



ANALYSIS OF THE LEGAL BASIS FOR THE APPLICATION OF INCENTIVE MEASURES IN INTERNAL AFFAIRS BODIES

Mirzachayev Mirziyoyevilla Mirodilovich

Head of the Information Resource Center of the Academy of the
Ministry of Internal Affairs of the Republic of Uzbekistan

<https://orcid.org/0009-0004-3305-7879>

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Abstract: This article examines the legal foundations for implementing incentive measures in internal affairs bodies. The study analyzes the regulatory legal acts governing incentives within the Ministry of Internal Affairs system, the objectives and principles of such measures, and their role in improving professional discipline and effectiveness. Additionally, international experience is explored, and ways to improve the organizational and legal mechanisms of the incentive system are proposed within the framework of ongoing reforms in internal affairs bodies. Special attention is paid to the balance between disciplinary control and incentives to ensure legality and accountability in internal affairs bodies.

Keywords: incentive measures, internal affairs bodies, disciplinary responsibility, personnel policy, regulatory legal acts, professional effectiveness, administrative law.

The successes achieved in the internal affairs bodies of the Republic of Uzbekistan can be considered, first of all, as the result of the reforms being carried out in the system. Thanks to the state's attention, fundamental reforms have been implemented in the ministry's sectoral services. As a result of these reforms, the authority and status of internal affairs bodies have increased, and their interaction with the population and the general public, especially with citizens' gatherings of mahallas, has strengthened. Most importantly, the practice of combating the consequences of offenses in mahallas and their early prevention has been established.

As a result of the reforms, the activities of all structural subdivisions of the internal affairs bodies were organized on the basis of completely new requirements, and the highest goal of the activities of each structural subdivision was directed towards serving the interests of the people. This serves to create a truly people-oriented internal affairs system that has earned the trust and love of our people[1].

As is known, one of the effective ways to ensure stability in the management of any state organization is to encourage hardworking, conscientious, exemplary employees. In particular, encouragement contributes to improving the quality of work, discipline, and strengthens the spirit of initiative and responsibility of employees.

Today, the legal framework for the procedure for incentivizing employees is constantly being updated. The experience of leading foreign countries in this area is being studied, and positive aspects and mechanisms are being implemented. Increasing the effectiveness of the application of incentive measures in internal affairs bodies requires constant study, analysis, and monitoring of the legal framework in this area, monitoring their compliance with social life. This, in turn, will allow: a) studying and verifying the compliance of subordinate regulatory legal acts in this area, in particular, departmental acts of the Ministry of Internal Affairs of the Republic of Uzbekistan, with the Constitution and laws; b) monitoring the full implementation of the norms and provisions of the Constitution in the new edition in laws and subordinate regulatory legal acts, as well as their application; c) monitoring and studying the interconnectedness, complexity, and compliance of legal norms in adopted legislative acts; d) studying the extent to which the implementation of laws and subordinate regulatory legal acts in this area is ensured in practice, their implementation, and their benefit to society; e) taking measures to improve existing laws and subordinate regulatory legal acts by identifying, studying, and eliminating factors that lead to their non-execution, remaining only on paper.

It should be noted that the activities of internal affairs bodies are not regulated by a single regulatory legal act. Like each state body, it carries out its official activities with a separate regulatory document. As can be seen from this, the incentives for employees of internal affairs bodies are also carried out based on the legal basis reflected in a special regulatory legal act regulating their official activities.

The Constitution and laws of the Republic of Uzbekistan, resolutions of the chambers of the Oliy Majlis of the Republic of Uzbekistan, decrees, resolutions and orders of the President of the Republic of Uzbekistan, resolutions of the Cabinet of Ministers define the procedure, forms and methods of implementing these legal foundations, as well as other social and legal relations.

From this point of view, it can be said that there are quite a few regulatory legal acts regulating the activity of applying incentive measures in internal affairs bodies, and based on the degree of priority of regulatory legal acts, they can be divided into the following four categories:

1. Constitution and laws of the Republic of Uzbekistan;
Decrees, orders and resolutions of the President of the Republic of Uzbekistan;
3. Regulatory legal acts of the Cabinet of Ministers of the Republic of Uzbekistan;
4. Departmental regulatory documents regulating this area.

The constitutional basis for incentive measures in internal affairs bodies is not directly indicated. However, some constitutional norms can be attributed to this issue.

