

DOI: [https://dx.doi.org/ 10.51788/tsul.rols.2023.7.1./RCCF6480](https://dx.doi.org/10.51788/tsul.rols.2023.7.1./RCCF6480)
UDC: 342.951:351.82(045)(575.1)

MECHANISMS FOR STAFFING THE POSITIONS OF THE STATE CIVIL SERVICE

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Abstract. The article aims to analyze the mechanisms and procedures for recruiting personnel to the positions of the state civil service. The article analyzes the methods of training and selection of personnel for the job groups of the state civil service. According to it, two different procedures for entering the state civil service are distinguished. According to the first regulation, the procedure for the appointment and dismissal of state civil servants belonging to a political group is determined by separate laws and decisions of the President of the Republic of Uzbekistan. According to the second regulation, a competition is held for the state civil service positions related to management and specialist groups. In turn, an internal competition is held for the positions of the state civil service related to management groups, and an external competition is held for the positions of the state civil service related to specialist groups. The article analyzes the procedures of the elections and statistical data of the elections held in 2020-2022. The author researched the National Personnel Reserve system for the formation of managerial personnel. Effective mechanisms of effective use of the National Personnel Reserve have been put forward. Based on the research, a number of suggestions and recommendations have been put forward regarding the improvement of the state civil service staffing system.

Keywords: state civil service, state civil servant, personnel, the principle of meritocracy, open competition, internal competition, external competition, National personnel reserve.

DAVLAT FUQAROLIK XIZMATI LAVOZIMLARINI KADRLAR BILAN TA'MINLASH MEKANIZMLARI

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Prezidenti huzuridagi Davlat boshqaruvi
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Annotatsiya. Maqolada davlat fuqarolik xizmati lavozimlariga kadrlarni qabul qilish mexanizmlari va tartib-taomillari tahlil etilgan. Shuningdek, davlat fuqarolik xizmati lavozimi guruhlariga kadrlarni tayyorlash va tanlash usullari o'rganilgan. Unga ko'ra, davlat fuqarolik xizmatiga kirishning ikki xil tartibi ajratib ko'rsatilgan. Birinchi tartibga ko'ra, siyosiy guruhga taalluqli davlat fuqarolik xizmatchilarini lavozimga tayinlash va lavozimidan ozod qilish tartibi alohida qonunlar hamda O'zbekiston Respublikasi Prezidenti qarorlari bilan belgilanadi. Ikkinchi tartibga ko'ra, boshqaruv va mutaxassis guruhlariga taalluqli davlat fuqarolik xizmati lavozimlariga tanlov o'tkaziladi. O'z navbatida, boshqaruv guruhlariga taalluqli davlat fuqarolik xizmati lavozimlariga ichki tanlov, mutaxassis guruhlariga taalluqli davlat fuqarolik xizmati lavozimlariga tashqi tanlov o'tkaziladi. Maqolada tanlovlarning tartib-taomillari, 2020–2022-yillarda o'tkazilgan tanlovlarning statistik ma'lumotlari tahlil qilingan. Muallif rahbar kadrlarni shakllantirishning Milliy kadrlar zaxirasi tizimini tadqiq etgan.

Milliy kadrlar zaxirasidan foydalanishning samarali mexanizmlari ilgari surilgan. Tadqiqotdan kelib chiqib, davlat fuqarolik xizmatini kadrlar bilan ta'minlash tizimini takomillashtirish yuzasidan bir qancha taklif va tavsiyalar berilgan.

Kalit so'zlar: davlat fuqarolik xizmati, davlat fuqarolik xizmatchisi, kadr, meritokratiya tamoyili, ochiq tanlov, ichki tanlov, tashqi tanlov, Milliy kadrlar zaxirasi.

