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FUNDAMENTAL PRINCIPLES OF LABOR LAW OF THE KYRGYZ REPUBLIC

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Abstract. This article examines the system of fundamental principles of labor law enshrined in Article 3 of the Labor Code of the Kyrgyz Republic. Using doctrinal, historical, and comparative legal methods, the study analyzes the evolution of labor law principles from the first Labor Code of 1997 through the 2004 Code to the current Code adopted in 2025. Special attention is paid to the legal content, structure, and practical implementation of key principles, including freedom of labor, prohibition of forced labor, non-discrimination, and the right to fair remuneration, protection against unjustified dismissal, safe working conditions, and social protection against unemployment. The research also identifies gaps between the declarative formulation of these principles and their actual enforcement in legal practice. The article argues that while the 2025 Labor Code consolidates a socially oriented and balanced model of labor regulation, further legislative clarification and institutional mechanisms are necessary to ensure that labor law principles function as effective legal guarantees rather than purely symbolic norms.

Keywords: labor law, fundamental principles, Labor Code of the Kyrgyz Republic, freedom of labor, non-discrimination, forced labor, social protection, employment rights, labor legislation reform

Introduction

At the beginning of 2025, the labor market of the Kyrgyz Republic is demonstrating consistent trends of stabilization and gradual recovery (Labour Mission, 2025). According to the Ministry of Labor, Social Protection and Migration of the Kyrgyz Republic and the National Statistical Committee, as of December 1, 2024, the population reached 7.1619 million. This demographic base forms the foundation of labor supply and determines the key indicators of employment dynamics. The labor force totaled 2.7684 million people, of whom 2.6562 million were employed in the economy. The number of unemployed reached 112.2 thousand, corresponding to an overall unemployment rate of 4.1 percent. These

figures indicate that, despite structural changes in the economy, labor market pressure remains moderate and the workforce is sufficiently mobile.

As of April 1, 2025, the officially registered unemployment rate in Kyrgyzstan declined significantly to 1.7 percent nationwide. A total of 66.5 thousand people were registered with employment centers, which is 21 percent fewer than in the same period of 2024. Of these, 47.4 thousand held official unemployed status, representing a 23 percent year-on-year decrease. The reduction in registered unemployment reflects improving labor market conditions and greater effectiveness of employment services.

At the beginning of April 2025, employment service databases listed 8,593 job vacancies, most of which were in working-class occupations. This highlights the continued structural mismatch between labor supply and demand, as well as the need to further develop vocational training programs. The number of citizens who applied to employment services totaled 39,260, which is 8 percent lower than in the previous year. At the same time, 28,282 people received career counseling, and 4,285 were placed in jobs. The 28 percent increase in job placement rates reflects improved hiring conditions, rising employer activity, and the effective functioning of employment support mechanisms.

Overall, the dynamics of key indicators show that in the first quarter of 2025, the Kyrgyz labor market is moving toward reducing unemployment, improving access to vacancies, and enhancing employment efficiency. In this process, state institutional measures aimed at supporting labor mobility, career guidance, and expanding employment opportunities play a crucial role.

Methods

This study employs a qualitative legal research methodology based on doctrinal and comparative analysis of labor legislation and academic sources. The primary method used is normative legal analysis, which involves a systematic examination of the provisions of the Labor Codes of the Kyrgyz Republic adopted in 1997, 2004, and 2025, with a particular focus on the evolution and legal content of the fundamental principles set out in Article 3 of the current Code.

In addition, a historical-legal method is applied to trace the development of labor law principles in Kyrgyzstan from the post-Soviet period to the present, allowing for the identification of institutional and conceptual changes in labor regulation. A comparative legal approach is also used to contrast the Kyrgyz model of labor law principles with international standards and regional frameworks, including the European Code of Conduct, the Model Labor Code of the Eurasian Economic Union, and selected foreign labor law doctrines.

The research further relies on formal-logical and systematic interpretation methods to clarify the structure, interrelation, and practical significance of labor law principles, as well as to identify gaps between their declarative formulation and actual legal implementation. Academic publications, official statistical data, and normative legal acts served as the main sources of information. This methodological combination ensures an objective and comprehensive analysis of the role of labor law principles in shaping a socially oriented and balanced labor law system in the Kyrgyz Republic.

Results

In the Kyrgyz Republic, labor legislation has developed consistently since independence through the process of socio-economic reforms, adaptation to market relations, and integration into international labor standards. During this period, the normative legal acts regulating labor relations were gradually improved in terms of content, structure, and legal orientation. In particular, labor regulation in Kyrgyzstan was initially introduced in the form of a single codified act; however, as labor relations became more

complex and modern requirements emerged, several new Labor Codes were adopted, and the labor legislation system was systematically updated.

