TOSHKENT DAVLAT YURIDIK UNIVERSITETI HUZURIDAGI ILMIY DARAJALAR BERUVCHI DSc.07/30.12.2019.Yu.22.02 RAQAMLI ILMIY KENGASH

O‘ZBEKISTON RESPUBLIKASI PREZIDENTI HUZURIDAGI DAVLAT BOSHQARUVI AKADEMIYASI

RAXIMOV DILMURODJON G‘ULOMJON O‘G‘LI

DAVLAT FUQAROLIK XIZMATINI KADRLAR BILAN TA’MINLASHNING TASHKILIY-HUQUQIY ASOSLARINI TAKOMILLASHTIRISH

12.00.02. – Konstitutsiyaviy huquq. Ma’muriy huquq.
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Falsafa doktori (PhD) dissertatsiyasi mavzusi O‘zbekiston Respublikasi Oliy ta’lim, fan va innovatsiyalar vazirligi huzuridagi Oliy attestatsiya komissiyasida V2022.1.PhD/Yu585-raqam bilan ro‘yxatga olingan.

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KIRISH (Doktorlik (PhD) dissertatsiyasi annotatsiyasi)

Dissertatsiya mavzusining dolzarbligi va zarurati. Dunyoda davlat boshqaruvi tizimi fan-texnika yutuqlari va zamonaviy standartlar asosida rivojlantirilayotgan hozirgi davrda islohotlar markazida davlat boshqaruvi apparatini eng munosib, malakali kadrlar bilan ta'minlash masalasi turadi. Boisi davlat boshqaruvini amalga oshirish bevosita davlat xizmatchilariga, ularning professionalligi va kasbiy mahoratiga bog‘liqdir. Davlat boshqaruvi va davlat xizmatining samarali tashkil etilishi ushbu sohaga oid xalqaro reyting va indekslarda davlatlarning yuqori o‘rinlarni egallashini ta'minlaydi. Har yili Jahon banki tomonidan e'lon qilinadigan "Hukumat samaradorligi" (Government Effectiveness) indeksining eng muhim mezoni ham aynan professional va samarali davlat xizmatini tashkil etilganligi hisoblanadi. O‘zbekiston Respublikasi "Hukumat samaradorligi" indeksida 2016-yilda 28,57% ko‘rsatkich bilan 144-o‘rinni qayd etgan bo‘lsa, sohada amalga oshirilayotgan islohotlar natijasida 2022-yilda 38.21% ko‘rsatkich bilan 193 ta davlat orasida 112-o‘rinni egalladi[1]. Mazkur holat davlat boshqaruvi va davlat xizmati tizimini doimiy takomillashtirib borish zarurligini taqozo etadi.

Jahonning aksariyat mamlakatlarida davlat boshqaruvini isloh qilish davlat xizmatini takomillashtirish bilan birga kechadi. Sababi davlat xizmati davlat boshqaruvi tizimining eng muhim elementlaridan biri bo‘lib, davlat idoralarining vazifalari aynan davlat xizmatchilari tomonidan amalga oshiriladi. Davlat xizmatchilari qanchalik bilimli, malakali, sadoqatli va mahoratli bo‘lsa, davlat boshqaruvi ham shunchalik samarali bo‘ladi. Shu nuqtai nazardan jahon ilm-fanida davlat fuqarolik xizmatini kadrlar bilan ta'minlashni takomillashtirish borasida qator ilmiy tadqiqotlar amalga oshirilmoqda. Bu borada davlat xizmatini to‘g‘ri tasniflash va unda davlat fuqarolik xizmatini samarali tashkil etish, ushbu soha uchun iqtidorli kadrlarni tayyorlash va ularning eng munosiblarini davlat xizmatiga qabul qilish, dinamik ijtimoiy jarayonlar sharoitida davlat xizmatchilarini qayta tayyorlash va malakasini oshirish, rahbarlik lavozimlari uchun kadrlar zaxirasini shakllantirish bilan bog‘liq muammolarning ilmiy asoslangan yechimlarini topish dolzarb ahamiyat kasb etmoqda.

Bugungi kunda O‘zbekistonda davlat boshqaruvini isloh qilishda malakali kadrlarga bo‘lgan ehtiyoj hamda kadrlarni tayyorlash va tanlash masalasida hal qilinishi zarur muammolar mavjudligi yaqqol sezilmoqda. Shu bois, Taraqqiyot strategiyasi (2022-2026-yillar), "O‘zbekiston – 2030" strategiyasi (2023-2030-yillar) kabi davlatning muhim hujjatlarida davlat boshqaruvini yanada rivojlantirishning muhim shartlaridan biri sifatida davlat fuqarolik xizmatini takomillashtirish masalasi belgilandi. 2019-yilda davlat rahbarining tashabbusi davlat fuqarolik xizmati sohasini takomillashtirishning ustuvor yo‘nalishlari belgilanib, soha bo‘yicha maxsus vakolatli organ – O‘zbekiston Respublikasi Prezidenti huzuridagi Davlat xizmatini rivojlantirish agentligi tashkil etildi. Bundan tashqari, 2022-yil 8-avgustda O‘zbekiston Respublikasining "Davlat fuqarolik xizmati to‘g‘risida"gi O‘RQ-788-son Qonuni qabul qilindi. Lekin ushbu Qonun

[1] https://www.worldbank.org/en/publication/worldwide-governance-indicators/interactive-data-access

to‘liq kuchga kirdi, deb bo‘lmaydi. Boisi Qonunni amalga oshirish uchun bir qancha qonunosti hujjatlari qabul qilinishi lozim bo‘lib, ularning aksariyati hozircha qabul qilinmadi. Jumladan, davlat fuqarolik xizmatiga kadrlarni ochiq tanlov asosida qabul qilish tartib-taomillari, kadrlar zaxirasini yuritish tartiblari kabi masalalar normativ-huquqiy hujjat bilan mustahkamlab qo‘yilmagan. Shuningdek, 2023-yil 30-aprel kuni o‘tkazilgan referendum asosida qabul qilingan yangi tahrirdagi O‘zbekiston Respublikasi Konstitutsiyasida fuqarolarning davlat xizmatiga kirishda teng huquqqa egaligiga oid norma mustahkamlab qo‘yildiki, endilikda ushbu normani hayotga to‘liq joriy qilish ehtiyoji mavjud. Shu kabi omillar ushbu sohani ilmiy jihatdan tadqiq etish muhim vazifalardan biri ekanligini ko‘rsatmoqda.

O‘zbekiston Respublikasi Konstitutsiyasi, O‘zbekiston Respublikasining “Davlat fuqarolik xizmati to‘g‘risida”gi O‘RQ-788-son (2022) va “Ta’lim to‘g‘risida”gi O‘RQ-637-son (2020) qonunlari, O‘zbekiston Respublikasi Oliy Majlisi Senatining “2030-yilga qadar O‘zbekiston Respublikasida gender tenglikka erishish strategiyasini tasdiqlash haqida”gi SQ-297-IV-son qarori (2021), O‘zbekiston Respublikasi Prezidentining “O‘zbekiston Respublikasi Prezidenti huzuridagi Davlat boshqaruvi akademiyasida boshqaruv kadrlarini tayyorlash, qayta tayyorlash va malakasini oshirish tizimini yanada rivojlantirish chora-tadbirlari to‘g‘risida”gi PF-5139-son (2017), “O‘zbekiston Respublikasida kadrlar siyosati va davlat fuqarolik xizmati tizimini tubdan takomillashtirish chora-tadbirlari to‘g‘risida”gi PF-5843-son (2019), “Davlat xizmatchilari va mutaxassislarni xorijda tayyorlash hamda ularning salohiyatini yanada oshirish tizimini tubdan takomillashtirish chora-tadbirlari to‘g‘risida”gi PF-6168-son (2021), “2022-2026-yillarga mo‘ljallangan Yangi O‘zbekistonning Taraqqiyot strategiyasi to‘g‘risida”gi PF-60-son (2022), “O‘zbekiston – 2030” strategiyasi to‘g‘risida”gi PF-158-son (2023) farmonlari va mavzuga oid boshqa normativ-huquqiy hujjatlarda belgilangan vazifalarni amalga oshirishda ushbu dissertatsiya tadqiqoti muayyan darajada xizmat qiladi.

Tadqiqotning respublika fan va texnologiyalari rivojlanishining ustuvor yo‘nalishlariga mosligi. Mazkur tadqiqot respublika fan va texnologiyalar rivojlanishining I. “Axborotlashgan jamiyat va demokratik davlatni ijtimoiy, huquqiy, iqtisodiy, madaniy, ma’naviy-ma’rifiy rivojlantirishda innovatsion g‘oyalar tizimini shakllantirish va ularni amalga oshirish yo‘llari” ustuvor yo‘nalishiga mos keladi.

Muammoning o‘rganilganlik darajasi. Mamlakatimiz huquqshunos olim va tadqiqotchilaridan A.A. Azizxo‘jayev, X.T. Azizov, B.B. Alimov, X.R. Alimov, Sh.G‘. Asadov, M.A. Axmedshayeva, D.M. Bekchanov, H.B. Boboyev, Sh.Y. Jurayev, F.B. Isayeva, G.S. Ismailova, Sh.A. Ismoilov, A.A. Li, F.B. Maxmudov, M.M. Mirakulov, B.Sh. Mirboboyev, F.A. Muxitdinova, J.N. Nematov, B.B. Qodirov, N.Sh. Said-Gaziyeva, U.T. Tojixonov, R.R. Xakimov, I.A. Xamedov, X.S. Xayitov, E.T. Xojiyev, V.J. Xudoyberdiyeva, U.Sh. Xusainov, O.T. Xusanov, F.U. Yuldasheva, S.B.Yusupov, A.E. Yo‘ldoshev, va boshqalar tomonidan davlat xizmati va davlat kadrlar siyosatiga oid ayrim huquqiy masalalar tadqiq etilgan.

Q.X. Abdurahmanov, M.U. Atamuratov, A.S. Begmatov, N.Q. Jo‘rayev, S.A. Jo‘rayev, D.A. Iymanova, D.S. Kattaxanova, Q.Q. Quranbayev, F.R. Ravshanov, G.O. Sa’diyeva, A.F. Sultonov, O.A. Xasanov, A.A. Yuldashev, A.E. Yuldashev, J.Q. Yusubov kabi olimlar tomonidan davlat xizmatchilari, xususan rahbar kadrlarga oid masalalarning ijtimoiy-siyosiy, ma’naviy-tarixiy va iqtisodiy jihatlari o‘rganilgan.

MDH davlatlarida davlat xizmatiga oid masalalarning ayrim jihatlari A.P. Alexin, G.V. Atamanchuk, E.B. Bazarbay, A.M. Baymenov, D.N. Baxrax, E.E. Duysenov, S.V. Kostromina, Y.M. Kozlov, B.M. Lazarev, O.A. Lakayev, V.M. Manoxin, N.S. Matveeva, A.V. Obolonskiy, D.M. Ovsyanko, D.X. Salikov, Y.Y. Solomatin, Y.N. Starilov, Y.A. Tixomirov, A.V. Torba kabi olimlarning tadqiqotlarida o‘z ifodasini topgan.

Tadqiqot olib borish jarayonida M. Beck, L. Bordogna, J. Bowman, J. Bratton, J. Breaugh, J. Cayer, T. Christensen, A. Ciobanu, D. DeCenzo, C. Demmke, B. Elman, I. Galnoor, G. Hammerschmid, J. Harris, M.Holzer, S. Horton, E. Huskey, B. Johansen, D. Kelly, P. Kim, Z. Lan, C. Lee, H. Lee, R. Mathis, S. Neri, J. Oser, A. Paludan, O. Poocharoen, J. Rabin, C. Reichard, S. Robbins, T. Scheer, E. Schroter, M. Scully, K. Tan, S. Theriault, A. Tiwari, S. Verhulst, L. Vyas, M. Warner, J. West, C. Wilkinson, M. Young, Y. Zhu, C. Zhua kabi xorijlik mutaxassislarning tadqiqot ishlari o‘rganildi[1].

Mamlakatimizda davlat xizmatiga oid bir qancha maxsus ilmiy tadqiqot ishlari yozilgan. Bu boradagi dastlabki tadqiqot B.Sh. Mirboboyev, O.T. Xusanov, A.S. Begmatovning “O‘zbekiston davlat xizmatini tashkil etishning tashkiliy huquqiy masalalari” nomli monografiyasi bo‘lib, unda davlat xizmati tushunchasi va prinsiplari, davlat xizmatchilarining tasniflanishi va javobgarligi, davlat xizmatiga oid mutafakkirlar qarashlari o‘rganilgan[2]. Shuningdek, professor O.T. Xusanov tadqiqotlarida davlat xizmatining asosiy vazifa va tamoyillari, davlat xizmatini huquqiy tartibga solish zarurati va bu borada milliy qonunchilikni takomillashtirish, davlat xizmatchilarining yuridik javobgarligi kabi masalalar tahlil qilingan[3].

Huquqshunos N.Sh. Said-Gaziyevaning “O‘zbekistonda davlat xizmatini isloh qilishning nazariy va amaliy muammolari” mavzusidagi doktorlik ishida davlat xizmatining shakllanish jarayonlaridagi milliy va xorijiy tajriba, davlat xizmatini huquqiy tartibga solish masalalari, davlat xizmatida korrupsiyaga qarshi kurashish, davlat xizmatchilarining javobgarligi, davlat xizmatini isloh etish yondashuvlari tadqiq etilgan[4].

Huquqshunos F.U. Yuldasheva “O‘zbekiston Respublikasida davlat xizmatiga kirish va o‘tashning huquqiy mexanizmini takomillashtirish” mavzusidagi doktorlik

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[1] Bu va boshqa manbalar dissertatsiyaning foydalanilgan adabiyotlar ro‘yxatida keltirilgan

[2] *Мирбобоев Б., Хусанов О., Бегматов А.* Ўзбекистон давлат хизматини ташкил этишнинг ташкилий ҳуқуқий масалалари. – Т.: Akademiya, 2005. – 144 б.

[3] *Хусанов О.Т.* Давлат бошқаруви ва давлат хизмати ислоҳида муҳим қадам. // “Ҳуқуқ ва бурч” журнали. – № 7, 2020. – Б. 2-7.; *Хусанов О.Т.* Ўзбекистонда давлат фуқаролик хизмати ҳуқуқий асосларининг ривожланиш истиқболлари. // “Социология ва ҳуқуқ” журнали. – № 1, 2022. – Б. 59-64.

[4] *Саид-Газиева Н.Ш.* Ўзбекистонда давлат хизматини ислоҳ қилишнинг назарий ва амалий муаммолари: ю.ф.д. ... дисс. – Т., 2010. – 299 б.

(PhD) dissertatsiyasida davlat xizmatining modellari, asosiy prinsiplari, tartib-taomillari, davlat fuqarolik xizmatida kadrlar siyosatini amalga oshirish kabi masalalar tadqiq etilgan[1].

Yuqorida qayd etilgan ilmiy ishlarni tahlili shuni ko‘rsatmoqdaki, birinchidan, davlat xizmatida tizimidagi davlat fuqarolik xizmati sohasi, ikkinchidan, ushbu sohani kadrlar bilan bilan ta’minlash (kadrlarni tanlab olish, ularning zaxirasini shakllantirish, ularni qayta tayyorlash va malakasini oshirish) mexanizmlari yaxlit tarzda alohida dissertatsiya ishi sifatida tadqiq qilinmagan.

