

Improving the Professional Culture of Civil Servants as an Important Factor in the Development of Civil Society

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ABSTRACT: In this article, it is scientifically based that raising the professional culture of civil servants is an important factor in the development of civil society. An analytical opinion was made on the improvement of professional cultural relations, suggestions and recommendations were developed based on the analysis.

KEYWORD: civil servant, professional culture, labor relations, labor rights.

Improving the professional culture of civil servants is important in the process of civil society development. One of the main documents regulating labor relations in Uzbekistan is the Labor Code. The Labor Code defines the general principles of labor relations involving civil servants. Norms protecting the rights of employees mentioned in the Labor Code also apply to civil servants, including:

- absence of norms that negatively affect the employee's social status in relation to the conditions stipulated in labor contracts and agreements, labor laws and other normative documents;
- non-allowance of shortcomings of social content in labor relations;
- prohibition of any form of forced labor;
- guaranteeing the protection of labor rights of a person.

According to the Labor Code, civil servants:

- to receive remuneration for his work in an amount not less than the minimum monthly wage established by law;
- work in conditions that meet safety and hygiene requirements;
- the ability to improve professional qualifications;
- compensation for damage caused to health and property due to work-related accidents;
- receiving social security upon retirement, loss of working capacity;
- protection of labor rights of civil servants¹.

Like employees working in public systems, the right to work of civil servants is guaranteed by the state. The state does not allow illegal termination of employment contracts of civil servants. Also, equal opportunities will be created for civil servants in terms of work and employment, wages, and promotion. It also creates an

¹Labor Code of the Republic of Uzbekistan. Tashkent, Mekhnat, 2019.

opportunity to improve the qualifications of personnel, materially ensures the improvement of qualifications in case of separation from work, when the employment contract concluded with a civil servant is canceled on special grounds established by law, financial assistance to civil servants is guaranteed (for example, due to reduction in staff). The extension of fixed terms of employment contracts also applies to civil servants.

The contract is the normative basis for the activity of civil servants in their respective offices. According to the labor code, the contract is an agreement between the employee and the employer to perform the work specified by the relevant specialty, qualification, and position for a certain amount of salary, subject to the agreement of the parties, as well as the conditions determined by the labor laws and relevant regulatory documents. That is, after the civil servant legally formalizes this agreement, his activity begins. In addition to the general conditions, special conditions and requirements may be established for the conclusion of an agreement for civil servants of different categories. For example, passing a certain competition, getting a position by election, etc.

The employment contract with civil servants is concluded in writing and is considered a normative document. Its content is determined by the agreement of the parties and labor legislation. The terms of the employment contract with civil servants may be different. The procedure for concluding an employment contract, the procedure for its entry into force, its modification, cancellation, the necessary documents for concluding a contract, the circumstances preventing the conclusion of a contract, are defined in the Labor Code.

Recruitment, dismissal, working time, rest time, payment of labor, guarantee payments and compensation payments, labor discipline, financial responsibility, employer's obligations, labor protection, providing additional guarantees and benefits, social insurance rules, provision of allowances is carried out based on the provisions of the Labor Code of the Republic of Uzbekistan. The above-mentioned conditions may be established in a specific order depending on the level and categories of civil servants in some laws and regulations. In such situations, the relevant norms of existing laws and legal documents constitute the legal basis of public service.

It should be noted that on the basis of the provisions of the Labor Code, special norms may be established for the appointment of other categories of civil servants². In particular, regional governors are appointed and dismissed by the President of the Republic of Uzbekistan, and their appointment and dismissal are approved by the regional Councils of People's Deputies. District and city governors are appointed and dismissed by governors of regions (Tashkent city) and approved by the respective Councils of People's Deputies.

