

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

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**TOSHKENT DAVLAT YURIDIK UNIVERSITETI**

**JURAYEV ALISHER NASIRDINOVICH**

**DAVLAT FUQAROLIK XIZMATIDA RAG‘BATLANTIRISH  
CHORALARINI QO‘LLASHNING TASHKILY-HUQUQIY ASOSLARI**

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

**yuridik fanlar bo‘yicha falsafa doktori (PhD) dissertatsiyasi  
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## KIRISH (Falsafa doktori (PhD) dissertatsiya annotatsiyasi)

**Dissertatsiya mavzusining dolzarbligi va zarurati.** Dunyoda davlat fuqarolik xizmatini bilimli, salohiyatli va zamonaviy fikrlaydigan kadrlar bilan ta'minlash va davlat fuqarolik xizmatchilarining xususiy sektorga o'tib ketishining oldini olish maqsadida ularni rag'batlantirishning ochiq, shaffof va samarali mexanizmini yaratishga katta e'tibor berilmoqda. Bu borada davlat xizmatchilari motivatsiyasining (Public Servants Motivation (PSM)) maxsus konsepsiyasi, rag'batlantirishning JEGS (job evolution and grading support) texnikasi qo'llash, iqtisodiyotning xususiy sektoridagi o'xshash lavozimlarga haq to'lash bilan ma'lum bir davlat xizmati lavozimiga haq to'lash darajasini o'lchash, har yili ish haqini muntazam oshirish bilan emas, balki ish haqini baholash omillarini moslashuvchan tarzda aniqlash va davlat organlariga o'z tabaqalashtirishlarini joriy etishga imkon berish orqali ish haqi tizimini nomarkazlashtirish dolzarb ahamiyatga ega.

Jahonda davlat fuqarolik xizmatida rag'batlantirish choralari sifatida umumiy rag'batlantirish, mukofotlar, imtiyozlar va qo'shimcha dam olish kunlarini berish, davlat fuqarolik xizmatchilariga nomoddiy tUSDagi rag'batlantirish choralari qo'llash, davlat fuqarolik xizmatida korrupsiyaning oldini olish, davlat fuqarolik xizmatchilari o'rtasida manfaatlar to'qnashuvining oldini olish, davlat fuqarolik xizmatchilarining faoliyat samaradorligini baholash mezonlarini takomillashtirish kabi ilmiy tadqiqotlar olib borilmoqda. Bunda davlat xizmatini yuqori malakali xizmatchilar bilan kengaytirish, shuningdek, ularni saqlab qolish, davlat xizmatchilarini byurokratiyasiz rag'batlantirish tizimini joriy qilish zaruriyati davlat fuqarolik xizmatchisining individual motivatsiyani kuchaytirish, xususiy sektor bilan jiddiy raqobat sharoitida eng malakali ishchilarni jalb qilish imkoniyatini oshirish, davlatning ish haqi xarajatlarini kamaytirish va davlat xizmatchilarining mutlaq ish haqi darajasini oshirish, sohaga zamonaviy axborot texnologiyalarini keng joriy etish kabi muhim ilmiy-amaliy ahamiyat kasb etadigan tadqiqot yo'nalishlariga alohida e'tibor qaratilmoqda.

Mamlakatimizda so'nggi yillarda davlat boshqaruvida kadrlar siyosatini takomillashtirish, davlat fuqarolik xizmatining huquqiy asoslarini mustahkamlash, davlat xizmatchilari faoliyati va butun tizimni tanqidiy qayta ko'rib chiqishga qaratilgan chora-tadbirlar amalga oshirildi. 2022–2026-yillarga mo'ljallangan Yangi O'zbekistonning taraqqiyot strategiyasidagi inson qadrini yuksaltirish, xalqparvar davlat barpo etishga oid ustuvor maqsad va vazifalar ijrosini ta'minlash davlat organlari faoliyati samaradorligini yanada oshirishni talab etmoqda. Yurtimizda bu borada olib borilayotgan tizimli islohotlar zamirida O'zbekiston Respublikasining "Davlat fuqarolik xizmati to'g'risida"gi qonuni qabul qilindi. Mazkur qonunning qabul qilinishi "Xalq davlat organlariga emas, davlat organlari xalqqa xizmat qilishi kerak" degan tamoyilni to'la ro'yobga chiqarish uchun mustahkam huquqiy poydevor bo'lib xizmat qilmoqda<sup>1</sup>. Bu borada davlat fuqarolik xizmatchilariga qo'llanadigan rag'batlantirish choralari aniq chegarasini

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<sup>1</sup> <https://argos.uz/oz/press-center/news/473>

belgilash, davlat fuqarolik xizmatchilarining alohida xizmatlari uchun rag'batlantirish va ularni nomoddiy rag'batlantirishning huquqiy asoslarini belgilash hamda samarali mexanizmini yaratish dolzarb ahamiyatga egadir.

O'zbekiston Respublikasining "Davlat fuqarolik xizmati to'g'risida" (2022), "Davlat mukofotlari to'g'risida" gi Qonunlari (2018), O'zbekiston Respublikasi Prezidentining 2017-yil 8-sentabrdagi PF-5185-son "O'zbekiston Respublikasida ma'muriy islohotlar konsepsiyasini tasdiqlash to'g'risida"gi, 2019-yil 27-maydagi PF-5729-son "O'zbekiston Respublikasida korrupsiyaga qarshi kurashish tizimini yanada takomillashtirish chora-tadbirlari to'g'risida"gi, 2021-yil 6-iyuldagi PF-6257-son "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 va 2023-yil 11-sentabrdagi PF-158-son "O'zbekiston – 2030" strategiyasi to'g'risida"gi Farmonlari, 2019-yil 3-oktabrdagi PQ-4472-son "O'zbekiston Respublikasi Prezidenti huzuridagi Davlat xizmatini rivojlantirish agentligi faoliyatini tashkil etish chora-tadbirlari to'g'risida"gi, 2022-yil 12-yanvardagi PQ-81-son "Korrupsiyaga qarshi kurashish ishlarining samaradorligining reyting baholash tizimini joriy etish chora-tadbirlari to'g'risida"gi qarorlari va mavzuga oid boshqa normativ-huquqiy hujjatlarda belgilangan vazifalarni amalga oshirishga 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.** Respublikamiz olimlari X. Azizov, B. Alimov, X. Alimov, Sh. Asadov, Sh. Ismoilov, A. Yo'ldoshev, F. Maxmudov, F. Yuldasheva, B. Mirboboyev, J. Nematov, N. Said-Gaziyeva, X. Xayitov, R. Xakimov, I. Xamedov, E. Xojiyev, O. Xusanov, S. Yusupov va boshqalar<sup>2</sup> tomonidan davlat fuqarolik xizmati bo'yicha ilmiy ishlar, o'quv-uslubiy qo'llanmalar va darsliklarda davlat xizmati tizimida rag'batlantirishga oid ilmiy-nazariy qarashlarning ayrim jihatlari tadqiq qilingan.

Xorijiy mamlakatlarda davlat xizmatida rag'batlantirishning ayrim jihatlari J. Xalligan, F. Blechli, B. Gilbert, Z. Long, H. Risher, T. Federiko, M. Joze, J. Teylor, A. Xristofer, K. Pollit, J. Keylor, V. Vandenebl, L. Perlberg kabi olimlar tomonidan o'rganilgan bo'lsa, MDH mamlakatlarida A. Malko, N. Gushina, A. Nozdrachev, Y. Starilov, D. Lipinskiy, V. Baranov, V. Popova, G. Petrov, O. Shabayeva, G. Petrov, A. Grishkoves, V. Volkova, D. Baxrax, S. Channov, O. Kiseleva va boshqa olimlar<sup>3</sup> tomonidan tadqiqot ishlari olib borilgan.

**Dissertatsiya tadqiqotining dissertatsiya bajarilgan oliy ta'lim muassasasining ilmiy tadqiqot ishlari rejalari bilan bog'liqligi.** Tadqiqot ishi

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<sup>2</sup> Mazkur olimlarning ilmiy ishlari nomi dissertatsiyaning foydalanilgan adabiyotlar ro'yxatida keltirilgan.

<sup>3</sup> Mazkur olimlarning ilmiy ishlari nomi dissertatsiyaning foydalanilgan adabiyotlar ro'yxatida keltirilgan.

Toshkent davlat yuridik universitetining ilmiy tadqiqot ishlari rejasiga muvofiq “Demokratik islohotlarni chuqurlashtirish sharoitida davlat boshqaruvini yanada erkinlashtirishning asosiy yo‘nalishlari” mavzusidagi fundamental loyihasi (2017-2021-y.) doirasida bajarilgan.

**Tadqiqotning maqsadi** davlat fuqarolik xizmatida rag‘batlantirish choralari qo‘llashning tashkiliy-huquqiy asoslarini takomillashtirishdan iborat.

**Tadqiqotning vazifalari:**

davlat fuqarolik xizmatida rag‘batlantirish tushunchasi va uning yuridik tabiatini tahlil qilish;

davlat fuqarolik xizmatida rag‘batlantirish turlarini tadqiq qilish;

davlat fuqarolik xizmatida rag‘batlantirish choralari huquqiy tartibga solish masalalarini tadqiq qilish;

davlat fuqarolik xizmatchisiga rag‘batlantirish choralari qo‘llash yuzasidan ma‘muriy ish yuritishning o‘ziga xosligini o‘rganish;

davlat fuqarolik xizmatchisiga rag‘batlantirish choralari qo‘llashda samaradorlik ko‘rsatkichlarini huquqiy tartibga solishni tadqiq qilish;

davlat fuqarolik xizmatchisini alohida xizmatlari uchun rag‘batlantirishning o‘ziga xos xususiyatlarini tahlil qilish;

xorijiy mamlakatlarda davlat fuqarolik xizmatchisiga rag‘batlantirish choralari qo‘llashning o‘ziga xos xususiyatlarini o‘rganish;

davlat fuqarolik xizmatchisiga nomoddiy rag‘batlantirish choralari qo‘llashning huquqiy asoslarini takomillashtirish bo‘yicha taklif va tavsiyalar ishlab chiqish.

**Tadqiqotning obyekti** sifatida davlat fuqarolik xizmatida rag‘batlantirish choralari qo‘llash bilan bog‘liq O‘zbekiston Respublikasi qonunchiligi normalari amalga oshirish jarayonida yuzaga keladigan huquqiy munosabatlar olingan.

**Tadqiqotning predmetini** davlat fuqarolik xizmatida rag‘batlantirish choralari qo‘llashga oid milliy, xalqaro va xorij mamlakatlaridagi huquq normalarining rivojlanish yo‘nalishlari, ularni qo‘llash amaliyoti hamda nomoddiy rag‘batlantirishga oid ilmiy-nazariy qarash va yondashuvlar tashkil qiladi.

**Tadqiqotning usullari.** Tadqiqot ishini yozishda tizimlilik, qiyosiy-huquqiy tahlil, umumlashtirish, mantiqiy-yuridik, statistik usullar, kuzatish, analiz va sintez, induksiya va deduksiya, sotsiologik so‘rovlar o‘tkazish kabi usullardan foydalanilgan.

