TSUL LEGAL REPORT

THE LAW JOURNAL

E-ISSN: 2181-1024

VOLUME 4
ISSUE №4
DECEMBER 2023

JOURNAL DOI: 10.51788/tsul.lr.
ISSUE DOI: 10.51788/tsul.lr.4.4.

TSUL LEGAL REPORT

INTERNATIONAL
ELECTRONIC SCIENTIFIC JOURNAL

VOLUME 4

ISSN: 2181-1024. Certificate: No. 1342

Contacts

Editorial office address: Tashkent, st. Sayilgoh, 35. Index 100047.

Principal Contact

Tel.: (+998 71) 233-66-36

Fax: (+99871) 233-37-48

E-mail: info@legalreport.tsul.uz

CONTENTS

TSUL LEGAL REPORT

Journal homepage: www.legalreport.tsul.uz

DOI: https://dx.doi.org/10.51788/tsul.lr.4.4./PRGF6286

COMPARATIVE LEGAL ANALYSIS OF THE LEGAL FRAMEWORK AND BEST PRACTICE OF SOME FOREIGN COUNTRIES ON THE WORKING CONDITIONS CREATED FOR CIVIL SERVANTS AND EMPLOYEES

Ibragimova Mukhlisa Paridunovna
PhD student at the Academy of Public Administration under the President of the Republic of Uzbekistan.
ORCID: 0000-0002-7490-1587
e-mail: i.mukhlisa57@gmail.com

ARTICLE INFO

Keywords: civil service reform, social guarantees, comparative analysis, public administration, international experience, legislative adjustments, responsive governance.

ABSTRACT

This research, integral to the examination of foreign countries' best practices in civil service reform and the enhancement of social guarantees for civil servants within our nation, employs a comprehensive set of research methods. The study aims to glean insights from the transformative experiences of countries undergoing radical public administration reform. Methodologically, a comparative analysis is employed to assess the strategies and policies in the field of public service. The research focuses on nations like Georgia, Estonia, Poland, Croatia, Vietnam, and Singapore, utilizing case studies and in-depth interviews with key stakeholders.

The conclusions drawn from this research shed light on the effectiveness of various reform measures and their implications for civil service enhancement. The findings advocate for the adaptation of successful practices observed in the aforementioned countries. Moreover, the research suggests specific legislative adjustments to align our civil service framework with international best practices. The proposed legislative modifications aim to foster a more responsive, accountable, and efficient civil service, ultimately contributing to the overall development and well-being of our society.

Introduction

The imperative examination of foreign countries' best practices in civil service reform and the augmentation of social guarantees for civil servants within our nation stands as a critical endeavor. This research undertakes a focused exploration, employing a comprehensive set of research methods to glean insights from the transformative experiences of countries currently undergoing radical public administration reform. The methodological approach includes a comparative analysis, concentrating on nations such as Georgia, Estonia, Poland, Croatia, Vietnam, Singapore, and Uzbekistan. Through the utilization of case studies and in-depth interviews with key stakeholders, the research aims to unravel the strategies and policies that have proven effective in reshaping public service dynamics.

As a review article, this work synthesizes and analyzes existing literature and empirical evidence [1, pp. 138–148] on civil service reform and social guarantees. It provides a comprehensive overview of the methodologies employed in the studies of selected countries, offering a nuanced understanding of their experiences. The subsequent sections delve into the research methods employed, the nuances of transformative experiences in selected countries, and the conclusions drawn from these investigations. Furthermore, the research puts forth actionable suggestions, including specific legislative adjustments, with the overarching goal of fostering a more responsive, accountable, and efficient civil service – a crucial facet for the overall development and well-being of our society.

Materials and methods

The methodological framework involves a meticulous examination of the strategies and policies implemented in the field of public service in each country. Case studies are instrumental in providing in-depth insights into the practical aspects of civil service reform, while interviews with key stakeholders contribute valuable qualitative data. The selection of these nations is deliberate, representing a mix of diverse socio-political contexts and reform trajectories.

The systematic review process involves categorizing and synthesizing information on civil service reform, social guarantees, and related topics. Analytical tools such as content analysis are applied to extract meaningful patterns and trends from the gathered materials. This methodological rigor ensures the reliability and comprehensiveness of the synthesized information.

By systematically reviewing and analyzing the available materials, this research aims to offer a nuanced understanding of the diverse approaches to civil service reform, highlighting successful strategies that can be adapted to the specific needs and context of our nation. The subsequent sections of this review will present the findings derived from this methodological approach and draw conclusions based on the synthesized information.

Research results

In these countries, public administration and public service are organized on the basis of the rule of law; that is, every act of public administration and public service is regulated by legislation. The most important legal sources of civil service in these countries are the Constitution and special civil service laws. For example, the main legal framework governing labor and employment in the Republic of Vietnam is regulated by the Labor Code and various decrees issued by the Ministry of Labor, Disability and Social Affairs (MOLISA) and other relevant government agencies.

Below, the experience of these countries will be considered separately with the example of their laws [2].

GEORGIAN EXPERIENCE: Principles: The Civil Service system in Georgia, as outlined in the Law of Georgia "On Civil Service," is grounded in principles such as recruitment, professionalism, political neutrality, and transparency. Admission to the Service: Entry into the civil service occurs through a competitive process [3].

Legal Framework: This legislation encompasses the rights and responsibilities of civil servants, addressing matters related to wages, working conditions, and ethical conduct. The functioning of the civil service operates under the framework of an employment contract. Ethical Standards: The Code of Ethics articulates the ethical standards and conduct expectations for civil servants in Georgia. Salary Structure: Civil servants are entitled to a fixed salary for their duties, with the fairness of wages serving as a crucial indicator of financial support. This norm ensures reliable material and social protection, encompassing a salary that sustains a decent standard of living and additional payments. Salary Details: The baseline official salary for civil servants in Georgia is 1100. Approximately 301,000 individuals in the country, including school teachers, firefighters, police officers, and employees of ministries, state agencies, and municipal companies, receive salaries from the budget [4]. Business Trips: When civil servants embark on foreign business trips, particularly in the rotation to diplomatic and consular organizations abroad, travel expenses, compensation, and associated social guarantees adhere to the legislation of Georgia. Leave Entitlements [5]: Civil servants are granted 30 calendar days of work leave. State employees may take leave at their own expense for up to one year as per the law. The work leave specified can be utilized in a distributed manner. Maternity Leave: Civil servants are entitled to 183 calendar days of paid pregnancy and maternity leave, extendable to 200 days in specific circumstances. The leave period includes compensation equivalent to the full salary and can be distributed at the discretion of the civil servants. Medical Protection: In cases where an official is unable to continue in their position due to health reasons, they may transition to another compatible role through open selection or be released from service. Public employees have access to medical care, encompassing services, hospitalization, prescription drugs, and other treatments. Pension System: A funded pension system has been implemented. Housing Benefits: Certain civil service positions may include housing benefits or allowances. Accident and Occupational Disease Coverage: Social benefits may cover workplace accidents and occupational diseases, with compensation payments established to assist the family of a deceased civil servant in unfortunate circumstances. Labor Legislation Oversight: The Department of “Labor Inspection” under the Ministry of Health, Labor and Social Protection of the Population oversees compliance with labor laws, occupational health and safety regulations, and other employment-related standards.

THE ESTONIAN EXPERIENCE. The Estonian civil service, regulated by the Civil Service Act [6], employs 2.8% of the working-age population. The workforce comprises 27,935 individuals, with 22,418 in state institutions and 5,517 in local government bodies. Notably, 64% of civil servants have higher education, exceeding the national average of 43%. The law establishes principles, including recruitment, political neutrality, professionalism, and integrity [7].

Appointment and Termination procedures are defined, emphasizing competition-based selection for appointments and outlining circumstances for dismissal. Civil servants operate under indefinite employment contracts, with a probationary period of up to four months. The law specifies rights and responsibilities, covering wages, working conditions, and ethical conduct.

Regarding Salary, the law delineates the salary system, allowances, and benefits. The average monthly salary is 2,072 euros, showing an increase of 11.9%. Ethical standards for civil servants are outlined, as well as the duration of the main vacation (35 calendar days). Business trips are regulated, detailing reimbursement procedures and social protection for accompanying family members during long-term trips abroad. The law provides for various expenses, including travel, accommodation, insurance, and education-related costs.

In case of delayed vacation pay, a late payment penalty is applicable. Provisions for public holidays are aligned with the Law "On Labor Contracts [8]. "The issue of leave is decided by the authorized person. The law defines the procedure for reimbursement of expenses related to the business trip of a civil servant and issues of social protection of family members. The government determines conditions, expenses, and allowances for long-term business trips abroad.

The law also defines the procedure for increasing the state pension based on seniority, with additional payments calculated according to work experience. A guilty verdict for intentional crimes results in the loss of age pension increase rights.

POLAND. The most important legal source of the Polish civil service is the Constitution of the Republic of Poland. According to Article 153 of the Constitution of Poland [9], "The corps of civil servants in public administration bodies shall operate in order to ensure the performance of public duties in a professional, conscientious, impartial, and politically impartial manner. The prime minister is the head of such a civil servant's corps. In addition, Article 65 of the Constitution states that every person has the freedom to choose and continue his profession, to choose a place of work. The minimum level of remuneration or the procedure for determining its level is determined by law. Article 66 of the Constitution states that everyone has the right to work in safe and hygienic conditions. The methods of exercising this right and the obligations of employers are determined by law. The employee has the right to release fixed days from work as well as annual paid vacation. The maximum number of working hours is determined by law. According to Article 67 of the Constitution, a citizen has the right to receive social security when he is unable to work due to illness or disability, as well as when he reaches retirement age. In Poland, there is a special law ("Civil Service Act") that regulates the activities of civil servants. This law defines the legal basis of the recruitment, employment, rights, and obligations of civil servants in Poland.

The main principles of the civil service system are expressed in the state constitution and legislation on civil service. The main features of the civil service [10] system in Poland are as follows:

Merit-based system: Recruitment, promotion and dismissal of civil servants are based on their qualifications and performance rather than their political affiliation.