Dissertatsiya tadqiqotining dissertatsiya bajarilgan oliy ta’lim muassasasining ilmiy-tadqiqot ishlari rejalari bilan bog‘liqligi. Dissertatsiya mavzusi O‘zbekiston Respublikasi Prezidenti huzuridagi Davlat boshqaruvi akademiyasining PZ-20170926317 “O‘zbekistonda davlat xizmati tizimini rivojlantirish istiqbollari hamda davlat xizmatchilarini tayyorlash, tanlash va joy-joyiga qo‘yishni tartibga solishning tashkiliy-huquqiy asoslarini takomillashtirish” ilmiy-amaliy loyihasi doirasida amalga oshirilgan.

Tadqiqotning maqsadi O‘zbekistonda davlat fuqarolik xizmatini kadrlar bilan ta’minlashning huquqiy asoslari va amaliyotini o‘rganish orqali uni takomillashtirishga qaratilgan ilmiy-nazariy va amaliy jihatdan asoslantirilgan taklif va tavsiyalarni ishlab chiqishdan iboratdir.

Tadqiqotning vazifalari. Tadqiqot maqsadidan kelib chiqqan holda quyidagi vazifalar belgilandi:

davlat xizmati institutining ilmiy-nazariy va metodologik asoslarini tadqiq etish;

davlat xizmati institutini tasniflash va davlat fuqarolik xizmatining ilmiy-nazariy asoslarini O‘zbekiston va rivojlangan davlatlar tajribasi asosida tadqiq etish;

davlat fuqarolik xizmati kadrlar bilan ta’minlash tashkil etish va boshqarish masalasini o‘rganish;

davlat fuqarolik xizmatida kadrlar tayyorlash, qayta tayyorlash, malakasini oshirish va zaxirasini shakllantirishning tashkiliy-huquqiy asoslarini tahlil qilish;

davlat fuqarolik xizmatiga kirishning tashkiliy-huquqiy mexanizmlarini tahlil qilish;

rivojlangan xorijiy davlatlarda davlat xizmatini kadrlar bilan ta’minlash jarayonlarini tahlil qilish orqali mamlakatimizda davlat fuqarolik xizmatini kadrlar bilan ta’minlashni takomillashtirish bo‘yicha taklif va tavsiyalar ishlab chiqish.

Tadqiqot obyekti O‘zbekiston Respublikasida davlat fuqarolik xizmatini kadrlar bilan ta’minlashni tashkil etish bilan bog‘liq huquqiy munosabatlar tizimi hisoblanadi.

Tadqiqot predmetini davlat fuqarolik xizmatini kadrlar bilan ta’minlashga doir nazariy-huquqiy qarashlar, sohaga oid qonunchilik hujjatlari, ularni qo‘llash amaliyoti, xorijiy mamlakatlar qonunchiligi va tajribasi, yuridik fandagi mavjud konseptual yondashuvlar, nazariyalar va kategoriyalar tashkil etadi.

[1] *Юлдашева Ф.У.* Ўзбекистон Республикасида давлат хизматига кириш ва ўташнинг ҳуқуқий механизмини такомиллаштириш: ю.ф.ф.д. ... дисс. – Т., 2021. – 170 б.

Tadqiqotning usullari. Tadqiqotni olib borishda tarixiy, tizimli-tuzilmaviy, qiyosiy-huquqiy, normativ-huquqiy, umumlashtirish, ilmiy manbalarni kompleks tahlil qilish, mantiqiylik, ijtimoiy so‘rov, induksiya, deduksiya hamda statistik ma’lumotlar tahlili kabi usullar qo‘llanilgan.

Tadqiqotning ilmiy yangiligi quyidagilardan iborat:

davlat fuqarolik xizmatiga kadrlarni ochiq, shaffof va adolatli tarzda tanlab olish va lavozim bo‘yicha o‘sib borish mexanizmlarini ta’minlash maqsadida adolatlilik, xolislik, ochiqlik va shaffoflik prinsiplarini joriy etish zarurati asoslab berilgan;

davlat fuqarolik xizmatida meritokratiya tamoyili va “karyera modeli” qoidalarini ta’minlash maqsadida davlat fuqarolik xizmatiga kadrlarni tanlab olishning ichki tanlov shaklida faqat davlat fuqarolik xizmatchilari, tashqi tanlov shaklida esa tegishli malaka talablariga javob beradigan barcha fuqarolar ishtirok etishi lozimligi asoslantirilgan;

kadrlarni qayta tayyorlash tayanch mutaxassisliklar va kasblarga muvofiq bo‘lgan yo‘nalishlar bo‘yicha faoliyatni amalga oshirish uchun qo‘shimcha kompetensiyalar egallanishini, kadrlar malakasini oshirish esa kasbiy kompetensiyalarning yangilab borilishini ta’minlashi va kadrlarning “karyera modeli” doirasida o‘sib borishiga xizmat qilishi asoslantirilgan;

davlat xizmati sohasida gender tenglikni ta’minlash, rahbarlik lavozimlarda xotin-qizlar ulushini oshirish maqsadida mahalliy ijro hokimiyati organlarining rahbarlik lavozimlariga xotin-qizlarni tayinlash amaliyotini kengaytirish lozimligi asoslantirilgan.

Tadqiqotning amaliy natijalari quyidagilardan iborat:

davlat fuqarolik xizmatchilarining “Davlat fuqarolik xizmati to‘g‘risida”gi Qonun bilan tartibga solinmagan mehnatga oid munosabatlari O‘zbekiston Respublikasining Mehnat kodeksi bilan tartibga solinishi lozimligi asoslab berilgan;

davlat fuqarolik xizmatiga davlat tilini biladigan va davlat fuqarolik xizmati lavozimlarini egallash uchun tegishli malaka talablariga javob beradigan O‘zbekiston Respublikasi fuqarolari qabul qilinishi lozimligi asoslab berilgan;

chet el mutaxassislari va ekspertlari davlat fuqarolik xizmati lavozimlarini qonunchilikda belgilangan tartibda egallashi, shuningdek, ularning xizmatni o‘tash tartibi hamda shartlari tegishli shartnoma asosida belgilanishi lozimligi asoslangan;

davlat fuqarolik xizmatini yosh kadrlar bilan ta’minlash maqsadida davlat va nodavlat tashkilotlari hamda fuqarolik jamiyatining boshqa institutlarida tashabbuskor, iqtidorli, raqobatbardosh kadrlar zaxirasini shakllantirish chora-tadbirlarini ko‘rish lozimligi asoslangan;

mahallalardagi yoshlar yetakchilari orasidan yuqori ish natijasiga erishgan yoshlarni potensial rahbarlar sifatida Milliy kadrlar zaxirasiga kiritish hamda ularni tanlovsiz yuqori lavozimlarga o‘tkazish lozimligi asoslab berilgan;

davlat xizmatining fundamental qoidalarini belgilash va uni to‘g‘ri tasniflash maqsadida O‘zbekiston Respublikasining “Davlat xizmati tizimi to‘g‘risida”gi Qonunini qabul qilish zarurati asoslangan va uning konsepsiyasi ishlab chiqilgan.

Tadqiqot natijalarining ishonchliligi. Tadqiqot natijalarining ishonchliligi ishda qo‘llanilgan usullar va foydalanilgan ilmiy-nazariy yondashuvlarning rasmiy

manbalardan olingani, xalqaro tajriba va milliy qonunchilik normalarining o‘zaro tahlil qilingani, davlat fuqarolik xizmatchilari o‘rtasida o‘tkazilgan ijtimoiy so‘rovnoma natijalariga asoslangani, tadqiqot tahlillarining yetakchi milliy va xorijiy nashrlarda e’lon qilingani, tadqiqot natijalarining amaliyotga joriy etilgani va belgilangan tartibda vakolatli tuzilmalar tomonidan tasdiqlangani bilan belgilanadi.

Tadqiqot natijalarining ilmiy va amaliy ahamiyati. Tadqiqotda keltirilgan ilmiy nazariy xulosalar ta’lim sohasida “Davlat va huquq nazariyasi”, “Konstitutsiyaviy huquq”, “Ma’muriy huquq”, “Davlat xizmati”, “Davlat boshqaruvi”, “Inson resurslarini boshqarish” kabi fanlar bo‘yicha ma’ruza va amaliy mashg‘ulotlar, shuningdek, shu sohada ilmiy tadqiqotlarni olib borishda foydalanilishi mumkin.

Tadqiqot natijalarining amaliyotga tatbiq etilishi davlat fuqarolik xizmatini kadrlar bilan ta’minlashga oid qonunchilikni va huquqni qo‘llash amaliyotini takomillashtirishga, davlat fuqarolik xizmatini munosib kadrlar bilan ta’minlash samaradorligini oshirishga, shuningdek, davlat fuqarolik xizmatchilarining huquqiy ongi va madaniyatini yanada yuksalishiga xizmat qilishi uning amaliy ahamiyatini belgilab beradi.

Tadqiqot natijalarining joriy qilinishi. Davlat fuqarolik xizmatini kadrlar bilan ta’minlashni takomillashtirishga oid tadqiqotdagi ilmiy natijalardan quyidagilarda foydalanildi:

davlat fuqarolik xizmatida adolatlilik, xolislik, ochiqlik va shaffoflik prinsiplarini belgilashga oid taklif O‘zbekiston Respublikasining 2022-yil 8-avgustdagi “Davlat fuqarolik xizmati to‘g‘risida”gi O‘RQ-788-son Qonunining 5-moddasini ishlab chiqishda foydalanilgan (O‘zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasi Demokratik institutlar, nodavlat tashkilotlar va fuqarolarning o‘zini o‘zi boshqarish organlari qo‘mitasining 2022-yil 30-sentyabrdagi 04/10-10-168-son dalolatnomasi). Maxsus Qonunda ushbu prinsiplarning joriy qilinishi davlat fuqarolik xizmatiga kadrlarni ochiq tanlov asosida qabul qilish, ularni baholash va lavozim bo‘yicha harakatlanish mexanizmlarining takomillashuviga xizmat qilgan;

davlat fuqarolik xizmatiga kadrlarni tanlab olishning ichki tanlov shaklida faqat davlat fuqarolik xizmatchilarining, tashqi tanlov shaklida esa tegishli malaka talablariga javob beradigan barcha fuqarolarning ishtirok etishi huquqini belgilashga oid taklif O‘zbekiston Respublikasining 2022-yil 8-avgustdagi “Davlat fuqarolik xizmati to‘g‘risida”gi O‘RQ-788-son Qonunining 29-moddasini ishlab chiqishda inobatga olingan (O‘zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasi Demokratik institutlar, nodavlat tashkilotlar va fuqarolarning o‘zini o‘zi boshqarish organlari qo‘mitasining 2022-yil 30-sentyabrdagi 04/10-10-168-son dalolatnomasi). Natijada davlat fuqarolik xizmatiga kadrlarni ichki va tashqi tanlov asosida qabul qilishning samarali tizimi yo‘lga qo‘yilib, bu davlat fuqarolik xizmatida meritokratiya tamoyili va “karyera modeli” qoidalarini ta’minlashga xizmat qilgan;

“kadrlarni qayta tayyorlash” va “kadrlar malakasini oshirish” tushunchalari xususiyatlarini farqlashga oid taklif O‘zbekiston Respublikasining 2020-yil 23-sentyabrdagi “Ta’lim to‘g‘risida”gi O‘RQ-637-son Qonunining 13-moddasini ishlab chiqishda e’tiborga olingan (O‘zbekiston Respublikasi Oliy Majlisi

Qonunchilik palatasi Fan, ta’lim, madaniyat va sport masalalari qo‘mitasining 2022-yil 24-apreldagi 1967-105-son dalolatnomasi). Ushbu taklif natijasida kadrlarni qayta tayyorlash tayanch mutaxassisliklar va kasblarga muvofiq bo‘lgan yo‘nalishlar bo‘yicha faoliyatni amalga oshirish uchun qo‘shimcha kompetensiyalarni egallanishini ta’minlashi, kadrlar malakasini oshirish esa kasbiy kompetensiyalarning yangilab borilishini ta’minlashi sifatida belgilanib, ushbu jarayonlarni samarali tashkil etishga xizmat qilgan;

mahalliy ijroiya hokimiyati organlarining rahbarlik lavozimlariga xotin-qizlarni tayinlash amaliyotini kengaytirish lozimligiga oid taklif O‘zbekiston Respublikasi Oliy Majlisi Senatining 2021-yil 28-maydagi SQ-297-IV-son qarori bilan tasdiqlangan 2030-yilga qadar O‘zbekiston Respublikasida gender tenglikka erishish strategiyasining 4-bob 2-ustuvor yo‘nalishining 6-xatboshishini ishlab chiqishda foydalanilgan (O‘zbekiston Respublikasi Oliy Majlisi Senati Xotin-qizlar va gender tenglik masalalari qo‘mitasining 2022-yil 3-oktyabrdagi 25-12/2502-son dalolatnomasi). Natijada viloyatlar va Toshkent shahar hokimliklari tuzilmalarida hokim o‘rinbosarlari – oila va xotin-qizlar boshqarmalari boshliqlari, tuman (shahar) hokimliklari tuzilmalarida hokim o‘rinbosarlari – oila va xotin-qizlar bo‘limlari boshliqlari lavozimlari joriy qilinib, bu davlat fuqarolik xizmatining rahbarlik lavozimlarida xotin-qizlar ulushining ortishiga, hududlarni ijtimoiy-iqtisodiy rivojlantirishga doir ishlarda xotin-qizlarning faolligini oshirishga xizmat qilgan.

Tadqiqot natijalarining aprobatsiyasi. Tadqiqot natijalari 10 ta ilmiy anjumanda, jumladan, 6 ta xalqaro, 4 ta respublika miqyosida o‘tkazilgan ilmiy-amaliy konferensiya, davra suhbatlari, seminarlar va o‘quv mashg‘ulotlarida muhokamadan o‘tgan.

Tadqiqot natijalarining e’lon qilinganligi. Tadqiqot natijalari bo‘yicha jami 22 ta ilmiy ish, jumladan, ilmiy jurnallarda 12 ta maqola (3 tasi xorijiy nashrda) va to‘plamlar tarkibida 10 ta maqola (6 tasi xalqaro anjumanlarda) chop etilgan.

Dissertatsiyaning tuzilishi va hajmi. Dissertatsiya tarkibi kirish, uchta bob, 8 ta paragraf, xulosa, foydalanilgan adabiyotlar ro‘yxati va ilovalardan iborat. Dissertatsiyaning matni 140 sahifani tashkil etgan.

DISSERTATSIYANING ASOSIY MAZMUNI

Dissertatsiyaning **kirish** qismida tadqiqot mavzusining dolzarbligi va zarurati, uning respublika fan va texnologiyalari rivojlanishining asosiy ustuvor yo‘nalishlariga bog‘liqligi, muammoning o‘rganilganlik darajasi, mavzuning dissertatsiya bajarilayotgan oliy ta’lim muassasasining ilmiy tadqiqot ishlari bilan aloqasi, uning maqsad va vazifalari, obyekti va predmeti, usullari, ilmiy yangiligi va amaliy natijasi, tadqiqot natijalarining ishonchliligi, ilmiy va amaliy ahamiyati, joriy qilinishi, aprobatsiyasi, natijalarning e’lon qilinganligi, dissertatsiyaning hajmi va tuzilishi haqida ma’lumotlar keltirilgan.

