

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

TOSHKENT DAVLAT YURIDIK UNIVERSITETI

RAXMONOV ZAFARJON ZAYNIDDINOVICH

**DAVLAT FUQAROLIK XIZMATINI O‘TASH INSTITUTI
(QIYOSIY-HUQUQIY TADQIQOT)**

12.00.02. – Konstitutsiyaviy huquq. Ma’muriy huquq.
Moliya va bojxona huquqi

**yuridik fanlar bo‘yicha falsafa doktori (PhD) dissertatsiyasi
AVTOREFERATI**

Toshkent – 2025

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KIRISH (Falsafa doktori (PhD) dissertatsiya annotatsiyasi)

Dissertatsiya mavzusining dolzarbligi va zarurati. Dunyoda davlat va jamiyat rivojlanishi asosida mehnat faoliyatini olib borayotgan, islohotlarni amalga oshirayotgan mutaxassis hamda kadrlarning bilim va salohiyati muhim ahamiyat kasb etmoqda. Boisi davlat boshqaruvini amalga oshirish aynan davlat fuqarolik xizmatchilariga, ularning professionalligi va kasbiy mahoratiga, shu bilan birga, ularning ish haqi, ijtimoiy va huquqiy jihatdan himoyalash, faoliyat samaradorligini baholash tizimiga ham bog'liqdir. Davlat fuqarolik xizmatini samarali tashkil etish ushbu sohaga oid xalqaro reyting va indekslarda davlatning yuqori o'rinlarni egallashini ta'minlaydi. 2023-yil oktabrda e'lon qilingan Huquq ustuvorligi indeksida dunyoning 142 ta davlati orasida O'zbekiston 78-o'rinni egalladi. Ta'kidlash lozimki, 2016-yildan 2023-yilga qadar mamlakatimiz huquq ustuvorligi eng tez yaxshilangan davlatlar orasida 8,9 foiz o'sish ko'rsatkichi bilan birinchi o'rinni egallagani e'tirof etildi¹. Ushbu holat davlat boshqaruvi, shu jumladan davlat fuqarolik xizmati tizimini doimiy takomillashtirib borish zarurligini taqozo etadi.

Jahonda globalizatsiya jarayonlarining tobora rivojlanishi sababli davlat organlari va tashkilotlarida ixcham, professional va natijador davlat xizmatini yo'lga qo'yish muhim ahamiyat kasb etmoqda. Davlat boshqaruvi tizimi zamonaviy standartlar asosida isloh qilinayotgan bugungi davrda ham islohotlar markazida davlat boshqaruvi apparatini eng munosib, malakali kadrlar bilan ta'minlash dolzarb masala bo'lib qoladi. Hozirgi kunda xalqaro doirada "Hukumat samaradorligi" (Government Effectiveness) yoki "Davlat fuqarolik xizmati samaradorligi bo'yicha xalqaro indeks" (The International Civil Service Effectiveness Index) kabi davlat boshqaruvi va davlat xizmatiga taalluqli reytinglarda yuqori o'rinlarni egallash uchun mamlakatlar doimiy ravishda islohotlarni amalga oshirib kelmoqda.

Mamlakatimizda ham so'nggi yillarda davlat boshqaruv tizimi samaradorligini takomillashtirish borasida keng ko'lamli islohotlar olib borilmoqda. Biroq sohada bir qator dolzarb muammolar ham borki, ularni tahlil qilish, kamchiliklarni bartaraf etish va sohani rivojlantirish alohida ilmiy tadqiqot ishi doirasida o'rganishni taqozo etmoqda. Xususan, professional davlat fuqarolik xizmatchilari korpusini yaratish tizimi ishlaymagan, jumladan, sohada davlat boshqaruvining o'rnini mustahkamlanmagan, munosib kadrlarni tanlash va tayyorlash tizimi yetarlicha yo'lga qo'yilmagan, davlat fuqarolik xizmatchisini huquqiy va ijtimoiy jihatdan himoya qilish mexanizmlari mavjud emas, bundan tashqari, davlat fuqarolik xizmatchilari faoliyati samaradorligini baholash mexanizmlari va tartib-taomillari takomillashtirishga muhtoj. Tahlillar shuni ko'rsatadiki, davlat fuqarolik xizmati faoliyatini tartibga soladigan hujjatlar bugungi kun talab va vazifalariga javob bermayapti, sohadagi barcha masalani qamrab olmasdan, yagona huquqiy standartlar hamda ma'muriy-

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

boshqaruv amaliyotini o'rnatishga xalaqit qilmoqda. Shu bilan birga, zamonaviy texnologiyalardan foydalanish darajasining pastligi, yagona kadrlar siyosatining yo'qligi, davlat fuqarolik xizmatchilarining ijtimoiy va huquqiy himoyasi ular tomonidan bajarilayotgan vazifalarga mos emasligi davlat fuqarolik xizmatchilarining ish faoliyatiga ham o'zining salbiy ta'sirini ko'rsatmoqda. Bu holatlar esa davlat fuqarolik xizmatini o'tash tizmini tahlil qilish, davlat fuqarolik xizmatchilari faoliyatida ochiqlik va qonuniylikni ta'minlash borasida tadqiqot olib borish zaruratini vujudga keltirmoqda.

O'zbekiston Respublikasining "Davlat fuqarolik xizmati to'g'risida"gi O'RQ-788-son Qonuni (2022), O'zbekiston Respublikasi Prezidentining "O'zbekiston Respublikasini yanada rivojlantirish bo'yicha harakatlar strategiyasi to'g'risida"gi PF-4947-son (2017), "O'zbekiston Respublikasida Ma'muriy islohotlar konsepsiyasini tasdiqlash to'g'risida"gi PF-5185-son (2017), "O'zbekiston Respublikasida kadrlar siyosati va davlat xizmati tizimini tubdan takomillashtirish chora-tadbirlari to'g'risida"gi PF-5843-son (2019), "Korrupsiyaga qarshi murosasiz munosabatda bo'lish muhitini yaratish, davlat va jamiyat boshqaruvida korrupsiyaviy omillarni keskin kamaytirish va bunda jamoatchilik ishtirokini kengaytirish chora-tadbirlari to'g'risida"gi PF-6257-son (2021), "2022-2026-yillarga mo'ljallangan Yangi O'zbekistonning Taraqqiyot strategiyasi to'g'risida"gi PF-60-son (2022) Farmonlari, "O'zbekiston Respublikasi Prezidenti huzuridagi Davlat xizmatini rivojlantirish agentligi faoliyatini tashkil etish chora-tadbirlari to'g'risida"gi PQ-4472-son (2019) qarori, O'zbekiston Respublikasi Vazirlar Mahkamasining "Davlat fuqarolik xizmatchilari tomonidan odob-axloq qoidalariga rioya etilishini ta'minlash bo'yicha qo'shimcha chora-tadbirlar to'g'risida"gi 595-son (2022) qarori, O'zbekiston Respublikasi Prezidenti huzuridagi Davlat xizmatini rivojlantirish agentligi direktorining 2024-yil 24-oktabrdagi 2-2022-son buyrug'i bilan "Davlat fuqarolik xizmatchilari faoliyatining samaradorligini eng muhim ko'rsatkichlar asosida baholash uslubiyati" va mavzuga oid boshqa normativ-huquqiy hujjatlarida 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. Davlat fuqarolik xizmatini o'tash instituti va uning yuridik tabiati huquqshunos olimlar tomonidan muayyan darajada tadqiq etilgan bo'lib, mavjud tahlillar asosan umumiy yondashuvga asoslangan.

Mamlakatimiz huquqshunos olim va tadqiqotchilaridan B.Sh. Mirboboyev, U.T. Tojixonov, A.A. Azizxo'jayev, R.R. Xakimov, B.B. Alimov, O.T. Xusanov, X.T. Azizov, Sh.G'. Asadov, A.M. Qodirov, D.M. Bekchanov,

E.T. Xojiyev, G.S. Ismailova, A.E. Yo‘ldoshev, N.Sh. Said-Gaziyeva, I.A. Xamedov, S.B. Yusupov, X.S. Xayitov, J.N. Nematov, F.U. Yuldasheva, F.B. Isayeva, F.B. Maxmudov² va boshqalar tomonidan davlat xizmati, shu jumladan, davlat fuqarolik xizmatiga oid huquqiy masalalar tadqiq etilgan.

MDHga a‘zo davlatlarda davlat fuqarolik xizmatini o‘tashga oid masalalarning ayrim jihatlari A.V. Gusev, L.A. Chikanova, V.V. Cherepanov, D.M. Ovsyankov, A.S. Adamovich, Y.N. Starilov, A.P. Alexin, D.N. Baxrax, D.X. Salikov, Y.M. Kozlov, D.M. Ovsyanko, Y.N. Starilov, T.S. Suxodayeva, L. Yefremov, O.M. Kiseleva, A.V. Malko, Y.V. Tipikina, V.A. Grigorev, A.N. Karavayev, V.V. Popov³ kabi olimlarning tadqiqotlarida o‘z ifodasini topgan.

Tadqiqot olib borish jarayonida Ann Raludan, Jennifer Oser, Harris J., Muroi Tsutomu, Harris J, Goetz K., Heinrich Amadeus, Wolff Sylvia Horton, Jessisa Breaugh, Gerhard Hammersshmid, Xong M.⁴ kabi xorijlik mutaxassislarining tadqiqot ishlari o‘rganildi.

Shunga qaramasdan, davlat fuqarolik xizmatini o‘tash instituti va uning yuridik tabiati ma‘muriy huquq nuqtayi nazaridan mustaqil tadqiqot obyekti sifatida o‘rganilmagan.

Dissertatsiya tadqiqotining dissertatsiya bajarilgan oliy ta‘lim muassasasining ilmiy-tadqiqot ishlari rejalari bilan bog‘liqligi. Tadqiqot Toshkent davlat yuridik universiteti ilmiy-tadqiqot ishlari rejasining “Demokratik islohotlarni chuqurlashtirish sharoitida davlat boshqaruvini yanada erkinlashtirishning asosiy yo‘nalishlari” mavzusidagi fundamental loyihasi doirasida bajarilgan.

Tadqiqotning maqsadi davlat fuqarolik xizmatini o‘tash instituti, huquqiy asoslari va amaliyotini o‘rganish orqali uni takomillashtirishga qaratilgan ilmiy-nazariy va amaliy jihatdan asoslantirilgan taklif va tavsiyalarni ishlab chiqishdan iborat.

Tadqiqotning vazifalari:

davlat fuqarolik xizmatini o‘tash institutining ilmiy-nazariy va metodologik asoslarini tadqiq etish;

davlat fuqarolik xizmatining huquqiy asoslari evolyutsiyasini tahlil qilish;

davlat boshqaruvi tizimida davlat fuqarolik xizmati va uning davlat vakolatli subyektlari tomonidan tartibga solinishi tahlil qilish;

davlat fuqarolik xizmatini o‘tashning ilmiy-nazariy asoslarini milliy huquq tizimi va roman-german, anglo-sakson hamda Osiyo davlatlari huquq tizimi tajribasi asosida tadqiq etish;

O‘zbekistonda davlat fuqarolik xizmatini o‘tash tizimini takomillashtirishning ayrim masalalarini o‘rganish;

² Mazkur olimlarning ilmiy ishlari dissertatsiya ishining foydalanilgan adabiyotlar ro‘yxatida berilgan.

³ Mazkur olimlarning ilmiy ishlari dissertatsiya ishining foydalanilgan adabiyotlar ro‘yxatida berilgan.

