



Research Article

THE PROCESS OF ASSESSING CORRUPTION RISK IN HIGHER EDUCATION

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ABSTRACT

All government anti-corruption reforms in education are aimed at ensuring the rights and interests of citizens to receive a quality education. With the development of modern public administration and the rapid increase in the number of professions in the private sector, the fight against corruption in higher education is becoming increasingly important. The use of preventive methods in the fight against corruption is widespread in the world, and the use of this area in education provides high efficiency. Corruption risk assessment is one of the most common, integrated preventive methods in the fight against corruption. To this end, the article provides a scientific analysis of the concepts of "corruption risk assessment", "procedure", "methods", and "stages" in higher education, and explains these concepts.

KEYWORDS

"corruption risk assessment", "the importance of risk assessment", "procedure", "methods", "stages".

INTRODUCTION

Today in the world practice the use of preventive methods for combating corruption offenses is

widespread in all spheres. Given that the majority of corruption crimes in education remain undetected, it



would be appropriate to pay more attention to this area.

Corruption risk assessment is one of the most common, holistic preventive methods in the fight against corruption. In this process, potential corruption offenses are identified and these corruption offenses are prevented.

The main purpose of the assessment of corruption risks in higher education public administrations and higher education institutions is to identify the functions and positions most prone to corruption risk through a comprehensive analysis of activities, to develop effective prevention measures to minimize corruption risks.

MATERIALS AND METHODS

In our opinion, the process of assessing corruption risks is not widely studied at the national level (including in the higher education system), but the direction of assessing corruption risks is widespread at the international level.

In particular, the University of Claremont, the Center for Combating Corruption “U4”, the Organization for Economic Cooperation and Development have prepared several manuals, which cover in detail the general concept, process, stages, and methods of assessing corruption risks.

In foreign practice, this concept is expressed in the form of “risk assessment of corruption”¹ or “corruption risk management”².

In particular, Transparency International defines **the concept of corruption risk assessment** as a tool to identify vulnerabilities in the system that allow corruption to occur³.

The U4 Anti-Corruption Center also defines **the concept of corruption risk management** as a set of measures and requirements introduced to identify and reduce corruption risks in a particular organization⁴.

In addition, the Resolution of the President of the Republic of Uzbekistan dated January 12, 2022 “On measures to introduce a rating system for combating the effectiveness of anti-corruption work” PD, № 81, **this concept is presented as an assessment of corruption risks**⁵.

Because the process of assessing corruption risks is carried out in similar forms and methods in all areas, manuals or methodologies aimed at assessing corruption risks in a particular area are not widespread.

Accordingly, it will be possible to disclose the process of assessing corruption risks in the field by incorporating specific features in the field of higher education into the general procedures for assessing corruption risks.

¹ McDevitt A Corruption risk assessment topic guide, Transparency International. July 2011. – P.6 // https://knowledgehub.transparency.org/assets/uploads/kproducts/Corruption_Risk_Assessment_Topic_Guide.pdf.

² <https://www.u4.no/topics/corruption-risk-management/basics>.

³ McDevitt A Corruption risk assessment topic guide, Transparency International. July 2011. – P.1 //

https://knowledgehub.transparency.org/assets/uploads/kproducts/Corruption_Risk_Assessment_Topic_Guide.pdf.

⁴ <https://www.u4.no/topics/corruption-risk-management/basics>.

⁵ National Database of Legislation, 13.01.2022 й., 07/22/81/0017-number // <https://lex.uz/uz/docs/5819319>

In identifying corruption risks, we come across the factors that cause them. Professor Robert Klitgaard illuminates corruption risks using the formula $C = M + R - A - T$ (C-corruption, M-monopoly, R-restriction, A-accountability, T-transparency). The formula states that failure to ensure accountability and transparency of the activities of officials with monopoly (single) unlimited powers in the life of the state and society leads to corruption⁶.