The difference in the number of articles in the Kyrgyz Labor Code is explained by the fact that earlier versions did not include chapters devoted to employees' participation in enterprise management (Ramankulov, 2021).

The first Labor Code of the Kyrgyz Republic was adopted on October 4, 1997, under Law No. 71, and became the first codified legal act regulating labor relations. This Code consisted of 571 articles and covered the main institutions of labor law, aiming to protect employees' labor rights as well as their material and non-pecuniary interests. Article 2 of the Code defined the objectives of labor legislation as the development of social partnership between employees, employers, their associations, and the state, the prevention of unemployment, and the creation of legal conditions to promote employment. Although this Code played an important role in systematizing labor relations in Kyrgyzstan at the time, it lost its legal force with the adoption of Law No. 107 of August 4, 2004; nevertheless, it remains of significant scholarly value as an important historical stage in the development of national labor law (Kyrgyz Republic, 2004).

The second normative legal act was the Labor Code of the Kyrgyz Republic dated August 4, 2004, No. 106, which was adopted to update the 1997 Code and adapt labor relations to modern conditions. This Code consisted of 446 articles and clearly defined the goals and objectives of labor legislation (Republic of Kazakhstan, 2015). Article 1 of this Code stipulates that the primary purpose of labor legislation is to ensure state guarantees of citizens' labor rights and freedoms, to protect the legitimate interests of employees and employers, and to maintain socio-economic stability. The Code also established legal mechanisms aimed at balancing the interests of the parties to labor relations and the state. Although this Labor Code lost its legal force following the adoption of Law No. 24 on January 23, 2025, it retains significant scholarly and theoretical value as an important institutional stage in the development of Kyrgyz labor law.

In the Kyrgyz Republic, in cases provided for by the Labor Code, other laws, normative legal acts, and collective agreements, an employer must consult with employees' representative bodies when adopting local normative acts that contain labor law provisions (Article 35 of the Labor Code). In addition, except in cases of liquidation of the organization, the dismissal of members of employees' representative bodies at the employer's initiative requires mandatory approval from the relevant higher-level representative body (Articles 35 and 84). Special measures must also be taken in the event of the risk of mass layoffs (Article 78), when making decisions on working time and rest periods (Articles 94 and 104), when approving internal labor regulations (Article 144), and in other matters, consultation with employees' representative bodies is mandatory (Khasenov, 2020).

In our view, for the effective realization of labor rights of citizens of the Kyrgyz Republic, the state should implement comprehensive measures of an organizational, legal, and institutional nature. Labor legislation should be reformed by amending certain provisions aimed at strengthening the protection of labor rights in the context of evolving economic relations while preserving the fundamental principles and guarantees of citizens' labor rights established in the current Labor Code (Pazylov, 2014).

Before the introduction of these Codes, the state labor inspectorate was able, within the scope of its supervisory and inspection activities, to formally monitor employers' compliance with the requirement to conclude written employment contracts as provided for in Article 58 of the Labor Code of the Kyrgyz Republic. This was particularly important in

conditions where violations of labor legislation were widespread and informal employment was prevalent.

However, the Labor Code of the Kyrgyz Republic does not establish direct liability for employers who evade formalizing labor relations. Previously, administrative liability for engaging employees without employment contracts was provided for in the Code of Administrative Responsibility, but such provisions were not retained in the new codes on offenses and misconduct. As a result, the system of oversight and accountability for compliance with many labor law requirements by employers has effectively lost its effectiveness. This significantly reduces the efficiency of state supervision and fails to ensure adequate protection of employees' labor rights (Ramankulov, 2019).

Labor law norms of the member states of the Eurasian Economic Union have been formed on the basis of the principle of self-sufficient regulation. That is, in regulating social relations that fall within the subject matter of labor law, they generally do not require the supplementary or conflict-based application of norms from other branches of law, although such possibilities cannot be entirely excluded in certain cases. At the same time, it should be emphasized that legal gaps may be filled by analogy only in cases where such application is directly permitted by law (Ramankulov & Ramankulova, 2024).

It should be noted that in 2015 the General Confederation of Trade Unions prepared a draft of the Principles for Developing the Fundamentals of Labor Legislation for the Member States of the Eurasian Economic Union (Model Labor Code). The draft states that its purpose is to establish the principles for developing the fundamentals of labor legislation (the Model Labor Code) for the EAEU member states. These principles are intended to form a unified approach to addressing key issues in regulating labor and directly related relations within the Union, as well as to ensure the effective functioning and further development of a common labor market (Tomashevsky & Ramankulov, 2018).