**Tadqiqotning ilmiy yangiligi** quyidagilardan iborat:

davlat fuqarolik xizmatchisi faoliyatini eng muhim samaradorlik ko‘rsatkichlari asosida baholash imkoni bo‘lmaganda, ya‘ni davlat fuqarolik xizmatchisi samaradorlik ko‘rsatkichlarida belgilangan ko‘rsatkichlarga erishish jarayoni bevosita davlat fuqarolik xizmatchisiga bog‘liq bo‘lmaganligi (Favqulodda holat rejimi) sababli baholash intervyusini qo‘llash natijalari bo‘yicha unga davlat organining ichki tartibiga binoan rag‘batlantirish mumkinligi asoslantirilgan;

baholanuvchi davlat fuqarolik xizmatchisi davlat, jamiyat, ish beruvchi va mehnat jamoasining manfaatlari yuzasidan majburiyatlarni bajarishga jalb etilgan

hollarda, jumladan, muddatli harbiy xizmat, favqulodda holat oqibatlarini bartaraf etish va boshqa sabablarga ko'ra uning eng muhim samaradorlik ko'rsatkichlarini hisoblash o'tkazilmasligi asoslab berilgan;

baholash intervyusi davlat fuqarolik xizmatchilariga nisbatan rag'batlantirish choralari qo'llash maqsadida uning faoliyat samaradorligi ko'rsatkichlari asosida baholash imkoni bo'lmagan hollarda bevosita rahbar tomonidan oylik, choraklik, yarim yillik yoki yil yakuni bilan o'tkazilishi mumkinligi asoslantirilgan;

davlat fuqarolik xizmatchilarini rahbar tomonidan qilinadigan turli bosimlardan himoya qilish maqsadida hamda davlat fuqarolik xizmatchilarini rag'batlantirish bilan bog'liq munosabatlarda ularni qonunga xilof xatti-harakatlarni amalga oshirishga undamaslik hamda ulardan bunday harakatlarni bajarishni talab qilmasligi asoslab berilgan.

**Tadqiqotning amaliy natijalari** quyidagilardan iborat:

davlat fuqarolik xizmatida rag'batlantirish davlat boshqaruvining ma'muriy-huquqiy tartibga solish usuli ekanligi asoslantirilgan;

qo'shimcha dam olish kunlarini berish davlat fuqarolik xizmatida rag'batlantirishning biri turi ekanligi asoslab berilgan;

davlat fuqarolik xizmatida rag'batlantirish choralarining moddiy va protsessual asoslari o'zida aks etgan "Davlat fuqarolik xizmatida rag'batlantirish to'g'risida"gi Qonun loyihasini ishlab chiqish lozimligi asoslangan;

davlat fuqarolik xizmatchisiga nisbatan rag'batlantirish choralari qo'llash faqatgina davlat organining rahbari tomonidan emas, balki davlat fuqarolik xizmatchisining tashabbusi bilan ham amalga oshirilishi lozimligi asoslab berilgan;

davlat fuqarolik xizmatida alohida xizmatlari uchun rag'batlantirishning aniq mezonlarini va alohida xizmatlar uchun rag'batlantirish tartib-taomillarini belgilashni nazarda tutuvchi qonunchilikni takomillashtirish bo'yicha taklif ishlab chiqilgan;

davlat fuqarolik xizmatchisini rag'batlantirish borasida uning ishlashi uchun moddiy-texnik sharoitlar muhim rol o'ynashi asoslantirilib, bu borada qonunchilikni takomillashtirish bo'yicha taklif ishlab chiqilgan;

davlat fuqarolik xizmatchisini nomoddiy rag'batlantirishning jamoaviy, tashkiliy, kasbiy, ijtimoiy, xizmat va rag'batlantirishni tan olish hamda PSM rag'batlantirish usullarni belgilash bo'yicha taklif ishlab chiqilgan.

**Tadqiqot natijalarining ishonchliligi.** Tadqiqot davomida xorijiy va milliy qonunchilik normalari, rivojlangan davlatlar tajribasi, huquqni qo'llash amaliyoti o'rganilganligi, ijtimoiy so'rov o'tkazildi, statistik ma'lumotlarni tahlil qilish natijalari umumlashtirilib, tegishli hujjatlar bilan rasmiylashtirilganligi hamda olingan xulosa, taklif va tavsiyalar aprobatsiyadan o'tkazilib, ularning natijalari yetakchi milliy va xorijiy nashrlarda e'lon qilindi, vakolatli tuzilmalar tomonidan tasdiqlandi hamda amaliyotga joriy qilinganligi bilan izohlanadi.

**Tadqiqot natijalarining ilmiy va amaliy ahamiyati.** Tadqiqot natijalarining ilmiy ahamiyati undagi ilmiy-nazariy xulosalar, taklif va tavsiyalardan ma'muriy huquq sohasida tadqiqot ishlarini olib borishda, Davlat va huquq nazariyasi, Konstitutsiyaviy huquq, Davlat xizmati va Ma'muriy huquq kabi fanlarni o'qitish jarayonida hamda metodik tavsiyalar tayyorlashda foydalanish mumkin.



Tadqiqot natijalarining amaliy ahamiyati davlat fuqarolik xizmatchilariga rag'batlantirish choralari qo'llash amaliyotini takomillashtirishga qaratilgan qator qoida va amaliy tavsiyalar ishlab chiqilganligida ifodalanadi hamda amaliyotda uning natijalaridan sohaga oid qonun hujjatlarini takomillashtirishda, shuningdek, davlat fuqarolik xizmatchilariga rag'batlantirish choralari qo'llanishida foydalanish mumkin.

**Tadqiqot natijalarining joriy qilinishi.** Tadqiqot ishi bo'yicha olingan ilmiy natijalardan quyidagilarda foydalanilgan:

davlat fuqarolik xizmatchisi faoliyatini eng muhim samaradorlik ko'rsatkichlarini asosida baholash imkoni bo'lmaganda, baholash intervyusini qo'llash natijalari bo'yicha unga davlat organining ichki tartibiga asosan rag'batlantirishga oid taklif O'zbekiston Respublikasi Prezidenti huzuridagi Davlat xizmatini rivojlantirish agentligi direktorining 2022-yil 21-noyabrdagi 2-2022-son buyrug'i bilan tasdiqlangan Davlat fuqarolik xizmatchilari faoliyati samaradorligini eng muhim ko'rsatkichlar asosida baholash uslubiyatining 27-bandini ishlab chiqishda foydalanilgan (O'zbekiston Respublikasi Prezidenti huzuridagi Davlat xizmatini rivojlantirish agentligining 2024-yil 27-fevraldagi SM79530586-son dalolatnomasi). Ushbu taklifning joriy qilinishi davlat fuqarolik xizmatchisiga davlat organining ichki tartibiga asosan rag'batlantirish choralari qo'llanishiga xizmat qilgan;

baholanuvchi davlat fuqarolik xizmatchisi davlat, jamiyat, ish beruvchi va mehnat jamoasining manfaatlari yuzasidan majburiyatlarni bajarishga jalb etilgan holda uning eng muhim samaradorlik ko'rsatkichlarini hisoblash o'tkazilmasligiga oid taklif O'zbekiston Respublikasi Prezidenti huzuridagi Davlat xizmatini rivojlantirish agentligi direktorining 2022-yil 21-noyabrdagi 2-2022-son buyrug'i bilan tasdiqlangan Davlat fuqarolik xizmatchilari faoliyatining samaradorligini eng muhim ko'rsatkichlar asosida baholash uslubiyatining 25-bandi to'rtinchi xatboshisini ishlab chiqishda foydalanilgan (O'zbekiston Respublikasi Prezidenti huzuridagi Davlat xizmatini rivojlantirish agentligining 2024-yil 27-fevraldagi SM79530586-son dalolatnomasi). Ushbu taklifning joriy qilinishi davlat fuqarolik xizmatchisiga rag'batlantirish choralari qo'llashda muhim o'rin tutuvchi eng muhim samaradorlik ko'rsatkichlari hisobga olinmaydigan holatlarni aniqlashga xizmat qilgan;

baholash intervyusi bevosita rahbar tomonidan oylik, choraklik, yarim yillik yoki yil yakuni bilan o'tkazilishi mumkinligiga oid taklif O'zbekiston Respublikasi Prezidenti huzuridagi Davlat xizmatini rivojlantirish agentligi direktorining 2022-yil 21-noyabrdagi 2-2022-son buyrug'i bilan tasdiqlangan Davlat fuqarolik xizmatchilari faoliyatining samaradorligini eng muhim ko'rsatkichlar asosida baholash uslubiyatining 27-bandini ishlab chiqishda foydalanilgan (O'zbekiston Respublikasi Prezidenti huzuridagi Davlat xizmatini rivojlantirish agentligining 2024-yil 27-fevraldagi SM79530586-son dalolatnomasi). Mazkur taklifning joriy etilishi davlat fuqarolik xizmatchisi faoliyatini eng muhim samaradorlik ko'rsatkichlari asosida baholash imkoni bo'lmaganda, bevosita rahbar tomonidan baholash intervyusini o'tkazishning aniq muddatlari belgilanishiga va bu orqali rag'batlantirish choralari qo'llash imkonini bergan;

davlat xizmatchilarini qonunga xilof xatti-harakatlarni amalga oshirishga undamaslik hamda ulardan bunday harakatlarni bajarishni talab qilmaslikka oid taklif O‘zbekiston Respublikasi Vazirlar Mahkamasining 2022-yil 14-oktyabrdagi 595-son qarori tasdiqlangan Davlat fuqarolik xizmatchilari odob-axloqining namunaviy qoidalari 10-bandi uchinchi xatboshisini ishlab chiqishda foydalanilgan (O‘zbekiston Respublikasi Vazirlar Mahkamasini Yuridik ta’minlash boshqarmasining 2022-yil 18-dekabrda 12/21-99-son dalolatnomasi). Ushbu taklifning joriy qilinishi davlat fuqarolik xizmatchilarining rahbar tomonidan qilinadigan turli bosimlardan himoya qilinishiga va rag‘batlantirishning muhim ko‘rinishi hisoblangan qulay muhitda ishlash imkonini bergan.

**Tadqiqot natijalarining aprobatsiyasi.** Mazkur tadqiqot natijalari 4 ta ilmiy anjumanda, jumladan, 2 ta xalqaro, 2 ta respublika ilmiy-amaliy anjumanlarida muhokamadan o‘tkazilgan.

**Tadqiqot natijalarining e’lon qilinganligi.** Mazkur tadqiqot natijalari bo‘yicha jami 11 ta ilmiy ish, jumladan, ilmiy jurnallarda 6 ta (5 ta xorijiy nashrlarda) va to‘plamlar tarkibida 2 ta ilmiy maqolalar chop etilgan.

**Dissertatsiyaning tuzilishi va hajmi.** Dissertatsiya tarkibi kirish, uchta bob, xulosa, foydalanilgan adabiyotlar ro‘yxati, ilovalardan iborat. Dissertatsiyaning hajmi 128 betni tashkil etgan.

## DISSERTATSIYANING ASOSIY MAZMUNI

Dissertatsiyaning kirish (falsafa doktori dissertatsiyasi annotatsiyasi) 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, obyekti va predmeti, usullari, ilmiy yangiligi va amaliy natijasi, tadqiqot natijalarining ishonchliligi, ilmiy va amaliy ahamiyati, joriy qilinishi, aprobatsiyasi, natijalarning e’lon qilinganligi, dissertatsiyaning hajmi va tuzilishi haqida ma’lumotlar keltirilgan.

Dissertatsiyaning birinchi bobi “**Davlat fuqarolik xizmatida rag‘batlantirish choralari qo‘llashning nazariy-huquqiy asoslari**” deb nomlangan. Ushbu bobda davlat fuqarolik xizmatida rag‘batlantirish tushunchasi, o‘ziga xos xususiyatlari turlari va qonunchilik asoslari tahlil qilingan.

