



FEATURES OF REFORMS IN THE FIELD OF CIVIL SERVICE IN THE REPUBLIC OF UZBEKISTAN

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Article history:	Abstract:
Received: April 30 th 2022 Accepted: May 30 th 2022 Published: July 6 th 2022	This article discusses proposals and recommendations for the implementation of reforms in the field of public service, the importance of the Constitution in the organization of public service, constitutional principles and their implementation, the relationship between public service and public civil service, the essence of the draft law "On public civil service" the role Constitutions in the creation of public service.

Keywords: civil service, public civil service, constitutional principles, labor contract, service contract, personnel policy.

Large-scale reforms aimed at improving the efficiency of the civil service are being carried out in our country. In particular, the adoption of the Decree of the President of the Republic of Uzbekistan No. PF-5843 "On measures to radically improve the personnel policy and the system of state civil service in the Republic of Uzbekistan" dated October 3, 2019, as well as the decree of the President of the Republic of Uzbekistan No. PP-4472 "On measures to organize measures in the program for the first time to radically improve the personnel policy and the system of state civil service in the Republic of Uzbekistan was tasked to legislate the basic concepts, provisions and guarantees of the state civil service in the Republic of Uzbekistan By improving the draft law of the Republic of Uzbekistan On this basis, the draft law of the Republic of Uzbekistan "On State civil service" was developed and approved by the "Oliy Majlis"

The absence of a single law defining the general aspects of public service, the basics, its types, organizational and legal framework, the procedure for its passage, as well as the legal status of a civil servant, has caused many problems. The development of the state is primarily connected with the proper organization of public service. The effective functioning of state bodies largely dictates the adoption of this law. As lawyer scientist E.V.As Okhotsky said "Civil servants, whatever their aspirations and interests, the state will also develop in this way".¹ This bill was finalized several times, but for some reason, it was never adopted.

Also, the development and adoption of the draft law "On Public service" were provided for in the action

strategy for the five priority areas of development of the Republic of Uzbekistan for 2017–2021 and the concept of administrative reforms of the Republic of Uzbekistan. How does this law relate to the law "On State Civil Service". "What is the difference between the public service of the state and the public service of the state? Because in the legislative acts of our Republic, the term "public service" is mainly used, but the concept of "Public service" and "civil servant" is not mentioned in any legislative acts. Legal scholars have mentioned only the theoretical foundations. Several scientists have described the concept of public services in different ways. In particular, the lawyer BM Lazerev described that "Civil service is the activity of serving the state, that is, the implementation of the tasks and functions of the state body in the public body at the request of a certain monetary reward."² As the legal scholar A.T.Khusanov writes this, the civil service consists of services that perform their functions on behalf of the state in the management of representative, executive, judicial and other state bodies.³ In the legislation of foreign countries, the concept of Public Service is defined as an activity aimed at ensuring the execution of the powers of state bodies in professional basis, close to each other, that is, when talking about public service. An analysis of the legislation of foreign countries and the scientific work of legal scholars shows that the state civil service is a type of public service that is part of the system of the state civil service. In particular, the Civil Service system in the legislation of the Republic of Armenia consists of the Civil Service, Judicial, Diplomatic Service, Special Defense Service, National Security, Police, Tax,

¹ Охотский Е.В. Государственная служба в Парламенте. – М., 2002.

² Лазерев Б.М. Гос. служба. – Л. 1993. – С.56

³ Мирбобоев Б., Хусанов О., Бегматов А. Ўзбекистонда давлат хизматини ўташнинг ташкилий-ҳуқуқий масалалари. – Тошкент: Академия, 2005.



Customs Service and several types of public services. The public service system of the Kyrgyz Republic includes types of public service, military, law enforcement and diplomatic service. The system of the Russian civil service consists of such types as state civil, military and law enforcement service. In the Federal Republic of Germany, the State civil service is called the civil service. The division of public services into such types means that in the legislation of each state there are types of public services that are regulated by special laws. In the legislation of our country, the types of military service, law enforcement services, taxes, customs services and numerous other types of public services were also regulated by separate legislative acts, but there was no legislative act regulating the state civil service and its establishment. In some states, the relationship between the state public service and the public service is regulated either by the Public Service Law of the same state, or by separate laws on public service or public service, and it is established that the state public service is a kind of public service. It was also noted that the activities of the President, Prime Minister, governors, judges and other persons holding public political positions are not considered state civil service.

Public services in the Republic of Uzbekistan are regulated on the basis of the Constitution and some legislative acts. In particular, public relations arising in the field of public service, the provision of public services regulated by constitutional, administrative, financial, labor and other legislative spheres.