In the Law of the Republic of Uzbekistan "On Local State Power", there are procedures for appointing and dismissing deputy mayors, heads of executive agencies, and heads of administrative units. The law stipulates that governors of regions, districts and cities are appointed from among the deputies of their respective councils. It is indicated that deputy mayors are appointed from among the deputies of the respective councils of people's deputies³.

The law "On Local State Power" also establishes the right of governors to raise the issue of disciplinary action against officials, and this rule also applies to civil servants⁴.

In the regulations, the procedures for the appointment of some civil servants in this institution are defined. On April 19, 1995, approved by the Cabinet of Ministers of the Republic of Uzbekistan, the Regulation "On the Academy of State and Society Construction under the President of the Republic of Uzbekistan" stipulates that vice-rectors of the Academy are appointed by the President of the Republic of Uzbekistan upon the

² Constitution of the Republic of Uzbekistan. Tashkent, Uzbekistan., 2019.

³ Law of the Republic of Uzbekistan "On Local State Power".

⁴ Law of the Republic of Uzbekistan "On Local State Power".

recommendation of the rector. This procedure differs from the procedure for appointing vice-rectors of other higher educational institutions⁵.

In order to facilitate the work of civil servants and to make effective use of their opportunities, various agencies may establish their own internal rules. Only such rules should not contradict the law. It is necessary that the structure of the rules, the main content of the established procedure be in accordance with the Model Regulations. The state minimum standards for the internal rules of the enterprise, organization, institutions are defined in the "Sample rules of labor procedures for all types of enterprises, institutions and organizations, regardless of the form of departmental subordination", this document was registered by the Ministry of Justice of the Republic of Uzbekistan⁶. Based on this document, any institutions and organizations develop their internal procedures. The internal rules of the institutions, which do not contradict the Labor Code and the model rules of the internal labor procedure, determine the circumstances that reflect the characteristics of the institution and affect the strengthening of labor discipline in the relevant organization, and the strengthening of the possibilities of economical and purposeful use of financial resources.

Objective assessment of the moral, work and organizational skills of civil servants, comprehensive study of civil servants, compliance with their positions is of great importance. Therefore, tests and certification are conducted in organizations and institutions in order to determine what opportunities they have for use in new, higher positions in the future, and their need to improve their professional skills. Personnel attestation is organized on the basis of a special regulation.

The board of the Ministry of Justice of the Republic of Uzbekistan approved the "Regulation on certification of employees of the justice bodies of the Republic of Uzbekistan" on August 4, 2003 in order to improve the quality of the staff of the justice bodies. This document expands the rules governing the relations of civil servants. It is necessary to fulfill the provisions of the regulation on attestation in the relevant organization. It is the basis for dismissal of civil servants at the initiative of the administration. An employee who is found unfit for his position based on his requirements will lose his position⁷.

Thus, the legal basis for the regulation of the civil service in Uzbekistan consists of regulatory documents of different levels;

- the first one - the Constitution, Laws of the Republic of Uzbekistan, that is, it is the basis for the creation of the Civil Service, and at the same time, it consists of special norms that apply to certain categories of civil servants.
- the second, the Labor Code of the Republic of Uzbekistan. It contains basic principles governing labor relations and general rules that also apply to civil servants.
- the third, the existing laws related to civil service and civil servant norms, for example, the law "On Local State Power".
- the fourth, documents related to public service accepted and approved by the President of the Republic of Uzbekistan, the government. These documents may be general or specific to an organization or institution.

⁵ On April 19, 1995, in the Regulation "On the Academy of State and Society Building under the President of the Republic of Uzbekistan", approved by the Cabinet of Ministers of the Republic of Uzbekistan

⁶ It is defined in the "Sample rules of labor procedures for all types of enterprises, institutions and organizations, regardless of the form of departmental subordination", this document was registered by the Ministry of Justice of the Republic of Uzbekistan on June 14, 1999.

⁷ "Regulation on certification of employees of judicial bodies of the Republic of Uzbekistan". August 4, 2003.