⁴ Mazkur olimlarning ilmiy ishlari dissertatsiya ishining foydalanilgan adabiyotlar ro‘yxatida berilgan.

davlat fuqarolik xizmatini o‘tashda huquqiy va ijtimoiy himoyaning ahamiyati, bunda rag‘batlantirish, mehnatga haq to‘lish, kasbiy kompetensiyani oshirib borish, rotatsiya va attestatsiya masalalarini tahlil qilish;

davlat fuqarolik xizmatchilari faoliyati samaradorligini baholashda raqamli texnologiyalarni joriy etish istiqbollari bo‘yicha taklif va tavsiyalar ishlab chiqish.

Tadqiqot obyekti sifatida O‘zbekiston va xorijiy davlatlarda davlat fuqarolik xizmatini o‘tash instituti va uni huquqiy tartibga solish jarayonida yuzaga keladigan ijtimoiy munosabatlar olingan.

Tadqiqot predmetini davlat fuqarolik xizmatini o‘tash institutining ilmiy-nazariy hamda tashkiliy-huquqiy asoslariga oid qonunchilik hujjatlari, ularni qo‘llash amaliyoti, xorijiy tajriba hamda yuridik fanda mavjud konseptual yondashuvlar, g‘oyalar, qarashlar, nazariyalar tashkil etadi.

Tadqiqotning usullari. Tadqiqot olib borishda tizimlashtirish, qiyosiy-huquqiy tahlil, normativ-huquqiy tahlil, umumlashtirish, mantiqiylik, ijtimoiy so‘rov hamda ma‘lumotlarni tizimli tahlil qilish kabi usullardan foydalanilgan.

Tadqiqotning ilmiy yangiligi quyidagilardan iborat:

davlat fuqarolik xizmatchisini davlat tomonidan ijtimoiy jihatdan himoya qilishning muhim bir elementi sifatida ularning hayoti va sog‘lig‘ini majburiy sug‘urta qilishni belgilash zarurligi asoslantirilgan;

davlat fuqarolik xizmatchisini davlat tomonidan ijtimoiy jihatdan himoya qilishda tibbiy xizmat ko‘rsatishning ahamiyati ilmiy-amaliy jihatdan asoslab berilgan;

davlat fuqarolik xizmatchisi faoliyati davomida xizmat majburiyatlarini samarali bajarish uchun zarur bo‘lgan bilim va ko‘nikmalarni doimiy tarzda oshirib borishi lozimligi asoslangan;

davlat fuqarolik xizmatchisi o‘z xizmat majburiyatlarini bajarayotganda fuqarolar va boshqa shaxslarni kamsitmasligi, ularning ta‘siridan saqlanishi, fuqarolar huquqlari, majburiyatlari va qonuniy manfaatlarini hisobga olishi zarurligi asoslab berilgan.

Tadqiqotning amaliy natijalari quyidagilardan iborat:

davlat xizmatiga oid munosabatlarni tizimli asosda tartibga solish va davlat xizmatini tasniflash jarayonida vujudga kelgan huquqiy bo‘shliqlarni bartaraf etish maqsadida “O‘zbekiston Respublikasi davlat xizmati asoslari to‘g‘risida”gi qonunni qabul qilib, unda davlat xizmatining turlarini aniq belgilash bo‘yicha taklif ishlab chiqilgan;

davlat fuqarolik xizmati lavozimlarining davlat reyestrini shakllantirishda ularning vakolatlariga (siyosiy, ma‘muriy va texnik) va darajalariga (milliy, respublika, viloyat va tuman (shahar) qarab tasniflash taklifi ishlab chiqilgan;

O‘zbekiston Respublikasi Prezidenti huzuridagi Davlat xizmatini rivojlantirish agentligi tomonidan davlat fuqarolik xizmati sohasidagi davlat dasturlari va loyihalarini ishlab chiqish jarayonida parlament deputatlari va kasaba uyushmalari a‘zolarini ham jalb qilish amaliyoti bo‘yicha tavsiyalar ishlab chiqilgan;

Odob-axloq komissiyasi tarkibiga tajribali, obro‘-e‘tiborga sazovor bo‘lgan ikki nafar jamoatchilik faollarini kiritish kerakligi asoslab berilgan holda amaldagi qonunchilikka taklif ishlab chiqilgan;

davlat fuqarolik xizmatchilari faoliyatining samaradorligini baholashda baholanayotgan xodim va jamoaning ham fikrini inobatga olish lozimligi bo‘yicha takliflar ishlab chiqilgan;

Davlat fuqarolik xizmatchilari odob-axloqining namunaviy qoidalariga rioya etilishini nazorat qilish usullarini belgilash va bunda jamoatchilik nazoratini ta‘minlash yuzasidan qonunchilikka taklif ilgari surilgan;

respublika bo‘yicha hududlarning ijtimoiy-iqtisodiy rivojlantirish ko‘rsatkichlariga qarab davlat fuqarolik xizmatchilarini moddiy rag‘batlantirish tizimini joriy etish bo‘yicha amaldagi normativ-huquqiy hujjatlarga takliflar ishlab chiqilgan;

davlat fuqarolik xizmatchisi xizmatni o‘tash jarayonida korrupsiya yoki manfaatlar to‘qnashuvi sodir etilganini to‘g‘ridan to‘g‘ri egallab turgan lavozimidan ozod qilishga asos sifatida belgilash yuzasidan qonunchilikka taklif ilgari surilgan.

Tadqiqot natijalarining ishonchliligi tadqiqot ishining xulosalari davlat fuqarolik xizmatini o‘tash tizimiga oid xorijiy mamlakatlar va milliy qonunchilikni tahlil qilish asosida ilgari surilgan. Xususan, davlat fuqarolik xizmatini o‘tashning roman-german, anglo-sakson va Osiyo davlatlari huquq tizimi tajribasi tahlil qilingan. Shuningdek, tadqiqot natijalarining ishonchliligi dissertatsiyada qo‘llangan nazariy yondashuv va usullarning rasmiy manbalardan olingani, o‘tkazilgan sotsiologik so‘rovnoma natijalariga asoslangani, xulosa, taklif va tavsiyalar amaliyotga joriy etilib, vakolatli tuzilmalar tomonidan tasdiqlangani bilan izohlanadi.

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 va 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 o‘tashga oid qonunchilikni va huquqni qo‘llash amaliyotini takomillashtirishga, davlat fuqarolik xizmatchilarini huquqiy va ijtimoiy jihatdan himoya qilishni, shuningdek, davlat fuqarolik xizmatchilari faoliyati samaradorligini baholashning takomillashuviga xizmat qilishi uning amaliy ahamiyatini belgilab beradi.

Tadqiqot natijalarining joriy qilinishi. Tadqiqot ishi bo‘yicha olingan natijalardan quyidagilarda foydalanildi:

davlat fuqarolik xizmatchisini davlat tomonidan ijtimoiy jihatdan himoya qilishning muhim bir elementi sifatida ularning hayoti va sog‘lig‘ini majburiy sug‘urta qilishni belgilashga oid taklifdan O‘zbekiston Respublikasining 2022-yil 8-avgustdagi “Davlat fuqarolik xizmati to‘g‘risida”gi O‘RQ-788-son

Qonuni 53-moddasi uchinchi xatboshisini ishlab chiqishda foydalanilgan (O‘zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasi Demokratik institutlar, nodavlat tashkilotlar va fuqarolarning o‘zini o‘zi boshqarish organlari qo‘mitasining 2023-yil 19-sentabrdagi 04/10-10-44-son dalolatnomasi). Mazkur taklifning amaliyotga joriy etilishi davlat tomonidan davlat fuqarolik xizmatchisini ijtimoiy jihatdan himoya qilishning muhim bir elementini belgilashga xizmat qilgan;

davlat fuqarolik xizmatchisini davlat tomonidan ijtimoiy jihatdan himoyalash turlaridan biri sifatida tibbiy xizmat ko‘rsatishni belgilashga oid taklifdan O‘zbekiston Respublikasining 2022-yil 8-avgustdagi “Davlat fuqarolik xizmati to‘g‘risida”gi O‘RQ-788-son Qonunining 53-moddasi yettinchi xatboshisini ishlab chiqishda foydalanilgan (O‘zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasi Demokratik institutlar, nodavlat tashkilotlar va fuqarolarning o‘zini o‘zi boshqarish organlari qo‘mitasining 2023-yil 19-sentabrdagi 04/10-10-44-son dalolatnomasi). Mazkur taklifning amaliyotga joriy etilishi davlat fuqarolik xizmatchisini ijtimoiy jihatdan himoya qilish turlaridan birini belgilashga xizmat qilgan;

davlat fuqarolik xizmatchisi faoliyati davomida xizmat majburiyatlarini samarali bajarish uchun zarur bo‘lgan bilim va ko‘nikmalarni doimiy tarzda oshirib borishigi oid taklifdan O‘zbekiston Respublikasi Vazirlar Mahkamasining 2022-yil 14-oktabrdagi 595-sonli qarori bilan tasdiqlangan Davlat fuqarolik xizmatchilari odob-axloqining namunaviy qoidalari 9-bandi oltinchi xatboshisini ishlab chiqishda foydalanilgan (O‘zbekiston Respublikasi Bosh vazir kotibiyati Axborot tahlil va yuridik ta‘minlash departamentining 2023-yil 23-oktabrdagi 12-15-98-son dalolatnomasi). Mazkur taklifning amaliyotga joriy etilishi davlat fuqarolik xizmatchisi qanday lavozimda bo‘lishidan qat‘i nazar xizmat majburiyatlarini samarali bajarish uchun zarur bo‘lgan bilim va ko‘nikmalarni doimiy asosda oshirishni belgilashga xizmat qilgan;

davlat fuqarolik xizmatchisi o‘z xizmat majburiyatlarini bajarayotganda fuqarolar va boshqa shaxslarni kamsitmasligi, ularning ta‘siridan saqlanishi, fuqarolar huquqlari, majburiyatlari va qonuniy manfaatlarini hisobga olishi zarurligiga oid taklifdan O‘zbekiston Respublikasi Vazirlar Mahkamasining 2022-yil 14-oktabrdagi 595-sonli qarori bilan tasdiqlangan Davlat fuqarolik xizmatchilari odob-axloqining namunaviy qoidalari 9-bandi o‘n uchinchi xatboshisini ishlab chiqishda foydalanilgan (O‘zbekiston Respublikasi Vazirlar Mahkamasi Yuridik ta‘minlash boshqarmasining 2022-yil 18-dekabrdagi 12/21-98-son dalolatnomasi). Mazkur taklifning amaliyotga joriy etilishi davlat fuqarolik xizmatchisi xizmat faoliyatida fuqarolarni kamsitmasligi, shuningdek, ularning huquqlari, majburiyatlari va qonuniy manfaatlarini hisobga olishi shart va zarurligini belgilashga xizmat qilgan.

Tadqiqot natijalarining aprobatsiyasi. Tadqiqot natijalari 5 ta ilmiy anjumanda, jumladan, 4 ta xalqaro, 6 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 17 ta ilmiy ish, jumladan, ilmiy jurnallarda 8 ta maqola (2 tasi xorijiy nashrda) va to‘plamlar tarkibida 9 ta maqola (3 tasi xalqaro anjumanlarda) chop etilgan.

