



NATIONAL AND FOREIGN EXPERIENCE OF STIMULATING CIVIL SERVANTS

Alisher Nasirdinovich Juraev

Phone: +998(90)9867973

Tashkent, Uzbekistan

juraev.a505@inbox.ru

Article history:	Abstract:
Received: July 10 th 2022 Accepted: August 10 th 2022 Published: September 20 th 2022	This article discusses what encouragement is in the public service, the specifics and essence of the concept of encouragement, as well as the problem of encouragement as a method of legal regulation and the reasons for this. The current state of legal reality has been studied, requiring the development of incentives as a special way to simplify social relations. The legal nature of normative legal acts regulating the legal status of civil servants is investigated. And also in the article examples of the international experience of civil servants are given.
Keywords: State civil service, incentives, personal interests and behavior	

The introduction of the concept of "public civil servant" into national legislation requires the development of new regulatory legal documents aimed at regulating relations in this area, or the introduction of appropriate amendments and additions to existing legal documents. However, due to the fact that a single law in the field of civil service has not yet been adopted, relations in this area, especially labor relations, are regulated by the Labor Code.

Due to gaps in the legislation on the protection and protection of the rights of civil servants and recreation, which reduces the prestige and attractiveness of the public administration system in state bodies and organizations, causes dissatisfaction among workers, including chronic non-compliance with laws related to the work of workers, infringement of their dignity and legitimate interests, disregard for legal requirements in this area.

Cases of chronic non-compliance with labor legislation by state authorities and administration, including forced labor, concealment of vacancies, informal employment of citizens without an employment contract, non-compliance with working hours, reduced the prestige and attractiveness of the civil service among the population, especially active youth and women, decreases.

In particular, when analyzing the employment status of more than 11,000 higher education graduates, in 2019, 38% of them were employed in public administration, 41% in the private sector, and in 2020 this figure was 32% and 46%. %, respectively. In this case, it is clear that in the minds of the youth of our country, work in the private sector is preferable to work in public administration.

Also, 76 percent of the more than 3,200 women who took part in the survey said that they would not enter the civil service, because the actual mode of work in public administration does not correspond to their personal and family life.

At the same time, according to information provided by the Ministry of Employment and Labor Relations, the total number of violations of the requirements of the Law on Labor and Labor Protection in our country 98 percent falls on the share of state bodies and organizations, that is, only 2 percent of violations of the law in this area fall on the private sector.

Non-compliance with working time norms, non-compliance with the rules for granting leave and medical examinations to employees affects the psychological state of employees, causing chronic fatigue (exhaustion), nervous diseases, and also negatively affects their health and family environment. In particular, in the case of Andijan region, over the past two years among civil servants, diseases with blood pressure have increased by 105% (3933 cases), diabetes by 110% (1424 cases), osteochondrosis by 106% (2731 cases).), metabolic disorders by 108% (2214 cases), gastritis increased by 104% (2031 cases).

In the Bukhara region, blood pressure diseases accounted for 107% (3782), diabetes mellitus 117% (740), osteochondrosis 115% (1097), metabolic disorders 111% (2379), gastritis 109% (1553).

Also, only in the city of Tashkent in 2019, 225 divorce cases between civil servants were considered in courts, while in 2020 this figure reached 270, which means an increase of an average of 20%.

The practice of chronic non-compliance with labor laws by employees, belittling their dignity and



legitimate interests, ignoring the requirements of legislation in this area in government bodies causes reasonable objections and numerous discussions among employees and the public, in the mass media, including the Internet and social networks.

In particular, in 2020-2021, more than 200 materials (articles, posts and journalistic requests) were published on websites and social networks, thousands of negative user comments on these issues were left.

At present, only in some types of state bodies and organizations, in order to further encourage employees, the legislation guarantees special benefits for their use of household and retail services, including vacations at reduced prices in mountain and health resorts, and the use of free medical services. services, auto and home loans.

It should be noted that when deciding on the application of incentive measures to civil servants, the following are taken into account:

- assessment of the quality of performance of official duties by civil servants, the duration and conscientiousness of service, the quality of performance of particularly important and complex tasks, the efficiency and effectiveness of the work of a civil servant;
- achievements of civil servants in other services.

Measures to encourage civil servants brought to disciplinary responsibility, regardless of their specific service, are not applied within one year from the date of application of the disciplinary sanction, with the exception of cases of early removal of the disciplinary sanction.

According to Article 55 of the Law "On the State Civil Service of the Russian Federation", the following incentives and incentives are applied for an impeccable and efficient public service:

- 1) expressing gratitude by paying a one-time incentive;
- 2) awarding an honorary diploma of a state body with a one-time incentive or valuable gift;
- 3) other types of incentives and awards of the state body;
- 4) a one-time incentive payment in connection with the appointment of a pension for long service;
- 5) encourage the government of the Russian Federation;
- 6) encourage the President of the Russian Federation;

7) awarding state awards of the Russian Federation.