- fifth, there may be departmental documents (regulations and instructions) related to the organization of public service in certain agencies, legal bases for the organization of public service.

Different opinions can be found in the philosophical literature about the concept of civil servant. The diversity of such approaches is mainly a process related to the implementation of various social functions by the civil servant. This is a natural situation that excludes the determination of the concept of civil servant from a specific criterion.

Before thinking about the concept of a civil servant, it is appropriate to clarify the concept of a civil servant in general. According to the general idea, the final result of the civil servant's work is not the creation of goods of material value, or the performance of tasks of a material nature, or the provision of services. The work of a civil servant is aimed at organizing the work of various offices, enterprises, institutions or providing social services to the population, creating spiritual wealth. A servant is defined as a person who works on the basis of wage labor in various institutions, in the service sector⁸. It should be noted that such definitions cannot be considered reasonable. After all, such a definition can be applied to employees who are not civil servants.

Also, it is difficult to agree with the opinion that a civil servant does not participate in the creation of material benefits, unlike an employee in the production sector. On the contrary, some categories of employees determine the scientific and technical progress in the economic sphere and directly contribute to ensuring economic growth, albeit indirectly. That is why the composition of employees is different. Servants work in state and non-state organizations, engage in private practice (notaries). Civil servants are the main type of civil servants and form the main group of subjects of administrative law among all other civil servants⁹.

In philosophical literature, the term civil servant is used in two senses - broad and narrow. In a broad sense, a civil servant is defined as a person holding a position in state bodies, state enterprises, institutions, and organizations in accordance with the law, while in a narrow sense, a civil servant is a citizen who holds a position in state bodies in a defined manner. At this point, it should be noted that under the concept of position is understood the staff unit of the state organization corresponding to the service position of the person.

An important aspect of the above definitions is that employees who work in state bodies and other state-owned organizations are recognized as state employees. Employees of state bodies are included in a special category of employees participating in the implementation of functions and tasks of the state at one level or another. As a result of democratic reforms, the system of state power and management bodies was radically reformed, increasing the effectiveness of their activities, introducing modern market mechanisms of state regulation, reducing non-industry tasks in state bodies, and wide application of digital technologies to their activities was set as a priority.

The reforms being introduced to involve the private sector in the implementation of state functions are gaining importance in ensuring the efficiency and effectiveness of the activities of state authorities and management bodies. In particular, within the framework of the concept of administrative reforms in the Republic of Uzbekistan adopted in 2017, 6 priority areas of fundamental reform of the public administration system were defined and the activities of more than 100 state and economic management bodies were improved on the basis of a special "Road Map". The material and technical support of local governments and

⁸ Regulation on certification of employees of judicial bodies of the Republic of Uzbekistan". August 4, 2003

⁹ Alexin A.P., Karmolitsky A.A., Kozlov Yu.M. Administrative law of the Russian Federation. Textbook. - M.: ZERTSALO, 1998. P.184

the system of payment for the labor of their employees was revised, and the independence of local bodies in the formation of local budgets and their management was achieved in practice¹⁰.

In order to improve the state service in our country, on December 12, 2017, the State Services Agency and its regional units were established under the Ministry of Justice. A total of 205 State Service Centers and more than 100 of their branches in remote areas have been established in each district. At the same time, it was possible to receive 157 types of public services on the basis of the extraterritorial principle, regardless of the place of residence, the number of documents submitted by citizens and the period required for service provision were significantly reduced, and quality and efficiency were increased.

In particular, in 2017, more than 120,000 state services were provided to entrepreneurs, and today, more than 26 million applications for state services from individuals and legal entities have been received. More than 110 legal documents related to the provision of public services have been developed, and more than 70 services have been simplified. Also, about 80 administrative regulations on the provision of state services were adopted. As a result, the number of required documents was reduced from 167 to 79, and the service period was reduced from 499 days to 271 days. The opportunity to use 254 State services through the my.gov.uz portal was created¹¹.