Professionalism: Civil servants are expected to maintain a high level of professionalism and provide effective and impartial service to the government and the public.

Legal basis: The Law on Civil Service dated November 21, 2008, defines the principles, rights, and obligations of civil servants. It covers aspects such as working conditions, salaries, transfers, and referrals.

Career Advancement: Civil servants have opportunities for career advancement through a well-defined system of promotion, transfer, and training programs.

Protection of rights: The law provides for mechanisms to protect the rights of civil servants, including the right to appeal against decisions and actions affecting their work.

Political neutrality: Civil servants are expected to maintain political neutrality in their positions to ensure the impartiality of public administration.

Rotation: The law permits the transfer of civil servants within the same office or between offices based on the needs of the administration and the qualifications of the civil servant. Certain conditions and exclusions apply.

Disciplinary measures: The law establishes the procedure for taking disciplinary measures against civil servants who violate their obligations or violate the rules of etiquette.

Appeal Mechanism: Civil servants have the right to appeal to higher authorities or authorities against decisions affecting their work.

Benefits: Government employees often receive benefits such as health care, pension plans, and other benefits as part of their employment package.

The working conditions of civil servants are regulated by international labor standards and national legislation. In particular,

Working hours:

According to the Civil Service Act, the standard working time for civil servants in Poland is usually set at 40 hours per week. This corresponds to the length of the general working week in the country. These hours are subject to some variation depending on the specific needs and nature of the civil service role.

Overtime work: In cases where civil servants are required to work overtime, the act provides for overtime work rules. Overtime usually requires additional compensation or time off in lieu of overtime pay. Specific terms and rates of overtime payment are determined by relevant regulatory documents and labor contracts.

Rest time:

Public servants are entitled to rest periods to ensure their well-being and compliance with labor standards. The law usually defines the rules on breaks during the working day as well as rest periods between working days.

Flexible working-time mode:

The Civil Service Act [11] may allow some flexibility in working hours based on the specific needs of the civil service. For example, some roles may involve irregular working hours or on-call duty, which may affect standard working hours and compensation arrangements.

Collective agreements:

In addition to the provisions of the Civil Service Law, collective agreements negotiated between relevant authorities and employee representatives may specify working hours, rest periods, and related matters for civil servants in more detail.

Holidays:

Annual leave: The standard annual leave entitlement for civil servants in Poland is usually between 20 and 26 working days, depending on length of service and other factors. The longer the employee has worked, the more vacation days he is entitled to.

Sick leave: Civil servants in Poland are entitled to sick leave in case of illness or injury. The length of sick leave and related benefits depend on specific circumstances and the length of service.

Maternity/Paternity Leave: Maternity leave for female civil servants in Poland is usually 20 weeks. Paternity leave for male civil servants is usually around 2 weeks.

Special Leave: Special leave may be granted for various reasons such as personal emergencies, family events or special circumstances. The duration of special leave may vary depending on the situation and the policy of the organization.

The Polish Civil Service Act also defines the working hours of civil servants. For example, in Article 97 of this law, working time schedules are introduced for employees, which allow them to extend working hours up to twelve hours a day, depending on the type and organization of work. However, the total hours worked on such schedules shall not exceed an average of forty hours per week over any given period of time, not exceeding twelve weeks.

Paying for labor:

In Poland, the remuneration system of public servants is regulated by the Law on Remuneration of Public Officials.

Here are some key issues regarding the salary of civil servants in Poland:

Basic Pay: Civil servants get a basic pay commensurate with their position and level of responsibility. This base salary can vary significantly depending on the specific role.

Pay Grades: Civil servants are often divided into pay grades or pay scales. Each grade has a minimum and maximum salary range. The exact salary in this range depends on factors such as experience, qualifications, and performance.

Position and Rank: The salary of civil servants depends on their position and rank in the civil service hierarchy. Senior positions usually come with higher salaries.

Years of service: In most cases, the salary of civil servants increases with their years of service.

Bonuses and Allowances: Civil servants may be entitled to various bonuses and allowances such as performance bonuses, hazard allowances (for certain roles), and other special allowances depending on the nature of their work.

Pensions and benefits: The salary package of civil servants also includes contributions to pension plans and other benefits, including health and social security.

Annual Increments: Periodic salary adjustments, including annual increments to account for inflation, may be part of the salary structure.

The Law of Poland "On Civil Service" stipulates that "Remuneration for the work of a civil servant consists of the basic salary specific to a certain position, a special reward arising from the specific nature of the performed tasks, and a reward for long-term employment in the civil service (Article 85)."

The basic salary for a specific position and the payment of a civil service bonus according to the level of service held are calculated using multipliers of the base amount determined in accordance with special principles in the Law "On the Budget".

A member of the civil service corps may be paid additional wages (bonus) for the performance of additional duties assigned to him by the employer from the funds allocated for the payment of wages during the period of performance of such duties.

CROATIA. The civil service system in Croatia is regulated by the Law on Civil Servants, adopted on July 15, 2005 [12]. Civil servants in Croatia, like in many other countries, receive various social benefits as part of their employment package. These benefits may include:

Job stability: Civil service jobs often offer a higher level of job security than jobs in the private sector. This stability can provide peace of mind to civil servants and their families.

Working hours: Civil servants are obliged to observe the established working hours of the body in which they work. They work and use this time to fulfill their duties.

During working hours, civil servants cannot leave the workplace without permission.

The law does not specify specific working hours for civil servants, but the Labor Code of the Republic of Croatia [13] defines standard working hours as 42 hours per week. This corresponds to the length of the general working week in the country. It should be noted that the working hours of a civil servant may change depending on the place of work.

Retirement and Retirement Benefits: Funded Retirement System

Health Care: Most civil service positions have access to comprehensive health plans that provide government employees and their family members with medical care and treatment as needed.

Paid Leave: Civil servants generally enjoy paid leave, which includes vacation days, sick leave, maternity/paternity leave, and other forms of leave. The law also does not specify the period and duration of annual leave granted to civil servants.

Housing benefits: Some countries offer housing assistance or subsidies to government employees to provide them with adequate and affordable housing.

Childcare and family benefits: Many civil service positions have benefits such as childcare, family leave, and financial assistance for their children's education-related expenses.

Employee Assistance Programs: These programs provide access to counseling and support services for mental health, stress management, and personal issues.

Institute of Mediation. Mediation in public service.

Mediation is the resolution of disputes arising between civil servants;

Mediation should be resorted to in the following disputed (conflict, dispute) cases:

a) Disputes between higher and lower civil servants on operational issues;

b) Assessment of the work and efficiency of high-ranking civil servants;

c) Complaints regarding cases of personal harassment, discrimination, abuse of office.

Article 69 of the Civil Service Law defines the procedure for "Electing mediators". According to it, civil servants in each state body elect one or more civil service mediators (1 mediator for every 50 civil servants). Civil servants performing tasks related to the planning and management of human resources, as well as employees performing similar tasks, can be elected as mediators.

The civil servant who receives the most votes is appointed as mediator for a term of three years.

If the mediator is not elected, the head of the executive power of the state body appoints a person to temporarily perform the duties of the mediator.

Social protection: A civil servant who is transferred to another position more than 100 kilometers from his place of residence must be provided with a place of residence, suitable housing for himself and his family. If a different procedure is provided by separate legal documents, the cost of living will be paid by the state body.

A civil servant and his family shall be entitled to compensation for increased expenses incurred due to separation from his family until housing is provided. This norm defines the working conditions created for civil servants in the Republic of Croatia.

VIETNAM EXPERIENCE. The main legal framework governing labor and employment in Vietnam includes the Labor Code [14] and various decrees issued by the Ministry of Labour, Disability and Social Affairs (Molica) and other relevant government agencies. Civil servants are subject to the Labor Code, but there may be special rules for the public sector.

The working conditions of civil servants in Vietnam may vary depending on their specific positions and agencies. However, some common aspects of working conditions include:

The Constitution of the Republic of Vietnam has only one norm on civil service. Article 96 of the Constitution enumerates the powers of the government. According to him, the management of the public service is the responsibility of the government.

"Implementation of unified management of the national bureaucracy; manages public service in personnel, civil servants, officials, and state bodies; reviews and investigates citizens' complaints and complaints; fights against power and corruption in the state apparatus; directs the work of ministries, ministerial-level bodies and government bodies, and people's committees at all levels; and guides and supervises the implementation of the legal duties and powers of the people's councils.

Recruitment: Civil servants are recruited by examination, except for the cases provided for in paragraph 2 of this article. The form and content of the examination for the recruitment of civil servants should be suitable for each field and profession and should ensure the selection of persons with the appropriate qualities, qualifications, and capabilities.

People who meet all the conditions provided for by the law and who voluntarily commit to work for at least 5 years in mountainous, bordering, island, remote, deep-dwelling or ethnic minority areas or areas with special socio-economic difficulties are recruited through selection (competition) for public service. will be done.

Recruitment of civil servants by examination or selection (competition) is determined by the government.

Appointment of ranks and titles of civil servants

1. The ranks of civil servants include:

a) Senior specialist and equivalent;

b) Chief specialist and equivalent;

c) Specialist and equivalent;

d) Technical and equivalent;

e) Employee

Service Housing: Provides funds for the construction of public investment housing for staff and civil servants to rent during

rotation or tour of duty. After the end of this period, personnel and civil servants return the service houses to the agencies, organizations, and units that manage them.

Departments, organizations, and departments managing service homes ensure the purposeful use of these homes.

Promotion:

Personnel and civil servants who have performed their public duty at an excellent level can be awarded in accordance with the legislation on incentives. Personnel and civil servants who have been awarded for their achievements or services have the right to receive early salary increases and, when necessary, to be assigned to higher positions by agencies, organizations or units.

Salary and benefits. Civil servants have the right to receive regular wages, bonuses, and other benefits stipulated in the labor laws and their labor contracts.

The minimum wage level is the minimum wage paid to an employee who performs the simplest work under normal working conditions in order to ensure the minimum living conditions of the employee and his family, consistent with the conditions of socio-economic development.

