



CRIMINAL-LAW AND CRIMINOLOGICAL ASPECTS OF THE CRIME OF INDUCING AN EMPLOYEE OF A NON-GOVERNMENTAL COMMERCIAL ORGANIZATION OR ANOTHER NON-GOVERNMENTAL ORGANIZATION THROUGH BRIBERY

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Abstract *The inducement of employees of non-governmental commercial and other non-governmental organizations through bribery constitutes a significant form of private-sector corruption that threatens fair competition, economic integrity, and trust in market relations. This article examines the criminal-law and criminological aspects of this offense, focusing on its legal elements, subject composition, harmful consequences, and criminogenic determinants. Using doctrinal legal analysis and criminological synthesis, the study explores comparative approaches to criminalization, the latent nature of private-sector bribery, and the role of corporate compliance and prevention mechanisms. The findings demonstrate that effective counteraction to bribery-based inducement in non-governmental organizations requires a combination of clear criminal-law regulation, proportional sanctions, and criminological prevention strategies aimed at reducing opportunities and motivations for corruption.*

Keywords *Private-sector bribery; inducement; non-governmental organizations; criminal law; criminology; corporate compliance; corruption prevention*

1. Introduction

Corruption is no longer confined to the public sector; it increasingly manifests in private economic relations, particularly through the inducement of employees of non-governmental commercial organizations by means of bribery. Such conduct distorts market competition, undermines contractual fairness, and causes significant economic damage. Despite these consequences, private-sector bribery has historically received less attention from legislators and law enforcement bodies than public-sector corruption.

The crime provided for in Article 192¹ of the Criminal Code is committed with direct intent from the subjective side. A person realizes and desires of the Republic of Uzbekistan that, by using his or her official powers, he or she performs or refrains from performing actions which must or may be performed in the course of service, in the interests of the person inducing him or her through bribery, in exchange for receiving material valuables or property benefits (Part 1 of Article 192¹ of the Criminal Code).

The offender is aware that the material valuables or property benefits are given precisely as a bribe in return for performing certain actions or refraining from performing them, using the official powers held by him or her, in the interests of the person inducing the official through bribery, and desires such conduct (Part 2 of Article 192¹ of the Criminal Code of the Republic of Uzbekistan).

The person receiving the reward acts with a self-serving (mercenary) motive. The motives for unlawfully providing material rewards or property benefits may vary (mercenary intent, personal interests, the desire to “circumvent” the law, evasion of liability, expressing gratitude

to an official for services rendered, satisfying the interests of the offender, etc.).

International instruments, including the United Nations Convention against Corruption (UNCAC), encourage states to criminalize bribery in the private sector. Nevertheless, national legal systems vary considerably in defining the elements of the offense, the range of liable subjects, and the severity of sanctions. From a criminological perspective, bribery-based inducement in non-governmental organizations is characterized by high latency, mutual benefit, and organizational concealment, making detection and prevention particularly difficult (Boles, 2014).

This article aims to analyze the criminal-law characteristics and criminological features of the crime of inducing an employee of a non-governmental commercial organization or another non-governmental organization through bribery, and to identify effective directions for legal regulation and prevention.

2. Methods

The study employs a normative legal (doctrinal) method to analyze criminal-law provisions regulating private-sector bribery, including inducement through bribery. Comparative legal analysis is used to examine different approaches to criminalization and liability. In addition, criminological methods, including analysis of empirical studies and theoretical literature, are applied to identify the causes, conditions, and patterns of this offense. The research is based on academic publications, international legal instruments, and criminological studies related to private-sector corruption.

3. Results

3.1 Criminal-Law Characteristics of Bribery-Based Inducement

From a criminal-law perspective, the inducement of an employee of a non-governmental commercial or other non-governmental organization through bribery typically involves the unlawful offering, promising, giving, or receiving of an undue advantage in order to influence the employee's actions or decisions contrary to the lawful interests of the organization. The protected legal interest is the integrity of commercial activity and fair economic competition.