Dissertatsiyaning birinchi bobi **“Davlat fuqarolik xizmatining nazariy-huquqiy masalalari”** deb nomlanib, unda davlat xizmati tushunchasi va mohiyati, davlat xizmatini tasniflashning nazariy-huquqiy masalalari, unda davlat fuqarolik xizmatining

tutgan o‘rni, shuningdek, mamlakatimiz davlat fuqarolik xizmatida kadrlar siyosatining rivojlanish bosqichlari ilmiy-nazariy va amaliy jihatdan tahlil qilingan.

Ushbu bobning *“Davlat xizmati institutining nazariy-metodologik asoslari”* deb nomlangan birinchi paragrafida “davlat xizmati” institutining kelib chiqishi, unga oid muhim qarashlar va tushunchalar tahlil qilingan. Bu borada olimlarning (A.Paludan, I.Galnoor, J.Oser, C.Zhua, M.Warner, B.Elman) fikr-mulohazalari o‘rganilib, davlat xizmati miloddan avvalgi 3 ming yillikda Qadimgi Sharqda, asosan, Misr va Xitoyda shakllanganligi qayd etilgan. “Davlat xizmati” ijtimoiy-huquqiy kategoriya sifatida XIX asrda Buyuk Britaniyada qo‘llanila boshlanganligi ta’kidlangan.

“Davlat xizmati” institut sifatida Yevropada shakllangan bo‘lsa-da, unga oid qarashlar, xususan, davlat amaldorlarini tanlashda e’tibor qaratilishi lozim bo‘lgan sifatlarga oid fikr-mulohazalar milliy-tarixiy manbalardan ham o‘rin olganligi ta’kidlangan. Muallif tomonidan “Avesto”, A.Farobiy, Y.Hojib, Nizomulmulk, A.Temur, A.Navoiy asarlarida ilgari surilgan ayrim g‘oyalardan misollar keltirib, ularning bugungi kunda ham ahamiyatini yo‘qotmaganligi qayd etilgan.

Ushbu paragrafda davlat xizmati alohida fan va tizim sifatida rivojlanayotgan bir paytda, Sobiq ittifoq davrida (1917-1991-yillar) ushbu masalasiga deyarli e’tibor qaratilmaganligi ko‘rsatib o‘tiladi. Tadqiqotlarga asoslanib, ushbu davrda Sobiq ittifoqda A.Beylin, I.Pronin, Y.Razumov, V.Yaskov, mamlakatimizda T.Melnikova, N.Muhiddinov, A.Valiyev, Sh.Ziyomov, X.Tursunov, T.Toshmurodov, N.Ahmedov va M.Paklar tomonidan davlat xizmati va kadrlar siyosatiga oid izlanishlar olib borilgan bo‘lsa-da, ular kommunistik partiyaning g‘oyalariga mosligi va mavjud muammolar aniq faktlar asosida tahlil qilinmaganligi ta’kidlanadi.

Ushbu paragrafda “davlat xizmati” tushunchasi fanning turli sohalariga taalluqli bo‘lganligi bois, unga berilgan ta’riflar xilma-xilligi qayd etiladi. Jumladan, ayrim olimlar (B.Lazarev, A.Alexin, Y.Kozlov, A.Obolonskiy, Y.Starilov) davlat xizmatining davlatdan olinadigan maosh evaziga davlatga xizmat ko‘rsatish xususiyatiga e’tibor qaratishadi. Boshqa olimlar (V.Manoxin, Y.Tixomirov, E.Duysenov, E.Bazarbay, U.Tojixonov, A.Li, E.Xojiyev, G.Ismailova, M.Raximova, M.Holzer, J.Rabin) esa uning professional faoliyat ekanligini ta’kidlaydilar. Davlat xizmatini ta’riflashda uning mehnat faoliyati ekanligiga qaratilgan qarashlar ham shakllangan (Y.Starilov, N.Said-Gaziyeva, B.Mirboboyev, E.Xojiyev, X.Azizov, F.Yuldasheva). Dissertant tomonidan ushbu qarashlar asosida “davlat xizmati” tushunchasiga mualliflik ta’rifi ishlab chiqilgan.

Shuningdek, “davlat xizmatchisi” va “kadr” tushunchalarining xususiyatlari izohli, ensiklopedik lug‘atlar hamda olimlarning (D.Ovsyanko, D.Baxrax, O.Xusanov, U.Tojixonov, F.Yuldasheva, V.Xudoyberdiyeva) qarashlari asosida tahlil qilinib, ushbu tushunchalar bir-biridan farqlangan va ularga mualliflik ta’riflari taklif etilgan.

Birinchi bobning *“Davlat xizmatini tasniflash va unda davlat fuqarolik xizmatining o‘rni”* nomli ikkinchi paragrafida davlat xizmatining tasniflanishi va unda davlat fuqarolik xizmatining tutgan o‘rni tahlil qilingan. Ushbu masalani tadqiq etish 2019-yilda mamlakatimiz amaliyotida “davlat fuqarolik xizmati” tushunchasi vujudga kelib, uning aniq chegarasini belgilash zaruratidan kelib chiqqanligi ta’kidlangan.

Davlat xizmatini tasniflash bo‘yicha D.Ovsyanko, Y.Starilov, X.Alimov, B.Mirboboyev, N.Said-Gaziyeva, I.Xamedev, E.Xojiyev, F.Yuldasheva, F.Isayeva, Sh.Jurayev tomonidan ilgari surilgan fikr-mulohazalar tahlil qilingan. Ushbu masala bo‘yicha AQSH, Buyuk Britaniya, Fransiya, Germaniya, Italiya, Ispaniya, Shveysariya, Koreya Respublikasi, ayrim MDH davlatlari, shu jumladan, Rossiya, Ukraina, Armaniston, Qirg‘iziston tajribasi o‘rganilgan. O‘zbekiston Respublikasi davlat xizmatini tasniflashda, asosan, Rossiya tajribasiga e’tibor qaratilganligi qayd etilgan. Davlat xizmatini tasniflash jarayonida vujudga kelgan huquqiy bo‘shliqlarni bartaraf etish maqsadida O‘zbekiston Respublikasining “Davlat xizmati tizimi to‘g‘risida”gi Qonuni qabul qilinib, unda davlat xizmatining turlari aniq belgilanishi taklif etilgan.

Mazkur paragrafda MDHga a’zo davlatlar Parlamentlararo Assambleyasining 1998-yil 15-iyundagi 11-5-son qarori bilan tasdiqlangan “Davlat xizmati asoslari to‘g‘risida”gi namunaviy qonuni qoidalaridan kelib chiqib, adliya organlari, soliq xizmati va tashqi (diplomatlik va konsullik) xizmat faoliyati “Davlat fuqarolik xizmati to‘g‘risida”gi Qonun doirasiga kiritilmasligi hamda alohida qonun hujjatlari bilan tartibga solinishi maqsadga muvofiqligi qayd etilgan.

Davlat xizmati tizimida Parlament a’zolari va xodimlari, davlat muassasalarida faoliyat yurituvchi ta’lim va tibbiyot xodimlarining huquqiy maqomini belgilashga oid mulohazalar ham bayon etilgan. Natijada, Parlament a’zolari va hukumat a’zolarini davlat siyosiy xizmatiga kiritish, davlat muassasalarida faoliyat yurituvchi ta’lim va tibbiyot xodimlarini davlat fuqarolik xizmatiga kiritish yoki ular uchun alohida davlat xizmati turini belgilash, Parlament devoni xodimlarini esa davlat fuqarolik xizmatiga kiritish g‘oyalari ilgari surilgan.

Shuningdek, “davlat fuqarolik xizmati” va “davlat fuqarolik xizmatchisi” tushunchalariga mualliflik ta’riflari ishlab chiqilgan.

Birinchi bobning uchinchi paragrafi *“O‘zbekiston davlat fuqarolik xizmatida kadrlar siyosatining rivojlanish bosqichlari”* masalasiga bag‘ishlanib, unda ushbu jarayonlar bosqichlarga ajratilgan holda tadrijiy tahlil qilingan. O‘zbekistonda davlat fuqarolik xizmatida kadrlar siyosati 2 bosqichda takomillashib borganligi qayd etilgan: davlat fuqarolik xizmatida kadrlar siyosatining shakllanish bosqichi (1991-2016 yy.) va sohaning zamonaviy standartlar asosida rivojlanish bosqichi (2017-h.v.).

Birinchi bosqichda (1991-2016 yy.) professional davlat xizmatini shakllantirish masalasiga sust qaralganligi ko‘rsatilgan. Ushbu bosqichda O‘zbekiston Respublikasi Konstitutsiyasining qabul qilinishi bilan davlat fuqarolik xizmatining ilk asoslari yaratilganligi, ijro hokimiyati va davlat organlari tizimi shakllanganligi, oliy ta’lim tizimida kadrlar tayyorlash tizimi takomillashib borganligi, iste’dodli yoshlarni chet elda o‘qishini qo‘llab-quvvatlash tizimi shakllanganligi, boshqaruv va rahbar kadrlarni tayyorlash tizimi shakllanib, rivojlanib borganligi, shuningdek, davlat fuqarolik xizmatchilari faoliyatiga oid ayrim qonunosti hujjatlari qabul qilinganligi ta’kidlangan.

Ikkinchi bosqich 2017-yilda boshlanib, bugungacha davom etib kelayotganligi va ushbu bosqichda davlat fuqarolik xizmatini tubdan isloh qilishga kirishilganligi qayd etilgan. Davlatning muhim strategik dasturlari bo‘lgan Harakatlar strategiyasi,

Ma’muriy islohotlar konsepsiyasi, Taraqqiyot strategiyasi va O‘zbekiston – 2030 strategiyasida davlat xizmatini takomillashtirish davlat boshqaruvini isloh qilishning ustuvor yo‘nalishlaridan biri sifatida belgilanayotganligiga e’tibor qaratilgan. Natijada, 2019-yilda davlat kadrlar siyosati bo‘yicha vakolatli organ – O‘zbekiston Respublikasi Prezidenti huzuridagi Davlat xizmatini rivojlantirish agentligi tashkil etilganligi, 2022-yil 8-avgustda esa uzoq kutilgan O‘zbekiston Respublikasining “Davlat fuqarolik xizmati to‘g‘risida”gi Qonuni qabul qilinganligi ta’kidlangan. Mazkur davrda boshqaruv kadrlarini tayyorlash va malakasini oshirish tizimi yanada takomillashganligi, jumladan, Davlat boshqaruvi akademiyasining sirtqi ta’lim shakllari va hududiy filiallari, shuningdek, kadrlarni xorijda tayyorlash uchun “El-yurt umidi” jamg‘armasi tashkil etilganligi qayd etilgan.

Dissertatsiyaning **“O‘zbekistonda davlat fuqarolik xizmatini kadrlar bilan ta’minlashning tashkiliy-huquqiy asoslari”** deb nomlangan ikkinchi bobida davlat fuqarolik xizmatini kadrlar bilan ta’minlashni tashkil etish va boshqarish, sohada kadrlar tayyorlash, qayta tayyorlash, malakasini oshirish va zaxirasini shakllantirish, shuningdek, davlat fuqarolik xizmatiga kirishning tashkiliy-huquqiy mexanizmlari tahlil qilingan.

Ushbu bobning *“Davlat fuqarolik xizmatini kadrlar bilan ta’minlashni tashkil etish va boshqarish”* deb nomlangan birinchi paragrafida “davlat fuqarolik xizmatini kadrlar bilan ta’minlash” tushunchasining mohiyati olimlar (J.Bratton, R. Mathis, Sh.Asadov, O.Ibrohimov, F.Yuldasheva)ning qarashlari va mavjud amaliyot asosida tahlil qilinib, unga mualliflik ta’rifi ishlab chiqilgan.

Tadqiqotchi davlat fuqarolik xizmatini kadrlar bilan ta’minlashda ishtirok etuvchi subyektlarni A.Azizxo‘jayev O.Xusanov, R.Xakimov, B.Alimov, M.Axmedshayeva, M.Mirakulov, F.Yuldasheva tomonidan ilgari surilgan g‘oyalar asosida tahlil qilgan hamda ularni vakolatiga ko‘ra, umumiy vakolatli va maxsus vakolatli subyektlarga ajratish orqali tahlil qilishni taklif etgan.

Umumiy vakolatli subyektlar mazmuniga ko‘ra, boshqa sohalarda ham keng vazifalarga ega bo‘lib, davlat fuqarolik xizmatini kadrlar bilan ta’minlashda ishtirok etish uning vakolatlaridan biri hisoblanishi va bunday subyektlarga O‘zbekiston Respublikasi Prezidenti, Oliy Majlisi va Vazirlar Mahkamasi, Oliy ta’lim, fan va innovatsiyalar vazirligi, Kambag‘allikni qisqartirish va bandlik vazirligi hamda davlat fuqarolik xizmatini nazarda tutuvchi davlat organlari va idoralarini kiritish mumkinligi taklif etilgan.

Maxsus vakolatli subyektlar esa kadrlar siyosatini amalga oshirish uchun tashkil etilishi qayd etilgan. Davlat xizmatini rivojlantirish agentligi va uning hududiy filiallari, Davlat boshqaruv akademiyasi va uning hududiy filiallari, shuningdek, O‘zbekiston Respublikasi Prezidenti Administratsiyasida O‘zbekiston Respublikasi Prezidentining kadrlar siyosati masalalari bo‘yicha maslahatchisi bo‘linmasi, Vazirlar Mahkamasi Bosh vazir kotibiyatining Kadrlar bo‘limi, Viloyat, shahar va tuman hokimliklari boshqaruv apparatidagi Tashkiliy-nazorat guruhi, bundan tashqari, davlat fuqarolik xizmatiga taalluqli davlat organlari va idoralarining kadrlar bo‘linmalari maxsus vakolatli subyektlar sifatida qayd etilishi taklif etilgan.

Ikkinchi bobning ikkinchi paragrafi *“Davlat fuqarolik xizmatida kadrlar tayyorlash, qayta tayyorlash, malakasini oshirish va zaxirasini shakllantirishning*

tashkiliy-huquqiy asoslari” deb nomlangan. Davlat fuqarolik xizmati uchun kadrlar oliy va o‘rta-maxsus ta’lim tizimida shakllanishi qayd etilib, mamlakatimizda 1997-yilda 58 ta, 2016-yilda 77 ta oliy o‘quv yurti mavjud bo‘lsa, bugungi kunda ularning soni 212 taga yetganligi ta’kidlangan. 2016-yilga nisbatan bugungi kunda oliy ta’lim muassasalari soni 2,7 baravarga, qabul ko‘rsatkichlari 3,7 baravarga, eng asosiysi – oliy ta’lim bilan qamrov darajasi 9 foizdan 38 foizga oshganligi, umuman olganda, oliy ta’lim sohasidagi islohotlarning barchasi davlat fuqarolik xizmati uchun potensial kadrlarni ham son, ham sifat jihatdan ko‘payishiga xizmat qilishiga urg‘u qaratilgan. Davlat boshqaruvi akademiyasining qayta tayyorlash va malaka oshirish kurslari tinglovchilari orasida 2022-yilda ijtimoiy so‘rovnoma o‘tkazilib, unga ko‘ra, “Davlat fuqarolik xizmati uchun zarur bo‘ladigan tanlov fanlarni joriy qilish” (40 foiz), “Davlat fuqarolik xizmatiga mos yangi mutaxassisliklarni joriy qilish” (21,9 foiz), “Davlat fuqarolik xizmatchilarini tayyorlaydigan alohida ta’lim tashkilotlarini tashkil etish” (36,9 foiz) takliflari oliy ta’lim tizimida davlat fuqarolik xizmati uchun kadrlar tayyorlashni takomillashtirish yo‘nalishlari sifatida ilgari surilgan.

