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Theoretical and Legal Problems of International Cooperation in Combating Corruption Crimes

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Abstract

This article delves into the complex theoretical and legal challenges involved in tackling transnational organized crime and corruption. The main goal is to better understand what defines a corruption crime and how international cooperation can be strengthened to address it effectively. Drawing from both legal theory and real-world case studies, the paper explores the different types of transnational crimes—such as human trafficking and regional corruption—and the signs that help identify them. By examining a range of international legal frameworks, including treaties and conventions, the research highlights the gaps in current systems of enforcement and cooperation between states. These gaps often hinder the effective prosecution of crimes that cross borders. The paper also stresses the importance of national legal systems in supporting global efforts, while recognizing the challenges posed by differing laws and approaches from one country to another. The study finds that while there has been notable progress in international cooperation, there are still significant hurdles to overcome—especially when it comes to harmonizing laws and ensuring consistent enforcement. In conclusion, the paper calls for more robust legal frameworks, better coordination between countries, and the creation of stronger enforcement mechanisms to combat corruption and other cross-border crimes. The paper also suggests that further research is necessary to address emerging threats, such as those posed by cybercrime and the growing use of digital platforms for criminal activities.

Keywords: Bribery; Corruption; International Cooperation; International Crimes; International Organizations; Legal Acts; Legal Instruments;

1. Introduction

The concepts of "international cooperation" and "international cooperation in combating crime" are interpreted and analyzed differently in scientific and analytical literature [1]. Generally, cooperation refers to "working together" or "participating in collective efforts." However, when applied to international criminal law, these concepts become more complex, as different countries have unique legal frameworks, priorities, and political landscapes [2], [3]. This variety in interpretation highlights the difficulty of creating universal legal instruments for addressing crimes that cross national borders, such as corruption, human trafficking, and terrorism.

While international criminal law has become an established field, the regulation of cooperation in combating crime remains incomplete. Legal instruments like treaties and

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conventions have been created, but gaps still exist in their enforcement, implementation, and mutual recognition across jurisdictions [4]. The differences in national legal systems and the political willingness of states to cooperate often prevent these frameworks from functioning seamlessly, which complicates efforts to address global crime effectively. As a result, ongoing discussions are necessary to refine international cooperation mechanisms and bridge these gaps.

Before addressing the specific concept of "international cooperation of prosecution authorities in combating crime," it is essential to examine the broader idea of "international cooperation in combating crime." This broader perspective emphasizes that combating transnational crimes is not only a matter of legal agreements but also involves collaboration, trust-building, and aligning international priorities. The complexities of international law, along with the increasingly interconnected nature of crime, demonstrate the importance of a collective approach to ensuring justice and preventing future offenses [5], [6].

According to the renowned scholar V. Gerhard, the signing of international treaties by states on combating specific types of crimes, such as human trafficking, piracy, terrorism, and counterfeiting, played a significant role in shaping the concept of international cooperation in combating crime [7]. These treaties, alongside recommendations and decisions made during international conferences and congresses, were pivotal in the development of global legal cooperation frameworks [8]. Over time, these efforts gained increasing attention, initially in Europe and America, and later across all regions. This shift in focus reflects the growing realization that the fight against crime cannot be isolated to individual countries and must be a collective international effort.

From the above analysis, it becomes clear that international cooperation in combating crime is one of the main directions of international legal relations within the field of international criminal law. The importance of this cooperation lies in its ability to maintain international legal order while simultaneously ensuring the internal legal order of states. Furthermore, it plays a crucial role in regulating both international and national security. For cooperation to be effective, it requires specific actions from subjects of international law, including measures in crime prevention, crime combat, and addressing the issue of offenders. Without such collaborative efforts, the ability to tackle global crime effectively would be significantly hindered.

