

CIVIL SERVANTS IN MODERN STATES: COMPARATIVE LEGAL ANALYSIS AND KEY INSIGHTS

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ABSTRACT

The article conducts an in-depth examination of the legal status of civil servants in developed countries. It delves into the legislative frameworks that regulate the rights, obligations, responsibilities, restrictions, and social guarantees of civil servants. Through the analysis of legal systems in the USA, Japan, Germany, the UK, and other nations, the study identifies distinctive characteristics and shared principles of civil servants' legal status. The main objective is to propose effective legal reforms to improve Uzbekistan's civil service system by drawing on the practices of developed nations.

Keywords: Civil servants, legal status, social guarantees, political neutrality, legislative analysis, developed countries, public service.

ГОСУДАРСТВЕННЫЕ СЛУЖАЩИЕ В СОВРЕМЕННЫХ ГОСУДАРСТВАХ: СРАВНИТЕЛЬНЫЙ ПРАВОВОЙ АНАЛИЗ И КЛЮЧЕВЫЕ ВЫВОДЫ

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АННОТАЦИЯ

В данной статье проводится всесторонний анализ правового статуса государственных гражданских служащих в развитых странах. Рассматриваются законодательные механизмы, регулирующие их права, обязанности, ответственность, ограничения и предоставляемые социальные гарантии. Особое внимание уделяется изучению уникальных особенностей и общих принципов правового статуса гражданских служащих на примере законодательств США, Японии, Германии, Великобритании и других государств. Основной задачей исследования является выработка эффективных юридических рекомендаций для совершенствования системы государственной службы Узбекистана с учетом опыта ведущих стран мира.

Ключевые слова: Государственные служащие, правовой статус, социальные гарантии, политическая нейтральность, анализ законодательства, развитые страны, государственная служба.

The civil service is an essential component of any country's public administration system. It plays a critical role in the socio-economic development of the nation, the efficiency of public institutions, and ensuring the provision of quality services to citizens. Developed countries have implemented advanced legislative mechanisms to define the legal status of civil servants, specifying their rights, duties, social guarantees, and responsibilities. Additionally, ensuring political neutrality, transparency, and accountability is one of the core principles of this system. This article analyzes the legislation of developed countries, particularly the USA, Japan, Germany, the United Kingdom, and others, to examine the common and unique aspects of the legal status of civil servants. Through this comparative analysis, the article aims to develop relevant proposals and recommendations for improving Uzbekistan's civil service system. It is expected that this study will make a significant scientific and practical contribution to the development of Uzbekistan's public administration system.

The civil service is an integral part of modern public administration, and its effectiveness directly impacts a nation's economic, social, and political stability. Defining the legal status of civil servants not only ensures the effectiveness of legislation in this field but also helps to clarify their rights and obligations, strengthen their accountability to the public, and reinforce the principles of transparency and fairness[1]. Therefore, studying advanced international practices in civil service is crucial for further improving Uzbekistan's legal framework.

In the United States, civil servants are broadly defined, and their legal status is enshrined in Title 5 of the United States Code. Civil service positions are mainly divided into two categories: senior positions and general positions. Appointments to senior positions are made transparently and competitively. The Merit Systems Protection Act protects civil servants from disciplinary actions and secures their right to report legal violations[2]. Additionally, the Hatch Act limits political activities, enabling civil servants to perform their duties impartially[3].

In Japan, civil servants are classified into two categories: "ordinary" and "special" service personnel. According to Article 75 of the National Public Service Act, no civil servant may be unlawfully dismissed from their position. This law ensures stability, while Article 102 restricts civil servants' political activities[4]. Special service personnel, such as ambassadors, ministers, and diplomats, are governed by separate legal regulations[5].

In Germany, the legal status of civil servants is regulated by the **Federal Civil Servants Act** (BBG) and the **Civil Servants Status Act** (BeamtStG). Article 77 of the BBG requires civil servants to perform their duties fairly and justly[6]. Additionally, Germany oversees the activities of civil servants through specialized disciplinary commissions, which take measures against violations of the law[7].

In the United Kingdom, civil servants operate in accordance with the **Civil Service Code**, which outlines principles such as political neutrality and prioritizing public interests over personal gain[8]. These principles ensure the impartial and fair conduct of civil servants.

In South Korea, civil servants' rights are governed by the **Civil Service Act**. Article 9 guarantees a safe working environment for civil servants, while Article 12 focuses on the protection of their interests. Furthermore, the **Anti-Corruption Act** imposes financial transparency requirements on civil servants to maintain integrity in public service.

