economic structure. After the 1917 revolution, the Bolsheviks who came to power launched an active campaign against bribery. This struggle began on 8 May 1918 with the adoption by the Council of People's Commissars of the RSFSR of the Decree on Bribery. The decree stated that "in the Russian Socialist Federative Soviet Republic, those serving in state or public service, who has received a bribe for performing an act falling within the scope of his duties or for assisting another official of an administration to perform an act falling within the scope of that official's duties, shall be punished by imprisonment for a term of not less than five years and by compulsory labour for the same term with imprisonment for at least five years and compulsory labour for the same term," as provided in.[21, 94 p.] As an aggravating circumstance in bribery, the official's belonging to the class of property owners and the use of the bribe to preserve or acquire property rights are specified.

The first Criminal Code of the RSFSR came into force on 1 July 1922. It contains Chapter II, entitled "Crimes of Office (Service)", and Article 110 defines exceeding one's official powers, abuse of office and dereliction of duty, while Article 128-Article for failing to fulfil the production plan, degrading the quality of the products being manufactured or wasting them, and Article 130 for failing to fulfil obligations under a contract with a state institution or enterprise. However, if such offences were committed in exchange for a bribe, alongside liability for the specified offences, general liability for accepting a bribe (Article 110) also arises. On 16 June 1926 the first Criminal Code of the Uzbek SSR was adopted and came into force on 1 July 1926. (This Code was also in force in the Tajik ASSR at that time.) This Criminal Code comprised a General Part and a Special Part, the General Part consisting of four sections and the Special Part of ten chapters. This Code was adopted in accordance with the "Basic Principles of Criminal Legislation of the RSFSR and the Union Republics," which was a federal law adopted on

31 October 1924. In Chapter III of the 1926 Criminal Code of the Uzbek SSR, entitled "Crimes of Office (Service)", liability for accepting a bribe (Article 117) and giving a bribe (Article 118) by an official is laid down. It does not specify to whom the bribe is intended. For the first time in the history of the Russian state, the concept of a public official was enshrined in legislation in a criminal-law sense. In Article 109 of the 1926 Criminal Code of the Uzbek SSR, in Note 1, 'officials' means persons occupying permanent or temporary posts in a state (Soviet) institution, enterprise, as well as those entrusted with certain duties by law. It was specified that 'officials' were to be understood as persons occupying permanent or temporary positions in a state (Soviet) institution, enterprise, or in an organisation or association entrusted by law with specific duties, rights and powers, and who possess the authority to perform economic, administrative, professional or other public functions. However, the 1926 Criminal Code of the Uzbek

SSR did not separately provide for offences committed in the sphere of state procurement. Responsibility was established for economic crimes in the national economy, and one of the sections of Article 58 was entitled 'inflicting damage', encompassing virtually all acts that in practice caused harm to the state.

For bribery, officials in all spheres of activity, including the national economy, were held liable under general provisions. Subsequently, Chapter VII of the 1960 Criminal Code of the Uzbek SSR—In the 'Crimes of Office', Article 173 establishes liability for a public official for accepting a bribe. The qualifying feature of this offence is that it is committed by a public official holding a position of responsibility; Article 174, on the other hand, provides for liability for giving a bribe where it is not clearly specified to whom the bribe is intended.

The 1960 Criminal Code of the Uzbek SSR established the concept of a 'public official', which remains in force to this day (only the list of organisations has been expanded in line with the demands of the times). In particular, according to the commentary on Article 170 of the 1960 Criminal Code of the Uzbek SSR, a person holding a position of authority, whether permanent or temporary, who performs the functions of a representative of power, as well as in state or public institutions, organisations or enterprises, permanent or temporary, organisational-managerial or administrative-a person who holds a position related to the performance of representative, organisational-managerial, administrative, or economic duties on a permanent or temporary basis, or a person who performs such duties in these institutions, organisations, and enterprises on the basis of special authorisation.

