
SOME LEGAL ISSUES OF DIGITIZING LABOR RELATIONS

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DOI: **10.5958/2249-7315.2022.00039.9**

ABSTRACT

The article analyzes the right of citizens to work as a constitutional right. An attempt is made to identify the essence of the right in the conditions of digitalization of the economy, its impact on the labor relations of citizens. Some aspects of the right of citizens to work in the conditions of the pandemic and in connection with digitalization are considered, while emphasis is given to such forms of work as remote labor activity, and a legal characteristic of this form of activity. Changes in labor relations in Uzbekistan in connection with the digitalization of the economy, digitalization of labor relations and the measures taken in this regard in Uzbekistan have been analyzed. The article analyzes that the digitalization process also has a significant impact on labor relations, and the development of artificial intelligence, robotics and technology, undoubtedly, effects on issues such as the right of citizens to work, as well as the employment of the population. The author points out that the conditions of the pandemic contribute to the development of non-traditional forms of work, therefore it is becoming increasingly obvious that the digitalization process in the sphere of labor relations, along with clear advantages, also puts a number of problems on the agenda. The article contains some suggestions and recommendations for the implementation of the right of citizens to work in the modern conditions of Uzbekistan. Several proposals and recommendations have been put forward to improve the legal foundations of the right of citizens to work, as well as on the remote form of work in modern conditions in Uzbekistan.

KEYWORDS: *Right To Work, Constitutional Law, Digitalization, Digitalization Of Labor Relations, Remote Form Of Activity, Remote Labor, Labor Legislation, Improvement Of Labor Legislation.*

1. INTRODUCTION

The constitutional right to work of citizens is an important economic right that is recognized by the international community. After all, work is a very important sphere of human life and activity. Therefore, in Uzbekistan, great attention is paid to the implementation of this right of citizens.

The right to work of citizens as one of the fundamental and most important human rights at the international level was first recognized in the Universal Declaration of Human Rights of 1948, and later in the International Covenant on Economic, Social and Cultural Rights of 1966. These important instruments define the right to work as the right of every person to be able to earn his living in the work he chooses at will.

Consequently, Uzbekistan, being a full and equal member of the international community, cooperates with many states and international organizations. Among them, of course, there is the UN International Labor Organization. To date, the Republic of Uzbekistan has ratified 18 ILO conventions, of which eight are the main ones that regulate certain important issues of the labor sphere.

It should be noted that the universality of international acts in the field of human rights is manifested in the fact that the provisions enshrined by them, as a rule, are reflected in the norms of national legislation. The Constitution of the Republic of Uzbekistan was no exception [1]. As a full member of the world community, many international organizations, in particular the International Labor Organization, the Republic of Uzbekistan in the preamble to the Constitution indicated the priority of generally recognized norms of international law. Meanwhile, in article 10 of the Labor Code of the Republic of Uzbekistan, the provision is fixed that “If an international treaty of the Republic of Uzbekistan or a convention of the International Labor Organization ratified by Uzbekistan establishes rules that are more preferential for workers in comparison with legislative or other normative acts on labor of the Republic of Uzbekistan, then rules of an international treaty or convention.

The rules of international treaties of the Republic of Uzbekistan or the conventions of the International Labor Organization ratified by Uzbekistan are also applied in cases where labor relations are not directly regulated by law ”[2]. Thus, the above legislative act establishes the relationship between international treaties, conventions and the legislation of the Republic of Uzbekistan on labor.

When developing the Basic Law of the Republic of Uzbekistan, the provisions of Article 23 of the Universal Declaration of Human Rights on the right to work, to free choice of work, fair working conditions and protection from unemployment were included in the constitutional norms [3]. Thus, according to Article 37 of the Constitution of the Republic of Uzbekistan, everyone has the right to work, to free choice of work, to fair working conditions and to protection from unemployment in the manner prescribed by law [3].