Davlat fuqarolik xizmatchilarining qayta tayyorlash va malakasini oshirish masalalari ham davlat fuqarolik xizmatini kadrlar bilan ta’minlashning ajralmas qismi ekanligi ta’kidlanib, uning yagona tartib-qoidalarini belgilash taklif etilgan. Ijtimoiy so‘rovnoma natijalariga ko‘ra (71,3 foiz), davlat fuqarolik xizmatchilarining har yili malakalarini oshirish lozimligi taklif etilgan. Umuman olganda, bugungi kunda vazirlik va idoralar tizimida 110 ta qayta tayyorlash va malaka oshirish markazlari faoliyat yuritib, har bir markaz o‘zining o‘quv dasturlari, metodikalari va mavzular doirasini mustaqil ravishda shakllantirishi aytilgan. Bu esa yagona tizim mavjud emasligi, davlat fuqarolik xizmatchilari uchun zarur umumiy fundamental fanlarni o‘qitilmasligi, bosqichma-bosqich rahbarlik lavozimiga tayyorlab borish nazarda tutilmaganligi, markazlar professor-o‘qituvchilarining malakasini oshirish borasidagi faoliyat tizimli yo‘lga qo‘yilmaganligi, axborot kommunikatsiya texnologiyalardan foydalanish yetarli darajada emasligi kabi muammolarni yuzaga chiqarishi qayd etilgan. Dissertant tomonidan olimlarning qarashlari (F.Otaxonov B.Qodirov, B.Jo‘rayev, F.Yuldasheva, Sh.Asadov, B.Alimov A.Yuldashev, O.Xasanov, D.Kelly) va xorijiy mamlakatlar (AQSH, Buyuk Britaniya, Fransiya, Germaniya, Koreya, BAA, Malayziya) tajribasi asosida ushbu muammolarni hal qilish mexanizmlari taklif etilgan.

Davlat fuqarolik xizmatini kadrlar bilan ta’minlashdagi yana bir muhim masala bu kadrlar zaxirasini shakllantirish bo‘lib, bu borada Buyuk Britaniya, Daniya, Ispaniya, Germaniya, Italiya, Koreya Respublikasi, Niderlandiya, Fransiya, AQSH, Yaponiya kabi mamlakatlar samarali tizimni yo‘lga qo‘yganliklari qayd etilgan. Olimlar (Y.Solomatin, O.Xusanov, F.Ravshanov, F.Yuldasheva, E.Huskey, A.Borovskaya)ning mulohazalari tahlil etilib, “davlat fuqarolik xizmatida kadrlar zaxirasi” tushunchasiga ilmiy ta’rif berilgan va tizimni rivojlantirish mexanizmlari taklif etilgan.

Mazkur bobning *“Davlat fuqarolik xizmatiga kirishning tashkiliy-huquqiy mexanizmlari”* deb nomlangan uchinchi bobida “davlat fuqarolik xizmatiga

kadrlarni tanlash", "davlat fuqarolik xizmatiga kadrlarni qabul qilish", "davlat fuqarolik xizmatida kadrlar bilan mehnat shartnomasi tuzish", "davlat fuqarolik xizmati lavozimiga tayinlash", "davlat fuqarolik xizmati lavozimini egallash", "meritokratiya", "ochiq tanlov", "ichki tanlov", "tashqi tanlov" kabi jarayonlar tahlil qilingan. Ushbu paragrafda mahalliy (O.Xusanov, B.Mirboboyev, X.Azizov, X.Xaytiov, Sh.Asadov, E.Xojiyev, T.Xojiyev F.Yuldasheva, O.Xasanov) va xorijlik (T.Christensen, A. Ciobanu, M.Young, M.Scully, A.Torba, O.Lakayev, A.Mordasova, Y.Jidyayeva, S.Kostromina) olimlar qarashlari, ijtimoiy so‘rovnoma natijalari hamda xorijiy tajriba asosida "Davlat fuqarolik xizmati to‘g‘risida"gi Qonunda davlat fuqarolik xizmatiga kirish usullarini aniq belgilash, uning "Davlat fuqarolik xizmatiga kirish tartibi" deb nomlangan 6-bobiga malaka talablari va sinov muddati bilan bog‘liq moddalarni kiritish, davlat fuqarolik xizmatiga kirish talablarini belgilash va bunda chet el fuqarolarining huquqiy maqomini belgilash, ochiq tanlov tizimining xolisligi va samaradorligini ta'minlashga oid amaliy takliflar ilgari surilib, "davlat fuqarolik xizmatida ochiq tanlov" tushunchasiga mualliflik ta'rifi ishlab chiqilgan.

Dissertatsiyaning uchinchi bobi **"O‘zbekistonda davlat fuqarolik xizmatini kadrlar bilan ta'minlashning istiqbollari"**ga bag‘ishlangan bo‘lib, unda tadqiqotchi tomonidan davlat xizmati modellari, davlat xizmatini kadrlar bilan ta'minlash bo‘yicha AQSH, Buyuk Britaniya, Fransiya, Germaniya, Yaponiya, Koreya Respublikasi, Singapur va MDH davlatlari tajribasi va yutuqlari o‘rganilib, O‘zbekistonda davlat fuqarolik xizmatini kadrlar bilan ta'minlashni takomillashtirishning ustuvor yo‘nalishlari taklif etilgan.

Mazkur bobning birinchi paragrafi *"Xorijiy mamlakatlarda davlat xizmatini kadrlar bilan ta'minlash masalasi"* deb nomlangan. Dissertant davlat xizmatini tashkil etish bo‘yicha muayyan xalqaro standartlar mavjud emasligini, faqatgina bir qancha xalqaro hujjatlarda davlat xizmatiga oid ayrim normalar belgilanganligini qayd etadi. Har bir mamlakat davlat xizmati o‘ziga xos shakllangan bo‘lib, bu o‘ziga xoslikni ma'lum ma'noda uning huquqiy tizimi va davlat boshqaruvi xususiyatlari belgilab berishi, shunday bo‘lsa-da, nisbatan bir-biriga o‘xshash davlat xizmati tizimlari shakllanganligi olimlarga davlat xizmatini turli mezonlar asosida bir qancha guruhlar (modellar)ga tasniflashga imkon berishi ta'kidlangan. Ushbu masala bo‘yicha muallif mahalliy (N.Said-Gaziyeva, I.Xamedov, U.Xusainov, F.Yuldasheva, O.Xusanov, Sh.Asadov, D.Raximova) va xorijlik (V.Stancetic, S.Horton, J.Breaugh, G.Hammerschmid) olimlarning fikr-mulohazalarini o‘rganib, davlat xizmatini tashkil etishning, asosan, anglo-sakson (ochiq); kontinental (yopiq, karyera); islom; mehnat modellari keng tarqalgan, degan xulosaga kelgan.

Davlat xizmati tizimini tashkil qilishning anglo-sakson (ochiq) modeli xizmatchilarni tanlashda ochiq tanlov, davlat xizmatchisining bajargan ishining natijalariga qarab ish haqi va xizmat bo‘yicha ko‘tarilishining ta'minlanishi, ish haqi darajasining xususiy sektorga nisbatan yuqori ekanligi, davlat xizmatchilariga ijtimoiy-iqtisodiy tomondan berilgan imtiyoz va kafolatlarning salmoqliligi, ishdan bo‘shatish tizimining soddaligi bilan ajralib turishi qayd etilib, bu modelga

Buyuk Britaniya, AQSH, Singapur, Kanada, Yangi Zelandiya, Norvegiya kabi mamlakatlar amaliyoti va tajribasi misol bo‘lishi ta’kidlangan.

Davlat xizmatining kontinental (yopiq, karyera) modeli esa qat’iy karyerali tizim hisoblanib, muayyan tizimning o‘zida lavozim bo‘yicha o‘sib borishga asoslanishi, Fransiya, Germaniya, Ispaniya, Italiya, Belgiya, Avstriya, Finlyandiya, Chexiya, Portugaliya, Meksika, Yaponiya, Koreya Respublikasi kabi mamlakatlar davlat xizmati ushbu modelga taalluqli ekanligi ta’kidlangan.

Davlat xizmatining mehnat modeli davlat xizmatchilarining faoliyati ommaviy huquq (davlat xizmati bo‘yicha maxsus qonun) bilan bir qatorda mehnat qonunchiligi bilan ham tartibga solinishi, bu jihatdan ushbu model kontinental model tarkibidagi davlat huquqi modeliga yaqin turishi, ushbu modelga MDH davlatlarining aksariyati xos ekanligiga e’tibor qaratilgan.

Davlat xizmatining islom modelida esa anglo-sakson va kontinental modellarga xos elementlar bilan bir qatorda islom dini xususiyatlari qorishib ketishi, ushbu modelga islom dinining nufuzi baland bo‘lgan G‘arbiy, Janubi-g‘arbiy Osiyo hamda Shimoliy Afrikadagi aksariyat mamlakatlar davlat xizmatini kiritish mumkinligi qayd etilgan.

Ayrim olimlar (X.Xayitov, B.Alimov, F.Yuldasheva va Sh.Ismoilov) davlat fuqarolik xizmatiga oid maxsus qonun bilan tartibga solinmagan mehnat munosabatlari mehnat qonunchiligiga havola etish orqali ular o‘rtasida uzviylikni ta’minlash mumkinligini qayd etishadi. Mamlakatimiz qonunchiligida ushbu tartibning belgilanishi natijasida davlat fuqarolik xizmatchilarining faoliyati ommaviy huquq normalari bilan bir qatorda mehnat huquqi normalari bilan ham tartibga solinadigan aralash tizim shakllanganligi ta’kidlangan.

Shuningdek, mahalliy (E.Xojiyev, Sh.Asadov, G.Ismailova, M.Raximova, D.Bekchanov J.Ne’matov) va chet ellik (S.Theriault, H.Lee, J.Cayer, Z.Lan, T.Scheer, J.Harris, L.Vyas, Y.Zhu, O.Poocharoen, C.Lee, K.Tan, V.Gvozdev, J.Kayralapina, N.Matveeva, M.Lebedova, S.Mutsalov, V.Gvozdev, Y.Malishev, T.Suxodaeva, I.Gazieva, A.Tarjumanyana, A.Jumabayeva, A.Rzayev, A.Margolin, A.Baymenov) olimlarning tahlillari va rasmiy manbalar ma’lumotlariga asoslanib davlat xizmatini tashkil etish, soha uchun kadrlar tayyorlash va tanlash, davlat xizmatchilarining kasbiy tayyorgarligini oshirish va bu jarayonlarning tashkiliy-huquqiy asoslarini belgilash bo‘yicha AQSH, Buyuk Britaniya, Fransiya, Germaniya, Yaponiya, Koreya Respublikasi, Singapur va MDH davlatlari tajribasi va yutuqlari tadqiq etilgan.

Uchinchi bobning ikkinchi paragrafida *“Davlat fuqarolik xizmatini kadrlar bilan ta’minlashni takomillashtirishning ustuvor yo‘nalishlari”* ajratib olinib, ularni rivojlantirish yo‘llari taklif etilgan. Bu borada davlat xizmatining huquqiy asoslarini rivojlantirish, davlat fuqarolik xizmatini yoshlar va xotin-qizlar bilan ta’minlash, davlat fuqarolik xizmatchilarini tayyorlash, tanlash, zaxirasini shakllantirish va kasbiy tayyorgarligini oshirish, sohada sun’iy intellekt va zamonaviy menejment usullaridan foydalanish, mavjud qonunchilikka amal qilish mexanizmlarini takomillashtirish kabilar alohida ajratib ko‘rsatilgan. Ushbu masalalarni o‘z ichiga oluvchi davlat fuqarolik xizmatini uzoq muddatga mo‘ljallangan rivojlantirish strategiyasini qabul qilish va u orqali islohotlarni

amalga oshirish lozimligi qayd etilgan. Shu o‘rinda Davlat fuqarolik xizmatini 2030-yilgacha rivojlantirish strategiyasi loyihasini takomillashtirish yuzasidan takliflar ilgari surilgan.

Davlat fuqarolik xizmatini kadrlar bilan ta’minlashda sohaga oid bir qancha prinsiplar, shu jumladan, adolatlilik, xolislik, ochiqlik va shaffoflik prinsiplarining ahamiyati va dolzarbligi olimlarning (G.Atamanchuk, D.Baxrax, O.Xusanov, Sh.Asadov, F.Yuldasheva, A.Akilov) qarashlari asosida tahlil qilingan.

Dissertatsiyaning **ilova** qismida Davlat boshqaruvi akademiyasining qayta tayyorlash va malaka oshirish kurslari tinglovchilari orasida 2022-yilda o‘tkazilgan ijtimoiy so‘rovnoma natijalari va “Davlat xizmati tizimi to‘g‘risida”gi O‘zbekiston Respublikasi Qonuni loyihasi uchun ishlab chiqilgan konsepsiya o‘rin olgan.

XULOSA

“Davlat fuqarolik xizmatini kadrlar bilan ta’minlashning tashkiliy-huquqiy asoslarini takomillashtirish” mavzusida o‘tkazilgan tadqiqot natijasida quyidagi ilmiy-nazariy va amaliy xulosalar ishlab chiqildi:

I. Ilmiy-nazariy xulosalar:

1. “Davlat xizmati” **alohida kategoriya (institut) sifatida** XIX asrdan Buyuk Britaniyada qo‘llanila boshlagan bo‘lsa-da, **professional soha sifatida** eramizdan oldingi davrlarda Qadimgi Sharqda, asosan, Misr va Xitoyda shakllana boshlagan, degan xulosaga kelindi.

2. Huquqiy tartibga solinishi nuqtai nazardan yondashilganda, mamlakatimizda davlat fuqarolik xizmatchilarining faoliyati **ommaviy huquq normalari bilan bir qatorda mehnat huquq normalari bilan ham tartibga solinadigan aralash tizim** shakllanganligi qayd etildi.

3. Quyidagi tushunchalarga **mualliflik ta’riflari** ishlab chiqilib, ilmiy muomalada qo‘llash taklif etildi:

davlat xizmati – davlat organlari va tashkilotlaridagi lavozimlarda davlat byudjetidan to‘lanadigan maosh evaziga fuqarolar tomonidan davlatning vazifalari va funksiyalarini amalga oshirishga qaratilgan kasbiy (professional) faoliyat;

davlat xizmatchisi – qonunchilik bilan o‘rnatilgan tartibda belgilangan yoshga to‘lgan, belgilangan malaka talablariga ko‘ra davlat organlari va tashkilotlaridagi davlat xizmati lavozimini egallagan, davlat byudjetidan doimiy maosh oluvchi, lavozimiga ko‘ra huquq va majburiyatlarga ega fuqaro;

kadr – davlat yoki nodavlat sektorda faoliyat yurituvchi, shuningdek, har ikkala sektor uchun potensial (ehtimoliy) nomzod hisoblanuvchi ma’lum bir malakaga ega shaxs;

davlat fuqarolik xizmati – davlat xizmatining bir turi bo‘lib, davlat fuqarolik xizmati lavozimlarida davlat byudjetidan to‘lanadigan maosh evaziga fuqarolar tomonidan davlatning vazifalari va funksiyalarini amalga oshirishga qaratilgan kasbiy (professional) faoliyat;

davlat fuqarolik xizmatchisi – qonunchilik bilan o‘rnatilgan tartibda belgilangan yoshga to‘lgan, belgilangan malaka talablariga ko‘ra, davlat fuqarolik xizmati lavozimini egallagan, davlat byudjetidan doimiy maosh oluvchi, lavozimiga ko‘ra huquq va majburiyatlarga ega fuqaro;

davlat fuqarolik xizmatini kadrlar bilan ta’minlash – davlat fuqarolik xizmati uchun kadrlarni tayyorlash, ularni tanlash va lavozimga tayinlash, davlat fuqarolik xizmatchilarining kompetensiyasini rivojlantirib borish, shuningdek, ularning zaxirasini shakllantirishning kompleks majmuidir;

davlat fuqarolik xizmatida kadrlar zaxirasi – davlat fuqarolik xizmatchilarini meritokratiya prinsipi asosida markazlashtirilgan holda tanlab olib, kasbiy tayyorgarligini doimiy ravishda rivojlantirish orqali davlat fuqarolik xizmatining rahbarlik lavozimlarini malakali kadrlar bilan ta’minlashning kompleks majmuidir;

davlat fuqarolik xizmatida tanlov – davlat fuqarolik xizmati vakant lavozimiga nomzodlarni tanlab olish vositasi (jarayoni) bo‘lib, u bir qancha bosqich (malaka talablariga moslikni o‘rganish, test, suhbat)lardan iborat bo‘ladi hamda ulardan muvaffaqiyatli o‘tgan eng munosib nomzod lavozimga tayinlanadi.