МЕХАНИЗМЫ КАДРОВОГО ОБЕСПЕЧЕНИЯ ДОЛЖНОСТЕЙ ГОСУДАРСТВЕННОЙ ГРАЖДАНСКОЙ СЛУЖБЫ

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Аннотация. В статье ставится задача проанализировать механизмы и процедуры подбора кадров на должности государственной гражданской службы. Поэтому анализируются методы подготовки и подбора кадров на служебные группы государственной гражданской службы. В соответствии с ними различают два разных порядка поступления на государственную гражданскую службу. Согласно первому положению, порядок назначения и увольнения государственных гражданских служащих, входящих в политическую группу, определяется отдельными законами и постановлениями Президента Республики Узбекистан. Согласно второму положению, проводится конкурс на должности государственной гражданской службы, относящиеся к управленческим и специализированным группам. С другой стороны, на должности государственной гражданской службы, относящиеся к группам управления, проводится внутренний конкурс, а на должности государственной гражданской службы, относящиеся к группам специалистов, – внешний конкурс. В статье анализируются процедуры выборов, их статистические данные, которые проведены в 2020–2022 годы. Автор исследовал систему Национального кадрового резерва для формирования управленческих кадров. Предложены действенные механизмы эффективного использования национального кадрового резерва. На основе исследования выдвинут ряд предложений и рекомендаций по совершенствованию системы кадрового обеспечения государственной гражданской службы.

Ключевые слова: государственная гражданская служба, государственный гражданский служащий, кадры, принцип меритократии, открытый конкурс, внутренний конкурс, внешний конкурс, Национальный кадровый резерв.

Introduction

One of the most important aspects of staffing the state civil service is the process of entering the state civil service. In this process, such concepts as “selection of personnel”, “recruitment of personnel”, “holding a position”, “appointment to a position”, “drafting an employment contract with personnel”, “meritocracy”, “open selection”, “internal selection”, “external selection”, “personnel reserve” are created. These concepts, in turn, determine the mechanisms of staffing the state civil service.

The head of our state, Shavkat Mirziyoev, in his speech at the 8th session of the UzLiDeP party, held on October 19, 2016, dedicated to the pre-election program as a presidential candidate, emphasized the issue of selecting suitable personnel in the state administration system: “The main cause of the problems is directly related to the processes of personnel selection, training, and placement. Unless an effective system is created for the selection and training of new and independent, responsible, initiative, advanced management methods and patriotic, honest personnel, there

will be no change in the quality of public administration" [1].

As the President stated correctly, one of the most important criteria ensuring the effectiveness of state administration is the selection of the most suitable and qualified personnel for the state civil service. At first, the issue of personnel selection was poorly considered, each state body was engaged in personnel recruitment independently, but this process has entered a completely new stage in New Uzbekistan. The reason for this can be the creation of a special body on state personnel policy and the adoption of the Law "On State Civil Service".

Material and methodology

The methods of historicity, logicity, analysis and synthesis, comparative analysis, forecasting, as well as systematic and functional approaches were used in the article.

Research findings

It can be concluded from the norms of Chapter 6 (Articles 28-33) of the Law "On State Civil Service" entitled "Procedure and Conditions of Entry into State Civil Service" that there are two different procedures for recruiting personnel to the state civil service.

The first type of procedure applies to the political post group of the civil service of the state, and no competition is held for these posts. The political group mainly consists of the leaders of state bodies and agencies. Some issues of their appointment and dismissal are given in the Constitution (Articles 78, 79, 80, 93, 102), and the powers of the President of the Republic of Uzbekistan, chambers of the Oliy Majlis, Cabinet of Ministers, high-ranking governors, and local Councils are defined in this regard. A special legal act (decree, decision, order) is the basis for the appointment of state civil servants in this group. An employment contract will not be concluded with them. Because their dismissal is also carried out in separate procedures (such as the resignation

of the heads of the executive power after the elections to the Parliament and Local Councils, and the dismissal of the leaders who did not show results). At this point, it is proposed to add paragraphs to Article 93 of the Constitution of the Republic of Uzbekistan on the appointment and dismissal of heads of state bodies and organizations under the President of the Republic of Uzbekistan and the Administration of the President of the Republic of Uzbekistan. According to the current legislation, they are appointed and dismissed by the President of the Republic of Uzbekistan. If this proposal is taken into account in the Constitution, all civil servants appointed and dismissed by the President of the Republic of Uzbekistan would be included in Article 93.

