



## Research Article

# DEVELOPMENT PROCESSES OF THE ORGANIZATIONAL AND LEGAL FRAMEWORK FOR THE PROVISION OF PERSONNEL FOR THE STATE CIVIL SERVICE IN UZBEKISTAN

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## ABSTRACT

The article aims to analyze the formation and development processes of the state civil service in the Republic of Uzbekistan during the years of independence (1991-2022). In the article, the stages of development of issues related to the provision of personnel for the state civil service are proposed. The essence of the laws and other documents adopted in the field, as well as some issues of the activities of the competent state bodies, are revealed. A number of practical proposals and recommendations were developed during the research.

## KEYWORDS

Public administration, public service, state civil service, personnel, Law "On State Civil Service".

## INTRODUCTION

The achievement of independence of Uzbekistan required the formation of a national system of public administration, as well as the implementation of fundamental changes in the social and economic spheres, and its provision with qualified, patriotic,

modern thinking personnel. Because in the pre-independence period, state administration was built on the basis of Soviet ideology, and its composition consisted of cadres indoctrinated with communist ideas and adapted to the requirements of the

totalitarian regime. Researching the development of the organizational and legal framework of the state civil service in the years of independence will help to study the field in a systematic way.

Scholars divide civil service into stages based on various criteria. In particular, Professor Kh.T.Azizov emphasizes that the development processes of the state service consisted of three stages during the years of independence.

The first stage. The first formative stage of civil service development in independent Uzbekistan (1991-2000 years) is a transition period and includes the first reforms and changes related to the formation of the foundations of national statehood.

The second stage. The second stage of strengthening the public service in the Republic of Uzbekistan (2001-2016 years) was a period that played an extremely important role in ensuring the stable development of the economy, the reform of the legislation, judicial system, and social and humanitarian spheres.

The third stage. The stage of institutional reform of the public service in the Republic of Uzbekistan (2017 – up to now) [1].

### MAIN PART (RESULTS AND DISCUSSIONS)

At the same time, it is one of the important parts of the research to divide the development processes of the organizational and legal framework related to the state civil service and the state personnel policy into stages during the years of independence. There are several differences from the stages of development of public service proposed by Kh.T.Azizov.

First, the division into stages does not mean the entire state civil service institution, but the state civil service institution within it.

Secondly, when dividing into stages, attention is paid to the issue of personnel policy in the state civil service (in a certain sense, also the field of education).

Based on above mentioned, we propose to divide the development processes of the organizational and legal framework related to the state civil service and state personnel policy in Uzbekistan in the years of independence into three major stages.

The first stage. The stage of formation of the fundamental foundations of state civil service and state personnel policy (1991-1996 years).

At this stage, special attention was paid to the use of achievements of the national-historical experience. Initially, by the law of January 4, 1992, the position of the Vice President of the Republic of Uzbekistan was abolished and the position of the Prime Minister of the Republic of Uzbekistan was introduced. It was determined that he heads the Cabinet of Ministers and organizes its work. According to the Decree of the President of the Republic of Uzbekistan on January 4, 1992, the institution of khokim was introduced as the only full-fledged body of local representation and executive power.

The Constitution of the Republic of Uzbekistan, which was adopted on December 8, 1992, defined the basic rules of public service as well as all other fields. According to the constitution, first, the division of state power into legislative, executive and judicial branches and the procedures for the formation of each branch were determined; secondly, the procedures for appointing and dismissing high-level civil servants, in which the limits of the powers of the President and the Parliament were determined; thirdly, the status of the Cabinet of Ministers, which envisages the civil service of the state, the issues of formation of its composition and powers were determined; fourthly, the status and



powers of the local government and the procedures for appointing and dismissing governors as its leaders were determined. At the same time, the Constitution stipulates the equal rights of all citizens, their right to participate in society and state management directly and through their representatives, as well as the right of every person to work and freely choose a profession, which means that all citizens have equal rights in entering and passing the state civil service [2].

The next important step was to strengthen the legal foundations of the executive power system. On May 6, 1993, the law "On the Cabinet of Ministers of the Republic of Uzbekistan" was adopted. The composition of the Cabinet of Ministers and the procedures for appointing and dismissing them were determined in the law [3].

State civil servants work in local executive authorities (provincial, district and city governments) at the territorial level. The fundamental principles of local executive power were defined in the Law on Local State Power dated September 2, 1993. According to this law, the procedures for appointment and dismissal of regional, district, city hokims, their deputies and heads of divisions of the hokimial structure were determined [4].

It can be said that the thoughts of the First President of the Republic of Uzbekistan I.A. Karimov, "We are creating a new system, a new form of state, but we need people who will put their lives into it - personnel" became the main idea of practical work in the field of state personnel policy [5].