Dissertatsiyaning tuzilishi va hajmi. Dissertatsiya tarkibi kirish, 9 paragrafni qamrab olgan uchta bob, xulosa, foydalanilgan adabiyotlar ro‘yxati va ilovalardan iborat. Dissertatsiya matni 133 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, mavzu bo‘yicha xorijiy ilmiy tadqiqotlar sharhi, muammoning o‘rganilganlik darajasi, mavzuning dissertatsiya bajarilayotgan oliy ta‘lim muassasasining ilmiy tadqiqot ishlari bilan aloqasi, uning maqsad va vazifalari, obykti 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 xizmati institutining tushunchasi va tarkibi”** deb nomlanib, davlat fuqarolik xizmati institutining tushunchasi va tarkibi, davlat xizmati, davlat xizmatchisi, davlat fuqarolik xizmati, davlat fuqarolik xizmatchisi, davlat fuqarolik xizmatini o‘tash tushunchalari va mohiyati, ushbu tushunchalarning nazariy-huquqiy masalalari, davlat fuqarolik xizmatining huquqiy asoslari evolyutsiyasi, shuningdek, davlat boshqaruvi tizimida davlat fuqarolik xizmati va uning davlat vakolatli subyektlari tomonidan tartibga solinishi ilmiy-nazariy hamda amaliy jihatdan tahlil qilingan.

Ushbu bobning “Davlat fuqarolik xizmati institutining tushunchasi va tarkibi” deb nomlangan birinchi paragrafida “davlat xizmati” va “davlat fuqarolik xizmati” tushunchalariga oid muhim qarashlar va tushunchalar tahlil qilingan. Bu borada olimlarning (B.M. Lazerev Y.N. Starilov A.P. Alexin Y.M. Kozlov A.P. Baxrax A.V. Gusev L.A.Chikanova M.Veber N.Sh. Said-Gaziyeva, B.Sh. Mirboboyev, E.T. Xojiyev va X.T. Azizov X.T. Azizov F.U. Yuldasheva I.A. Xamedov K.P. Suk X.Xayitov F. Maxmudov) fikr-mulohazalari o‘rganilib, ushbu tushunchalar bir-biridan farq qilishi, davlat fuqarolik xizmati davlat xizmatining bir turi ekanligi, mazkur tushunchalarni o‘zaro farqlaydigan aniq normalarni milliy qonunchilikda aks etish lozimligi ta’kidlangan.

“Davlat fuqarolik xizmatchisi” tushunchasi o‘rganilib tahlil qilingan holda, ushbu tushuncha haqida milliy olimlarning qarashlari ko‘zga tashlanmasligi, shuningdek yuridik adabiyotlarda va milliy qonunchilikda ta’rif berilmaganligi

sababli mualliflik ta’rifi ishlab chiqilib, milliy qonunchilikda ham ushbu tushunchani aniq izohlash ta’kidlangan.

“Davlat fuqarolik xizmatini o’tash” tushunchasiga oid olimlarning (E.T. Hojiyev, S.B. Yusupov, F.B. Isayeva, X. Xayitov, F.U. Yuldasheva) muhim qarashlari tahlil qilingan holda, davlat fuqarolik xizmatini o’tash davlat xizmatidagi muhim jarayon ekanligi, mazkur tushunchani milliy qonunchilikda to’liq, asosli va aniq qilib belgilash lozimligi qayd etilgan.

Birinchi bobning ikkinchi paragrafi “O‘zbekiston Respublikasida davlat fuqarolik xizmatining huquqiy asoslari evolyutsiyasi” masalasiga bag‘ishlanib, unda ushbu jarayon bosqichlarga ajratilgan holda tadrijiy tahlil qilingan. O‘zbekistonda davlat fuqarolik xizmatiga oid qonunchilik quyidagi 3 bosqichda takomillashib borganligi qayd etilgan: umumiy davlat xizmatini tashkil etish bosqichi (1991-2008), davlat fuqarolik xizmati sohasi jahon zamonaviy standartlar asosida rivojlanish bosqichi (2008-2017), sohani tartibga soladigan alohida qonun hujjatlarining qabul qilish bosqichi (2017-yildan h.v.).

Birinchi bosqichda, (1991-2008) professional davlat fuqarolik xizmatini shakllantirish va rivojlantirish masalasiga sust qaralganligi, shartli ravishda aynan davlat fuqarolik xizmatiga oid bo‘lmasa ham umumiy davlat xizmatini tashkil etishga doir, garchi birmuncha tarqoq, lekin yetarli huquqiy baza, xususan, O‘zbekiston Respublikasi Konstitutsiyasi qabul qilinishi bilan davlat fuqarolik xizmatining ilk asoslari yaratilganligi, shuningdek, sohalarni tartibga soladigan va davlat fuqarolik xizmatchilari faoliyatiga oid ayrim qonunosti hujjatlari qabul qilinganligi ta’kidlangan.

Ikkinchi bosqichda (2008-2017) davlat fuqarolik xizmatiga oid normativ-huquqiy hujjatlar birmuncha tarqoq bo‘lsa ham, jahon zamonaviy standartlar asosida rivojlanishga o‘tganligi, milliy huquqshunos olimlarning ham qarashlari ko‘paya boshlaganligi ko‘rsatilgan. Bu davrning o‘ziga xosligi davlat boshqaruvi organlari va mahalliy ijro etuvchi hokimiyat organlari xodimlarining odob-axloq namunaviy qoidalari tasdiqlanganligi bilan izohlangan.

Uchinchi bosqich 2017-yildan boshlanib, bugungi kungacha davom etib kelayotgan va ushbu bosqichda davlat fuqarolik xizmati tubdan isloh qilish jarayoniga o‘tilganligi 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 belgilanganligiga 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, shuningdek, 2023-yil referendum orqali yangilangan Konstitutsiyada davlat xizmatiga oid alohida modda kiritilganligi ta’kidlangan.

Ushbu bobning “Davlat boshqaruvi tizimida davlat fuqarolik xizmati va uning davlat vakolatli subyektlari tomonidan tartibga solinishi” deb nomlangan

uchinchi paragrafida davlat fuqarolik xizmatida davlat boshqaruvining o'zini va zarurati bo'yicha olimlarning (V.P. Melnikov, V.S. Nechiporenko, Y.V. Oxotskiy, O.T. Xusanov, R.R. Xakimov, B.B. Alimov va b.) muhim qarashlari tahlil qilinib, rivojlangan davlatlar tajribasi o'rganilgan. Sohada davlat boshqaruvini amalga oshiruvchi subyektlar qatorida Prezidentning faoliyati muhim ekanligi qayd etilib, Prezidentning davlat fuqarolik xizmati lavozimiga shaxslarni tayinlash va lavozimidan ozod qilishni aniq qilib belgilash uchun davlat fuqarolik xizmati lavozimlarining davlat reyestri tasdiqlash va ularning kategoriyalarini belgilash lozimligi ta'kidlangan.

Tadqiqotchi, maxsus vakolatli organ bo'lgan Davlat xizmatini rivojlantirish agentligi tomonidan sohaga oid davlat dasturlari va loyihalarini ishlab chiqish jarayonida ochiqlik hamda shaffoflikni ta'minlash maqsadida parlament deputatlari, kasaba uyushmalari a'zolari va jamoatchilik faollarini ham jalb qilish taklif etgan. Shuningdek, Agentlikning vazifa va funksiyalari qatoriga quyidagilarni ham qo'shish tavsiya etilgan: davlat fuqarolik xizmatchilarining amaliyot o'tash tartibini belgilash, davlat organlarining davlat fuqarolik xizmatchilariga stajirovkalar tashkil etish bo'yicha faoliyatini muvofiqlashtirish, davlat fuqarolik xizmatchilarining mehnatiga haq to'lash bilan bog'liq normativ tuzdagi va idoraviy-normativ huquqiy hujjatlar loyihalarini majburiy tartibda kelishish.

Dissertatsiyaning ikkinchi bobi **“Davlat fuqarolik xizmatini o'tashga doir xorijiy tajribaning qiyosiy tahlili”** deb nomlangan bo'lib, unda rivojlangan xorijiy mamlakatlarning davlat fuqarolik xizmatini o'tashga doir tajribasi quyidagi huquq tizimidan kelib chiqqan holda tahlil qilingan: roman-german, anglo-sakson va Osiyo davlatlari huquq tizimi.

Ushbu bobning “Roman-german huquq tizimi davlatlarida davlat fuqarolik xizmatini o'tash tizimi (Germaniya, Fransiya va Italiya tajribasida)” deb nomlangan birinchi paragrafida ayrim roman-german huquq tizimi davlatlari tajribasi tahlil qilingan holda, mazkur davlatlarda davlat fuqarolik xizmati va davlat xizmati bir xil tushuncha sifatida izohlanishi ta'kidlangan. Shuningdek, tadqiqotchi tomonidan milliy qonunchilikda davlat fuqarolik xizmatini o'tash jarayonida davlat organlari va tashkilotlarida bo'ladigan ichki tanlovlarda talabgorning mehnat stajini ham e'tiborga olish tizimini yaratish taklifi ilgari surilgan.

Bundan tashqari, davlat fuqarolik xizmatchisining yuqori ijtimoiy mavqe, huquq va ijtimoiy himoyaning umrbod ta'minlanish kafolati, sohani tartibga soladigan asosiy hujjatda davlat fuqarolik xizmatchilariga oylik maosh to'lash tartibi va mehnat munosabatlari prinsiplarini belgilash tavsiya etiladi.

Ikkinchi bobning ikkinchi paragrafi “Anglo-sakson huquq tizimi davlatlarida davlat fuqarolik xizmatini o'tash tizimining o'ziga xos jihatlari (Angliya, AQSh, Kanada va Yangi Zelandiya tajribasida)” deb nomlangan. Anglo-sakson huquq tizimi davlatlarining aksariyatida davlat fuqarolik xizmati “ochiq anglo-sakson” modeliga asoslanishi, shuningdek, bu davlatlarning

ko'pchiligida davlat xizmati va davlat fuqarolik xizmati bir xil tushuncha sifatida qabul qilinishi ta'kidlangan.

Shuningdek, davlat fuqarolik xizmatini o'tash tizimining shaxslar yuqoriroq lavozimga o'tishni istasa kadrlar bo'limiga ariza topshirishi va belgilangan kuni imtihon topshirib, so'ng uning natijasiga ko'ra yuqoriroq lavozimga ko'tarilishi tajribasini O'zbekistonda ham bosqichma-bosqich joriy qilish, davlat sektoridagi xizmat munosabatlari jarayonida yuzaga keladigan nizolarni sudga bormasdan hal qilish maqsadida maxsus organ Davlat xizmati komissiyasini tashkil etish, rahbariyat tarkibiga kiradigan xizmatchilarning ish haqi miqdorini belgilash bo'yicha alohida tizim yaratish tavsiya etilgan.

Mazkur bobning "Osiyo davlatlari huquq tizimida davlat fuqarolik xizmatini o'tash tizimi (Yaponiya, Janubiy Koreya, Xitoy va Singapur tajribasida)" deb nomlangan uchinchi paragrafida, muallif Osiyo davlatlaridagi davlat fuqarolik xizmatini o'tash jarayonidagi ayrim tartiblarni, xususan meritokratik tamoyil, yuqori maosh, moddiy-mulkiy rag'batlantirish kabi motivlarni milliy qonunchilikda mustahkamlanishi davlat fuqarolik xizmatchilarining samarali faoliyat yuritishiga, shuningdek, korrupsiyaning oldini olishga xizmat qiladi degan xulosaga kelgan.

Bundan tashqari, hududlarning ijtimoiy-iqtisodiy rivojlanishini baholash natijalariga qarab, davlat organlari xizmatchilari, xususan, mahalliy davlat organlari xodimlarini moddiy rag'batlantirish yoki jarimaga tortishga oid tartibni O'zbekistonda ham bosqichma-bosqich joriy qilish, davlat fuqarolik xizmatchilari faoliyatini baholashda aholi, xususan, jamoatchilik vakillarining ham ishtirokini ta'minlashni milliy qonunchilikda aks ettirish tavsiya etilgan.