The second procedure applies to the administrative and auxiliary position groups of the state civil service, and for these positions, the competition is held based on Articles 27 and 29 of the Law "On State Civil Service". According to Article 30 of the law, employment contracts are concluded with them for specific and indefinite periods. It should be noted here that the sample form of the employment contract proposed by the Agency for the Development of Public Service has increased in size [2]. This may cause some inconveniences in the work process of personnel departments of state bodies and organizations. Some of its clauses can be reduced in size by referring to the norms of the Law "On State Civil Service".

One of the most positive features of the state civil service in New Uzbekistan was the introduction of the procedure for recruiting personnel to the service on the basis of open competition. In accordance with the Decree of the President of the Republic of Uzbekistan No. PD-5843 dated October 3, 2019, an open selection system was established as an experiment from January 1, 2020, in some state bodies and agencies, and from January 1, 2021, in all state bodies

and agencies related to state civil service. Starting from September 1, 2021, public authorities and management bodies, state unitary enterprises and institutions, and organizations with a state share of more than 50 percent will be hired on the basis of open competition. Implementation of this process was assigned to the State Service Development Agency. Open competitions are based on the principle of meritocracy.

The concept of meritocracy is a combination of the words “meritus” (Latin, “the most capable”) and “kratos” (Greek, “power”), which means “the power of the most capable”. The concept of meritocracy was introduced to science by the British sociologist and politician Michael Young. In his book “The Rise of Meritocracy: 1807–2033”, published in 1958, he defined a meritocracy as an egalitarian society in which one’s status depends on one’s talent and intelligence [3]. Professor H.T. Azizov draws attention to the fact that meritocracy is more important in the process of taking leadership positions. According to him, the concept is, firstly, a system in which managers are appointed from among the talents, and

secondly, it implies the creation of initial conditions for talented and hardworking people to have the opportunity to occupy a high social position in the future [4]. In our opinion, this principle implies that personnel with the highest competence (knowledge, experience and skills) are accepted for a specific position on the basis of selection, regardless of social origin, social status, material condition, gender or power.

The Agency for the Development of Public Service has developed a single open portal for vacant positions of state civil servants (vacancy.argos.uz) and since 2020, personnel are being recruited to the state civil service on the basis of a meritocracy. By the end of 2020, 220 personnel were accepted into the state civil service through open competitions [5], and as of February 2022, 17 741 people were selected from more than 569 thousand candidates [6]. By the end of 2022, 1 332 557 candidates took part in open competitions, and 46 326 of them took state civil service positions. Thus, the open selection system based on the principle of meritocracy serves to fill state bodies and organizations with the most qualified personnel.

Table 1

Open selection system in civil service

No	Selection stages	Selection procedures	By the end of 2022, the number of people who participated in competitions and were hired (person)
1.	Announcement of a vacant position and application for it	1. Announcement of a vacant position 2. Candidates upload their documents for the vacant position to the portal	557 332 1
2.	Examining the qualification requirements	Study of citizenship, education, and work experience of candidates	
3.	Test	Tests on history, law, economics, IT and other job-oriented tests	833 528
4.	Conversation	Interview aimed at determining personal, professional, and socio-ethical competencies	402 223
5.	Admission to service	An employment contract with the winning candidate	326 46

Article 29 of the Law “On State Civil Service” defines external and internal types of competition. According to it, all citizens of our country with the required qualifications can participate in external competitions. Internal competitions are mainly held for management positions for current civil servants with some experience in the same (or related) field. It can be said that the introduction of the internal selection system corresponds to the characteristics of the “career model”. One of the important features of this model is that the candidate has a certain work experience in the field, that is, a qualification.