Tadqiqotchi davlat fuqarolik xizmatida rag‘batlantirish tushunchasini tahlil qilishda ko‘plab olimlarning (X. Azizov, B. Alimov, X. Alimov, Sh. Asadov, Sh. Jurayev, F. Isayeva, Sh. Ismoilov, A. Yo‘ldoshev, F. Maxmudov, F. Yuldasheva, B. Mirboboyev, J. Nematov, N. Said-Gaziyeva, X. Xayitov, R. Xakimov, I. Xamedov, E. Xojiyev, O. Xusanov, S. Yusupov) fikrlaridan foydalanib, ular bilan munozaraga kirishgan. Davlat fuqarolik xizmatida rag‘batlantirish tushunchasiga quyidagi mualliflik ta’rifi berilgan: “Davlat fuqarolik xizmatchisining davlat va jamoat manfaatlari yo‘lida amalga oshirgan shaxsiy xizmatlarini individual hujjat asosida va qonunda belgilangan tartibda tan olingan davlat boshqaruvining ma’muriy-huquqiy tartibga solish usuli”. Bunda

asosiy markaziy o‘rinda davlat fuqarolik xizmatchisining shaxsiy xizmatlari yotishi asoslantirilgan.

Tadqiqotchi tomonidan davlat fuqarolik xizmatida rag‘batlantirishning o‘ziga xos xususiyatlari tahlil qilinib, rag‘batlantirish – davlat yoki jamoat burchini bajarishda erishilgan yutuqlar bilan bog‘liq ravishda qadr-qimmatni jamoatchilik tomonidan e‘tirof etish bo‘lib, bunda shaxsga hurmat ko‘rsatiladi; rag‘batlantirish davlat boshqaruvi tizimida davlat intizomi va huquqiy tartibni ta‘minlash usulidir; rag‘batlantirish choralari qo‘llash uchun asoslar harakatlar (mukofotlar) yoki tadbirlar (kasb bayrami, yubiley sanasi) ko‘rinishidagi yuridik faktlar hisoblanadi; rag‘batlantirish asosan yuridik xarakterga ega bo‘lib, huquqni qo‘llash shaklida – rag‘batlantirish chorasini tayinlash to‘g‘risida buyruq yoki farmoyish berish yo‘li bilan amalga oshiriladi; rag‘batlantirish muayyan subyektlarga yoki ma‘lum bir vaziyatda aniq subyektlarga qo‘llanadi; rag‘batlantirish tegishli qarorlarni qabul qilish vakolatiga ega bo‘lgan subyektlar tomonidan qo‘llanadi; rag‘batlantirish rag‘batlantirilgan va boshqa shaxslarning irodasi va ongiga bilvosita ta‘sir qiladi, ularning odatdagi tartibga solish talablaridan oshib ketadigan ijobiy xulq-atvorga bo‘lgan qiziqishini shakllantirishga oid xususiyatlarini ajratib ko‘rsatgan.

Dissertant davlat fuqarolik xizmatida rag‘batlantirishning turlarini tadqiq qilishda olimlar tomonidan rag‘batlantirish turlari bo‘yicha turli munozaralar mavjudligini alohida tahlil qilgan. Davlat fuqarolik xizmatida rag‘batlantirishni turlarga ajratish juda murakkabligi va ushbu munosabatga kompleks yondashuvning murakkabligi bilan izohlanishi ta‘kidlangan. Milliy qonunchilikdan kelib chiqib, davlat fuqarolik xizmatida rag‘batlantirish rag‘batlantiruvchi shaxsning huquqiy maqomidan kelib chiqib prezident tomonidan qo‘llanadigan rag‘batlantirish, parlament tomonidan qo‘llanadigan rag‘batlantirish, hukumat tomonidan qo‘llanadigan rag‘batlantirish va ish beruvchi tomonidan qo‘llanadigan xizmatni rag‘batlantirishga bo‘lingan.

Davlat fuqarolik xizmatida rag‘batlantirishning qonunchilik asoslari ham tahlil qilinib, mazkur faoliyat juda tarqoq ekanligi, bu borada davlat fuqarolik xizmatida rag‘batlantirish choralarining moddiy va protsessual asoslari o‘zida aks etgan “*Davlat fuqarolik xizmatida rag‘batlantirish to‘g‘risida*”gi Qonun loyihasini ishlab chiqish lozimligi asoslantirgan.

Dissertatsiyaning ikkinchi bobi “**Davlat fuqarolik xizmatchisiga rag‘batlantirish choralari qo‘llashning ayrim jihatlari**” deb nomlanib, davlat fuqarolik xizmatchisini rag‘batlantirish o‘ziga xos ish yurituv doirasi, davlat fuqarolik xizmatchisiga nisbatan rag‘batlantirish choralari qo‘llash paytida davlat xizmati tizimida yuzaga keladigan munosabatlar davlat-xizmat huquqiy munosabatlarining bir turi ekanligi, rag‘batlantirish choralari qo‘llashga oid ish yurituvda subyektlar doirasi milliy qonunchilikni takomillashtirish borasida takliflar ilgari surilgan.

Ta‘kidlash lozimki tadqiqotchi, davlat fuqarolik xizmatchisiga rag‘batlantirish choralari qo‘llashning ayrim jihatlari o‘rgangan xorijiy olimlar (R. Karlan, D. Norton, X. Rampersad, K. Nomden, A. Matei, G. Kameliya, Y. Bulek, L. Mur, P. Aime, T. Berte, A. Grosmar, G. Bukert, J. Halligan, G. Klark, G. Koates, S.E. Chanov, Y.N. Starilov, L.A. Chikanova, A.B. Agapov, A.V. Polyakov,

N.A. Gushchina, E.V. Trofimov, V.M. Manoxin, V. Vinokurov, S. Karinskiy, S.A. Yampolskaya, V.M. Baranov, V.V. Shlikov, N.M. Denisova, O.V. Jeleznov, D.A. Lipinskiy, P.P. Sergun, V.A. Grigorev, O.V. Levashova O.Y. Kokurina, P.A. Sorokin) mahalliy olimlar (O. Rahimov, F. Ahatov, E. Xojiyev, F. Yuldasheva, N. Said-Gaziyeva) fikrlaridan foydalanib, ular bilan munozaraga kirishgan.

Dissertant davlat fuqarolik xizmatchisini rag'batlantirishga oid ish yurituv munosabatlarini huquqiy tartibga solishda ish yurituv subyektlari va uning huquqiy mazmuni aniqlash muhim ahamiyatga egaligini tahlil qilib, ish yurituv subyektlarini rag'batlantiruvchi, rag'batlantiriluvchi va ish yurituvning boshqa ishtirokchilarga bo'lish mumkinligini asoslab o'tgan. Bunda rag'batlantiruvchi subyektlarga davlat organi rahbari va bu bo'yicha tashkil etilgan maxsus komissiyalarni, rag'batlantiriluvchi subyektlarga davlat fuqarolik xizmatchisi va uning huquqiy vorislarini, rag'batlantirish protsessining boshqa ishtirokchilariga protsessning turiga qarab, rag'batlantirish tashabbuskori; tasdiqlash organlari, ularning vakillari rag'batlantirish to'g'risidagi so'rovni qo'llab-quvvatlashi yoki, aksincha, muayyan shaxsga nisbatan tegishli choralarni qo'llashni tavsiya etmaydigan shaxslar; taqdim etuvchi organ, mukofoti uchun taqdim etish, uni bekor qilish, shuningdek, mukofoti uchun huquqlarni tiklash bo'yicha taqdimnoma kirituvchi organlar; ekspertlar va mutaxassis, agar rag'batlantiruvchi subyekt tomonidan tegishli so'rov mavjud bo'lsa, professional fikr bildiruvchi shaxslarni kiritish mumkinligini asoslantirib bergan.

Tadqiqotchi davlat fuqarolik xizmatchisini rag'batlantirishga oid ish yurituvni uning tashabbusi bilan boshlash tartibini joriy qilish masalasiga to'xtalib, uni joriy qilishga to'sqinlik qiluvchi masalalardan biri bu bo'yicha nizolarni hal qilish bilan bog'liqligi, sud amaliyotida davlat fuqarolik xizmatchisini rag'batlantirish ma'muriy organning ixtiyorida bo'lishi nazarda tutilganligini tahlil qilgan.

Tadqiqot ishida davlat fuqarolik xizmatchisiga nisbatan rag'batlantirish choralarini qo'llash to'g'risidagi masalani hal etish chog'ida e'tiborga olinadigan birinchi masala eng muhim samaradorlik ko'rsatkichlarini bajarganlik va oshirib bajarganlik hisoblanishi, bu borada mazkur mezonni aniqlashda zamonaviy davlat fuqarolik xizmatida KPI (Key Performance Indicators) nomi bilan ataladigan tushuncha tahlil qilingan. Ushbu masala doirasida xorijiy olimlar R. Karlan, D. Norton, X. Rampersad, K. Nomden, A. Matei, G. Kameliya, Y. Bulek, L. Mur, P. Aime, T. Berte, A. Grosmar, G. Bukert, J. Halligan, G. Klark, G. Koates va boshqalar ilmiy ishlari tahlil qilingan.

Dissertant tomonidan davlat fuqarolik xizmatchilarining samaradorlik ko'rsatkichlarini o'tgan davrning mavjud natijalariga tayanadigan va boshqaruv jarayonida aniq vaqt oraliq'ida bajariladigan yetakchi ko'rsatkichlarga ajratgan holda ishlab chiqish lozimligi asoslantirilgan.

Davlat fuqarolik xizmatida rag'batlantirish choralarini qo'llashda "alohida xizmatlari uchun" tushunchasini ishlatish odatga aylangan. Mazkur tushunchani ilmiy adabiyotlarda "ijobiy giperaktivlik", "yuqori natijadorlik" kabi tushunchalarga bog'lanadi. O'zbekiston Respublikasining "Davlat fuqarolik xizmati to'g'risida"gi Qonunida ham "alohida xizmatlari uchun" jumlasini ko'p o'rinlarda ishlatilgan. Jumladan, qonunning 11-moddasida alohida xizmatlari uchun rag'batlantirilishi davlat fuqarolik xizmatchisining huquqi sifatida, 18-moddada alohida xizmatlari uchun

sovg'alar berish tartibi, 21-moddada alohida xizmatlarini xolisona va adolatli baholash asosida amalga oshirilishi va 44-moddada alohida xizmatlari uchun qonunchilikda belgilangan tartibda davlat mukofotlariga taqdim etilishi belgilangan.

Dissertant tomonidan davlat fuqarolik xizmatchisi alohida xizmatlarining o'ziga xos xususiyatlari tahlili asosida quyidagi umumiy xususiyatlari ajratib ko'rsatilgan: alohida xizmatlar qonuniy asoslanadi; alohida xizmatlar aniq baholash mezonlarga asoslanadi; alohida xizmatlar natijasi rag'batlantirish hisoblanadi. O'z navbatida, davlat fuqarolik xizmatchisining alohida xizmatlarini ikki guruhga bo'lish tavsiya etilgan ular: ixtiyoriy alohida xizmatlar va majburiy alohida xizmatlar. Davlat fuqarolik xizmatchisining ixtiyoriy alohida xizmatlari uning o'z tashabbusi bilan amalga oshiriladi. Davlat organi tomonidan ushbu xizmatlar amalga oshirilgandan so'ng tan olinadi. Davlat fuqarolik xizmatchisining majburiy alohida xizmatlari davlat organi tomonidan xizmatchiga majburiy yuklatilgan vazifa doirasida amalga oshiriladi.