As for personnel, it will be necessary to select management personnel from among them and train them regularly on the basis of modern management skills. It is for this purpose that the Academy of State and Society Building under the President of the

Republic of Uzbekistan was established on the basis of the Decree of the President of the Republic of Uzbekistan No. 1097 of April 19, 1995 [6].

The First President of the Republic of Uzbekistan I.A. Karimov said at the opening ceremony of the Academy: "To select talented, intellectual listeners from among the employees of the state, social and economic structures, to increase their political, moral-ethical and professional level, to bring them to the harmony of national and universal values in the republic to educate as faithful supporters of the formation of a legal democratic state and civil society. This is the main task of the Academy" [7]. During the two years after the establishment of the Academy, more than 300 young professionals attended 10-month courses and learned the secrets of management at the level of world practice standards [8].

In general, in 1991-1996, a number of works were carried out to improve the state system and establish it in a completely new form in our young independent country. The names of some organizations and institutions were changed several times between two and three years. Some peer networks have been merged, some have been split up, and some have been re-created. In a number of areas, new ministries and other forms of institutions were established [9].

The second stage. The stage of development of state civil service and state personnel policy (1997-2016 years).

This stage involves a relatively long period. Although special attention was paid to the development of the industry in its early stages, later this process developed in a state of stagnation. The implementation of revolutionary changes did not begin. However, an important feature of this period was the improvement of some aspects of legislation related to the field.



On July 3, 1997, the decision of the Cabinet of Ministers of the Republic of Uzbekistan No. 339 "On setting a twenty percent premium to the salaries of civil servants" was established. The most important feature of the decision is that for the first time the list of positions of civil servants was given. According to decision, it is important that the minister, the chairman of the state committee, the governor, as well as the heads of departments and departments in ministries and agencies, experts, secretaries, inspectors, employees of the court and prosecutor's office are recognized as public servants [10].

In order to further increase these numbers and the quality of education, to reform the education system in general, in August 1997, a new version of the Law "On Education"[11] and "National Program of Personnel Training" [12] were adopted.

Another important document was the determination of the status and list of public administration bodies of the Republic, which are related to the state. On December 9, 2003, the Decree of the President of the Republic of Uzbekistan No. 3358 "On improving the system of public administration bodies of the Republic" was adopted, and it was determined that the system of public administration bodies of the Republic will consist of ministries, agencies, centers, inspectorates, committees and state committees [13].

Administrative reforms were carried out in our country in 2003-2004. In this process, 20 state agencies were reorganized, and the staff units of about 40,000 management employees were reduced. This optimization made it possible to save budget funds of 40.5 billion soums. After these reforms, the number of civil servants per thousand people in Uzbekistan was 6.1 people or 1.6% of the population. This figure was 19.2 people (3.4 percent) in Kazakhstan, 20 people (4.5 percent) in Ukraine, and 22.1 people (3.9 percent) in

Russia. In the course of administrative reforms, overlapping ministries, departments and state organizations were optimized. As a result, 13 ministries, 11 state committees, 9 agencies and 3 committees were preserved in the Republic [14].

In 2003-2004, the number of civil servants was reduced, but by the middle of 2015 and the beginning of 2016, the number of personnel in state bodies was significantly increased. The number of management employees in state institutions was increased from 3942 to 5185. Philosopher A. Sultonov emphasizes that based on these changes, the workload of personnel in the system of executive power will decrease, and the opportunities for their effective activity will increase [15].

At this stage, the activities of the Academy of State and Society Building under the President of the Republic of Uzbekistan were also improving. According to the Decree of the President of the Republic of Uzbekistan No. 4435 dated April 10, 2012, the Academy was reorganized as the Academy of Public Administration under the President of the Republic of Uzbekistan [16]. During 1995-2010, 2,144 management personnel received master's degrees in 10- and 12-month basic courses at the Academy, and more than 4,000 management personnel upgraded their qualifications. In particular, district and city mayors have improved their skills in short (mostly 10-day) courses every year. Also, during this period, 250-300 management personnel were trained every year in the ministry, department and sectors on special short courses [17]. Since 2012, the master's degree in the Academy has been implemented in two years. During 2012-2016, 532 management personnel successfully completed the master's degree of the Academy of Public Administration. In general, in 1995-2016, 2,728 students were admitted to the Master's program of the





Academy, and 52 of them were excluded from the list of students for various reasons, while 2,676 students successfully graduated from the Academy. Political scientist M. Atamuratov notes that 45% of students who successfully graduated from the Academy's master's degree advanced by one level, and 8% by two or more levels in terms of career [18].

On March 2, 2016, the Cabinet of Ministers of the Republic of Uzbekistan adopted "Model Rules of Conduct of Employees of State Management Bodies and Local Executive Authorities". It defined the basic rules of etiquette, principles, obligations of civil servants, rules for avoiding conflicts of interest, issues of responsibility for violating the rules of etiquette [19].