It is also noteworthy that, for the first time, liability has been established for the unlawful receipt of a reward by a non-official. In particular, under Article 156.2 of the 1960 Criminal Code of the Uzbek SSR, a non-official employee of an enterprise, institution or organisation who extorts from a citizen the performance of an act falling within the scope of his official duties or the carrying on of trade, public catering, unlawfully accepting a reward by extortion from a citizen for performing work within the scope of their official duties or for providing services in the fields of trade, public catering, household, communal, medical, transport or other services to the public, was a criminal offence under the 1960 Criminal Code of the Uzbek SSR. However, the 1960 Criminal Code of the Uzbek SSR did not provide for specific liability for what are now understood as "crimes in the field of public procurement." The eminent Russian criminologist According to the data cited by V. V. Luneyev, in the 1960s in the former Soviet Union crimes committed for selfish

purposes accounted for 40–45 per cent, and in 1989 this figure rose to 70 per cent.[22] Subsequently, this provision was not reflected in the 1994 Criminal Code either, because the Soviet economic system in force in 1960 was based not on market relations, but on a centralised planned economy and state provision. A system of "public procurement" and tenders did not exist. At that time, the misappropriation of funds, embezzlement or abuses were not considered violations of public procurement legislation, but rather as the embezzlement of socialist property in general, were punished under articles for forgery of office documents or abuse of office.

With the formation of modern market relations, public procurement became a

distinct sector. Therefore, only after subsequent special amendments were introduced to the current Criminal Code of the Republic of Uzbekistan, criminal liability for violating state procurement legislation was established for embezzlement or misappropriation (Article 167 of the Criminal Code), Concluding transactions contrary to the interests of the Republic of Uzbekistan (Article 175 of the Criminal Code), and breaching budgetary and budget-allocation discipline (Article 184¹-(m).) and other official offences are defined within the framework of bribery, giving and receiving bribes in connection with the procurement of goods, works and services to meet state needs. This is because the objective aspects of the constitutive elements of these crimes, in terms of both necessary and optional features, encompass socially dangerous acts committed during the implementation of the state procurements referred to above. However, as a result of the practice of criminal liability for bribery, giving bribes and receiving bribes in connection with the procurement of goods, works and services to meet state needs, a certain gap in the legislation has been identified.

Due to this loophole, a gap was identified in the legislation as a result of the practice of criminal prosecution for bribery, giving and receiving bribes, in connection with the procurement of goods, works and services to meet state needs. This gap exists because the legislation does not apply to individuals who are not officials and do not perform management functions in commercial and other organisations, and who procure goods, despite the social dangerousness of the acts of employees who received a bribe or illegal reward in connection with the procurement of goods, works and services being equal to that of the acts of officials and persons performing management functions in commercial and other organisations, there was no possibility of holding them criminally liable.

A retrospective analysis of the legislation in the field of public procurement allows for the following conclusion. Direct special liability for violating state procurement legislation was introduced by Law No. 666, signed by the President on

14 January 2021, which established administrative liability for breaches of state procurement legislation.[23] This law provided the legal basis for curbing corruption offences in the public procurement sector that threaten the state's financial and economic stability. The system of offences in the field of public procurement is divided into two types: in January 2021, Article 175 was added to the Code of Administrative Offences. Article 205⁸ was added to the Code of Administrative Offences, establishing fines for officials for offences such as violating the procedure for posting public procurement plans and schedules, and concealing affiliation and conflicts of interest in procurement[24].

Criminal liability: The Criminal Code of Uzbekistan does not contain a specific article for violations in the field of public procurement (for example, price manipulation, embezzlement, misappropriation of budget funds). Such acts are covered by Article 167 of the Code (Embezzlement or Misappropriation), Article 205 (Abuse of power or official authority) and Article 209 (Official forgery), which are qualified as general corruption and economic crimes, and criminal liability for which has existed since the adoption of the Criminal Code (since 1994) has been in force. Furthermore, the new legislative amendments adopted in June 2026 (Law No.

1155) have further strengthened liability for corruption offences related to public procurement and budgetary funds[25].