The evolution of international cooperation in combating crime is therefore a critical area of study, reflecting both legal and geopolitical developments. As new forms of crime emerge, such as cybercrime and environmental crimes, the need for more robust and adaptable legal frameworks becomes even more pressing. This highlights the necessity of continued international dialogue and coordination [9]. Thus, this article aims to explore the ways in which international cooperation in combating crime has evolved, how international legal frameworks are developed and implemented, and what further actions are needed to improve the effectiveness of global crime prevention [10], [11].

The primary research questions that this paper aims to address are: How has international cooperation in combating crime evolved over the past century? What are the current legal frameworks and mechanisms that facilitate this cooperation? How can these frameworks be improved to tackle emerging forms of global crime, and what are the key challenges that states face in harmonizing their legal systems for more effective

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collaboration?

2. Materials and Methods

To contribute to the theoretical discussion on effectively addressing corruption crimes on a global scale, this study employs a qualitative research approach. The method involves aggregating data from a range of international legal documents, treaties, and scholarly articles to identify common themes, challenges, and best practices in international cooperation. The analysis focuses on both historical and contemporary frameworks of international cooperation in the fight against corruption, drawing from key case studies, conventions, and international legal instruments [12]. By examining these sources, the study aims to highlight the evolving nature of legal cooperation and the practical obstacles states face when working together to combat corruption.

In addition, a comparative analysis is conducted between different regional and international treaties, such as the United Nations Convention against Corruption (UNCAC) and the European Union's anti-corruption policies. This approach allows for the identification of successful strategies and areas requiring improvement. The study also incorporates data from international case law, which provides insights into how various jurisdictions have interpreted and applied international anti-corruption laws. By synthesizing these multiple sources, the research aims to offer a comprehensive overview of current practices and propose future directions for enhancing global cooperation in combating corruption [13].

3. Results

State-specific national criminal law standards help to somewhat address this complicated issue. After all, if the internal (national) criminal law of the relevant state establishes responsibility for the crime, that state may be held criminally liable for it. This is because international criminal law does not have retroactive force, making it impossible to hold someone accountable under its rules. To sum up, states' domestic (national) criminal laws are an essential component of the legal foundation for global collaboration in the fight against crime. It reflects the influence of international criminal law and influences it, while nevertheless being sufficiently unique and independent.

International cooperation encompasses states' activities in foreign policy, economics, and other spheres, participation in common affairs related to relations between states, and collective cooperation. Legal literature shows that concepts expressing international cooperation in the fight against crime are interpreted differently. In particular, it is used in the forms of "international cooperation in the fight against crime and terrorism" [13], "international cooperation in the fight against crime" [15], "cooperation in criminal matters" [16], "fight against international crime," "legal cooperation in the fight against crime," "legal assistance in criminal cases," and "mutual assistance in criminal cases" [17].

The use of such numerous forms of the same concept, firstly, indicates the multifaceted nature of interstate cooperation in the field we are studying, and secondly, depends on the different approaches of various authors to the problem. International cooperation in the fight against crime, by its very nature, includes coordinated actions based on current norms of international law and national legislation, actions of law enforcement agencies based on the mutual assistance of involved states in the interests of the world community or several participating states to prevent crime, uncover crimes, stop criminal activities, investigate and submit criminal cases to the court for consideration, as well as

actions to deal with offenders and execute punishments [18].

Umarkhanova rightly emphasized that international cooperation in criminal matters and international cooperation in combating crime should be studied separately, and their subject areas will be different [19]. In addition, many international legal scholars consider the issues of international cooperation in combating crime to encompass the efforts of states and international organizations against existing crime, the prevention of crime, the identification of new forms of emerging crime and the development of new methods to combat them, as well as the solidarity and unity of states and international organizations in these relations [20].

International cooperation in criminal proceedings is the primary goal of states and international organizations, aimed at ensuring the inevitability of responsibility for committed crimes through various forms and directions of international cooperation, as well as ensuring justice. The fight against crime in the world is designed and implemented at various levels, namely at the global level (at the level of the UN, its bodies and organizations), at the regional level (at the level of the Council of Europe, the European Union, the Commonwealth of Independent States, the Shanghai Cooperation Organization, etc.), and at the national level (within individual states) [21].

