



## THE PROCEDURE FOR QUALIFYING THE CRIME OF ABUSE OF OFFICIAL POWERS BY OFFICIALS IN A NON-GOVERNMENTAL NON-PROFIT ORGANIZATION OR ANOTHER NON-GOVERNMENTAL ORGANIZATION

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### **Abstract**

*This article analyzes the procedure for qualifying the crime of abuse of official powers by officials of non-governmental non-profit organizations and other non-governmental organizations within the framework of criminal law and criminology, emphasizing that proper legal qualification requires a precise assessment of objective and subjective elements, the scope of official authority, and the harmful consequences of such acts, while the development of effective qualification practices is essential for ensuring accountability, preventing corruption, and strengthening the rule of law in the non-governmental sector*

**Keywords:** *abuse of official powers, legal qualification, non-governmental organizations, criminal liability, corruption, officials, criminal law, governance*

The abuse of official powers by officials in non-governmental non-profit organizations represents a significant legal and social problem as these entities increasingly participate in economic and social governance processes and exercise functions that affect public interests, therefore the unlawful use of entrusted authority by such officials can result in serious harm to organizational integrity economic relations and public trust, corruption including abuse of power is generally defined as the misuse of entrusted authority for private benefit and it undermines institutional effectiveness and social development (Iddrisu, 2019), historically criminal law focused primarily on abuse of power by public officials but modern legal systems increasingly recognize that similar risks exist within private and non-governmental sectors where officials may exercise significant influence over resources and decision making, therefore the proper qualification of such crimes is essential for ensuring legal certainty and effective enforcement as it determines the applicability of criminal law provisions and the extent of liability.

When qualifying the receipt of the предмет of a bribe under Part 4 of Article 192<sup>9</sup> of the Criminal Code, it is necessary to take into account that if material valuables or property benefits are received from several persons in order to perform certain actions



in the interest of each of them, this shall be considered repeated receipt of the subject of commercial bribery. However, receiving the subject of commercial bribery from several persons in their common interest for performing a specific action shall not be regarded as a repeated commission of this crime.

The elements of the crime of obtaining the subject of commercial bribery through extortion consist of cases where an official of a non-governmental non-profit organization or another non-governmental organization demands material valuables or property benefits by threatening to violate the lawful interests of the person being bribed or by placing them in a situation where they are compelled to commit the act of commercial bribery in order to prevent harm to their lawful interests. Demanding the subject of commercial bribery for performing unlawful requirements in the interests of a person does not constitute the crime of obtaining a bribe through extortion.

If an official of a non-governmental non-profit organization or another non-governmental organization commits actions aimed at obtaining the subject of a bribe through extortion, but the bribe is not actually received, such actions shall be regarded as an attempt to commit a crime. (M.H.Rustamboev)

The results of the study show that the qualification of the crime of abuse of official powers involves several essential stages including determining the subject of the crime establishing the existence of official authority identifying the objective elements of the offense and proving the subjective intent of the perpetrator, firstly the subject of the crime must be identified as an official of a non-governmental organization who possesses certain managerial or administrative powers, modern legal systems increasingly extend criminal liability to officials of legal entities including NGOs recognizing their role in governance and economic activities (Tychyna, 2025), secondly it is necessary to establish that the actions of the person were carried out within the scope of their official powers or by using their official position which distinguishes abuse of power from other types of offenses, the objective elements of the crime include the unlawful use of authority contrary to the lawful interests of the organization resulting in harm such as financial losses reputational damage or violation of rights, research indicates that corruption and abuse of power in both public and private sectors lead to inefficiency and inequality and hinder institutional performance (Roy, 2022), moreover the subjective element of the crime must be established including intent and motive as abuse of power typically involves direct intent and personal interest such as financial gain or other benefits, studies show that corruption is often driven by weak accountability mechanisms and opportunities for personal enrichment (Hope, 2014), furthermore the qualification process requires establishing a causal link between the unlawful actions and the harmful consequences which is a key element in determining criminal liability, in addition comparative legal analysis demonstrates that effective qualification depends on clear legal definitions and consistent interpretation of norms



as ambiguity in legal provisions may lead to inconsistent application and reduced effectiveness of anti-corruption measures (Lykhova et al., 2022)

The discussion of the findings highlights that the procedure for qualifying abuse of official powers is closely linked to broader issues of governance accountability and legal enforcement as accurate qualification ensures that offenders are held responsible under appropriate legal provisions and prevents misclassification of offenses, one of the main challenges in this process is distinguishing abuse of power from other related crimes such as fraud embezzlement or negligence which requires careful analysis of the nature of the actions the scope of authority and the intent of the offender, moreover the covert nature of such crimes and the use of formal authority to conceal unlawful actions make detection and proof particularly difficult therefore strengthening investigative mechanisms and evidentiary standards is essential for effective qualification, research indicates that strong accountability systems transparency and institutional controls significantly reduce corruption risks and improve enforcement outcomes ([Omar et al., 2020](#)), additionally the role of internal compliance systems and corporate governance mechanisms is crucial in preventing abuse of power by limiting opportunities for misconduct and promoting ethical behavior as effective compliance programs have been shown to reduce corruption within organizations (Tuliakov et al., 2025), furthermore civil society and media play an important role in increasing transparency and accountability as greater public oversight is associated with lower levels of corruption and abuse of authority (Themudo, 2013), addressing these challenges requires a comprehensive approach that combines legal regulation institutional reform and social awareness

### **Conclusion**

In conclusion the procedure for qualifying the crime of abuse of official powers by officials in non-governmental non-profit organizations involves a complex legal analysis of the subject objective and subjective elements of the offense as well as the causal relationship between actions and consequences and this process is essential for ensuring proper application of criminal law and effective accountability, the study demonstrates that improving legal definitions strengthening enforcement mechanisms and enhancing transparency and accountability systems are key factors in preventing and combating abuse of power in the non-governmental sector, ultimately a comprehensive and integrated approach is necessary to ensure the effectiveness of legal regulation and the protection of public and organizational interests

### **References:**

1. Rustamboev M.X. Commentary on the Criminal Code of the Republic of Uzbekistan (Revised and supplemented second edition, with changes and additions until November 1, 2016, special part)





2. Iddrisu S 2019 Corruption in Africa (Iddrisu, 2019)
3. Roy S 2022 Corruption in India (Roy, 2022)
4. Hope K 2014 Corruption causes (Hope, 2014)
5. Lykhova S et al 2022 Criminal liability (Lykhova et al., 2022)
6. Omar H et al 2020 Accountability ([Omar et al., 2020](#))
7. Tychyna D 2025 Liability evolution (Tychyna, 2025)
8. Themudo N 2013 Civil society (Themudo, 2013)
9. Tuliakov V et al 2025 Compliance (Tuliakov et al., 2025)