The third and currently effective Labor Code of the Kyrgyz Republic was adopted on January 23, 2025, under Law No. 23/24, and is a modern codified normative legal act consisting of 265 articles. This Code is aimed at legally regulating labor relations and related social and legal relations. Article 2 establishes that the main purpose of labor legislation is to ensure state guarantees of citizens' labor rights and freedoms, protect the interests of employees and employers, and strengthen socio-economic stability. This Code is of significant scholarly and practical importance as the principal legal source contributing to the formation of a socially oriented and balanced model of labor law in Kyrgyzstan (Kyrgyz Republic, 2004).

Discussion

Paragraph 1 of Article 3 of the Labor Code of the Kyrgyz Republic provides that "every citizen has the right to freely choose or freely consent to work, including the right to dispose of their labor abilities and to choose a profession and type of occupation." This principle fully reflects the individual's freedom in the sphere of labor and guarantees the citizen's right to independently choose a profession and determine their labor activity.

Paragraph 2 of Article 3 of the Labor Code establishes the principle of "freedom of labor." This principle means that labor activity may be carried out only on the basis of a person's voluntary consent and excludes any form of forced or coercive labor.

According to N. Pazilov, labor law contains numerous institutions that together form an integrated system of this field. These include occupational safety, wages, the right to rest, and other related relations, including those connected with participation in enterprise management. It can be stated that the right to work covers a very broad range of labor-related relations in a specific sphere of production.

The right to work, as a distinct legal institution, is enshrined in the constitutions of many countries, including the Constitution of the Kyrgyz Republic. In addition to the Constitution, this issue is also regulated by the Labor Code of the Kyrgyz Republic, which establishes the principle of the right to work in Article 2 (Pazilov, 2017).

Paragraph 3 of Article 3 of the Labor Code establishes the principle of the “right to remuneration for work.” This principle ensures that employees receive economically fair compensation for the work they perform and legally recognizes the material value of labor.

Due to the spread of the coronavirus infection and the introduction of a state of emergency in the Kyrgyz Republic, it became necessary to transfer employees working under employment contracts to remote work. In this context, remuneration procedures were differentiated between employees who continued working at their usual workplaces and those who were transferred to remote work (Golovina et al., 2020).

Paragraph 4 of Article 3 of the Labor Code establishes the principle of the prohibition of forced labor. However, its content and limits are not clearly defined in that provision. A precise legal interpretation of this principle is provided in Article 10 of the Code, which defines forced labor as work performed under violence or the threat of violence and prohibits it as a general rule. At the same time, this article clearly specifies exceptions that do not constitute forced labor, including military or alternative service, work performed under emergency or martial law, and labor carried out under state supervision on the basis of a court judgment, thereby legally determining the scope of application of this principle.

Although Paragraph 5 of Article 3 of the Labor Code establishes the prohibition of discrimination as a general principle, its legal content and scope of application are not directly defined therein. The actual meaning and practical effect of this principle are clarified through Article 9 of the Code. This article is entitled “Prohibition of Discrimination in the Sphere of Labor” and does not explicitly use the term “principle.”

This provision, first of all, establishes that every person has equal opportunities in the exercise of labor rights and freedoms and prohibits any restriction of rights or granting of privileges based on characteristics unrelated to the employee’s work. The article lists a broad range of potential grounds for discrimination, indicating that differentiation is not permitted on the basis of sex, race, nationality, language, origin, property and official status, age, place of residence, religious beliefs, political opinions, membership in public associations, as well as criminal record (except for restrictions provided by labor legislation). In addition, it is emphasized that an employee’s “business qualities” and “other circumstances unrelated to work performance” cannot serve as grounds for discrimination.

One of the key features of Article 9 of the Code is that it does not limit anti-discrimination protection to general prohibitions but also extends it to the field of remuneration by establishing the requirement of equal pay for work of equal value as a separate norm. At the same time, the article draws a clear distinction between “discrimination” and “lawful differentiation.” Requirements arising from the specific nature of certain types of work, as well as privileges and restrictions based on special state protection for socially vulnerable persons, are not considered discrimination. This approach helps harmonize formal equality with the principles of social protection and justice in labor law.

Paragraph 5 of the article clearly defines the remedies available to persons who have been subjected to discrimination, granting them the right to seek restoration of violated rights through the courts, claim compensation for material damage, and demand moral damages. Notably, the scope of discrimination also includes cases of violence, harassment, and persecution in the workplace, thereby providing normative protection of human dignity in the labor environment. Thus, although Article 9 does not explicitly

use the term “principle,” it transforms the fundamental values of labor law into a real, functioning legal institution through concrete rules, exceptions, and procedural protection mechanisms.

