



The Experience of the United States and Canada in Combating Corruption in the Education System and Opportunities for Uzbekistan

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<http://dx.doi.org/10.47814/ijssrr.v5i10.679>

Abstract

This article is devoted to the topical issue of improving the fight against corruption in the education system of Uzbekistan. The article's aim is to analyze the experience accumulated by the USA and Canada in the fight against corruption in the education system in order to study the possibilities of applying the most successful practices of these states in Uzbekistan. The research methods were the following: analysis of scientific literature and legal acts, comparative legal analysis, induction, deduction and forecasting. The article's author comes to the conclusion that in the United States it is useful for Uzbekistan to adopt the experience of protecting citizens and civil servants when they apply to the competent authorities about corruption manifestations that they become aware of or information about which they need to verify, while simultaneously protecting the leadership of all organizations from deliberate misinformation on the part of persons making relevant statements. In Canada, it is useful for Uzbekistan to learn from the experience of the widespread implementation of ethical codes for educators, however, it is necessary to exclude excessive legislative detailing of ethical codes so that they are not too difficult to understand and do not require an additional serious system of training staff and consulting officials.

Keywords: *Combating Corruption; Education System; USA; Canada; Experience for Uzbekistan*

Introduction

The U.S. Public Anti-Corruption Watch Institute operates under the 1966 Freedom of Information Act¹, which requires full or partial disclosure of previously classified federal government information. It presents the types of legal acts subject to public disclosure and defines the procedure for declassifying documents. The government is obliged to respond to requests from individuals and legal entities for information within 20 days. In the United States, there are specially created departments in

¹ Freedom of Information Act, P.L.89-554 // [FOIA.gov](http://www.foia.gov). – URL: <https://www.foia.gov/> (reference date: July 27, 2022).

ministries and departments that explain to civil society the procedure for submitting such requests (information is usually provided on the Internet resources of the relevant government agencies).

In the US, active anti-corruption work is carried out by non-governmental organizations (Judicial Watch, Project on Government Oversight, Global Integrity, Government Accountability Project, etc.), identifying relevant offenses and crimes and passing information to the competent authorities. Non-governmental organizations control the use of financial donations for the election campaigns of politicians. Campaign committees of candidates and political parties must report periodically to the Federal Election Commission on sources of funding and expenditure. At the same time, US law requires the identification of sponsors of television political advertising that contains campaigning for specific candidates in federal elections. These rules apply in the states to local elections.

In the United States, the Institute of Awareness is actively operating, which makes a great contribution to the identification of financial and corruption offenses. At the same time, all informers are under the protection of the law, which makes this form of combating corruption very effective.

Law on Civic Initiatives 1989² prohibits firing, discriminating, or otherwise influencing government employees who report actual or suspected violations of the law to employers, law enforcement agencies, the media, or public associations (however, protection of the interests of the employer from unscrupulous informants). The anti-corruption activity of Americans is encouraged by monetary rewards under the Law on the Falsification of Claims³. A citizen who suspects government contractors and civil servants of cheating the state can sue them in court. If the case is won in court, a vigilant citizen receives 15–25% of the amount of damages awarded by the court⁴.

It should be noted that the USA and Canada today are not the least corrupt countries, in the international anti-corruption rating they are lower than the countries discussed above in this study.

Traditionally, US universities are admired by the scientific and expert community of the world. However, there are many deep, serious problems in the US national education system. In particular, according to journalist J. Washburn, universities are rapidly degrading due to the rejection of traditional values and practices that previously made them so successful and authoritative. He writes that in US universities, hidden ties between business and academia are constantly strengthening, which seriously undermines the public trust on which all universities depend. It is about the tendency to suppress scientific research in the interests of corporate profits. Innovation-oriented universities are actively developing partnerships with corporations to attract funding, which raises discussions in society about the gradual degradation of traditional liberal arts education as a result of the uncontrolled increase in the number and development of corporate universities.

In the 21st century the federal and state governments, despite assurances to the contrary, are significantly reducing support from the budgets of public and private colleges and universities. This leads to a weakening of classical university education, forcing universities to look for support in the commercial sector and enter into contracts with industrial enterprises in order to retain and attract students and teachers. At the same time, the commercialization and technocratization of the content and forms of higher education lead to an increase in the level of corruption in the US higher education system.

² Whistleblower Protection Act, P.L.101–12, 1989. [https://www.govinfo.gov/content/pkg/STATUTE-103/pdf/statute-103 - Pg16.pdf](https://www.govinfo.gov/content/pkg/STATUTE-103/pdf/statute-103-Pg16.pdf) (reference date: July 27, 2022).

³ False Claims Act, 1863 // The United States Department of Justice. <https://www.justice.gov/civil/false-claims-act> (reference date: July 27, 2022).