The civil service is an integral component of modern public administration, and its efficiency directly impacts a country's economic, social, and political stability. Herbert Simon emphasized that decision-making processes within the civil service significantly influence organizational stability and efficiency[9]. Therefore, establishing clear legal mechanisms and standards for civil servants is crucial. Simon's assertion highlights the importance of transparency and impartiality in decision-making processes for effective civil service management.

In the United States, the legal status of civil servants is enshrined in **Title 5 of the United States Code**. According to Paul du Gay, a civil service system based on the merit principle ensures the professionalism and impartiality of civil servants[10]. Echoing this view, it can be argued that introducing the merit principle in Uzbekistan's civil service system is appropriate to ensure competitiveness and transparency in the appointment process.

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In Uzbekistan, comprehensive reforms are being implemented to improve the civil service sector. These reforms aim to enhance the efficiency of public administration and align the legal status of civil servants with international standards. Key documents such as the "Development Strategy" (2022–2026) and the "Uzbekistan – 2030" strategy (2023–2030) highlight the development of civil service as one of the critical objectives.

Within the framework of Presidential Decree No. PF-5843 (2019), the Civil Service Development Agency was established as the main tool for advancing the civil service system. Additionally, the adoption of the "Law on Civil Service" in 2022 marked a significant step in defining the legal status of civil servants. However, despite the adoption of this law, its full implementation remains hindered by the lack of subordinate legal acts, which poses a significant challenge.

Moreover, Article 37 of the Constitution guarantees citizens equal access to civil service. To implement this right effectively, it is necessary to adopt laws harmonized with the new constitutional norms and ensure their practical enforcement. Measures such as the creation of a civil service positions registry, mechanisms to prevent conflicts of interest, and systems for rotation and attestation are also being introduced to enhance the attractiveness of the civil service.

The "Uzbekistan – 2030" strategy further emphasizes the principles of meritocracy, integrity, and professionalism in civil service. Priorities include addressing staffing needs and improving quality within public institutions.

Despite significant progress in improving the legal foundations of the civil service in Uzbekistan, several pressing issues remain unresolved. For example, the "Law on Civil Service," adopted in 2022, constitutes an essential component of legal reforms in this area. However, the absence of the necessary subordinate acts complicates the functioning of mechanisms such as the positions registry, rotation, and attestation systems.

Similarly, there are challenges in realizing the constitutional right to equal access to civil service. The incomplete implementation of legally established norms in practice undermines transparency and impartiality in personnel policies.

Meritocracy should play a central role in civil service, yet there are notable shortcomings in this regard. The absence of comprehensive mechanisms for recruiting qualified personnel and fairly assessing their performance during service creates a sense of injustice among employees and may lead to the disengagement of skilled specialists from the public sector.

The lack of systematic measures to ensure transparency and prevent conflicts of interest is another critical issue in the civil service. Although some reforms are being implemented, their outcomes are not yet sufficiently visible. Additional legal mechanisms are required to reduce the risk of corruption and enhance the accountability of civil servants to the public.

There are also challenges in providing civil servants with competitive salaries and material incentives. This issue limits the ability to attract qualified personnel to civil service and reduces interest in the sector. Therefore, improving the financial aspects of civil service and enhancing the incentive system is of critical importance.

The civil service is a vital component of any state's governance system. Its effectiveness significantly impacts the country's economic, social, and political development. While the reforms implemented to develop the civil service in Uzbekistan are highly commendable, several unresolved issues remain. Addressing these challenges can help align the civil service system with international standards.

Developing subordinate legal acts is one of the main directions for improving the civil service system. In particular, it is necessary to establish a registry of positions, strengthen mechanisms to prevent conflicts of interest, and implement rotation and attestation systems. These measures can enhance accountability among civil servants and strengthen trust in the sector.

The principle of meritocracy is a crucial mechanism for ensuring fairness and impartiality in civil service. It is essential to ensure transparency in appointment processes, develop objective criteria for evaluating professional skills, and improve the system of incentives for qualified personnel. This will increase the attractiveness of civil service and create opportunities to attract skilled professionals.

Ensuring political neutrality guarantees that civil servants serve the public interest impartially. It is important to reinforce legal norms that limit civil servants' participation in political processes and implement these norms effectively in practice.

Another critical area is ensuring financial transparency and social guarantees for civil servants. Improving mechanisms for evaluating employees' performance and enhancing material incentive systems can boost their motivation and engagement. This, in turn, will increase the overall efficiency of public administration.

Moreover, it is necessary to effectively implement the constitutional norms in practice. Developing and applying mechanisms that ensure equal rights and opportunities in access to civil service will be an essential step in this direction.

To ensure that civil service reforms in Uzbekistan align with international standards, it is crucial to utilize scientifically grounded proposals. By improving the public administration system, increasing the social responsibility of civil servants, and applying principles of transparency and fairness in practice, the efficiency of the sector can be further enhanced.

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