Tadqiqotchi davlat fuqarolik xizmatida alohida xizmatlarni aniqlashda samarali va benuqson davlat xizmati asosiy mezon bo'lishini tahlil qilib, mazkur mezon axloqiy va kasbiy standartlar bilan bog'liq bo'lishiga alohida e'tibor qaratgan. Shu nuqtayi nazardan, tadqiqotchi tomonidan "Davlat fuqarolik xizmati to'g'risida"gi Qonunning 4-moddasiga quyidagi tushunchani kiritish taklif etiladi: *"Benuqson va samarali davlat fuqarolik xizmati – O'zbekiston Respublikasi fuqarolarining davlat xizmatidagi lavozimlarida davlat organlari, davlat lavozimlarini egallagan shaxslarning vakolatlarini bajarilishini ta'minlash bo'yicha rasmiy faoliyatining axloqiy va kasbiy standarti"*.

Dissertatsiyaning uchinchi bobi **"Davlat fuqarolik xizmatchisiga rag'batlantirish choralari qo'llashning tashkiliy-huquqiy asoslarini takomillashtirish istiqbollari"** deb nomlanib, ushbu qismda davlat fuqarolik xizmatchisiga rag'batlantirish choralari qo'llashning tashkiliy-huquqiy asoslarini takomillashtirish istiqbollari yoritishda xorij olimlari (J. Halligan, B. Gilbert, L. Perry, H. Risher, K. Polit, T. Buker, T. Federico, M. Jose, J.G. Cailliyer, A. Kristesku, L. Stanilla, M. Andreica, C. Mafini, N. Dlodlo, J. Palidaukaite, M. Kaselis, S. Pivoras, J. Teylor, R. Teylor, Ch. Demmke, T. Moilanen, T. Xen, Y.V. Kononov, M. Jorj) kabi olimlar fikrlaridan foydalangan.

Mazkur bob doirasida davlat fuqarolik xizmatiga malakali kadrlarni jalb qilish uchun ko'plab davlatlar ularga beriladigan ish haqi tizimini isloh qilgani o'rganilgan. Davlat xizmatchilariga haq to'lash tizimini isloh etishga harakat qilgan dastlabki davlatlarga Italiya, Daniya, Gollandiya, Ispaniya, Yangi Zelandiya, Buyuk Britaniya, Shvetsiya va AQSHni kiritish mumkin. Keyinchalik Fransiya, Germaniya, Shveysariya va Sharqiy Yevropaning bir qator mamlakatlari (Vengriya, Polsha, Chexiya, Rossiya) bu yo'ldan borgani tahlil qilingan. Davlat xizmatchilarining ish haqini belgilashda ijro etuvchi hokimiyat organlarining avtonomligi darajasiga ko'ra odatda markazlashtirilgan (Fransiya, Germaniya, Portugaliya, Ispaniya), markazlashtirilmagan (Buyuk Britaniya) va aralash tizim (Niderlandiya, Italiya, Daniya, Finlandiya, Irlandiya, Shvetsiya, AQSH, Kanada)lar ajralib turishi, bundan tashqari, Davlat xizmatining pozitsion tizimiga ega bo'lgan mamlakatlarda, masalan, AQSH, Kanada, Buyuk Britaniya, Fransiyada rag'batlantirishning individual va moslashuvchan shakllari hamda tizimlari ustunlik qilishi o'rganilgan.

Xorijiy mamlakatlar tajribasini tahlil qilgan holda tadqiqotchi tomonidan mamlakatimizda davlat fuqarolik xizmatchini rag‘batlantirishning karyera tizimini joriy qilish, bu borada O‘zbekistonda “Davlat fuqarolik xizmatchilarini rag‘batlantirish strategiyasi”ni ishlab chiqish va mazkur strategiyada quyidagi ustuvor yo‘nalishlarga e‘tibor qaratish lozimligi taklif etildi. Mazkur strategiyada yaxshi ishlagan davlat fuqarolik xizmatchisiga yaxshi ish haqi olish, JEGS (job evaluation and grading support) texnikasini qo‘llash, iqtisodiyotning xususiy sektoridagi o‘xshash lavozimlarga haq to‘lash bilan ma’lum bir davlat xizmati lavozimiga haq to‘lash darajasini o‘lchash, har yili ish haqini avtomatik ravishda oshirish bilan emas, balki ish haqini baholash omillarini moslashuvchan tarzda aniqlash va davlat organlariga o‘z tabaqalashtirishlarini joriy etishga imkon berish orqali ish haqi tizimini nomarkazlashtirish kabilarni belgilash lozimligi tahlil qilingan.

Ta’kidlash lozimki, davlat fuqarolik xizmatini isloh qilishning muhim ustuvor yo‘nalishlaridan biri davlat fuqarolik xizmatchilarini rag‘batlantirish tizimini takomillashtirish hisoblanadi. Bugungi kunda rivojlangan davlatlarda nomoddiy rag‘batlantirish choralari katta e‘tibor berilmoqda. Tadqiqotchi mazkur bobda nomoddiy rag‘batlantirishning zamonaviy tendensiyalarini tahlil qilgan.

Har qanday shaxs uchun rag‘batlantirishning har xil turlari alohida ahamiyatga ega, ular ham moddiy, ham nomoddiy bo‘lishi mumkin. Nomoddiy rag‘batlantirish ancha katta ta’sirga ega. Misol uchun, nomoddiy rag‘batlantirish orasida maqtov alohida o‘rin tutadi. Maqtov inson faoliyatini tan olishning bir turi, uning to‘g‘ri yo‘nalishda harakat qilayotganini, to‘g‘ri ishlarni qilayotganini va u buni davom ettirishi kerakligini tan olishdir. Bunday ma’lumotlar stendlarga yoki boshqa yo‘llar bilan joylashtirilishi mumkin. Bu insonning ma’naviyatini, uning hamkasblari orasida obro‘cini oshiradi.

Tadqiqotchi davlat xizmatchilari motivatsiyasining (Public Servants Motivation – PSM) maxsus konsepsiyasini o‘rganib, u davlat xizmatida qondirilishi mumkin bo‘lgan individual motivlar to‘plami ekanligini tahlil qilgan. Mazkur yondashuv faqat davlat sektorida mavjud bo‘lgan qadriyatlarni hisobga oladi. Muallif davlat xizmatida jamiyatga xizmat qilish kabi tushunchalarni ajratib ko‘rsatish mumkinligiga, davlat xizmatchilari boshqa odamlar manfaati uchun harakat qilish istagi kabi xususiyatlarga ega ekaniga alohida e‘tibor beradi. Tadqiqotchi mazkur konsepsiya asosida mamlakatimizda “*Davlat fuqarolik xizmatchilarini nomoddiy rag‘batlantirish uslubiyati*”ni ishlab chiqish va mazkur uslubiyaatda nomoddiy rag‘batlantirishning quyidagi usullarini belgilashni ilgari suradi: jamoaviy rag‘batlantirish; tashkiliy rag‘batlantirish; kasbiy rag‘batlantirish; ijtimoiy rag‘batlantirish; xizmat va rag‘batlantirishni tan olish; PSM rag‘batlantirish.

## XULOSA

“Davlat fuqarolik xizmatida rag‘batlantirish choralari qo‘llashning tashkiliy-huquqiy asoslari” mavzusida olib borilgan tadqiqot natijasida quyidagi ilmiy-nazariy xulosalar qilinib, qonun hujjatlarini takomillashtirishga doir takliflar va tavsiyalar ilgari surildi:

### I. Ilmiy-nazariy xulosalar

1. Quyidagi tushunchalarga mualliflik tarifi berildi:

**davlat fuqarolik xizmatida rag‘batlantirish** – davlat fuqarolik xizmatchisining davlat va jamoat manfaatlari yo‘lida amalga oshirgan shaxsiy xizmatlarini individual hujjat asosida va qonunda belgilangan tartibda tan olingan davlat boshqaruvining ma‘muriy-huquqiy tartibga solish usuli;

**davlat fuqarolik xizmatchilari faoliyati samaradorligini baholash** – davlat fuqarolik xizmatchilari erishgan faoliyat natijalarini rejalashtirish bosqichida belgilangan va me‘yoriy belgilangan natijalar bilan taqqoslash jarayoni.

2. Rag‘batlantirishning quyidagi o‘ziga xos xususiyatlari asoslantirib berildi: rag‘batlantirish – davlat yoki jamoat burchini bajarishda erishilgan yutuqlar bilan bog‘liq ravishda qadr-qimmatni jamoatchilik tomonidan e‘tirof etish, shaxsga hurmat ko‘rsatish; rag‘batlantirish davlat boshqaruvi tizimida davlat intizomi va huquqiy tartibni ta‘minlash usulidir; rag‘batlantirish choralari qo‘llash uchun asoslar harakatlar (mukofotlar) yoki tadbirlar (kasb bayrami, yubiley sanasi) ko‘rinishidagi yuridik faktlar hisoblanadi; rag‘batlantirish asosan yuridik xarakterga ega bo‘lib, huquqni qo‘llash shaklida – rag‘batlantirish chorasini tayinlash to‘g‘risida buyruq yoki farmoyish berish yo‘li bilan amalga oshiriladi; rag‘batlantirish muayyan subyektlarga yoki ma‘lum bir vaziyatda aniq subyektlarga qo‘llanadi; rag‘batlantirish tegishli qarorlarni qabul qilish vakolatiga ega bo‘lgan subyektlar tomonidan qo‘llanadi; rag‘batlantirish rag‘batlantirilgan va boshqa shaxslarning irodasi va ongiga bilvosita ta‘sir qiladi, ularning odatdagi tartibga solish talablaridan oshib ketadigan ijobiy xulq-atvorga bo‘lgan qiziqishini shakllantiradi.

3. Davlat fuqarolik xizmatida rag‘batlantirishni rag‘batlantiruvchi shaxsning huquqiy maqomidan kelib chiqib quyidagi turlarga bo‘lish mumkinligi asoslab berildi: prezident tomonidan qo‘llanadigan rag‘batlantirish, parlament tomonidan qo‘llanadigan rag‘batlantirish, hukumat tomonidan qo‘llanadigan rag‘batlantirish va ish beruvchi tomonidan qo‘llanadigan xizmatni rag‘batlantirish.

4. Davlat fuqarolik xizmatida rag‘batlantirishni umumiy rag‘batlantirish, mukofotlar, imtiyozlar va qo‘shimcha dam olish kunlarini berish kabi turlarga bo‘lish taklif etildi.

5. Davlat fuqarolik xizmatida rag‘batlantirish choralari huquqiy tartibga solishda ma‘muriy huquq nuqtayi nazaridan yondashish lozimligi asoslantirib berildi.

6. Davlat fuqarolik xizmatchisini rag‘batlantirishga oid ma‘muriy ish yurituv subyektlarini rag‘batlantiruvchi, rag‘batlantiriluvchi va ish yurituvning boshqa ishtirokchilarga bo‘lish mumkinligi asoslantirib berildi. Bunda rag‘batlantiruvchi subyektlarga davlat organining rahbari va bu bo‘yicha tashkil etilgan maxsus

komissiyalar; rag‘batlantiriluvchi subyektlarga davlat fuqarolik xizmatchisi va uning huquqiy vorislari; boshqa ishtirokchilariga ish yurituvning xususiyatiga qarab rag‘batlantirish tashabbuskori, tasdiqlash organlari, taqdim etuvchi organ va ekspertlar hamda mutaxassis kirishi mumkinligi tahlil qilingan.