⁴ Иностраный опыт борьбы с коррупцией и повышение антикоррупционного правосознания граждан (Справочная информация) // Министерство юстиции Российской Федерации. 14.06.2020. <https://www.minjust.gov.ru/ru/pages/protivodejstvie-korrupcii/inostrannyj-opyt-borby-s-korrupciej/> (дата обращения: 27.07.2022).

In the United States, instead of focusing on training, education, science, and research, universities began to provide “educational services” as a marketable commodity at a cost that potential consumers (parents of students, students themselves, alumni, charities and corporations) are willing to pay. Employees of liberal arts universities are forced to become more entrepreneurs than teachers and look for opportunities to attract funding from the implementation of their intellectual and technical actions.

In this article, J. Washburn clearly shows that American leading universities are becoming a source of income for campuses and corporate clients. The desire of universities to produce basic knowledge has been compromised by the demands for competitiveness and trade secrets, as well as the desire for profit, which characterize research in the commercial sector rather than traditional academic research. Of course, the latter bring less profit than research leading to patents. At the same time, it is obvious that the financing of universities by corporations does not contribute to the public good, since universities in such a situation are transferred to the service of the respective corporations. In other words, the line between business and academic independence is blurred.

It should also be noted that in innovative universities there is a serious contradiction between teaching and research, since teaching is paid more modestly than research. Moreover, some teachers are self-employed and at work ensure that the results of their research are translated into the activities of their own businesses, increasing their competitiveness and profits⁵.

In another study on the subject, the authors point out that the largest US universities are becoming like non-profit organizations entrusted with the implementation of basic government duties and which are now also under the threat of commercial incentives. Enticing for the country’s universities, private funding threatens their educational and scientific standards. Universities profiting from the licensing of their patented discoveries lead to a conflict of interest between teachers and scientists⁶.

In this regard, the study of S. Slaughter and G. Royeds is very indicative that the increasingly blurring boundary between higher education, the state and world trade leads to the complete immersion of higher education institutions in the commercial world. In this regard, according to the authors, it is important to decide whether US universities continue to use these new opportunities for their survival and development. Otherwise, “academic capitalism” will force us to reconsider the mission of higher education institutions⁷.

Attention should also be paid to the large-scale scandal in the higher education system that occurred in the United States in March 2019. The FBI carried out operational activities on corruption in American universities for several years, and on March 12–13, 2019, charges supported by the federal prosecutor’s office were filed 50 persons, including university employees, parents of applicants and the organizer of the corruption scheme himself W. Singer, who pleaded guilty and agreed to a deal with the investigation. Many of those prosecuted accepted Singer’s offer to “help” with the admission of children to prestigious universities at that time when he cooperated with law enforcement agencies in the summer and autumn of 2018. An investigation into this case revealed the involvement of well-known actresses, businessmen, lawyers, doctors and other influential celebrities.

The investigation established that W. Singer opened the Edge College & Career Network company in California, the official activity of which was the preparation of applicants for entering universities. In parallel, he registered the non-profit charitable foundation Key Worldwide Foundation,

⁵ Washburn J. *University, Inc.: The Corporate Corruption of Higher Education*. – Publisher: Basic Books, 2016. – 352-355 p.

⁶ Bok D. *Universities in the Marketplace: The Commercialization of Higher Education*. – Publisher: Princeton University Press, 2014. – p. 254.

⁷ Slaughter S., Rhoades G. *Academic Capitalism and the New Economy: Markets, State, and Higher Education*. – Publisher: The Johns Hopkins University Press, 2017. – p. 384.

which, according to the documents, was supposed to provide financial assistance to children from low-income families. However, funds began to flow into the accounts of this fund, which, with the deduction of an intermediary percentage, were spent on bribes to university employees: coaches of university sports teams. The fact is that in the United States, special attention is paid to the development of sports, so the recommendation of a coach often becomes a weighty argument when entering even the most elite educational institutions. Sports talents are often given a separate quota with more benign examination conditions upon admission. Coaches bribed by W. Singer issued conclusions to parents that their children – applicants demonstrate exceptional athletic talents (sometimes these conclusions were accompanied by false certificates from non-existent junior teams), so their admission to universities will greatly help these universities in gaining sports glory. This corruption scandal involved the leading US universities (Yale, Stanford, Wake Forest, the universities of Texas and Southern California), which train personnel for the federal government and big business⁸.

The anti-corruption mechanism in Canada is based on the provisions of the Canadian Criminal Code⁹, ratified international anti-corruption treaties and agreements, including the UN Convention against Corruption.

The country has the Law on Corruption of Foreign Public Officials of 1998¹⁰, which is updated almost every year. Corruption in Canada is unfortunately widespread. Canada in 2013 even took first place in the World Bank's black list in terms of the number of companies involved in corruption (this is mainly bribery of representatives of foreign states)¹¹.