Dissertatsiyaning uchinchi bobi "**O'zbekistonda davlat fuqarolik xizmatini o'tash tizimini takomillashtirish masalalari**"ga bag'ishlangan bo'lib, unda tadqiqotchi tomonidan davlat fuqarolik xizmatini o'tash tizimi, davlat fuqarolik xizmatchisining huquqiy va ijtimoiy himoyasi hamda ularning faoliyat samaradorligini baholash tizimi tahlil qilingan.

Mazkur bobning birinchi paragrafi "O'zbekistonda davlat fuqarolik xizmatini o'tash tizimini takomillashtirishning ayrim masalalari" deb nomlangan. Dissertant davlat fuqarolik xizmatini "davlat fuqarolik xizmatiga kirish", "davlat fuqarolik xizmatini o'tash" va "davlat fuqarolik xizmatini tugatish" kabi tizimlarga bo'lgan holda o'rganish kerakligini qayd etgan. Davlat fuqarolik xizmatiga oid qonunchilikda meritokratiya tamoyili va "trampolin" karyera modelini qo'llashga oid normalarni aniq qilib belgilash taklif etilgan. Shuningdek, tadqiqotchi tomonidan davlat fuqarolik xizmatchilarini attestatsiyadan o'tkazish xizmatni o'tash jarayonidagi muhim bosqich ekanligi ta'kidlanib, bu bo'yicha olimlarning (A.B. Kurakin, A.A. Savostin, A.S. Adamovich, Y.N. Starilov, F.U. Yuldasheva) mulohazalari tahlil qilingan holda mualliflik ta'rifi ishlab chiqilgan.

Uchinchi bobning ikkinchi paragrafida "Davlat fuqarolik xizmatini o'tashda huquqiy va ijtimoiy himoyaning o'rni" o'rganilgan va tahlil qilingan. Bu borada olimlarning (O.M. Kiseleva, A.V. Malko, G.A. Malisheva va

X.T. Azizov) fikrlari tahlil qilingan holda, davlat fuqarolik xizmatchilarini himoya qilishni 2 turga “huquqiy himoya” va “ijtimoiy himoya”ga ajratish, davlat fuqarolik xizmatida rag‘batlantirish choralari huquqiy tartibga solishda ma’muriy huquq nuqtayi nazaridan yondashish muhim ahamiyat kasb etishi ta’kidlangan. Shuningdek, mazkur paragraf doirasida davlat fuqarolik xizmatchilarining ish haqlarini belgilashda erkin bozor usullaridan foydalanish kerakligi, qonunchilikda “hayoti va sog‘lig‘ini majburiy sug‘urta qilish” va “tibbiy xizmat ko‘rsatish”ni ham belgilash taklif etilgan.

Mazkur bobning “Davlat fuqarolik xizmatchilari faoliyatining samaradorligini baholashda raqamli texnologiyalarni joriy etish istiqbollari” deb nomlangan uchinchi paragrafida hozirgi raqamlashgan jamiyatda davlat fuqarolik xizmatchilari faoliyat samaradorligini baholashning zarurati va ahamiyati bo‘yicha milliy olimlarning (Z.I. Israilova, F. Ismagilova, A.Xolov va F.U. Yuldasheva) muhim qarashlari tahlil qilinib, “davlat fuqarolik xizmatchilarini faoliyatini baholash” tushunchasiga mualliflik ta’rifi ishlab chiqilgan. Tadqiqotchi tomonidan xizmatchilarning faoliyatini baholash indikatorlarini ishlab chiqish va yillik reytingini yuritib borish, indikatorlarning bir ko‘rsatkichi sifatida ommaviy axborot vositalari va keng jamoatchilikning fikrlarini o‘rnatishni ham aks ettirish ta’kidlangan.

Shuningdek, dissertatsiyada xalqaro doirada tan olingan “SWOT” tahlili usuli orqali O‘zbekiston Respublikasida davlat fuqarolik xizmatini o‘tash tizimining kuchli va zaif tomonlari, imkoniyatlar va tahdidlar tahlil qilingan.

Dissertatsiyaning **II** qismida Yuristlar malakasini oshirish markazi tinglovchilari o‘rtasida va ijtimoiy tarmoqlarda 2023-yilda o‘tkazilgan ijtimoiy so‘rovnoma natijalari hamda “O‘zbekiston Respublikasining “Davlat fuqarolik xizmati to‘g‘risida”gi Qonuniga o‘zgartirish va qo‘shimchalar kiritish to‘g‘risida”gi O‘zbekiston Respublikasi Qonuni loyihasi, tushuntirish xati va taqqoslama jadval o‘rin olgan.

XULOSA

“Davlat fuqarolik xizmatini o‘tash instituti (qiyosiy-huquqiy tadqiqot)” mavzusida o‘tkazilgan tadqiqot natijasida quyidagi ilmiy-nazariy va amaliy xulosalar ishlab chiqildi:

I. Ilmiy-nazariy xulosalar:

1. Milliy qonunchilikda “davlat xizmati” va “davlat fuqarolik xizmati” tushunchalari o‘zaro ajratilmagan, rivojlangan xorijiy mamlakatlar tajribasida bu ikki tushuncha bir-birini to‘ldiruvchi tushunchalar sifatida tan olinsa, ba’zi davlatlarda funksional jihatdan farqlanadi, degan xulosaga kelindi.

2. Davlat fuqarolik xizmati davlat xizmatiga qaraganda torroq tushuncha hisoblanib, faqatgina belgilangan doiradagi, ya’ni maxsus reyestrda kiritilgan lavozimlarda o‘z faoliyatini olib boradigan davlat xizmatchilari deb qayd etildi.

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

davlat xizmati – davlat organlari, tashkilotlari, muassasalarida davlatning vazifa va funksiyalarini amalga oshiradigan, davlat tomonidan muayyan haq to'lab boriladigan kasbiy (professional) faoliyat;

davlat xizmatchisi – davlat organlari, tashkilotlari va muassasalarida davlat byudjetidan doimiy maosh oladigan faoliyat bilan shug'ullanadigan fuqaro;

davlat fuqarolik xizmati – davlat xizmatining bir turi bo'lib, davlat fuqarolik xizmati lavozimlaridagi davlat organlari vakolatlari amalga oshirilishini ta'minlashga doir haq to'lanadigan kasbiy (professional) faoliyat.

davlat fuqarolik xizmatchisi – maxsus reyestrda kiritilgan davlat fuqarolik xizmati lavozimini egallagan, davlat byudjetidan doimiy haq oluvchi, lavozimiga ko'ra huquq va majburiyatlarga ega fuqaro;

davlat fuqarolik xizmatini o'tash – maxsus reyestrda kiritilgan davlat fuqarolik xizmatchisi tomonidan davlat xizmatiga kirish, xizmat bo'yicha harakatlanish va davlat xizmatini tugatish bosqichidan iborat bo'lgan faoliyat;

davlat fuqarolik xizmatchisining attestatsiyasi – davlat fuqarolik xizmatchisini o'z lavozimiga muvofiqligini, xususan, kasbiy tayyorgarlik darajasini, lavozim talablariga javob berishini va yangi unvon berishga loyiqqligini aniqlashga qaratilgan faoliyat;

davlat fuqarolik xizmatchilarini faoliyatini baholash – maxsus reyestrda kiritilgan davlat fuqarolik xizmatchilarining samaradorligi va natijadorligini umumiy, tarmoq, lavozim va muloqot ko'rsatkichlari asosida baholashga qaratilgan faoliyat.

4. O'zbekiston Respublikasida davlat fuqarolik xizmatiga oid qonunchilik quyidagi 3 ta bosqichda takomillashib borganini qayd etildi:

birinchi bosqich – 1991 – 2008-yillarda, mazkur davrda davlat fuqarolik xizmatiga oid bo'lmasa ham umumiy davlat xizmatini tashkil etishga doir, garchi birmuncha tarqoq, lekin yetarli huquqiy baza tashkil etilgan. Lekin sohaning huquqiy asoslari yaratilmadi;

ikkinchi bosqich – 2008 – 2017-yillar, ushbu davrda davlat fuqarolik xizmati jahon zamonaviy standartlar asosida rivojlanish bosqichiga kirdi. Davlat fuqarolik xizmatini kasbga aylantirish va davlat fuqarolik xizmatchilarining professional korpusini yaratish ishlari amalga oshirildi;

uchinchi bosqich – 2017-yildan bugungi kunga qadar, bu davrda davlat fuqarolik xizmati bo'yicha huquqiy asoslar yaratildi, sohani tartibga solishga qaratilgan alohida qonun qabul qilindi.

II. Normativ-huquqiy hujjatlarni takomillashtirishga oid taklif va tavsiyalar:

1. Bugungi kunda O'zbekistonda davlat xizmatini tasniflash barcha turdagi davlat xizmati munosabatlarini qamrab olmayapti. Shu sababli O'zbekiston Respublikasida davlat xizmatiga oid munosabatlarni tizimli asosda tartibga solish maqsadida "O'zbekiston Respublikasi davlat xizmati asoslari

to'g'risida"gi qonun qabul qilinishi lozim. Qonun loyihasida davlat xizmatining turlari va asosiy tushunchalarni aniq belgilash hamda ilovada berilgan taklifdan foydalanish tavsiya etiladi (2-ilova).

2. "Davlat fuqarolik xizmati to'g'risida"gi Qonunning 53-moddasi uchinchi xatboshisini quyidagi band bilan to'ldirish tavsiya etiladi: "hayoti va sog'ligini majburiy sug'urta qilish".

3. "Davlat fuqarolik xizmati to'g'risida"gi Qonunning 53-moddasi yettinchi xatboshisini quyidagi band bilan to'ldirish tavsiya etiladi: "tibbiy xizmat ko'rsatish".

4. Odob-axloq komissiyasi faoliyatida xolislikni ta'minlash uchun jamoatchilikning 2 nafar a'zosini ham qo'shish va Odob-axloq komissiyasi to'g'risidagi namunaviy nizomning 4-qismi 2-bandini quyidagicha belgilash tavsiya etiladi: "Komissiya tarkibiga tajribali, mehnat jamoasida obro'-e'tiborga sazovor bo'lgan ikki nafar davlat xizmatchilari hamda ikki nafar jamoatchilik faollari kiritiladi".

5. Milliy qonunchiligimizda hukumat iste'foga chiqishi bilan almashadigan va almashmaydigan davlat fuqarolik xizmatchilari toifalarini belgilash maqsadga muvofiq.

6. O'zbekiston Respublikasi Vazirlar Mahkamasining 2022-yil 14-oktyabrdagi 595-sonli qarori bilan tasdiqlangan Davlat fuqarolik xizmatchilari odob-axloqining namunaviy qoidalari 9-bandi o'n uchinchi xatboshisiga "fuqarolar va boshqa shaxslarni kamsitmaslik, ularning ta'siridan saqlanish, fuqarolar huquqlari, majburiyatlari va qonuniy manfaatlarini hisobga olish" degan jumlaning davlat fuqarolik xizmatchilarining majburiyatlaridan biri sifatida kiritish taklif etiladi.

7. Davlat fuqarolik xizmatchilarini tanlab olishdagi quyidagi to'rtta prinsipni milliy qonunchilikda bosqichma-bosqich kiritish asoslantirildi: ochiqlik (bo'sh lavozim ochiq ma'lumotlarning e'lon qilinishi), adolatlilik (barcha nomzodlar uchun teng imkoniyatlar yaratilishi va obyektivlik asosida tanlash), professionallik (ishga tayinlangan shaxslar lavozim uchun zarur ko'nikma, bilim va salohiyatga ega bo'lishi), loyqlik.