Research shows that many legal systems initially criminalized only public-sector bribery, leaving private-sector bribery either unregulated or subject to weaker sanctions. This gap has been increasingly criticized, as private-to-private bribery may cause comparable or even greater economic harm (Resmen et al., 2022a). Comparative studies demonstrate that countries such as Germany and Russia have introduced specific offenses targeting bribery in commercial organizations, while other jurisdictions rely on general corruption or fraud provisions (Markuntsov & Wassmer, 2020).

The subject of the offense usually includes employees or persons performing managerial or fiduciary functions in non-governmental organizations. Some scholars argue that limiting liability only to managerial personnel creates enforcement gaps, as non-managerial employees may also be induced through bribery to act against organizational interests (Sagandykova et al., 2023). The subjective element of the crime is typically direct intent, as both the briber and the bribed employee are aware of the unlawful nature of the inducement.

3.2 Harmful Consequences and Sanctions

Private-sector bribery causes both direct and indirect harm. Direct harm includes material damage to the organization, loss of profits, and distortion of contractual relations. Indirect harm manifests in reduced market competition, increased costs for consumers, and erosion of trust in economic institutions. Studies emphasize that inadequate sanctions for private-sector bribery reduce the deterrent effect of criminal law and contribute to the persistence of such practices (Boles, 2014).

Legal scholars note that sanctions for bribery-based inducement in non-governmental organizations are often significantly lighter than those for public bribery, despite comparable levels of social danger (Resmen et al., 2022b). This imbalance undermines the principle of justice and weakens anti-corruption policy in the private sector.

3.3 Criminological Characteristics and Causes

From a criminological standpoint, inducement through bribery in non-governmental organizations is marked by a high level of latency. The mutually beneficial nature of the transaction discourages reporting, while internal corporate structures may conceal illicit conduct (Maslova, 2022). Empirical research identifies intense market competition, pressure to achieve financial results, and weak internal controls as key criminogenic factors (Nguyen & Thanh, 2023).

Corporate culture plays a decisive role. Organizations that tolerate unethical behavior or lack clear compliance standards create an environment conducive to bribery. Criminological studies also highlight the role of intermediaries and informal networks in facilitating bribery-based inducement, further complicating detection (Klimenko, 2016).

3.4 Prevention and Control Measures

Effective counteraction to bribery-based inducement in non-governmental organizations requires a combination of criminal-law repression and criminological prevention. General social prevention includes promoting transparency, ethical business standards, and fair competition. At the organizational level, anti-corruption compliance programs, internal audits, and whistleblower protection mechanisms significantly reduce corruption risks (Markuntsov & Wassmer, 2021).

International standards emphasize the importance of corporate liability for corruption offenses in the private sector. Research indicates that holding legal entities accountable, alongside individual offenders, increases compliance and reduces incentives for bribery (Salam & Prakasa, 2021). Harmonization of national legislation with UNCAC and OECD recommendations is therefore essential for effective prevention (Syroid, 2024).

4. Discussion

The findings confirm that inducement through bribery in non-governmental organizations is a complex phenomenon that cannot be addressed solely through punitive measures. While clear criminalization and proportionate sanctions are necessary to establish legal boundaries, criminological prevention addresses the underlying causes and conditions of the offense. The persistent underestimation of private-sector bribery in some jurisdictions contributes to its spread and normalization.

A balanced approach combining criminal-law clarity, effective enforcement, corporate compliance, and ethical business culture is required. Comparative experience shows that jurisdictions with

comprehensive regulation and strong preventive mechanisms achieve better results in combating private-sector corruption.

5. Conclusion

The crime of inducing an employee of a non-governmental commercial or other non-governmental organization through bribery poses a serious threat to economic integrity and fair competition. Criminal-law analysis demonstrates the need for clear legal definitions, broad subject coverage, and proportionate sanctions. Criminological analysis reveals that high latency, economic pressure, and weak corporate governance are key factors facilitating this offense. An integrated approach combining criminal-law measures with criminological prevention and corporate compliance is essential for effective counteraction.

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