In accordance with Article 35 of the Law of the Republic of Kazakhstan "On Civil Service", promotion of civil servants is carried out for exemplary performance of official duties, impeccable civil service, performance of special and complex tasks and other achievements in work, as well as based on the results of their performance evaluation.

The following benefits may be granted to civil servants:

- 1) a one-time monetary reward;
- 2) expression of gratitude;
- 3) reward with an expensive gift;
- 4) presentation of a diploma;
- 5) awarding an honorary title;
- 6) other forms of encouragement, including departmental awards.¹

Pursuant to Article 31 of the Lithuanian Civil Service Law, a person who recognizes a civil servant for impeccable performance of official duties and, if he is appointed to a position by the government or a local government council, is appointed by the government the minister of a certain administrative region or local government, on the proposal of the mayor, may reward in the manner established by this law and other legal acts.

There are the following types of incentives for civil servants:

- 1) gratitude;
- 2) a gift;
- 3) a cash payment in the amount of an official salary for the implementation of the goals set for the institution or a special personal contribution for the results achieved and tasks performed (but not more than 2 times during a calendar year);
- 4) 5 days of paid rest day or a corresponding reduction in working hours;
- 5) a one-time cash payment in the manner prescribed by the state;
- 6) payment for advanced training once a year in an amount not exceeding the official salary of a civil servant.²

It should be noted that the types of incentives in the public service have different forms from the scientific, theoretical and legal points of view.

¹ Закон Республики Казахстан от 23 ноября 2015 года № 416-V «О государственной службе Республики Казахстан» // https://online.zakon.kz/Document/?doc_id=36786682&pos=734;-59#pos=734;-59

² <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/a45bb470fbd511e993cb8c8daaf8ff8a>



As is known, incentive measures in the civil service of the state directly include their use of rest and vacations. This issue is reflected in the experience of Lithuania and other countries.

In the Republic of Korea, the Ministry of Employment and Labor announced that subsidies will be provided to employers in 2020 to transfer employees to flexible working hours. In 2020, the ministry released a guide to "working remotely" and how companies arrange for employees to work remotely, as well as developing advisory programs for small and medium-sized enterprises.

In Japan, the law on working hours, breaks and holidays provides for a modified working time system, and options for changing working hours and working hours are specified for the week, month and year. In 2018, the Japanese government released the "Guidelines for the Implementation and Implementation of Non-Office Work Using Telecommunication Technology" as part of the "Work Style Reform". This Guide has been effective during the COVID-19 pandemic. Subsidies were allocated by the Japanese government to companies that have transferred their employees to a remote form of work.

One of the main social guarantees provided to a public servant in the United States is a flexible incentive pay system that guarantees additional pay for overtime work. The remote work system is regulated by the Law "On Improving Remote Work" (2010), according to which a civil servant undergoes special online training for remote work, and the employer provides the employee with all the necessary equipment.

In the United Arab Emirates, the Federal Office for Civil Service Human Resource Management (FAHR) has been established as a special authorized body for the definition and implementation of social guarantees for civil servants. The Imtiyazat program was developed by this department and defines a set of preferential retail and consumer services provided to civil servants under this program.

The Republic of Azerbaijan adopted Law No. 926-PQ dated 21.07.2000 "On Public Service", articles 21 and 23 of which are devoted to social guarantees for civil servants.

Also, this Law defines the working hours of civil servants, and the working hours are 40 hours per week, which can be reduced in accordance with the Labor Law. The working time of a civil servant can be extended up to 5 hours per month, if this time exceeds 5 hours, a separate fee is charged for each hour;

The Federal Law of the Russian Federation "On the State Civil Service" was adopted on July 27, 2004,

Article 52 of which defines the main state guarantees for state civil servants, and additional state guarantees for state civil servants in Article 53.

The Labor Code of the Russian Federation describes the concept of remote (remote) work and determines the procedure for remote work.

The Law of the Republic of Kazakhstan "On Public Service" establishes social guarantees for civil servants and members of their families (Chapter 9, Articles 53-58). Since 2019, the Ministry of Labor has been taking measures against employees who are at work outside of working hours without an official order from the employer. The Labor Code of the Republic of Kazakhstan provides the basis for remote work.

Ensuring safe working conditions is enshrined in the conventions of the International Labor Organization. The form of remote work aims to ensure the safety conditions described in the following documents during the pandemic:

- Convention No. 187 on the Fundamentals of Occupational Safety and Health (2006);
- "Remote Work During the COVID-19 Pandemic: A Guide for Employers." Geneva: International Labor Office, 2020. ("Working from home during the COVID-19 pandemic: A guide for employers." Geneva: International Labor Office, 2020. ISBN 978-92-2-032556-8).