If the Constitution of the Republic of Uzbekistan defines the basis for organizing the activities of State bodies and officials in the Republic of Uzbekistan, then its implementation is regulated on the basis of legislative acts on public service. Today, almost all the world's countries have taken an active position in the legal support of the Institute of Public Service. Many legislators positively assess the fact that the establishment of the Institution of Public Service at the constitutional level provides a basis. In particular, such a rule has been introduced in the USA, France, Germany and other countries. In particular, there are such norms in the French Constitution of 1958, in the German Constitution of 1949⁴.

As we said earlier, the foundations of the organization of public service are laid down in the Constitution of the Republic of Uzbekistan. Public

service is of greatest importance in fulfilling the tasks established by the Constitution of the Republic of Uzbekistan. It provides for a democratic balance, respect for the fundamental freedoms of the rule of law, as well as the protection of human rights and freedoms. The reforms carried out by public policy through the public service will be carried out democratically .

Several articles of the Constitution of the Republic of Uzbekistan have strengthened the basic principles of establishing direct public services and conducting public service. In particular, the responsibility of state bodies and officials to society and citizens. The State expresses the will of the people and serves their interests. In this regard, note that the principle of serving the interests of the state and society of the leader imposes several requirements for his deviation from the narrow interests of the individual and other members of the political group: the first requirement is political neutrality, he must have a conscious position of obedience to the law and on this basis he must serve honestly; the third requirement is the popularity of public service, then there is giving it a character that gives it the essence of Universal Service that provides a common set of interests of the state, society and the individual. Such an approach should fully comply with the norms of professionalism, public opinion, morality, spirituality and other norms of public service; the fourth requirement is open transparency of public service.⁵

We see that the idea that "the people should serve our people, not state bodies," laid down in the concept of administrative reforms, also underlies the Constitution.

According to state law, citizens can directly participate in public service. Such participation may perform certain activities in the public service. In particular, according to article 32 of the Constitution of the Republic of Uzbekistan, citizens have the right to participate directly and through their representatives in the management of public and State affairs.

According to article 35 of the Constitution, everyone has the right to apply directly to himself and others, with applications, proposals and complaints to the institutions of competent State bodies or representatives of the people. It should also be noted that only citizens of the Republic of Uzbekistan will have the right to participate directly in public administration.

All citizens have the same rights during public service, regardless of nationality, gender, language,

⁴ ОБЩЕСТВО И ПРАВО • 2017 • № 1 (59). 158-161-стр

⁵ Алиева К. Давлат хизматчиси фаолиятининг тамойиллари ва меъёрлари // Жамият ва бошқарув.– 2008.– №2.– Б.5-11.



religion, social origin and other characteristics, are equal before the law. In the civil service, the state creates equal conditions for the functioning of citizens moving up the career ladder or positions. All civil servants must organize their activities on the basis of the Constitution and laws in force to ensure the common rights and legitimate interests of citizens in this area, if the requirements arising from the Constitution and laws are met. The achievement of the goals set for our state largely depends on the proper organization of state bodies and their activities, that is, on the maintenance of public service. The principle of legality is that the organization and functioning of the civil service should be based on the norms of law and carried out in such a way as to ensure the interests of society and citizens; civil servants should rely on existing legislative acts, perform their activities only within the competence of state bodies, timely perform the tasks assigned to them.

We should note that the Constitutions of developed foreign countries clearly state that citizens have equal rights when entering the civil service. Moreover, the Italian Constitution of 1947 stipulated that representatives of the two sexes have equal rights to enter public service and hold-elected positions on the same terms.⁶ In our opinion, it would be advisable to establish the norm "citizens of the Republic of Uzbekistan have an equal right to access to public service," as well as the rights of citizens in our Constitution. This norm served to ensure the rights of citizens to access public services, to prevent various illegal restrictions.

This means that in the Republic of Uzbekistan it is organized and developed on the basis of the principles and other circumstances specified in the Constitution of the civil service (i.e. on the basis of people's power (articles 7–14), the rights and freedoms of people and citizens (articles 18–52), the State structure (articles 68–75), the judiciary (106–116

The maintenance of the main aspects of the civil service, its organizational foundations and functions directly follows from its principles. The principles of the civil service determine the functions of not only the civil service, but also the system of all state bodies, important aspects of its organization. The Principles of Public Service are strict guidelines that express the functions and functions of state bodies, civil servants in the public service system. The principles of public service reveal a general view of the main activities of civil servants and fix them to the norms of the Legal Institute of Public Service.

The civil service is organized on the basis of the division of power specified in the Constitution of the Republic of Uzbekistan into legislative, executive and judicial power. The division of state powers between the authorities is one of the important signs of building a democratic state based on the rule of law. The authorities are independent of each other, each of which performs a certain set of tasks and functions facing the state.

