

Opportunities of the Law “On State Civil Service”

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Annotation. This article explains the essence of the adopted Law "On the State Civil Service" using various examples. Based on the comparative-critical method, the norms defined in the law were compared with the laws of foreign countries. Prove that the purpose of the law is to regulate relations in the field of civil service.

Keywords. Law "On the State Civil Service", state body, state civil service, legal status, rights and obligations of state civil servants, professional competence, international experience, retraining and advanced training, working hours, corruption.

Every citizen has a role in the development of every country. The role of state civil servants is especially important here. Because these servants are responsible for the main mechanisms that make the state work. To be more precise, State civil service is a type of public service, and it is a paid professional activity that involves the implementation of the powers of state bodies in the positions of state civil service. The state civil service system is the only organizational and legal system for centrally selecting, considering, placing state civil servants, paying them for their work, improving their professional competence, and promoting them by position. But due to various reasons, including specific characteristics of a person or subjective external influences that have "black and white" colors directed at civil servants, any person can lose his civic duty, civic position. A legitimate question arises here. So, how can civil servants of the state be protected from such "attacks". The law "On State Civil Service" recently adopted by our president became a solution to the problems of state civil servants, which have not been solved for many years. That is, on August 8, 2022, the President of the Republic of Uzbekistan Shavkat Mirziyoyev signed the Law "On State Civil Service"¹ that defines the legal status of more than 118 thousand state civil servants working in various state bodies and organizations and regulates their activities based on uniform rules.

In particular, the President expressed the following thoughts about this: "The development of the law is a very difficult process, it was prepared with the participation of specialists from 15 ministries and agencies, foreign experts and public representatives, and more than 10 discussions were organized with the participation of public representatives, including journalists and bloggers. he emphasized that it was prepared on the basis of deep discussions for two years involving local and foreign experts. "The adoption of this Law is a normative legal document that has been eagerly awaited for almost 30 years, will make life easier for 35 million people, and will directly affect their mood."

As our president emphasized, the law had to be thoroughly and carefully worked out. Because the law was supposed to be a practical protective shield against a number of excessive obligations, irregular working hours, various external pressures, etc., suffered by state civil servants. Considering these reasons, this law was improved based on the conclusions of the UN Development Program, the Organization for Security and Cooperation in Europe, the German Society for International Cooperation, the World Bank, and the International Labor Organization. Also, the legislation of Japan, USA, Great Britain, Germany, France, China, Bulgaria, Latvia, Poland, Estonia, CIS countries and other countries was analyzed.

Thus, the Law "On State Civil Service" consisting of 10 chapters and 64 articles was adopted. As we familiarize ourselves with the law, we can see that the basic essence of the Law "On State Civil Service", which defines the legal status of more than 118,000 state civil servants working in state bodies and organizations and regulates their activities based on uniform rules, is the following:

- general rules regulating social relations in the field of state civil service;
- the main tasks and powers of state bodies in the regulation of state civil service;

- guarantees of the status, rights and obligations, legal and social protection of civil servants of the state;
- the grounds for entering, passing and terminating the state civil service;
- measures to prevent corruption in the state civil service system.

The rate of development of the country, the effect of reforms, the quality of life of people, and the mood of the population directly depend on the activities of civil servants. An efficient, popular, accountable and flexible public service system is the main force in achieving the strategic goals of the state². In practice, the legal rights of citizens were violated due to various factors during employment. Nepotism, conflict of interest and corrupt factors have led to the development of recruitment. If we turn to foreign experience in order to eliminate such problems, the issues of entering the public service are regulated by the constitutions. For example, Article 32 of the Constitution of the Russian Federation states: "Citizens of the Russian Federation have equal access to public service." According to the French Constitution, all French citizens have the right to public service regardless of gender, race, religion or political beliefs.

It should be noted that the right of citizens to enter the state civil service is enshrined in the constitutions of post-socialist countries, including the Republic of Kazakhstan (Article 33), the Kyrgyz Republic (Article 23), Turkmenistan (Article 30), Belarus (article 39), Azerbaijan Republic (article 55), Georgia (Article 29), The Republic of Ukraine (Article 38), The Republic Of Moldova (article 39).³

The law "On State Civil Service" adopted in 2022 includes clauses that completely eliminate the above-mentioned problems of entering the civil service. In particular, "Chapter 6" of the law. The procedure and conditions for entering the state civil service" are clearly defined in articles 27-28-29-30-31-32.

Article 28. Conditions for admission to the state civil service:

- Citizens of the Republic of Uzbekistan who know the state language, meet the relevant qualification requirements and other requirements for holding the positions of the state civil service are admitted to the state civil service.

- Foreign specialists and experts may occupy positions of state civil service in accordance with the procedure established by law. The procedure and terms of service of foreign specialists and experts are determined on the basis of the relevant contract.

The following cannot be admitted to the state civil service:

- persons under the age of eighteen, unless otherwise specified in the qualification requirements for the state civil service position;
- persons who have been declared by the court to be incompetent or have limited legal capacity;
- persons deprived of the right to hold public civil service positions for a certain period by the decision of the court;
- persons found guilty by the court of committing crimes related to corruption;
- persons whose convictions for serious and extremely serious crimes have not been completed or removed;
- persons whose state of health does not allow them to hold a civil service position based on a medical opinion;
- persons who refuse to comply with the restrictions provided for in the first part of Article 13 of this Law, related to the completion of state civil service.

