



Specific Characteristics of Types of Incentives in the State Civil Service

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ABSTRACT

This article also analyzes various discussions about the types of incentives in the public service. In addition, the article analyzes the framework established by law for the frequency of assessing the effectiveness of the professional activities of civil servants, the appointment of measures to encourage civil servants and the possibility of their subsequent application. This article analyzes the theoretical and legal foundations of the types of incentives in the public service.

Keywords:

State civil service, incentives, temporary incentives, material incentives, informal incentives, privilege, state award.

There are different views on the concept of incentives in the public service. This causes various discussions about the types of incentives in the civil service. In this article, we will analyze the theoretical and legal basis for the types of incentives in the civil service.

In the legal literature, incentives in the civil service are divided into absolute and relative administrative incentives, depending on the actual basis. Absolute motivation is based on an initially positive action, for example, performing an extremely important, difficult task, saving a drowning person, detaining a dangerous criminal. As an example of relative encouragement, we can consider the early removal of a disciplinary sanction, common in the military service system.

According to D.D. Babaev, incentives in the public service are divided into individual and collective, material, spiritual and mixed in their content¹.

¹ Маъмурий ҳуқуқ: Дарслик. Н.Т.Исмоилов, Ў.Х. Мухамедов, А.С.Турсунов ва бошқалар. – Т. Ўзбекистон Республикаси ИИВ академияси, 2015. 110 бет.

Depending on the legal basis, administrative incentives are divided into formal and informal. Incentives regulated by legal documents are recognized as official. The grounds, types and general rules for their appointment are regulated by the legislation on public service. The decision to apply an incentive measure to an employee is determined by the issuance of an individual legal act (order, order). Informal incentives are not regulated by legislative documents, but are also widely used in public administration².

N. A. Gushina, who studied encouragement from the point of view of legal norms, divides it into four types:

- difficult;
- sectoral;
- institutional;

² Бахрах Д. Н. Административное право : учебник для вузов. М. : БЕК, 1997. С. 194.

- real³.

According to G. M. Petrov, incentives are divided into two types: 1) initial incentives (rewards used to perform a certain action); 2. follow-up rewards (rewards applied after the completion of certain actions)⁴.

Some scholars consider incentives in the public civil service into such types as moral, material, legal and complex (mixed) administrative incentives. Appreciation, diploma, entry into the book of honor are examples of moral encouragement. Financial incentives are realized in the form of cash rewards or valuable gifts. The remuneration is a monetary reward, the basis for its payment is the achievement by the encouraged subject of certain positive results of public performance, characterized by quantitative and qualitative indicators.

Term incentives are one-time, definitive, current and special. A one-time bonus is a monetary reward in addition to a fixed salary for the successful completion of a specific task. The final prize is awarded for a certain period of activity (quarter, year), corresponding to certain indicators. Applicable bonuses are paid in accordance with applicable pay systems. Special awards are awarded by a specially authorized body on special grounds, for example, in connection with the awarding of titles, diplomas and certificates of honor. A valuable gift is a one-time promotion of a material nature; what interests a motivated person, the motivation for his further vigorous activity. The use of legal benefits is aimed at a positive change in the legal status of the encouraged person.

Depending on the content of the subject, external and internal stimuli are distinguished. The use of external encouragement is expressed in the implementation of appropriate measures in relation to the encouraged persons (citizens, organizations) who are not in public-service legal relations with the promoter.

In addition, it should be noted that the assessment of the professional activities of civil servants should be carried out periodically, in the manner prescribed by law, in order to determine the possibility of appointment and subsequent application of incentive measures to a civil servant.

Depending on the status of a person, the promotion of civil servants can be divided into republican or local.

The classification of public service incentives can be divided as follows:

In terms of the legal status of the promoter:

Privileges enjoyed by the head of state; State awards are usually presented by the head of state. In particular, according to Article 13 of the Law of the Republic of Uzbekistan "On State Awards", the awarding of state awards is carried out by the President of the Republic of Uzbekistan⁵.

Parliamentary prerogatives;

Exceptions applied by the Government;

employee incentives used by the representative of the employer (internal incentives).

By the level of legislative regulation:

-benefits and awards provided by the legislation on public service.

- expression of gratitude by paying a one-time incentive;

- awarding an honorary sign of a state body by paying a one-time incentive or presenting an expensive gift;

- other types of incentives and awards of the state body;

- lump-sum payment during the year of service in connection with retirement;

Benefits applied depending on the type of public service:

1) in the system of state civil service;

2) in the system of military service;

³ Гущина Н. А. Поощрительные нормы российского права : теория и законодательная практика. СПб. : Юридический центр «Пресс», 2003. С. 15.

⁴ Петров Г. М. Поощрение в государственном управлении (правовые аспекты). Ярославль : Изд-во Яросл. гос. ун-та, 1993. С. 39–41.