The main challenge in cooperation for combating crime is defining its legal foundations. The legislation of states on combating crime is largely determined by their national laws and the norms of international law recognized by the state. The determination of criminal jurisdiction is based on the principle of territoriality. According to this principle, a crime committed in the territory of one state falls under the jurisdiction of that state's court. However, this is not an absolute rule [22].

Bigbeder's opinion on this issue is as follows: the emergence and tasks of cooperation are directly expressed in the actions of individuals with international crimes of a particular state. These persons implement the illegal policy of the state and create international crime. In such cases, along with the state responsible for the violation of law, specific individuals are also subject to international criminal liability. This issue also applies to crimes that are not directly related to the criminal policy of a particular state but affect both national and international law and order, posing a social danger for several or all states, that is, they are assessed as an international social threat. Such crimes are classified as crimes of an international nature. Preventing them, stopping them, and punishing criminals requires joint action by different states [23].

The "Glossary of Terms and Concepts in the Field of International Law" provides the following definition of international cooperation in combating crime: "International cooperation in combating crime - fighting against crime, which is considered a socially dangerous act, requires states to unite their forces and act in cooperation. Joint cooperation of states in the fight against international crimes and crimes of an international nature, as well as general crime, and consequently, international cooperation in the fight against crime, takes place on a contractual basis. A new and distinctive area of international cooperation in combating crime is the cooperation of states at the UN level in fighting crime" [24].

Despite substantial international experience in implementing mechanisms for cooperation in combating crime, we observe that collaboration in this system remains inadequate in several areas. These include establishing a regulatory framework, legal

cooperation across various criminal domains, providing bilateral and multilateral technical assistance within regional and universal international organizations, creating and distributing a unified database of wanted individuals or those with specific information to states, addressing issues in qualifying committed crimes or their prevention, and cooperation in preventive measures.

It can be said that a specific mechanism for implementing international cooperation in the fight against crime has now been formed. This mechanism includes contractual-legal (conventional) and organizational-legal (institutional) elements for carrying out cooperative activities [25]. The conventional element of international cooperation in combating crime encompasses a set of agreements between states, which provide for the coordination of states' contractual and legal actions in the field of crime prevention. When studying international legal documents in the field of combating crime, it is advisable to analyze them through classification. This methodological approach is crucial for understanding their legal nature and developing state strategies in relation to them. Various scholars and experts have attempted to classify these documents [26].

Umarkhanova emphasizes the importance of studying documents in the field of international cooperation in criminal matters by dividing them into several groups. This approach is based on the classification of international treaties (universal, regional, bilateral, multilateral, interstate, intergovernmental, interdepartmental) presented in the general theory of international treaty law. She proposes the following categories: the first group - universal international legal documents; the second group - regional documents; the third group - model treaties (i.e., model treaties developed by the UN); the fourth group - bilateral agreements; the fifth group - interdepartmental documents; the sixth group - founding documents of international courts [27].

Slightly different from the above grouping, B.I. Ismailov distinguishes four groups of international legal documents and includes interdepartmental agreements in the fourth group [28]. From the perspective of membership in international treaties, they can be divided into multilateral and bilateral agreements. While bilateral treaties are agreements between two states and can be further categorized into specific types based on their subject matter, multilateral treaties can be grouped according to the number of participants (universal, regional treaties) and by their subject of regulation, such as those addressing all types of crimes or specific types of crimes and extradition of criminals.

