

Theoretical Analysis of Specific Aspects of State Control and Inspection Regarding Compliance with Employees' Labor Rights

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Abstract

This article provides a theoretical analysis of state control and inspection in relation to compliance with employees' labor rights. The aim is to examine the specific characteristics of state control mechanisms under current labor legislation. The article focuses on the analysis of four types of state control and inspection processes, identifying their objects and subjects. By reviewing relevant legislative norms, the author outlines the unique features of these regulatory measures, emphasizing the importance of effective enforcement in ensuring labor rights. The methodology includes qualitative and doctrinal analysis, along with document examination. The results highlight gaps and challenges in the current system, leading to suggestions for improving state oversight and inspection. Recommendations focus on enhancing transparency, accountability, and efficiency in labor inspections. In conclusion, the article stresses the need for continuous monitoring to ensure the protection of workers' rights and the improvement of labor standards.

Keywords: Labor Rights, Control Object, Control Subject, Specially Authorized Body, State Control and Inspection, Prosecutor's Supervision, Labor Legislation, State Labor Inspection

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I. Introduction

The protection of labor rights and ensuring compliance with labor legislation represents one of the fundamental pillars of modern employment law systems (Lobel, 2006). In Uzbekistan, as in many developing nations, the mechanisms for state control and inspection of labor rights compliance play a crucial role in maintaining fair and legal labor practices. These mechanisms, while sharing common objectives, possess distinct characteristics that warrant careful examination and understanding.

The system of state control and inspection over labor rights compliance in Uzbekistan has evolved significantly in recent years, particularly with the introduction of new legislative frameworks and regulatory approaches. This evolution reflects the government's commitment to balancing effective labor rights protection with the needs of a developing market economy. Understanding the theoretical foundations and practical implementations of these control mechanisms is essential for both legal scholars and practitioners in the field.

This research addresses a critical gap in the current literature by providing a comprehensive analysis of the distinctive features of various state control and inspection mechanisms in the labor rights sphere. While previous studies have examined individual aspects of labor rights protection, few have undertaken a systematic comparison of different control mechanisms and their theoretical underpinnings.

The primary objective of this study is to analyze and classify the distinctive characteristics of state control and inspection mechanisms regarding compliance with employees' labor rights. This research pursues several specific aims. First, it seeks to identify and analyze the four main types of state control and inspection mechanisms currently operating in Uzbekistan to understand their unique features and operational frameworks. Second, it examines the theoretical foundations that distinguish these mechanisms from one another, providing insight into their conceptual underpinnings and rationale. Third, the study evaluates the scope, limitations, and operational diversity of each control mechanism to understand their practical implementation and effectiveness.

Finally, it assesses the impact of recent legislative changes on the implementation of these control mechanisms, considering how legal reforms have shaped their current operation and effectiveness (Eneh et al., 2024). This approach allows for a comprehensive understanding of how these different mechanisms function within the broader system of labor rights protection, while also providing insights into their practical applications and theoretical foundations. By examining these aspects in detail, the study aims to contribute to both the academic understanding of labor rights protection systems and their practical implementation in the field.

This research is particularly timely given the recent reforms in business inspection procedures and the increasing emphasis on protecting both employee rights

and business interests. The findings of this study will contribute to a better understanding of how different control mechanisms function within the broader system of labor rights protection and may inform future policy development in this area.

Furthermore, this research will provide valuable insights for legal practitioners, policy makers, and scholars working in the field of labor law and employment rights protection. By clarifying the theoretical distinctions between different control mechanisms, this study aims to enhance the practical implementation of labor rights protection measures while contributing to the broader academic discourse on state control systems in labor law. The following sections will present a detailed analysis of these mechanisms, beginning with the methodology employed in this research, followed by the results of our analysis, and concluding with a discussion of the implications for both theory and practice in the field of labor rights protection.

II. Methodology

The research methodology for this study involves document analysis to explore the state control and inspection mechanisms regarding labor rights. The primary sources include the Labor Code and related presidential decrees, along with other relevant legal documents. These sources provide the foundation for understanding the legal framework that governs labor rights protection in Uzbekistan. The analysis is based on a qualitative approach, emphasizing the interpretation of legal texts and their application in practice. By reviewing publicly available literature, we ensure a comprehensive understanding of the existing regulations. Additionally, only the most recent articles published in recognized academic journals are reviewed to maintain the relevance and accuracy of the study. This approach ensures that the research reflects the latest legal developments in Uzbekistan, providing an up-to-date perspective on labor rights compliance and state inspection mechanisms.