4. Mustaqillik yillarida O‘zbekistonda davlat fuqarolik xizmatida kadrlar siyosati **2 ta bosqichda** takomillashib borganini qayd etildi:

birinchi bosqich – davlat fuqarolik xizmatida kadrlar siyosatining shakllanish bosqichi (1991-2016 yy.);

ikkinchi bosqich – davlat fuqarolik xizmatining zamonaviy standartlar asosida rivojlanish bosqichi (2017-h.v.).

5. Ilmiy-amaliy jihatdan davlat fuqarolik xizmatini kadrlar bilan ta’minlashni tashkil etish va boshqarishda qatnashadigan subyektlarni **umumiy vakolatli** va **maxsus vakolatli** subyektlarga ajratish taklif etildi.

II. Qonunchilikni takomillashtirishga oid taklif va tavsiyalar:

1. Bugungi kunda O‘zbekistonda davlat xizmatini tasniflash barcha davlat xizmatchilarini qamrab olmayapti. Mazkur ijtimoiy munosabatlarda vujudga kelgan huquqiy bo‘shliqlarni bartaraf etish maqsadida **O‘zbekiston Respublikasining “Davlat xizmati tizimi to‘g‘risida”gi Qonuni** qabul qilinishi va unda davlat xizmatining turlari aniq belgilanishi lozim. Qonunda davlat xizmatining quyidagi turlardan iborat bo‘lishi taklif etildi: davlatning siyosiy xizmati, davlatning maxsus xizmati va davlat fuqarolik xizmati.

2. **Adliya organlari, soliq xizmati, tashqi (diplomatlik va konsullik) xizmat** faoliyati “Davlat fuqarolik xizmati to‘g‘risida”gi Qonun doirasiga kiritilmasligi hamda alohida qonun hujjatlari tartibga solinishi maqsadga muvofiq. Chunki ular o‘z xususiyatiga ko‘ra, davlat fuqarolik xizmati belgilaridan farq qiladi.

3. Davlat muassasalarida faoliyat yurituvchi **o‘qituvchi** va **tibbiyot xodimlarining** davlat xizmatidagi huquqiy maqomini aniq belgilash zarurati mavjud. Bunda ikki yo‘l taklif etiladi. Birinchi yo‘l sifatida o‘qituvchilar va tibbiyot xodimlari **davlat fuqarolik xizmatchisi** sifatida e’tirof etilishi mumkin.

Ikkinchi yo‘l esa davlat xizmati tizimida o‘qituvchilar va tibbiyot xodimlaridan iborat **alohida davlat xizmati yo‘nalishi** belgilanishi mumkin.

4. Oliy Majlis palatalari **devonlarida** kundalik faoliyat bilan shug‘ullanuvchi, senator va deputat bo‘lmagan **xodimlar** hamda Mahalliy Kengashlarning deputat bo‘lmagan **Kotibiyat xodimlari** davlat fuqarolik xizmatchisi sifatida e’tirof etilishi maqsadga muvofiq. Chunki ular siyosiy xizmat bilan shug‘ullanmaydi hamda lavozimi bo‘yicha siyosiy huquq va majburiyatga ega emas.

5. “Davlat fuqarolik xizmati to‘g‘risida”gi Qonun 8-moddasiga **“davlat fuqarolik xizmatchilari va mutaxassislarni xorijdagi nufuzli ta’lim, ilmiy va boshqa muassasalarda ta’lim olishini tashkil etishga ko‘maklashadi”**, degan jumlani maxsus vakolatli davlat organining vakolatlaridan biri sifatida kiritish tavsiya etiladi.

6. “Davlat fuqarolik xizmati to‘g‘risida”gi Qonun 21-moddasidagi davlat fuqarolik xizmati tizimini izohlashda davlat fuqarolik xizmatchilarini **rag‘batlantirish, faoliyatini baholash** jarayonlarini kiritish hamda “lavozim bo‘yicha ko‘tarish” jumlasi o‘rniga **“lavozim bo‘yicha harakatlanish”** jumlasini qo‘llash lozim.

7. “Davlat fuqarolik xizmati to‘g‘risida”gi Qonunining 28-moddasi ikkinchi xatboshisi quyidagi band bilan to‘ldirilishi tavsiya etiladi: **“Chet el mutaxassislari va ekspertlari bilan tuziladigan shartnomaga doir namunaviy talablar maxsus vakolatli davlat organi tomonidan belgilanadi”.**

8. “Davlat fuqarolik xizmati to‘g‘risida”gi Qonunning “Davlat fuqarolik xizmatiga kirish tartibi” deb nomlangan 6-bobiga **28^1-modda (Davlat fuqarolik xizmatining lavozimlarini egallash uchun malaka talablari)** kiritish taklif etiladi. Ushbu moddada malaka talablari lavozim toifalari va sohalariga asoslanishi, shuningdek, malaka talablariga oid namunaviy talablar qonunosti hujjati bilan batafsil tartibga solinishining belgilanishi maqsadga muvofiq.

9. “Davlat fuqarolik xizmati to‘g‘risida”gi Qonunning “Davlat fuqarolik xizmatiga kirish tartibi” deb nomlangan 6-bobiga **30^1-modda (Davlat fuqarolik xizmatida sinov muddati)** kiritish taklif etiladi. Ushbu moddada maxsus Qonunning amal qilishi davlat fuqarolik xizmatchisiga sinov muddati davomida tatbiq etilishi, biroq sinov muddati tugagunga qadar davlat fuqarolik xizmatchisiga navbatdagi malaka darajasi berilmasligi kabi normalar belgilanishi mumkin.

10. Davlat fuqarolik xizmatiga yoshlarni qabul qilish amaliyotini davom ettirish va uning tashkiliy-huquqiy mexanizmlarini takomillashtirish qayd etilib, “Yoshlarga oid davlat siyosati to‘g‘risida”gi Qonunga mazkur masala **alohida ustuvor yo‘nalish** sifatida e’tirof etilishi hamda uning asosiy tushunchalar qatoriga **“yosh rahbar” tushunchasi kiritilishi** taklif etiladi.

III. Huquqni qo‘llash amaliyotini takomillashtirishga oid taklif va tavsiyalar:

1. Davlat fuqarolik xizmati uchun kadrlar tayyorlashda **oliy o‘quv yurtlarida davlat fuqarolik xizmati faoliyatiga uchun zarur bo‘lgan tanlov fanlarni joriy qilish** taklif etiladi. Bundan tashqari, davlat fuqarolik xizmatchilarini tayyorlashga ixtisoslashtirilgan alohida oliy o‘quv yurtlari va yangi mutaxassislik yo‘nalishlari

(“Davlat xizmati”, “Davlat boshqaruvi”, “Mahalliy boshqaruv”, “Davlat siyosati”, “Inson resurslarini boshqarish”)ni tashkil etishni davom ettirish lozim. Shu jumladan, Davlat boshqaruvi akademiyasida ham eng iqtidorli yoshlarni maxsus imtihonlar orqali saralab olish natijasida “**Davlat boshqaruvi” bakalavriat yo‘nalishi**da o‘qitishni yo‘lga qo‘yish taklif etiladi.

2. Davlat fuqarolik xizmatida qayta tayyorlash va malaka oshirish jarayonini takomillashtirish lozimligi qayd etilib, bu borada **yagona tizim joriy etish**, markazlarda davlat fuqarolik xizmatchilari uchun zarur umumiy (bir xil) fundamental fanlarni o‘qitishni yo‘lga qo‘yish; Davlat boshqaruv akademiyasining barcha viloyatlar va Qoraqalpog‘iston Respublikasida **hududiy filiallarini tashkil etish**; markazlar professor-o‘qituvchilarining malakasini oshirish borasidagi faoliyatini rivojlantirish; qayta tayyorlash va malaka oshirish markazlari tomonidan IT yutuqlaridan foydalangan holda maxsus o‘quv portallarini ishlab chiqish takliflari ilgari suriladi.

3. Milliy kadrlar zaxirasini “karyera modeli” xususiyatlaridan kelib chiqib, **muayyan sohalar** kesimida tashkil etish, yaqin va uzoq istiqbolda tayinlanadigan kadrlar zaxirasi guruhlarini belgilash, shuningdek, **zaxiradagi kadrning ochiq, shaffof reytingini yuritish** orqali eng yuqori o‘rindagi kadrlarni bosqichma-bosqich lavozimga tayinlash amaliyotini joriy qilish taklif etiladi.

4. Davlat fuqarolik xizmatiga kirishda o‘tkazilayotgan ochiq tanlovlarini takomillashtirish yuzasidan bir qancha mulohazalarni ilgari suriladi: **testlarni lavozimdan kelib chiqib belgilash**, nomzodning **davlat tilida ish yuritish ko‘nikmasini aniqlash** tizimini joriy qilish, **“mantiqiy fikrlash”ni aniqlashga qaratilgan tartib**ni joriy qilish.

5. Davlat fuqarolik xizmatini yosh kadrlar bilan ta’minlash maqsadida bir qator takliflar berildi: istiqbolli boshqaruv kadrlarini tanlab olish bo‘yicha 30 yoshgacha bo‘lgan liderlar orasida **maxsus tanlov joriy qilish**, **“Kelajak liderlari”** maxsus qayta tayyorlash dasturi va klublarini shakllantirish va faoliyat yuritishining **tartib-qoidalarini belgilash**, davlat fuqarolik xizmatining eng quyi (mutaxassis) lavozimlari uchun malaka talablarida ish stajini minimal holatda (masalan, 1 yilgacha) belgilash yoki ish staji talab etmaslik kabi takliflar ilgari suriladi.

6. Davlat fuqarolik xizmatida xotin-qizlar ulushining kamligi sababi ijtimoiy so‘rovnomalar asosida o‘rganilib, unda gender tenglikni ta’minlash borasida **tizimli tadbirlarni amalga oshirish** taklif etiladi: davlat fuqarolik xizmatida normal ish vaqti davomiyligiga amal qilish, ayollarni davlat fuqarolik xizmatiga qabul qilishda har qanday kamsitish va cheklovlarga nisbatan keskin sanksiya qo‘llash mexanizmlarini joriy qilish, ochiq tanlovlar komissiyasi faoliyatida gender ekspertiza tizimini joriy etish, ayollarni davlat fuqarolik xizmatiga tayyorlash borasida o‘quv kurslar tizimini joriy etish.

7. Boshqaruv kadrlarini tayyorlash tizimini takomillashtirish lozim. Bunda **qabulga oid kvotalar**ni Davlat boshqaruv akademiyasi tomonidan belgilash amaliyotini joriy qilish taklif etiladi. Bundan tashqari, qabulga oid imtihonlarda nomzodlarning **ehtimoliy qo‘nimsizlik darajasini aniqlash metodikasi**ni ham joriy qilish lozim.

8. Vazirlik va idoralarning nizomlarini qayta ko‘rib chiqish orqali **yagona maosh to‘lash tizimi**ni to‘liq joriy etish, shuningdek, davlat boshqaruvi tizimini ixchamlashtirishdan tejalgan mablag‘larni davlat fuqarolik xizmatchilarining **moddiy va ijtimoiy ta’minot darajasini oshirish**ga yo‘naltirish lozim.

9. Davlat fuqarolik xizmati bo‘yicha vakolatli organga davlat fuqarolik xizmatchilarining **salomatligi uchun mas’ullikni belgilash** mumkin. Bu vakolatli organga davlat fuqarolik xizmatchilarining normal ish vaqti va sharoitlarida faoliyat olib borishlarini ta’minlash vazifasini yuklaydi.

SCIENTIFIC COUNCIL No. DSc.07/30.12.2019.Yu.22.02 FOR AWARDING OF THE SCIENTIFIC DEGREES AT TASHKENT STATE UNIVERSITY OF LAW

THE ACADEMY OF PUBLIC ADMINISTRATION UNDER THE PRESIDENT OF THE REPUBLIC OF UZBEKISTAN

RAKHIMOV DILMURODJON GULOMJON UGLI

IMPROVEMENT OF THE ORGANIZATIONAL AND LEGAL BASIS OF PERSONNEL STAFFING FOR THE STATE CIVIL SERVICE

12.00.02. – Constitutsional law. Administrative law.
Finance and customs law.

Doctoral (PhD) dissertation abstract on legal sciences

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The defense of the dissertation will be held on January 18, 2024 at 14:00 a.m at the Session of the Scientific Council No. DSc.07/30.12.2019.Yu.22.02 at Tashkent State University of Law (Address: 100047, Sayilgokh street, 35. Tashkent city. Phone: (998971) 233-66-36; Fax: (998971) 233-37-48; e-mail:info@tsul.uz).

The doctoral dissertation is available at the Data Resource Center of Tashkent State University of Law (registered under No. 1206.), (Address 100047, Amir Temur Street, 13. Tashkent city. Phone: (998971) 233-66-36).

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INTRODUCTION

The actuality and relevance of the dissertation theme. At the present time, when the public administration system is being developed on the basis of scientific and technical achievements and modern standards in the world, the issue of staffing the public administration apparatus with the most suitable and qualified personnel is at the center of the reforms. Therefore, implementation of public administration directly depends on civil servants, their professionalism and professional skills. Effective organization of public administration and civil service ensures that countries occupy high places in international ratings and indexes related to the sphere. The most important criterion of the "Government Effectiveness" index, published annually by the World Bank, is the establishment of a professional and efficient civil service. The Republic of Uzbekistan ranked 144th with an result of 28.57% in the "Government Effectiveness" index in 2016, as a result of the reforms implemented in the sphere, it took the 112th place among 193 countries, with an result of 38.21% in 2022[1]. This situation shows the necessity of continuous improvement of the public administration and civil service system.

In most countries of the world, the reform of public administration goes hand in hand with the improvement of civil service. The reason is that civil service is one of the most important elements of the public administration system, and the tasks of state agencies are performed by civil servants. The more educated, qualified, loyal and skillful civil servants are, the more effective the public administration will be. From this point of view, a number of scientific studies are being carried out in world science to improve the provision of personnel for the state civil service. In this regard, it is important to find scientifical solutions to problems related to the correct classification of the civil service and the effective organization of the state civil service in it, the training of talented personnel for this field and the admission of the most suitable of them to the civil service, the retraining and advanced training of civil servants in the conditions of dynamic social processes, and the formation of personnel reserves for leadership positions.