7. Davlat fuqarolik xizmatchilarining samaradorlik ko‘rsatkichlarini ikki guruhga ajratgan holda tahlil qilindi: 1) o‘tgan davrning mavjud natijalariga tayanadigan ko‘rsatkichlar; 2) boshqaruv jarayonida aniq vaqt oralig‘ida bajariladigan yetakchi ko‘rsatkichlar.

8. Davlat fuqarolik xizmatchisini rag‘batlantirishda muhim o‘rin tutuvchi alohida xizmatlarni ixtiyoriy va majburiy guruhga bo‘lish taklif etildi.

9. Davlat fuqarolik xizmatchisining alohida xizmatlarining o‘ziga xos xususiyatlari tahlili asosida quyidagi umumiy xususiyatlari ajratib ko‘rsatildi: alohida xizmatlar qonuniy asoslanadi; alohida xizmatlar aniq baholash mezonlariga asoslanadi; alohida xizmatlar natijasi rag‘batlantirish hisoblanadi.

10. Xorijiy mamlakatlar tajribasini o‘rgangan holda davlat xizmatchilarining ish haqi, moddiy rag‘batlantirish va ijtimoiy ta‘minot karyera va pozitsion modelga ajratilgan holda tahlil qilindi. O‘z navbatida, davlat xizmatchilarini rag‘batlantirishning anglo-sakson huquq, roman-german va Sharqiy Osiyo ma‘muriy-huquqiy modellariga bo‘lgan holda o‘rganish lozimligi asoslantirildi.

## **II. Normativ-huquqiy hujjatlarni takomillashtirishga oid taklif va tavsiyalar**

11. O‘zbekiston Respublikasi “Davlat fuqarolik xizmati to‘g‘risida”gi Qonunning 45-moddasi 1-qismini quyidagi tahrirda o‘zgartirish taklif etildi:

“Davlat fuqarolik xizmatchisiga nisbatan rag‘batlantirish choralarini qo‘llash davlat organining rahbari tomonidan yoki uning tavsiyasiga ko‘ra hamda davlat fuqarolik xizmatchisining tashabbusi bilan amalga oshiriladi”.

12. O‘zbekiston Respublikasi “Davlat fuqarolik xizmati to‘g‘risida”gi Qonunning 44-moddasi birinchi qismini quyidagi oltinchi xatboshi bilan to‘ldirish taklif etildi:

“oylik maoshi saqlangan holda besh kun qo‘shimcha dam olish kunlarini berish”.

13. Quyidagi masalalarni qonunosti hujjatlarida emas, O‘zbekiston Respublikasi “Davlat fuqarolik xizmati to‘g‘risida”gi Qonunda belgilash lozimligi taklif etildi:

a) davlat organi tomonidan baholash natijalari hamda qo‘llangan rag‘batlantirish va ta‘sir choralari to‘g‘risidagi ma‘lumotlar Yagona elektron platformaga doimiy kiritib borilishi;

b) eng muhim samaradorlik ko‘rsatkichlarini hisoblash o‘tkazilmaydigan holatlar (baholanuvchi xodim davlat organida ish faoliyatini boshlaganiga uch oy to‘lmagan bo‘lsa, baholanuvchi xodim ta‘tilda bo‘lganda, baholanuvchi xodim davlat, jamiyat, ish beruvchi va mehnat jamoasining manfaatlari yuzasidan majburiyatlarni bajarishga jalb etilganda (malaka oshirish, xizmat safari va boshqa holatlar), baholanuvchi xodimning idoralararo ishchi guruhlariga yoki boshqa



tadbirlarga jalb etilganda, baholanuvchi xodimning mehnatga layoqatsizlik varaqasida ko‘rsatilgan belgilangan muddat davomida).

14. O‘zbekiston Respublikasi “Davlat fuqarolik xizmati to‘g‘risida”gi Qonunning 4-moddasiga quyidagi tushunchani kiritish taklif etildi:

“benuqson va samarali davlat fuqarolik xizmati – O‘zbekiston Respublikasi fuqarolarining davlat xizmatidagi lavozimlarida davlat organlari, davlat lavozimlarini egallagan shaxslarning vakolatlari bajarilishini ta‘minlash bo‘yicha rasmiy faoliyatining axloqiy va kasbiy standarti”.

15. O‘zbekiston Respublikasi Prezidenti huzuridagi Davlat xizmatini rivojlantirish agentligi direktorining 2022-yil 21-noyabrdagi 2-2022-son buyrug‘i bilan tasdiqlangan Davlat fuqarolik xizmatchilari faoliyatining samaradorligini eng muhim ko‘rsatkichlar asosida baholash uslubiyatining 24-bandi ikkinchi xatboshisini quyidagicha o‘zgartirish taklif etildi:

“Davlat fuqarolik xizmatchisi faoliyatini EMSK asosida baholash natijasiga ko‘ra “yaxshi” va “a‘lo” deb baholangan taqdirda davlat organi rahbari tomonidan “Davlat fuqarolik xizmati to‘g‘risida”gi Qonunning 44-moddasida belgilangan rag‘batlantirish choralari qo‘llanishi mumkin”.

16. Davlat fuqarolik xizmatchilari faoliyatining samaradorligini eng muhim ko‘rsatkichlar asosida baholash uslubiyatining 25-bandi to‘rtinchi xatboshisini ishlab chiqishda quyidagicha tahrirda belgilash taklif etilgan:

“baholanuvchi davlat fuqarolik xizmatchisi davlat, jamiyat, ish beruvchi va mehnat jamoasining manfaatlari yuzasidan majburiyatlarni bajarishga jalb etilganda (malaka oshirish, xizmat safari va boshqa holatlar)”.

Shuningdek, mazkur uslubiyatning 27- va 29-bandlarini ishlab chiqishda quyidagicha tahrirda belgilash taklif etilgan:

“27. Baholash intervyusi bevosita rahbar tomonidan oylik, choraklik, yarim yillik yoki yil yakuni bilan o‘tkazilishi mumkin”.

“29. Baholash intervyusini qo‘llash natijalari bo‘yicha baholanuvchi davlat fuqarolik xizmatchisiga davlat organining ichki tartibiga asosan rag‘batlantirish choralari qo‘llanadi”.

17. Quyidagi masalalarni o‘zida aks ettiruvchi “Davlat fuqarolik xizmatida rag‘batlantirish to‘g‘risida”gi qonun loyihasini ishlab chiqish taklif etildi:

a) davlat fuqarolik xizmatida rag‘batlantirish choralarining moddiy va protsessual asoslari;

b) alohida xizmatlarning aniq mezonlari va shu asosda rag‘batlantirish tartiboti.

18. Davlat fuqarolik xizmatchisini rag‘batlantirishga oid ish yurituvni aniq tartib-taomillarni o‘zida aks ettiruvchi “Davlat fuqarolik xizmatchisiga nisbatan rag‘batlantirish choralarining qo‘llash tartibi to‘g‘risida”gi namunaviy nizom ishlab chiqish taklif etildi.

19. Xorijiy mamlakatlar tajribasini tahlil qilgan holda mamlakatimizda davlat fuqarolik xizmatchisini rag‘batlantirishning karyera tizimini joriy qilish, bu borada O‘zbekistonda “Davlat fuqarolik xizmatchilarini rag‘batlantirish strategiyasi”ni ishlab chiqish va mazkur strategiyada quyidagi ustuvor yo‘nalishlarga e‘tibor qaratish lozimligi taklif etildi: yaxshi ishlagan davlat

fuqarolik xizmatchisiga yaxshi ish haqi olish; JEGS (job evaluation and grading support) texnikasini qo'llash; iqtisodiyotning xususiy sektoridagi o'xshash lavozimlarga haq to'lash bilan ma'lum bir davlat xizmati lavozimiga haq to'lash darajasini o'lchash; har yili ish haqini avtomatik ravishda oshirish bilan emas, balki ish haqini baholash omillarini moslashuvchan tarzda aniqlash; davlat organlariga o'z tabaqalashtirishlarini joriy etishga imkon berish orqali ish haqi tizimini nomarkazlashtirish.

20. Davlat fuqarolik xizmatchisini rag'batlantirish borasida uning ishlashi uchun moddiy-texnik sharoitlar muhim rol o'ynagani uchun mamlakatimizda "Davlat fuqarolik xizmatchisining ish o'rnini tartibga solish to'g'risida"gi Qonunni qabul qilish taklif etildi.

21. "Davlat fuqarolik xizmatchilarini nomoddiy rag'batlantirish uslubiyati"ni ishlab chiqish va mazkur uslubiyatda nomoddiy rag'batlantirishning quyidagi usullarini belgilash taklif etildi: jamoaviy rag'batlantirish; tashkiliy rag'batlantirish; kasbiy rag'batlantirish; ijtimoiy rag'batlantirish; xizmat va rag'batlantirishni tan olish; PSM (Public Servants Motivation) rag'batlantirish.

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

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**TASHKENT STATE UNIVERSITY OF LAW**

**JURAEV ALISHER NASIRDINOVICH**

**ORGANIZATIONAL AND LEGAL BASIS OF THE APPLICATION OF  
INCENTIVE MEASURES IN THE STATE CIVIL SERVICE**

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

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

**Tashkent – 2024**

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The doctoral dissertation (PhD) is available at the Information Resource Center of Tashkent State University of Law (registered under № 1267). (Address: 100047, Sayilgoh Street 35, Tashkent city. Phone: (99871) 233-66-36; Fax: (99871) 233-37-48; e-mail: [info@tsul.uz](mailto:info@tsul.uz)).

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

**Relevance and necessity of the dissertation theme.** In the world, much attention is paid to the creation of an open, transparent, and effective mechanism for motivating state civil servants in order to provide them with educated, capable, and modern-minded personnel and to prevent the transfer of state civil servants to the private sector. In this regard, a special concept of Public Servants Motivation (PSM) has been developed, applying the JEGS (job evaluation and grading support) motivation method, measuring the level of remuneration for a specific civil service position with the remuneration for similar positions in the private sector of economy, annual salary, there is an urgent need to decentralize the pay system not by regular increases, but by flexibly defining salary evaluation factors and allowing state bodies to introduce their own classifications.

In the world as incentives in the civil service, general incentives, bonuses, benefits, additional days off, the application of non-material incentives for civil servants, the prevention of corruption in the civil service, conflict of interest between civil servants, scientific research such as prevention, and improving the criteria for evaluating the performance of civil servants. The need to expand the civil service with highly qualified employees, as well as their retention, to implement a system of incentives for civil servants without bureaucracy, to increase the individual motivation of civil servants, to increase the possibility of attracting the most qualified workers in a serious competition with the private sector, and to reduce the cost of state and government wages. Particular attention is paid to scientific directions that have important scientific and practical significance, such as increasing the absolute level of wages of employees, and widespread introduction of modern information technology in the field.

In recent years, our country has been implementing measures aimed at improving the personnel policy of public administration, strengthening the legal foundations of the civil service, and critically reviewing the activities of civil servants and the entire system. The strategy for the development of New Uzbekistan for 2022-2026 requires an increase in the effectiveness of the activities of state bodies in order to enhance the value of the human being and ensure the realization of priority goals and objectives related to the creation of a people-friendly state. The State Civil Service Act was adopted as part of the systemic reforms under way in this direction in our country. The adoption of this law serves as a solid legal basis for the full realization of the principle that “the people should serve the people, not the authorities.”<sup>4</sup> In this regard, it is relevant to determine the exact limits of incentives applied to civil servants, to determine the legal basis for incentives for special services of civil servants and their non-material incentives, as well as the creation of an effective mechanism.