In particular, Article 42 of the Constitution of the Republic of Uzbekistan, adopted in the new edition, states: "Everyone has the right to decent work, free choice of profession and type of activity, work in comfortable working conditions that meet safety and hygiene requirements, fair remuneration for work without any discrimination and not less than the established minimum wage, as well as protection from unemployment in the manner prescribed by law. The minimum wage is established taking into account the need to ensure a decent standard of living for a [person](#)"[2].

In the above-mentioned norm, decent work, free choice of profession and type of activity, in a certain sense, means the possibility of working in conditions where incentive measures can be used.

Requirements for the ethics and discipline of workers and employees of internal affairs bodies in their labor and extra-labor activities, the relationship between superiors and employees, as well as the application of incentives and disciplinary sanctions against them, are regulated by the legislation of the Republic of Uzbekistan on labor relations.

In particular, Article 252 of the Labor Code, entitled "Payments of an Incentive Nature," states that "payments of an incentive nature include bonuses, additional payments to wages, allowances, and other payments to employees for high achievements in labor, professional skills, saving energy resources and materials, and achieving other predetermined indicators. The remuneration provided for in the remuneration system is a monetary reward included in the salary structure in order to motivate the employee to achieve predetermined indicators and conditions, and paid to the employee in addition to the basic salary (tariff rate)"[3].

Furthermore, it is established that an incentive bonus not provided for in the remuneration system is a one-time bonus and is paid not for the employee's achievement of predetermined indicators and conditions by decision of the employer, but in connection with certain events (anniversaries, holidays, etc.) or the performance of certain actions by the employee (execution of a particularly important assignment from the employer, making a rationalization proposal, [etc.](#)).[4]

At the same time, it is established that a bonus is also a monetary payment made by an employee for the performance of work stipulated in the employment contract and has an incentive character (bonuses for professional skills, length of service, length of service in a certain organization or industry, etc.) or a compensatory nature (mobile or mobile nature of

work, work in unfavorable natural and climatic conditions or work in harmful or difficult working conditions, bonuses for labor intensity, etc.) [5].

Another aspect is that "labor discipline is ensured by creating the necessary socio-economic and organizational-technical conditions for normal work, methods of incentives and rewards for honest work, and the application of penalties to employees who have violated their labor (official) [duties.](#)"[6]

Article 299 is titled "Incentives for Labor" and states: "Incentive measures may be applied to an employee for achievements in work. The types of incentives, the procedure for their application are established by collective agreements, the collective agreement, the rules of internal labor regulations and other legal acts on labor, and the labor contract.

The types of incentives for employees to whom charters and regulations on discipline apply, and the procedure for their application are determined by the relevant charters and regulations on discipline.

Employees may be nominated for state awards for special services to society and the state in the field of labor.

Wages, bonuses, additional payments, allowances, and other payments provided for in the remuneration system are not included in the types of incentives.

The issue of payment of bonuses provided for in the remuneration system to employees brought to disciplinary responsibility during the term of the disciplinary sanction is resolved in the relevant regulations on bonuses.

Within the period of the disciplinary sanction, incentive measures, including bonuses not included in the remuneration system and not based on work results (in connection with holidays, including professional holidays, anniversaries, etc.), are not applied to the [employee.](#)[7]

It can be said that a new stage of large-scale reforms in the system of internal affairs bodies began with the adoption of the Law of the Republic of Uzbekistan "On Internal Affairs Bodies" of September 16, 2016. In particular, it would not be an exaggeration to say that the law strengthens the legal status, powers, obligations and rights of internal affairs bodies, the procedure and conditions for service in the system.

Our local scholar, U.Kh. Mukhamedov, believes that the significance of the adoption of the Law "On Internal Affairs Bodies" is measured by the role of the relations regulated by this law in the life of the state and society, and is also measured by their role in the life of society, and is of historical significance, as it establishes the following important relationships: relations related to the legal status of internal affairs bodies; activities aimed at protecting the constitutional rights of citizens, strengthening the peace, tranquility, and security of the country as one of the main areas of law enforcement activity; the participation of internal affairs bodies in the protection and practical provision of the rights, freedoms, and legitimate interests of citizens; relations related to service in internal affairs bodies, one of the important areas of public service; defines the next important stage of the phased implementation of international human rights standards into national legislation and law enforcement practice[8].

In our opinion, the author overlooked another important aspect of the Law "On Internal Affairs Bodies." The Law also defines the legal basis for incentive measures in the system of internal affairs bodies.