In particular, as a logical continuation of the measures to prevent violations in the field of public procurement, the President of the Republic of Uzbekistan's Decree No. 21 of 16 February 2026 "On the Uzbekistan—2030 Strategy" also provided the legal basis[27]. This decree provides the legal basis for the comprehensive introduction of public oversight to prevent the prices of goods and services from exceeding their market value, the achievement of a twofold reduction in violations of the requirements of legislative acts on public procurement, and the prevention of embezzlement of funds in the conduct of public procurement through direct contracting, the tasks of fully implementing public oversight to prevent the prices of goods and services from exceeding their market value, and ensuring that 100 per cent of regulatory legal acts are developed on the principle of 'corruption-free legislation' are set out. The theory and historical development of public procurement show that this institution is of strategic importance in the economy, and its effective operation is only ensured when the legal framework is comprehensive. Clear regulations, fair tenders and transparency are the fundamental pillars of an effective public procurement system. Between 2015 and 2025, the public procurement system in Uzbekistan was fundamentally reformed. The digitisation process, the introduction of an electronic trading platform and the measures taken to increase the transparency of tender procedures have served to enhance the system's efficiency. However, practical analysis shows that despite improvements in the legal framework, the number of violations and the damage they have caused to the state budget have tended to increase.

In 2018, after the launch of the Single Information Portal for Public Procurement, procurement data became publicly available and the scope for statistical analysis expanded. In 2021, the Law on Public Procurement was adopted. The law introduced important innovations such as transparency in procurement processes, the expansion of the competitive environment and the mandatory requirement for electronic tenders. At the same time, legal loopholes and practical issues within the system have had a serious impact on the dynamics of violations. The lack of sufficient qualifications among procurement department staff in most ministries and agencies, the varied interpretation of tender requirements, and the overlap of powers among regulatory bodies reduced the system's efficiency. The most common violations in public procurement: splitting procurement into lots to evade thresholds, overpricing goods by 20–40% above market value, tailoring tender requirements to specific companies, supplier breach of contract, and concealing conflicts of interest. An analysis of the situation in Uzbekistan indicates that although economic development and digitalisation have yielded positive results, violations in the public procurement sector remain a serious problem. The lack of clear criminal liability, ineffective oversight, and weaknesses in tender procedures increase the risk of corruption in the sector. This underscores the need to enhance criminal-legal mechanisms. Violations in the field of public procurement are among those offences that inflict serious harm on the public interest, the state budget, and financial discipline. From the perspective of criminal law doctrine, offences in this category differ

from simple administrative errors, as they are committed with the aim of misapplying state funds, creating conflicts of interest, or for personal enrichment. Therefore, the effective and precise operation of the criminal liability institutions for offences committed in the field of public procurement is also of great importance for state security. In A. Yurchenko's article, 'State Procurement: Contemporary Problems'—'state procurement should increase the efficiency and effectiveness of the process of purchasing goods, works, and services, ensure openness and transparency in the procurement of these purchases, as well as prevent corruption and other abuses in this area,'[28] and proposes an electronic and transparent platform as a solution. The Criminal Code of the Republic of Uzbekistan does not contain any provisions specifically regulating offences committed in the public procurement process. However, practice shows that the question of which specific article to apply when qualifying offences committed in procurement processes is often contentious, leading to different assessments of the same situation in court practice.The proposed offence of "Violation of State Procurement Legislation" has the following elements:

- object — the interests of the state and society, the state financial discipline, and the targeted expenditure of budget funds;
- immediate object — the principles of equality, competition and transparency in the procurement process;

The objective aspect comprises actions such as causing material harm to the state through a breach of the law, violating tender requirements, artificially inflating prices, and concealing conflicts of interest.

The subject of offences in public procurement is usually an employee of a state organisation; a member of the tender commission; a person materially responsible; an official authorised to spend budget funds; and, in some cases, the head of the supplying organisation.

The subjective aspect is often intentional, meaning it is committed with the aim of acquiring personal wealth, assisting acquaintances, or concealing conflicts of interest. There are also cases of negligence, for example incorrect preparation of tender documents, but these do not amount to criminal liability.

The public procurement system is one of the main legal mechanisms for ensuring economic stability and the effective use of the state budget in every country.

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