This dissertation research, to a certain extent, serves the implementation of the tasks specified in the Laws of the Republic of Uzbekistan "On State Civil Service" (2022), "On State Awards" (2018), the Decrees of the President of the

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<sup>4</sup> <https://argos.uz/oz/press-center/news/473>

Republic of Uzbekistan dated September 8, 2017, No. PD-5185 "On the Approval of the Concept of Administrative Reforms in the Republic of Uzbekistan," dated May 27, 2019, No. PD-5729 "On Measures to Further Improve the System of Combating Corruption in the Republic of Uzbekistan," dated July 6, 2021, No. PD-6257 "On Measures to Create an Environment of Intolerant Attitude towards Corruption, to Drastically Reduce Corruption Factors in State and Public Administration, and to Expand Public Participation in This Matter," and dated September 11, 2023, No. PD-158 "On the Strategy 'Uzbekistan – 2030'," as well as the Decision dated October 3, 2019, No. PD-4472 "On Measures to Organize the Activities of the Agency for the Development of Public Service under the President of the Republic of Uzbekistan," and dated January 12, 2022, No. PD-81 "On Measures to Introduce a Rating Assessment System for the Effectiveness of Anti-Corruption Activities," and other relevant normative legal documents.

**Correspondence of the research to the priorities of the development of science and technology of the republic.** This research was carried out in the priority direction of the development of science and technology of the republic. I. "Formation of a system of innovative ideas and ways to implement them for the spiritual, ethical, and cultural development of a democratic and legal society."

**The degree to which the problem has been studied.** Scientists of our republic K.Azizov, B.Alimov, K.Alimov, Sh.Asadov, Sh.Ismailov, A.Yuldoshev, F.Makhmudov, F.Yuldasheva, B.Mirboboev, J.Nematov, N.Said-Gazieva, H.Khaitov, R.Khakimov, I.Khamedov, E.Khojiev, O.Khusanov, S.Yusupov, and others<sup>5</sup> have researched some aspects of the scientific-theoretical views on promotion in the civil service system in scientific works, educational and methodical manuals, and textbooks on civil service.

In foreign countries, some aspects of public service incentives were studied by J. Halligan, F. Blechli, B. Gilbert, Z. Long, H. Risher, T. Federico, M. Jose, J. Taylor, A. Christopher, K. Pollitt, J. Keillor, V. Vandenebl, and L. Perlberg, while in the CIS countries, A. Malko, N. Gushina, A. Nozdrachev, Y. Starilov, D. Lipinskii, V. Baranov, V. Popova, G. Petrov, O. Shabaeva, G. Petrov, A. Grishkoves, V. Volkova, D. Bakhrakh, S. Channov, O. Kiseleva, and other scientists conducted research.

**The relatedness of the research to the research plans of the scientific organization or educational institution where the dissertation was completed.** The research work was carried out within the framework of the fundamental project titled "Main Directions for Further Liberalization of State Governance in the Context of Deepening Democratic Reforms" (2017-2021) in accordance with the scientific research plan of Tashkent State University of Law.

**The aim of the research** is to improve the organizational and legal foundations for the application of incentives in the state civil service.

**The research objectives:**

- analyze the concept of incentives in the state civil service and its legal nature;
- study of types of incentives in the state civil service;

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<sup>5</sup>The full name of these scientific works is given in the list of used literature.

- study the issues of legal regulation of incentives in the state civil service;
- study the peculiarities of administrative proceedings in connection with the application of incentives to civil servants;
- study of the legal regulation of indicators of the effectiveness of the application of incentive measures for civil servants;
- analyze the peculiarities of promotion of civil servants in special services;
- study the peculiarities of the application of incentives to civil servants in foreign countries;
- develop proposals and recommendations to improve the legal framework for the application of non-material incentives for civil servants.

**The object of the research** is the system of legal relations arising in the process of applying the norms of the legislation of the Republic of Uzbekistan related to the use of incentive measures in the state civil service.

**The subject of research** is the directions of development of national, international and foreign legal norms related to the use of incentive measures in the civil service of the state, the practice of their application, as well as scientific and theoretical views and approaches regarding non-material incentives.

**Research methods.** In writing research work, methods such as systematic, comparative-legal analysis, generalization, logical-legal, statistical methods, observation, analysis and synthesis, induction and deduction, and sociological surveys were used.

**Scientific novelty of the research is as follows:**

- it is substantiated that when it is not possible to evaluate the performance of a civil servant based on key performance indicators—due to circumstances beyond the civil servant's control (such as a state of emergency)—the results of an assessment interview may be used to incentivize the civil servant in accordance with the internal regulations of the state body;
- it is also justified that when a civil servant is involved in fulfilling obligations in the interests of the state, society, the employer, and the labor collective—such as compulsory military service, eliminating the consequences of emergencies, and other reasons—the calculation of their key performance indicators is not conducted;
- it is substantiated that assessment interviews may be conducted by the direct supervisor on a monthly, quarterly, semi-annual, or annual basis for the purpose of applying incentive measures to civil servants when it is not possible to evaluate their performance based on key performance indicators;
- additionally, it is justified that in order to protect civil servants from various pressures by their supervisors and to ensure that they are not encouraged or required to engage in illegal actions in relation to incentives, appropriate measures are necessary.

**Practical results of the research are as follows:**

- it is substantiated that incentives in the state civil service are a method of administrative and legal regulation of public administration;

- it is substantiated that the provision of additional days off is one of the incentives in the state civil service;
- it is based on the necessity to develop a draft law "On Incentives of the State Civil Service," reflecting the material and procedural basis of incentive measures in the state civil service;
- it is substantiated that the application of incentive measures to a state civil servant should be carried out not only by the head of the state body, but also on the initiative of the state civil servant;
- a proposal to improve the legislation has been developed, which provides for the establishment of specific criteria for incentivizing special services in the state civil service and the procedure for incentivizing special services;
- it was substantiated that material and technical conditions play an important role in the motivation of a public civil servant, and in this regard, a proposal to improve the legislation was developed;
- a proposal was developed to determine the methods of collective, organizational, professional, social, service and recognition of non-material incentives for public civil servants, as well as incentives for PSM.

**The reliability of research results.** During the research, the norms of foreign and national legislation, the experience of developed countries, the practice of law enforcement were studied, a social survey was conducted, the results of statistical data analysis were summarized and formalized with relevant documents, and the conclusions, proposals and recommendations were approved, and their results were published in leading national and foreign publications, approved by the competent authorities and put into practice.

**The scientific and practical significance of the research results.** The scientific significance of the research results can be used from the scientific-theoretical conclusions, proposals and recommendations in conducting research in the field of administrative law, in the process of teaching subjects such as "State and Law Theory," "Constitutional Law," and "Administrative Law," and in the preparation of methodological recommendations.

The practical significance of the research results is reflected in the development of a series of rules and practical recommendations aimed at improving the practice of applying incentive measures to civil servants. These results can be used in the improvement of relevant legal regulations and in the practical application of incentive measures for civil servants.

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

- when it is not possible to evaluate the activity of a state civil servant based on the most important performance indicators, based on the results of the evaluation interview, a proposal to encourage him based on the internal procedure of the state body 2-2022 dated November 21, 2022, was used in the development of the 27th paragraph of the methodology for evaluating the efficiency of civil servants' activities based on the most important indicators (order of the Civil Service Development Agency under the President of the Republic of Uzbekistan dated February 27, 2024 No. SM79530586 document). The introduction of this



proposal served to apply incentive measures to the state civil servant based on the internal procedure of the state body;

- The proposal that the calculation of key performance indicators should not be conducted for civil servants engaged in fulfilling obligations in the interests of the state, society, the employer, and the labor collective was utilized in the development of the fourth paragraph of Clause 25 of the methodology for evaluating the effectiveness of civil servants based on key performance indicators. This methodology was approved by Order No. 2-2022 of the Director of the Agency for the Development of Public Service under the President of the Republic of Uzbekistan on November 21, 2022 (order of the Civil Service Development Agency under the President of the Republic of Uzbekistan dated February 27, 2024 No. SM79530586 document). The implementation of this proposal has served to identify situations where key performance indicators, which play a crucial role in applying incentive measures to civil servants, are not considered;

- the proposal that the evaluation interview can be conducted directly by the manager at the end of the month, quarter, half year or year was approved by the order of the director of the State Service Development Agency under the President of the Republic of Uzbekistan No. 2-2022 dated November 21, 2022 State citizenship was used in the development of the 27th point of the methodology for evaluating the effectiveness of the employees' activities based on the most important indicators (order of the Civil Service Development Agency under the President of the Republic of Uzbekistan dated February 27, 2024 No. SM79530586 document). The introduction of this proposal made it possible to determine the exact terms of conducting an evaluation interview by the direct manager, when it was not possible to evaluate the performance of a civil servant based on the most important performance indicators, and thereby to apply incentive measures;

- proposal not to encourage civil servants to commit illegal acts and not to require them to perform such acts, the decision of the Cabinet of Ministers of the Republic of Uzbekistan No. 595 of October 14, 2022, approved by the third paragraph of clause 10 of the model rules of conduct of state civil servants used in exit (deed No. 12/21-99 dated December 18, 2022 of the Legal Support Department of the Cabinet of Ministers of the Republic of Uzbekistan). The introduction of this proposal allowed the public civil servants to be protected from various pressures by the leader and to work in a comfortable environment, which is considered an important form of motivation.

**Approval of research results.** The research results were discussed at 2 international and 2 national scientific-practical conferences.

**Publication of research results.** A total of 11 scientific works were published based on the results of this research, including 6 in scientific journals (5 in foreign publications) and 2 scientific articles in collections.

**The structure and volume of the dissertation.** The research paper consists of an introduction, three chapters, a conclusion, a list of used literature, and appendices. The volume of the dissertation was 128 pages.

## MAIN CONTENT OF THE DISSERTATION

In the introductory part of the dissertation (abstract of the dissertation of the doctor of philosophy) the relevance and necessity of the research topic, its dependence on the main priority directions of the development of science and technology of the republic, the review of foreign scientific research on the topic, the degree of research of the problem, the connection of the topic with the scientific research work of the higher education institution where the dissertation is being carried out, its Information is given on the aims and objectives, object and subject, methods, scientific novelty and practical result, reliability of research results, scientific and practical significance, implementation, approval, publication of results, volume and structure of the dissertation.

The first chapter of the dissertation is entitled "**Theoretical and legal foundations of the application of incentive measures in the state civil service.**" In this chapter, the concept of incentives in the state civil service, types of its specific features and legal bases are analyzed.

When analyzing the concept of motivation in the state civil service, the researcher used many scientists' views (Kh. Azizov, B. Alimov, Kh. Alimov, Sh. Asadov, Sh. Juraev, F. Isaeva, Sh. Ismailov, A. Yuldoshev, F. Makhmudov, F. Yuldasheva, B. Mirboboev, J. Nematov, N. Said-Gaziyeva, Kh. Khayitov, R. Khakimov, I. Khamedov, E. Khojiev, O. Khusanov, and S. Yusupov) and entered into the discussion with them. The following author's definition is given to the concept of incentives in the state civil service: "the method of administrative and legal regulation of public administration, recognized on the basis of an individual document and in the manner prescribed by law, personal services of a public servant of the state for the sake of state and public interests." It is substantiated that personal services of a public servant occupy the main central place.