In particular, Article 30 of the Law states that "For achieving high results in official activities, exemplary performance of duties, impeccable service and a great contribution to the development and improvement of the system of internal affairs bodies, courage and bravery shown in the performance of official duties, as well as other special merits, employees may be nominated for awarding state awards of the Republic of Uzbekistan, as well as distinguishing departmental insignia established by the Ministry of Internal Affairs of the

Republic of Uzbekistan in the manner prescribed by law"[\[9\]](#), which serves as a legal basis for incentivizing employees of the system.

Also, Chapter 7 of the Law "Rights and Social Protection of Employees of Internal Affairs Bodies" defines such basic and additional incentive grounds as guarantees of legal protection of employees of internal affairs bodies, social protection, healthcare of employees, remuneration of their labor, provision of housing, state insurance of employees, and social assistance to employees and their family members.

Let us dwell on the Decrees and Resolutions of the President of the Republic of Uzbekistan, which are the legal basis for the application of incentive measures in internal affairs bodies.

By the Decree of the President of the Republic of Uzbekistan dated April 10, 2017, No. UP-5005 "On Measures to Radically Increase the Effectiveness of the Activities of Internal Affairs Bodies, Strengthen Their Responsibility for Ensuring Public Order, Reliable Protection of the Rights, Freedoms, and Legitimate Interests of Citizens," a fundamental reform of the system of internal affairs bodies has been defined. In particular, the Decree defines the further improvement of the material and technical base, social protection, and housing and living conditions of internal affairs [employees.\[10\]](#).

The Resolution of the President of the Republic of Uzbekistan dated April 12, 2017 No. PP-2883 "On Organizational Measures for Further Improvement of the Activities of Internal Affairs Bodies" sets tasks for organizing an effective system of training, retraining, advanced training, selection and placement of personnel of internal affairs bodies, as well as legal and social protection of employees. Including: moral and educational work with employees of internal affairs bodies, their encouragement and disciplinary action; involving citizens in cooperation with their consent, as well as encouraging citizens who have assisted internal affairs bodies and set an example in maintaining public order, ensuring public safety, preventing offenses and combating crime; effective organization of [work.\[11\]](#).

The Resolution of the President of the Republic of Uzbekistan dated April 18, 2017 No. PP-2896 "On Measures for the Fundamental Improvement of the Activities of Offenses Prevention Units of Internal Affairs Bodies" establishes the fundamental improvement of the activities of internal affairs bodies for the early prevention and suppression of offenses, increasing the level of knowledge and professional training of prevention inspectors, creating decent conditions for them, providing them with official housing directly in the territory assigned to them, introducing mechanisms for material incentives for the effectiveness of the performance of tasks assigned to them, that prevention inspectors are encouraged in the prescribed manner for high professional skills and legal culture, selfless work, courage and bravery, as well as that prevention inspectors may submit proposals to district and city internal affairs bodies to encourage citizens for active participation in the prevention of offenses or for special services[\[12\]](#). This will undoubtedly have a positive impact on activities for the early prevention of offenses.

The Decree of the President of the Republic of Uzbekistan dated April 18, 2017 No. PP-2898 "On Measures for the Fundamental Improvement of the Activities of Internal Affairs Bodies in the Sphere of Crime Investigation" defines the tasks of creating decent conditions for the effective implementation of the tasks assigned to investigators and inquiry officers, resolving issues of their material and social support, ensuring unconditional observance by employees of investigative units of the priority of the rights and legitimate interests of citizens, respect for their honor and dignity in the timely disclosure of crimes, comprehensive, complete and objective investigation, inquiry and preliminary investigation, awarding special ranks to employees of the Investigative Department in the prescribed manner, their encouragement, including awards, and the application of disciplinary sanctions to them. It is also established to approve the Regulation on awarding monetary rewards for exemplary disclosure and investigation of grave and especially grave crimes.