The current laws and other normative acts adopted on the basis of the Constitution of the Republic of Uzbekistan are also of great importance in the legal promotion of public service. In particular, it includes the Labor Code of the Republic of Uzbekistan, laws of the Republic of Uzbekistan and resolutions of the Oliy Majlis (Parliament), documents adopted by the President and Government of the Republic of Uzbekistan, decisions taken by local state bodies within their competence, legislation of the Republic of Uzbekistan. documents adopted by the central executive authorities. As we have already said, a draft law "On State civil service" has been developed and is being discussed. This draft law also defines the scope of the law and specifies which areas that are not applied: this law applies to all civil servants of the Republic of Uzbekistan, barring the President of the Republic of Uzbekistan, members of the Legislative Chamber of the Republic of Uzbekistan and members of the Senate of the Oliy Majlis.

It is established that the legal status of civil servants serving in law enforcement, defense, state security, diplomatic, customs, tax and rescue services is regulated by separate legislation. Service in the military service and law enforcement agencies of the Armed Forces of the Republic of Uzbekistan is a special service of the State and is regulated by separated legislation

In fact, there are separate laws regulating public services in the abovementioned areas. For example, the law on internal Affairs bodies, the Law on the State Security Service, the Law on Defense, the law on universal military duty, the law on military service, the law on the State Customs Service of the State Tax Service and other similar special laws are regulated.

It is also established that a citizen of the Republic of Uzbekistan who implements the draft law in position included in the State Register of Positions of the State Civil Service is considered a civil servant. The list of state positions in the Register of State Positions of the Civil Service, that is, the hierarchical organization of state bodies and organizations, is approved by the President of the Republic of Uzbekistan. Now the

⁶. ОБЩЕСТВО И ПРАВО • 2017 • № 1 (59). 158-161-стр



question of who is a civil servant and how to assess his legal status, social guaranties, and his activities will not remain a subject of discussion.

The scope and purpose of the application of the law in the draft law; the main provisions of the state civil service; the powers of the President of the Republic of Uzbekistan and the Cabinet of Ministers in the field of state civil service; the legal status (status) of a state civil servant (rights, duties and restrictions related to the provision of state civil service); Prevention of corruption in

Measures (declaration of conflicts of interest, income, property and numerous expenses); National personnel reserve; procedure for admission, passage and liquidation of the state civil service; groups and categories of public positions; qualification and career levels of civil servants; professional development of civil servants; performance evaluation system (KPI); remuneration for the work of civil servants of the state, In our opinion, in this draft law it is necessary to clarify and improve the norms defining the working hours of civil servants, their rotation, certification of civil servants. The terms of the service contract and the employment contract were also used in the project⁷. But these terms are not described. A service contract or an employment contract is conducted with citizens of the Republic of Uzbekistan who have been accepted for public service. The service contract regulates the basic conditions of public service. This is the subject of an official contract and is deemed the duties of the State and civil servants. The current legislative acts, although both of these concepts are used as synonyms, legally they differ from each other. In the legal literature, the following difference is mainly mentioned. Relations with the Labor Code under employment contract, relations with an employment contract are regulated by special legislative acts regulating public service (in particular, the Law of the Russian Federation "On the Right to Public Service"). The employment contract is also concluded for an indefinite period. The service contract is concluded for a certain time. The employment conditions may be canceled at the discretion of both parties. The service contract can be terminated only with the consent of the state body⁸. It is also possible that the head of the state body will refuse to satisfy the petition for the release of the civil servant. An additional ground for termination of the contract may also be established. The service contract also provides for state

guaranties of public service. It would be desirable, considering the mentioned features, as well as in the current legislative acts, to determine the exact difference between these two terms and the order of their use. The use of each term in its place is important in regulating relations between civil servants.

Simultaneously, the social network believes that the adoption of this law is important not only for the declaration of property and large-scale expenses of civil servants. However, the declaration is carried out to eliminate and combat corruption of the state authority organs, and this procedure should be applied not only to public servants of the state, but also to all types of public servants. According to this law, only public servants of the state and they are regulated by the declaration of income, property and large expenses of family members. It would be advisable that the procedure for declaring the income, property and numerous expenses of other civil servants and their family members should also be established by special laws. The adoption of a law that defines the organizational and legal foundations of the civil service, its subordination, the main type of public service, is essential in the development of our state, in the effective functioning of the Civil Service and serves to eliminate existing problems and disputes in this area.

Instead of concluding, we can say that the effective functioning of the public service depends on how it is regulated in legal terms. In particular, the fact that the foundations of the organization of public service are enshrined in the Constitution, as well as the improvement of laws adopted to implement constitutional norms and ensure their implementation, serve to ensure the full realization of human rights. Simultaneously, the idea that "the people should serve our people, not state institutions" is important for the full realization of life.

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⁷ hudud24.uz/uzoq-muxokamalarga-sabab-b'ylgan-qonun-loyixasi-davlat-hizmatchisining-xuqukiy-maqomini-belgilash-zarur-edi

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