Article 4 of the Law “On State Civil Service” explains the concept of “qualification requirements”. These are the requirements for the candidate’s work experience and professional competence in order to occupy a vacant position or qualification level. In our opinion, the characteristics of qualification requirements should be specified in a separate article in full order. For example, the Law of the Russian Federation “On State Civil Service” (Article 12) [7] and the Law of Kazakhstan “On State Service” (Article 17) [8] include separate articles on “qualification requirements”. Chapter 6 of the law entitled “Procedure for entry into the civil service” includes a special article related to qualification requirements, in which it is appropriate to determine what the candidate’s occupation of a vacant position or qualification level is based on, as well as the regulation of these procedures and mechanisms by a separate legal document.

At the next stage, the knowledge and skill levels of the candidates in the fields of history (spirituality), economy, information technology (IT), politics and law are determined through a test. Those who achieve a result higher than the specified minimum score will be transferred to the interview process.

The last stage is the interview process and this stage is decisive. A special commission is established to conduct the interview and the qualifications of the participants are evaluated by the commission. The candidate with the highest score at this stage will occupy the vacant post.

In accordance with the rule, the commission on selection shall consist of the management and responsible representatives of the state body where the selection is being held, and the responsible representative of this ministry, if the appointment of the candidate is stipulated by the relevant ministry. In our opinion, scientists, pedagogues, psychologists, and advanced representatives of the public who do not work in the state body should be permanent members of the selection commission. Lawyers Sh.G.Asadov and F.U.Yuldasheva also emphasize that “if the selection commission includes, in addition to the employer’s representatives, employees of scientific and educational institutions, public representatives, it will exclude the possibility of a conflict of interests” [9]. Lawyer S.V. Kostromina says that “psychologists and public relations experts should be involved in the work of the commission” [10]. In our opinion, the composition of the selection commission will serve to effectively ensure the principles of fairness, impartiality, openness and transparency of the civil service.

The biggest legal problem in holding open selections was that the legal basis for this was not created and then the selections were not carried out. Only in the Law “On State Civil Service” was the determination of this issue by the President strengthened.

Another important issue in the provision of personnel for the state civil service is the formation of the personnel reserve. According to Article 25 of the Law “On State Civil Service”, National Personnel Reserve is formed for leadership positions.

In fact, the formation of a centralized personnel reserve is a mechanism specific to the countries of the former Soviet Union. While studying the experience of the CIS countries in this regard, the American scientist Y. Husky notes that the personnel reserve is an element of the communist party nomenclature (a list of possible candidates for important positions) of the institution today [11]. Russian lawyer E. Solomatin notes that the United States and several European countries also have the characteristics of creating a personnel reserve, and says that working with the personnel reserve in the public service is essentially a system of preparation, selection and promotion for the public service [12]. True, the formation of possible candidates for certain positions is found in the experience of many countries. But the centralization of this system by the state is typical of the countries of the "Soviet model" of public service. In our opinion, proper organization of this system can be effective. Continuous preparation of potential candidates for leadership positions across sectors ensures continuity and quality of leadership.

Today, on the basis of the experience of the United Kingdom, the UAE and the Republic of Korea, the Agency for the Development of Public Service has developed an online electronic information portal of the state civil service, which contains the information of about 12 000 leaders and more than 4.5 million citizens [13]. It is planned to use the possibilities of this

portal to form and maintain a national personnel reserve. According to the agency's information, today a total of 970 candidates for leadership positions have been included in the National Personnel Reserve, and 15 634 personnel have been included in the Prospective Reserve, as well as 1 000 individuals who have achieved high results among neighborhood assistants of khokim, youth leaders, and women's activists have been included in the National Personnel Reserve [14]. State civil servants operating in the neighborhoods are the servants who communicate the most with the population and citizens. Naturally, because of this, they develop characteristics of leadership, such as communication, finding a quick solution to a problem, and living with the pain of the people. Ensuring the promotion of the most effective and enterprising among them to senior leadership positions will serve to increase the number of populist leaders.

