

LEGAL BASIS FOR EVALUATING AND CERTIFYING THE ACTIVITIES OF A CIVIL SERVANT

Farida Isaeva,

Senior lecturer

Department of “Administrative and financial law”

Tashkent State University of Law

E-mail Farida.isaeva@indox.ru.

ABSTRACT: This article analyzes the legal basis for the certification of civil servants, the goals, principles, stages, the procedure for conducting certification, the activities of the certification commission, the conclusion of the commission, the decision-making process based on the conclusion of the certification commission, as well as the legal consequences of certification. The article examines the experience of the Republic of Uzbekistan and foreign countries in the field of certification of civil servants.

KEYWORDS: civil servant, certification, evaluation, the purpose of certification, principles, certification commission, conclusion.

INTRODUCTION

At present, large-scale reforms aimed at improving the system of public administration and Public service are being implemented in our country. The main goal of the reforms is to improve the quality of personnel, fill the civil service with highly qualified personnel, as well as increase the efficiency of the civil service system. The strategy of action on the five priority areas of development of the Republic of Uzbekistan for 2017-2021, adopted on the basis of the Decree of the President of the Republic of Uzbekistan dated February 7, 2017 No. UP-4947, also defines the construction of the state and society as the first priority area of one of the main tasks. Particular attention was paid to further strengthening the role of parliament and political parties in deepening democratic reforms and modernization of the country aimed at improving state and public construction, reforming the public administration system, developing the organizational and legal foundations of public service, improving the "Electronic Government"

system, improving the quality and efficiency of public services, practical implementation of public control mechanisms, strengthening the role of civil society institutions and the media. As noted above, as the first of the five priority areas of development of the Republic of Uzbekistan, special attention is paid to reforming the public administration system, developing the organizational and legal foundations of the civil service, increasing the role of parliament and parties, further developing e-government and improving the quality and efficiency of public services. From this it can be seen that one of the priority areas for improving state and public construction is the reform of the system of public administration and public service by decentralizing public administration, increasing the level of professional training, material and social security of civil servants and gradually reducing the participation of the state in regulating the economy [1]. In addition, the sixth direction of the concept of administrative reform, approved by the Decree of the President of the Republic of Uzbekistan dated September 8, 2017 No. UP - 5185, provides for the formation of an effective system of professional public service, the introduction of effective anti-corruption mechanisms in the system of executive authorities [2]. An important role in the implementation of the above measures, as well as in improving the efficiency of the civil service, is the assessment of the activities of civil servants, as well as their certification. By evaluating the effectiveness of the activities of civil servants, the formation of the most worthy, capable and professional persons in the civil service and the formation of an effective system of public service is achieved.

In accordance with the Decree of the President of the Republic of Uzbekistan dated October 3, 2019 No. UP-5843 "on measures to radically improve the personnel policy and the system of public civil service in the Republic of Uzbekistan", one of the main tasks of the Agency for the Development of Public Service is the introduction of a system of measurable indicators (the most important indicators) for evaluating the effectiveness of public civil servants and analyzing their results, the study of public opinion and the formation of an open rating of heads of state bodies and organizations [3]. The role of civil servants in achieving the efficiency and effectiveness of the activities of state bodies is great. Because the higher the efficiency of the activities of civil servants working in a state body is evaluated, the higher the efficiency and effectiveness of the activities of the state bodies in which they work will be. Or it could be the other way around.

In addition, the evaluation system of civil servants also serves as a factor of their material

motivation. For example, in accordance with the changes made by South Korean President Kim Dae-Jung to the wage system in 1999, additional bonuses were introduced to the salaries of civil servants. In accordance with these bonuses, employees who have achieved high efficiency have been introduced surcharges to the basic tariff. At the same time, it was found that 10% of employees who have achieved the highest efficiency receive 150%, 10-30% of employees in the range of 100% and 50% of employees in the range of 30-70% with a bonus. This will contribute to further improving the efficiency of the staff, especially the personnel functioning at the expense of the state budget.

In recent years, our State has taken a number of measures to assess the main performance indicators of executive authorities, in particular on the ground. Based on the instructions of President of the Republic of Uzbekistan Sh.M. Mirziyoyev which was given by during his visit to the Khorezm region on March 12-13, 2020, since April 2020, the practice of regularly evaluating the activities of the heads of the khokimiyats of the city of Urgench, Khazar, Yangibazar and Yangiarik districts based on the most important performance indicators has been introduced as an experiment.