The third stage. State civil service and state personnel policy development stage based on modern standards (2017 – up to now).

Until 2016, attention was focused on improving the system of state bodies and related laws. However, the issues of selection of civil servants, their training, qualification improvement, and protection of their rights were neglected. Even a single law regulating the activities of civil servants was not adopted. The President of the Republic of Uzbekistan Shavkat Mirziyoyev paid attention to this issue in his pre-election program as a presidential candidate. In his speech at the 8th Congress of Liberal Democratic Party of Uzbekistan, held on October 19, 2016, "it is no secret that despite the fact that many civil servants have great responsibilities, their working day and working week are not clearly regulated. World experience shows that before making high demands on civil servants, their rights should be guaranteed and strengthened with a protection system. Taking into account the urgency of the issue, it is time to adopt a law on civil service," he said [20].

The Decree of the President of the Republic of Uzbekistan dated February 7, 2017 No. 4947 "On the strategy of actions for the further development of the Republic of Uzbekistan" established the increase of the level of professional training, material and social security of civil servants [21].

The sixth priority of the "Concept of Administrative Reforms in the Republic of Uzbekistan" approved by the Decree of the President of the Republic of Uzbekistan No. 5185 of September 8, 2017 was the formation of an effective system of professional public service [22].

According to the Resolution of the President of the Republic of Uzbekistan No. 3901 dated August 6, 2018, regional branches of the Academy were established in the cities of Gulistan, Karshi, Samarkand, Urganch and Fergana. This made it possible for civil servants to improve their skills at the nearest branch without having to come to the capital. The establishment of branches serves to reduce unnecessary hassles and economic costs [23].

Presidential Decree No. 5843, adopted on October 3, 2019, started a new era in the state civil service system. The concept of state civil service was used for the first time in the decree, and it was noted as a type of state service. The priorities of the development of the state civil service were determined, and for their implementation, a special state body, the Agency for Development of Public Service under the President of the Republic of Uzbekistan, was established [24]. According to the decree, it was determined that entry into the civil service of the state will be carried out only on the basis of an open competition. To date, more than 1 million candidates have participated in open competitions, and more than 40,000 of them have been accepted into the state civil service. Open selections are carried out on the basis of the suitability

of the candidate to the qualification requirements, test and interview [25].

Decree No. 60 of the President of the Republic of Uzbekistan dated January 28, 2022 "On the Development Strategy of New Uzbekistan for 2022-2026" was adopted. The 10th goal of the development strategy was defined as "Organization of the state civil service system based on modern standards" [26].

Today, it is considered urgent to consistently continue the fulfillment of the assigned tasks and to legally regulate the social relations that arise in this process. On August 8, 2022, a historic event took place in the field of public service of the Republic of Uzbekistan. On this day, the Law No. 788 of the Republic of Uzbekistan "On State Civil Service" was adopted. The law defined the issues of state administration in the field of state civil service, legal status of the state civil servant, organization of the state civil service, procedures for entering, passing and terminating the state civil service, as well as legal and social protection of the state civil servant [27].

## CONCLUSION

In conclusion, in the years of independence, the provision of personnel for the state civil service was formed and developed. A special law on the field was adopted only by 2022. Nevertheless, along with the above-mentioned normative legal documents, the labor legislation regulated the activities of state civil servants for several years. During the last five years, special attention was paid to the state civil servant: first, a special state body for personnel policy was established; secondly, the Law "On State Civil Service" was adopted. At the same time, several proposals can be put forward to improve the system of providing the civil service with qualified personnel:

First, it is necessary to strengthen the constitutional foundations of the state civil service. It is proposed to add a chapter to the Constitution of the Republic of Uzbekistan, which provides for the basic rules of public service;

Secondly, it is proposed to expand the basic principles of the state civil service in the Law "On State Civil Service", as well as the rights and obligations of state civil servants;

Thirdly, it is necessary to determine the legal basis for the admission of personnel to the civil service on the basis of open competition, as well as to determine the tests in the competitions based on the job requirements;

Fourthly, it is necessary to establish branches of the Academy of Public Administration under the President of the Republic of Uzbekistan in each region. This ensures that the civil servants of the state can improve their skills in a short period of time.