Document analysis was conducted to identify the distinct features of various control mechanisms. The study systematically categorizes these mechanisms to assess their effectiveness in ensuring labor rights. Key sources of information include legal texts and authoritative articles that discuss labor regulations and enforcement practices. We focus on studies published in well-established academic journals, ensuring the reliability of the information used. This methodological approach allows for a detailed examination of how state control mechanisms align with labor rights protection in Uzbekistan. By using publicly accessible documents, the research contributes to a broader understanding of labor law enforcement and its impact on employees' rights.

III. Results

State control and inspection over employees' labor rights in Uzbekistan involve various mechanisms. The first is the Ministry of Poverty Reduction and Employment,

which oversees compliance with labor laws. This ministry ensures that employers adhere to legal standards regarding wages, working hours, and conditions. Second, prosecution authorities supervise to ensure that any violations are investigated and prosecuted. Their role is to hold accountable those who breach labor rights. Third, specialized state bodies control specific areas of labor law, such as workplace safety or employment discrimination. These bodies focus on enforcing regulations in their respective fields. Finally, departmental supervision by individual ministries and agencies ensures compliance within specific sectors. Each of these mechanisms contributes to the overall effort to protect employees' labor rights. By functioning in concert, they provide a comprehensive system of oversight to promote fair and just working conditions for all employees (Rakhimov, 2024).

The research highlights several distinctive features in the state control and inspection mechanisms regarding employees' labor rights. Firstly, the legal framework establishes strict limitations to ensure transparency and legality. Each control mechanism has clearly defined objects and subjects, contributing to an effective oversight system. Secondly, operational diversity plays a significant role, as different authorities focus on various tasks. For example, prosecution authorities aim to protect constitutional rights, while sanitary supervision is concerned with preventing specific violations. Thirdly, the study observes that implementation restrictions differ across control mechanisms. Notably, the 2018 reforms imposed limitations on planned inspections of business entities. These reforms require coordination with the Business Ombudsman, reducing unnecessary interference in businesses' operations. This variation in operational scope and implementation restrictions shapes the effectiveness of state control and inspection over labor rights, ensuring a balance between enforcement and protection of employees' rights (Karimjonov, 2024).

IV. Discussion

A. Role of State Control in Ensuring Labor Rights Compliance

State control and inspection play crucial roles in ensuring compliance with employees' labor rights. The scope of such control is strictly defined by law to maintain transparency and legality in the process. These inspections are conducted by designated authorities to verify adherence to labor laws and safety regulations (Kucher & Mohilevskyi, 2024). In the context of labor rights, four types of state control and inspection are outlined by current legislation. Each type focuses on specific aspects of compliance, including general labor laws, occupational safety, and working conditions. These measures ensure that both employers and employees understand their rights and responsibilities. Importantly, the inspection process is carried out with the aim of preventing labor law violations and promoting fair treatment in workplaces. The defined scope ensures the proper functioning of state bodies, holding employers accountable while protecting workers' fundamental rights.

State control and inspection, conducted by the Ministry of Poverty Reduction and Employment, plays a vital role in ensuring compliance with labor laws. The object

of this control includes labor legislation, related legal documents, and occupational safety rules. These regulations are essential for protecting workers' rights and ensuring a safe working environment. The Ministry's inspections focus on monitoring the adherence to these legal standards in workplaces across the country. The subject of this control is to verify whether employers follow the prescribed labor laws, including workers' rights and safety measures. Inspections aim to detect any violations and ensure corrective actions are taken. By ensuring compliance, the Ministry promotes fair labor practices and safeguards the well-being of employees. This process enhances the overall effectiveness of labor laws and contributes to a more balanced and just labor market. Proper implementation of these inspections is crucial for achieving sustainable employment standards.