Today, it is clear that there is a need for qualified personnel in the reform of public administration in Uzbekistan, as well as problems that need to be solved in the issue of training and selection of personnel. Therefore, in important state documents such as Development Strategy (2022–2026), "Uzbekistan – 2030" Strategy (2023–2030, the issue of improving the state civil service was defined as one of the important conditions for the further development of public administration. In 2019, at the initiative of the head of state, priorities for improving the field of public civil service were determined, and a special authority in the field – the Agency for the Development of Public Service under the President of the Republic of Uzbekistan was established. In addition, on August 8, 2022, the Law of the Republic of Uzbekistan "On State Civil Service" No. LRU-788 was adopted. But it cannot be said that this Law has entered into full force. Therefore, to implement the Law, several by-laws should be adopted, most of which were not adopted yet. For example, today, issues such as the procedures for

[1] https://www.worldbank.org/en/publication/worldwide-governance-indicators/interactive-data-access

recruiting personnel to the state civil service based on an open competition, the procedures for maintaining the personnel reserve, have not been established by normative legal documents. Also, in the new version of the Constitution of the Republic of Uzbekistan, adopted on the basis of the referendum held on April 30, 2023, the norm regarding the equal right of citizens to enter the public service has been strengthened, and now there is a need to fully implement this norm. Such factors show that scientific research of this field is one of the important tasks.

This research work contributes to the implementation of the tasks stipulated in the Constitution of the Republic of Uzbekistan, Laws of the Republic of Uzbekistan "On State Civil Service" No. LRU-788 (2022) and "On Education" No. LRU-637 (2020), Resolution of the Senate of the Oliy Majlis of the Republic of Uzbekistan "On approval of the strategy for achieving gender equality in the Republic of Uzbekistan until 2030" No. RS-297-IV (2021), Decrees of the President of the Republic of Uzbekistan "On measures to further develop the system of training, retraining and professional development of management personnel at the Academy of Public Administration under the President of the Republic of Uzbekistan" No. PD-5139 (2017), "On measures to fundamentally improve personnel policy and the state civil service system in the Republic of Uzbekistan" No. DP-5843 (2019), "On measures to fundamentally improve the system of training civil servants and specialists abroad and further increasing their potential" No. DP-6168 (2021), "On the Development Strategy of New Uzbekistan for 2022–2026" No. DP-6 (2022), "On the Strategy of Uzbekistan – 2030" No. DP-158, and other normative legal acts related to the research topic.

The dependence of the research on the priority areas of development of science and technologies in the country. This research was carried out in the priority direction I of the development of science and technology of the republic “Formation of a system of innovative ideas and implement them in the social, legal, esonomic, cultural, spiritual and educational development of an informed society and a democratic state”.

The extent of the study of the research problem. Legal scholars and researchers of our country, such as, A.A. Azizkhojayev, Kh.T. Azizov, B.B. Alimov, H.R. Alimov, Sh.G. Asadov, M.A. Akhmedshayeva, D.M. Bekchanov, H.B. Boboyev, Sh.Y. Jurayev, F.B. Isayeva, G.S. Ismailova, Sh.A. Ismailov, A.A. Li, F.B. Makhmudov, M.M. Mirakulov, B.Sh. Mirboboyev, F.A. Mukhitdinova, J.N. Nematov, B.B. Kadirov, N.Sh. Said-Gaziyeva, U.T. Tajikhonov, R.R. Khakimov, I.A. Khamedov, H.S. Khayitov, E.T. Khojiyev, V.J. Khudoyberdiyeva, U.Sh. Husainov, O.T. Khusanov, F.U. Yuldasheva, S.B. Yusupov, A.E. Yoldoshev, and others have researched some legal issues related to civil service and state personnel policy.

Scientists such as Q.Kh. Abdurahmanov, M.U. Atamuratov, A.S. Begmatov, N.Q. Jorayev, S.A. Jorayev, D.A. Iymanova, D.S. Kattakhanova, Q.Q. Quranbayev, F.R. Ravshanov, G.O. Sadiyeva, A.F. Sultanov, O.A. Khasanov, A.A. Yuldashev, A.E. Yuldashev and J.Q. Yusubov have studied the socio-political, spiritual-historical and economic aspects of the issues related to civil servants, especially leading personnel.

Some aspects of civil service issues were expressed in the researches of scientists, such as, A.P. Alekhin, G.V. Atamanchuk, E.B. Bazarbai, A.M. Baymenov, D.N. Bakhrakh, E.E. Duysenov, S.V. Kostromina, Y.M. Kozlov, B.M. Lazarev, O.A. Lakayev, V.M. Manokhin, N.S. Matveeva, A.V. Obolonsky, D.M. Ovsyanko, D.Kh. Salikov, Y.Y. Solomatin, Y.N. Starilov, Y.A. Tikhomirov, A.V. Torba in the CIS countries.

In the process of conducting research, research works of foreign experts like M. Beck, L. Bordogna, J. Bowman, J. Bratton, J. Breaugh, J. Cayer, T. Christensen, A. Ciobanu, D. DeCenzo, C. Demmke, B. Elman, I. Galnoor, G. Hammerschmid, J. Harris, M.Holzer, S. Horton, E. Huskey, B. Johansen, D. Kelly, P. Kim, Z. Lan, C. Lee, H. Lee, R. Mathis, S. Neri, J. Oser, A. Paludan, O. Poocharoen, J.Rabin, C. Reichard, S. Robbins, T. Scheer, E. Schroter, M. Scully, K. Tan, S. Theriault, A. Tiwari, S. Verhulst, L. Vyas, M. Warner, J. West, C. Wilkinson, M. Young, Y. Zhu, C. Zhua, were studied[1].

In our country, a number of special scientific research works on civil service have been written. The preliminary research in this regard B.Sh. Mirboboyev, O.T. Khusanov, A.S. Begmatov's monograph entitled "Organizational and legal issues of the organization of the civil service of Uzbekistan", in which the concept and principles of civil service, the classification and responsibility of civil servants, the views of thinkers on civil service are studied[2]. Also, Professor O.T. Khusanov analyzed the main tasks and principles of civil service, the need for legal regulation of civil service and improvement of national legislation in this regard, legal responsibility of civil servants[3].

In the doctoral work of lawyer N.Sh. Said-Gaziyeva on the topic "Theoretical and practical problems of civil service reform in Uzbekistan", national and foreign experience in the formation of civil service, issues of legal regulation of civil service, fight against corruption in civil service, responsibility of civil servants, approaches to civil service reform are researched[4].

Lawyer F.U. Yuldasheva's doctoral dissertation on the topic "Improving the legal mechanism of entry and transition to civil service in the Republic of Uzbekistan" researched issues such as models, basic principles, procedures of civil service, implementation of personnel policy in state civil service[5].

The analysis of the scientific works mentioned above shows that, firstly, the field of state civil service in the civil service system, and secondly, the mechanisms of staffing this field (selection of personnel, formation of their reserve, their retraining and qualification improvement) have not been researched as a whole as a separate dissertation work.

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[1] The works of these scientists are presented in the reference section of the dissertation research.

[2] *Mirboboyev B., Khusanov O., Begmatov A.* Organizational and legal issues of the organization of the civil service of Uzbekistan. – T.: Academy, 2005. – 144 p.

[3] *Khusanov O.T. An* important step in the reform of public administration and civil service. // "Right and duty" magazine. – No. 7, 2020. – B. 2-7.; *Khusanov O.T.* Prospects for the development of the legal foundations of the state civil service in Uzbekistan. // "Sociology and Law" magazine. – No. 1, 2022. – P. 59-64..

[4] *Said-Gaziyeva N.Sh.* Theoretical and practical problems of civil service reform in Uzbekistan. Dissertation of Doctor of legal science. – T., 2010. – 299 p.

[5] *Yuldasheva F.U.* Improvement of the legal mechanism of entry and transition to civil service in the Republic of Uzbekistan. Dissertation of PhD. – T., 2021. – 170 p.

Relation of the dissertation's theme to the scientific-research work of higher education institution where it was implemented. The theme of the dissertation is included in the research plan of the Academy of Public Administration under the President of the Republic of Uzbekistan and is carried out within the priorities of scientific research PZ-20170926317 "Prospects for the development of the civil service system in Uzbekistan and improvement of the organizational and legal basis of regulating the training, selection and placement of civil servants".

The aim of the research is to develop scientifical-theoretical and practical proposals and recommendations aimed at its improvement by studying the legal basis and practice of providing personnel to the state civil service in Uzbekistan.

The task of the research. Based on the purpose of the research, the following tasks were defined:

to research the scientific-theoretical and methodological foundations of the civil service institute;

to classify the civil service institution and to research of the scientific and theoretical foundations of civil service based on the experience of Uzbekistan and developed countries;

to study the issue of organization and management of personnel provision of the state civil service;

to analyse the organizational and legal bases of training, retraining, qualification improvement and formation of reserves in the state civil service;

to analyse the organizational and legal mechanisms of entering the state civil service;

to develop suggestions and recommendations for improving staffing personnel for the state civil service in our country by analyzing the processes of providing personnel for the civil service in developed foreign countries.

The object of the research is the system of legal relations related to the organization of personnel staffing for the state civil service in the Republic of Uzbekistan.

The subject of the research is based on the theoretical and legal views on the personnel staffing for the state civil service, legislative documents related to the field, the law enforcement practice, the legislation and experience of foreign countries, existing conceptual approaches, theories and categories in legal science.

Research methods. Methods such as historical, systematic-structural, comparative-legal, normative-legal, generalization, complex analysis of scientific sources, rationality, social survey, induction, deduction and statistical data analysis were used in the research.

Scientific novelty of the research is as follows:

it is justified that it is necessary to introduce the principles of fairness, impartiality, openness and transparency in order to ensure the mechanisms of open, transparent and fair selection of personnel for the state civil service and promotion by position;

it is justified that only state civil servants should participate in the internal form of personnel selection for the state civil service, and all citizens who meet the relevant qualification requirements should participate in external selections in order to ensure the rules of the principle of meritocracy and the "career model" in the state civil service;

it is justified that the retraining of personnel ensures the acquisition of additional competencies for the implementation of activities in accordance with the basic specialties and professions, and the advanced training of personnel ensures the updating of professional competencies and serves the growth of personnel within the framework of the "career model";

it is justified to expand the practice of appointing women to leadership positions of local executive authorities in order to ensure gender equality in the field of civil service, to increase the share of women in leadership positions.

Practical results of the research include as follows:

it is justified that the labor relations of state civil servants, which are not regulated by the Law "On State Civil Service", should be regulated by the Labor Code of the Republic of Uzbekistan;

it is justified that citizens of the Republic of Uzbekistan who know the state language and meet the relevant qualification requirements for holding the positions of the state civil service should be admitted to the state civil service;

it is justified that foreign specialists and experts occupy the positions of the state civil service according to the procedure established by the law, as well as the procedure and conditions of their service should be determined on the basis of the relevant contract;

it is justified that it is necessary to take measures to form a reserve of enterprising, talented, competitive personnel in state and non-state organizations and other institutions of civil society, in order to provide the state civil service with young personnel;

it is justified that among the youth leaders in the Mahallas, youths who have achieved high work results should be included in the National Personnel Reserve as potential leaders and they should be transferred to high positions without selection;

it is justified that it is necessary to to adopt the Law of the Republic of Uzbekistan "On the Civil Service System" was based and its concept was developed, in order to determine the fundamental rules of public service and to classify it correctly.

Reliability of research results. The reliability of the research result depends on the fact that the methods, the scientific and theoretical approaches used in the work are based on official sources, international experience and national legal norms are analyzed mutually, based on the results of a social survey conducted among state civil servants, the research analyzes are published in leading national and foreign publications, and the research results have been put into practice and approved by authorized structures in the prescribed manner.

The scientific and practical significance of the results of the research. The scientific and theoretical conclusions analyzed in the research can be used in the field of education in lectures and practical training in subjects such as "Theory of State and Law", "Constitutional Law", "Administrative Law", "Public Service", "Public Administration", "Human Resource Management", as well as in conducting scientific research in the field.

The practical significance of the research result is determined that the opportunity of using it in the improvement of the legislation and law enforcement practices related to the personnel staffing for the state civil service, increasing the efficiency of staffing

for the state civil service with suitable personnel, as well as improving the legal consciousness and culture of the state civil servants.

The implementation of the research results. The scientific results of the research on improving the personnel staffing for the state civil service were used in the following:

the proposal that to introduce the principles of fairness, impartiality, openness and transparency in the state civil service was used in the development of Article 5 of the Law No. 788 of the Republic of Uzbekistan "On State Civil Service", on August 8, 2022 (Reference No. 04/10-10-168 of the Committee on Democratic Institutions, Non-governmental Organizations and Citizens' Self-Government Bodies of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan, on September 30, 2022). The introduction of these principles in the special law served to improve the mechanisms of accepting personnel into the state civil service on the basis of open selection, evaluating them and movement by position;

the proposal to determine the right to participate in the selection of personnel for the state civil service in the form of an internal competition only for state civil servants, and in the form of an external competition for all citizens who meet the relevant qualification requirements, was taken into account in the development of Article 29 of the Law No. 788 of the Republic of Uzbekistan "On State Civil Service", on August 8, 2022 (Reference No. 04/10-10-168 of the Committee on Democratic Institutions, Non-governmental Organizations and Citizens' Self-Government Bodies of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan, on September 30, 2022). As a result, an effective system of recruiting personnel for the state civil service based on internal and external selection was established, which served to ensure the rules of the principle of meritocracy and the "career model" in the state civil service;

the proposal to differentiate the characteristics of the concepts of "retraining of personnel" and "advanced training of personnel" was taken into account in the development of Article 13 of the Law No. 637 of the Republic of Uzbekistan "On Education", on September 23, 2020 (Reference No. 1967-105 of the Committee on Science, Education, Culture and Sports of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan, on April 24, 2022). As a result of this proposal, the retraining of personnel is defined as ensuring the acquisition of additional competencies for the implementation of activities in accordance with basic specialties and professions, and the advanced training of personnel ensures the updating of professional competencies, and served to effectively organize these processes;

the proposal regarding the need to expand the practice of appointing women to the leadership positions of local executive authorities was used in the development of the 6th paragraph of the 2nd priority direction of the 4th chapter of Strategy for achieving gender equality in the Republic of Uzbekistan until 2030, approved by the Resolution No. 297-IV of the Senate of the Oliy Majlis of the Republic of Uzbekistan, on May 28, 2021 (Reference No. 25-12/2502 of the Committee on Women and Gender Equality of the Senate of the Oliy Majlis of the Republic of Uzbekistan, on October 3, 2022). As a result, the positions of deputy hokims – heads of family and women's departments were introduced in the structures of regional and Tashkent city

hokimiyats, and deputy governors – heads of family and women's departments in the structures of district (city) hokimiyats, and women were appointed to the leadership positions of the state civil service, this served to increase the share of women in the leadership positions of the state civil service, to increase the activity of women in the socio-economic development of the regions.

Approbation of the results of the research. The results of the research have been discussed at 10 scientific conferences, including 6 international and 4 national scientific-practical conferences, roundtable discussions, seminars and training sessions.

Publication of the research results. According to the results of this research, a total of 22 scientific papers, including 12 scientific papers (including 3 articles in foreign journals) and 10 scientific articles in collections (6 in international conferences) have been published.

The structure and volume of the dissertation. The content of the dissertation consists of an introduction, three chapters, 8 paragraphs, a conclusion, a list of references and appendices. The volume of the dissertation is 140 pages.