These constitutional provisions found their further development and provision in the current Labor Code and such laws of the Republic of Uzbekistan as "On Employment", "On Labor Protection", "On Social Protection of Disabled Persons", as well as in the relevant decrees of the Cabinet of Ministers of the Republic of Uzbekistan and departmental acts of the relevant ministries and departments.

Accordingly, with the development of socio-economic relations, taking into account the expansion of the digitalization of the economy, the necessary changes and additions were made to these laws and other regulatory legal acts aimed at ensuring the right of citizens to work. In this regard, there is a need for a fundamental change in the Labor Code and its adoption in a new edition. Indeed, the current Labor Code, adopted in 1995, contains many reference norms that do not clearly regulate all the necessary issues, which indicates a number of problems in its implementation in practice. At the same time, the development of a new edition of the Labor Code is due to the fact that the current Code does not take into account the active development of various new forms of involving citizens in labor activity, and sufficient prerequisites have not been created for the widespread use of flexible work modes that allow employers, in particular, to choose simpler forms, attracting additional workers to work [4].

Currently, a new edition of the Labor Code of the Republic of Uzbekistan, developed taking into account the new realities of life, including in the field of labor relations, is being considered by the Senate of the Oliy Majlis of the Republic of Uzbekistan. As noted, “the adoption of a new version of the Labor Code will create a number of conveniences in practice. This will ensure a balance of interests of workers and employers, taking into account the requirements of a market economy, increase their involvement in social partnership and encourage the interest of the parties in labor productivity” [5].

2. MAIN PART.

Along with globalization, digitalization of the economy, the processes associated with the pandemic all over the world, including in Uzbekistan, also influenced the change in labor legislation. The pandemic has led to a change in the form of work, with an emphasis on remote work where it could be resorted to.

These factors brought to the order of the day questions such as

- The future of the world of work: digitalization and humanization;
- Human potential in the digital economy: formation and development;
- Transformation of labor relations in the digital economy;
- Regional, sectoral and intra-company labor markets in the context of digitalization: prospects and risks [6].

At the same time, it should be noted that the digitalization of labor relations requires the subjects of “digital maturity”, the possession of certain digital skills that meet modern requirements [7].

Of course, the digitalization of labor relations is a global process, the orbit of which captures more and more countries and spheres of public life. Uzbekistan is also in the process of digitalization of the economy, including the sphere of labor. Thus, by the Decree of the President of the Republic of Uzbekistan “On approval of the “Digital Uzbekistan-2030” strategy and measures for its effective implementation” No. UP-6079 dated October 5, 2020, the Digital Uzbekistan-2030 Strategy was approved, which provided for measures for the stage-by-stage digitalization of Uzbekistan .

This document, along with other measures, establishes a rule according to which, from November 1, 2020, one of the current deputy heads of all ministries and departments, local executive authorities is assigned digitalization powers (Chief Digital Officer) [8].

In connection with the digitalization of labor relations on a global and national scale, scientists predict the development of relations in the labor sphere in different ways. In their opinion, the introduction of artificial intelligence in various spheres of human activity, including the sphere of labor, will lead to some negative consequences, such as increased unemployment, etc.

Indeed, the replacement of a person with artificial intelligence will certainly lead to the release of jobs. So far, this issue is not very relevant for Uzbekistan, but given the inevitability of these relations in the future, it would be appropriate to form the economic, legal, social and even psychological foundations for possible unemployment associated with artificial intelligence. For example, it is necessary to determine the types of work, the implementation of which still requires the hands and minds of a person. In the same way, it is necessary to analyze the types of work that robots can perform, etc.

Nevertheless, at present, the leadership of all developed countries is interested in a large-scale build-up of technologies for the development and application of artificial intelligence, since the position of the country in the international arena in matters of economy, security, etc. directly depends on this. Now South Korea is the absolute leader in the use of artificial intelligence, and the leader in the development of artificial intelligence technologies is the United States [9].