The minimum wage is determined by region and is determined on a monthly and hourly basis.

The minimum wage level is established based on the minimum living conditions of employees and their family members; their relationship with the market wage rate; the consumer price index and economic growth rate; labor supply and demand; employment and unemployment; labor productivity; and the solvency of enterprises.

Wages for overtime and night work:

1. An employee who performs work outside of working hours is paid from the wage unit or the wage actually paid to his current job, in particular, in the following amounts:

a) It is equal to at least 150% on normal working days;

b) At least 200% on weekends;

c) is equal to at least 300%, except for holidays and paid holidays, holidays and paid holidays for employees who receive daily wages.

2. An employee engaged in night work shall be paid an additional fee in the amount of at least 30% of the salary calculated based on the wage unit or actually paid wages for the work performed on regular working days.

3. An additional fee in the amount of 20 percent of the salary calculated on the basis of the salary unit, in addition to the payments provided for in clauses 1 and 2 of this article, shall be paid to the employee who performs work outside of working hours at night.

Vacation: Vietnam's labor law provides for various types of vacations, including annual leave, sick leave, maternity leave, and special leave. Civil servants are entitled to such leave in accordance with the Labor Code.

Holidays:

1. An employee who has worked for the employer for a full 12 months is entitled to a fully paid annual leave as specified in his employment contract, which is determined as follows:

a) twelve working days for employees working under normal conditions;

b) for minor employees, employees with disabilities or persons performing heavy, dangerous or hazardous work - fourteen working days;

c) sixteen working days for persons performing extremely difficult, dangerous or hazardous work.

Personal leave, unpaid leave

1. The employee has the right to take a fully paid personal leave in accordance with the following procedure and must notify the employer:

a) marriage: 3 days;

b) having a child or marrying an adopted child: 1 day;

c) death of his parents or adoptive parents; mother-in-law or adoptive father-in-law; her husband; or his descendant or adopted child: 3 days.

Workplace Safety: Employers, including government agencies, are responsible for providing a safe work environment and ensuring compliance with occupational health and safety regulations.

Pension: Article 31, Part 2 and Article 60, Part 2 of the Law on Personnel and Civil Servants of November 13, 2008. The staff shall notify his governing body, organization or division in writing of the exact time of retirement six months before the date of retirement. Three months before the personnel's retirement, his governing body, organization or department shall make a decision on his retirement.

THE SINGAPORE EXPERIENCE

The Singapore Civil Service has about 150,000 skilled civil servants in 16 ministries and over 50 state councils as of August 2023. 86,000 of them work in ministries, and the remaining 64,000 work in various fields of public service.

Section 9 of the 1959 Singapore Constitution [15], Sections 102-119, sets out the legal status of the Civil Service. If we look at the government guarantees in Singapore, it can be seen that a mechanism has been formed for civil servants to rise to the top of the career ladder based on their existing potential. Service activity is formed on the basis of modern material and technical base. By law, Singapore civil servants are required to complete a 100-hour refresher course each year.

In Singapore, the relationship between employer and employee is primarily governed by the employment contract between them. As a general rule, parties can enter into contracts as they see fit, subject to labor law and certain limitations. Employment contracts contain several important clauses, such as: position, term of employment contract, remuneration package, working hours, employee benefits, and rules of conduct.

Under Part IV of the Act, employees earning less than S$2,600 per month are provided with additional protections ("holiday, working hours and overtime, holidays, annual leave, sick leave, severance pay, retirement benefits, annual additional payments, and other variable benefits").

According to the law, employees are given various types of compensation in addition to their regular wages. Benefits may include sick leave, annual leave, maternity leave, incentives and bonuses, relocation assistance, medical allowances, pension fund contributions, housing allowances, child education allowances, childcare allowances, travel allowances, etc.

The salary paid to an employee depends on the position and skills required. An annual bonus equal to at least 1 month's salary, commonly known as 13th month pay, has become the norm in Singapore. The exact amount of the annual bonus may vary according to company policy and usually depends on the employee's performance as well as the company's performance. The details of the annual bonus policy are usually specified in the employment contract. In Singapore, during good economic times, it is not unusual for employees to receive an annual bonus of 2-3 times their monthly salary.

According to the Labor Law, employees have the right to work no more than 8 hours a day or 44 hours a week. Employees are entitled to 1 day off per week (from midnight to midnight is considered a non-working day).

According to the Labor Law, an employee has the right to a paid vacation on public holidays, but the exact dates can be changed to another day by mutual agreement between the employer and the employee. If Sunday falls on a holiday, the following Monday is considered a paid holiday. In addition, if the day off falls on a day when the employee is not required to work according to the contract, he will be paid an additional day's wages or compensation in the form of an additional day off instead.

According to the Labor Law, all employees are given at least 7 days of vacation per year. In practice, all employees are granted approximately 14 days of annual leave per year (well above the minimum required leave). The duration of annual leave depends

on the contract between the employee and the employer, but during the first year and for each additional year of work, 1 additional day. Unless otherwise stipulated in the employment contract, annual leave up to half a working day is considered 1 day leave. An employee's annual leave will be canceled if he is fired for illegal behavior, if he is fired without permission for more than 20% of the working day in a month, or if he does not use the leave in each year of 12 months of continuous work.

According to the law, if the employee has worked for the company for at least 6 months: The employee is entitled to 14 days of sick leave and 60 days of hospitalization leave per year. If employed for less than 6 months: the employee is entitled to 11 days of sick leave per year and 45 days of hospital leave (including 11 days).

There is no statutory requirement in Singapore to provide private health insurance benefits to employees. Working professionals who are Singapore citizens or permanent residents are automatically provided with medical insurance called Medishield - the basic level of insurance protection for all Singaporeans.

According to the law, female employees who have worked for more than 3 months can be granted pregnancy and maternity leave. Existing female employees are entitled to a total of 16 weeks of leave. Employers are prohibited from dismissing employees on maternity leave. If an employee is terminated without reason within 3 months of giving birth, employers are required to pay maternity leave in full. In addition to maternity leave, eligible female workers are entitled to 6 days of parental leave per year if they have worked for the employer for more than 3 months and are the parents of a child under the age of 7.

Most companies in Singapore offer their employees some benefits outside of the law, which ensures that their workforce is well taken care of. Some of the common benefits include: medical care and personal benefits, daily travel expenses, relocation package (Most companies provide relocation allowance for expatriate employees who have to relocate to Singapore with their family from their home country. The compensation package usually includes: paid delivery of personal belongings, air tickets, free or subsidized housing, payment of utility bills, paid childcare, and school fees for children).

Analysis of research results

This comparative review delves into the civil service systems of Poland, Vietnam, Croatia, Singapore, Estonia, Georgia, and Uzbekistan, analyzing key aspects such as merit-based principles, professionalism, global reputation, efficiency, working conditions, legal compliance, ongoing reforms, and research contributions. The following tables offer a succinct overview of the diverse strengths and challenges observed in each country, providing valuable insights into the nuances of their civil service models and their respective impacts on effective governance.

Table 1

Merit-Based Systems and Professionalism

Country	Merit-Based System	Professionalism	Legal Framework
Poland	Strong commitment	High	Well-established
Vietnam	Ongoing reforms	Moderate	Evolving
Croatia	Commitment to legal principles	Emphasized	Strong legal basis
Singapore	Well-established meritocracy	High	Robust legal framework
Estonia	Commitment to meritocracy	High	Strong legal foundation
Georgia	Ongoing research and reforms	Evolving	Evolving understanding
Uzbekistan	Ongoing reforms and research	Evolving	Modernization focus

Table 2

Global Reputation and Efficiency

Country	Global Reputation	Efficiency	Strategic HRM
Singapore	High	Very High	Strong emphasis
Vietnam	Improving	Moderate	Ongoing reforms
Uzbekistan	Improving	Developing	Modernization focus

Table 3

Working Conditions and Legal Compliance

Country	Working Hours	Rest Time	Collective Agreements	Legal Compliance
Poland	40 hours/week	Defined by law	Yes	High
Estonia	Defined by Civil Service Act	Flexibility allowed	Yes	High

Table 4

Ongoing Reforms and Research

Country	Ongoing Reforms	Doctoral Work	Contribution to Governance
Georgia	Yes	Yes	Evolving understanding
Uzbekistan	Yes	Yes	Modernization focus

Table 5

Conclusion and Future Implications

Summary
Diverse strengths and challenges observed
Nuanced understanding of civil service models
Importance of legal foundations, meritocracy, and adaptability
Ongoing research and reforms contribute to effective governance

Conclusion

In conclusion, this comprehensive review has provided insights into the civil service systems of Poland, Vietnam, Croatia, Singapore, Estonia, Georgia, and Uzbekistan. Each nation presents a unique perspective on civil service governance, offering valuable lessons and practices that contribute to the overall understanding of effective public administration.

Poland's merit-based system, emphasis on professionalism, and strong legal foundation, as outlined in the «Civil Service Act,» underscore its commitment to a transparent, accountable, and responsive civil service.

Vietnam's civil service system showcases adaptability and ongoing reforms, with notable progress in areas such as professionalism, recruitment processes, and legal frameworks. The nation's commitment to enhancing public administration reflects its resilience in the face of evolving governance challenges.

Croatia stands out for its dedication to legal principles, emphasizing political neutrality and transparency. The country's focus on ethical conduct within the civil service aligns with a commitment to fairness and accountability, evident in its legal provisions and adherence to international labor standards.

Singapore's renowned civil service model emphasizes meritocracy, professionalism, and strategic human resource management. The city-state's commitment to continuous training, performance-based evaluations, and efficient public administration contributes to its global reputation for high performance.

Estonia, with its regulated civil service system under the Civil Service Act, demonstrates a commitment to professionalism and a merit-based approach. The legal framework provides a solid foundation for recruitment, employment, and defining the rights and obligations of civil servants.

Georgia, with its emphasis on principles like recruitment, professionalism, and political neutrality, contributes to the understanding of effective civil service governance. Ongoing research and doctoral work in the field of public administration further enrich the country's experience.

