

**SUBJECT OF THE ARTICLE: ORGANIZATIONAL AND
LEGAL ASPECTS OF CIVIL SERVANT ROTATION****Farida Babamuratovna Isaeva**

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<https://doi.org/10.5281/zenodo.8288665>**ABSTRACT:**

This article analyzes the theoretical and legal foundations of civil servant rotation, the purpose, timing, meaning of rotation, its legal consequences, the role of rotation in reducing corruption factors, legislative acts of the Republic of Uzbekistan on the organization of rotation of civil servants and the experience of foreign countries.

Keywords: civil servant, rotation, purpose of rotation, personnel reserve, reduction of corruption factors, professional and working qualities, equal position, rotation periods.

The word rotacia comes from the Latin "rotatio", which means "circular motion", a lexical meaning. Employee rotation is a process of staff turnover, that is, the transfer of employees, which benefits both sides of the employment relationship. A characteristic feature of staff rotation in the EU is moving from position to position, from department to department, from one division of the company to another in a horizontal direction. In other words, rotation is an operation of employees within a legal entity for permanent or temporary transfer to another job. Some sources distinguish vertical rotation and inter-organizational rotation, but most sources understand rotation as horizontal movement of personnel within an organization.¹

Also in the civil service, there is a purpose and a specific aspect of the rotation of civil servants. In many literature, the rotation of civil servants is the transfer of civil servants to other positions in the civil service system within one or another public body, which is carried out in order to improve the efficiency of the civil service and combat corruption. In the civil service, a staff rotation is the shift of civil servants in the position of public service, moving in the interests of public bodies on the position of Service.²

The rotation of civil servants is one of the priorities for the formation of civil service personnel, through which the mechanism of searching for effective ways to effectively use the personnel potential of civil servants in public bodies, combating (preventing) corruption in the civil service is carried out. In addition, there are other goals and objectives of rotasia. For example, the formation of personnel reserves, a healthy environment in the team, the effective use of experience and the accumulation of experience, etc.k.

Even in the legislation of our country, the legal basis for the rotation of civil servants is expressed in legislative acts adopted based on the type of civil service. From these legislative acts, a variety is described based on the specificity of the civil service. In particular, according to the law of the Republic of Uzbekistan "on state civil service", the rotation of a civil

¹ <https://glavkniga.ru/situations/s503932>

² Государственная и муниципальная служба: учебное пособие / Е.Е. Термелева, А.Я. Ябарова. – Самара: Издательство Самарского университета, 2020. – 92 с.

servant of the state is carried out in order to develop his personal and professional qualities, increase the efficiency of his activities, form a reserve of executive personnel and prevent corruption risks. The rotation of a civil servant of the state is achieved by transferring him with his consent to another position equivalent to that of the civil service of the state that occupies him. In the civil service of the state, a list of public civil service positions shall be established, subject to mandatory rotation in order to prevent corruption offenses. The rotation of civil servants of the state holding these positions is carried out without their consent.

The following civil servants are not subject to rotation: those who are undergoing training, retraining and professional development; pregnant women, as well as women with children under three years of age; those who, based on the medical conclusion, do not give the opportunity to carry out service obligations under the position of the civil service of the state in which they or The terms of the rotation of the civil servant of the state are provided for in the employment contract. A civil servant has the right to appeal to a higher standing state body or a specially authorized state body or a court in case of dissatisfaction with the decision on rotation. The procedure for rotation in the civil service of the state is determined by the president of the Republic of Uzbekistan, the list of positions of the civil service of the state subject to mandatory rotation, as well as the term of stay in the positions subject to rotation.³