It should be noted that special procedures for the formation and management of the National Personnel Reserve are established. In these regulations, it is appropriate to specify the range of civil servants to be included in the National Personnel Reserve, the conditions for entering and being in it, the terms of staying in the reserve, leaving it, and promotion. The main thing is that, as Professor O.T. Khusanov rightly suggested, it should not be created only in the name of the reserve, but it should be effectively used in practice [15].

Table 2

Mechanisms of staffing the state civil service

No	Position groups and categories	The procedure for entering the state civil service	Who can hold state civil service positions
1.	Political (Executive personnel)	Special laws and Presidential decrees	National Personnel Reserve
2.	Management (Management personnel)	Internal selection	Only state civil servants
3.	Assistant (Specialists)	External selection	All citizens who meet the relevant qualification requirements

It should be noted that one of the important mechanisms for entering the state civil service is the “initial test period in the state civil service” [16]. But this mechanism was not included in the Law. It is proposed to include a separate article called “Probationary period in the state civil service” in Chapter 6 of the law. In the model law of the Inter-Parliamentary Assembly of the CIS “On the Basics of Civil Service”, a separate article on the probationary period of civil servants is recommended (Article 10) [17]. The Labor Code of the Republic of Uzbekistan contains articles on the issue of “initial test”. However, the issue of testing the eligibility of state civil servants should be different from the provisions of the general labor legislation. Lawyer H.S. Khaitov also notes that the labor contract concluded with the state civil servant should stipulate the passing of the preliminary test [18]. The duration and characteristics of the trial period should be clearly defined in the proposed article.

Conclusions

In conclusion, a modern, open and transparent system of staffing the state civil service of our country has been created.

First of all, the system of open contests for state civil service positions ensures openness and transparency for citizens (candidates) and creates equal opportunities. This, in

a certain sense, serves to guarantee the constitutional rights of citizens.

Secondly, the organization of open competition for vacant positions serves to provide the state civil service with the most qualified personnel. This, in turn, leads to the improvement of the efficiency of the state civil service.

Not limited to the above positive achievements, it is appropriate to pay attention to several other issues:

First of all, it is necessary to determine the uniform procedures of open competitions, to improve the mechanisms for increasing their impartiality and efficiency, in particular, to include public representatives in the composition of the selection commission.

Secondly, a special article related to “qualification requirements” should be included in Chapter 6 of the Law “On State Civil Service” entitled “Procedure and Conditions of Entry into State Civil Service”.

Thirdly, a special article related to the “initial test” should be included in Chapter 6 of the Law “On State Civil Service” entitled “Procedure and Conditions of Entry into State Civil Service”.

Fourthly, it is necessary to adopt the legal rules for the formation and use of the National Personnel Reserve and to use effective mechanisms.

REFERENCES

1. Mirziyoyev Sh.M. We will resolutely continue our path of national development and raise it to a new level. Tashkent, Uzbekistan Publ., 2017, vol. 1, p. 55.
2. On approval of the model form of the employment contract concluded with the state civil servant. Order of the director of the Agency for the Development of Public Service under the President of the Republic of Uzbekistan. Available at: <https://argos.uz/uz/documents/>.
3. Young M. The rise of the meritocracy. Routledge, 2017, 180 p.
4. Azizov H.T. New Uzbekistan – modern personnel. *Fairness Criterion*, 2020, no. 5, pp. 6–9.
5. Kurbanov I. Now personnel are selected on the basis of an open competition. Official website of the National Information Agency of Uzbekistan. 2021, January 27.

