

CRIMINAL-LAW ASPECTS OF THE CRIME OF ABUSE OF OFFICIAL POWERS BY OFFICIALS IN A NON-GOVERNMENTAL COMMERCIAL ORGANIZATION OR ANOTHER NON-GOVERNMENTAL ORGANIZATION

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Abstract

The abuse of official powers by officials in non-governmental commercial and other non-governmental organizations constitutes a serious threat to economic order, corporate integrity, and the protection of lawful interests of individuals and organizations. While traditionally associated with public-sector corruption, abuse of authority in the private sector has gained increasing attention in criminal law due to its comparable social danger and economic harm. This article examines the criminal-law aspects of this offense, including its legal nature, protected interests, objective and subjective elements, and issues of criminal liability. Using doctrinal and comparative legal analysis, the study identifies existing challenges in criminalization and enforcement and emphasizes the necessity of clear legal regulation to ensure effective protection of service interests in the non-governmental sector.

Keywords

Abuse of official powers; private sector; non-governmental organizations; criminal law; corporate crime; service interests

1. Introduction

In modern market economies, non-governmental commercial and other non-governmental organizations play a decisive role in economic development and social relations. The expansion of managerial autonomy in the private sector has simultaneously increased the risk of abuses of official powers by persons entrusted with organizational or administrative authority. Unlike public-sector abuse, private-sector abuse of authority is often perceived as less dangerous, despite its capacity to cause significant harm to economic relations, corporate governance, and individual rights.

From the objective side, the crime is manifested in the intentional use by an official of a non-governmental commercial organization or another non-governmental organization of his or her official powers. Such actions are expressed in causing large-scale damage or serious harm to the rights of citizens or to interests protected by law, or to the interests of the state or the public.

Intentional use of official powers means the unlawful use by such a person of his or her official position or the use of official powers in pursuit of personal interests, which is connected with the exercise of the rights and duties granted by virtue of the position held, but which, by its nature and content, contradicts the purposes and functions for which the relevant body is intended to operate.

Official powers shall be understood as the rights and duties vested in a person by virtue of the position held. Accordingly, the use of official powers refers to actions performed by an official within the scope of his or her service authority, that is, within the limits of the rights granted and obligations imposed on him or her due to the official position occupied.

In order to ensure the correct application of the law when holding a person criminally liable for this crime, it is necessary to determine the scope and nature of the service rights and duties of an official of a non-governmental commercial organization or another non-governmental organization, the regulatory legal acts governing them, the motive, purpose, and factual

circumstances of the act committed, as well as the causal link between the violation of official duties by such a person and the resulting harmful consequences.(M.H.Rustambojev, 2016)

Recent legal scholarship emphasizes that abuse of official powers in non-governmental organizations undermines not only internal corporate interests but also broader societal values, such as fair competition and trust in market mechanisms (Holovkin, 2020). As a result, many legal systems have introduced specific criminal-law provisions aimed at protecting service interests in commercial and other non-governmental organizations (Bezverkhov, 2020).

This article aims to analyze the criminal-law aspects of the crime of abuse of official powers by officials in non-governmental organizations, focusing on its legal construction, elements of the offense, and challenges of criminal liability.

2. Methods

The research employs doctrinal criminal-law analysis to examine the elements of the offense of abuse of official powers in the non-governmental sector. A comparative legal method is used to identify common approaches and differences in the criminalization of such conduct in various legal systems. Additionally, the study relies on systematic analysis of academic literature addressing corruption and abuse of authority in private organizations.

3. Results

3.1 Legal Nature and Protected Interests

The primary object of the crime of abuse of official powers in non-governmental organizations is the proper functioning of service relations and the lawful interests of organizations and individuals. Scholars emphasize that this offense protects not only internal corporate order but also public economic interests, including fair competition and market stability (Bezverkhov, 2020).

Unlike public-sector abuse of authority, private-sector abuse often lacks a direct connection to state power. However, its consequences—such as misappropriation of assets, distortion of contractual relations, and unlawful enrichment—can be equally damaging (Holovkin, 2020).

3.2 Objective Elements of the Crime

From a criminal-law perspective, abuse of official powers in a non-governmental organization consists of the use of authority contrary to the lawful interests of the organization for personal gain or the benefit of third parties. Research highlights that the objective side of the offense may include both active conduct and deliberate omission, provided that significant harm is caused (Elekina, 2021).

Legal doctrine stresses the importance of clearly defining evaluative concepts such as “significant harm” or “serious consequences,” as vague formulations complicate qualification and law enforcement practice (Ermachenko, 2025).

3.3 Subject and Subjective Elements

The subject of the crime is a person performing managerial, organizational, or administrative functions in a non-governmental commercial or other non-governmental organization. Criminal liability arises only when such a person acts within the scope of their entrusted powers.

The subjective side of the offense is characterized by **direct intent**, as the offender is aware that the use of authority contradicts the interests of the organization and foresees the harmful consequences (Guzeeva, 2021). A self-serving or other personal motive often underlies such conduct, although motive is not always a mandatory element of the offense.

3.4 Sanctions and Criminal Liability

Studies indicate that sanctions for abuse of official powers in the private sector are often milder than those applied to similar offenses in the public sector, despite comparable levels of harm (Holovkin, 2020). This imbalance weakens the preventive function of criminal law and contributes to the persistence of corporate abuses.

Legal scholars argue for proportional sanctions and, where appropriate, the introduction of corporate criminal liability to strengthen deterrence and compliance (Bezverkhov, 2020).

4. Discussion

The analysis demonstrates that abuse of official powers in non-governmental organizations represents a distinct form of criminality requiring tailored legal regulation. Overreliance on civil or disciplinary liability fails to address the social danger posed by such acts. Clear criminal-law norms, precise definitions of harm, and effective enforcement mechanisms are essential to protect service interests in the private sector.

Comparative experience shows that jurisdictions recognizing the public significance of private-sector service relations achieve greater consistency in combating corporate abuse and corruption.

Conclusion

Abuse of official powers by officials in non-governmental commercial and other non-governmental organizations poses a serious threat to economic order and lawful interests. Criminal-law analysis reveals the necessity of clear legal constructions, well-defined elements of the offense, and proportionate sanctions. Strengthening criminal liability in this sphere is essential for ensuring corporate integrity, protecting market relations, and maintaining public trust in non-governmental institutions.

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