

**PECULIARITIES OF EXERCISING THE RIGHT TO APPLY TO THE COURT
FOR REINSTATEMENT CASES IN UZBEKISTAN**

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ABSTRACT:

This article discusses the origins, implementation, specifics, problems and recommendations of the right to apply to the court for reinstatement, as well as opinions on recent changes in the law.

Keywords: employment contracts, legislation, codes, reinstatement, recovery of wages, settlement agreement, material and moral damage, public contract.

Introduction

Today, the judicial system in our country is constantly being improved and modernized. In the implementation of reforms based on advanced foreign experience, it will be pushed to such an extent that the work of the courts will be improved and they will become a single body for the protection of the rights and freedoms of natural and legal persons.

In the Republic of Uzbekistan, the right to appeal to the court is recognized as one of the most fundamental and integral rights of citizens, and since the first days of independence, that is, December 30, 1991, since the independence of our country, its inclusion in the "Universal Declaration of Human Rights" is a practical confirmation of this [1].

The Main Part

According to international and national standards, the right to legal protection is guaranteed and it is ensured that citizens can be legally protected not only with regard to their labour rights, but also with regard to any rights violated.

In particular, in Article 23 of the Universal Declaration of Human Rights, "Everyone has the right to work, free choice of occupation, fair and favourable working conditions and protection against unemployment" [2] and in Article 8 of the Declaration, "Everyone has the right to effective restoration of these rights by the competent national courts in the event of a violation of the fundamental rights to which he is entitled by the Constitution or the law".

This international standard refers to the right of citizens to guarantee labor rights and to apply in court for the restoration of their violated rights and the realization of their legal interests.

The protection of citizens by judicial authorities is a structural and crucial part of the mechanism for the protection of human rights and freedoms. After all, the court is the most



important tool in the system for restoring violated rights and freedoms of citizens. The protection of the rights and freedoms of every person by the court, as well as the right to appeal to the court against unlawful acts of state bodies, officials and public associations, are ensured. In the Republic of Uzbekistan, it was announced that the judiciary will act independently of the legislative and executive branches, political parties and other public associations.

According to Article 42 of our Constitution, everyone must work decently, freely choose the profession and type of activity, work in comfortable working conditions that meet safety and hygiene requirements, and receive a fair wage for their work without discrimination and not less than the minimum wage, as well as the right to protection from unemployment in accordance with the provisions of the law.

These rights mean that citizens have the right to work in decent conditions and to protect their rights. Article 55 of the Constitution allows everyone to protect their rights and freedoms in court, to appeal against unlawful decisions, actions and omissions of state bodies other organizations and their officials. and in order to restore the violated rights and freedoms of each individual, it is specified that the right to have his case examined by a competent, independent and impartial court is guaranteed within the time limits established by law.

At the same time, citizens of the Republic of Uzbekistan, foreign citizens and stateless persons, in accordance with Article 14 of the Law of the Republic of Uzbekistan "On Courts", are subject to all unlawful decisions of state bodies and other bodies, as well as actions (inaction) of their officials, as well as life and has the right to be protected by the court from attacks on his health, honor and dignity, personal freedom and property, as well as other rights and freedoms. Legal persons also have the right to legal protection [3].

The norms contained in these legal documents imply the right to apply to the court as part of a general procedure and do not limit the right of employees to apply to the court with a claim for reinstatement. Citizens can be legally protected not only when labor rights are violated, but also in the event of damage to the home, family, contract and other citizens and officials as a result of acts or omissions.

The right to legal protection is one of the most important, inalienable human rights. In recent years, the need for strong, effective, fast and competent legal protection has increased, and this has become particularly important in the context of economic, social and political reforms.

The urgency of the human rights problem in Uzbekistan is directly related to the introduction of international models into legal practice, not only as a criterion, but also as a direction of social development.

Methods for resolving the contradictions between the individual and the state are fundamental. It should be noted that a huge step towards the democratization of society is associated with the introduction of a procedure for filing a lawsuit with the court on behalf of the state for unlawful actions of its organs and officials that violate the rights of citizens. and the establishment of the institution of the Commissioner for Human Rights [4].



Appeal to a court is one of the guarantees of guaranteeing the right to defense, as well as the rights and freedoms of citizens. The protection of the courts is one of the most important means of protecting the rights, freedoms and legal interests of citizens by the state and serves to ensure justice.

Appeal to the court is an inalienable right of a person, and this right cannot be deprived of anyone. The inalienability of a person's right to appeal to the court is expressed in such a way that not even the person himself can renounce this right. It may be that a person does not consider it necessary to appeal to the court on a particular matter, nor may he appeal to the court, because it is his right, and not an obligation. But not to consider it necessary to appeal to the court and the waiver of the right to appeal to the court are different concepts, and the law excludes the waiver of the right to appeal to the court [5].

The right to appeal to the court in cases of reinstatement is governed by special acts, i.e. labour and procedural acts.

In particular, in accordance with Article 545 of the Labor Code of the Republic of Uzbekistan, as amended, the employee has the right to appeal to the Labor Disputes Commission or directly to the court to resolve the labor dispute [6].

Article 558 of this Code provides that, regardless of the reasons for the termination of the employment contract, disputes about reinstatement, change of the date and definition of the reasons for termination of the employment contract, the payment of compensation for the period of mandatory absence or poorly paid work will be heard directly in court.

Article 559 of the Code stipulates that an employee has the right to apply to the court to consider an individual labor dispute.

Also, according to Article 3 of the Code of Civil Procedure of the Republic of Uzbekistan, any interested person has the right to appeal to a civil court (court) in accordance with the procedure established by the legislation on conducting civil court proceedings in order to ensure protection of his violated or disputed right or interest protected by law [7].

Article 26 of the Code stipulates that the following cases apply to the Civil Court for Labour Disputes.

At the same time, according to Article 39 of the Law of the Republic of Uzbekistan "On the State Civil Service", if a state official is dissatisfied with the decision on rotation, he has the right to appeal to a higher state body or a specially authorized state body or to a court [8].

According to Article 47 of this Law, a state official has the right to appeal against a disciplinary measure imposed on him to a higher state body or a specially authorized state body or to a court.

It can be seen that the appeal to the court in disputes related to the restoration of works is organized on the basis of general and special norms. Judicial settlement of labor disputes is an important way to protect the employee's labor rights and legal interests.

It is worth noting that due to the changes in our country, primarily due to the rapid growth of the labor market, it became clear that most relations between employees and employers are not regulated by current labor legislation. In this context, a new system has been created that adequately protects workers' labour rights by strengthening industrial relations through legislation.



The new version of the Labor Code of the Republic of Uzbekistan sufficiently strengthens the labor rights of the employee, and any employee whose labor rights are violated can appeal to the Labor Disputes Commission or directly to the court.

It should be noted that an important aspect of the employee's right to apply to the court for reinstatement can be invoked by the employee himself or through authorized bodies in the court, and, depending on the change in the law, the involvement of judicial authorities in the bodies. It is also considered important that the court represents the interests of the employee, and the rights of employees and the safeguarding of interests protected by law.

GRADUATION

On this basis, the right to apply to the court for reinstatement is one of the constitutional rights of the employee and plays a key role in protecting and restoring his rights.

National legislation sufficiently strengthens the right of the worker to bring proceedings before the court in cases of reinstatement.

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