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ANALYSIS OF THE LEGISLATION ON CIVIL SERVICE IN THE REPUBLIC OF UZBEKISTAN

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ABSTRACT

The article analyzes legislation on the civil service of the Republic of Uzbekistan. The legislation was studied in terms of labor and responsibility relations, the organization and management of the civil service. Based on the research, proposals and recommendations for improving the legislation of the civil service of the Republic of Uzbekistan has been developed.

KEYWORDS: *Civil Service, Legislation, Labor Relations, Responsibility Relations, Disciplinary Liability, Administrative Responsibility, Criminal Liability, Action Strategy.*

INTRODUCTION

The civil service as a legal institution is a kind of interrelated social relations, that is, a set of legal norms governing the civil service. It is known that the Law "On Civil Service" has not yet been adopted in the Republic of Uzbekistan. So legal norms governing the civil service are reflected in laws and other normative legal acts.

The legislation on civil service can be divided into three parts:

1. Legislation regulating labor relations in the civil service;
2. Legislation regulating liability in the civil service.
3. Legislation related to the organization of civil service.

Labor relations of civil servants are established by labor legislation. In particular, it should be noted that the Labor Code of the Republic of Uzbekistan, which came into force on April 1, 1996, is the legal basis for regulating labor relations in the civil service. Article 18 of the Code

stipulates that "the specifics of the regulation of labor of civil servants shall be determined by law." [1]

This Code contains more systematic, perfect and clear norms than the labor legislation of other states, especially Western states. True, this Code regulates the civil service relationship in terms of the relationship between the employer and the employee, the social, labor rights and obligations of employees, but does not define the principles and legal regime of the organization of the civil service.

Recruitment, dismissal, working hours, vacation time, remuneration, guaranteed payments and compensation payments, labor discipline, financial responsibility, employer liability, labor protection, additional guarantees and benefits, social insurance rules, provision of benefits is carried out on the basis of the provisions of the Labor Code, unless otherwise provided by law.

The employment relationship of a civil servant is determined by the employment contract. An employment contract is concluded in writing and is a normative document. Its content is determined by the agreement of the parties and the provisions of labor legislation. The terms of employment contracts with civil servants may vary. The procedure for concluding an employment contract, the procedure for amendment, the procedure for termination, the documents required for the conclusion of the contract, the circumstances preventing the conclusion of the contract are specified in detail in the Labor Code. [2]

The procedure for appointing and dismissing ministers, heads of some central institutions, and regional governors is established by the Constitution of the Republic of Uzbekistan. For example, regional khokims are appointed and dismissed by the President of the Republic of Uzbekistan, and their appointment and dismissal are approved by the relevant regional Councils of People's Deputies.

Legislation regulating liability in the civil service has a special role in the system of public civil service legislation. Liability of civil servants means the application of certain types of penalties provided by law for violations of the law by civil servants. [3]

Liability can arise in case of non-compliance with the law, violation of service discipline, non-performance or improper performance of official duties or negligence, material damage to the state, public associations, violation of the rights and legitimate interests of citizens. The subject of this responsibility will be the civil servant.

The responsibility of civil servants can be as follows:

- Disciplinary liability;
- Administrative responsibility;
- Criminal liability.

The main document determining the rules of disciplinary liability is the Labor Code of the Republic of Uzbekistan, on the basis of which the rules of internal labor may be established.

The following disciplinary measures may be applied to a civil servant for violation of labor discipline by an authorized body or a manager: a fine in the amount not exceeding thirty percent of the average monthly salary (internal labor regulations may also provide for a fine in the

amount not exceeding fifty percent of the average monthly salary). termination of employment contract.

If the administrative liability of civil servants is established by the Code of Administrative Responsibility of the Republic of Uzbekistan, if there is a criminal element in their actions, it can be resolved by the Criminal Code of the Republic of Uzbekistan and the Code of Criminal Procedure of the Republic of Uzbekistan.

In particular, according to Article 15 of the Code of Administrative Responsibility of the Republic of Uzbekistan, a person holding a certain position in an enterprise, institution, organization, regardless of the form of ownership, is subject to management, organizational, ordering, inspection and control of material assets. is considered an official if the existing tasks are assigned. [4]

Not all officials are considered civil servants. To be a civil servant - a subject of administrative responsibility, of course, must hold a certain position (position) of the state in a public organization, perform the duties and functions of the state and commit an administrative offense in connection with civil service activities. [5] As a rule, civil servants (officials) are a special subject of administrative responsibility.