The Decree of the President of the Republic of Uzbekistan dated August 16, 2017 No. PP-3216 defines the tasks of radically improving the system of training, retraining, and advanced training of employees of internal affairs bodies, as well as the creation of a qualitatively new system that will allow increasing the personnel potential. It is also established to take effective measures to organize scientific research of problems, taking into account the needs of internal affairs bodies in the field of crime prevention, operational-search activities, and the investigation of crimes, while encouraging researchers who have effectively implemented the results of their research in practice.

selection and placement of personnel of the Ministry of Internal Affairs in accordance with the Resolution of the President of the Republic of Uzbekistan dated November 29, 2017 No. PP-3413 "On Measures for Fundamental Improvement of the Procedure for Working with Personnel of Internal Affairs Bodies and Organization of their Service"; coordination of the sphere of strict control over the passage of service and ensuring the educational process; introduction of an effective coaching system that ensures the continuity of work experience, practical adaptation of young employees to service, acceleration of the process of professional formation and development of their ability to independently perform operational and service tasks assigned to them in accordance with their official duties; stimulation of long-term service of employees, as well as optimal distribution of personnel by positions, taking into account their professional qualifications, personal qualities and abilities; Tasks have been assigned to ensure strong service discipline in internal affairs bodies by rewarding employees who conscientiously and proactively fulfill assigned tasks, as well as taking timely measures to impose disciplinary sanctions, up to and including dismissal, on irresponsible employees. Also, in Clause 7 of the Resolution, it is indicated that in order to ensure the rights and legitimate interests of employees in the system of internal affairs bodies, disciplinary councils can be created on a voluntary basis, and the councils can encourage employees who conscientiously perform their official duties and achieve positive results in their work by taking measures to reward their activities and considering issues and submitting petitions regarding the provision of relevant benefits in the field of social security that are in effect in internal affairs bodies. In the second paragraph of Clause 17 of the Resolution, the heads of internal affairs bodies at all levels and sectors are tasked with timely and impartial incentives and taking disciplinary measures against employees, and ensuring their social guarantees. In the sixth paragraph of Clause 19, it is indicated that the Minister of Internal Affairs of the Republic of Uzbekistan, as an exception, may also permit the appointment to sergeant positions and the assignment of the special rank of "junior sergeant" to enlisted personnel who have at least two years of service in the internal affairs bodies, have higher education, have achieved effective results in the performance of assigned tasks, have graduated from the Faculty of Professional Training of the Institute for Advanced Training of the Ministry of Internal Affairs of the Republic of Uzbekistan or the Center for Training Junior Specialists of the Ministry of Defense. Clause 40 indicates that employees who exemplarily fulfill their official duties, achieve high indicators in combating crime, in scientific research and pedagogical activities, and demonstrate heroism, courage, and selflessness in the performance of their official duties may also be awarded a higher rank of a special rank, provided for by the special rank of the officer corps of internal affairs bodies ahead of schedule or by the position held. Also, as an incentive measure, employees of the preventive, forensic, investigative, and operational units of internal affairs bodies who have successfully completed special advanced training courses at the Institute for Advanced Training or the Training Center for Special Training of the Ministry of Internal Affairs of the Republic of Uzbekistan may be awarded the next special rank, regardless of the special rank provided for by the position held. At the same time, paragraph 59 stipulates that the transfer of employees from their position to a higher position may be carried out in the order of promotion or incentives. Clause 8 of the resolution stipulates that for the state of organizing work with the population in the early prevention of

offenses and crimes, primarily grave and especially grave crimes, as well as solving problems on the ground in the territory assigned to (senior) prevention inspectors, a one-time reward measure of up to 50 percent of the official salary may be applied to operational representatives of internal affairs bodies carrying out operational-search activities in the assigned territory for the detection and exposure of grave and especially grave crimes, the state of searching for persons hiding from investigation, investigation and court, based on the results of each quarter. Also, by the Resolution, in order to award initiative and conscientious employees of the Ministry of Internal Affairs of the Republic of Uzbekistan for service discipline and impeccable continuous service, badges of I, II, III degrees "For impeccable service in the internal affairs bodies" and "Honorary Employee of the internal affairs bodies" have been established.

By the Resolution of the President of the Republic of Uzbekistan dated August 23, 2018 No. PP-3919 "On Measures for the Implementation of an Effective System of Management, Control, and Work with Personnel of Internal Affairs Bodies," the proposal of the Ministry of Internal Affairs of the Republic of Uzbekistan to establish the departmental badge "For Strengthening International Cooperation in Combating Crime" was approved, and it was established that this badge will be awarded to employees and military personnel of internal affairs bodies, including foreign police structures, who have made a worthy contribution to the development of international relations in the field of crime prevention and combating crime, personnel search, and training.