In the legislative acts, the rotation is determined mainly by the head of the relevant state body, the implementation of which is determined by his order. In particular, in order to prevent and prevent the appearance of corruption and other abuses in the tax authorities, to systematically study the personal and working qualities of the employee, the effectiveness of his activities, as well as to form a personnel reserve with knowledge and experience in various areas of the activities of the tax authorities, employees are rotated. The procedure for the rotation of employees of tax authorities is determined by the committee. The rotation of a civil servant is determined by the regulations on the order of service of the relevant state bodies. In particular, the procedure for the rotation of employees of tax authorities is determined by the regulation on the procedure for performing service in tax authorities.⁴

*Employees who occupy executive positions in customs bodies can be transferred to an equal position, including to another structural entity, as a rule, in the order of rotation after three years in the position they occupy.*⁵

After 3 years of service in one post, the employees of the customs post are transferred to the central apparatus of the DBQ, other constituent entities and customs posts in the same order of rotation to the equivalent position. In this case, the employee is not considered transferred to a lower position in the event that the amount of the special title or position salary established by the position held in the rotation order is less than the specific title or position salary established by the position held before it is held in the rotation order. If the residence of the family changes when transferring the employee of the customs authorities to a new place of Service, and the wife (husband) is also an employee of the customs authorities,

³ Қонунчилик маълумотлари миллий базаси, 09.08.2022 й., 03/22/788/0723-сон

⁴ [320-сон 17.04.2019. Давлат солиқ хизмати органлари фаолиятини янада такомиллаштириш чора-тадбирлари тўғрисида \(lex.uz\)](#)

⁵ [ЎРҚ-502-сон 18.10.2018. «Давлат божхона хизмати тўғрисида»ги Ўзбекистон Республикаси Қонунига ўзгартиш ва қўшимчалар киритиш ҳақида \(lex.uz\)](#)

then when it is decided to transfer the employee to a new place of service, the issue of transferring his wife (husband) to this place is also considered.⁶

Rotation of the composition of the head of the internal affairs bodies is carried out, as a rule, after three years of work in a similar position, in the position held. In order to improve the efficiency of employees holding senior positions in the internal affairs bodies, prevent corruption and abuse of authority, ensure a healthy environment among the personnel, employees may be transferred to an equivalent position, including to another district (city, region) or structural unit, on rotation after three years in the position that they occupy.

The procedure for leaving employees at the disposal of internal affairs bodies and rotation is determined by the Minister of Internal Affairs of the Republic of Uzbekistan.⁷

In order to increase the effectiveness of the activities of employees holding leadership positions in the National Guard, prevent corruption and abuse of powers, ensure a healthy environment between personal composition, employees can be transferred to an equal position, including another district (city, province) or structural unit, as a rule, in a rotational manner after five years in the position they occupy. The procedure for leaving employees at the disposal of the national guard, rotation and the appointment of employees to military positions, military personnel to staff positions is determined by the commander of the National Guard.⁸

From the above analysis, it can be seen that the legislative acts of state bodies give different definitions of the rotation of a civil servant, but the main content is similar. Basically, the rotation of civil servants is carried out in order, firstly, to prevent corruption and abuses; secondly, to increase the efficiency of activities; thirdly to develop personal and professional qualities; fourth, to form personnel reserves and, fifth, to form a healthy environment in the personal composition. But the term of the rotation from the Legislative Acts is not strictly defined. Some are not marked at all. In particular, the period of rotation of employees of state civil servants and tax authorities is not established. The Customs and internal affairs bodies established that, as a rule, it is carried out after three years in the position occupied, and in the customs authorities, as a rule, after five years in the position occupied. This determination of the term itself is also a corruption factor. From this, the head of the state body will have the opportunity to voluntarily set the deadline for rotation or not set it at all. In foreign countries, the term is strictly defined. In particular, in Russia, this period is carried out once every 3 or 5 years, and in Kyrgyzstan, a rotation is carried out at most once every 2 years, which is carried out in order to reduce the risk of corruption in accordance with the regulation on the procedure for the rotation of civil servants of the state approved by the Presidential Decree.⁹ The determination of such a term and its, Of course, legal consequence, is of great importance. For example, in Japan, an employee who has worked for 2-3 years in one workplace is moved horizontally and vertically to another job. Rotation is carried out without the consent of the employee. As a rule, only after the employee is moved horizontally 2-3 times will his vertical rotation be carried out, that is, there will be an opportunity to rise in the position, move to a

