



The Principles of the Classical Theory of Labor Law

Miryokub Rakhimov

Tashkent State University of Law

miryoqub.rahimov@gmail.com

Abstract

The Classical Theory of Labor Law stands as a cornerstone in understanding the legal framework governing employer-employee relationships. This article delves into the foundational principles that underpin this theory, elucidating its historical context and theoretical framework. Beginning with an exploration of the concept of freedom of contract, the article examines how this principle has shaped the relationship between employers and employees, emphasizing autonomy and individual bargaining power. Furthermore, it analyzes the principle of equality, elucidating its role in safeguarding workers' rights and promoting fairness within the labor market. Additionally, the article discusses the principle of private property rights and its implications for labor relations, highlighting the balance between employers' prerogatives and employees' entitlements.

Keywords: Classical Theory, Labor Law, Freedom of Contract, Collective Rights, Social Justice, Regulatory Role of the State, Collective Bargaining, Trade Unions

I. Introduction

The principles of the classical theory of labor law constitute the bedrock upon which modern labor relations have been built. Emerging during the Industrial Revolution, this theoretical framework encompasses a set of fundamental principles that shape the rights and responsibilities of employers and employees in the workplace. Rooted in notions of individual freedom, contractual autonomy, and economic liberalism, the classical theory of labor law has profoundly influenced legal systems worldwide. The classical theory of labor law differs from other theories in several key aspects [1].

A. Social Theory

The social theory of labor law emphasizes the social inequality between employees and employers. The principles of social justice, employee protection and balanced relationships are becoming important. Here, labor relations are considered in the context of social responsibility and justice.

B. Institutional Theory

The institutional theory of labor law highlights the role of the state and other institutions in regulating labor relations. She emphasizes the importance of laws, collective agreements, trade unions and other institutions for the balanced



regulation of labor relations.

C. Humanistic Theory

The humanistic theory of labor law focuses on the human dimension of labor. She attaches great importance to the protection of human dignity, human rights to work, equality of opportunity and respect for the human person.

D. Neoclassical Theory

Neoclassical theory suggests that labor relations should be regulated primarily by market mechanisms. According to this theory, freedom of contract and market forces should play a key role in shaping labor relations.

E. Labor Rights Theory

The theory of labor rights strives to create a balanced system where both the interests of the employee and the interests of the employer are taken into account. She emphasizes the importance of legal norms that ensure justice, equality, security and social responsibility. Depending on the specific context and historical development of each country, interpretations of the principles of labor law may vary. Modern trends usually include elements of various theories, striving to achieve a balance between the interests of employees and employers. In the context of Uzbekistan, where labor resources number 19,644,011, with 6,298,249 individuals employed in the official sector of the economy and 5,619,941 engaged in the informal sector, these principles take on particular significance [2].

Through a comprehensive examination of these principles and their application within labor landscape of Uzbekistan, this article provides insights into the classical foundations of labor law and their relevance in contemporary legal discourse. In the New Constitution of the Republic of Uzbekistan, everyone has a great responsibility to work in favorable working conditions that meet the requirements of Labor, free choice of profession and type of activity, safety and hygiene, to receive a fair remuneration for labor without any discrimination and in a way not less than the established minimum amount of remuneration, as well as the presence of norms.

This fundamental commitment to labor rights underscores the need for robust legal mechanisms to uphold and protect these rights. Creating all possible opportunities for citizens and entrepreneurs to defend their rights and legitimate interests in the courts is essential. Moreover, ensuring the full realization of the principles of dispute resolution and equality of parties in legal proceedings is paramount. This necessitates continual improvement of legislation aimed at ensuring the impartiality of the courts in practice. In light of modern trends in the development of our society, new demands arise concerning labor relations. As such, it becomes increasingly imperative to adapt legal frameworks to address emerging challenges and safeguard the rights and interests of all parties involved in



labor relations.

II. Methodology

This study employs a mixed-methods approach to comprehensively examine the principles of the classical theory of labor law and their application within the Uzbekistani context. The methodology consists of two main components; qualitative analysis of legal frameworks and quantitative analysis of statistical data.

A. Qualitative Analysis

The qualitative analysis involves a thorough examination of legal documents, including the Constitution of the Republic of Uzbekistan, labor laws, regulations, and judicial precedents related to labor relations. This analysis aims to identify and elucidate the foundational principles of labor law, including freedom of contract, equality, private property rights, and solidarity, as articulated in legal texts and interpreted by courts.