Shundan kelib chiqqan holda "Davlat fuqarolik xizmati to'g'risida"gi Qonunning **27-moddasini** quyidagi mazmundagi uchinchi xatboshi bilan to'ldirish: "Davlat fuqarolik xizmatiga kirishdagi tanlov jarayoni ochiqlik, adolatlilik, professionallik va loyqlik prinsiplari asosida amalga oshiriladi".

Shuningdek, mazkur normani O'zbekiston Respublikasi kambag'allikni qisqartirish va bandlik vazirining 2023-yil 26-iyundagi 52-2023/B-son buyrug'i bilan tasdiqlangan "Ishga qabul qilish chog'ida tanlov o'tkazish to'g'risida"gi namunaviy nizomda ham aks ettirish lozim.

8. "Davlat fuqarolik xizmati to'g'risida"gi Qonunning 37-moddasiga davlat fuqarolik xizmati bo'yicha ko'tarilish jarayonida meritokratiya tamoyili va "trampolin" karyera modeli qo'llanadi degan normani kiritish lozim.

9. Davlat fuqarolik xizmatchilarini attestatsiyadan o'tkazish tartibi bo'yicha alohida qonun yoki Prezidentning qarori bilan tasdiqlangan nizom

qabul qilish, unda attestatsiyadan o'tkazish maqsadi, muddatlari, tartibi va uning huquqiy oqibatlarini aniq belgilash lozim.

10. Davlat fuqarolik xizmatida rag'batlantirish choralari moddiy va protsessual asoslarini o'zida aks ettirgan "Davlat fuqarolik xizmatida rag'batlantirish to'g'risida"gi qonunni ishlab chiqish asoslantirildi.

11. Rahbar faoliyati EMSK talablari qatoriga "subyektivlikdan xoli ekanligi"ni ham qo'shish lozim. Chunki davlat fuqarolik xizmatchilari faoliyati samaradorligini baholash yagona subyekt tomonidan emas, balki elektron tizim yordamida hamda jamoaviylik asosida bo'lishi kerak. Davlat fuqarolik xizmatchilari faoliyatining samaradorligini eng muhim ko'rsatkichlar asosida baholash uslubiyatiga tegishli o'zgartirish kiritish lozim.

12. "Jamoatchilik nazorati to'g'risida"gi Qonunda davlat organlarining korrupsiya va manfaatlar to'qnashuviga oid faoliyatini ham jamoatchilik nazorati obyektlaridan biri sifatida belgilash asoslantirildi.

13. O'zbekistonda respublika bo'yicha hududlarning ijtimoiy-iqtisodiy rivojlantirish ko'rsatkichlariga qarab, mahalliy byudjet xarajatlaridan ortib qolgan daromad qismidan hududdagi davlat organlari, ayniqsa, mahalliy davlat hokimiyati organlari xizmatchilarini moddiy rag'batlantirish tizimini ishlab chiqish.

Bunda "Davlat fuqarolik xizmati to'g'risida"gi Qonunning 44-moddasini quyidagi mazmundagi to'qqizinchi xatboshi bilan to'ldirish: "Respublika bo'yicha hududlarning ijtimoiy-iqtisodiy rivojlantirish ko'rsatkichlariga qarab byudjet tashkilotlarining byudjetdan tashqari jamg'armalaridan yoki mahalliy byudjetning xarajatlaridan ortib qolgan daromad qismidan hududdagi davlat fuqarolik xizmatchilari qonunchilikda belgilangan tartibda moddiy rag'batlantiriladi".

14. "Davlat fuqarolik xizmati to'g'risida"gi Qonunning 46-moddasini quyidagi mazmundagi o'ninchi xatboshi bilan to'ldirish: "Davlat fuqarolik xizmatchisi tomonidan korrupsiya holatini yoki manfaatlar to'qnashuvini sodir etganlik to'g'ridan to'g'ri egallab turgan lavozimidan ozod qilishga asos bo'ladi".

15. "Davlat fuqarolik xizmati to'g'risida"gi Qonunning 46-moddasini quyidagi mazmundagi yangi xatboshi bilan to'ldirish: davlat fuqarolik xizmatchilarini rotatsiya qilish quyidagi holatlar mavjud bo'lgandagina amalga oshirilishi lozim: xodimni yangi sharoitda salohiyatini ro'yobga chiqarish chiqarish uchun imkon yaratishda, xodimning malakasini oshirish kerak bo'lganda, korrupsiya yoki manfaatlar to'qnashuvi (mahalliychilik, tanish-bilishchilik, homiylik, qarindosh-urug'chilik va favoritizm) aniq vujudga kelganda, xizmat vazifasini noloyiq bajarganda.

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

1. Davlat fuqarolik xizmati lavozimlarining davlat reyestrini tasdiqlash bo'yicha Prezident qarori loyihasini ishlab chiqish va unda davlat fuqarolik

xizmatchilarining lavozimlarini vakolatlarga (siyosiy, ma'muriy va texnik) va ularning darajalariga (milliy, respublika, viloyat va tuman (shahar) qarab tasniflash takliflari ilgari suriladi.

2. Davlat xizmatini rivojlantirish agentligi tomonidan davlat fuqarolik xizmati sohasidagi davlat dasturlari va loyihalarini ishlab chiqish jarayonida ochiqlik hamda shaffoflikni ta'minlash maqsadida soha bo'yicha parlament deputatlari va kasaba uyushmalari a'zolarining ham fikrini eshitish maqsadga muvofiqligi ta'kidlangan. Shuningdek, Agentlikning vazifa va funksiyalari qatoriga davlat fuqarolik xizmatchilarining amaliyot o'tash tartibini belgilash, davlat organlarining davlat fuqarolik xizmatchilariga stajirovkalar tashkil etish bo'yicha faoliyatini muvofiqlashtirish, davlat fuqarolik xizmatchilari mehnatiga haq to'lash bilan bog'liq normativ tustdagi va idoraviy-normativ huquqiy hujjatlar loyihalarini majburiy tartibda kelishishni kiritish tavsiya etiladi.

3. Davlat fuqarolik xizmatchilari Odob-axloq qoidalarida mazkur qoidalar buzilganda xizmat tekshiruvi o'tkazish belgilangan, lekin qoidalarning buzilishi qanday usullar orqali aniqlanishi va monitoring qilib borilishi masalasi belgilanmagan. Bu borada xalqaro tajriba tahlil qilingan holda Davlat fuqarolik xizmatchilari odob-axloqining namunaviy qoidalariga rioya etilishini nazorat qilish usullarini belgilash va bunda jamoatchilik nazoratini ta'minlash taklif etiladi.

4. Roman-german huquq tizimi davlatlari tajribasidan kelib chiqib, quyidagicha takliflar ilgari suriladi:

- davlat fuqarolik xizmatchisining yuqori ijtimoiy mavqe, huquq va ijtimoiy himoyaning umrbod ta'minlanish tartibini joriy qilish;

- sohani tartibga soladigan asosiy hujjatda davlat fuqarolik xizmatchilariga oylik maosh to'lash tartibi va mehnat munosabatlari prinsiplarini belgilash;

- tashkilotlarda bo'ladigan ichki tanlovlarda talabgorning mehnat stajini ham e'tiborga olish tartibini yaratish.

5. Anglo-sakson va Osiyo davlatlari huquq tizimidagi davlat fuqarolik xizmatini o'tash mexanizmlarini tahlil qilgan holda, quyidagicha takliflar ilgari suriladi:

- barcha turdagi davlat xizmati munosabatlari jarayonida yuzaga keladigan nizolarni sudga bormasdan hal qilish maqsadida maxsus organ hisoblangan Davlat xizmati komissiyasini tashkil etish;

- davlat xizmatchilarining ish haqi miqdorini belgilashda xodimning faoliyat natijadorligini bir martalik to'lov orqali emas, balki ish haqini oshirish orqali rag'batlantirish, bir martalik to'lovlarni faqat yuqori ko'rsatkich bajarilgan holatlardagina amalga oshirish;

- davlat fuqarolik xizmatchilari faoliyatini baholashda aholi, xususan, jamoatchilik vakillarining ham ishtirokini ta'minlashni bosqichma-bosqich milliy qonunchilikda aks ettirish. Shuningdek, davlat fuqarolik xizmatchilarining attestatsiyadan qanday o'tgani uning oylik maoshiga ta'sir

o‘tkazishi tartibini milliy qonunchilikda aks ettirish (ushbu tartib davlat organlariga favoritizmning oldini oladigan usul hisoblanadi);

- davlat sektorida ishlaydigan xodimlarning ish haqini hisoblab chiqishda bozor usullarini qo‘llash tartib-taomillarini ishlab chiqish.

6. “Davlat fuqarolik xizmatchilari faoliyatining samaradorligini eng muhim ko‘rsatkichlar asosida baholash uslubi” talablarini davlat organlari va tashkilotlari faoliyatiga to‘liq joriy etish, chunki amaliyotda bu uslubiyatdan ko‘pchilik davlat organlari va tashkilotlari xodimlari bexabar.

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TASHKENT STATE UNIVERSITY OF LAW

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**INSTITUTE OF STATE CIVIL SERVICE
(COMPARATIVE-LEGAL RESEARCH)**

12.00.02. – Constitutional law. Administrative law.
Finance and Customs law

**Abstract of doctoral (PhD) dissertation
on legal sciences**

Tashkent – 2025

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INTRODUCTION (Abstract of the Doctor of Philosophy (PhD) dissertation)

Relevance and necessity of the dissertation topic. In the world, based on the development of the state and society, the knowledge and potential of specialists and personnel engaged in labor activities and reforms are becoming increasingly important. This is due to the fact that the implementation of public administration depends on state civil servants, their professionalism and professional skills, as well as on their wages, social and legal protection, and the system for evaluating the effectiveness of their activities. Effective organization of the public civil service ensures that the state occupies high positions in international rankings and indices related to this field. In the Rule of Law Index published in October 2023, Uzbekistan ranked 78th among 142 countries in the world. It should be noted that from 2016 to 2023, our country occupied the first place among the countries with the fastest improvement in the rule of law with a growth rate of 8.9 percent⁵. This situation necessitates the continuous improvement of the system of state administration, including the public civil service.

Due to the rapid development of globalization processes in the world, the organization of a compact, professional, and effective public service in state bodies and organizations is becoming increasingly important. Even today, when the public administration system is being reformed based on modern standards, the provision of the public administration apparatus with the most suitable and qualified personnel remains an urgent issue at the center of reforms. Currently, on the international stage, countries are continuously implementing reforms to achieve high positions in government and public service-related rankings, such as “Government Effectiveness” or “The International Civil Service Effectiveness Index.”

In recent years, large-scale reforms have been carried out in our country to improve the efficiency of the public administration system. However, there are a number of pressing issues in the industry, the analysis of which, the elimination of shortcomings, and the development of the industry require a separate research work. In particular, the system of creating a professional corps of state civil servants does not function; in particular, the role of state administration in the field is not strengthened, the system of selection and training of worthy personnel is not sufficiently established, there are no mechanisms for the legal and social protection of state civil servants, and furthermore, it is necessary to improve the mechanisms and procedures for assessing the effectiveness of the activities of state civil servants. The analysis shows that the documents regulating the activities of the state civil service do not meet the requirements and tasks of today, do not cover all issues in the field, and hinder the establishment of unified legal standards and administrative

⁵ <https://www.worldbank.org/en/publication/worldwide-governance-indicators/interactive-data-access>

practice. At the same time, the low level of use of modern technologies, the absence of a unified personnel policy, the mismatch between the social and legal protection of state civil servants and the tasks they perform also negatively impact the activities of state civil servants. These circumstances necessitate conducting research on the analysis of the system of state civil service, ensuring openness and legality in the activities of state civil servants.