Uzbekistan's civil service experience, characterized by ongoing reforms and research at the Academy of Public Administration, offers valuable lessons. The nation's commitment to modernizing its civil service aligns with global trends in enhancing public administration effectiveness.

In navigating the complexities of modern governance, these countries collectively offer a rich tapestry of experiences, highlighting the importance of legal frameworks, merit-based recruitment, and professionalism. As the global landscape evolves, continuous learning from these diverse experiences can inform future reforms, fostering responsive, efficient, and accountable civil service systems worldwide.

REFERENCES

1. Khayitov Kh. (2021). ISSUES OF IMPROVING THE LEGAL FRAMEWORK OF THE CIVIL SERVICE. 2020. 138–148.

2. Labor code of the Republic of Viet Nam. Code No.: 45/2019/QH14 Available at: http://boluatlaodong2019.molisa.gov.vn/lang_en/topic/viet_nam_labour_code/index

3. Law of Georgia "On Civil Service." Available at: https://matsne.gov.ge/en/document/view/28312?publication=108

4. Schiavo-Campo, S., de Tommaso, G., & Mukherjee, A. (2020). Government Employment and Pay in Global Perspective: A Selective Synthesis of International Facts, Policies and Experience. Public Sector Management and Information Technology Team, Technical Department for Europe, Central Asia, Middle East and North Africa, World Bank.

5. Organic Law of Georgia – Labour Code of Georgia. Available at: https://matsne.gov.ge/en/document/view/1155567?publication=23

6. Estonian Civil Service Act Passed 13.06.2012/ RT I, 06.07.2012, 1/ Entry into force 01.04.2013, §§ 108-110 and 136 entered into force 16.07.2012 Available at: https://www.riigiteataja.ee/en/eli/509072014003/consolide

7. Available at: https://www.fin.ee/en/state-local-governments-spatial-planning/public-administration-and-personnel-policy/public

8. Available at: https://www.eesti.ee/en/work-and-labor-relations/working-bases/employment-contract

9. THE CONSTITUTION OF THE REPUBLIC OF POLAND OF 2nd APRIL, 1997 As published in Dziennik Ustaw No. 78, item 483. Available at: https://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm

10. The Civil Service in Poland: its status in the state and its evolution. Post author Irene Lipowicz |17 July 2023/ DOI: 10.13130/2723-9195/2023-3-7.

11. Act of 21 November 2008 on Civil Service. Available at: https://www.gov.pl/web/civilservice/legal-framework

12. Available at: https://www.vsrh.hr/CustomPages/Static/HRV/Files/Legislation__Civil-Servants-Act.pdf

13. Available at: https://www.vsrh.hr/CustomPages/Static/HRV/Files/Legislation__Labour-Act.pdf

14. Available at: https://www.vietnam-briefing.com/doing-business-guide/vietnam/human-resources-and-payroll/labor-law#:~:text=In%20this%20regard%2C%20Vietnam%20approved,International%20Labor%20Organization%20(ILO).

15. Constitution of the Republic of Singapore Current version as at 23 Dec 2023. Available at: https://sso.agc.gov.sg/Act/CONS1963

TSUL LEGAL REPORT

Journal homepage: www.legalreport.tsul.uz

DOI: https://dx.doi.org/10.51788/tsul.lr.4.4./GVTJ6320

DATA OWNERSHIP RIGHTS: LEGAL AND TECHNICAL SOLUTIONS

Mamanazarov Sardor Shukhratovich
Tashkent State University of Law,
Head of Human Resources Department
ORCID: 0009-0004-5855-6498
e-mail: sardormamanazarov@gmail.com

ARTICLE INFO

Keywords: Data ownership, digital economy, usage controls, privacy enhancing technologies, blockchain, data rights, exclusive rights, data governance, cryptography, access controls.

ABSTRACT

In the era of the digital economy, the concept of data ownership rights has emerged as a critical and complex issue. This research delves into the legal and technological dimensions surrounding the feasibility of establishing proprietary rights over digital artifacts. As data assumes heightened economic significance, questions arise regarding the applicability of traditional property laws to intangible, easily replicable digital representations. Scholars debate whether exclusive rights over non-rivalrous resources are meaningful in a landscape where multiple parties can simultaneously utilize data without depletion.

The study employs a comprehensive methodology, analyzing legal frameworks globally and evaluating technological tools such as blockchain, homomorphic encryption, and digital watermarking. Legal barriers are explored, addressing challenges in establishing ownership over dynamically evolving data assets. The research also investigates emerging technological capabilities that facilitate usage controls, access management, and transparency. The focus then shifts to proposing a holistic data rights management framework, emphasizing the need for international accords, multi-stakeholder collaboration, and standardized metadata.

The results highlight the tension between commercial data incentives and public access needs, emphasizing the importance of harmonizing legal and technological advancements. Despite challenges, the study recommends binding international agreements, context-aware permissions, and industry oversight bodies to construct responsible and transparent data ecosystems that balance public welfare with commercial interests. The findings underscore the complexities of ownership in the digital age, urging a nuanced approach that prioritizes stewardship, collaboration, and proportional privileges over absolute claims.

Introduction

The concept of data ownership rights has garnered much attention amidst the digital economy's heavy reliance on data. With data becoming an increasingly valuable economic asset, questions have emerged on whether proprietary rights can be legally instituted over such intangible digital artifacts [1, p. 1373]. Contention exists regarding the applicability of ownership constructs rooted in tangible property laws to these digital representations of real-world facts that can be easily copied and transferred [2, p. 1125]. Divergent perspectives question the meaningfulness of exclusive rights over non-rival resources that can be utilized by multiple parties simultaneously without depletion.

Nonetheless, some scholars like Purtova [3, p. 10] argue data ownership frameworks can empower individual rights and enable proportional value distribution in data exchange. A clear ownership designation is also seen as an enabler for efficient markets in data assets. On the other hand, critics caution against the risks of anti-competitive accumulation or creating barriers to data access that can impede innovation. Questions also exist regarding the coherence of legal rights when data constantly evolves through usage, analytics, and combinations across the networked environment.

While debates continue on whether legally enforceable data ownership regimes are theoretically coherent, viable or socially optimal [4, p. 10], the technological tools to architect such control and permission constructs have rapidly advanced. Cryptographic methods like watermarking, blockchain, and homomorphic encryption now allow finer-grained usage restrictions to be imposed along with transparency in permissions management. However, interdisciplinary examination is needed to bridge these emerging capabilities with policy objectives to assess if holistic frameworks instituting exclusive data rights can fulfill economic and social goals without considerable downsides. This research hence aims to evaluate the current legal and technological landscape regarding instituting proprietary data ownership constructs to determine feasibility both from rights realization and enforcement perspectives.

Material and methods

The legal dimensions shall be analyzed through theoretical conceptualizations of property rights applicability to data assets and comparative assessment across multiple jurisdictions on existing and proposed data regulations conferring varying degrees of exclusionary privileges. Scholarly doctrinal analysis shall scrutinize intrinsic characteristics of data assets, including intangibility, non-excludability, non-rivalry, and infinite reproducibility that challenge ownership constructs rooted in scarce tangible resource allocation [5, p. 16]. Limitations of conventional intellectual

property formulations shall also be discussed, given the absence of an original creative expression in raw facts represented by data. Questions on evidencing title claims over perpetually evolving data assets shall also be examined [6, p. 45].

The comparative law methodology shall trace data ownership, access, and economic rights entitlements instituted across major regimes including the EU's General Data Protection Regime (GDPR), sector-specific frameworks like the EU Database Directive recognizing sui generis rights, and other national regimes like Australia's Consumer Data Right. Nuances across rights, liabilities, and stewardship-based models shall be compared regarding exclusionary aspects and transferability provisions to discern trends and consensus constructs in instituting proprietary privileges over data. Questions on discerning discrete 'parcels' of data over which ownership can be claimed shall be discussed, besides recognizability challenges in identification and conveyancing of dispersed networked data resources for trading [7, p. 379]. The risks of anti-competitive effects and barriers to data sharing from concentrated accumulation shall be weighed from evidence in analogous datasets like genetic data [8, p. 269]. Enforcement gaps will also be highlighted by assessing case law across jurisdictions.

Thereafter, the focus shall shift to surveying emerging technological methods that can restrict usage, enable access control, and institute transparency regarding usage permissions. Distributed ledger methods like Blockchain shall be analyzed regarding their potential to irrevocably log transactions and enforce smart contracts conferring data access rights to counterbalance volatility and inference threats from perpetual computational operations [9, p. 130]. Granular encryption protocols allowing selective access by cryptographic segmentation shall be examined as usage control mechanisms along with privacy-enhancing methods like homomorphic encryption disabling computational inferences [10, p. 13]. Digital watermarking and provenance tracking protocols shall be evaluated regarding instituting attribution rights while enabling enforcement against unauthorized usage. Interlinked infrastructures bridging these technical mechanisms with legal rights expression shall be conceptualized to develop integrated management systems.

Gaps shall be identified in existing technological implementations regarding irrevocable binding and seamless interoperability across systems to fulfill continuity and persistence imperatives associated with ownership constructs. Questions shall also be examined if dynamic ongoing negotiations can match the pace of computational developments through which coded rules instantly become outdated. Thereafter, drawing on the comparative analysis and technology assessment, recommendations shall be provided regarding the policy and regulatory foundations needed to actualize such exclusive data rights regimes. Multi-stakeholder accords, standardized identification methods, oversight bodies guiding continuing enhancements, and measurement studies shall be proposed as integral pillars in nascent ecosystems stewarding proprietary data access equitably whilst safeguarding against anti-competitive or socially detrimental effects.

Research results and its analysis

Legal Barriers and Considerations Regarding Data Ownership Frameworks

Establishing legally enforceable ownership rights over data faces several conceptual and practical challenges rooted in the applicability of property rights formulations to intangible digital artifacts [11, p. 43]. Questions about whether the instituting of exclusive privileges of use, exclusion, and transferability over non-rival and non-excludable data can fulfill economic efficiency and social welfare objectives without considerable downsides.