B. Quantitative Analysis

The quantitative analysis focuses on statistical data pertaining to labor relations in Uzbekistan. Specifically, data on labor disputes, court cases, and their outcomes are collected from official sources such as the judicial system, government reports, and statistical agencies. This data includes the number of cases considered by civil courts, the outcomes of these cases (e.g., satisfaction, rejection, exclusion from office work), and trends over time.

C. Integration of Findings

The qualitative and quantitative findings are integrated to provide a comprehensive understanding of the classical principles of labor law and their manifestation in the Uzbekistani legal system and labor landscape. By triangulating qualitative insights with quantitative data, this study aims to offer nuanced insights into the application and effectiveness of labor laws and legal mechanisms in protecting the rights and interests of workers and employers in Uzbekistan.

D. Limitations

It is important to acknowledge the limitations of this study. While efforts are made to ensure the accuracy and reliability of the data collected, limitations inherent in the availability and quality of official statistics may influence the robustness of the quantitative analysis. Additionally, the interpretation of legal texts and judicial decisions is subject to the researchers' understanding and may be influenced by contextual factors. The methodology employed in this study is designed to provide a rigorous and comprehensive analysis of the classical theory of labor law and its relevance in the contemporary Uzbekistani context.



III. Results

The principles of the classical theory of labor law encompass fundamental pillars vital to understanding and shaping modern labor relations. These principles include freedom of contract, equality of bargaining power, protection of workers' rights, the right to organize and engage in collective bargaining, legal enforcement of labor standards, promotion of social justice and solidarity, and adaptation to flexibility in evolving economic landscapes. This comprehensive framework provides a foundational basis for examining the intricate dynamics of labor relations and legal frameworks, offering insights into the complex interplay between employers, employees, and societal interests [3].

Recent statistical data on labor relations in Uzbekistan provides insight into the evolving dynamics within the country. In 2022, civil courts considered a total of 11,112 cases on labor relations. Of these, 6,863 (61.8%) were satisfied, 1,729 (15.6%) were rejected, 2,142 (19.3%) remained without consideration, and 378 (3.4%) resulted in individuals being excluded from office work. Similarly, in the first nine months of 2023, 10,971 cases were considered, with 7,263 (66.2%) being satisfied, 1,376 (12.5%) rejected, 2,000 (18.2%) remaining without consideration, and 332 (3%) leading to exclusion from office work [4]. These statistics underscore the ongoing significance of labor disputes and the role of legal mechanisms in resolving them. Through an exploration of these principles and recent statistical data, this article aims to provide a comprehensive analysis of the classical foundations of labor law and their application in the contemporary Uzbekistani context.

IV. Discussion

A. Freedom of Contract

It should be noted that, classical labor law emphasizes the autonomy of parties in forming contractual relationships. This principle holds that employers and employees should have the freedom to negotiate terms and conditions of employment without undue interference from the state or other parties. This is the main aspect of freedom of contract. In labor relations, freedom of contract implies the freedom to conclude, formulate and terminate employment contracts [3]. Sh. Ismoilov emphasized that, at the same time, when developing a new edition of the Labor Code of the Republic of Uzbekistan, it is necessary to achieve the following main tasks. One of them is Expansion of contractual freedoms [5].

The situation of the “main” employee’s absence from work is not regulated by law. For example, an absent employee may without waiting for the end of his vacation, resign of his own free will [6]. According to Article 5 Labor Code of Uzbekistan in relation to individual labor relations, labor freedom is manifested in the freedom of the employment contract, which means: the freedom of employees



and employers to conclude, to amend and to terminate an employment contract on his own initiative.

B. Equality of Bargaining Power

Furthermore, another aspect of classical theory is equality of bargaining power. Classical theory recognizes the inherent power imbalance between employers and individual workers, especially in industries where collective bargaining is limited. To address this, labor laws may aim to ensure a more equitable bargaining process, often through collective bargaining mechanisms. Consequently, traditional collective bargaining mechanisms have been ineffective at reaching most workers in many developing countries, thereby compromising equality of treatment [7].