The researcher analyzed the specific features of promotion in the state civil service, and promotion is public recognition of value in connection with achievements in the performance of state or public duty, in which respect is shown to the individual; encouragement is a method of ensuring state discipline and legal order in the state administration system; the grounds for applying incentive measures are legal facts in the form of actions (awards) or events (professional holiday, anniversary date); promotion is mainly of a legal nature and is carried out in the form of enforcement of the right - by issuing an order or decree on the appointment of a promotion measure; incentives are applied to specific entities or specific entities in a specific situation; incentives are used by subjects who have the authority to make relevant decisions; incentives are encouraged and indirectly influence the will and consciousness of other individuals, distinguishing features related to the formation of their interest in positive behavior that exceeds the usual regulatory requirements.

The researcher separately analyzed the existence of various discussions on the types of incentives among scientists in the study of types of incentives in the public civil service. It was noted that the classification of incentives in the state civil service is very complex and is due to the complexity of a comprehensive approach

to this relationship. According to national legislation, incentives in the state civil service are divided into incentives used by the president, incentives used by the parliament, incentives used by the government, and incentives used by the employer, based on the legal status of the incentivizing person.

Also, the legal bases of incentives in the state civil service were analyzed and it was proved that this activity is very scattered, in this regard, it is necessary to develop a draft law “On incentives in the state civil service,” reflecting the material and procedural bases of incentive measures of the state civil service.

The second chapter of the dissertation is entitled **“Some aspects of the application of incentive measures to the civil servant of the state”** and addresses the unique sphere of motivating public servants, emphasizing the nature of legal relations between the state and public servants during the implementation of measures to motivate them. It proposes recommendations aimed at enhancing national legislation in the process of implementing measures to motivate public servants.

It should be noted that researchers used the views of foreign scientists who studied some aspects of the application of incentives to civil servants (R. Karlan, D. Norton, Kh. Rampersad, K. Nomden, A. Matei, G. Camelia, Y. Bulek, L. Moore, P. Aime, T. Berte, A. Grosmar, G. Bukert, J. Halligan, G. Clark, G. Koates, S.E. Chanov, Y.N. Starilov, L.A. Chikanova, A.B. Agapov, A.V. Polyakov, N.A. Gushchina, E.V. Trofimov, V.M. Manoxin, V. Vinokurov, S. Karinskiy, S.A. Yampolskaya, V.M. Baranov, V.V. Shlikov, N.M. Denisova, O.V. Jeleznov, D.A. Lipinskiy, P.P. Sergun, V.A. Grigorev, O.V. Levashova O.Y. Kokurina, P.A. Sorokin), and national scientists (O. Rakhimov, F. Akhatov, E. Xojiev, F. Yuldasheva, and N. Said-Gazieva) and entered into a discussion with them.

The researcher analyzed the importance of determining the legal framework and the content of the subjects involved in the legal regulation of the process of incentivizing public servants, highlighting their significant role. The study identified incentivizing subjects as those entities involved in incentivizing, being incentivized, and other participants in the incentivization process. In this regard, the incentivizing subjects include state officials and special commissions established by them for this purpose, incentivized subjects include public servants and their legal successors, while other participants in the incentivization process vary depending on the nature of the process. They may include approving authorities, their representatives supporting the incentivization request, or, conversely, individuals who do not recommend specific actions regarding incentivization for certain individuals. Presenter organizations, bodies submitting nominations for awards, rejecting them, as well as entities entering into agreements regarding the rights to rewards, are also considered incentivizing subjects. Moreover, the study emphasized the inclusion of experts and specialists who may provide professional opinions if a request from an incentivizing subject is present.

The researcher focused on the issue of introducing the procedure for initiating promotion of a state civil servant on his initiative and analyzed that one

of the issues preventing its introduction is related to the resolution of disputes in this regard, as well as judicial practice, which provides that promotion of a state civil servant is carried out at the discretion of the administrative body.

In the research work, when solving the issue of applying incentive measures to the state civil servant, the first issue to be taken into account is the fulfillment and exceeding of the most important performance indicators. In this regard, the concept called KPI (Key Performance Indicators) in the modern state civil service is analyzed. Within the framework of this issue, the scientific works of foreign scientists such as R. Karlan, D. Norton, H. Rampersad, K. Nomden, A. Matei, G. Kamelia, Y. Bulek, L. Moore, P. Aime, T. Berte, A. Grosmar, G. Bukert, J. Halligan, G. Clark, G. Coates, and others are analyzed.

The researcher justified the need to develop performance indicators of state civil servants by dividing them into leading indicators that are based on the existing results of the past period and are performed at specific time intervals in the management process.

It has become customary to use the concept of "for special services" in the application of incentive measures in the civil service. In the scientific literature, this concept is related to such concepts as "positive hyperactivity" and "high productivity." In the Law of the Republic of Uzbekistan "On State Civil Service" the sentence "for special services" is used in many places. In particular, according to Article 11 of the Law, promotion for special services is a right of a state civil servant, in Article 18, the procedure for giving gifts for special services, in Article 21, based on an objective and fair assessment of special services, and in Article 44, state awards for special services in accordance with the Law.

Based on the analysis of the features of special services of a public civil servant, the researcher identified the following common features: special services have a legal basis; individual services are based on specific evaluation criteria; and the result of individual services is an incentive. In turn, special services of public civil servants are recommended to be divided into two groups: voluntary special services and mandatory special services. Voluntary special service of a public civil servant is carried out on his own initiative. This is recognized by the public authority after the implementation of these services. Mandatory special services of a public civil servant are performed within the scope of duties assigned to the public servant by the public authority.

The researcher analyzed that effective and impeccable public service is the main criterion for determining special services in the public civil service, paying special attention to the fact that this criterion is related to ethical and professional standards. From this point of view, the researcher proposes to include the following concept in Article 4 of the Law "On State Civil Service": *"Impeccable and effective state civil service is the service activity of citizens of the Republic of Uzbekistan to ensure the fulfillment of the powers of state bodies and persons holding public office in positions of public service according to ethical and professional standard."*

The third chapter of the dissertation is entitled **"Prospects for improving the organizational and legal basis for the application of incentives to public**

**civil servants,”** and in this part, foreign scientists’ views are used (J. Halligan, B. Gilbert, L. Perry, H. Richer, C. Polit, T. Booker, T. Federico, M. Jose, J.G. Kaye, A. Cristescu, L. Stanilla, M. Andrejka, C. Mafini, N. Dlodlo, J. Palidauskaite, M. Kaselis, S. Pivoras, J. Taylor, R. Taylor, Ch. Demmke, T. Moilanen, T. Hen, Y.V. Kononov, and M. George).

In this chapter, it has been studied that many countries have reformed their wage system in order to attract qualified personnel to the civil service. Italy, Denmark, the Netherlands, Italy, Spain, New Zealand, the UK, Sweden, and the USA were some of the first countries that attempted to reform the civil service pay system. Later, it was analyzed that France, Germany, Switzerland, and a number of Eastern European countries (Hungary, Poland, the Czech Republic, Russia) followed this path. According to the degree of autonomy of executive authorities in determining the wages of civil servants, it is usually distinguished between centralized (France, Germany, Portugal, Spain), decentralized (Great Britain), and mixed systems (Netherlands, Italy, Denmark, Finland, Ireland, Sweden, the USA, Canada), in addition, in countries with a positional system of civil service, for example, the USA, Canada, Great Britain, and France, individual and flexible forms and systems of incentives prevail.

Analyzing the experience of foreign countries, the researcher proposed the introduction of a career system of promotion of civil servants in our country, the development of “Strategy of promotion of civil servants” in Uzbekistan, as well as the need to pay attention to the following priorities in this strategy. In this strategy, getting a good salary for a well-performing civil servant using JEGS methods (job evaluation and grading support), measuring the level of remuneration for a particular civil service position with the remuneration of similar positions in the private sector of the economy rather than automatic annual salary increases, and analyzing the need for flexible determination of factors of salary evaluation and decentralization of the remuneration system, allowing public bodies to introduce their own remuneration system.

It should be noted that one of the important priorities of the state civil service reform is to improve the incentive system for state civil servants. Today, in developed countries, a lot of attention is paid to non-material incentives. In this chapter, the researcher analyzed the current trends of non-material incentives.

Different types of incentives are important to any person; they can be both material and non-material. Non-material incentives have a much greater impact. For example, among non-material stimuli, praise occupies a special place. Praise is a form of recognition of a person's activity, recognizing that he is moving in the right direction, doing the right things, and that he should continue to do so. Such information can be posted on billboards or in other ways. This boosts the morale and reputation of the individual among his colleagues.

The researcher studied the special concept of Public Servant Motivation (PSM) and analyzed that it is a set of individual motives that can be satisfied in public service. This approach takes into account only those values that exist in the public sector. The author pays special attention to the fact that in the public service, it is possible to identify concepts such as service to society as well as the

presence of characteristics such as the desire to act for the benefit of others in public servants. Based on this concept, the researcher proposes to develop in our country a “*methodology of non-material incentives for civil servants*” and to define in this methodology the following methods of non-material incentives: collective incentives, organizational incentives, professional incentives, social incentives, recognition and rewards, and PSM incentives.

## CONCLUSION

As a result of the research conducted on the topic "Organizational and legal foundations of the application of incentive measures in the state civil service," the following scientific-theoretical conclusions were made and proposals and recommendations for the improvement of legal documents were put forward:

### I. Scientific and theoretical conclusions

1. The following concepts have been granted an authorship rate:

**promotion in the state civil service** - the method of administrative and legal regulation of state administration, which is recognized on the basis of an individual document and in accordance with the law, of the personal services performed by a civil servant of the state in the interests of the state and the public;

**assessment of the effectiveness of the state civil servants** - the process of comparing the results of activities achieved by state civil servants with the results established in the planning stage and normatively determined.

2. The following specific features of promotion were justified: promotion is recognition of dignity by the public, respect for the individual in connection with achievements in the performance of state or public duty; encouragement is a method of ensuring state discipline and legal order in the state administration system; the grounds for applying incentive measures are legal facts in the form of actions (awards) or events (professional holiday, anniversary date); promotion is mainly of a legal nature and is carried out in the form of application of the right - by issuing an order or decree on the appointment of a promotion measure; incentives are applied to specific entities or specific entities in a specific situation; incentives are used by subjects who have the authority to make appropriate decisions; incentives are encouraged and indirectly influence the will and consciousness of other individuals to engage in positive behavior that exceeds their normal regulatory requirements forms his interest.

3. It is substantiated that incentives in the civil service can be divided into the following types depending on the legal status of the person who encourages them: incentives used by the president, incentives used by the parliament, incentives used by the government, incentives used by the government, and incentives for service used by the employer.

4. It was proposed to divide incentives in the civil service into types such as general incentives, awards, benefits, and additional days off.

5. The need to approach the legal regulation of incentive measures in the state civil service from the point of view of administrative law was justified.

6. It was justified that the subjects of administrative work related to the promotion of the state civil servant can be divided into encouraging and other participants of the work. Encouraging entities include the head of the state body and the special commissions established for this purpose; encouraged subjects include state civil servants and their legal successors; and other participants, depending on the nature of the work, can include the initiator of the incentive, the approval authorities, the presenting body, and experts and specialists.

7. Performance indicators of state civil servants were analyzed by dividing them into two groups: 1) indicators based on the existing results of the past period; 2) leading indicators that are performed at specific time intervals during the management process.