⁶ ПҚ-3665-сон 12.04.2018. Ўзбекистон Республикаси Давлат божхона хизмати органларининг фаолиятини ташкил этиш тўғрисида (lex.uz)

⁷ ПҚ-3413-сон 29.11.2017. Ички ишлар органлари кадрлари билан ишлаш ва уларнинг хизматини ташкил этиш тартибини тубдан такомиллаштириш чора-тадбирлари тўғрисида (lex.uz)

⁸ ПҚ-5089-сон 22.04.2021. Ўзбекистон Республикаси Миллий гвардиясида ходимлар томонидан хизматни ўташ тартибини такомиллаштириш бўйича чора-тадбирлар тўғрисида (lex.uz)

⁹ <http://cbd.minjust.gov.kg/act/view/ru-ru/430866>

high-paying position.¹⁰ If the term of the rotation is clear and the result is such a legal consequence, the civil servant knows when the rotation will take place, and since he knows that in the future he will be able to get a promotion, the rotation will also serve as an opportunity for him. In Russia, as in our legislation, the list of positions of the civil service of the state, as well as the term of stay in rotating positions, is determined by the President.

In addition, the rotation should be carried out on the basis of fair standards. Only then will the intended goal be achieved. For example, the duration of the rotation must be clear and the list of civil servants who will be the rotation must be confirmed. Rotation should be carried out in accordance with the personal and business qualities of a civil servant, the qualification rank and level, based on his practical experience. The legislative acts must clearly define not only the purpose of the rotation, but also its criteria. If a civil servant's practical work experience and level of professional training are rotated without consideration, or if punishment or punishment is carried out as a means of recovery from punishment, the purpose of the rotation is not achieved or ineffective.

In foreign countries, the institution of rotation is widely used mainly for the purpose of preventing corruption, and the procedure for rotation is clearly defined in the legislative act of the public service order. Below we will get acquainted with the practice of rotation in foreign countries.

In Germany, rotation has been carried out for many years in order to prevent corruption in government agencies. Special attention is paid to the rotation of servants who occupy more influential positions in corruption. The term of service in such positions is set at up to 5 years, and in order to extend this period, it is necessary to make appropriate entries in the necessary documents. This requirement reinforces control over the process of placing employees in positions, making it clear which official made such a decision based on what reasons. This serves to increase the morale of officials in place. According to German experts, the following factors contribute to the decrease in the level of corruption cases due to rotation:

— the likelihood of a reunion of a separate person and a civil servant decreases; — a separate person who can offer a bribe cannot be sure that his previous "blessing" is taken into account by a new servant who later comes to office; - a separate person does not know what the response of a new civil servant will be if he offers a bribe. German experience in rotating civil servants is positively assessed by researchers.

Employee rotation is also carried out between the interregional and Public Service Networks (France, China). In the first case, civil servants are sent from more developed regions to relatively less developed regions. In the latter case, it is given importance that by rotating servants to other components of a government agency, they acquire new professional experience and skills. In countries like Denmark, Canada, government programs are valid in the field of Housing employees. The policy of rotation prevents the stagnation of employees in the public service, allows government agencies to make good use of their experience and capabilities. In Japan, the rotation system is considered as part of the system of retraining and professional development of civil servants. It provides for the replacement of positions of civil servants every two to three years in a horizontal and vertical direction. In cases where there is no change of residence, the consent of the attendant is not required for rotation. Certain