This dissertation research, to a certain extent, serves to fulfill the tasks outlined in the Law of the Republic of Uzbekistan “On Public Civil Service” No. LRU-788 (2022), No. PD-4947 (2017) of the President of the Republic of Uzbekistan “On the Strategy of Actions for the Further Development of the Republic of Uzbekistan,” “About the Approval of the Concept of Administrative Reforms in the Republic of Uzbekistan” UP-5185 (2017), “On Measures to Fundamentally Improve the Personnel Policy and The System of Public Civil Service in the Republic of Uzbekistan” DP-5843 (2019), DP-6257 (2021) “On Measures to Create an Environment of Intolerance to Corruption, Radically Reduce Corruption in Public Administration and Expand Public Participation,” No. DP-60 (2022) “On the Development Strategy of the New Uzbekistan for 2022-2026,” DP-4472 (2019) “On Measures for the Organization of Activities of the Agency of Development of Public Service in case of the President of the Republic of Uzbekistan,” Decree of the Cabinet of Ministers of the Republic of Uzbekistan “On additional measures to ensure compliance with the rules of etiquette by state civil servants” No. 595 (2022), By the order of the director of the State Service Development Agency under the President of the Republic of Uzbekistan No. 2-2022⁶ “Methodology for evaluating the effectiveness of the activities of state civil servants based on the most important indicators” (2022), as well as in other normative legal documents related to the topic.

Correspondence of the research to the priorities of the development of science and technology of the republic. This research corresponds to the priority direction of the development of science and technology of the republic I. “Formation of the system of innovative ideas and ways of their implementation in the social, legal, economic, cultural, spiritual and educational development of the informed society and the democratic state.”

The degree to which the problem has been studied. The institution of state civil service and its legal nature have been studied to some extent by legal scholars, and existing analyses are based mainly on a general approach.

Among the legal scholars and researchers of our country, B.Sh. Mirboboyev, U.T. Tojikhonov, A.A. Azizxujayev, R.R. Khakimov, B.B. Alimov, O.T. Khusanov, Kh.T. Azizov, Sh.G. Asadov, A.M. Qodirov, D.M. Bekchanov, E.T. Khojiyev, G.S. Ismailova, A.E. Yuldoshev, N.Sh. Said-Gaziyeva, I.A. Khamedov, S.B. Yusupov, Kh.S. Khayitov, J.N. Nematov,

⁶ Order of the Director of the Agency for Civil Service Development under the President of the Republic of Uzbekistan dated November 21, 2022 No. 2-2022 // <https://lex.uz/uz/docs/6329831>

F.U. Yuldasheva, F.B. Isayeva, F.B. MaKhmudov⁷ and others have researched some legal issues related to state service, including state civil service.

Some aspects of issues related to state civil service in CIS member states was reflected in the researches of scholars such as A.V. Gusev, L.A. Chikanova, V.V. Cherepanov, D.M. Ovsyankov, A.S. Adamovich, Y.N. Starilov, A.P. Alexin, D.N. Baxrax, D.X. Salikov, Y.M. Kozlov, D.M. Ovsyanko, Y.N. Starilov, T.S. Suxodayeva, L. Yefremov, O.M. Kiseleva, A.V. Malko, Y.V. Tipikina, V.A. Grigorev, A.N. Karavayev, V.V. Popov⁸.

During the research, the research works of foreign specialists such as Ann Raludan, Jennifer Oser, Harris J., Muroi Tsutomu, Harris J, Goetz K., Heinrich Amadeus, Wolff Sylvia Horton, Jessisa Breagh, Gerhard Hammersshmid, Xong M were studied.⁹

Despite this, the institution of state civil service and its legal nature have not been studied as an independent object of research from the perspective of administrative law.

The relatedness of the research to the research plans of the scientific organization or educational institution where the dissertation was completed. The dissertation research was conducted within the framework of the fundamental project of the research plan of the Tashkent State University of Law on the topic “The key directions for further liberalization of public administration in the context of deepening democratic reforms.”

The aim of the research is to develop scientific, theoretical, and practical proposals and recommendations aimed at improving the institution of state civil service through the study of its legal foundations and practice.

The research objectives are to:

to investigate the scientific-theoretical and methodological foundations of the Institute of State Civil Service;

to analyze the evolution of the legal foundations of state civil service;

to analyze the regulation of state civil service within the public administration system by its authorized state entities;

to study the scientific-theoretical foundations of state civil service based on the experience of national legal systems and the legal systems of Roman-Germanic, Anglo-Saxon, and Asian countries;

to explore certain issues of improving the state civil service system in Uzbekistan;

to analyze the importance of legal and social protection in state civil service, including issues of motivation, wage payment, professional competence enhancement, rotation, and certification;

to develop proposals and recommendations on the prospects for the implementation of digital technologies to assess the effectiveness of state civil servants.

⁷ These and other sources are listed in the bibliography of the dissertation.

⁸ These and other sources are listed in the bibliography of the dissertation.

⁹ These and other sources are listed in the bibliography of the dissertation.

The object of the research is the institution of the state civil service in Uzbekistan and foreign countries and the social relations that arise in the process of its legal regulation.

The subject of the research is legal documents related to the scientific-theoretical and organizational-legal foundations of the institute of state civil service, the practice of their application, foreign experience and conceptual approaches, ideas, views and theories existing in legal science.

Research methods. Methods such as systematization, comparative-legal analysis, regulatory-legal analysis, generalization, logic, social survey, induction, deduction, and systematic data analysis were used in conducting the research.

Scientific novelty of the research is as follows:

the necessity of defining compulsory insurance of life and health of a public civil servant as an important element of social protection by the state is justified;

the importance of providing medical service in the social protection of a public civil servant by the state is scientifically and practically substantiated;

the necessity of continuously improving the knowledge and skills necessary for the effective performance of official duties during the activity of a public civil servant is justified;

it is justified that when performing official duties, a public civil servant should not discriminate against citizens and other persons, be protected from their influence and take into account the rights, obligations and legitimate interests of citizens.

Practical results of the research are as follows:

A proposal has been developed to address legal gaps that emerged during the process of regulating relations related to state service and classifying state service by adopting the “Law on the Fundamentals of State Service of the Republic of Uzbekistan” and clearly defining the types of state service;

A proposal has been developed to classify state civil service positions in the state register based on their powers (political, administrative, and technical) and levels (national, republican, regional, and district (city));

Recommendations have been developed regarding the involvement of parliamentary deputies and trade union members in the process of developing state programs and projects in the field of state civil service by the State Service Development Agency under the President of the Republic of Uzbekistan;

A proposal has been made to amend the existing legislation to include two experienced and reputable public activists in the Ethics Commission based on the justification that this will strengthen the commission;

Proposals have been developed to consider the opinions of both the evaluated employee and the team when assessing the effectiveness of state civil servants;

A proposal has been made to amend legislation to establish methods for monitoring compliance with the exemplary code of ethics for state civil servants and ensure public control in this regard;

Proposals have been developed to introduce a system of material incentives for state civil servants based on the socio-economic development indicators of regions across the republic;

A proposal has been made to amend legislation to consider the removal of a state civil servant from office as a result of corruption or conflict of interest during their service as a valid basis for dismissal from their current position.

The reliability of research results is based on an analysis of foreign countries and national legislation on the system of state civil service. In particular, the experience of the Roman-Germanic, Anglo-Saxon and Asian legal systems of the state civil service was analyzed. The reliability of the research results is also explained by the fact that the theoretical approaches and methods used in the dissertation were obtained from official sources, and the conclusions, proposals, and recommendations based on the results of a sociological survey were implemented in practice and approved by competent bodies.

The scientific and practical significance of the research results. The scientific theoretical conclusions presented in the research can be used in lectures and practical classes in the field of education, such as “Theory of State and Law,” “Constitutional Law,” “Administrative Law,” “Public Service,” “Public Administration,” and “Human Resource Management” as well as in conducting scientific research in this field.

The implementation of the research results into practice serves to improve the legislation and law enforcement practice related to the performance of the state civil service, the legal and social protection of state civil servants, as well as the assessment of the effectiveness of the activities of state civil servants, which determines its practical significance.

The implementation of the research results. The results of the research work were used in the following:

Proposal to define compulsory insurance of the life and health of a public civil servant as an important element of state social protection was used in the third paragraph of Article 53 of the Law of the Republic of Uzbekistan “On State Civil Service” dated August 8, 2022 LRU-788 (Act No. 04/10-10-44 dated September 19, 2023 of the Committee of Democratic Institutions, Non-Governmental Organizations and Citizens’ Self-Governing Bodies of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan). The implementation of this proposal into practice served to define an important element of social protection of a public civil servant by the state.

Proposal to define the provision of medical service as one of the types of social protection of a public civil servant by the state was used in the seventh paragraph of Article 53 of the Law of the Republic of Uzbekistan “On State Civil Service” dated August 8, 2022 LRU-788 (Oliy Majlis of the Republic of

Uzbekistan Act No. 04/10-10-44 dated September 19, 2023 of the Committee on Democratic Institutions, Non-Governmental Organizations and Self-Governing Bodies of the Legislative Chamber). The implementation of this proposal served to define one of the types of social protection of a public civil servant;

Proposal to define a public civil servant constantly improves the knowledge and skills necessary for the effective performance of official duties during his activity was used in the sixth paragraph of Clause 9 of the Model Code of Ethical Behavior of State Civil Servants, approved by Resolution No. 595 of the Cabinet of Ministers of the Republic of Uzbekistan dated October 14, 2022 (Act No. 12-15-98 dated October 23, 2023 of the Department of Information Analysis and Legal Support of the Secretariat of the Prime Minister of the Republic of Uzbekistan). The implementation of this proposal has ensured that, regardless of the position held, state civil servants are required to continuously improve their knowledge and skills necessary for fulfilling their duties;

Proposal that a public civil servant should not discriminate against citizens and other persons when performing their official duties, be protected from their influence, take into account the rights, obligations and legitimate interests of citizens was used in the development of the thirteenth paragraph of clause 9 of the Model Code of Ethical Behavior of State Civil Servants approved by the Resolution No. 595 of the Cabinet of Ministers of the Republic of Uzbekistan dated October 14, 2022. The implementation of this proposal served to determine the conditionality and necessity of a public civil servant not to discriminate against citizens in their official activities, as well as to take into account their rights, obligations and legitimate interests.

Approbation of the research results. The results of the research were discussed at 5 scientific conferences, including 4 international and 6 national scientific-practical conferences, roundtable discussions, seminars and training sessions.

Publication of the research results. A total of 17 scientific works were published based on the research results, including 8 articles in scientific journals (2 in foreign publications) and 9 articles in collections (3 in international conferences).

The structure and volume of the dissertation. The dissertation consists of an introduction, three chapters covering 9 paragraphs, a conclusion, a list of references and appendices. The volume of the dissertation is 133 pages.

THE MAIN CONTENT OF THE DISSERTATION

The introduction of the dissertation discusses the relevance and necessity of the research topic, its correspondence to the priority directions of the development of science and technology of the republic, a review of foreign scientific research on the topic, the degree of study of the problem, the

relatedness of the dissertation research with the research plans of the higher education institution where the dissertation was completed, the aim, objectives, object, subject, research methods, scientific novelty, practical results, reliability of research results, scientific and practical significance of the research results, implementation of the research results, approval of the research results, publication of the research results, structure, and volume of the dissertation.

The first chapter of the dissertation is titled **“The Concept and Structure of the State Civil Service Institute,”** which analyzes the concept and structure of the civil service institute, public service, civil servant, civil service, civil service employee, and the concepts of passing the civil service, as well as the essence and theoretical-legal issues related to these concepts, the evolution of the legal foundations of the state civil service, as well as the regulation of the state civil service and its state-authorized subjects in the public administration system by authorized state entities from both scientific-theoretical and practical perspectives.