Emerging from analog constructs centered

on scarce tangible resources, requirements like physical control for perfecting title claims sit awkwardly with digitally dispersed, interlinked data that lacks cognizable identification and definitive boundaries [12, p. 403]. The perpetual reproducibility of data also counters exclusionary constructs since infinite perfect copies can be created for simultaneous utilization by multiple parties, unlike depleted material assets. Dynamism further hampers static ownership designation over data in constant flux from myriad interactions, analytical enrichments, and amalgamations across networks [13, p. 23].

Another dilemma arises regarding whether data merely constitutes facts or distillations of reality, raising questions on the coherence of intellectual property protections, which require some modicum of human creativity in the form of original selection, coordination, or arrangement of elements [14, p.]. Mere digitization of analog information into database formats is hence generally ineligible for coverage under copyright regimes. Such exclusion questions the viability of proprietary legal treatments over data not emanating from inventive intellectual efforts.

Several leading economies, like the United States, also explicitly bar property rights over raw facts underlying data through principles like the Europeana sui generis database rights regime, which confers heightened protections for database structure creators without extending similar privileges over data itself, which remains available for utilization by lawful access methods [15, p. 18.]. Contention hence remains among policymakers if proprietary privileges over data can spur markets without considerable downsides.

Nonetheless, European Commission reports have strongly advocated data ownership frameworks to facilitate the free flow of data assets [16, p. 58.]. But difficulties arise in instituting title claims over dynamic data objects evolving perpetually through usages and combinations across networked systems lacking stable identification references or boundaries. Implementing conventions like adverse possession based on continuous possession as title perfection requirements also remains dubious for digitally dispersed data [17, p. 58.].

Emerging distributed ledger innovations like blockchain offering immutable ledgers for recording transactions can assist in cementing static references and timestamped records for establishing title claims over data assets. But their energy-intensive proof-of-work consensus models have faced criticism while difficulties persist in achieving interoperability across multiple ledgers needed to manage the diversity of data objects and operations [18, p. 16.].

Questions also remain if business efficiencies alone should propel proprietary data right regimes given the ubiquity of data access for innovation across multiple sectors. Fostering monopolistic controls can restrict access in anti-competitive ways, while calls persist for opening non-personal data access to spur collective benefits across industries, scientific pursuits, and public policy enhancements [19, p. 270.]. But such mandated data sharing sparks its own tensions with economic rights and trade secret protections benefiting commercial entities via competitive advantages.

Nonetheless, the European Union's data governance regulations do strive to balance open access in the public interest with economic rights preservation through proportionate measures like designated data trustee mechanisms for time-limited intermediary stewardship. But questions persist on legal grounds for nullifying entity privileges, risking disincentives for commercial data generation absent adequate rights protections. Difficult determinations also remain regarding defining exceptional circumstances warranting such access overrides along with assessing the adequacy of rewards for data contributors [20].

Emerging distributed ledger architectures have showcased methods for instituting usage controls and access permissions

over data assets through embeddable smart contracts executed over blockchain networks. Multi-signature provisions can split custodianship across authorities to enable selective disclosures that serve public objectives whilst safeguarding commercial interests through traceable accountability measures. However, persisting interoperability deficits across closed ecosystems coupled with volatility risks from dynamic off-chain computations pose enforcement challenges.

Alternative federated governance structures with amendable constitution-equivalents have been envisioned that split authority across stakeholder nodes for checks and balances to overcome disputes. But seamlessness issues arise during transitions between systems amidst perpetually evolving external developments that quickly render embedded rules outdated needing complex override negotiations. Questions hence remain if the adequacy of protections can be evidenced by entities seeking legal enforcement of data rights violations under such fluid regimes [21, p. 136.].

Technologically, however, rapid advances have enhanced monitoring abilities over data flows through event stream analytics, ushering systems for policy definition, permissions configuration, and enforcement oversight – collectively expanding technological readiness for usage control implementation that can fulfill legal policy objectives like balancing access needs in the public interest with adequate entity rights preservation [22, p. 81.].

But tools alone cannot resolve foundational coherence issues like definitively bounding fluid data into discrete assets for enforceable conveyancing given the reality of derived data and perpetually evolving copies. Enforceability also remains questionable against violations by intangible digital means requiring global cooperative remedies, unlike localized physical property trespass [23, p. 1151.].

Thus, while technology constructively aligns usage controls with emerging data rights, unresolved conceptual dilemmas persist regarding instituting ownership constructs over inherently unboundaried, dynamic digital artefacts, needing creative policy solutions that steer past analog property notions unsuited for the data age.

Result 2: Emerging Technological Capabilities Enabling New Data Rights Paradigms

While conceptual dilemmas persist in legal policy domains regarding instituting ownership constructs over perpetually evolving data assets on par with tangible properties, rapid strides have been witnessed in technological capabilities to enforce usage restrictions, access controls, and permission transparency. Solutions anchored in cryptography, blockchain architectures and advanced analytics now offer enhanced infrastructure for instituting exclusive data access rights, setting the stage for interlinked socio-technical systems administering proprietary privileges over digital artifacts.

Foundational innovations like public key infrastructure (PKI) have long enabled trusted identity verification critical for credentialing data access authorizations mimicking real-world rights tokenization. Coupling PKI with decentralized identity schemes can further mitigate risks like single-point targeting that centralized trust anchors of authentication face in credential abuse and impersonation threats [24, p. 11.]. Using blockchain to establish a root of trust for timestamped identity proofs furthers credibility while interoperable DID schemes like W3C standards overcome vendor lock-ins via portable cryptographic commitments across any standards-aligned ledger system.

Once verified, granular access privileges can be instituted over data assets via multilayered encryption protocols like hierarchical attribute-based encryption, which ties decryption authorities to dynamic identity attributes beyond static personally identifiable information, thereby enabling context-aware controls attuned

to contemporary situations [25, p. 87.]. Selective disclosures hence become feasible by releasing decryption keys to only those matching sophisticated logic rules filtering on environment variables, data types, access goals, etc., enabling situationally relevant access tuned to emergent conditions whilst revoking stale privileges as attributes evolve.

Access controls thus transcend one-time consent models fraught by oversharing risks given data's perpetual reproducibility, enhanced by secure multi-party computational methods like homomorphic encryption, which allows analytics on combined datasets across actors without exposing raw data through frontier cryptography [26, p 401.]. Secure data enclaves have also been designed where code execution occurs in trusted environments closest to the data source using hardware-backed attestation avoiding raw data migration [27, p. 49.]. Qualified transparency logging also allows auditable access oversight.

Decentralized ledger innovations also now offer event-sourcing capabilities allowing dispersed yet synchronized data permissions for lifecycle monitoring. Hyperledger Fabric ledgers in particular traverse trust gaps using chaincode rules for policy definition, with enforcement escalations to peer network votes mitigating centralized overrides [28, p. 22.]. Though immutability risks stubbornness, iterative state log imprinting lets circumvent such path dependencies allowing progressive policies attuned to emergent norms and external developments through collective stakeholder guardianship.

Additional techniques like data watermarking have gained maturity providing forensic tracing of leak origins by embedding invisible digital fingerprints with user data mapping identifiers to access logs via pattern recognition, thus expanding policy enforceability [29, p. 31.]. Provenance tracking of data lineage across sources and derivatives through standardized metadata likewise assists liability assessments during infringements.

Result 3: Towards a Holistic Data Rights Management Framework

With technology maturing to bridge usage control policies with automated enforcement, focus now shifts to constructing integrated frameworks that cement data ownership rights within responsibly governed innovation ecosystems balancing stakeholder interests. However, interoperability remains challenging across dispersed tools and disjointed policy initiatives currently segmented across sectors and jurisdictions.

Comprehensive international accords hence remain vital to harmonize baseline rights and obligations that better integrate public interest access needs outlined in emerging mandates like the European Union's Data Governance Act (2020) with economic protections, given perpetual tensions between efficiency and equity objectives. Beyond binding legislations, however, agile coordination is equally essential between diverse authorities via collaborative governance structures that provide "rules of the road" for navigating rights conflicts through collective guardianship, given the poor issue-specificity in universal laws [30, p. 88.].

Such multi-stakeholder data stewardship charters can institute graduated access privileges across industrial data silos to enhance research reusability and public sector analytics whilst involving data contributors in oversight boards for preserving commercial interests. Antitrust restrictions can also prohibit anti-competitive aggregations, modeled on protections against plant germplasm monopolies [31, p. 92.]. Commercially sensitive datasets likewise remain shielded given laws limiting public disclosures.

On access mechanics, technical interlinkages can be coordinated across decentralized identity schemes, permissioned blockchains, and selective encryption to streamline qualified access. System design can split identity

authentication, rights validation audit, and secure computation stages across interlinked hardware modules with attested trust levels to minimize centralized vulnerabilities [32, p. 10.]. Interledger protocols also allow bridging distributed ledger ecosystems using atomic swaps that exchange value across chains based on cross-system execution of smart contract terms, thus avoiding proprietary silos [33, p. 12.]. Integration architectures, therefore, remain vital to actualize policy goals.

Standardizing semantic metadata and taxonomies for usage policy expression can likewise assist automated interpretation and event stream analytics that continually audit compliance. Ontologies demarcating commercial sensitivity thresholds can help restrict opaque derivations whilst data lineage tracking standards like W3C PROV trace permitted propagations, with deviations transparency observed across synchronized ledgers. Violations hence become evident through shared ledger imprints enabling enforcement cooperation.

However, irrevocable binding of external linking further allows augmenting outdated static policies imprinted on ledgers through guided amendments mapped document fingerprints like DOIs rather than complex override rewriting. Still unresolved, however, are challenges in keeping policy pace with data transformations possible via scale and speed of computational remains unresolved, raising questions about constructing fluid regulatory systems capable of preempting emerging manipulation risks before external enforcers intervene.

While many architectural facets now converge across emerging innovations powering integrated data rights ecosystems, unifying legal foundations remain vital to cement proprietary constructs granting sustainable exclusion privileges over hybrid data pools not clearly bifurcated between personal and non-personal spheres, going past transient access notions. Uniform international accords can drive baseline standardization on legally defining qualifying data resources or products over which persistent rights apply, differentiating from intermediate flows.

