

**THE LIABILITY HISTORY OF AN OFFICIAL OF A COMMERCIAL ORGANIZATION FOR OFFICIAL CRIMES***Akramova Muazzam Turdikul kizi**Teacher of ISFT Institute Doctoral student of  
Academy of Justice of the Republic of Uzbekistan**Phone: +998970117618**muazzamxon93@gmail.com***Annotation:**

This article examines the historical and contemporary perspectives on the liability of officials of commercial organizations for official crimes. It explores the evolution of legal frameworks, the role of corporate governance, and enforcement challenges across jurisdictions. By reviewing both domestic and international legal practices, the article highlights gaps in accountability and proposes mechanisms to strengthen compliance and prevent official misconduct.

**Keywords:** liability history, commercial organization officials, official crimes, corporate criminal liability, corruption offenses, private-sector corruption, criminal responsibility, corporate governance, comparative legal history

**1. Introduction**

The accountability of corporate officials for crimes committed in the course of their official duties has increasingly attracted legal, economic, and social attention. Officials of commercial organizations—ranging from corporate directors and managers to senior executives—often have substantial authority over organizational operations, financial decisions, and strategic policy. This authority, if misused, can result in crimes such as corruption, fraud, embezzlement, money laundering, and other white-collar offenses.

The historical evolution of legal liability for officials shows a gradual shift from collective corporate responsibility toward a more individualized approach, focusing on the actions of specific actors within the corporate hierarchy. This evolution reflects the need to hold individuals accountable while balancing the interests of organizations and stakeholders. Understanding this liability history provides insights into how legal systems attempt to enforce compliance and prevent abuses of power.

Intentional misuse of official powers shall be understood as actions committed by a person that arise from his or her official position and are connected with the exercise of the rights and duties granted by virtue of the position held, but which, by their nature and content, contradict the goals and tasks for which the relevant body is intended to operate.

Official powers should be understood as the rights and obligations that a person possesses by virtue of the position he or she occupies. Accordingly, the use of official powers refers to actions carried out by an official within the scope of his or her service authority, within the limits of the rights granted and the duties imposed on him or her due to the position held.

When holding a person criminally liable for this offense, in order to ensure the correct application of the relevant article, it is necessary to determine the scope and nature of the service rights and obligations of an official of a non-state commercial organization or other non-state organization, the normative acts regulating them, the motive, purpose, and factual circumstances of the committed act, as well as the causal link between the violation of duties by such a person and the harmful consequences that have arisen.

The authority of an official is determined by his or her competence as established in the relevant laws, regulations, and other normative acts that govern the rights and obligations of a person who permanently, temporarily, or under special authorization performs the functions of a specific position. (M.X.Rustambayev)

**2. Methods**

This study adopts a qualitative research methodology, utilizing a comprehensive literature review and comparative analysis of domestic and international legal frameworks. The primary sources include academic research, peer-reviewed articles, statutory provisions, and case law.

The analysis examines: Historical development of liability for officials in commercial organizations. Legal frameworks for individual and corporate responsibility in various jurisdictions. Comparative assessments of enforcement practices and challenges. Emerging mechanisms to strengthen accountability, such as corporate governance reforms, technological solutions, and international regulatory frameworks. By integrating legal analysis with historical and socio-economic perspectives, this study aims to provide a holistic understanding of official liability in corporate contexts.

### 3. Results

The notion of holding individuals accountable for official crimes dates back to early administrative law frameworks, where civil servants were responsible for their official acts. In ancient China, officials were required to bear civil liability for misconduct, reflecting early recognition of the principle of personal accountability (Huang, 2021).

Modern developments in international law, particularly following the Nuremberg Trials of 1945, reinforced the principle of individual criminal liability. High-ranking officials were held accountable for war crimes, establishing the precedent that position and authority do not confer immunity from criminal responsibility (Parsons, 2023).

Domestically, countries such as Ukraine codified liability for abuse of power, official misconduct, and corruption under specific articles of the criminal code (Ravliuk, 2024). These frameworks aim to balance organizational responsibility with the need for individual accountability. Officials in commercial organizations hold a unique position: they act on behalf of a legal entity while making decisions that can directly or indirectly cause harm to stakeholders. White-collar crimes—such as financial misreporting, bribery, and insider trading—are often committed by officials abusing their positions (Venugopal, 2025).

Corporate governance frameworks and statutes such as India's Companies Act, the US Foreign Corrupt Practices Act (FCPA), and the UK Bribery Act have evolved to incorporate the liability of corporate officials for such crimes. However, challenges remain due to:

Complex corporate structures that obscure individual responsibility.

Regulatory gaps that allow corporate officials to avoid accountability.

Procedural hurdles in proving intent or demonstrating personal culpability (Lubis, Putra, & Saragih, 2021).

In Ukraine, for instance, despite clear legal provisions, statistical analyses indicate a low rate of conviction relative to the number of recorded crimes by officials, revealing systemic inefficiencies in enforcement (Ravliuk, 2024). Different jurisdictions approach corporate official liability differently:

**Indonesia:** Officials can be held criminally liable even without direct fault if corporate misconduct occurs under their supervision (Wibisana, Faure, & Majory, 2021).

**France:** Civil law systems emphasize offenses feasibly committed by the corporation and only assign individual liability when direct culpability can be proven (Karna & Purwani, 2025).

**Global Mechanisms:** Proposals for international anti-corruption courts (IACC) include provisions to hold corporate officials accountable for grand corruption (Harris, 2023).

These comparisons highlight the tension between corporate liability and individual liability, showing that enforcement effectiveness depends on clear statutes, procedural rigor, and the political will to prosecute high-ranking officials.

Technological advancements are gradually influencing corporate official liability:

**Artificial Intelligence:** AI systems can detect anomalies in financial transactions, potentially uncovering misconduct.

**Blockchain:** Transparent transaction records provide audit trails to hold officials accountable.

**Ethical Governance:** Board-level oversight, compliance officers, and whistleblower protections enhance accountability (Venugopal, 2025).

Despite these developments, legal enforcement remains challenging due to jurisdictional limits, corporate shielding practices, and delayed regulatory adaptation.

#### 4. Discussion

The liability of officials in commercial organizations for official crimes reflects a complex interplay between law, corporate structure, and ethics. Historically, accountability frameworks were limited to civil servants or individual officeholders. Modern corporate environments introduce additional complexities due to layered organizational hierarchies and global operations.

Comparative analysis shows that countries vary in how they assign responsibility to corporate officials. While civil law systems often require proof of intent, common law jurisdictions focus on corporate liability complemented by individual accountability. The disparities underscore the need for harmonized international standards, particularly for transnational corporate crimes.

Enforcement inefficiencies highlight gaps between statutory provisions and real-world application. Strengthening governance, improving legal clarity, and leveraging technological innovations are crucial to reduce corporate misconduct and hold officials responsible for their actions.

#### Conclusion

The liability history of officials of commercial organizations for official crimes illustrates an evolving legal landscape. From ancient civil liability to modern international regulations, the principle of accountability has expanded and adapted to the complexities of corporate governance. Effective enforcement requires clear laws, proactive regulatory frameworks, and ethical corporate leadership to ensure that officials cannot exploit their positions to commit crimes. Strengthening these mechanisms will protect stakeholders, enhance organizational integrity, and promote sustainable corporate conduct.

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