It emphasizing equality between the parties involved, this provision promotes a fair and balanced negotiation process, ultimately contributing to the advancement of harmonious labor relations and the protection of workers' rights within the Uzbekistan context. According to Article 62 of the Labor Code of Uzbekistan, working groups for collective bargaining are formed from representatives of the parties to social partnerships, ensuring equality between the parties. Equality in the process of collective bargaining is evident in the Collective Agreement of the limited liability company "Shurtan Gas Chemical Complex" for 2022-2024 [8]. For example, nine representatives from both the employer and individual workers' side participated in signing and adapting the collective agreement.

C. Protecting the Rights of Workers

Despite the emphasis on freedom of contract, classical labor law acknowledges the need to protect workers from exploitation and unfair treatment. This includes provisions for minimum wages, maximum working hours, health and safety standards, and protection against discrimination and unfair dismissal. This means protecting the rights of workers. The limited financial liability of the employee is limited within the limits of the average salary of the employee [8]. For example, an employee recklessly broke a computer that cost US \$1,000. The computer belonged to the employer. The employee's monthly salary is \$800. In this situation, the employee compensates the employer not the sum of the cost of the computer for \$1,000, but the monthly salary for \$800. This provision can be seen as a protective measure for employers, ensuring that workers appropriately compensate them for damages resulting from intentional actions [9].

D. Right to Organize and Collective Bargaining

Classical labor law upholds the right of workers to form trade unions and engage in collective bargaining with employers. Collective action is seen as a means for workers to balance the power dynamics in employment relationships and



negotiate better terms and conditions collectively. This is a main essence of right to organize and collective bargaining. The ILO conventions ratified by the Republic of Uzbekistan are of fundamental importance for trade unions. This fundamental convention enshrines the right of employees and employers to form organizations of their choice and join them without prior permission [10]. According to Article 37 of the Labor Code of Uzbekistan, employees have the right to voluntarily form trade unions at their own discretion and without prior permission, as well as membership in trade unions or other associations of employees, in order to express and protect their rights and interests in spite of any differences.

E. Legal Enforcement of Labor Standards

In addition, another key feature is the legal enforcement of labor standards. While voluntary compliance with labor standards is encouraged, classical labor law recognizes the necessity of legal enforcement mechanisms to ensure compliance and address disputes between employers and employees. This may involve the establishment of labor courts or tribunals and the enactment of labor laws and regulations. The resolution of labor disputes in judicial order should be considered as the final stage. To do this, it is advisable to implement the widespread use of alternative ways of resolving disputes. In particular, it will be permissible for us to widely promote within the public the role and importance of mediation in resolving labor disputes [11]. Labor disputes commissions; mediation and the court consider labor disputes in Uzbekistan. According to Article 562 of the Labor Code of Uzbekistan, employees are exempt from paying court costs when filing claims related to individual employment relations.

F. Social justice and solidarity

It also classical labor law often espouses principles of social justice and solidarity, emphasizing the importance of protecting vulnerable workers and promoting a fair distribution of wealth and resources within society. We can see it as a social justice and solidarity. According to Uzbek legislation, protecting workers under the age of eighteen is a normative requirement. Termination of an employment contract with employees under the age of eighteen at the initiative of the employer, in addition to compliance with the general procedure for termination of an employment contract, is allowed with the consent of the local labor body. Currently, there are cases in the country when not only persons with disabilities face difficulties in finding a job, but also the rest of the population as well [12].

G. Flexibility and Adaptability

It is known that labor rights of individuals occupy a special place among social rights. Because it is the right of every person to work and get the income or profit because of it [13]. Flexibility and adaptability also play a key role in creating



the principles of the classical theory of labor law. While classical labor law provides a framework for regulating employment relationships, it also recognizes the need for flexibility and adaptability in response to changing economic and social conditions. This may involve mechanisms for adjusting labor standards and regulations to accommodate technological advancements, globalization, and other factors.

Pandemic coronavirus infection quarantine conditions it is necessary to regulate the reform of labor legislation, the transfer of employees to a new remote work regime in quarantine conditions, the procedure for transferring to a flexible work schedule and methods of working at home, the provision of labor rights guarantees of employees in such conditions, especially labor relations of the private sector, small business entities [14]. Work in the civil service requires special training and is regulated by legislation that defines the status and powers of civil servants [15].