Prosecutor's supervision plays a crucial role in ensuring compliance with labor laws. This type of supervision focuses on the proper enforcement of the Labor Code and other relevant legislation. According to the Constitution, prosecution authorities are responsible for overseeing the implementation of labor laws. Their role involves ensuring that employers adhere to established labor standards and that employees' rights are protected. Prosecutors examine whether laws related to wages, working hours, and workplace conditions are being followed. Their supervision also ensures that any violations of labor rights are promptly addressed. The effective implementation of labor laws relies heavily on this oversight, as it guarantees consistency and fairness in enforcement (Syed, 2023). By conducting regular checks, prosecutors can identify any gaps in compliance and take necessary actions to resolve them. Ultimately, prosecutor's supervision serves as a safeguard for upholding labor rights and maintaining order in the labor market.

State control and inspection are essential for ensuring compliance with labor laws. Specially authorized state bodies are responsible for overseeing the adherence to legislative requirements. These bodies are empowered by specific legislative documents and operate within defined areas of activity. The scope of control includes various sectors, such as energy, sanitation, industrial safety, and nuclear safety. For instance, state energy supervision ensures that energy-related activities meet safety standards. State sanitary-epidemiological supervision focuses on public health and safety in workplaces. Similarly, other specialized agencies enforce compliance with industrial and radiation safety regulations. These inspections are crucial for maintaining a safe working environment and protecting employees' rights. Each authorized body has the legal authority to monitor and enforce safety measures.

Departmental supervision, carried out by relevant structural units of state bodies, plays a critical role in labor rights compliance. These units, such as the personnel service or human resources management department, are tasked with monitoring labor regulations. Current labor legislation assigns the responsibility of departmental supervision to various state bodies. The primary focus of this supervision is the implementation of labor laws, related legal documents, and occupational safety rules (Koyuncu, 2008). These laws and regulations form the object of supervision. The

subject of departmental supervision involves ensuring adherence to labor laws, legal documents, and safety standards. Labor legislation clearly defines four types of state control and inspection. Each type has its own specific object and subject, ensuring thorough oversight. These distinctions help ensure that the supervision is focused and effective. The implementation of departmental supervision is essential in maintaining labor rights protection and promoting workplace safety.

B. The Tasks of State Control and Inspection in Labor Rights Protection

State control and inspection play a vital role in ensuring compliance with employees' labor rights. The main tasks of these authorities are outlined in various legislative acts. For instance, the Law "On Prosecution" establishes that the prosecution's primary responsibility is to safeguard citizens' rights and freedoms. It also focuses on preventing and addressing legal violations, ensuring the supremacy of the law. In the context of labor rights, this means ensuring employers adhere to labor laws that protect employees' rights. Similarly, state sanitary supervision tasks are outlined in the Law "On Sanitary-Epidemiological Welfare of the Population." These tasks aim to ensure employers comply with health and safety standards that directly affect employees' working conditions.

State sanitary supervision focuses on preventing, detecting, and eliminating violations of sanitary regulations. The employer is responsible for ensuring that employees' work conditions meet hygiene standards (Popova et al., 2021). For example, work schedules and the provision of household services to employees are part of these obligations. Through this type of state supervision, authorities work to maintain healthy environments for workers and address any issues that may affect their well-being. The ultimate goal is to ensure that all employers follow the established sanitary regulations. Thus, it contributes significantly to maintaining a safe and healthy working environment for employees.

On the other hand, state inspections are more focused and specific in nature. Unlike supervision, while that addresses broader issues, inspections focus on specific issues. For instance, the State Labor Inspection checks compliance with labor and occupational safety laws (Konstantinou et al., 2020). Inspections are conducted based on decisions made by the authorized body overseeing business inspections. These inspections are limited in scope and often require prior agreement with the concerned authorities. An example of this is when state technical inspectors investigate workplace accidents under the Law "On Labor Protection." In such cases, inspectors assess whether any legal violations occurred and take necessary actions accordingly. These specialized inspections ensure that labor laws are strictly followed, especially in the event of accidents or unsafe working conditions.

C. Restrictions on State Control and Inspection

Current legislation does not impose direct restrictions on conducting state control measures regarding labor rights. However, specific legislative provisions govern the conduct of inspections. These restrictions primarily concern business entities and their operations. For instance, Presidential Decree No. PF-5490, dated July

27, 2018, established limits on inspections. According to this decree, planned inspections unrelated to financial or economic activities of business entities were abolished. This reform, effective from September 1, 2018, aimed to streamline the inspection process. The purpose was to focus on relevant areas of business operations. Thus, inspections related to labor rights compliance fall within these broader restrictions. The emphasis was placed on ensuring inspections were purposeful and in line with business interests.