Officials should be held administratively liable for administrative offenses related to non-compliance with the established rules and regulations in the field of management, state and public order, protection of the natural environment, public health and other rules included in their official duties.

The most important normative legal act on the organization of the civil service is the Constitution of the Republic of Uzbekistan. Section V of the Constitution, entitled "Organization of state power", based on the principle of separation of powers, defines the basic rules for the organization of public civil service in Uzbekistan. [6]

According to the Decree of the President of the Republic of Uzbekistan dated February 7, 2017 No4947 "On the Action Strategy for further development of the Republic of Uzbekistan", the Action Strategy for the five priority areas of development of the Republic of Uzbekistan for 2017-2021 is a new step. In the implementation of its first direction "Improvement of state and society building", measures to improve public administration, first of all, civil service reform, reduction of public administration in the economy, modern forms of mutually beneficial cooperation between public and private sectors, e-government planned to implement. According to the decree, the basic principles of the organization and functioning of the civil service, the formation of the civil service, the transition to the civil service, the transition to service and resignation, the regulation of guarantees in this regard. [7]

Also, the Decree No5185 "On approval of the Concept of administrative reform in the Republic of Uzbekistan", signed by the President of the Republic of Uzbekistan on September 8, 2017, identified six main areas of public administration reform. One of them is the formation of an effective system of professional public services. According to him, the organization of the civil service, including the legal status, classification of civil servants; transparent mechanisms of recruitment (on a competitive basis), the formation of a reserve of personnel, the transfer of service, ensuring compliance with ethical standards. [8]

In order to systematize the tasks provided for in the Action Strategy and the Concept of Administrative Reforms and their implementation in practice, on October 3, 2019 the Decree of the President of the Republic of Uzbekistan No 5843 "Priority measures to radically improve personnel policy and civil service in the Republic of Uzbekistan" was adopted. [9] In our opinion, this decree covers a number of important aspects of the organization of the civil service:

First, the civil service in Uzbekistan is functionally divided into the state special service and the state civil service.

Second, the Agency for the Development of Public Service under the President of the Republic of Uzbekistan was established, which is responsible for implementing a unified state policy in the field of personnel management and human resource development in government agencies and organizations. The main tasks, functions and activities of the Agency are defined in the Regulations approved by the Presidential Decree No 4472 "On measures to organize the activities of the Agency for the Development of Public Service under the President of the Republic of Uzbekistan." [10]

Third, a program of measures has been developed in three areas to radically improve personnel policy and the civil service system in the Republic of Uzbekistan. The program includes the development of conceptual framework of personnel policy and the civil service system, improving the regulatory framework of the system, capacity building of the civil service, the development and adoption of a number of regulations, as well as some features of the system. implies improvement.

Fourth, the introduction of the principle of meritocracy and the "career model" in the system was established in order to create a transparent mechanism for entry into the civil service and career advancement.

Fifth, it is planned to develop a draft presidential decree approving the state register of civil service positions. The classification of civil servants' positions according to their powers (political, administrative and technical) and their levels (national, republican, regional and district) is one of the main shortcomings in this area. In particular, the Decree of the President of the Republic of Uzbekistan dated December 9, 2003 No3358 "On improving the system of public administration of the Republic", the Ministers of the Republic of Uzbekistan, although the register of positions is not in terms of civil service positions.[11] In accordance with the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No 339 of July 3, 1997 "On the establishment of a twenty percent increase in salaries of civil servants" lists of civil servants serving in public administration bodies and organizations are provided. [12]

The issue of ethics of civil servants also plays an important role in the organization of the civil service. This issue is reflected in the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated March 2, 2016 No 62 "On approval of the Code of Ethics for employees of public administration and local executive authorities." This decision means that all civil servants must follow the rules of ethics in the course of their employment. Thus, civil servants conduct their professional activities on the principles of justice, ensuring the rights and freedoms of citizens, a serious approach to the duties of the service, not putting the interests of the state and society above their own interests, not to allow corruption. The constant adherence of civil

servants to the rules of etiquette is important in that they are given special consideration in appointments to positions during their professional careers. [13]

In conclusion, although the civil service is regulated by a number of normative and legal acts due to the nature of labor, responsibility and organization, the lack of a single law remains the most pressing problem in public civil service legislation. Therefore, the adoption of the Law "On Civil Service" and its distinction from the special service due to the formation of a clear register of civil servants, a clear definition of the rights and obligations of civil servants based on the register of positions, the transition to a unified system of remuneration The solution of topical issues such as is the most important factor in the legislation in this area.

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