¹⁰ [Давлат фуқаролик хизматчилари қаерда, қандай танланган? - zarnews.uz](https://zarnews.uz)

positions in public offices on the premises are separated from the central offices for servants who come in rotational order. This, on the one hand, serves to increase the professional worldview of employees of central offices, their professional experience is enriched with features inherent in the regions, as well as to convey their experience and knowledge in the Central branch to the regions. On the other hand, the fact that certain leadership positions are occupied for servants sent from the center in a rotational arrangement creates certain problems in the professional growth of servants in places. The practice of occupying certain positions in places for seniority in the order of rotation is also present in the people's Republic of China. Rotasia provides for the planned transfer of civil servants who have served in the same position for more than 10 years. Particular attention is paid to sending servants from economically developed areas to relatively less developed areas. The rotation of civil servants is organized by the Ministry of Labor. Foreign experts also pay attention to some negative aspects of the rotation method, including such aspects as a decrease in labor productivity during the period of adaptation of servants to new conditions, a lack of the amount of expenses spent when applying rotation, especially when sending a servant family to another area. It is argued that these can also be used in order to divert officials suspected of corruption from the attention of investigative agencies by means of rotation.¹¹

In general, an oliganda, a foreign civil servant and a legal service on the basis of yalatilgan bkb, state-organari and organizations, as well as personnel training and the fairness of the ethylgan mining mechanism. Civil servant rotation mainly civil servant samaradorlig oshirish and corruption karshish are aimed at ensuring that the state serves the state serf law and order or the government of the state body and the organizing state of the exciga wintkaza Julan amalan oshiriadi.

Amalga oshirilayetgan reformed the state on the basis of the organization of ethics and corruption omillarni kamailarnish borasida bir a number of measures-merlar belgilangan. Zhumladan, Uzbekistan presidential Republic 2022 yil 28 Jan PF-60-with the decree mainly "mobile strategy-development of the strategy of the head " tamoyiliga mainly ishlab chikilganita sustainable Yildiz annalized 2022-2026 jillarga muljallangan Yangan Uzbekistan approved the Development Strategy. This strategic approach 10-the goal of the state is to take measures to ensure the smooth operation of the modern standard, as well as to take measures to combat corruption on the basis of ethical, personnel and personnel decisions; to participate in the samaradorligin of Bahalashning law on the basis of advanced training; the local governor authority, the Ministry of Internal Affairs and the department as a candidate as Assistant to the head of the national personnel management for the formation of Kabi targa erishish igilishlari belgilandi. Bundan believes that corruption is crucial for the industry and its repair, corruption contributes to the elimination of these tizmining samaradorligin reconciliation, jamiyatda corruption regarding the correspondent of formularism 84-the goal of belgilandi.¹² The role of rotationism in achieving these goals is enormous. To achieve this goal, it would be appropriate to the goal if the practice of organizing the rotation of civil servants on the basis of clear and fair criteria was introduced. The main thing is to improve the legislation on the civil service barrier on August 8, 2022, the law "On the civil service of

¹¹ <https://int.search.myway.com/>

¹² Қонунчилик маълумотлари миллий базаси, 29.01.2022 й., 06/22/60/0082-сон, 18.03.2022 й., 06/22/89/0227-сон, 21.04.2022 й., 06/22/113/0330-сон

the state” was adopted, and on October 14, 2022, by Resolution No. 595 of the Cabinet of Ministers of the Republic of Uzbekistan, the “Model Rules of the etiquette of civil servants of the state” were approved.¹³

While the law defines issues such as the fight against corruption of civil servants of the state and the organization of rotations of civil servants, the term of rotation is not clearly defined. It is of great importance in the implementation of this Institute of rotation, which is clearly defined in the law. The organization of the rotation of civil servants on the basis of the above criteria, the establishment of its organizational legal mechanism, first of all, serves to increase the efficiency of the civil service, the formation of personnel reserves with knowledge and experience in different directions, increase the efficiency of activities, and, moreover, reduce corrupt factors.



¹³ Қонунчилик маълумотлари миллий базаси, 09.08.2022 й., 03/22/788/0723-сон

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