8. It was proposed to divide special services, which play an important role in the promotion of civil servants, into optional and mandatory groups.

9. Based on the analysis of the specific features of the individual services of the state civil servant, the following general features were distinguished: the individual services are legally based; individual services are based on specific assessment criteria; and the result of individual services is the incentive.

10. Based on the experience of foreign countries, the salaries, material incentives, and social security of civil servants were analyzed by career and positional models. On the other hand, the need to study the motivation of civil servants according to Anglo-Saxon law, Romano-Germanic, and East Asian administrative-legal models was justified.

## **II. Proposals and recommendations for the improvement of regulatory legal documents:**

11. It was proposed to change Part 1 of Article 45 of the Law of the Republic of Uzbekistan "On State Civil Service" as follows:

"The application of incentive measures to the state civil servant is carried out by the head of the state body or according to his recommendation and at the initiative of the state civil servant."

12. It was proposed to supplement the first part of Article 44 of the Law of the Republic of Uzbekistan "On State Civil Service" with the following sixth paragraph:

"to give five days of additional vacation with the retained monthly salary."

13. It was proposed that the following issues should be defined in the Law of the Republic of Uzbekistan "On State Civil Service" and not in the legal documents:

a) the results of the evaluation by the state body and the information about the applied incentives and influence measures are permanently entered into the unified electronic platform;

b) cases where the most important performance indicators are not calculated (if the evaluated employee has not completed three months since he started working in the state body, when the evaluated employee is on vacation, the evaluated employee is the state, society, employer and labor when involved in the performance of duties related to the interests of the team (training, business trips

and other cases), when the assessed employee is involved in inter-departmental working groups or other activities, during the specified period specified in the employee's incapacity for work form).

**14.** It was proposed to include the following concept in Article 4 of the Law "On State Civil Service" of the Republic of Uzbekistan:

"Impeccable and effective state civil service - the ethical and professional standard of the official activity of the citizens of the Republic of Uzbekistan to ensure the fulfillment of the powers of state bodies and persons occupying state positions in their positions in the state service."

**15.** It is proposed to change the second paragraph of paragraph 24 of the methodology for evaluating the effectiveness of the activities of state civil servants based on the most important indicators, approved by the order of the director of the State Service Development Agency under the President of the Republic of Uzbekistan No. 2-2022 dated November 21, 2022 done:

"In the event that the activity of a state civil servant is evaluated as "good" and "excellent" according to the results of the assessment based on the EMSK, the head of the state body shall apply the incentive measures specified in Article 44 of the Law "On State Civil Service."

**16.** During the development of the fourth paragraph of the 25th paragraph of the methodology for evaluating the efficiency of the state civil servants based on the most important indicators, it was proposed to define it in the following version:

"when the civil servant of the assessed state is involved in fulfilling obligations in the interests of the state, society, employer and labor team (training, business trips and other cases);"

Also, in the development of paragraphs 27 and 29 of this methodology, it is proposed to define as the followings:

"27. Evaluation interviews can be conducted directly by the supervisor monthly, quarterly, semi-annually, or at the end of the year.

"29. According to the results of the evaluation interview, the evaluated state civil servant will be given incentive measures based on the internal procedure of the state body.

**17.** It was proposed to develop the draft law "On Incentives in the State Civil Service," which includes the following issues:

a) material and procedural grounds of incentive measures in the state civil service;

b) specific criteria for specific services and the procedure for promoting them on this basis.

**18.** It was proposed to develop a model regulation "On the procedure for the application of incentive measures to the state civil servant," which reflects the specific procedures for the promotion of the state civil servant.

**19.** Analyzing the experience of foreign countries, it is recommended to introduce a career system for the promotion of civil servants in our country, to develop a strategy for the promotion of civil servants in Uzbekistan, and to pay attention to the following priorities in this strategy. It was done: to get a good salary for the civil servant who worked well; application of JEGS (job evaluation



and grading support) technique; measuring the level of remuneration for a specific public service position with remuneration for similar positions in the private sector of the economy; flexible determination of salary evaluation factors rather than automatic annual salary increases; decentralizing the wage system by allowing public authorities to introduce their own classifications.

**20.** Since material and technical conditions play an important role in the promotion of civil servants, it was proposed to adopt the law "On regulating the workplace of civil servants" in our country.

**21.** It was proposed to develop the "methodology of non-material incentives for state civil servants" and define the following methods of non-material incentives in this methodology: collective incentives; organizational incentives; professional incentives; social stimulation; recognition of service and incentives; and PSM (Public Servants Motivation) incentives.

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

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**ТАШКЕНТСКИЙ ГОСУДАРСТВЕННЫЙ ЮРИДИЧЕСКИЙ  
УНИВЕРСИТЕТ**

**ЖУРАЕВ АЛИШЕР НАСИРДИНОВИЧ**

**ОРГАНИЗАЦИОННО-ПРАВОВЫЕ ОСНОВЫ ПРИМЕНЕНИЯ МЕР  
ПОЩРЕНИЯ НА ГОСУДАРСТВЕННОЙ ГРАЖДАНСКОЙ СЛУЖБЕ**

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**АВТОРЕФЕРАТ**  
диссертации доктора философии по юридическим наукам (PhD)

**Ташкент – 2024**

**Тема диссертации доктора философии (PhD) зарегистрирована Высшей аттестационной комиссией при Кабинете Министров Республики Узбекистан за № В2023.2.PhD/Yu1028.**

Диссертация выполнена в Ташкентском государственном юридическом университете.

Автореферат диссертации размещён на трёх языках (узбекском, английском, русском (резюме)) на веб-странице Научного совета (<https://tsul.uz/uz/fan/avtoreferatlar>) и Информационно-образовательном портале Ziyonet ([www.ziyonet.uz](http://www.ziyonet.uz)).

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**Ведущая организация:**

Академия государственного управления  
при Президенте Республики Узбекистан

Защита диссертации состоится на заседании Учёного совета за номером DSc.07/30.12.2019.Ю.22.02 в Ташкентском государственном юридическом университете 15 июня 2024 года в 14:00 (Адрес: 100047, г. Ташкент), улица Сайилгох, 35: (99871) 233-66-36, факс: (99871) 233-37-48, e-mail: [info@tsul.uz](mailto:info@tsul.uz)).

С диссертацией можно ознакомиться в Центре информационных ресурсов Ташкентского государственного юридического университета (зарегистрирована под номером 1267). (Адрес: 100047, г. Ташкент, улица Амира Темура, 13. Тел.: (99871) 233-66-36).

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## **ВВЕДЕНИЕ (аннотация диссертации доктора философии (PhD))**

**Цель исследования** заключается в совершенствовании организационно-правовых основ применения мер поощрения на государственной гражданской службе.

**Предметом исследования** являются направления развития норм национального, международного и зарубежного права, касающиеся применения мер поощрения на государственной гражданской службе, практики их применения, а также научно-теоретические взгляды и подходы к применению нематериального поощрения.

**Научная новизна исследования** заключается в следующем:

обосновано, что при невозможности оценки деятельности государственного гражданского служащего на основе важнейших показателей эффективности, т. е. в связи с тем, что процесс достижения государственным гражданским служащим установленных показателей эффективности не зависит непосредственно от самого государственного гражданского служащего (в режиме чрезвычайной ситуации), по результатам применения оценочного собеседования ему может быть предоставлено поощрение в соответствии с внутренним распорядком государственного органа;

обосновано, что в случаях, когда оцениваемый государственный гражданский служащий привлечён к исполнению обязанностей в интересах государства, общества, работодателя и трудового коллектива, в том числе по призыву, ликвидации последствий чрезвычайной ситуации и по другим причинам, расчёт его важнейших показателей эффективности не проводится;

обосновано, что оценочное собеседование может проводиться непосредственным руководителем ежемесячно, ежеквартально, раз в полгода или в конце года в целях применения мер поощрения к государственным гражданским служащим в случаях, когда оценка его деятельности на основе показателей эффективности невозможна;

обосновано, что в целях защиты государственных гражданских служащих от различного давления со стороны руководителя и в отношениях, связанных с поощрением государственных гражданских служащих, они не должны поощрять их к совершению противоправных действий и требовать от них совершения таких действий.

**Внедрение результатов исследований.** Научные результаты научно-исследовательской работы были использованы:

предложение о том, что при невозможности оценки деятельности государственного гражданского служащего на основе важнейших показателей эффективности в отношении него по результатам оценочного собеседования могут быть применены меры поощрения в соответствии с внутренним распорядком государственного органа, использовано при разработке пункта 27 Методики оценки эффективности деятельности государственных гражданских служащих на основе важнейших показателей, утверждённой приказом директора Агентства развития государственной

службы при Президенте Республики Узбекистан от 21 ноября 2022 года № 2-2022 (акт Агентства развития государственной службы при Президенте Республики Узбекистан от 27 февраля 2024 года № SM79530586). Внедрение данного предложения послужило применению мер поощрения к государственному служащему исходя из внутреннего распорядка государственного органа;

предложение о том, что при привлечении оцениваемого государственного гражданского служащего к выполнению обязанностей в интересах государства, общества, работодателя и трудового коллектива оценка важнейших показателей эффективности не проводится, использовано при разработке пункта 4 Методики оценки эффективности деятельности государственных гражданских служащих на основе важнейших показателей, утверждённой приказом директора Агентства развития государственной службы при Президенте Республики Узбекистан от 21 ноября 2022 года № 2-2022 (акт Агентства развития государственной службы при Президенте Республики Узбекистан от 27 февраля 2024 года № SM79530586). Внедрение данного предложения послужило выявлению случаев, когда важнейшие показатели эффективности, занимающие важное место в применении мер поощрения к государственному гражданскому служащему, не учитываются;

предложение о том, что оценочное собеседование может проводиться непосредственно руководителем ежемесячно, ежеквартально, раз в полгода или в конце года, использовано при разработке пункта 27 Методики оценки эффективности деятельности государственных гражданских служащих на основе важнейших показателей, утверждённой приказом директора Агентства развития государственной службы при Президенте Республики Узбекистан от 21 ноября 2022 года № 2-2022 (акт Агентства развития государственной службы при Президенте Республики Узбекистан от 27 февраля 2024 года № SM79530586). Внедрение данного предложения позволило установить чёткие сроки проведения оценочного собеседования непосредственно руководителем при невозможности оценки деятельности государственного гражданского служащего на основе важнейших показателей эффективности и тем самым обеспечить применение мер поощрения;

предложение о том, что в целях защиты государственных гражданских служащих от различного рода давления со стороны руководителя нельзя поощрять их к совершению противоправных действий и требовать от них совершения таких действий, использовано при разработке абзаца третьего пункта 10 Типовых правил этики государственных гражданских служащих, утверждённых постановлением Кабинета Министров Республики Узбекистан от 14 октября 2022 года № 595 (акт Управления юридического обеспечения Кабинета Министров Республики Узбекистан от 18 декабря 2022 года № 12/21-99). Внедрение этого предложения позволило государственным гражданским служащим быть защищёнными от различного давления со стороны руководителя и работать в благоприятной обстановке, что считается важным видом поощрения.

**Структура и объём диссертации.** Диссертация состоит из введения, трёх глав, заключения, списка использованной литературы, приложений. Объём диссертации составляет 128 страниц.

**E`LON QILINGAN ISHLAR RO`YXATI**  
**СПИСОК ОПУБЛИКОВАННЫХ РАБОТ**  
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**II bo`lim (часть II, part II)**

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