The nature and duties of a civil servant were developed theoretically and practically in the new stage of development. In particular, the task of transforming central offices and creating a compact and effective management system serving citizens was set. For this, first of all, the procedure for the establishment and termination of ministries and agencies, the criteria that distinguish them from each other, specific requirements for determining the structural structure and states will be developed. On this basis, the departments performing tasks in the same direction are optimized. New approaches will be introduced to the process of working of central agencies with regional structures, and outdated bureaucratic methods will be abandoned. At the same time, the powers of the ministries and agencies to quickly and independently solve socio-economic issues in the regions will be further expanded. A reporting system for leaders will be established regarding the implementation of the adopted programs for each branch and region. At the same time, the activities of People's Reception Centers established in 2017 for the purpose of working with citizens' appeals will be improved, and additional legal grounds will be created for it to literally become a structure that expresses the people's voice and public opinion. As part of the action strategy, in order to bring the training and recruitment of personnel in public administration to a new level, the Agency for the Development of Public Service under the President of the Republic of Uzbekistan was established by the Presidential Decree of October 3, 2019. During the past time, a recruitment system based on an open competition was launched through the only open portal for vacant positions of state civil servants - vacancy.argos.uz¹².

In the development strategy of the new Uzbekistan, special attention is paid to consistent continuation of the reforms started in this direction. In particular, these include the introduction of new, modern approaches to the process of selection and placement of personnel, further improvement of recruitment of personnel to the public service on the basis of competition, continuous training for them, evaluation of performance and establishment of promotion criteria.

¹⁰ Abdukhamidov F. Society is the initiator of reforms. Development strategy information. №1362 | 28 Oct. 2021

¹¹ Abdukhamidov F. Society is the initiator of reforms. Development strategy information. №1362 | 28 Oct. 2021

¹² Abduhamidov.F. The main goal is to build a populist and humane state in New Uzbekistan. "Development Strategy" center information. No. 166 | November 26. 2021

It is appropriate to pay attention to the following signs of the concept of a civil servant:

- citizen of the state;
- holds a responsible position in a state body, organization;
- exercises powers arising from the position of a civil servant;
- salary for his service is paid from the state budget;
- behavior is ensured by the capabilities and rights of the state organization.

It should be noted that some experts do not consider a person who holds a position in state bodies, state enterprises, institutions and organizations, but does not have the above-mentioned signs, to be a civil servant¹³.

The concept of civil servant comes from the function of the organization. It should be noted that if a state organization has to perform one or another function arising from its essence, this activity is performed directly by a civil servant. Therefore, the concept of civil servants is inextricably linked with the concept of civil service. Civil service means a special type of labor activity, while an employee means a person engaged in this type of activity. Based on the definitions given to the public servant in the works of philosophers and scientists, and based on the analysis of the relevant legislation of other countries, we can express the concept of public servant as follows:

A civil servant is an employee who occupies a position in the staff table of a state body or a state organization, performs activities aimed at fulfilling the task assigned to him in exchange for a salary, and performs his actions with the opportunity and function of a state organization. A person who is a citizen of the Republic of Uzbekistan and meets other requirements established by law (for example, manager, chief consultant, head of department, doctor, teacher, referent, etc.) is understood.

Identifying persons who fall within the scope of the concept of public servant is an important issue. This composition includes only employees of the executive apparatus of state power, other military services, and persons whose status is determined by their charter.

In particular, the President of the Republic of Uzbekistan, Ministers, deputies are also part of the civil servants. The analysis of normative legal documents of the Republic of Uzbekistan regulating administrative and legal relations allows to classify civil servants at a certain level. Civil servants can be divided into two groups depending on the system in which they serve:

- Civil servants working in a state body;
- Civil servants working in a state enterprise, institution or organization.

The first group includes civil servants working in the bodies of state power - legislative, executive, judicial bodies.