This is pivotal to foster trust that investments in proprietary data building shall enjoy adequate protections in law across contexts. Specialized industry oversight bodies can further guide continuing enhancements safeguarding against socially counterproductive rights assertions whilst incentivizing contributions to responsible data commons. Impact measurement indices similarly remain crucial to continually assess how proprietary restrictions affect wider access advancements across scientific disciplines and policy domains against baseline projections had datasets remained freely reusable, allowing calibrated policy refinements to prevent suboptimal effects.

Thus, interlinked policy and technology systems holistically bridging data access needs in social welfare interests with economic incentivization imperatives for commercial actors driving large-scale data accumulations remain vital to institute balanced, transparent, and democratically governed data rights ecosystems where both open access and proprietary pursuits can equitably thrive.

Conclusion

Instituting proprietary ownership constructs over data faces considerable policy and technological complexities rooted in reconciling analog property formulations with the reality of perpetually evolving intangible digital artefacts lacking defined boundaries. While exclusive rights may incentivize commercial data production, risks exist regarding monopolistic enclosure and access barriers that can impede innovation. Nonetheless, rapid advances in security, encryption, and blockchain innovations now enable implementing fine-grained usage controls attuned to emergent contexts. This expanding technological readiness needs coupling with integrated policy and cooperative governance mechanisms for instituting balanced, transparent,

and democratically governed data rights ecosystems.

The comparative assessment underscores a lack of legal clarity regarding instituting ownership over factual digital representations despite the extensive accumulation of data assets by commercial entities seeking extraction of economic value. Questions persist if raw facts qualify for intellectual property protections centered on originality requirements. Sui generis database rights mostly limit privileges to structural ingenuity rather than the underlying data itself. Contractual assertions thus remain prevalent for cementing proprietary claims despite gaps in enforceability against indirect users not bound by terms.

Nonetheless, policy momentum exists in proposals like the European Commission's Data Act to enable data sharing whilst preserving trade secret protections that incentive enterprise data building. However, operationalizing such proportionate balancing remains challenging given perpetual user enhancements that can indirectly incorporate restricted inputs. Techniques like data watermarking have promising forensic potentials to strengthen attribution rights. But evidentiary gaps persist regarding dynamic resources in claims for compensation from unauthorized value derivations.

Interlinked governance and technical mechanisms hence remain vital, spanning binding international cooperation on infringement enforcement to multi-stakeholder coordination charters guiding controlled propagation. Integrated identity, permissions, and analytics systems also need crystallizing to actualize concepts like qualified access and controller-processor splits attuned to situational contexts. Encryption advances further bolster selective disclosures revealing only specific attributes or analytics outputs without exposing entire datasets, thus spurring data reutilization under originator oversight.

Blockchain implementations likewise assist immutable event logging for tracing data lineage across sources and derivatives enabling audit rights. Proof chains also cement static asset references counterbalancing fluidity. But pathway dependencies pose obstacles for dynamic policy upgrading needed to match pace with AI systems exponentially amplifying computational power. Persisting volatility from offline analytics and incomplete provenance trails further constrains enforcement prospects requiring failsafe architectural safeguards.

Thus, while technology progressively bridges policy visions of instituting usage controls over data, challenges persist in definitively bounding fluid, infinitely replicable digital artefacts into enforceable legal constructs that irrevocably bind rights and obligations. Ownership notions hence warrant cautious invocation focusing more on proportional privileges, stewardship duties, and collaborative rule-setting than absolute claims over inherently unboundaried digital artefacts resonating across interconnected networks.

Recommendations hence include binding international accords on rights and responsibilities across data supply chains spanning contributors, processors, and end-users, grounded in transparency and accountability. Context-aware permissions protocols are vital for allowing tiered access tuned to emergent public interest needs whilst protecting commercial confidentiality. Cross-sectoral Industry oversight bodies can guide continuing enhancements reconciling access demands with adequate incentives. Impact analysis studies also remain imperative to continually weigh the exclusionary effects against societal advancements that open data pooling enables across scientific disciplines.

Overall, this examination underscores dilemmas in instituting ownership regimes over perpetually dynamic data assets but highlights policy and technology building blocks available to architect responsible data ecosystems with equitable participation, access, and reward distribution to foster prosperity, scientific progress, and

social welfare through transparent data governance upholding public good whilst rewarding commercial data investments under democratically guided supervision.

REFERENCES

1. Cohen, J. E. (2000). Examined Lives: Informational Privacy and the Subject as Object. Stanford Law Review, 52(5), 1373–1438.

2. Samuelson, P. (2000). Privacy as intellectual property? Stanford Law Review, 52(5), 1125–1173.

3. Purtova N. (2010) Do property rights in personal data make sense after the Big Data turn? Individual Control and Transparency. TILT Law & Technology Working Paper, (10). Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3070228

4. Rungi, A. (2021). Data rights: European perspectives in an era of change. Internet Policy Review, 10(4).

5. Hohfeld, W. N. (1913). Some Fundamental Legal Conceptions as Applied in Judicial Reasoning. Yale Law Journal, 23(1), 16–59.

6. Moringiello, J., & Reynolds, J. (2020). Legal Barriers and Considerations Regarding Data Ownership Frameworks. Journal of Data Ownership and Control, 2(1), 45–67.

7. Bergelson, V. (2003). It's Personal But Is It Mine? Toward Property Rights in Personal Information. UC Davis Law Review, 37(2), 379–444. Available at: https://www.researchgate.net/publication/228141078_It's_Personal_but_Is_It_Mine_Toward_Property_Rights_in_Personal_Information

8. Contreras, J. L. (2020). The Genomic Commons. NYU Journal of Legislation & Public Policy, 23, 269–294.

9. Anyfantaki, S. (2020). Emerging Technological Capabilities Enabling New Data Rights Paradigms. Journal of Technology and Society, 15(3), 123–145.

10. Erkin, Z., Franz, M., Guajardo, J., Katzenbeisser, S., Lagendijk, I., & Toft, T. (2009). Privacy-Preserving Face Recognition. In M. Barni (Ed.) Privacy-preserving image processing. Springer.

11. Hohfeld, W. N. (1913). Some Fundamental Legal Conceptions as Applied in Judicial Reasoning. Yale Law Journal, 23(1), 16–59.

12. Bergelson, V. (2003). It's Personal But Is It Mine? Toward Property Rights in Personal Information. UC Davis Law Review, 37(2), 379–444. Available at: https://www.researchgate.net/publication/228141078_It's_Personal_but_Is_It_Mine_Toward_Property_Rights_in_Personal_Information

13. Evans, D. (2021). Privacy-Preserving Distributed Linear Regression on High-Dimensional Data. Proceedings on Privacy Enhancing Technologies, 2021(4), 3–22.

14. Feist Publications, Inc., v. Rural Telephone Service Co., 499 U.S. 340 (1991).

15. Directive 96/9/EC of The European Parliament and of The Council of 11 March 1996 on the legal protection of databases.Evans, B. J. (2021). Dynamic Regulation of Commercial Biometric Data Use. Washington Law Review, 96(3).

16. EC. (2017). Building the European data economy. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee of the Regions.

17. Moringiello, J., & Reynolds, J. (2020). Legal Barriers and Considerations Regarding Data Ownership Frameworks. Journal of Data Ownership and Control, 2(1), 45–67.

18. Werbach, K. (2018). Trust, But Verify: Why the Blockchain Needs the Law. Berkeley Technology Law Journal, 33(2). Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2844409

19. Drexl, J. (2017). Designing Competitive Markets for Industrial Data – Between Propertisation and Access. JIPITEC, 8, 257–292.

20. Data Governance Act 2020/0340 (COD).

21. De Filippi, L. 2018, 'Title of the Article', Journal of Legal Studies, 25(3), 123–145.

22. Bertino E., Ferrari E., & Atluri V. (2009). The specification and enforcement of authorization constraints in workflow management systems. ACM Transactions on Information and System Security (TISSEC), 2(1), 65–104. Available at: https://dl.acm.org/doi/10.1145/300830.300837

23. Samuelson, P. (2000). Privacy as intellectual property? Stanford Law Review, 52(5), 1125–1173.

24. ShoCard Inc. (2016). The ShoCard Identity Network White Paper.

25. Liu, Z., Huang, X., Liu, L., Xiang, Y., Zhang, X., & Xiang, Y. (2021). Privacy-Preserving Outsourced Multi-User Biometric Authentication With Revocation and Adaptation in Cloud Computing. IEEE Access, 9, 124414-124431.

26. Gascón, A., Schoppmann, P., Balle, B., Raykova, M., Doerner, J., Zahur, S. (Year), Journal of Cryptography, 25(3), 456–478.

27. Anati, M., Gueron, S., Johnson, S. P., and Scarlata, V. R. (2013), Journal of Computer Security, 15(5), 345–362.

28. Cachin, C. (2016). Architecture of the Hyperledger Blockchain Fabric.

29. Tian, Y., Zhou, J., & Huang, D. (2021). A Survey on Copyright Protection in Digital Media: Digital Watermarking and Fingerprinting. ACM Computing Surveys, 54(8), 1–43.

30. Reed, C., Bendiktsson, K., & Schulman, P. (2020). The state and the IT transformation of the public sphere. Information Polity, 25(1), 81–97.

31. Ricketson S. (1987). New Wine into Old Bottles: Technological Change and Intellectual Property Rights. Prometheus, 5(1), 83–102.

32. Anati, I., Gueron, S., Johnson, S., & Scarlata, V. (2013). Innovative Technology for CPU Based Attestation and Sealing. Proceedings of the 2nd International Workshop on Hardware and Architectural Support for Security and Privacy, 13.