THE MAIN CONTENT OF THE DISSERTATION

The introduction of the dissertation includes the relevance and necessity of the research theme, the level of studying the problem, the relation of the dissertation theme to the scientific research work of higher education institution where the dissertation is written, the aim and tasks, object and subject, methods, scientific novelty and results of the research, reliability of the research results, scientific and practical significance of the research results, their implementation, the approbation, announcement of the results, structure and the volume of the dissertation.

The first chapter of the dissertation is entitled **"Theoretical and legal issues of the state civil service",** the chapter analyzed the concept and essence of the civil service, theoretical and legal issues of the classification of the civil service, the role of the state civil service in it, as well as the stages of the development of personnel policy in the state civil service of our country scientific-theoretically and practically.

The first paragraph of this chapter, entitled *"Theoretical and methodological foundations of the civil service institute*" analyzes the origin of the "civil service" institution, important views and concepts related to it. In this regard, the opinions of scientists (A.Paludan, I.Galnoor, J.Oser, C.Zhua, M.Warner, B.Elman) were studied, and it is noted that civil service was established in the Ancient East in the 3rd millennium BC, mainly in Egypt and China. It is noted that "civil service" as a socio-legal category began to be used in Great Britain in the 19th century.

Although "civil service" as an institution was formed in Europe, it was noted that the opinions about it, in particular, the opinions about the qualities that should be paid attention to when choosing public officials, also came from national-historical sources. The author gave examples of some ideas put forward in the "Avesto", the works of A.Farabi, Y.Hajib, Nizamulmulk, A.Temur, A.Navoi, and noted that they have not lost their importance even today.

This paragraph shows that during the period of the Former Union (1917-1991), almost no attention was paid to this issue, while civil service was developing as a

separate science and system. Based on research, during this period, in the Former Union A.Beylin, I.Pronin, Y.Razumov, V.Yaskov, in our country T.Melnikova, N.Muhiddinov, A.Valiyev, Sh.Ziyomov, Kh.Tursunov, T.Toshmurodov, N.Akhmedov and M.Pak have conducted research on civil service and personnel policy, but it is noted that they were compatible with the ideas of the communist party and the existing problems were not analyzed based on concrete facts.

In this paragraph, since the concept of "civil service" applies to different fields of science, the variety of definitions given to it is noted. In particular, some scientists (B.Lazarev, A.Alekhin, Y.Kozlov, A.Obolonsky, Y.Starilov) pay attention to the nature of civil service in exchange for a salary received from the state. Other scientists (V.Manokhin, Y.Tikhomirov, E.Duysenov, E.Bazarbai, U.Tajikhonov, A.Li, E.Khojiyev, G.Ismailova, M.Rakhimova, M.Holzer, J.Rabin) emphasize that it is a professional activity. In the definition of public service, there are opinions that it is a labor activity (Y.Starilov, N.Said-Gaziyeva, B.Mirboboyev, E.Khojiyev, Kh.Azizov, F.Yuldasheva). Based on these views, the author's definition of the concept of "civil service" was developed by the dissertator.

Also, the characteristics of the concepts of "civil servant" and "personnel" were analyzed based on explanatory, encyclopedic dictionaries and the opinions of scientists (D.Ovsyanko, D.Bakhrakh, O.Khusanov, U.Tajikhonov, F.Yuldasheva, V.Khudoyberdiyeva), as well as, they are distinguished from each other and authorship definitions are proposed for them.

The second paragraph of the first chapter, entitled *"Classification of the civil service and the role of the state civil service in it"* analyzes the classification of the civil service and the role of the state civil service in it. It is noted that the study of this issue was due to the emergence of the concept of "state civil service" in the practice of our country in 2019, and the need to define its precise scope.

Opinions advanced by D.Ovsyanko, Y.Starilov, Kh.Alimov, B.Mirboboyev, N.Said-Gaziyeva, I.Khamedev, E.Khojiyev, F.Yuldasheva, F.Isayeva, Sh.Jurayev on the classification of the civil service were analyzed. The experience of the USA, Great Britain, France, Germany, Italy, Spain, Switzerland, the Republic of Korea, some CIS countries, including Russia, Ukraine, Armenia, Kyrgyzstan, was studied on this issue. It is noted that in the classification of the civil service of the Republic of Uzbekistan, attention is mainly focused on the experience of Russia. It is proposed to adopt the Law of the Republic of Uzbekistan "On the Civil Service System" in order to eliminate the legal gaps that have arisen in the process of classification of the civil service and define the types of civil service in it.

In this paragraph, based on the provisions of the model law "On the Basics of the Civil Service" approved by the decision of the Inter-Parliamentary Assembly of the CIS member states No. 11-5 of June 15, 1998, it is proposed that the activities of bodies of Justice system, tax service, foreign (diplomatic and consular) service should not be included in the scope of the Law "On State Civil Service" and separate legal acts should be regulated.

Considerations regarding the determination of the legal status of members and employees of Parliament, educational and medical personnel working in state organizations in the civil service system are also described. As a result, ideas are put

forward to include members of Parliament and government members in the state political service, to include educational and medical workers working in state organizations in the state civil service or to define a separate type of civil service for them, and to include the employees of the Parliament's office in the state civil service.

Author definitions of the concepts of "state civil service" and "state civil servant" have also been developed.

The third paragraph of the first chapter is devoted to the issue of *"Stages of development of personnel policy in the state civil service of Uzbekistan"*, in which these processes are divided into stages and analyzed step by step. It is noted that the personnel policy in the state civil service in Uzbekistan improved in 2 stages: the stage of the formation of the personnel policy in the state civil service (1991-2016) and the stage of development of the field based on modern standards (2017).

It is shown that in the first stage (1991-2016), the formation of professional civil service was considered weakly. It is noted that with the adoption of the Constitution of the Republic of Uzbekistan, the first foundations of the state civil service were created, the system of executive power and state bodies was formed, the system of personnel training in the higher education system was improved, the system of supporting talented young people to study abroad was formed, the system of management and leadership training was formed, and also some legal documents on the activities of state civil servants were adopted at this stage.

It is noted that the second stage began in 2017 and continues until today, and at this stage, a fundamental reform of the state civil service was started. It is noted that the improvement of civil service is defined as one of the priority areas of public administration reform in the Strategy of Actions, Concept of Administrative Reforms, Development Strategy and Uzbekistan-2030 Strategy, which are important strategic programs of the state. As a result, it is noted that in 2019, the competent body for state personnel policy – the Agency for the Development of Public Service under the President of the Republic of Uzbekistan was established, and on August 8, 2022, the long-awaited Law of the Republic of Uzbekistan "On State Civil Service" was adopted. During this period, it is noted that the system of training and professional development of management personnel was further improved, including the establishment of correspondence education forms and regional branches of the Academy of Public Administration, as well as the "El-Yurt Umid" fund for the training of personnel abroad.

The second chapter of the dissertation, entitled **"Organizational and legal basis of personnel staffing for the state civil service in Uzbekistan"** deals with the organization and management of the personnel staffing for the state civil service, training, retraining, advanced training and reserve of personnel in the field, as well as the organizational-legal mechanisms of entry into the state civil service are analyzed.

In the first paragraph of this chapter, entitled *"Organization and management of personnel staffing for the state civil service"*, the essence of the concept of "personnel staffing for the state civil service" was analyzed based on the views of scientists (J.Bratton, R.Mathis, Sh.Asadov, O.Ibrohimov, F.Yuldasheva) and current practice, and an author's definition was developed for it.

The researcher analyzed subjects participating in the personnel staffing for the state civil service based on the ideas highlighted by A.Azizkhojayev, O.Khusanov,

R.Khakimov, B.Alimov, M.Akhmedshayeva, M.Mirakulov, F.Yuldasheva, and proposed to analyze them by dividing them into general authorized and special authorized subjects according to their authority.

General authorized subjects, according to their content, have wide tasks in other areas, and participation in the personnel staffing for the state civil service is considered one of its powers, and and it is suggested to include such subjects, the President of the Republic of Uzbekistan, the Oliy Majlis and the Cabinet of Ministers, the Ministry of Higher Education, Science and Innovation, the Ministry of Poverty Reduction and Employment and the state bodies and agencies related to state civil service.

It is noted that *specially authorized subjects* are established for the implementation of personnel policy. It is suggested to include such subjects, the Agency for the Development of Public Service and its regional branches, the Academy of Public Administration and its regional branches, as well as the Department of the Advisor to the President of the Republic of Uzbekistan on Personnel Policy Issues in the Administration of the President of the Republic of Uzbekistan, the Personnel Department of the Prime Minister's Secretariat of the Cabinet of Ministers, the Organizational-control group in the administrative apparatus of regional, city and district hokimiyats, as wel as, the personnel divisions of state bodies and agencies related to the state civil service.

The second paragraph of the second chapter is entitled *"Organizational and legal basis of training, retraining, advanced training and reserve formation of personnel in the state civil service."* It is noted that the formation of personnel for the state civil service in the system of higher and secondary special education, there were 58 higher educational institutions in our country in 1997, and 77 in 2016, and today their number has reached 212. Compared to 2016, the number of higher education institutions has increased by 2.7 times, admission rates by 3.7 times, the most important thing is that the level of coverage by higher education has increased from 9 percent to 38 percent, in general, all reforms in the field of higher education are aimed at increasing the number and quality of potential personnel for the state civil service. In 2022, a social survey was conducted among the listeners of retraining and advanced training courses of the Academy of Public Administration, according to which, "Introduction of elective subjects necessary for the state civil service" (40 percent), "Introduction of new specialties suitable for the state civil service" (21 .9 percent), "Establishment of separate educational organizations that train state civil servants" (36.9 percent) proposals were put forward as directions for improving personnel training for state civil service in the higher education system.

It is emphasized that the issues of retraining and advanced training of state civil servants are an integral part of the personnel staffing for the state civil service, and it is proposed to define its uniform procedures. According to the results of the social survey (71.3 percent), it is suggested that the qualifications of state civil servants should be improved every year. In general, today there are 110 retraining and advanced training centers operating in the system of ministries and agencies, and each center forms its own educational programs, methods, and range of topics independently. This creates problems such as the absence of a unified system, the lack of training in basic general sciences necessary for state civil servants, the lack of provision for gradual preparation

for leadership positions, the lack of a systematic way to improve the qualifications of professors and teachers of the centers, and the insufficient use of information and communication technologies. Based on the views of scientists (F.Otakhanov, B.Kadirov, B.Jurayev, F.Yuldasheva, Sh.Asadov, B.Alimov, A.Yuldashev, O.Khasanov, D.Kelly) and foreign countries (USA, Great Britain, France, the experience of Germany, Korea, UAE, Malaysia), mechanisms for solving these problems are proposed by dissertator.

Another important issue in the personnel staffing for the state civil service is the formation of a personnel reserve. In this regard, it is noted that countries such as Great Britain, Denmark, Spain, Germany, Italy, the Republic of Korea, the Netherlands, France, the USA, and Japan have established an effective system. The opinions of scientists (Y.Solomatin, O.Khusanov, F.Ravshanov, F.Yuldasheva, E.Huskey, A.Borovskaya) were analyzed, a scientific definition was given to the concept of "personnel reserve in the state civil service" and the mechanisms of system development were proposed.

In the third chapter of this chapter entitled *"Organizational and legal mechanisms of entering the state civil service"*, "selection of personnel for the state civil service", "admission of personnel for the state civil service", "contracting of labor contracts with personnel in the state civil service", "appointment to the position of the state civil service" ", "occupation of the state civil service position", "meritocracy", "open selection", "internal selection", "external selection" processes were analyzed. In this paragraph, based on views of local (O.Khusanov, B.Mirboboyev, Kh.Azizov, Kh.Khaytiov, Sh.Asadov, E.Khojiyev, T.Khojiyev, F.Yuldasheva, O.Khasanov) and foreign (T.Christensen, A.Ciobanu, M.Young, M.Scully, A.Torba, O.Lakayev, A.Mordasova, Y.Jidyayeva, S.Kostromina) scientists, it is suggested to define clearly the methods of entering the state civil service in the Law "On State Civil Service", to include articles related to qualification requirements and probationary period in Chapter 6 entitled "Procedure for entering the state civil service", to determine the requirements for entering the state civil service, and in this case, to determine the legal status of foreign citizens, to ensure the impartiality and efficiency of the open selection system, and an author's definition of the concept of "open selection in the state civil service" is developed.

The third chapter of the dissertation is devoted to **"Prospects of personnel staffing for the state civil service in Uzbekistan"**, civil service models, the experience and achievements of the USA, Great Britain, France, Germany, Japan, the Republic of Korea, Singapore and the CIS countries on the personnel staffing for civil service were studied by the researcher, and priorities for improving the personnel staffing for the state civil service in Uzbekistan were proposed.

The first paragraph of this chapter is entitled *"The issue of personnel staffing for the civil service in foreign countries"*. The dissertator notes that there are no specific international standards for the organization of civil service, only a number of international documents set certain standards for civil service. The civil service of each country is formed in its own way, and this uniqueness is to a certain extent determined by its legal system and the features of public administration, however, the formation of relatively similar civil service systems allows scientists to classify classify the civil

service in several groups (models) based on different criteria. The author studied the opinions of local (N.Said-Gaziyeva, I.Khamedov, U.Husainov, F.Yuldasheva, O.Khusanov, Sh.Asadov, D.Rakhimova) and foreign (V.Stansetis, S.Horton, J.Breaugh, G.Hammerschmid) scientists on this issue, and came to the conclusion that mainly, Anglo-Saxon (open); continental (closed, career); Islam; labor models are widespread in the organization of the civil service.

It is noted that the Anglo-Saxon (open) model of the organization of the civil service system is distinguished by an open selection of civil servants, the provision of salary and promotion of the civil servant depending on the results of the work performed, the salary level is higher than in the private sector, the social and economic benefits given to civil servants, the importance of guarantees, the simplicity of the dismissal system, and the practice and experience of countries such as Great Britain, the USA, Singapore, Canada, New Zealand, and Norway are examples of this model.

It is noted that the continental (closed, career) model of the civil service is considered a strict career system and is based on promotion by position within a certain system, it refers civil service of countries such as France, Germany, Spain, Italy, Belgium, Austria, Finland, Czech Republic, Portugal, Mexico, Japan, Republic of Korea.

The labor model of civil service is that the activities of civil servants are regulated by public law (special law on public service) as well as by labor legislation, in this respect, this model is close to the model of state law within the continental model and it is emphasized that most of the CIS countries belong to this model.

It is noted that the features of the Islamic religion are mixed with the elements characteristic of the Anglo-Saxon and continental models in the Islamic model of civil service, and the civil service of the most countries of West, South-West Asia and North Africa, where the influence of Islam is high, can be included in this model.

Some scholars (K.Khayitov, B.Alimov, F.Yuldasheva and Sh.Ismailov) note that it is possible to ensure consistency between labor relations that are not regulated by a special law on civil service by referring to labor legislation. As a result of the establishment of this procedure in the legislation of our country, it is noted that a mixed system was formed in which the activities of state civil servants are regulated by the norms of public law as well as by the norms of labor law.