Certain restrictions on the performance of the civil servant's functions are introduced in order to prevent the abuse of official powers. Consequently, one of the most important tasks of public service reform is to ensure the harmony of the legal status (rights and freedoms, obligations and restrictions) of an official as a citizen and civil servant. At the same time, ensuring the balance of interests of state bodies and their employees is one of the conditions affecting the effective implementation of public service.

In fact, today's requirements for personnel, clearly developing criteria, establishing a system for selecting and appointing leading personnel based on competence, and taking into account the experience of developed countries in the process, that is, the creation of a national model of working with personnel,

taking into account the aspects of assessment centers suitable for our national interests, are strategic today. remains one of our tasks.

The Law "On State Civil Service" on personnel matters, not limited only to recruitment conditions, also focused on regular improvement of professional qualifications and potential of state civil

servants. For example, Article 42 of the Law "On State Civil Service" provides for the continuous improvement of the professional competence of the State Civil Servant, according to which the purpose of continuous improvement of the professional competence of the State Civil Servant is to acquire the knowledge, skills and qualifications necessary for his effective functioning. The level of professional competence of the state civil servant is regularly evaluated by the state body through information systems that allow to determine the level of his knowledge, skills and qualifications. Retraining, professional development and independent education are the main forms of continuous improvement of the professional competence of civil servants. Retraining is an educational process organized in order to acquire additional professional knowledge, skills and qualifications necessary for effective work of a civil servant. Professional development is an educational process aimed at increasing and regularly updating the professional competence of civil servants. Independent education is the process of improving the professional competence of a public civil servant in the off-duty period by gaining new knowledge and experience. The procedure for continuously improving the professional competence of civil servants is determined by the President of the Republic of Uzbekistan.

The law "On State Civil Service" is also significant because it reflects the solution to the problems of civil servants that have continued until this time. In particular, regarding their working hours, according to Article 34, it is strictly forbidden to use public servants in excess of the working hours established by law. It defines a five-day working week for a public civil servant in a state body. It is stated that the duration of working hours should not exceed forty hours per week. Also, one of the parents who are civil servants of the state with children under the age of three (a person who replaces the parents) is set to work no more than thirty-five hours per week. Depending on the specific characteristics of the civil servant's service activity, a six-day work week may be set, taking into account the duration of the working hours specified in the first part of this article, and observing the rules of the internal labor procedure. Work beyond the duration of working hours established by the state body for civil servants is considered overtime work. In the case of natural and man-made emergency situations, the state body may engage the state civil servant to work outside working hours without his consent. Engagement of state civil servants to work outside working hours and on weekends and non-working holidays is carried out on the basis of the decision of the head of the state body, in compliance with the requirements of the labor legislation. Compensation for overtime work of a state civil servant is established by paying at least two times the amount of hours actually worked outside of working hours or by giving additional rest time corresponding to the duration of overtime.

Another point in the law that reflects the interests of civil servants is the change related to their working holidays. Until now, civil servants had the right to take a 15-day vacation. Article 54 of the current new law mainly stipulates the following regarding the labor and social holidays of the state civil servant: The state civil servant shall be granted an annual basic leave of not less than twenty-seven calendar days. The civil servant of the state is given annual additional work holidays for many years of service and special working conditions. The procedure for granting annual additional work holidays for many years of service and special working conditions and their duration is determined by the Cabinet of Ministers of the Republic of Uzbekistan. Depending on the category of the state civil service position, the legislation may specify a different duration of annual basic and additional work holidays. Giving social holidays to the state civil servant is carried out in accordance with the procedure established by the labor legislation.

The law "On State Civil Service" also specifies a number of obligations of employees. Among them, one of the main ones is about corrupt actions. Corruption among civil servants can take various forms: gifts, money, career-based needs for mutual benefit. The laws of neighboring countries also take into account the conflict of interests in this regard. For example, in Kazakhstan, civil servants were allowed to receive gifts worth up to 27,780 tenge, regardless of their position. Currently, in accordance with the changes made to the Law on Combating Corruption, it is prohibited to give expensive gifts to public servants. Administrative liability for gifts worth up to twice the minimum wage (5.5 thousand tenge) and criminal liability for gifts exceeding twice the minimum wage was established.

Articles 15-16-17-18-19-20 of Chapter 4 of the Law "On State Civil Service" deal with corruption and concepts related to it. For example, according to Article 15 of the Law on measures to prevent corruption in the field of State civil service, measures to prevent corruption in the field of State civil service include the following: non-allowance of corruption-related offenses by state civil servants; Ensuring

compliance with the rules of etiquette of state civil servants; creation of organizational and legal frameworks for preventing and solving conflicts of interests of civil servants, monitoring and control over their compliance; introduction of the system of declaration of income and property of the state civil servant; determining the procedure for receiving and giving gifts by the state civil servant; to ensure social protection, material support and encouragement of civil servant of the state. Legislation may provide for other measures to prevent corruption in the field of public civil service.

In conclusion, the law "On State Civil Service" reflected the rights and obligations of civil servants in its essence. Having a well-regulated working day, socially protected, legally guaranteed job is of great importance in shaping the next 5-10 years of our Uzbekistan in developing potential leaders with strong knowledge, skills, and experience.

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