The second group includes, for example, civil servants working in industrial associations, schools, hospitals, museums, libraries, and other such fields.

Depending on the authority, authority to give orders, civil servants can be divided into two groups:

1. Officials;
2. Non-officials.

¹³ Alexin A.P., Karmolitsky A.A., Kozlov Yu.M. Administrative law of the Russian Federation. Textbook. - M.: ZERTSALO, 1998. P.185

The concept of an official in society is interpreted differently in legal documents. In particular, the Criminal Code of the Republic of Uzbekistan divides officials into two groups:

1. Responsible officials;
2. Officials.

According to the norms of the Criminal Code:

- 1) representatives of authorities;
- 2) persons who hold positions related to the performance of permanent or temporary organizational management or administrative-economic tasks on the basis of election (appointment) in state enterprises, institutions or organizations and are authorized to perform legally significant actions;
- 3) managers of enterprises, institutions and organizations with other forms of ownership, representatives of the public who have been given the power of authority in accordance with the established procedure for state administration;
- 4) persons occupying positions related to the performance of the tasks provided for in the second paragraph in the self-government bodies of citizens shall be included in the group of responsible officials¹⁴.

Persons who are given organizational-management or administrative economic powers and do not have the powers of a responsible official are included in the group of officials. Such classification of officials by the Criminal Code is considered important in bringing them to criminal responsibility for crimes committed. Sanctions (parts of the penal code) of the special part of the Criminal Code envisage more severe punishment for the responsible officials.

As mentioned above, the division of civil servants into separate types and groups is relative and theoretical in nature and does not have its own specific legal basis. Such a classification was made mainly in order to facilitate the study of the institution of civil servants. In this regard, it would be appropriate to adopt a general legal document that includes the basis of the classification of civil servants in Uzbekistan and to determine the basis of the legal status of each category of civil servant.

References

1. Labor Code of the Republic of Uzbekistan. Tashkent, Mekhnat, 2019.
2. Constitution of the Republic of Uzbekistan. Tashkent, Uzbekistan., 2019.
3. Law of the Republic of Uzbekistan "On Local State Power".
4. Law of the Republic of Uzbekistan "On Local State Power".
5. On April 19, 1995, in the Regulation "On the Academy of State and Society Building under the President of the Republic of Uzbekistan", approved by the Cabinet of Ministers of the Republic of Uzbekistan
6. It is defined in the "Sample rules of labor procedures for all types of enterprises, institutions and organizations, regardless of the form of departmental subordination", this document was registered by the Ministry of Justice of the Republic of Uzbekistan on June 14, 1999.
7. "Regulation on certification of employees of judicial bodies of the Republic of Uzbekistan". August 4, 2003.

¹⁴ Criminal Code of the Republic of Uzbekistan.

8. Regulation on certification of employees of judicial bodies of the Republic of Uzbekistan". August 4, 2003
9. Alexin A.P., Karmolitsky A.A., Kozlov Yu.M. Administrative law of the Russian Federation. Textbook. - M.: ZERTSALO, 1998. P.184
10. Abdukhamidov F. Society is the initiator of reforms. Development strategy information. №1362 | 28 Oct. 2021
11. Abdukhamidov F. Society is the initiator of reforms. Development strategy information. №1362 | 28 Oct. 2021
12. Abduhamidov.F. The main goal is to build a populist and humane state in New Uzbekistan. "Development Strategy" center information. No. 166 | November 26. 2021
13. Alexin A.P., Karmolitsky A.A., Kozlov Yu.M. Administrative law of the Russian Federation. Textbook. - M.: ZERTSALO, 1998. P.185
14. Criminal Code of the Republic of Uzbekistan.
15. Эрназарова, Ё. (2016). Шахс касбий фаолиятида ахлокий фазилатларнинг ўрни. *Вестник Каракалтакского государственного университета имени Бердаха*, 33(4), 52-53.