⁵ Қонунчилик маълумотлари миллий базаси, 21.04.2021 й., 03/21/683/0375-сон

3) in other types of public service systems

Depending on the legal issue:
with the actions (services) of a civil servant;

with certain events. For example, one-time cash incentives in connection with anniversaries, professional holidays, one-time incentives in connection with retirement for long service.

with additional grounds (for example, with the presence of a certain length of service in the civil or other public service; with the presence of a certain type of remuneration (encouragement) received by a previously motivated civil servant).

By organizational and legal form:
the right incentives;
awards.

On this basis, the classification is carried out by the legislator, while the wording of the names determines what measures were taken to the concept of awards, and which ones were encouraged. Determining the characteristics of such concepts is very important for studying the issues of incentive production in the public service system. Yu. N. Poletaev and M. A. Klochkov, who analyzed the content of the classification of civil service awards on this basis, show that a civil servant can be awarded with appropriate insignia, orders and medals⁶.

Orders and medals in the current legislation are defined as state awards. According to Article 8 of the Law of the Republic of Uzbekistan "On State Awards", the orders of the Republic of Uzbekistan are::

Order of "Independence";
Order "Amir Temur";
order "Jalaluddin Manguberdi";
Order "For Special Merits";
Order "Respect for the country";
Order "For Disinterested Merits";
Order of Labor Glory;
Order "Honorary Coach";

Order "For a Healthy Generation" I and II degree;

Order of "Honor" I and II degree;
Order of Friendship;
Order of "Health" I and II degree;
Order of Courage.

The orders of the Republic of Uzbekistan include the Order of the Highest Friendship.

In our opinion, the distinction between remuneration and encouragement for a civil servant can be made in accordance with the features of the production of remuneration, listed by E.V. Trofimov:

1) an official award is a specific incentive for special types of public services, its use is the essence of award production;

2) the award of any legal relationship with the person to be awarded is not conditioned by the presence of the person to be awarded. The scientist connects the production of rewards with the provision of official rewards by the state and considers it a kind of incentive production⁷.

According to E. Khodjiev, the grounds for motivating civil servants are:

- successful completion of tasks;
- fulfillment of tasks and instructions ahead of schedule;
- employee initiative;
- conscientious performance of duties and discipline.

The Institute for the Promotion of Civil Servants can be studied mainly in two components:

Benefits;
incentive measures⁸.

Benefits, as a rule, are determined by law for civil servants of one category or another. These include, for example, the establishment of bonuses for many years of work, qualification ranks or special ranks, the exemption of military personnel, employees of internal affairs bodies

⁶ Полетаев Ю. Н., Ключков М. А. Правовое регулирование труда государственных гражданских служащих : учеб. пособие для вузов. М. : Юрайт, 2020. С. 133–134.

⁷ Трофимов Е. В. Наградное право (общая часть) : электрон. учеб. пособие. СПб., 2014. С. 8.

⁸ Хожиев Э. Т. Давлат хизмати : ўқув қўлланма / Э. Т. Хожиев, Г. С. Исмаилова, М. А. Рахимова. – Тошкент: Baktria press, 2015. - 79 б

from paying income tax. Incentive measures can be applied to civil servants who conscientiously performed their duties, achieved high results in their official activities, worked selflessly for many years, actively participated in public life, and performed especially important and complex tasks. Rewards can be general or specific. General incentive measures are determined by law. For example, in accordance with Article 180 of the Labor Code of the Republic of Uzbekistan, incentive measures can be applied to an employee for achievements in work. The types of incentives, the procedure for their application, the provision of benefits and benefits are determined in collective agreements, internal labor regulations and other internal documents, collective agreements, charters and regulations on discipline. The types of incentives do not include wages, bonuses, additional payments, bonuses and other payments provided for by the remuneration system. During the period of disciplinary action (Article 183), incentive measures are not applied to the employee. Employees can be nominated for state awards for special services to the state and society in the field of labor.

Such incentive measures as awarding orders and medals, conferring professional and honorary titles, awarding state awards can also be applied to civil servants. In accordance with Article 93, paragraph 21 of the Constitution of the Republic of Uzbekistan, the President of the Republic of Uzbekistan has the right to award orders, medals, insignia, award qualifications and honorary titles of the Republic of Uzbekistan. Persons awarded with state awards enjoy benefits in accordance with the law and receive a one-time monetary award or a valuable souvenir. Special incentive measures are determined in the regulatory legal documents that determine the legal status of a special category of civil servants. For example, in the charters of military personnel, the charters of employees of internal affairs bodies, and so on. This includes the early assignment of a qualification rank or special rank to a civil servant, his transfer to a higher position. In general, the encouragement is not only an official confirmation of the high appraisal of the

activities of a civil servant, but at the same time increases the efficiency of the work of civil servants, and through them the state body.

According to Article 36 of the draft Law of the Republic of Uzbekistan "On the State Civil Service", the following incentives may be applied to a state civil servant, depending on the effectiveness of his activities:

additional premium;
extraordinary assignment of a qualification category;
gratitude announcement;
reward with an expensive gift or label.

According to the draft law, incentive measures for civil servants will be applied by the head of the state body and organizations that carry out the civil service, based on the presentation of his immediate supervisor.

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