

# EQUAL RIGHT OF CITIZENS TO ENROLL IN THE PUBLIC CIVIL SERVICE OF THE REPUBLIC OF UZBEKISTAN

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## Abstract:

This article is devoted to the analysis of the equal right of citizens to engage in public civil service. She explores the principles related to hiring and employment in the State apparatus, and focuses on the need to ensure equal opportunities for all citizens, regardless of their gender, race, ethnicity, religion or other factors that may lead to discrimination.

The article provides an overview of international regulations governing equality in the civil service, including international conventions and treaties. The article analyzes national legal acts aimed at achieving equality in access to public service and overcoming discriminatory obstacles.

**Keywords:** public civil service, equality, discrimination, justice, meritocracy, professionalism.

## INTRODUCTION

International standards in the field of ensuring the political rights of citizens consolidate the ideological foundations for domestic legislation, which receive due development in the constitutional branch and other branches of law of states that have embarked on the path of democratic development. Thus, article 25 of the International Covenant on Civil and Political Rights of December 19, 1966 declares the multi-component right of citizens to participate in the management of State affairs: "Every citizen should have, without any discrimination... and without unreasonable restrictions, the right and opportunity:

a) to take part in the conduct of public affairs both directly and through freely chosen representatives;

b) to vote and be elected in genuine periodic elections held on the basis of universal and equal suffrage by secret ballot and ensuring the free expression of the will of voters;

(c) To be admitted to public service in their country on general terms of equality<sup>1</sup>.

These most important provisions are reflected in the Constitution of the Republic of Uzbekistan and have been concretized in normative legal acts that provide the legal basis for

<sup>1</sup> International Covenant on Civil and Political Rights 28.12.1995.

the mechanism of realization of the right to participate in the management of State affairs. In the framework of this article, I would like to analyze an important component of the multi—component right under consideration - namely, the right to equal access to public civil service. In accordance with the amendments made to the Constitution of the Republic of Uzbekistan, article 37 stipulates that citizens of the Republic of Uzbekistan have equal rights to access to public service<sup>2</sup>. This article guarantees equal access of citizens who speak the state language of the Republic of Uzbekistan to civil service and equal conditions for its passage regardless of gender, race, nationality, origin, property and official status, place of residence, attitude to religion, beliefs, membership in public associations, as well as other circumstances unrelated to professional and the business qualities of a civil servant.

The equal right of citizens to access the public civil service is a fundamental principle that ensures diversity and representativeness in government structures. This ensures that decision-making reflects the interests and needs of various social groups, and is not limited to a narrow circle of individuals. In addition, the equal right of access to public service contributes to the professionalism and efficiency of administrative bodies, since they attract qualified specialists from various spheres of public life<sup>3</sup>.

It should be noted that the principle of the equal right of citizens to access public service is based on the idea of meritocracy, that is, the opportunity to take a position based on merit and qualifications. This means that every citizen who meets the necessary requirements and criteria has equal opportunities to apply for a position in the civil service. This principle ensures transparency and fairness in the recruitment process and prevents discrimination based on unacceptable factors.

The Law "On Public Civil Service of the Republic of Uzbekistan"<sup>4</sup> establishes that citizens of the Republic of Uzbekistan who speak the state language and have reached the age of eighteen are admitted to the State civil service. The State language of the Republic of Uzbekistan is Uzbek, which is established by article 4 of the Constitution of the Republic of Uzbekistan and the law "On the State language of the Republic of Uzbekistan".

Knowledge of the Uzbek language is necessary for civil servants, since state office work in state authorities, local self-government bodies and organizations of all forms is carried out in the state language.

In addition, to fill the positions of the state civil service, citizens must meet the relevant qualification requirements and other requirements. Having analyzed this norm, one can come to the following opinion, namely, any person appointed to a state civil position should have a higher education and be able to put into practice their knowledge and skills in the received specialty.

<sup>2</sup> The Constitution of the Republic of Uzbekistan 01.05.2023 <https://lex.uz/docs/6445147>

<sup>3</sup> Баширов А.Н. Право граждан на равный доступ к государственной гражданской службе и механизм его реализации // Вестник Московского университета. 2015. №1. С.22.

<sup>4</sup> Law of the Republic of Uzbekistan, от 08.08.2022 г. № LRU-788

The equal right of citizens to access public service promotes diversity and representativeness in public bodies. When government structures reflect different social groups, this contributes to a more complete and fair representation of the interests of society in the decision-making process. The diversity of experience, knowledge and opinions helps to form better and more comprehensive solutions that meet the needs of different groups of citizens.

At the same time, it cannot be ignored that the Law "On the State Civil Service of the Republic of Uzbekistan" establishes restrictions under which citizens cannot be accepted into the state civil service:

- persons under the age of eighteen, unless otherwise established by the qualification requirements for the position of the state civil service. Different countries have different rules and requirements for public service, including age restrictions. In most countries, the minimum age for entering the civil service is 18 years or older. This is due to the fact that Public service often requires maturity, responsibility and legal understanding, which usually develop with age. However, in general, it is usually required to be of legal age to complete public service.

- citizens recognized by the court as incapacitated or with limited legal capacity. The State Civil Service has a significant impact on decision-making, the provision of services and the performance of functions that affect the lives of citizens. The Government usually strives to ensure that civil servants can work effectively and make informed decisions in the interests of citizens. Incapacitated or partially capable persons cannot effectively and fully carry out activities due to their limitations.

- deprived by a court decision of the right to hold public civil service positions for a certain period of time;

- found guilty by the court of committing corruption crimes;

- having an outstanding or outstanding criminal record for committing serious and especially serious crimes.