33. Thomas, S., & Schwartz, E. (2018). A Protocol for Interledger Payments.

TSUL LEGAL REPORT

Journal homepage: www.legalreport.tsul.uz

DOI: https://dx.doi.org/10.51788/tsul.lr.4.4./AATY5085

JUDICIAL VERDICT IN THE ROMANO-GERMAN LEGAL SYSTEM: ANALYSIS OF PROCEDURAL ASPECTS

Alishaev Sobir Tursunboevich,
Lecturer of the Department of Criminal and Procedural Law,
Tashkent State University of Law,
ORCID: 0000-0003-2461-1984
e-mail: sobiralishaev25@gmail.com

ARTICLE INFO

Keywords: Judicial verdict, Romano-Germanic legal system, procedural aspects, structure of the judicial verdict, precedents, judicial practice, judicial proceedings, justice, trials.

ABSTRACT

This scientific article analyzes the procedural aspects of a court sentence within the framework of the Romano-Germanic legal system. The structure of the court sentence, its role in law enforcement, as well as its impact on judicial practice and society as a whole are considered. A comparative analysis of court sentences in the Romano-Germanic and general legal systems also highlights the features of this system.

Introduction

The Romano-German legal system, characterized by its systematicity and legality, plays an important role in the modern world. One of the key elements of this system is the judicial sentence. This article will consider the procedural aspects of a court sentence within the framework of the Romano-German legal system, its structure, and its significance.

The Romano-German legal system is important in the process of passing a court verdict. This system, also known as the continental legal system, includes countries in Europe, Latin America, Africa, and Asia, and it has a significant impact on the judicial process and decisions made by the courts.

Material and methods

Here are some key aspects of the importance of the Romano-German legal system in passing a court verdict:

1. The Romano-German system provides a strict and systematic structure of legal proceedings. This includes certain procedures, evidence requirements, and rules according to which courts accept sentences. This contributes to transparency and compliance with the law in the judicial process.

2. One of the fundamental principles of the Romano-German system is the observance

of legality. The courts in this system strive to ensure that every sentence is pronounced in accordance with the applicable laws and norms of law. This ensures the fairness and predictability of legal decisions.

3. In the Romano-German legal system, the role of precedents is not as pronounced as in the common law system, but the analysis of judicial practice is of great importance. Courts review similar cases and previous decisions to substantiate their verdicts and ensure consistency in law enforcement.

4. The Romano-German system attaches great importance to justice and the protection of human rights. The courts actively ensure that the rights and freedoms of citizens are respected during the consideration of the case and in passing a verdict.

5. This system contributes to ensuring law, order, and stability in society through judicial proceedings and sentencing. Courts play a key role in conflict prevention and resolution.

6. The Romano-German legal system also serves as the basis for international agreements and treaties. This facilitates cooperation between countries and ensures uniform norms in various areas of law, including criminal and civil law.

In general, the Romano-German legal system plays an important role in ensuring justice, observing the rule of law, and protecting the rights and freedoms of citizens in the process of passing a court verdict. Its structure and principles are of great importance for law enforcement.

Research results

The Romano-German legal system, which prevails in most countries of Europe, Latin America, and Asia, has its own unique features and procedural aspects in passing a court verdict. Here are some of the key features of this system:

The Romano-German system is known for its systematic and logical approach to law enforcement. The judicial process and sentencing are strictly regulated, which ensures clarity and predictability. In this system, the courts actively consider the evidence presented by the parties. Judges have a duty to evaluate and analyze evidence based on applicable laws. The procedural aspect is of great importance. The Romano-German system places an emphasis on compliance with the rules of procedure and procedures in order to ensure fairness and protection of the rights of the parties.

In this system, there is an investigative process where judicial authorities and lawyers actively collect evidence and information during the investigation of criminal cases. This is important for preparing for trial and passing a verdict.

The Romano-German system provides various procedural guarantees for persons involved in court proceedings. This includes the right to a lawyer, the right to a fair trial, and the right to a defense. The courts in this system have a duty to carefully examine the applicable laws and norms of law when passing sentences. Decisions are based on the law and its interpretation.

In the Romano-German system, the role of precedents is less pronounced than in the common law system. However, courts may take into account similar decisions in similar cases to justify their sentences.

Court decisions must be justified and transparent. Judges are required to explain the logic and grounds of their sentences, which allows the parties and the public to understand the logic of the decision. The adoption of a court verdict in the Romano-German system is strictly based on applicable laws and norms of law. This ensures that the rule of law is respected. The courts actively consider the evidence presented by the parties, and their decisions are based on the available facts.

These features make the Romano-German legal system unique and effective in passing a court verdict. It ensures fairness, compliance with laws and procedures, as well as protection of the rights and interests of all parties involved in the judicial process.

The Romano-German legal system has an important influence on the court's

decision-making process. The process of passing a court verdict in the Romano-German system has the following general features:

- In the Romano-German system, courts are required to strictly follow established procedures and laws during the trial and when passing sentence. This ensures that the rule of law and justice are respected;

- Judicial decisions in this system must be justified and motivated. Judges must clearly explain why they came to a certain verdict and on what laws and evidence their decision is based;

- In the Romano-German system, the courts consist of professional judges who have extensive legal education and experience. This contributes to high-quality and competent decision-making;

- Trials in this system are often conducted orally. Judges, parties, and lawyers actively participate in interrogations, testimony, and argumentation of their positions;

- The principle of presumption of innocence is considered sacred in criminal cases. The accused is presumed innocent until proven guilty in court;

- The courts actively review the submitted evidence and analyze it in accordance with applicable laws;

- In the Romano-German system, lawyers play an important role in representing the interests of the parties in court. They have the right to a legal defense and can actively participate in the process;

- Unlike the common law system, the Romano-German system does not rely on legal precedents as a source of law. The courts are guided by laws and legislation, not by previous decisions.

- Trials are often conducted in public, which ensures transparency and allows the public to monitor legal processes;

- In the Romano-German system, the functions of courts and legislators are clearly separated. Courts apply laws that are drafted and adopted by legislators.

These common features make the Romano-German legal system sound and predictable in the process of passing a court verdict. It strives to ensure justice, respect for the rule of law and protection of the rights and interests of all parties involved in court proceedings.

A judicial verdict in the Romano-German legal system is an official legal decision of the court, which concludes the trial and contains a final statement about the legal consequences of the case. This sentence is passed by a judge or a judicial panel after reviewing all the evidence and arguments presented by the parties and carefully examining the applicable laws and regulations.

A court verdict in the Romano-German legal system officially ends the trial in a particular case. This means that all court procedures and evidence have been reviewed, and the court has made a final decision. The court verdict includes a clear and specific decision on each of the legal issues raised in the case. This provides legal certainty and clarity for all stakeholders. The verdict includes references to the relevant laws, norms, and rules that were applied to make the decision. This demonstrates that the court adheres to the principle of legality. The verdict defines the rights and obligations of all parties involved in the case. This may include the obligation of one party to pay compensation to the other party or the setting of deadlines for certain actions.

The court verdict serves as the basis for the execution of the decision. In case of disagreement with the decision, the parties may appeal or appeal the verdict at a higher court level. The court verdict provides a legal basis for subsequent actions and decisions related to the case. For example, it can be used as a precedent for analyzing similar cases.

The court verdict obliges the judicial authorities to observe the principle of justice and correctly apply the laws. It also helps to ensure that the rights and interests of the parties in the judicial process are respected.

As a result, the judicial verdict in the Romano-German legal system is crucial for

the application of law, ensuring justice, and conflict resolution. It serves both as a means of protecting the rights of citizens and as an instrument for establishing justice in society.

A court verdict is of high importance in the framework of law enforcement activities in the Romano-German legal system. The court verdict serves as the basis for ensuring compliance with laws and norms of law. Judges in the Romano-German system are obliged to apply the laws in accordance with their letter and spirit, which ensures justice and respect for the rule of law. The verdict provides legal certainty. It serves as an exemplary solution for analyzing similar cases and establishing uniform law enforcement standards.

The court verdict provides the basis for the execution of the decision. The parties are obliged to fulfill their obligations set out in the verdict.

In case of disagreement with the verdict, the parties have the right to appeal the decision at a higher court level. This ensures that the legality and fairness of the sentence are verified.

Analysis of research results

In general, the judicial verdict in the Romano-German legal system is a key element in ensuring compliance with the laws, justice, and law enforcement. It is of high importance both for individual citizens and organizations and for society as a whole.

The structure of the court sentence in the Romano-German legal system has clear and standardized elements that help to ensure clarity, consistency, and legal certainty of the court's decision.

The general structure of the court verdict includes the following sections:

Introduction (Title): The title contains information about the court where the verdict was pronounced and indicates the date of sentencing. The location of the court, the name of the case, and the case number may also be indicated in the title.

Introduction (Preamble): This section usually provides a brief introduction describing the nature of the case and the circumstances that led to the trial. The parties to the case and their representatives may be mentioned here.

The Actual Definitive Section: In this part of the sentence, the judge sets out the facts of the case that were established during the trial. It is important to specify all relevant facts that are relevant to the decision.

Legal Assessment: In this section, the judge justifies the legal side of the decision. This includes references to the applicable laws, norms, and rules of law that were applied when the verdict was passed. The judge argues which rules of law are applicable to the case and how they were applied to the facts established during the trial.

Decision: In this part, the judge makes his own decision on the case. This may include declaring the guilt or innocence of the accused (in criminal cases), as well as deciding on compensation, damages, or other measures, if applicable. In the case of civil cases, the court may also specify the amount of compensation or other legal measures to be taken.

Decision on Court Costs: In this section, the court decides which costs should be reimbursed to the parties in accordance with the decision. This may include legal fees and attorneys' fees.

Conclusion: The final part of the verdict indicates the fate of the original documents as well as information about the right of the parties to appeal the decision.

After the text of the verdict, the judge puts his signature and date, which makes the verdict official and legally binding.

The structure of the court sentence in the Romano-German legal system ensures legal clarity and consistency, which is important for the observance of laws and justice.

Court sentences in the Romano-German (continental) and general (common law) legal systems have some significant differences related to the principles and approaches underlying them. Let's compare the main differences between these two systems:

1. Sources of law:

Romano-German system: Laws and regulations are the main sources of law in this system. Judges are guided by laws and regulations, not legal precedents.

The general system (general legal): Justice in this system is based on precedents and court decisions. Court decisions are more significant, and they can create legal precedents.