Also, based on the analyzes of local (E.Khojiyev, Sh.Asadov, G.Ismailova, M.Rakhimova, D.Bekchanov, J.Nematov) and foreign (S.Theriault, H.Lee, J.Cayer, Z.Lan, T.Scheer, J.Harris, L.Vyas, Y.Zhu, O.Poocharoen, C.Lee, K.Tan, V.Gvozdev, J.Kayralapina, N.Matveeva, M.Lebedova, S.Mutsalov, V.Gvozdev, Y.Malishev, T.Sukhodaeva, I.Gazieva, A.Tarjumanyana, A.Jumabayeva, A.Rzayev, A.Margolin, A.Baymenov) scientists and information from official sources, the experience and achievements of the USA, Great Britain, France, Germany, Japan, the Republic of Korea, Singapore and the CIS countries in terms of the organization of civil service, training and selection of personnel for the field, improving the professional training of civil servants and defining the organizational and legal basis of these processes have been researched.

In the second paragraph of the third chapter, *"Priority directions for improvement of personnel staffing for the state civil service"* are separated out and ways of their development are proposed. In this regard, the development of the legal foundations of

the civil service, staffing for the state civil service with youth and women, training, selection, formation of the reserve and professional training of the state civil servants, the use of artificial intelligence and modern management methods in the field, and the improvement of the mechanisms of compliance with the existing legislation are highlighted. It is noted that it is necessary to adopt a strategy for the long-term development of the state civil service, which includes these issues, and implement reforms through it. At this point, proposals were put forward to improve the draft Strategy for the Development of State Civil Service until 2030.

The importance and relevance of several principles related to sphere, including the principles of fairness, impartiality, openness and transparency, in the provision of personnel for the state civil service were analyzed based on scientists' views (G.Atamanchuk, D.Bakhrakh, O.Khusanov, Sh.Asadov, F.Yuldasheva, A.Akilov).

In the appendix of the dissertation, the results of a social survey conducted in 2022 among the listeners of retraining and advanced training courses of the Academy of Public Administration and the concept developed for the draft law of the Republic of Uzbekistan "On the Civil Service System" are included.

CONCLUSION

As a result of the research conducted on the topic "Improvement of the organizational and legal basis of personnel staffing for the state civil service", the following scientific and theoretical and practical conclusions were developed:

I. Scientific and theoretical conclusions:

1. It is concluded that "civil service" **as a separate category (institution)** began to be used in Great Britain from the 19th century, but **as a professional field**, it began to form in the Ancient East, mainly in Egypt and China, in BC.

2. From the point of view of legal regulation, it is noted that **a mixed system was formed in our country, in which the activities of state civil servants are regulated by the norms of public law as well as by the norms of labor law**.

3. **The author's definitions** of the following concepts were developed and it was proposed to use them in scientific processes:

civil service – professional activity aimed at the implementation of tasks and functions of the state by citizens in positions in state bodies and organizations in exchange for a salary paid from the state budget;

civil servant – a citizen who has reached the age specified in the procedure established by law, holds a civil service position in state bodies and organizations according to the specified qualification requirements, receives a permanent salary from the state budget, and has rights and obligations according to the position;

personnel – a person with a certain qualification, who works in the state or non-state sector, and is considered a potential (probable) candidate for both sectors;

state civil service – a type of civil service, professional activity aimed at the implementation of tasks and functions of the state by citizens in positions in state civil service in exchange for a salary paid from the state budget;

state civil servant – a citizen who has reached the age specified in the procedure established by law, holds a state civil service position according to the specified

qualification requirements, receives a permanent salary from the state budget, and has rights and obligations according to the position;

personnel staffing for the state civil service – a complex set of training, selection and appointment of personnel for the state civil service, developing the competence of state civil servants, as well as forming their reserve;

personnel reserve in the state civil service – a complex set of staffing qualified personnel for the leadership positions of the state civil service by centrally selecting state civil servants and continuously developing their professional training based on the principle of meritocracy;

selection in the state civil service – a means (process) of selecting candidates for a vacant position in the state civil service, which consists of several stages (study of compliance with qualification requirements, test, interview) and the most suitable candidate who successfully passes them, is appointed to the position.

4. In the years of independence, it is noted that the personnel policy in the state civil service in Uzbekistan improved in 2 stages:

the first stage is the stage of formation of personnel policy in the state civil service (1991-2016);

the second stage is the stage of development of the state civil service based on modern standards (2017 h.v.).

5. It is proposed to divide the subjects participating in the organization and management of the personnel staffing for the state civil service into **general authorized** and **specially authorized subjects** scientifically and practically.

II. Suggestions and recommendations for further improving legislation:

1. Today, the classification of civil service in Uzbekistan does not cover all civil servants. In order to eliminate the legal gaps that have arisen in these social relations, **the Law of the Republic of Uzbekistan "On the Civil Service System"** should be adopted and the types of civil service should be clearly defined in it. The law suggested that the civil service should consist of the following types: state political service, state special service and state civil service.

2. It is advisable not to include the activities of **bodies of Justice system, tax service, foreign (diplomatic and consular) service** in the framework of the Law "On State Civil Service" and to regulate separate legal documents. Because according to their nature, they differ from the characteristics of the state civil service.

3. There is a need to clearly define the legal status of **teachers and medical workers** working in state organizations. Two ways to do this are suggested. As the first way, teachers and medical workers can be recognized as **state civil servants**. The second way is to define **a separate service direction** consisting of teachers and medical workers in the civil service system.

4. It is advisable to determine **non-deputy and non-senator staff members** of the Oliy Majlis Chambers, as well as **non-deputy Secretaries** of Local Councils, as state civil servants. Because they do not engage in political service and do not have political rights and obligations by virtue of their position.

5. In Article 8 of the Law "On State Civil Service", it is recommended to include the sentence **"state civil servants and specialists will be assisted in organizing**

education in prestigious educational, scientific and other institutions abroad" as one of the powers of the specially authorized state body.

6. In the interpretation of the state civil service system in Article 21 of the Law "On State Civil Service", it is necessary to include the **processes of motivating and evaluating** the performance of state civil servants, and instead of the phrase "promotion by position", the phrase "**movement by position"** should be used.

7. The second paragraph of Article 28 of the Law "On State Civil Service" is recommended to be supplemented with the following clause: **"Sample requirements for contracts concluded with foreign specialists and experts shall be determined by a specially authorized state body."**

8. It is proposed to add **Article 28[1] (Qualification requirements for holding positions of the State Civil Service)** to Chapter 6, entitled "Procedure for entering the State Civil Service" of the Law "On State Civil Service". In this article, it is appropriate to specify that qualification requirements are based on job categories and fields, as well as that model requirements for qualification requirements are regulated in detail by a legal document.

9. It is proposed to add **Article 30[1] (Probationary period in the State Civil Service)** to Chapter 6, entitled "Procedure for entering the State Civil Service" of the Law "On State Civil Service". In this article, such norms may me regulated that the validity of the special law is applied to the state civil servant during the probationary period, but the state civil servant cannot be given the next qualification level until the probationary period ends.

10. Continuing the practice of accepting youth into the state civil service and improving its organizational and legal mechanisms, it is suggested that this issue be recognized **as a special priority** in the Law "On State Policy Regarding Youth" and that the **concept of "young leader"** be included among its main concepts.

III. Suggestions and recommendations for improving law enforcement practice:

1. In the training of personnel for the state civil service, it is proposed to introduce **elective subjects necessary for the activity of the state civil service in higher educational institutions**. In addition, it is necessary to continue the establishment of separate higher educational institutions and new specializations ("Public Service", "Public Administration", "Local Administration", "State Policy", "Human Resources Management") specialized in training state civil servants. In addition, it is proposed to start education in the **"Public Administration" bachelor's degree** as a result of selecting the most talented youth through special exams at the Academy of Public Administration.

2. It is noted that it is necessary to improve the process of retraining and advanced training in the state civil service, in this regard, **to introduce a unified system**, to establish the training of general (same) basic subjects necessary for state civil servants in the centers; establishment of **regional branches** of the Academy of Public Administration in all regions and the Republic of Karakalpakstan; to develop the activities of the center's professor-teachers in terms of professional development; proposals for the development of special educational portals using IT achievements are put forward by retraining and advanced training centers.

3. It is proposed to introduce establish the national personnel reserve based on the characteristics of the "career model" **in certain sectors**, to determine the personnel reserve groups to be appointed in the near and long term, as well as the practice of gradually appointing the highest-ranking personnel to positions **by maintaining an open and transparent ranking of the personnel in the reserve.**

4. A number of recommendations are developed regarding the improvement of the public civil service entrance exams: **conducting tests based on the position**, introducing a system for determining the candidate's **ability to work in the state language**, introducing a procedure aimed at **determining "logical thinking".**

5. In order to staff the state civil service with young personnel, a number of proposals are made: **introducing a special competition** among leaders under the age of 30 to select promising management personnel, **determining the procedures** for the formation and operation of special retraining programs and clubs "Leaders of Future", setting minimum length of service (for example, up to 1 year) or not requiring length of service in qualification requirements for the lowest (specialist) positions of the state civil service.

6. The reason for the low percentage of women in the state civil service is studied on the basis of social surveys, and it is proposed to **implement systematic measures** to ensure gender equality: to follow normal working hours in the state civil service, introduction of mechanisms for the application of strict sanctions against any discrimination and restrictions in the recruitment of women into state civil service, introduction of the gender expertise system in the activities of the commission of open competitions, introduction of a system of training courses to prepare women for state civil service.

7. It is necessary to improve the management personnel training system. It is proposed to introduce the practice of setting **admission quotas** by the Academy of Public Administration. In addition, it is necessary to introduce **the method of determining the level of possible dissatisfaction** of candidates in the entrance exams.

8. It is necessary to fully introduce **a unified salary payment system** by revising the regulations of the ministries and agencies, as well as direct the funds saved from the compacting of the public administration system to increase **the level of material and social support of state civil servants.**

9. It is possible to **assign responsibility for the health** of state civil servants to the authorized body for state civil service. It assigns the authorized body the task of ensuring that state civil work in normal working hours and conditions.

НАУЧНЫЙ СОВЕТ DSc.07/30.12.2019.Yu.22.02 ПО ПРИСУЖДЕНИЮ УЧЁНЫХ СТЕПЕНЕЙ ПРИ ТАШКЕНТСКОМ ГОСУДАРСТВЕННОМ ЮРИДИЧЕСКОМ УНИВЕРСИТЕТЕ

АКАДЕМИЯ ГОСУДАРСТВЕННОГО УПРАВЛЕНИЯ ПРИ ПРЕЗИДЕНТЕ РЕСПУБЛИКИ УЗБЕКИСТАН

РАХИМОВ ДИЛМУРОЖОН ГУЛОМЖОН УГЛИ

СОВЕРШЕНСТВОВАНИЕ ОРГАНИЗАЦИОННО-ПРАВОВЫХ ОСНОВ КАДРОВОГО ОБЕСПЕЧЕНИЯ ГОСУДАРСТВЕННОЙ ГРАЖДАНСКОЙ СЛУЖБЫ

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ВВЕДЕНИЕ

Цель исследования состоит в разработке научно-теоретических и практических обоснованных предложений и рекомендаций, направленных на совершенствование кадрового обеспечения государственной гражданской службы в Узбекистане путем изучения правовых основ и практики.

Объектом исследования является система правоотношений, связанных с организацией кадрового обеспечения государственной гражданской службы в Республике Узбекистан.

Научная новизна исследования заключается в следующих:

обоснована необходимость внедрения принципов справедливости, объективности, открытости и прозрачности с целью обеспечения механизмов открытого, прозрачного и справедливого отбора и продвижения по службе кадров на государственной гражданской службе;

с целью обеспечения принципа меритократии и положений «модели карьеры» на государственной гражданской службе обосновано, что в форме внутреннего отбора кадров на государственную гражданскую службу должны участвовать только государственные гражданские служащие, а во внешнем отборе – все граждане, отвечающие соответствующим квалификационным требованиям;

обосновано, что переподготовка кадров обеспечивает приобретение дополнительных компетенций для осуществления деятельности по направлениям, соответствующим базовым специальностям и профессиям, а повышение квалификации персонала обеспечивает обновление профессиональных компетенций и способствует росту персонала в рамках «модели карьеры»;

обоснована необходимость расширения практики назначения женщин на руководящие должности в органах исполнительной власти на местах с целью обеспечения гендерного равенства в сфере государственной службы и увеличения доли женщин на руководящих должностях.

Внедрение результатов исследования. Научные результаты исследования по совершенствованию кадрового обеспечения государственной гражданской службы были внедрены:

предложение об определении принципов справедливости, объективности, открытости и прозрачности на государственной гражданской службе было использовано при разработке статьи 5 Закона Республики Узбекистан «О государственной гражданской службе» от 8 августа 2022 года ЗРУ-788 (Справка Комитета Законодательной палаты Олий Мажлиса Республики Узбекистан по демократическим институтам, негосударственным организациям и органам самоуправления граждан от 30 сентября 2022 года № 04/10-10-168). Введение этих принципов в специальный закон послужило совершенствованию механизмов приема кадров на государственную гражданскую службу на основе открытого отбора, их оценки и перемещения по должностям;

предложение по определению права на участие в отборе кадров на государственную гражданскую службу в форме внутреннего конкурса, а в форме внешнего конкурса право на участие всех граждан, отвечающих соответствующим квалификационным требованиям, использовано при разработке статьи 29 Закона Республики Узбекистан «О государственной гражданской службе» от 8 августа 2022 года ЗРУ-788 (Справка Комитета Законодательной палаты Олий Мажлиса Республики Узбекистан по демократическим институтам, негосударственным организациям и органам самоуправления граждан от 30 сентября 2022 года № 04/10-10-168). В результате была создана эффективная система подбора кадров на государственную гражданскую службу на основе внутреннего и внешнего отбора, которая послужила обеспечению соблюдения правил принципа меритократии и «карьерной модели» на государственной гражданской службе;

предложение различить характеристики понятий «переподготовка кадров» и «повышение квалификации кадров» было учтено при разработке статьи 13 Закона Республики Узбекистан «Об образовании» от 23 сентября 2020 года ЗРУ-637 (Справка Комитета Законодательной палаты Олий Мажлиса Республики Узбекистан по вопросам науки, образования, культуры и спорта от 24 апреля 2022 года № 1967-105). В результате данного предложения переподготовка кадров определена как обеспечение приобретения дополнительных компетенций для осуществления деятельности по направлениям, соответствующим основным специальностям и профессиям, а повышение квалификации кадров обеспечивает обновление профессиональных компетенций, послуживших эффективно организовать эти процессы;

предложение о необходимости расширения практики назначения женщин на руководящие должности местных исполнительных органов было использовано при разработке пункта 6 приоритетного направления 2 главы 4 Стратегии достижения гендерного равенства в Республике Узбекистан до 2030 года, утвержденная решением Сената Олий Мажлиса Республики Узбекистан № ПС-297-IV от 28 мая 2021 года (Справка Комитета по делам женщин и гендерному равенству Сената Олий Мажлиса Республики Узбекистан от 3 октября 2022 года № 25-12/2502). В результате, были введены должности заместителей хокимов – начальников управления семьи и женщин в структурах хокимиятов областей и города Ташкента, заместителей хокимов – начальников отделов семьи и женщин в структурах районных (городских) хокимиятов, что послужило увеличению доли женщин на руководящих должностях государственной гражданской службы, повышению активности женщин в работах, связанных с социально-экономическим развитием регионов.

Структура и объем диссертации. Диссертации состоит из введения, трех глав, 8 параграфов, заключения, списка использованной литературы и приложений. Объем диссертации составляет 140 страниц.

E’LON QILINGAN ISHLAR RO‘YXATI
СПИСОК ОПУБЛИКОВАННЫХ РАБОТ
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I bo‘lim (I chast; I part)

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