For example, the authority to hire a university is the exclusive prerogative of the head of the institution (rector), and the lack of transparency in the exercise of this unlimited authority or the lack of mechanisms to ensure accountability of the head may lead to bribery of candidates by the head.

In this case, the authority to hire - M, the manager is not limited to these powers - R, the manager is not accountable to a senior official, supervisory body, corporate structure of the institution - A, the leader is not disclosed who, when, to what position, in what order - T, recruitment of a candidate for a bribe is a corruption offense - C.

Foreign experts and scholars have cited different approaches to assessing corruption risks. In particular, according to Stenberg Johnson⁷, Senior adviser at the U4 Anti-Corruption Center, "Corruption Risk Analysis

consists of four phases, which recommend studying systemic risks, identifying risk levels, and selecting risk mitigation measures based on performance indicators.

The process of assessing corruption risks is divided into the following four stages by Stenberg Johnson:

- 1) identification of corruption risks, determination of their level of tolerance;
- 2) assessment of the level of risks (probability and impacts);
- 3) comparing the level of active risks with tolerance and, if necessary, deciding on risk mitigation;
- 4) Select the least costly and most efficient method if risk mitigation is required"⁸.

According to Stenberg Johnson's method, if we look at one of the existing risks in higher education as a practical example, it will be possible to understand the essence of his approach.

In the first stage, the existing risks are identified, that is, the causes of the corruption offense and the factors that led to it are studied.

For example, one of the corruption risks in the field is the fact that the procedure for transferring a student studying in a particular field to another field is not clearly defined in the regulations⁹.

risk-management-a-framework-for-decision-making-and-integration-into-the-project-cycles.

⁸ Johnson J. The basics of corruption risk management a framework for decision making and integration into the project cycles, U4 Issue 2015. – 18, P. 7. // <https://www.u4.no/publications/the-basics-of-corruption-risk-management-a-framework-for-decision-making-and-integration-into-the-project-cycles>

⁹ National Database of Legislation, 09/19/1046/4242-coh.

⁶ Klitgaard R. International Cooperation against Corruption, Finance & Development. March 1998. – P. 3. // <https://www.imf.org/external/pubs/ft/fandd/1998/03/pdf/klitgaard.pdf>.

⁷ Johnson J. The basics of corruption risk management a framework for decision making and integration into the project cycles. U4 Issue 2015. – 18, P. 7. // <https://www.u4.no/publications/the-basics-of-corruption-risk-management-a-framework-for-decision-making-and-integration-into-the-project-cycles>

In the second stage, the identified risks are assessed, that is, it is studied based on factors such as the level of risk, the possibility of committing corruption offenses, the negative impact on the existing system, and the negative consequences.

Continuing the above example, we can assess the fact that the procedure for transferring a student from one direction to another is not clearly defined in the normative legal acts as a high corruption risk. After all, the formation of unqualified, uneducated personnel hurts any activity of the state. The main thing is that the transition from a highly accessible direction to a competitive one has become a corrupt mechanism, with a large number of applicants and the fact that this process depends on the human factor, which indicates a high level of risk.

In the third stage, the level of identified and assessed risks is compared to the tolerance of the human factor. It analyzes the ability of officials or other authorized persons to withstand the level of existing risks. If it is clear that the official is unable to withstand the level of corruption risk, a decision will be made to eliminate it.

Continuing with the practical example, a student studying in a specialty he or she is not interested in will want to study in a specialty he or she wants and will look for different ways to do so. The only way for a student to move his or her studies in the direction he or she wants is through the field. A large number of applicants for the transfer of education indicates that the powers of the relevant officials in this activity are not clearly defined, and there is a high probability that officials will not be able to withstand the pressure of corruption.

In the fourth stage, an effective and cost-effective measure is selected to address the corruption risks identified, assessed, and compared to human tolerance. Given the fact that the transfer of students to non-related specialties leads to corruption, the establishment of commissions in the higher education institution each year, the allocation of funds from the budget, or the assignment of additional responsibilities to officials, it is advisable to completely abolish the transfer of students.