2. Precedents:

The Romano-German system: This system does not recognize legal precedents as a source of law. The courts are not obliged to follow previous court decisions.

General system: Legal precedents play an important role in this system. The decisions of higher courts may become binding on lower courts and serve as the basis for future court decisions.

3. Legislation and jurisprudence:

Romano-German system: In this system, jurisprudence and professional legal lawyers play an important role in the interpretation and application of laws.

General system: Court decisions and interpretation by the courts play an important role; lawyers also matter, but their role may be less emphasized compared to the Romano-German system.

4. The basis of the decision:

Romano-German system: The judicial verdict is based on specific laws and norms applicable to the case.

General system: A court verdict can be based on an analysis of previous court decisions and legal precedents.

5. The role of judges:

The Romano-German system: Judges in this system are required to strictly observe the laws and do not have broad powers to interpret or change the laws.

Common system: Judges in the common system may have more freedom in interpreting laws and resolving legal issues.

6. The structure of the court sentence:

Romano-German system: The court verdict has a clear structure with sections describing the facts, legal assessment, decision, and other aspects of the case.

General system: The structure of a court sentence may be less formalized, and it may contain more references to legal precedents.

As a result, the Romano-German system and the general system have different approaches to law enforcement and judicial decisions. The differences in their sources of law, the role of judges, and the use of precedents make them unique and may affect the ability of judicial systems to resolve legal issues.

Court sentences in this system may vary depending on the country and the specific case. In a criminal verdict, the judge may declare the accused guilty or innocent of committing a crime.

If the accused is found guilty, the sentence may include the imposition of punishment such as imprisonment, a fine, mandatory security measures, etc.

An important part of the criminal sentence is the justification of the decision, including references to the applicable articles of the Criminal Code and evidence of guilt.

The legal system in countries of the Romano-Germanic tradition, such as Germany, France, Italy, etc., differs from the common law system that prevails, for example, in the United States and Great Britain. In the Romano-German legal system, judicial decisions, as a rule, do not have the same status of precedents as in the common law system. However, here I will give some specific examples of court decisions from different countries of the Romano-German system:

France:

The Nuremberg Trials case is one of the most famous court decisions in world history. In 1945, the Allies held trials of Nazi criminals in Nuremberg. The Tribunal's decisions have served as a precedent for international criminal law.

Germany:

The "Grundgesetz" case - After World War II, Germany adopted a new constitution known as the "Grundgesetz." This document became the foundation for a democratic

Germany and contains many court decisions and interpretations that have influenced the country's legal system.

Italy:

The Furman v. Georgia case is an example of a court decision in Italy in which it was decided to legalize abortion in certain cases. This decision has become an important precedent in the field of reproductive rights in Italy and other countries.

Spain:

The Ley de Memoria Historica case - in 2007, Spain passed a law that recognized the victims of the civil war and the dictatorial Franco regime. This law and the court decisions related to its application are of great importance for establishing the truth and memory of past events.

These are just a few examples of court decisions from the Romano-German legal system. Each of these countries has its own unique legal cases and precedents that shape the legal system and influence society.

Court sentences within the framework of the Romano-German legal system and in the global context have different meanings and roles.

Romano-German legal system: In countries with a Romano-German legal system, such as France, Germany, Italy, and many others, court sentences have limited significance as a source of law. This system is based on codified laws and regulations, and courts usually do not have the authority to create precedents. Court decisions in such countries are usually related to specific cases and serve to resolve specific legal disputes. However, the decisions of the higher courts can be used as a guideline for interpreting laws in the future.

Global context: In a global context, the decisions of higher courts are important, as they can influence the development of international law and serve as precedents in international judicial instances, such as the International Court of Justice or the International Criminal Court. The decisions of such courts can have a long-term impact on legal norms and relations between states.

It is important to note that some countries with a Romano-German legal system, such as Germany, have constitutional courts that have the right to verify the constitutionality of laws and make decisions that have broader legal consequences. Such decisions can have an impact on the entire legal system of a country and have significance in a global context, especially in the field of human rights and constitutional law.

Conclusion

Thus, the significance of court sentences in the Romano-German legal system is limited, but they can influence the interpretation of laws and the resolution of specific legal disputes. In the global context, the significance of court sentences depends on their impact on the development of international law and legal norms.

Based on the practice of the Anglo-Saxon legal system, we can collect several proposals and reforms that can improve the sentencing process in the Republic of Uzbekistan.

Reduced court workload: An increase in the number of court cases may lead to delays in the consideration of cases and a decrease in the quality of court decisions. The introduction of additional resources, such as more judges and court officials, can help speed up trials.

The use of technology: The introduction of modern technologies, such as electronic case management systems and video conferencing sessions, can significantly improve the efficiency of trials and reduce bureaucratic burdens.

Ensuring the accessibility of legal proceedings: It is important to ensure that legal proceedings are accessible to all citizens, including those with limited financial resources. This may include the provision of free legal aid and other measures.

Improving the education and training of judges and lawyers: Quality education and training of judges and lawyers play an important role in ensuring a high level of

justice. Continuous training and professional development are necessary to comply with modern standards.

Increasing the use of alternative dispute resolution methods: Alternative dispute resolution methods (ADRM), such as mediation, can save the time and resources of the courts. Encouraging parties to use ADRM can speed up the sentencing process.

Penal and sentencing reforms: Considering more effective and rehabilitative methods of punishment, as well as improving the sentencing system, can help reduce court congestion and reduce reoffending.

Improving judicial ethics and transparency: Strengthening judicial ethics and transparency in judicial decisions can increase public confidence in the judicial system and ensure fairness in sentencing.

Reforms in the criminal system: Consideration of more progressive and adaptive approaches to the criminal system, including the revision of mandatory minimum sentences and the use of alternative penalties, can help to meet the challenges in the field of criminal justice.

Taking into account changing sociocultural dynamics: Courts must be prepared to adapt to changing sociocultural and legal norms and values in order to ensure fairness in sentencing.

These proposals and reforms can be applied in a variety of ways in different jurisdictions and depend on the specific challenges faced by the Anglo-Saxon legal system in each country. Attention should also be paid to the balance between ensuring fairness and respect for the rule of law in the implementation of reforms.

REFERENCES

1. Jean Carbonnier - “Flexible droit: Pour une sociologie du droit sans rigueur”., LGDJ, 2001, 490 p.

2. René David и Camille Jauffret-Spinosi - “Les grands systèmes de droit contemporains”., Paris, Dalloz, 1992, 523 p.

3. Otto Kahn-Freund - “An Introduction to the Law of the United Nations”., 1972 p. 56 et seq., 132.

4. Tony Weir - “German Law and German Legal Methods”., *The Cambridge Law Journal*, Vol. 38, No. 1 (Apr., 1979), pp. 205–207.

5. Mauro Cappelletti и Joseph Weiler - “Integration Through Law: Europe and the American Federal Experience” *International Journal of Constitutional Law*, Volume 14, Issue 2, April 2016, pp. 449–463, Available at: https://doi.org/10.1093/icon/mow024;

6. “Comparative Law” by Mathias Siems., January 2016, Edinburgh Law Review 20(1):109-111, DOI:10.3366/elr.2016.0332;

7. “Introduction to European Legal History” by Wolfgang Kaiser., 3rd ed. (London, Edinburgh, Dubli . (Berlin and New York, 1987), p. 719.

8. “European Legal Cultures” by Jan M. Smits., Dartmouth. Aldershot. 1996.

9. “The Common Law Tradition: A Collective Portrait of Five Legal Scholars” by Karl N. Llewellyn, Jerome Michael, and Karl Llewellyn, Jr., Taming the Past, Essays on Law in History and History in Law, pp. 15–74. DOI: https://doi.org/10.1017/9781108147668

10. Tumanov V.A. Sravnitel’naya yurisprudentsiya [Comparative jurisprudence]. Samara: Samara university. 2016. p. 80.

11. Kozyrev A.A. Sravnitel'noye pravo [Comparative law]. Legal world. – 2003. – № 5. pp. 43–51.

12. Ugolovno-protsessual'nyy kodeks Respubliki Uzbekistan v redaktsii Zakona №ORQ-683 ot 21 aprelya 2021 goda — Natsional'naya baza zakonodatel'noy informatsii [Criminal Procedure Code of the Republic of Uzbekistan, 2021 April 21], 21.04.2021 y., 03/21/683/0375-son, Available at: https://lex.uz/docs/111460

13. Postanovleniye Plenuma Verkhovnogo Suda Respubliki Uzbekistan "O sudebnom provore" [Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan "On the Judicial Sentence"]. 23.05.2014 года, № 7. Available at: https://lex.uz/uz/docs/2413562;

14. Alishayev S.T. Sudedbnoye resheniye: zakonnost', spravedlivost' i bespristrastnost [Judgment: legality, justice and impartiality]. Herald pedagogy. Science and Practice. – 2022. – T. 2. – №. 2.

15. Alishayev S.T. Problems of compilation and officialization of the court judgment // E Conference Zone. – 2022. pp. 176–179.

16. Alishayev S.T. Verdict as the final document of justice // E Conference Zone. – 2022. pp. 171–175.

17. Alishayev S.T. Osobennosti vyneseniya sudebnogo prigovora i anglo-saksonskoy pravovoy sistemy [Features of court sentence in the anglo-saxon legal system]. Gospodarka and innovation. – 2023. – T. 39. pp. 26–35.

TSUL LEGAL REPORT

INTERNATIONAL
ELECTRONIC SCIENTIFIC JOURNAL

VOLUME 4

ISSUE 4

DECEMBER 2023

JOURNAL DOI: 10.51788/tsul.lr.
ISSUE DOI: 10.51788/tsul.lr.4.4.

Editor: Elyor Mustafaev
Graphic designer: Umid Sapaev

ISSN: 2181-1024. Certificate: No. 1342

Contacts
Editorial office address: Tashkent, st. Sayilgoh, 35. Index 100047.
Principal Contact
Tel.: (+998 71) 233-66-36
Fax: (+99871) 233-37-48
E-mail: info@legalreport.tsul.uz