In 2008, the Royal Canadian Mounted Police established a dedicated international corruption unit in Ottawa and Calgary. It is engaged in the identification, investigation and suppression of bribery, embezzlement of other people's funds and legalization of criminal proceeds. The focus of the unit is on Canadian and foreign government officials when they resolve issues related to the performance of official duties. In Canadian law, business implies not only making a profit, but also carrying out non-commercial and charitable activities¹². Corruption laws in Canada provide for a maximum penalty of up to 14 years in prison and millions of Canadian dollars in fines.

In Canada, as in many Western countries, since 1985 the Code of Ethics of the Public Servant has been in force with the rules of conduct for public servants, taking into account potential conflicts of interest. This contributes to the prevention of corruption manifestations, including after they leave the public service. Canadian public servants are discouraged from having private interests, other than those permitted by the code, that may directly and materially affect the interests of the agency, and conflicts of interest are encouraged to be resolved in the public interest.

Government officials may not accept gifts whose value can be expressed in monetary terms. However, if the gifts do not go beyond the usual courtesy and hospitality, their acceptance is allowed. If it was impossible to avoid accepting unauthorized gifts, they should immediately report this to the

⁸ Крылов В. Учебная тревога: забота о детях обернулась в США грандиозным коррупционным скандалом // Известия. – 17.03.2019. <https://iz.ru/856608/vladislav-krylov/uchebnaia-trevoga-zabota-o-detiakh-obemulas-v-ssha-gran-dioznyum-korrupcionnum-skandalom> (дата обращения: 27.07.2022).

⁹ Criminal Code of Canada (1985, amended 2019). <https://www.legislationline.org/documents/section/criminal-codes/country/38> (reference date: July 27, 2022).

¹⁰ Corruption of Foreign Public Officials Act, 1998 // Government of Canada. <https://laws-lois.justice.gc.ca/eng/acts/c-45.2/> (reference date: July 27, 2022).

¹¹ World Bank's Corrupt Companies Blacklist Dominated By Canada // The Huffington Post Canada. 18.09.2013. https://www.huffpost.com/archive/ca/entry/world-bank-corrupt-companies-canada_n_3948280 (reference date: July 27, 2022).

¹² Иностраный опыт борьбы с коррупцией и повышение антикоррупционного правосознания граждан (Справочная информация) // Министерство юстиции Российской Федерации. 14.06.2020. <https://www.minjust.gov.ru/ru/pages/protivodejstvie-korrupcii/inostrannyj-opyt-borby-s-korrupciej/> (дата обращения: 27.07.2022).

authorized official of their department. Public servants may not deviate from their duties in order to assist commercial enterprises or persons in their dealings with the government, if as a result of such assistance such enterprises or persons may receive preferential treatment over others. They are prohibited from knowingly extracting material benefit from information that has not yet been made public, but became known to them as a result of the performance of official duties. After leaving the public service, employees are prohibited from taking advantage of the knowledge and opportunities they received during their time in public service.

All departments have ethics curators appointed from their senior officials. They consult for employees on the specifics of the practical application of the provisions of ethical codes and resolve disputes in this area. Some departments create entire ethics departments that carry out their internal audit. Violation of ethical standards entails disciplinary responsibility and may lead to dismissal from public service.

In Canada, there are not only an interdepartmental control system, but also an independent Commissioner for the maintenance of moral standards in the civil service, accountable to the Clerk of the Privy Council (the head of the Canadian civil service). All employees who are not satisfied with the activities of intradepartmental control systems related to monitoring compliance with ethical legislation have the right to apply to him¹³.

Thus, the analysis of anti-corruption practices in the field of education in the US and Canada shows that these countries are not leaders in the anti-corruption international rating. They still have many problems associated with corruption. However, in our opinion, in the United States, it is useful for Uzbekistan to adopt the experience of protecting citizens and civil servants when they apply to the competent authorities about corruption manifestations that they became aware of or information about which they need to verify, while simultaneously protecting the leadership of all organizations from deliberate misinformation by persons making relevant claims. In Canada, we believe it is useful to learn from the widespread implementation of codes of ethics. Currently, unfortunately, they are not widely used in the education system. University employees receive gifts and other offerings, there is no practice of limiting them in monetary terms, as well as a requirement for employees to notify their management when they receive expensive gifts that could not be refused for various reasons. At the same time, let us pay attention to the fact that with all the positive results of the regulatory impact of well-known foreign codes of ethics that are in force in all the countries considered in this chapter of the study, excessively strict legislative regulation of the behavior of officials can also have negative consequences. In particular, imperative standards of behavior force them to constantly refer to the rules, thereby depriving them of initiative. It is important to implement, but avoid excessively detailed legislative codes of ethics, as they may be too complex to understand and require an adequate system of training and counseling of officials.

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¹³ Кабышев С.В. Правовые меры противодействия коррупции: канадский опыт // Вестник экономической безопасности. №2, 2009. – с. 67–68.

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