And in China, artificial intelligence (AI) has taken on the role of prosecutor. "Digital Prosecutor" pronounces charges with 97% accuracy. AI gained prosecutorial skills after studying more than 17,000 cases heard in Shanghai courts from 2015 to 2020. China was the first in the world to apply AI technologies in the work of the prosecutor's office. In 2016, the country began using a technology that is able to assess the evidence, the conditions of arrest and determine how dangerous a person suspected of a crime may be to society [10].

So in Uzbekistan, the process of digitalization in the field of justice is gaining momentum. Decree of the President of the Republic of Uzbekistan dated September 3, 2020 No. PP-4818 "On

measures to digitalize the activities of the judiciary" for the implementation of the Program for the introduction of modern information and communication technologies into the activities of the courts for 2017-2020, approved by the Decree of the President of the Republic of Uzbekistan dated August 30, 2017 No. PP -3250, systems of remote appeal to courts, participation in court hearings using a videoconferencing system, automatic distribution of cases between judges, publication of court decisions on the Internet, sending enforcement documents for enforcement in electronic form have been introduced. But despite these measures, the modern development of digital technologies requires their rapid expansion in the field of justice.

Currently, there is a process of expanding the types of interactive electronic services provided to citizens and business entities, ensuring online monitoring of the process of considering each appeal, creating the possibility of free use of interactive services in court buildings; further expansion of electronic mutual data exchange with ministries, departments and other organizations to ensure prompt acceptance of information necessary for the administration of justice in the courts; ensuring openness and transparency of the activities of the judiciary through the introduction of special information programs; expanding the possibility of remote participation in court hearings, including through mobile devices and other forms of electronic interaction, as well as creating conditions for the parties to receive court decisions online; strengthening measures to ensure information and cyber security of information systems, databases and other software products, comprehensive protection of official information and data of judicial authorities.

By the Decree of the President of the Republic of Uzbekistan "On measures for the digitalization of the activities of the judiciary" No. PP-4818, the Program for the digitalization of the activities of the judiciary in 2020-2023 was approved and is being implemented, within the framework of which, it was established that from January 1, 2021, court hearings in all courts will be recorded by means of audio recording based on the petition of the parties in the case and with the consent of the presiding judge, as well as the formation of minutes of court sessions using this system; from July 1, 2021, automatic distribution of cases between judges in the courts of appeal and cassation; from October 1, 2021, notification of all participants of the time and place of the court session by sending SMS messages free of charge, as well as from January 1, 2022, submission of court decisions to the parties in the case online, at their request - in paper form and other measures [11].

3. RESULTS AND DISCUSSIONS.

It should be noted that certain experience is being accumulated in the digitalization of labor relations in Uzbekistan. So, in pursuance of the Decree of the President of the Republic of Uzbekistan dated October 31, 2019 No. PP-4502 "On measures to introduce the interdepartmental hardware and software complex "Unified National Labor System" (UNLS), from January 1, 2020, mandatory registration of new employment contracts in the interdepartmental hardware and software complex UNLS was introduced, changes to existing employment contracts, as well as their termination; an electronic work book has also been introduced, which includes information about the labor activity of employees, automatically generated in the interdepartmental hardware and software complex UNLS based on the data contained in registered labor contracts [12].

It should be noted that the Decree of the Cabinet of Ministers of December 5, 2019 No. 971 "On organizational measures to ensure the implementation and operation of the interdepartmental hardware and software complex "Unified National Labor System" approved the Regulation "On the procedure for registering employment contracts, forming and maintaining electronic labor books in the interdepartmental hardware and software complex "Unified National Labor System" [13].

4. CONCLUSION

Thus, at present, Uzbekistan has an electronic work book, which includes information about the labor activity of employees, automatically generated in the system based on the data contained in registered labor contracts. Accordingly, the length of service of an employee, including when assigning a pension, will be calculated on the basis of the data contained in the system (except for certain cases determined by law).

It should be noted that while in the field of digitalization of labor relations, not all issues have been resolved, but there is confidence that the process of digitalization of labor is an inevitable process, and therefore, much remains to be done to make these relations ubiquitous.

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