Although Marijana Trivunovic, a consultant at the U4 Anti-Corruption Center, divided the risk assessment of corruption into four stages, however, unlike the Stenberg Johnson method, it did not focus on human tolerance of risks but indicated the implementation of the selected measure to mitigate the risks as a separate step.

“In particular:

- a) identification of corruption risks and threats to achieve the objectives set out in the program or project;
- b) determining the severity of corruption risks based on their likelihood and impact;
- c) identification of specific and priority measures to reduce corruption risks;
- d) implementation of established measures to reduce the potential for corruption risks and harmful effects”.¹⁰

Another approach to assessing corruption risks in the education system is called Integrity of Education System (INTES). This system has been used by the Open Society Foundation in secondary special and higher education in the United States. It was also used

¹⁰ Trivunovic M and others. Developing an NGO corruption risk management system: Considerations for donors. U4 Issue. 2019. – P. 6. //

<https://www.u4.no/publications/developing-an-ngo-corruption-risk-management-system-considerations-for-donors>.

by the Organization for Economic Cooperation and Development in the analysis of the Ukrainian education system.

In contrast to the above approaches, INTES conducts an assessment in three stages:

- 1) “Identify existing risks in the field, that is, to find an answer to the question “**what**” is a corruption offense, in which the whole offense is defined;
- 2) Carrying out a causal analysis, that is, to find the answer to the question of “**how**” the corruption offense was committed, to identify the possibilities that led to the offense, and to carry out the second part of the causal analysis, that is, to find an answer to the question of “**why**” the corruption offense was committed, to determine what benefits it would create for the offense;
- 3) Decision-making on the elimination of existing risks in the field, in which the actions to be taken are formed”¹¹.

The INTES method is very useful in identifying existing risks in the field and finding their root causes and factors, but this approach does not focus on assessing the identified risks and identifying the risks that need to be addressed.

In our opinion, if we complete the third phase of the INTES method with a risk assessment process by comparing the risks to the human factor, we will have a perfect system.

M. Trivunovic, on the other hand, assesses the risks of corruption in two main areas: risk prevention and

punishment.¹² In our opinion, it is not expedient to separate these two directions from each other or apply them separately. Indeed, the prevention of corruption risks is better than combating its consequences, but the analysis and implementation of structural changes do not mean that this perfect system has been created or that corruption offenses will not occur.

Therefore, legal action against corruption offenses is provided through punitive measures. The presence of these two directions in each state allows for maximum prevention of corruption.

RESEARCH RESULTS AND ANALYSIS

In our opinion, **the assessment of corruption risks in higher education** - identification of corruption risks that create or may create conditions for corruption offenses by analyzing the functions (powers) of government agencies and educational institutions in the field of higher education, violations in the field, their evaluation and development and implementation of effective and efficient measures to minimize them.

It would also be appropriate to divide the process of assessing corruption risks in higher education into **four stages**, namely, **the identification, assessment** (determination of the level of risk) of corruption, **identification** of measures to eliminate or reduce them, and **the implementation** of prescribed measures.

The first stage. Identifying corruption risks is the first and most important step in the process of assessing

¹¹ Monica K. Education sector corruption: How to assess it and ways to address it. U4 Issue. 2019. – P. 28. // <https://www.u4.no/publications/education-sector-corruption-how-to-assess-it-and-ways-to-address-it>.