Furthermore, from April 1, 2019, another reform was introduced. Inspections of business entities now require prior agreement with the Business Ombudsman. This change aimed to protect the rights and interests of business entities. The role of the Business Ombudsman became central to overseeing and authorizing inspections (Bennett, 2014). This procedure ensures that labor rights compliance inspections are well-structured and consistent with business regulations. It adds an additional layer of oversight in the inspection process. Importantly, these requirements also apply to labor rights-related appeals. This shows the clear intention of the government to regulate inspections carefully.

Other restrictions applicable to inspections are found in the broader framework of current legislation. Various laws govern the actions of state bodies when conducting inspections. These legal provisions address the scope, purpose, and process of inspections. They ensure that state control over labor rights compliance is balanced and does not overreach. Additionally, these restrictions help safeguard the interests of both employers and employees. By regulating inspections, the law seeks to prevent misuse of state control. The intention is to ensure that state inspections remain fair, transparent, and focused on protecting workers' rights. These measures reflect a broader effort to improve the business environment while safeguarding labor rights.

D. Periodicity in State Control and Inspection of Labor Rights Compliance

State control and inspection in the labor sphere are continuous processes (Fan, Zhao, & Yin, 2024). According to the Law "On Prosecution," prosecution authorities oversee the precise application of labor legislation. These authorities ensure that labor-related laws are uniformly enforced. State control is essential for maintaining compliance with legal standards. The continuous nature of this oversight allows for prompt responses to violations. The role of the prosecution is crucial in upholding employees' rights through regular monitoring. Additionally, periodic inspections help to identify potential risks and improve labor conditions. These inspections are conducted to ensure that employers adhere to established labor laws.

Legislative documents also specify the timing and conditions for labor inspections. For instance, the State Labor Inspection has the authority to conduct unplanned inspections. These inspections are short-term, lasting no more than one day. Inspections are based on complaints from individuals or legal entities. They are conducted without prior approval from other regulatory bodies. Importantly, the inspections focus on compliance with employment and labor protection laws. They do not interfere with the financial operations of the inspected organizations. These

provisions ensure that labor rights are protected without disrupting business activities.

Conclusion

The comprehensive analysis of state control and inspection mechanisms regarding compliance with employees' labor rights reveals several significant findings. First, the research demonstrates that while these mechanisms share common foundations, they possess distinct characteristics that make them uniquely effective in their respective domains. The clear delineation of scope, authority, and implementation procedures for each type of control mechanism ensures a systematic approach to labor rights protection.

The study particularly highlights the importance of the four-tiered control system, comprising ministerial oversight, prosecutorial supervision, specialized state body control, and departmental supervision. Each tier serves specific functions while complementing the others, creating a comprehensive framework for labor rights protection. The diversity in operational tasks and implementation methodologies across these mechanisms enables a more thorough and effective oversight system.

Furthermore, the research identifies how recent legislative changes, particularly those affecting business entities, have reshaped the landscape of labor rights inspection. The introduction of restrictions and coordination requirements with the Business Ombudsman represents a significant shift toward balancing regulatory oversight with business operational freedom.

Looking forward, these findings suggest several areas for potential improvement and future research. First, there is a need to evaluate the practical effectiveness of the current restrictions on planned inspections and their impact on labor rights protection. Second, further research could explore how to enhance coordination between different control mechanisms to increase overall system efficiency. Finally, consideration should be given to developing more sophisticated methodologies for assessing the impact of various control mechanisms on actual labor rights compliance.

The distinctive aspects and characteristics of state control and inspection mechanisms, as established in legislative documents, form the foundation of an effective labor rights protection system. Understanding these distinctions is crucial not only for theoretical comprehension but also for practical implementation and future policy development in the field of labor rights protection.

The findings of this research contribute to both the theoretical understanding of labor rights protection mechanisms and practical knowledge for stakeholders involved in their implementation. This understanding can serve as a valuable resource for policymakers, legal practitioners, and researchers working to enhance labor rights protection systems.

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