International instruments (conventions and treaties) of a binding nature in the fight against crime can be classified according to their subject matter and the number of parties involved [29]. Thus, in our opinion, it is appropriate to classify the international legal regulation of combating crime as follows:

- a. Universal documents regulating international cooperation in the fight against crime (charters of international organizations, statutes of the International Tribunal, model treaties adopted by universal international organizations);
- b. International documents on combating or preventing specific types of crimes;
- c. Multilateral regional conventions (treaties, agreements);
- d. Bilateral international treaties subject to regulation.

In this context, from the perspective of law enforcement activities, we consider it

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appropriate to define the concept of "international cooperation" as follows: "international cooperation is an activity carried out between the competent state bodies of the Republic of Uzbekistan and the competent authorities of international organizations and foreign states in the field of combating money laundering and predicate offenses (including exchange of information and documents, execution of procedural actions, etc.)."

In brief, we propose to define the international cooperation of the prosecutor's office in combating crime as follows: "International cooperation of the prosecutor's office in combating crime is a legally regulated activity that encompasses actions such as preventing the commission of specific crimes considered socially dangerous acts, based on their legal nature and essence, as well as developing mechanisms to combat existing crime, identifying new forms of emerging crime, and developing new methods to counter them. This cooperation requires the collaboration and solidarity of states and international organizations and is governed by international and national legal norms."

In this regard, we deemed it appropriate to express some opinions on the interrelation of international and national legal norms concerning the legal regulation of international cooperation in the field of combating crime. In particular, one of the important elements of the international cooperation mechanism in combating crime is its legal foundation. International criminal law serves as the core of this legal framework. The domestic (national) criminal legislation of participating states is closely interconnected with international criminal law and they influence each other. This complex conglomerate forms an integrated legal block that can be defined as international cooperation in the field of combating crime [30].

The development trends of international criminal law are leading to the formation of an independent synthesized branch of law at the intersection of two systems, as a result of the convergence of international law and the domestic (national) legal systems of states. This situation can only be realized if the cooperation of national law enforcement agencies of states in combating common crimes affecting the interests of several states is expressed as the subject of international criminal law.

Currently, the primary legal basis for the interaction between law enforcement agencies and states in combating common crimes is national criminal law. It reflects norms that take into account international legal obligations in the criminal law sphere [31], [32]. The issue of punishment is defined in international law. According to it, a person who has committed a crime under international law will be held accountable. The Nuremberg Tribunal acknowledged in its decision that "individuals are also subject to punishment for international offenses" [33].

As noted by renowned scholar A. Cassese, "international criminal law, like national criminal law, performs three functions: it establishes rules of conduct binding on individuals, personal liability for violating such rules, and punishment for those who violate these rules" [34]. International criminal law has established the principle that punishment should be commensurate with the social danger and nature of the crime. However, it does not clearly define the types and limits of punishment. This is not due to the large number of international and transnational crimes, but rather to the diversity of state legal systems, as through these legal systems their courts determine different punishments for such types of crimes [35].

The interaction of international and national law occurs within the framework of the complete (general) process of interaction between two legal systems - international law and

domestic law of states. In this case, the norms of international law should be implemented into national legislation [36]. In the process of implementing international criminal law norms, the main issue is how international legal norms are reflected in national legislation, how they are applied by courts, and how law enforcement agencies adhere to them in their activities. This is because in the process of considering a specific criminal case, they rely on both the norms of international criminal law and the norms of domestic (national) criminal law of states. Indeed, national courts operate in accordance with the internal (national) criminal and criminal procedure code. It is evident that some provisions of international treaties related to the rights and freedoms of citizens in the field of criminal law should be included in the national criminal, criminal procedural, and criminal-executive rights of states.

It can also be said that international treaties do not establish sanctions for acts recognized as crimes, nor do they provide for a mechanism for preventing such crimes, preventing their commission, conducting investigative work, considering the case in court, and executing punishment [37]. In addition, international treaty practice establishes a rule in which each State party takes the necessary measures to establish its jurisdiction over the crimes specified in the relevant Convention. Such measures primarily include the issuance of relevant criminal law norms and prohibitions. In this regard, it can be said that the impact of international treaties on national criminal law is carried out in the following forms:

- a. Determination of the content of the signs of the composition of the crime;
- b. Determination of types of punishment and imposition of punishment;
- c. Defining the boundaries of criminal jurisdiction.