¹² Trivunovic M and others. Developing an NGO corruption risk management system: Considerations for donors. U4

Issue. 2019. – P. 6. // <https://www.u4.no/publications/developing-an-ngo-corruption-risk-management-system-considerations-for-donors>.

corruption risks in higher education. Data are collected using several different methods, including:

1. Obtaining normative-legal and local documents regulating the relevant activities of civil servants in the field and defining their functions (powers) (regulations on public bodies, administrative regulations, protocols, decisions and instructions of higher state bodies, job descriptions, orders, etc.).
2. Collection of information on internal inspections of educational institutions, including service inspection materials, facts about the tendency of a civil servant (employee) to commit corruption offenses, and use of the services of persons assisting in this regard.
3. Conducting public surveys with the participation of students, teachers, civil society institutions, and other stakeholders who use educational services.
4. Obtain statistics on violations in the field.
5. Receiving complaints from individuals and legal entities, information from international and foreign experts, information on corruption offenses in the field of higher education by civil society institutions and the media, or cases of non-compliance with the rules of ethics by a civil servant.
6. Collection of materials provided by law enforcement agencies, including prosecutorial oversight documents.

The data collected using the above methods are summarized, analyzed, and on this basis, the risk of corruption is determined.

The second stage. The identified corruption risks are assessed as **low, medium, and high** depending on the probability of occurrence and the extent of its negative impact.

It can be seen that **the probability of occurrence** of corruption risks and the **degree of consequences** are the main criteria for assessing corruption risks.

The criteria for the probability of occurrence of corruption risks and the level of consequences include small criteria and based on these small criteria, low, medium, and high levels of risk are determined.

Probability of corruption risks:

- The order of implementation of each function in the governing bodies or higher education institutions in the field of higher education is clearly defined;
- Control measures are taken to ensure the proper performance of the functions of management bodies or employees of higher education institutions (officials, employees) in the field of higher education;
- Performance of functions of governing bodies or employees of higher education institutions (officials, employees) in the field of higher education is assessed based on digitization or dependence on the human factor and other small criteria.

Level of consequences of corruption risks:

- The implementation of the functions of the governing bodies of higher education or employees of higher education institutions (officials, employees) for corrupt purposes can lead to criminal, administrative or disciplinary liability;
- Corrupt implementation of the functions of higher education institutions or employees of higher education institutions (officials, employees) violates the rights of citizens to receive or provide higher education;



- Corruption offenses committed by higher education authorities or employees of higher education institutions (officials, employees) are assessed based on the amount of material or moral damage inflicted on the subjects of higher education (government, administration, higher education institution, staff, students) and other criteria.

The third stage. Proposals and comments on the elimination of selected corruption risks will be developed and the necessary measures will be identified.

The fourth stage. Measures will be taken to eliminate corruption risks.

The above methods of corruption risk analysis can be applied not only in higher education but also in other areas (health, capital construction, banking, finance, etc.).

The analysis of corruption risks in higher education can also be classified on the following grounds.

First, based on the principle of territoriality, to conduct research in higher education institutions throughout the country or some regions (in higher education institutions located in the Republic of Tashkent).

Second, based on areas, the study of higher education in the field of specialization (in medical higher education institutions of the Republic).

Third, is the study of risks based on the types of offenses committed (bribery of officials).

Fourth, is the analysis of risks according to the organizational and legal form of higher education institutions (public, private, or foreign higher education institutions).

Fifth, risk analysis at some stages of the industry (enrollment, student assessment, management stages).

Sixth, analyze the risks of corruption in existing positions in the field (rector, vice-rector, accountant, or head of the department).

CONCLUSION

In conclusion, in the process of identifying and eliminating corruption risks in higher education, we consider it appropriate to emphasize the following:

- The process of analysis of corruption risks consists of an integrated system in which the existing risks in the field are identified, assessed and a decision is made to eliminate them;
- Analysis of corruption risks is divided into two main areas – **prevention** and **punishment** of corruption risks;
- To start the analysis of corruption risks from the formation of the necessary database and their identification;
- Assessment based on the sum of the probability of corruption risks and the amount of its negative impact based on **low, medium, and high** criteria;
- At the final stage, proposals and comments on the elimination of selected corruption risks will be developed and the necessary measures will be identified.

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