

LEGAL FRAMEWORK FOR THE REGULATION OF CIVIL SERVICE IN THE REPUBLIC OF UZBEKISTAN

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Abstract: 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.

Introduction

Our country is carrying out large-scale reforms aimed at improving the efficiency of the civil service. In particular, the Decree of the President of the Republic of Uzbekistan No. PD-5843 of October 3, 2019 “On measures to radically improve the system of personnel policy and public service in the Republic of Uzbekistan” and the Agency of the Republic of Uzbekistan of Uzbekistan for the development of public service under the President of the Republic of Uzbekistan. 4472 “On measures to organize the activities of the civil service” laid the organizational and legal foundations for the organization of the civil service. The

program of priority measures to radically improve the personnel policy and the system of civil service in the Republic of Uzbekistan ,the task is to strengthen by law the basic concepts, regulations and guarantees of the civil service in the Republic of Uzbekistan by improving the draft law “On civil service” taking into account the recommendations of foreign experts and the general public. On this basis, the draft Law of the Republic of Uzbekistan “On Civil Service” was developed and submitted for public discussion.

The Main Findings and Results

We all know that for many years the adoption of the Law “On Civil Service” has been a pressing issue. The absence of a single law that defines the general aspects, foundations, types, organizational and legal mechanism of civil service, the procedure for its passage, as well as the legal status of a civil servant, has caused many problems. The bill was revised several times, but was not passed for some reason. Also, the development and adoption of the draft law “On Civil Service” was 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. Many scholars define public service in different ways. In particular, legal scholar O.T. Khusanov writes that the state service consists of services in representative, executive, judicial and other state bodies that perform its functions on behalf of the state [10]. In the legislation of foreign countries, the concept of civil service is almost identical, ie the civil service is defined as an activity aimed at ensuring the implementation of the powers of public authorities on a professional basis. An analysis of the legislation of foreign countries and the scientific work of legal scholars shows that the civil service is a part of the civil service. In particular, the legislation of the Republic of Armenia includes the civil service, judicial, diplomatic service, special defense service, national security, police, tax, customs service and a number of

public services. The civil service system of the Kyrgyz Republic includes civil service, military, law enforcement and diplomatic services. The Russian civil service system consists of such types as the state civil, military and law enforcement service. In the Federal Republic of Germany, public civil service is called public service. The division of the civil service into such types means that there are types of civil service regulated by special laws in the legislation of each state. In the legislation of our country, military service, law enforcement services, taxation, customs service and a number of other types of public service are regulated by separate legislation, but there was no legislation regulating public service and the mechanism of its organization.

Public service in the Republic of Uzbekistan is comprehensively regulated by the Constitution and a number of legislative acts. In particular, social relations arising from the organization of the civil service, the transition to the civil service, are regulated by the constitutional, administrative, financial, labor and other legislative spheres.

The Constitution of the Republic of Uzbekistan determines the basis for the organization of the activities of state bodies and officials in the Republic of Uzbekistan, and its implementation is regulated by the legislation on public service. Today, almost all countries of the world take an active position in the legal support of the civil service. The fact that many legislators have laid a constitutional foundation for the establishment of a civil service institution is positively assessed. In particular, such a rule has been introduced in the United States, France and Germany and other countries. In particular, the Constitution of France of 1958 and the Constitution of Germany of 1949 contain such norms [11].

As mentioned above, the basis for the organization of public service is set out in the Constitution of the Republic of Uzbekistan. The civil service plays an important role in

fulfilling the tasks set by the Constitution of the Republic of Uzbekistan. It ensures democratic balance, adherence to the basic principles of the rule of law, and the protection of human rights and freedoms. Reforms in public policy through the civil service will be implemented in a democratic way.

Several articles of the Constitution of the Republic of Uzbekistan directly strengthen the basic principles of the organization of the civil service and the transition to the civil service. That is, on the basis of the principles and other provisions of the Constitution on the public service of the Republic of Uzbekistan (ie the people's government (Articles 7-14), human and civil rights and freedoms (Articles 18-52), state structure (Articles 68-75), the judiciary (Articles 106-116), local self-government bodies (Articles 99-105, etc.). We can see that the idea of “the people should serve the people, not government agencies” Set out in the concept of administrative reform is also based on the Constitution.

However, it should be noted that the constitutions of developed foreign countries clearly state that citizens have equal rights when entering public service. In fact, the Italian Constitution of 1947 enshrined equal rights for both sexes when entering the civil service and to hold elected office on equal terms [12].

The provision of the main aspects of the civil service, its organizational structure and functioning is directly related to its principles. The principles of civil service determine not only the functioning of the civil service, but also the entire system of state bodies, important aspects of its organization. The principles of civil service are strict rules reflecting the tasks and functions of government bodies, civil servants in the civil service system. The principles of civil service reveal the general picture of the main directions of activity of civil servants and fix them in the norms of the legal institution of civil service.

Current laws and other regulations adopted on the basis of the Constitution of the Republic of Uzbekistan also play an important role in the legal regulation of the civil service. These include the Labor Code of the Republic of Uzbekistan, laws of the Republic of Uzbekistan and resolutions of the Oliy Majlis, documents adopted by the President and the Government of the Republic of Uzbekistan, decisions made by local governments within their competence, documents adopted by central executive bodies. As noted, the draft law “On Civil Service” is currently being developed and discussed. The draft law also defines the scope of the law and the areas in which it does not apply: the President of the Republic of Uzbekistan, deputies of the Legislative Chamber and members of the Senate of the Oliy Majlis, the Central Election Commission of the Republic of Uzbekistan, the Ombudsman), Applies to all civil servants of the Republic of Uzbekistan, except for deputies of the Supreme Council of the Republic of Karakalpakstan and representative bodies of state power and judges. The legal status of civil servants serving in law enforcement, defense, security, diplomatic, customs, tax and rescue services is regulated by separate legislation. Military service in the Armed Forces of the Republic of Uzbekistan and service in law enforcement agencies are a special state service and are regulated by separate legislation.

Indeed, there are separate laws regulating public service in the areas mentioned above. For example, the Law on Internal Affairs, the Law on the State Security Service, the Law on Defense, the Law on General Military Service, the Law on the State Tax Service, the Law on the State Customs Service and other similar special laws.

Conclusion

In short, the bill also provides that a citizen of the Republic of Uzbekistan is a civil servant holding positions included in the state register of civil service positions. The register of civil service positions, that is, a list of civil service positions in hierarchically organized government bodies and organizations, is approved by the President of the Republic of Uzbekistan. Now there is no need to argue who is a civil servant and how to determine his legal status, social guarantees, assessment of his work.

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