The national criminal law of states has a strong influence on the development, adoption, and implementation of international treaties on combating crime. This influence is reflected, firstly, in the formation of legal awareness among representatives of states participating in the preparation of relevant agreements, the application of criminal law concepts and institutions in the development of norms of a particular international treaty; secondly, in the consideration of cases where the norms of national criminal legislation and court decisions are applied by international criminal courts (tribunals).

In our opinion, to ensure the effective functioning of the authorized bodies, first and foremost, the national legal and contractual framework should be revised to incorporate the following aspects:

- a. A crime may commence in one state and conclude in another, or the material and technical support of the organization may be conducted from abroad;
- b. A crime may be planned or prepared in one state and executed in another;
- c. Crimes related to financing criminal activities, laundering illegally obtained income, and those associated with cyberspace may be organized outside the territory of the given state.

The peculiarity of law enforcement in the criminal law sphere lies in the fact that norms and principles of international law may not be complete in relation to internal (national) norms of criminal law of states. Given that the norms of international conventions do not have sanctions, it can be said that the norms related to crimes can only be applied if they are included in the norms of internal criminal law of states [38]. If this criminal act is established by the norms of international law but not provided for by the internal criminal legislation of the

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states, no one may be subject to criminal punishment for such an act. In this case, the norms of domestic criminal legislation of states prevail over the norms of international law [39].

At the same time, the norms of the General Part of the Criminal Code of the Republic of Uzbekistan make a special contribution to ensuring the implementation of the provisions of international conventions in the field of combating crime. In particular, Articles 1-2, as well as Articles 3-10 of the Criminal Code of the Republic of Uzbekistan, which discuss the tasks and sources of the Criminal Code, are of particular importance. Because they reveal the content of the principles of legislation, that is, the principles of legality, equality of citizens before the law, democracy, humanism, justice, responsibility for guilt, and the inevitability of responsibility, these principles can be said to correspond to the principles and norms of international law. At the same time, the provisions of Articles 11-13 of the Criminal Code of the Republic of Uzbekistan, that is, the applicability of the Code in relation to individuals who have committed crimes in the territory of Uzbekistan and abroad, as well as in time, are of great importance [40].

According to J.Kombakau acknowledges, "The application of international criminal law norms in time and territory is also based on the principles and rules of internal criminal law of states." [41] At the same time, the procedure for the entry into force of international criminal law norms and the mechanism of their temporal application are regulated by international law. One such complex and problematic rule is the retroactive nature of international criminal law, as it is a customary norm of international law.

4. Conclusion

In conclusion, the issue of combating transnational crime is a complex and multifaceted challenge that requires collaboration between international and national legal systems. While international criminal law plays a pivotal role in providing the framework for global cooperation, it is often the domestic criminal laws of individual states that provide the necessary legal basis for accountability. When international law cannot retroactively prosecute a crime or when jurisdictional issues arise, national criminal law offers an essential fallback, ensuring that individuals can still be held responsible for their actions. Thus, national legal systems are not only an integral part of the global legal framework but also serve as a crucial point of enforcement and accountability.

Looking ahead, future research should focus on improving the integration and synchronization of international and national legal systems to enhance the effectiveness of transnational crime prevention. Specifically, there is a need to address the discrepancies in national laws that hinder cooperation and the exchange of information between states. Further studies could explore the impact of emerging technologies and digital crimes, which challenge existing legal frameworks. Additionally, research could investigate how to strengthen the enforcement of international conventions at the domestic level, ensuring that legal norms are applied consistently across jurisdictions. By addressing these gaps, future legal frameworks will be better equipped to combat the evolving landscape of international crime.

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