



**BASIS FOR VIOLATION OF THE RIGHT OF PERSONS TO LABOR
AND RESPONSIBILITY**

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Abstract: This article provides a detailed understanding of individual rights, including the right to work. Labor law is one of the social rights of the individual and is regulated by labor legislation. Administrative and criminal liability arises for its violation. This article also examines the experience of Italy.

Keywords: person, labor law, administrative responsibility, criminal responsibility, constitutional law.

Every person, having come into the world, has their own rights and obligations. For example, constitutional rights include a number of rights, such as life, freedom of speech, labor, and suffrage. This was also noted at the international level. Article 23 of the Universal Declaration of Human Rights establishes that every person has the right to work. Every person's inalienable right is the right to life. That is, we cannot go and say that we should kill someone or that you should not live, and such actions entail criminal liability. At the same time, people have the right to exercise the rights enshrined in the Constitution. For example, the right to vote is not mandatory. In the electoral process, except in cases stipulated by law, everyone has the right to vote, which they may or may not exercise, or more precisely, they may or may not elect. Let us dwell in more detail on one of the rights listed above, the right to work. The right to work belongs to the category of social rights of individuals. The basis of this right is the Constitution of the Republic of Uzbekistan, and the new version of the Constitution, adopted as a result of the referendum held in 2023, further improved the right to work. Article 42 of the Constitution states that "Everyone has the right to decent work, to freely choose a profession and type of activity, to work in comfortable working conditions that meet safety and hygiene requirements, without any discrimination for the work performed, and from the established minimum wage have the right to receive fair remuneration no less than, as well as protection from unemployment in the manner prescribed by law[1]." From the above-mentioned norms, it can be seen that in the labor process, one chooses what profession to engage in, can work in working





conditions that fully comply with safety rules, cleanliness rules, and do not cause inconvenience. Also, everyone can receive a salary for their work. Wages must not be less than the amount established by law and must be paid fairly, that is, based on the results of the work performed. Every person, along with the right to work, has the right to protection from unemployment. The right to unemployment protection is exercised in the manner prescribed by law.

Part 2 of Article 42 of the Constitution of the Republic of Uzbekistan states: "The minimum wage is determined taking into account the need to ensure a decent standard of living for a person." A person works to live a good life, and taking this into account in our Constitution, wages are calculated based on the individual's standard of living, and the minimum wage is established. Part 3 of this article states: "Rejection of employment, dismissal, and reduction of wages for women due to pregnancy or having children is prohibited." Through this norm, we can see that everyone has the right to work, regardless of whether they are a man, a woman, a pregnant woman, or a child. The right to work is reflected not only in the Constitution, but also in the Labor Code. Article 5 of the Labor Code, entitled "The Principle of Freedom of Labor and the Prohibition of Forced Labor," defines the right to work as follows: "Freedom of labor means the right of every person to dispose of their abilities to work, to exercise them in any form not prohibited by law, to freely choose the type of occupation, profession and specialty, place of work and working conditions" [2]. A separate law has also been developed to protect labor rights.

Article 2 of the Law of the Republic of Uzbekistan "On Labor Protection" defines the concept of labor protection as follows, that is, labor protection is a system of socio-economic, organizational, technical, sanitary-hygienic, and therapeutic-preventive measures and means aimed at ensuring human safety, health, and work capacity in the labor process, operating on the basis of the relevant law or other legal acts.

Every person, that is, citizens of the Republic of Uzbekistan, foreign citizens, and stateless persons (apatrides), also has the right to labor protection [3].

Violation of the above-mentioned norms entails administrative or criminal liability.

First of all, let's dwell on the basics of administrative responsibility. According to Article 49 of the Code of Administrative Responsibility, violation of labor and labor protection legislation by an official entails the imposition of a fine from five to ten times the basic calculated value. The peculiarity of this article lies in the subject of the offense, that is, the person who violated the rules on labor protection must be an





official. An official is a person appointed or elected permanently, temporarily, or by special authority, performing organizational, legal, and administrative-economic functions in state bodies and bodies of citizen self-government [4]. Also, if the person who committed this offense committed it repeatedly within a year after the application of administrative penalties, with the exception of knowingly unlawful dismissal from work, - entails the imposition of a fine on the person from ten to fifteen times the base calculation amount.

If a person brought to administrative responsibility repeatedly violates labor protection rules within one year, more severe criminal liability arises.

According to the legislation of the Republic of Uzbekistan, violation of the right to work is a crime and is reflected in the Criminal Code of the Republic of Uzbekistan. According to it, knowingly unlawful dismissal, committed after the application of administrative penalties for the same acts, - is punishable by a fine of up to twenty-five times the basic calculated value or deprivation of a certain right for up to three years or corrective labor for up to three years [5].

Illegal - dismissal without the grounds for dismissal provided for by labor legislation or without complying with the procedure for dismissal [6].

In addition to the fact that the act is illegal, the person who committed the crime must be aware of the illegality of the act and have previously been brought to administrative responsibility. Part two of this article outlines sanctions for unlawful refusal to hire or dismissal of a woman knowing she is pregnant or caring for a young child, which is one of the most global problems in our social life. If a person commits an act provided for in part two, it is punishable by a fine of up to twenty-five basic calculation units or deprivation of a certain right for up to three years or correctional labor for up to three years. From the second part of this article, we can see that the protection of women's labor rights has been significantly strengthened, and this norm also serves to ensure gender equality.

We can also see the crime of violation of the right to work in the experience of foreign countries. In particular, Italian legislation is similar to our national legislation, and this right is regulated by separate labor legislation, for violation of which administrative or criminal liability is applied. Italy Article 603 of the Criminal Code is called "Forced Labor." This article defines forced or exploitative labor of people, coercion to work in difficult or undesirable conditions as a crime and applies a fine or imprisonment. Also, Article 609 of the Italian Criminal Code states "Forced labor." According to Um, cases of establishing control over an employee through violence or threats are described.





Studying the experience of Italy, it can be seen that imprisonment is not applied for violation of the right to work in the Republic of Uzbekistan. In Italy, the commission of these acts also entails administrative and criminal liability.

From the foregoing, it can be concluded that working is a constitutional right of every person, for violation of which administrative and criminal liability is applied. It should be noted that labor law is also one of the major branches of law and is regulated by the Labor Code.

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