## REFERENCES

1. Issues of improving state civil service in the Republic of Uzbekistan [Text]: monograph / Kh. Azizov [and others] – T.: Shafoat Nur Fayz, 2020. – P. 13-22.
2. Constitution of the Republic of Uzbekistan. – T.: Uzbekistan, 2021. – 76 p.
3. Law No. 818-XII of the Republic of Uzbekistan "On the Cabinet of Ministers of the Republic of Uzbekistan" // Bulletin of the Supreme Council of the Republic of Uzbekistan, 1993, No. 5, Article 202.
4. Law No. 913-XII of the Republic of Uzbekistan "On Local State Power" // Bulletin of the



- Supreme Council of the Republic of Uzbekistan, 1993, No. 9, Article 320.
5. Karimov I.A. We rely on dedicated patriots. / Independence and spirituality, – T.: Uzbekistan, 1994. – P.85.
6. Decree of the President of the Republic of Uzbekistan "On the establishment of the Academy of State and Society Building under the President of the Republic of Uzbekistan" No. 1097 // Bulletin of the Oliy Majlis of the Republic of Uzbekistan, 1995, No. 5, Article 82.
7. Karimov I.A. Through creativity. Volume 4. - T.: Uzbekistan, 1996. – P.51.
8. The new history of Uzbekistan // Editors: N. Joraev, T. Fayzullaev. – T.: Sharq, 2000. – P.126.
9. Joraev N. History of Uzbekistan (Era of National Independence), Book 3 / Responsible editor: N. Abduazizova. – T.: Sharq, 2011. – P.127.
10. Resolution No. 339 of the Cabinet of Ministers of the Republic of Uzbekistan "On setting a twenty percent premium to the salaries of civil servants" // National database of legislative information of the Republic of Uzbekistan - <https://lex.uz/docs/1191841>
11. Law of the Republic of Uzbekistan "National Personnel Training Program" No. 463-I // Bulletin of the Oliy Majlis of the Republic of Uzbekistan, 1997, No. 11-12, Article 295.
12. Law No. 464-I of the Republic of Uzbekistan "On Education" // Bulletin of the Oliy Majlis of the Republic of Uzbekistan, 1997, No. 9, Article 225.
13. Decree No. 3358 of the President of the Republic of Uzbekistan "On improving the system of public administration bodies of the Republic" // Bulletin of the Oliy Majlis of the Republic of Uzbekistan, 2003, No. 11-12, Article 178.
14. Joraev N. History of Uzbekistan (Era of National Independence), Book 3 / Responsible editor: N. Abduazizova. – T.: Sharq, 2011. – P.128-129.
15. Sultanov A. Processes of development of management culture in the executive power of Uzbekistan. Dissertation submitted for the degree of Doctor of Philosophy in Philosophy. – T. 2018. – P. 73.
16. Decree No. 4435 of the President of the Republic of Uzbekistan "On measures to further improve personnel training in the field of public administration" // Collection of legal documents of the Republic of Uzbekistan, 2012, No. 26-27, Article 292, No. 36, Article 412.
17. Yusupov J.Q. Improvement of personnel training system in the field of public service in Uzbekistan. Dissertation submitted for the degree of Doctor of Philosophy in Political Science. – T. 2018. – P. 27-28.
18. Atamuratov M.U. The process of modernization of the management personnel system in Uzbekistan. Dissertation submitted for the degree of Doctor of Philosophy in Political Science. – T. 2018. – P. 84.
19. Resolution No. 62 of the Cabinet of Ministers of the Republic of Uzbekistan "On approval of the model rules of conduct of employees of state management bodies and local executive authorities" // Collection of legal documents of the Republic of Uzbekistan, 2016, No. 9, Article 94.
20. The speech of Shavkat Mirziyoev, the candidate for the President of the Republic of Uzbekistan, at the 8th meeting of the Liberal Democratic Party of Uzbekistan. // [https://uz.fundamental-economic.uz/?page\\_id=1132](https://uz.fundamental-economic.uz/?page_id=1132)



21. Decree No. 4947 of the President of the Republic of Uzbekistan "On the Action Strategy for Further Development of the Republic of Uzbekistan" // Collection of legal documents of the Republic of Uzbekistan, 2017, No. 6, Article 70.
22. Decree No. 5185 of the President of the Republic of Uzbekistan "On approval of the concept of administrative reforms in the Republic of Uzbekistan" // Collection of legal documents of the Republic of Uzbekistan, 2017, No. 37, Article 979.
23. Decision of the President of the Republic of Uzbekistan "On the establishment of regional branches of the Academy of Public Administration under the President of the Republic of Uzbekistan" No. 3901 // National database of legal documents, 07.08.2018, No. 09/18/3901/1620.
24. Decree No. 5843 of the President of the Republic of Uzbekistan "On the primary measures to fundamentally improve the personnel policy and the state civil service system in the Republic of Uzbekistan" // National database of legal documents, 04.10.2019, No. 06/19/5843/3900.
25. The only open portal of vacant positions of state civil servants // <https://vacancy.argos.uz/>
26. Decree No. 60 of the President of the Republic of Uzbekistan "On the Development Strategy of New Uzbekistan for 2022-2026" No. /22/89/0227, 21.04.2022, No. 06/22/113/0330.
27. Law No. 788 of the Republic of Uzbekistan "On the the Civil Service" // National database of legislative information, 09.08.2022, No. 03/22/788/0723.