The first paragraph of this chapter, titled “The Concept and Structure of the State Civil Service Institution,” analyzes important views and concepts related to the concepts of “state service” and “state civil service.” In this regard, the opinions of scientists (B.M. Lazerev, Y.N. Starilov, A.P. Alekhin, Y.M. Kozlov, A.P. Bakhrakh, A.V. Gusev, L.A. Chikanova, M. Veber, N.Sh. Said-Gaziyeva, B.Sh. Mirboboyev, E.T. Khojiyev and X.T. Azizov, X.T. Azizov, F.U. Yuldasheva, I.A. Khamedov, K.P. Suk, X. Khayitov, and F. Makhmudov) were studied, and it was emphasized that these concepts differ from each other, that state civil service is a type of public service, and that clear norms that distinguish these concepts from each other should be reflected in national legislation.

Having studied and analyzed the concept of “state civil servant,” the author’s definition was developed due to the lack of views of national scholars on this concept, as well as the lack of a definition in legal literature and national legislation, and a clear interpretation of this concept in national legislation was emphasized.

Analyzing the important views of scholars (E.T. Hojiyev, S.B. Yusupov, F.B. Isayeva, Kh. Khayitov, F.U. Yuldasheva) on the concept of “passing state civil service,” it is noted that passing state civil service is an important process in the civil service, and that this concept should be fully, reasonably and clearly defined in national legislation.

The second paragraph of the first chapter is devoted to the issue of the “Evolution of the legal foundations of the state civil service in the Republic of Uzbekistan, in which this process is analyzed in stages. It is noted that the legislation on the state civil service in Uzbekistan has been improved in the following 3 stages: the stage of establishing the general public service (1991-2008), the stage of development of the state civil service based on modern world standards (2008-2017), and the stage of adopting separate legislative documents regulating the sphere (2017-pres.).

In the first stage (1991-2008), it is noted that the issue of the formation and development of a professional civil service was poorly addressed, and although not specifically related to the civil service, a somewhat fragmented, but sufficient legal framework was created for the organization of a general civil service, in particular, with the adoption of the Constitution of the Republic of Uzbekistan, the initial foundations of the civil service were created, as well as certain by-laws regulating the sectors and the activities of civil servants were adopted.

In the second stage (2008-2017), it was shown that although the normative legal documents related to the state civil service were somewhat scattered, they were developed on the basis of world modern standards, and the views of national legal scholars began to increase. The uniqueness of this period is explained by the approval of the model rules of conduct of employees of state administration bodies and local executive authorities.

It is noted that the third stage began in 2017 and continues to this day, and at this stage the state civil service has undergone a fundamental reform process. It is emphasized that in the country's important strategic programs, such as the Action Strategy, the Concept of Administrative Reforms, the Development Strategy, and the Uzbekistan–2030 Strategy, the improvement of state service has been identified as one of the priority directions for public administration reform. As a result, in 2019, the authorized 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 Public Civil Service” was adopted, as well as a separate article on public service was included in the Constitution, which was updated through a referendum in 2023.

In the third paragraph of this chapter, entitled “State Civil Service in the System of Public Administration and its Regulation by State Authorized Entities,” the important views of scientists (V.P. Melnikov, V.S. Nechiporenko, Y.V. Okhotsky, O.T. Khusanov, R.R. Khakimov, B.B. Alimov, etc.) on the role and necessity of state administration in the state civil service are analyzed, and the experience of developed countries is studied. It is noted that the activities of the President are important among the entities implementing public administration in this area, and it is emphasized that in order to clearly determine the appointment and dismissal of persons to the position of the President of the state civil service, it is necessary to approve the state register of state civil service positions and determine their categories.

The researcher proposed that the Agency for the Development of the Civil Service, a specially authorized body, should involve members of parliament, trade union members, and public activists in the process of developing state programs and projects in the field in order to ensure openness and transparency. Additionally, it was recommended to include the following tasks and functions within the Agency's responsibilities: establishing the procedure for conducting internships for state civil servants, coordinating the activities of state bodies in

organizing internships for civil servants, and mandatorily coordinating draft normative and departmental legal documents related to the remuneration of state civil servants.

The second chapter of the dissertation is titled **“Comparative Analysis of Foreign Experience in the Conduct of State Civil Service,”** which analyzes the experience of developed foreign countries in the conduct of state civil service based on the following legal systems: Roman-Germanic, Anglo-Saxon, and Asian legal systems.

The first paragraph of this chapter, titled “The System of State Civil Service in the States of the Romano-Germanic Law System (in the Experience of Germany, France, and Italy),” analyzes the experience of some states of the Romano-Germanic legal system and emphasizes that state civil service and public service in these states are interpreted as the same concept. The researcher also proposed to create a system in national legislation that takes into account the applicant’s work experience in internal competitions held in state bodies and organizations during the course of the state civil service.

Furthermore, it is recommended that the main legal document regulating the field should establish the procedure for paying salaries to civil servants and the principles of labor relations, as well as ensure the guarantee of lifelong social status, rights, and social protection for civil servants.

The second chapter’s second paragraph is titled “Specific Features of the Civil Service System in Anglo-Saxon Legal System Countries (Experience of England, the USA, Canada, and New Zealand).” It is emphasized that in most Anglo-Saxon legal system countries, the civil service is based on the “open Anglo-Saxon” model, and in most of these countries, public service and state civil service are considered the same concept.

It is also recommended that the experience of the state civil service system, where individuals wishing to move to a higher position submit an application to the personnel department and take an exam on the appointed day, and then, based on its results, be promoted to a higher position. In order to resolve disputes arising in the process of service relations in the public sector without going to court, it is recommended to create a special body the Public Service Commission, and create a separate system for determining the salary of employees who are part of the leadership.

In the third paragraph of this chapter, titled “The System of State Civil Service in the Legal System of Asian States (in the Experience of Japan, South Korea, China, and Singapore),” the author concludes that the strengthening in national legislation of certain procedures in the process of state civil service in Asian countries, in particular, such motives as meritocratic principles, high wages, and material incentives, will contribute to the effective functioning of state civil servants, as well as the prevention of corruption.

In addition, it is recommended that the procedure for providing financial incentives or fines to employees of state bodies, in particular local government bodies, based on the results of assessing the socio-economic development of

regions, be gradually introduced in Uzbekistan, and that national legislation ensure the participation of the population, in particular representatives of the public, in assessing the performance of state civil servants..

The third chapter of the dissertation is dedicated to **“Issues of Improving the System of State Civil Service in Uzbekistan,”** in which the researcher analyzes the system of state civil service, the legal and social protection of state civil servants, and the system for evaluating the effectiveness of their activities.

The first paragraph of this chapter is titled “Some Issues in Improving the System of State Civil Service in Uzbekistan.” The dissertation author notes that the state civil service should be studied by dividing it into systems such as “entry into state civil service,” “passage of state civil service,” and “termination of state civil service.” It is proposed to clearly define the norms regarding the application of the principle of meritocracy and the “trampoline” career model in the legislation on the state civil service. The researcher also emphasized that the certification of civil servants is an important stage in the process of service, and an author’s definition was developed based on the analysis of the opinions of scientists (A.B. Kurakin, A.A. Savostin, A.S. Adamovich, Y.N. Starilov, and F.U. Yuldasheva).

The second paragraph of the third chapter examines and analyzes “The Role of Legal and Social Protection in the State Civil Service.” Analyzing the opinions of scholars (O.M. Kiseleva, A.V. Malko, G.A. Malisheva, and Kh.T. Azizov) on this matter, it is emphasized that the division of the protection of state civil servants into 2 types of “legal protection” and “social protection,” as well as an approach from the perspective of administrative law in the legal regulation of incentive measures in the state civil service, is of great importance. Also, within the framework of this paragraph, it is proposed to use free market methods in determining the wages of state civil servants, to define in the legislation “compulsory insurance of life and health” and “medical services.”

The third paragraph of this chapter, titled “Prospects on the Implementation of Digital Technologies in Evaluating the Effectiveness of Public Civil Servants,” analyzes the important views of national scientists (Z.I. Israilova, F. Ismagilova, A. Kholov, and F.U. Yuldasheva) on the necessity and importance of assessing the effectiveness of civil servants in today’s digitalized society and develops an author’s definition of the concept of “assessment of civil servants’ performance.” The researcher emphasizes the development of indicators for assessing the performance of civil servants and maintaining an annual rating, as well as the establishment of the opinions of the media and the general public as one of the indicators.

The dissertation also analyzes the strengths and weaknesses, opportunities, and threats of the state civil service system in the Republic of Uzbekistan using the internationally recognized “SWOT” analysis method.

The **appendix** of the dissertation includes the results of a social survey conducted in 2023 among the listeners of the Lawyers’ Training Center and on social networks, as well as the draft Law of the Republic of Uzbekistan “On

Amendments and Additions to the Law of the Republic of Uzbekistan “On State Civil Service,” an explanatory note, and a comparative table.

CONCLUSION

The following scientific-theoretical and practical conclusions were developed as a result of the research conducted on the topic “Institute of State Civil Service (Comparative-Legal Research)”:

I. Scientific and theoretical conclusions:

1. It was concluded that the concepts of “state service” and “state civil service” are not distinguished in national legislation, and while in the experience of developed foreign countries these two concepts are recognized as complementary concepts, in some countries, they are functionally different.

2. State civil service is considered a narrower concept than state service and is recorded as civil servants who carry out their activities only in a certain scope, that is, in positions included in a special register.

3. Author’s definitions of the following concepts were developed and proposed for use in scientific practice:

state service - a professional (professional) activity that carries out tasks and functions of the state in state bodies, organizations, institutions and other organizations with a state share, and is paid a certain salary by the state;

civil servant - a citizen who receives a permanent salary from the state budget and carries out professional activities in state bodies and organizations;

state civil service - a type of state service, paid professional (professional) activity to ensure the implementation of the powers of state bodies in state civil service positions;

state civil servant - a citizen who holds a state civil service position entered in a special register, receives a permanent salary from the state budget, and has rights and obligations according to his position;

performance of the state civil service - an activity by a state civil servant included in a special register, consisting of the stage of entry into the state service, movement in service, and termination of the state service;

attestation of a state civil servant - an activity aimed at determining the suitability of a state civil servant for his position, in particular, the level of professional training, meeting the requirements of the position, and worthiness for awarding a new title;

evaluation of the activities of state civil servants - an activity aimed at evaluating the efficiency and effectiveness of state civil servants included in the special register based on general, network, position and communication indicators.

4. It was noted that the legislation on civil service in the Republic of Uzbekistan improved in the following 3 stages:

the first stage - from 1991 to 2008, during which the legal framework for the organization of the general public service, although not related to the state civil service, was created, although it was somewhat fragmented, but sufficient. However, the legal framework for the sphere was not created;

the second stage is 2008-2017, during which the state civil service entered a stage of development based on modern world standards. Work has been carried out to turn the state civil service into a profession and create a professional corps of state civil servants;

the third stage - from 2017 to the present day, during which the legal framework for the state civil service was created, a separate law was adopted aimed at regulating the sphere.

II. Proposals and recommendations for further improving the normative legal documents:

1. Today, the classification of civil service in Uzbekistan does not cover all types of civil service relations. Therefore, in order to regulate civil service relations in the Republic of Uzbekistan on a systematic basis, it is necessary to adopt a law “On the Fundamentals of Civil Service of the Republic of Uzbekistan.” It is recommended to clearly define the types and basic concepts of civil service in the draft law and use the proposal given in the appendix (Appendix 2).

2. It is recommended to supplement the third paragraph of Article 53 of the Law “On State Civil Service” with the following clause: “compulsory life and health insurance.”