In addition to the above documents, the international standard ISO 9001:2000 is widely used in the organization of public service in the developed countries of the world - in regulating the activities of employees in government bodies (organizations).

For example, in the constituent entities of the Russian Federation, the quality management system of the Ministry of Finance is installed in accordance with the ISO 9001:2000 standard, in the USA, Great Britain, France, Japan, Canada, China, Israel, Poland and other developed countries, international ISO standards are widely used in government bodies. . For example, in France, 85% of public authorities are certified according to the requirements of the ISO 9001:2000 standard.

Ensuring safe working conditions is enshrined in the conventions of the International Labor Organization. The form of remote work aims to ensure the safety conditions described in the following documents during the pandemic:

- Convention No. 187 on the Fundamentals of Occupational Safety and Health (2006);
- "Remote Work During the COVID-19 Pandemic: A Guide for Employers." Geneva: International Labor Office, 2020. ("Working from home during the COVID-19 pandemic: A guide for



employers." Geneva: International Labor Office, 2020. ISBN 978-92-2-032556-8).

In the situation arising from the above, it is necessary to develop a draft regulatory document that provides for the following:

- development of a procedure for remote organization of the activities of civil servants;
- establishing a list of functions that civil servants can perform remotely;
- development of special software (platform) for organizing remote work, ensuring information security;
- allocation by the Government of subsidies to state bodies and organizations that widely use the remote method of work;
- determination of the basis for the transfer from the Vaktbai to the Ishbai system when establishing working hours for certain categories of state civil positions (for example, those involved in analysis and reporting);
- the introduction of a flexible system of working hours in agreement with the employer (i.e. from 10.00 to 19.00, etc.).

Formation of organizational and legal foundations for expanding the system of social protection and guarantees for civil servants:

provision of free medical services, mandatory medical examination, introduction of a mechanism for preferential use of household and retail services and tools;

introduction of discounts and benefits for civil servants based on the proposals of business entities for services and goods (in the case of the UAE). A special electronic platform will be created, which business entities will be able to use.

And lists discounts. In this case, a double benefit is formed due to an additional guaranteed contingent of consumers for entrepreneurs providing the service.

LIST OF USED LITERATURE:

1. Бахрах Д. Н. Административное право : учебник для вузов. М. : БЕК, 1997. С. 194.
2. Гущина Н. А. Поощрительные нормы российского права : теория и законодательная практика. СПб. : Юридический центр «Пресс», 2003. С. 15
3. Петров Г. М. Поощрение в государственном управлении (правовые аспекты). Ярославль : Изд-во Яросл. гос. ун-та, 1993. С. 39–41.
4. Қонунчилик маълумотлари миллий базаси, 21.04.2021 й., 03/21/683/0375-сон

5. Полетаев Ю. Н., Клочков М. А. Правовое регулирование труда государственных гражданских служащих : учеб. пособие для вузов. М. : Юрайт, 2020. С. 133–134.
6. Жураев, А. Н. (2021). REPRESENTATIVE INSTITUTE FOR THE PROTECTION OF THE RIGHTS AND LEGAL INTERESTS OF BUSINESS ENTITIES IN ENSURING THE RULE OF LAW. *ЖУРНАЛ ПРАВОВЫХ ИССЛЕДОВАНИЙ, (SPECIAL 1)*.
7. Трофимов Е. В. Наградное право (общая часть) : электрон. учеб. пособие. СПб., 2014. С. 8.
8. Федеральный закон от 27.07.2004 N 79-ФЗ (ред. от 30.12.2021) "О государственной гражданской службе Российской Федерации"// http://www.consultant.ru/document/cons_doc_LAW_48601/b4571f_7a9120_979f68b264a2b4b03e06a52e0001/
9. Закон Республики Казахстан от 23 ноября 2015 года № 416-V «О государственной службе Республики Казахстан» // https://online.zakon.kz/Document/?doc_id=36786682&pos=734;-59#pos=734;-59
10. <https://eseimas.lrs.lt/portal/legalAct/lt/TAD/a45bb470fbd511e993cb8c8daaf8ff8a>
11. Juraev, A. (2021, November). ACCOUNTABILITY OF THE REPRESENTATIVE UNDER THE PRESIDENT OF THE REPUBLIC OF UZBEKISTAN FOR THE PROTECTION OF THE RIGHTS AND LEGITIMATE INTERESTS OF BUSINESS ENTITIES. In *International Scientific and Current Research Conferences* (pp. 168-172).
12. Juraev, A. N. (2022). Specific Characteristics of Types of Incentives in the State Civil Service. *Eurasian Journal of Humanities and Social Sciences, 10*, 4-8.
13. Жураев, А. (2022). Давлат фуқаролик хизматида рағбатлантириш тушунчаси ва унинг ўзига хос хусусиятлари. *Общество и инновации, 3(6/S)*, 105-112.