In accordance with the Decree of the President of the Republic of Uzbekistan dated March 26, 2021, No. UP-6196 "On Measures to Raise the Activities of Internal Affairs Bodies in the Sphere of Ensuring Public Safety and Combating Crime to a Qualitatively New Level," the tasks of ensuring public safety, forming a unified system for preventing offenses and combating crime, establishing effective activities from the lowest level of internal affairs bodies to the republican level, and introducing modern working methods are assigned to strengthen law and order and legality in the country, ensuring the peace of the population. The task has also been set to increase the potential of the teaching staff of educational institutions of the Ministry of Internal Affairs by introducing mechanisms of material incentives. The Resolution introduces a procedure for holding an annual republican competition in the nominations "Best Head of the Territorial Internal Affairs Body," "Best Prevention Inspector," "Best Investigator," "Best Operational Officer," and providing material incentives to the winners of the competition in the amount of up to 100 percent of the monthly monetary allowance for one year.

The Resolution of the President of the Republic of Uzbekistan dated January 20, 2023, No. PP-10 "On Additional Measures to Transform Internal Affairs Bodies into a People-Oriented Professional Structure and Aim for Further Close Cooperation with the Population" defines the tasks of transforming internal affairs bodies into a people-oriented professional structure as a reliable protector of the population, ensuring their close cooperation with citizens, public organizations, and the general public, in a spirit of mutual trust and solidarity, and further strengthening the rule of law, peace, and tranquility in mahallas, residential areas, and throughout the country. The resolution also approved the Code of Professional Culture and Service Discipline of Internal Affairs Employees. The Code establishes requirements for the ethics and discipline of employees of internal affairs bodies, including cadets and students of educational institutions of the Ministry of Internal Affairs of the Republic of Uzbekistan, in their official and non-official activities, regulates the relationship between managers and employees, as well as the application of incentives and disciplinary sanctions to [them.\[17\]](#)

The Code establishes the application of the following incentive measures to employees[18]:

- a) declaration of gratitude;
- b) awarding with a valuable or commemorative gift or monetary reward;



- c) awarding with an honorary certificate;
- d) awarding with the departmental badge;
- e) early assignment of the next special rank;
- e) assignment of a higher special rank, provided for by the position held.

In addition to the above-mentioned incentive measures, the following incentive measures are also applied to cadet-trainees in educational institutions of the Ministry of Internal Affairs:[\[19\]](#):

- a) permission to leave the territory of the educational institution outside of the queue;
- b) inclusion on the "Hurmat taxtasi";
- c) sending a letter of gratitude to the parents or place of residence of the cadet and student;
- d) Appointment of the "Jaloliddin Manguberdi" scholarship to the Minister of Internal Affairs of the Republic of Uzbekistan.

For special merits, employees may be nominated for honorary titles and state awards of the Republic of [Uzbekistan](#).[\[20\]](#)

By order of the Minister of Internal Affairs of the Republic of Uzbekistan dated March 30, 2023, No. 155 "On the Procedure for Awarding and Organizing Heraldry Activities of Internal Affairs Bodies," the Regulation on the Procedure for Nominating for State Awards and Honorary Titles, as well as the Approval of Specific Criteria, Requirements, and Procedures for Applying Departmental Incentives, and the Procedure for Carrying Out Heraldry Activities, has been approved. According to the requirements of the order, the list of candidates for awarding awards is formed on the basis of criteria of objectivity and fairness, a requirement is established for a comprehensive study of the achievements of candidates and taking into account the positive public opinion about them.

Based on the analysis of the legal basis for incentive measures in internal affairs bodies, the following conclusions can be drawn:

Often, subordinate acts and internal orders serve as the main legal basis, which can lead to fragmentation and disproportion.

The decision-making process regarding incentives may not always be transparent. The lack of transparency and accountability negatively affects the moral climate and can lead to corruption or abuse of power by senior officials. From this point of view, we consider it expedient to develop a transparent mechanism for incentives.

Incentive measures should be linked to the development of professional activity. For example, the badge "A'lo xizmatlari uchun" is awarded to employees and military personnel of internal affairs bodies who have demonstrated strong service discipline in the internal affairs bodies, exhibited courage and bravery in the performance of their official duty, served for more than ten years, made a significant contribution to the improvement of the system, and made a worthy contribution to educating the younger generation in the spirit of devotion to the Motherland. In practice, most employees who meet the above requirements have not been awarded the badge. In our opinion, it is advisable to automatically award the badge to employees who have served in internal affairs agencies for more than 10 years and meet the above requirements, as well as to give positive motivation to young employees.

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