3. It is recommended to supplement the seventh paragraph of Article 53 of the Law “On State Civil Service” with the following paragraph: “medical service.”

4. To ensure impartiality in the work of the Ethics Commission, it is recommended to include 2 members of the public and define paragraph 2 of Part 4 of the Model Regulation on the Ethics Commission as follows: “The commission includes two experienced civil servants and two public activists who have gained respect in the work collective.”

5. It is appropriate to define in our national legislation the categories of civil servants who are and are not replaced upon the resignation of the government.

6. It is proposed to include the phrase “not to discriminate against citizens and other persons, to avoid their influence, to take into account the rights, obligations, and legitimate interests of citizens” as one of the duties of civil servants in the thirteenth paragraph of the ninth clause of the Model Code of Ethics for Civil Servants, approved by Resolution No. 595 of the Cabinet of Ministers of the Republic of Uzbekistan on October 14, 2022.

7. The following four principles for the selection of civil servants were justified for gradual inclusion in national legislation:

- Openness (publication of vacant position as open information);

- Fairness (equal opportunities for all candidates and selection based on objectivity);

- Professionalism (persons appointed to the job have the necessary skills, knowledge, and potential for the position);

- Merit.

Based on this, to fill in Article 27 of the Law “On State Civil Service” with the following third paragraph: “The selection process for entering the State Civil Service is carried out on the basis of the principles of openness, fairness, professionalism, and merit.”

Also, it is appropriate to reflect this norm in the model regulation “On conducting selection during recruitment” approved by the order of the Minister of Poverty Reduction and Employment of the Republic of Uzbekistan dated June 26, 2023 No. 52-2023/B.

8. In Article 37 of the Law “On State Civil Service,” it was recommended to introduce the norm that the principle of meritocracy and the “trampoline” career model are used in the process of promotion in the state civil service.

9. It is necessary to adopt a separate law on the procedure for certification of state civil servants or a regulation approved by the decision of the President, which clearly defines the purpose, terms, and procedure of certification and its legal consequences.

10. The development of the Law “On Incentives in the State Civil Service,” which reflects the material and procedural bases of measures of incentives in the state civil service, was substantiated.

11. It is necessary to add “being free from subjectivity” to the requirements of EMSK (the most important performance indicators or KPI) in the leader’s activity. Because the evaluation of the performance of state civil servants should be done not by a single subject, but by the electronic system and on a collective basis. It was recommended to make appropriate changes to the methodology of evaluating the efficiency of state civil servants based on the most important indicators.

12. It was justified to include the activities of state bodies related to corruption and conflicts of interest as one of the objects of public control in the “On Public Control.”

13. In Uzbekistan, depending on the socio-economic development indicators of regions across the republic, develop a system of financial incentives for employees of regional state bodies, especially local government bodies, from the excess revenue over local budget expenditures.

It is proposed to fill Article 44 of the Law “On Civil Service” with the following new paragraph: “Based on the social and economic development indicators of the regions across the republic, civil servants in these regions shall be materially incentivized from the extrabudgetary funds of budgetary organizations or the surplus income from local budget expenditures, in accordance with the procedure established by legislation.”

14. To prevent corruption and conflicts of interest in civil service, it is recommended to fill Article 46 of the Law “On Civil Service” with the following new paragraph: “The occurrence of a corruption case or conflict of interest by a civil servant shall be a direct ground for dismissal from the occupied position.”

15. Article 46 of the Law “On State Civil Service” shall be supplemented with a new paragraph with the following content: rotation of state civil servants shall be carried out only in the following circumstances: to create an opportunity for the employee to realize his or her potential in new conditions, when the employee’s qualifications need to be improved, when corruption or a conflict of interest (localism, acquaintanceship, patronage, nepotism, and favoritism) is clearly evident, and when the employee performs his or her duties unworthy of the position.

III. Suggestions and recommendations for improving law enforcement practice:

1. Development of a draft of the Presidential Decree on approving the state register of civil service positions and proposals for classifying the positions of state civil servants according to powers (political, administrative, and technical) and their levels (national, republican, regional, and district (city)) are put forward.

2. In order to ensure openness and transparency in the process of developing state programs and projects in the field of state civil service by the Civil Service Development Agency, it is advisable to also involve the opinions of parliamentarians and members of trade unions in the field. It is also recommended to include in the tasks and functions of the Agency the establishment of a procedure for conducting internships for state civil servants, coordination of the activities of state bodies in organizing internships for state civil servants, and mandatory coordination of draft normative and departmental-normative legal documents related to the remuneration of state civil servants.

3. The Code of Conduct for Civil Servants provides for a service inspection in case of violation of these rules, but does not specify the methods by which violations are detected and monitored. In this regard, based on an analysis of international experience, it is proposed to determine methods for monitoring compliance with the model rules of etiquette of civil servants and to ensure public control in this regard.

4. Based on the experience of the countries of the Romano-Germanic legal system, the following proposals were put forward:

- to introduce the procedure of lifelong provision of high social status, rights and social protection of civil servants;

- to establish the procedure for monthly salary payment to state civil servants and the principles of labor relations in the main document regulating the sector;

- to create a procedure for considering the applicant's work experience in internal competitions held in organizations.

5. Analyzing the mechanisms of state civil service in the legal system of Anglo-Saxon and Asian countries, the following proposals were put forward:

- to establish the State Service Commission, a special body, in order to resolve disputes arising in the process of all types of public service relations without resorting to the courts;

- to incentivize civil servants by increasing their salaries based on their performance, rather than through one-time payments, with one-time payments only being made when high performance indicators are achieved;

- to gradually reflect in national legislation the involvement of the population, especially public representatives, in the evaluation of civil servants' performance. Also, to establish in national legislation the procedure for how a civil servant's certification affects their monthly salary (this system is considered a method to prevent favoritism in government bodies);

- to develop procedures for applying market-based methods in calculating the salaries of employees working in the public sector.

6. It is necessary to fully implement the requirements of the "Methodology for assessing the effectiveness of civil servants' activities based on the most important indicators" in the activities of state bodies and organizations, as in practice, many employees of state bodies and organizations are unaware of this methodology.

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

**ТАШКЕНТСКИЙ ГОСУДАРСТВЕННЫЙ ЮРИДИЧЕСКИЙ
УНИВЕРСИТЕТ**

РАХМОНОВ ЗАФАРЖОН ЗАЙНИДДИНОВИЧ

**ИНСТИТУТ ПРОХОЖДЕНИЯ ГОСУДАРСТВЕННОЙ
ГРАЖДАНСКОЙ СЛУЖБЫ
(СРАВНИТЕЛЬНО-ПРАВОВОЕ ИССЛЕДОВАНИЕ)**

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АВТОРЕФЕРАТ
диссертации доктора философии по юридическим наукам (PhD)

Ташкент – 2025

Тема диссертации доктора философии (PhD) зарегистрирована Высшей аттестационной комиссией при Министерстве высшего образования, науки и инноваций Республики Узбекистан за № B2024.2.PhD/Yu1415.

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Управления при Президенте
Республики Узбекистан

Защита диссертации состоится 13 марта 2025 года в 14:00 часов на заседании Научного совета за номером DSc.07/30.12.2019.Yu.22.02 при Ташкентском государственном юридическом университете (Адрес: 100047, г.Ташкент, улица Сайилгох, 35. Тел.: (99871) 233-66-36; факс: (99871) 233-37-48; e-mail: info@tsul.uz).

С диссертацией можно ознакомиться в Информационно-ресурсном центре Ташкентского государственного юридического университета (зарегистрирована за номером 1361). (Адрес: 100047, г. Ташкент, ул. А. Темура, 13. Тел.: (99871) 233-66-36).

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ВВЕДЕНИЕ (аннотация диссертации доктора философии (PhD))

Целью исследования являются в разработке научно-теоретических и практически обоснованных предложений и рекомендаций, направленных на совершенствование института прохождения государственной гражданской службы путем изучения его правовых основ и практики.

Предмет исследования составляют законодательные акты, касающиеся научно-теоретических и организационно-правовых основ института прохождения государственной гражданской службы, практика их применения, зарубежный опыт и существующие в юридической науке концептуальные подходы, идеи, взгляды, теории.

Научная новизна исследования заключается в следующем:

обоснована необходимость установления обязательного страхования жизни и здоровья государственных гражданских служащих как важного элемента социальной защиты со стороны государства;

научно и практически обоснована важность предоставления государством медицинских услуг в рамках социальной защиты государственных гражданских служащих;

обоснована важность постоянного совершенствования знаний и навыков государственных гражданских служащих, необходимых для эффективного выполнения служебных обязанностей;

обоснована необходимость учёта прав, обязанностей и законных интересов граждан, недопущения унижения граждан и других лиц, а также защиты от их влияния при исполнении служебных обязанностей государственным гражданским служащим.

Внедрение результатов исследования. Результаты, полученные в ходе исследования, были использованы в следующем:

предложение по установлении обязательного страхования жизни и здоровья государственного гражданского служащего в качестве важного элемента государственной социальной защиты использовано при разработке пункта третьего статьи 53 Закона Республики Узбекистан «О государственной гражданской службе» от 8 августа 2022 года № ЗРУ-788 (Законодательная палата Олий Мажлиса Республики Узбекистан Демократические институты, неправительственные организации и сами граждане акт комитета органов самоуправления от 19 сентября 2023 года № 04/10-10-44). Внедрение данного предложение послужило определению важного элемента социальной защиты государственного гражданского служащего со стороны государства;

предложение по определению медицинского обслуживания как одного из видов социальной защиты государственных гражданских служащих использовано при разработке абзаца седьмого статьи 53 Закона Республики Узбекистан от 8 августа 2022 года № ЗРУ-788 «О государственной гражданской службе» (акт Комитета Законодательной палаты Олий Мажлиса Республики Узбекистан по демократическим

институтам, негосударственным организациям и органам самоуправления граждан от 19 сентября 2023 года № 04/10-10-44). Внедрение данного предложение послужило определению одного из видов социальной защиты государственного гражданского служащего;

предложение по постоянному повышению государственным гражданским служащим знаний и навыков, необходимых для эффективного выполнения служебных обязанностей в ходе деятельности использовано при разработке абзаца шестого пункта 9 Типовых правил этического поведения государственных гражданских служащих, утвержденных постановлением Кабинета Министров Республики Узбекистан от 14 октября 2022 года № 595 (акт Департамента информационного анализа и юридического обеспечения Секретариата Премьер-министра Республики Узбекистан от 23 октября 2023 года № 12-15-98). Внедрение данного предложение послужила определению необходимости постоянного повышения знаний и навыков, необходимых для эффективного выполнения служебных обязанностей государственным гражданским служащим, независимо от его занимаемой должности;

предложение о необходимости учёта прав, обязанностей и законных интересов граждан, недопущения унижения граждан и других лиц, а также защиты от их влияния при исполнении служебных обязанностей государственным гражданским служащим использовано при разработке абзаца тринадцатого пункта 9 Типовых правил этического поведения государственных гражданских служащих, утвержденных постановлением Кабинета Министров Республики Узбекистан от 14 октября 2022 года № 595 (акт Управления юридического обеспечения Кабинета Министров Республики Узбекистан от 18 декабря 2022 года № 12/21-98). Внедрение данного предложение послужила установлению условий и необходимости недопущения унижения граждан, а также учёта прав, обязанностей и законных интересов государственным гражданским служащим в своей служебной деятельности.

Структура и объём диссертации. Научно-практическая работа состоит из введения, трёх глав, включающих в себя 9 параграфов, заключения, списка использованной литературы и приложений. Объём диссертации составляет 133 страниц.

E'LON QILINGAN ISHLAR RO'YXATI
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