All of the above limitations are related to the fact that the state civil service assumes the fulfillment of the tasks assigned to it for the benefit of society. People who commit crimes often have a damaged reputation and bear the stigma of a criminal. The admission of such persons to public service can undermine public confidence in the system and cause distrust of the Government.

Summing up all the above, we would like to note that the equal right of citizens to access public service is an integral component of a democratic society. This principle ensures diversity, representativeness, professionalism and efficiency in State bodies, increases public confidence and promotes social justice. To achieve these goals, it is necessary to create equal opportunities for all citizens to apply for public positions on the basis of merit and qualifications. By supporting and promoting the equal right of citizens to access public service, we contribute to the development of a fair, open and democratic society.

## **REFERENCES**

1. International Covenant on Civil and Political Rights 28.12.1995.

2. The Constitution of the Republic of Uzbekistan 01.05.2023 <https://lex.uz/docs/6445147>.
3. Law of the Republic of Uzbekistan On state language of Republic Uzbekistan <https://lex.uz/acts/121433>.
4. Law of the Republic of Uzbekistan On Public Civil service, от 08.08.2022 г. № LRU-788 <https://lex.uz/uz/docs/6146009>.
5. Указ Президента Республики Узбекистан «О мерах по кардинальному совершенствованию кадровой политики и государственной гражданской службы» №УП-5843 от 03.10.2019 <https://lex.uz/docs/4549993>.
6. Paraxatovna, Avezova Eleonora. "РОЛЬ ТИПОВЫХ ПРАВИЛ ПОВЕДЕНИЯ ГОСУДАРСТВЕННЫХ СЛУЖАЩИХ ПРИ БОРЬБЕ С КОРРУПЦИЕЙ." *Conferencea* (2022): 188-190.
7. Александрова В.Ю., Попов С.И., Гусарская Т.А. Политика совершенствования аттестации государственных гражданских служащих // Вопросы политологии. 2018. № 10. С. 740.
8. Аvezова, Элеонора. "ЎЗБЕКИСТОН РЕСПУБЛИКАСИДА ДАВЛАТ ФУҚАРОЛИК ХИЗМАТИГА ҚАБУЛ ҚИЛИШНИ ҲУҚУҚИЙ ТАРТИБГА СОЛИШ." *Ижтимоий-гуманитар фанларнинг долзарб муаммолари/Актуальные проблемы социально-гуманитарных наук/Actual Problems of Humanities and Social Sciences*. 3.1 (2023): 78-86.
9. Баширов А.Н. Право граждан на равный доступ к государственной гражданской службе и механизм его реализации // Вестник Московского университета. 2015. №1. С.22.
10. Аvezова, Э. П. "СООТНОШЕНИЕ И ВЗАИМОСВЯЗЬ СУДЕБНОГО САНКЦИОНИРОВАНИЯ, СУДЕБНОГО КОНТРОЛЯ И ПРАВОСУДИЯ В УГОЛОВНОМ СУДОПРОИЗВОДСТВЕ." *Экономика и социум* 5-1 (2021): 602-604.
11. Зайцева Л.В. Обеспечение реализации принципа равного доступа к государственной гражданской службе // Вестник Тюменского государственного университета. 2013. №3. С. 92.
12. Avezova, Eleonora. "LEGAL REGULATION OF THE PROCEDURE FOR ADMISSION TO THE STATE PUBLIC SERVICE IN REPUBLIC UZBEKISTAN." *Eurasian Journal of Academic Research* 2.12 (2022): 1363-1370.
13. Paraxatovna, A. E. (2022, April). ORGANIZATIONAL AND LEGAL ASPECTS OF COMBATING CORRUPTION IN THE PUBLIC SERVICE. In *E Conference Zone* (pp. 273-275).
14. Аvezова, Элеонора. "ПОНЯТИЕ, СУЩНОСТЬ И СОЦИАЛЬНО-ПРАВОВАЯ ПРИРОДА КОРРУПЦИИ НА ГОСУДАРСТВЕННОЙ СЛУЖБЕ." *Theoretical aspects in the formation of pedagogical sciences* 1.7 (2022): 78-82.
15. Аvezова, Элеонора Парухатовна. "ТЕОРЕТИЧЕСКИЙ АНАЛИЗ ВИДОВ И ФОРМ КОРРУПЦИОННЫХ ПРОЯВЛЕНИЙ НА ГОСУДАРСТВЕННОЙ СЛУЖБЕ." *SIYOSATSHUNOSLIK, HUQUQ VA XALQARO MUNOSABATLAR JURNALI* 1.6 (2022): 91-94.

16. Романова Д.В. Конкурсный отбор персонала государственной гражданской службы: понятие и особенности нормативного регулирования// Традиции государственного управления: проблемы и перспективы сборник материалов круглого стола.2014. №6. С. 33
17. Авезова, Элеонора. "ПОНЯТИЕ, СУЩНОСТЬ И СОЦИАЛЬНО-ПРАВОВАЯ ПРИРОДА КОРРУПЦИИ НА ГОСУДАРСТВЕННОЙ СЛУЖБЕ." *Theoretical aspects in the formation of pedagogical sciences* 1.7 (2022): 78-82.
18. Avezova, Eleonora. "LEGAL REGULATION OF THE PROCEDURE FOR ADMISSION TO THE STATE PUBLIC SERVICE IN REPUBLIC UZBEKISTAN." *Eurasian Journal of Academic Research* 2.12 (2022): 1363-13