Conclusion

The principles of the classical theory of labor law, as explored within the context of Uzbekistan, serve as foundational pillars guiding labor relations and legal frameworks. Through the lenses of freedom of contract, equality of bargaining power, protection of workers' rights, the right to organize and engage in collective bargaining, legal enforcement of labor standards, social justice and solidarity, and flexibility and adaptability, we have gained insights into the intricate dynamics shaping labor relations within the country. The emphasis on freedom of contract underscores the autonomy of parties in forming contractual relationships, while ensuring equitable bargaining power between employers and workers is crucial for fostering harmonious labor relations. Moreover, the protection of workers' rights remains paramount, with provisions in Uzbek legislation safeguarding vulnerable workers and promoting social justice and solidarity.

The right to organize and engage in collective bargaining allows workers to collectively negotiate better terms and conditions of employment, while legal enforcement mechanisms ensure compliance with labor standards and address disputes effectively. Additionally, flexibility and adaptability in labor laws are essential for responding to evolving economic and social conditions, as evidenced by recent challenges such as the COVID-19 pandemic. In light of these principles, it is evident that Uzbekistan has made significant strides in aligning its labor laws with international standards and promoting a fair and conducive environment for labor relations.

References

1. Ministry of Employment and Labor Relations of the Republic of Uzbekistan. (2023). Open

- data Statistics of the labor market of the Republic of Uzbekistan in January-March 2023. <https://mehnat.uz/oz>
2. Xudayberdiyeva, G. (2023, November 21). Improving labor rights. <https://sud.uz/news-2023-11-21-1/>
 3. Pettit Jr, M. (1999). Freedom, Freedom of Contract, and the Rise and Fall. *Boston University Law Review*, 79, 263–304.
 4. Ismoilov, S. A. (2018). The effect of a new edited labor code of the Republic of Uzbekistan on the development of entrepreneurship and investment activity. *Review of law sciences*, 3(1), 10.
 5. Rakhimberganova, B. (2023). The procedure for terminating a fixed-term labor contract in the labor legislation of the Republic of Uzbekistan. *The American Journal of Political Science Law and Criminology*, 5(12), 06–10.
 6. AllahRakha, N. (2024). Cybercrime and the Law: Addressing the Challenges of Digital Forensics in Criminal Investigations. *Mexican Law Review*, 16(2), 23–54. <https://doi.org/10.22201/ij.24485306e.2024.2.18892>
 7. Blackett, A., & Sheppard, C. (2003). Collective bargaining and equality: Making connections. *International Labour Review*, 142, 419–434.
 8. State Statistics Committee of the Republic of Uzbekistan. (2022, September 26). Open data [Dataset]. https://sgcc.uz/uploads/opendata/5__26__09__2022__114812.pdf
 9. Abdusalilovich, Y. N. Legal regulation of working time in the Republic of Uzbekistan and their peculiarities. *JournalNX*, 393–396.
 10. Shoislomova, S. (2023). International legal bases of the activity of trade unions. *Formation of Psychology and Pedagogy as Interdisciplinary Sciences*, 2(18), 1–8.
 11. Ulugmurodovna, R. L. The relevance of individual labor disputes in the Republic of Uzbekistan. *JournalNX*, 580–584.
 12. Aleksandrovich, K. N., & Karimjonov, M. (2023). Ensuring labor discipline: International experience. *Pedagogs journal*, 34(2), 134–138.
 13. Khojabekov, M. (2020). Employment rights and privileges of persons with disabilities. *TSUL Legal Report International Electronic Scientific Journal*, 1(1).
 14. AllahRakha, Naeem, Modernizing Criminal and Evidence Laws to Facilitate Tourism in Pakistan. Available at SSRN: <https://ssrn.com/abstract=4707544> or <http://dx.doi.org/10.2139/ssrn.4707544>
 15. Nigmatullo, M. D. (2023). Termination of employment contract due to circumstances beyond the control of the parties. *Galaxy International Interdisciplinary Research Journal*, 11(8), 271–275.
 16. Vakhdatovna, B. K. The constitution of the Republic of Uzbekistan is a guarantee of the implementation of labor rights. *JournalNX*, 559–565.
 17. Nigmatullo, M. D. (2022). Termination of employment contract due to circumstances beyond the control of the parties (Theoretical and legal analysis). *World Bulletin of Management and Law*, 17, 94–97.