THE MAIN FINDINGS AND RESULTS

On this basis, the most important performance indicators – evaluation indicators - have been determined separately for the deputy khokims of these districts. When developing performance indicators, the authorized body has identified the Agency for the Development of Public Service under the President. Another important aspect of this practice is that, based on the above Korean experience, in contrast to the current norms related to the organization of public authorities in the field, the issues of material support for managers of these areas have become determined by the state of their performance indicators. This, of course, is one of the important factors of effective management [4].

The introduction of a system of measurable indicators for evaluating the effectiveness of civil servants, in turn, will serve as the main indicator for the certification of a civil servant. In this regard, the evaluation of the effectiveness of the activities of civil servants should be directly related to their certification.

The concept of attestation is used in explanatory dictionaries to give someone a characteristic, recommendation, assign a title and evaluate someone's knowledge.

In many encyclopedias, certification is the definition of qualifications, the level of

knowledge of an employee or student; a characteristic of his abilities, business and other qualities. .

As the analytical dictionary-reference book shows, certification (from Lat. attestation - certificate) is usually understood in two meanings:

- 1) Determining the qualifications of an employee or student, the level of knowledge, the quality of products, jobs, the level of activity of the institution;
- 2) characteristics of abilities, knowledge, business and other qualities of any person.

In Russia, the certification of a civil servant is carried out directly to determine the level of his professional training and compliance of a civil servant with public service, as well as to resolve the issue of assigning qualifications to a civil servant [5].

The legal institute of certification of civil servants, in turn, is of great importance in the course of public service. This legal institution is regulated by various legislative acts of the Republic of Uzbekistan.

Before talking about the certification of civil servants, it should be particularly noted that there is no single definition of this concept in legislative acts. In the legal literature, it is defined as the legal institution of certification of civil servants - a set of legal norms regulating public relations arising in the process of organizing public service, performing tasks and duties to exercise and ensure the powers of various state bodies [6].

Certification in a narrow sense is carried out in order to assess the professional, business and personal qualities of an employee, to verify his compliance with official requirements.

Legal scientist Y.N.Starilov believes that the certification of civil servants is carried out in order to check the level of professional training of a civil servant and his compliance with the requirements of a public official, as well as to resolve the issue of assigning a qualification category to a civil servant. Thus, the legislator defined two main tasks of certification: firstly, to determine whether an employee is worthy of the position (i.e., to determine the level of professional training); secondly, to assign a qualification category [7]

According to some other legal scholars, attestation is the activity of higher state bodies carried out in accordance with the procedure established by law in order to improve the recruitment of personnel for the civil service, professional development of employees, their placement, determination of the level of professional training of employees, their compliance with the position, as well as the assignment of the next qualification level [8].

Certification is an assessment of the professional qualities of civil servants. In some cases, certification can also be carried out in order to achieve specific goals and solve clearly defined tasks.

When studying the experience of foreign countries, it is believed that this institution exists in almost all developed countries, it is used to determine whether civil servants are worthy of the system or not, as well as to give certain degrees to employees through attestation. In particular, the lawyer scientist A.S.Adamovich writes in his work "gosudarstvennaya slujba": the primary goal from the introduction of attestation is to determine the level of knowledge and qualifications of the servant, which are considered one of the main conditions in determining any rank or category and levels for the servant. [9]. We can also see that having a career level of a civil servant, as well as an increase in the career level, depends on the work experience of the civil servant, as well as on the result of his attestation. In particular, in Frantism, every official is given a career. A career is a title that gives the right to engage in certain positions to a person who has it. Each corps consists of many careers, which in turn are divided into stages. Although careers and positions are generally interrelated, there may also be a complete mismatch between them. The rise in rank certainly does not lead to a rise in the rank either (just as in the army the rise of the rank and rank does not correspond to each other). Having a career is determined depending on the results of the selection examinations and the passage of the qualification upgrade. Career growth ishlangan depends on years of Service and attestation. Attestation is also a condition for a rise in position. In order to move to a higher position category, either the decision of the leadership, or the choice will have to be passed. Even when moving to another body, it is usually necessary to pass a selection

CONCLUSION

From the foregoing, we can conclude that I believe that the procedure for attestation of civil servants should be brought to one system. In addition, according to the results of the attestation, in addition to the above-mentioned assessments, again, the issue of bringing the civil servant to responsibility must be resolved. This will serve to increase the responsibilities of civil servants in the performance of their duties as well as their service disciplines.

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