6. Zaynobiddinova F. Improvement of personnel policy is the main criterion of efficiency of public administration. *New Uzbekistan*, 2022, February 25, no. 41 (563).
7. On the State Civil Service of the Russian Federation. Federal Law. Available at: <http://www.consultant.ru/>.
8. On the public service of the Republic of Kazakhstan. Law of the Republic of Kazakhstan. Available at: <https://online.zakon.kz/>.
9. Azizov H. et al. Issues of improving the state civil service of the Republic of Uzbekistan. Tashkent, Shafoat Nur Fayz Publ., 2020, p. 126.
10. Kostromina S.V. Pravovoye regulirovaniye kadrovogo obespecheniya gosudarstvennoy grazhdanskoy sluzhby sub'yektov Rossiyskoy Federatsii [Legal regulation of staffing of the state civil service of the constituent entities of the Russian Federation]. Abstract of PhD thesis. Moscow, 2009, p. 24.
11. Huskey E. Nomenklatura lite? The cadres reserve in Russian public administration. *Problems of Post-Communism*, 2004, no. 2, pp. 30–39.
12. Solomatin Ye.Yu. Administrativno-pravovoye regulirovaniye formirovaniya kadrovogo rezerva na federal'noy gosudarstvennoy grazhdanskoy sluzhbe [Administrative and legal regulation of the formation of a personnel reserve in the federal state civil service]. Abstract of Doctor's degree dissertation. Moscow, 2006, p. 26.
13. Umarov A., Khaitov O. Selection of management personnel: experience and problems in the development of state civil service. *Society and Management*, 2021, no. 4, pp. 55–60.
14. The official website of the Agency for the Development of Public Service under the President of the Republic of Uzbekistan. Available at: <https://argos.uz/uz/>.
15. Khusanov O.T. An important step in the reform of public administration and civil service. *Right and Duty*, 2020, no. 7, pp. 2–7.
16. Mordasova A.A., Zhidyayeva Ye.S. Ispytatel'nyy srok na gosudarstvennoy grazhdanskoy sluzhbe [Probationary period in the civil service]. *Modern Science*, 2019, no. 5, pp. 255–256.
17. On the Model Law "On the Fundamentals of Public Service". Resolution of the Inter-Parliamentary Assembly of the Member States of the Commonwealth of Independent States, 1998. Available at: <http://www.levonevski.net/>.
18. Hayitov H.S. Fuqarolarni davlat fuqarolik xizmatiga qabul qilishning tashkiliy-huquqiy asoslari [Organizational and legal basis of admission of citizens to the state civil service]. State human resource policy in the context of civil service system reform: experience of Uzbekistan and foreign practice. *Proceedings of the International scientific and practical conference*, 2019, pp. 27–32. Available at: https://scholar.google.com/citations?view_op=view_citation&hl=ru&user=FS08DqIAAAAJ&cstart=20&pagesize=80&citation_for_view=FS08DqIAAAAJ:YsMSGlbcyi4C/.
19. Rakhimov D.G. Optimization of the civil service management system in New Uzbekistan. *Academic Research in Educational Sciences*, 2022. Available at: <https://cyberleninka.ru/article/n/optimization-of-the-civil-service-management-system-in-new-uzbekistan/>.
20. Rakhimov D. The issues of using the principle of meritocracy in the civil service in Uzbekistan. *American Journal of Social Sciences and Humanity Research*, 2022, Jun., vol. 2, no. 06, pp. 54–62. DOI: 10.37547/ajsshr/Volume02Issue06-11.
21. Rakhimov D. Analysis of the legislation on civil service in the Republic of Uzbekistan. *ACADEMICIA*, 2021, vol. 11, iss. 4, pp. 666–670. DOI: 10.5958/2249-7137.2021.01116.2

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Huquqiy ilmiy-amaliy jurnal

Правовой научно-практический журнал

Legal scientific-practical journal

2023-yil 1-son

VOLUME 7 / ISSUE 1 / 2023

DOI: 10.51788/TSUL.ROLS.2023.7.1.

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Obuna indeksi: 1385.

Jurnal 24.03.2023-yilda tipografiyaga
topshirildi. Qog'oz bichimi: A4.
Shartli 15,8 b.t. Adadi: 100. Buyurtma raqami: 12.
TDYU tipografiyasida chop etildi.