Paragraph 6 of Article 3 of the Labor Code establishes the principle of prohibiting the worst forms of child labor. However, it does not disclose the substance of this principle. For this purpose, reference must be made to paragraph 2 of Article 10 of the Code, which establishes the prohibition of the worst forms of child labor as an independent legal norm, thereby ensuring the practical and legal implementation of the corresponding principle proclaimed in Article 3. This provision is aimed at protecting children from exploitation and hazardous forms of work and combines the approach against forced labor with the protection of the rights of the most socially vulnerable group.

K. Tomashevskiy expresses the following view regarding this regulation: in his opinion, the Kyrgyz legislator unjustifiably placed the principle of prohibiting the worst forms of child labor together with the principle of prohibiting forced labor in Article 10 of the Labor Code, whereas they should be treated as independent principles of labor law (Tomashevsky, 2024).

Paragraph 7 of Article 3 of the Labor Code establishes the principle of protection against unjustified dismissal, which is intended to prevent the arbitrary termination of employees by employers and to ensure employment stability. Building on this guarantee of job security, Paragraph 8 sets forth the principle of the right to employment assistance and social protection against unemployment, reflecting the state’s obligation to promote employment and provide social support in cases of job loss, thereby forming the labor-related foundation of the social security system.

Closely linked to employment protection, Paragraph 9 enshrines the principle of the right to work in conditions that meet safety, sanitary, and hygiene standards, ensuring that employees perform their duties in an environment that does not harm their health and that reduces occupational risks. Alongside safe working conditions, Paragraph 10 establishes the principle of the right to remuneration in accordance with the employment contract, but not below the statutory minimum wage, which guarantees that wages are contract-based while also protected by minimum state standards, thus strengthening employees’ economic security.

Complementing the right to fair pay, Paragraph 11 affirms the right to rest, ensuring that employees are provided with sufficient time to restore their working capacity and maintain a healthy work–life balance. Where harm nevertheless occurs, Paragraph 12 establishes the principle of the right to compensation for damage to health caused in the course of performing labor duties, guaranteeing full compensation and regulating the legal consequences of occupational risks.

Beyond immediate workplace protections, Paragraph 13 reflects the principle of assistance in employees’ professional development and vocational training, supporting skills development and long-term employability, which in turn contributes to improving the quality of labor resources. To ensure that these rights are effectively upheld, Paragraph 14 establishes the principle of the right to resolve individual and collective labor disputes in accordance with the law, providing employees and employers with legal mechanisms to restore fairness in labor relations. Finally, to guarantee the functioning of all these principles, Paragraph 15 enshrines the principle of state guarantees of the rights of employees and employers and state supervision over their implementation, ensuring effective oversight and enforcement of labor legislation.

The main features of the employment contract as a legal construction within labor law, in connection with the objectives of labor legislation, may be expressed as follows: 1)

state guarantees of citizens' labor rights and freedoms; 2) creation of favorable working conditions; 3) protection of the rights and interests of employees and employers; 4) establishment of the legal conditions necessary to coordinate the interests of the parties to labor relations; 5) compliance with state interests and with the principles governing the legal regulation of labor and directly related relations (Kasymaliev, 2024).

Paragraph 16 of Article 3 of the Labor Code establishes the principle of state protection of citizens' rights and freedoms, including through the courts. This principle ensures effective protection mechanisms against violations of labor rights and implements the rule-of-law principle in the labor sphere.

Paragraph 17 of Article 3 enshrines the principle of the right of employees to unite to protect their rights and interests through trade unions and other representative bodies. This principle forms collective protection mechanisms and strengthens employees' position in labor relations.

Reflecting on the period when the previous Code was in force, K. Ramankulov notes that since the post-Soviet era, profound changes have taken place in the sphere of social and labor relations in the Kyrgyz Republic. However, to date, a comprehensive institutional system for regulating labor has not yet been fully formed. Existing organizations representing employees and employers are not sufficiently strong or empowered to independently regulate labor relations on the basis of agreements and collective arrangements (Ramankulov, 2019a).

Paragraph 18 of Article 3 of the Labor Code establishes the principle of the right of employers to unite to protect their rights, freedoms, and interests. This principle enables employers to defend their interests collectively and ensures a balance between the parties in labor relations.

Paragraph 19 of Article 3 enshrines the principle of the participation of associations of employees and employers in the regulation of labor relations. This principle reflects the role of social partners in shaping labor policy and promotes the development of stable labor relations through negotiations and agreements.

Conclusion

The Kyrgyz Republic has adopted three Labor Codes since gaining independence: the first on October 4, 1997 (Law No. 71), the second on August 4, 2004 (Law No. 106), and the current Labor Code on January 23, 2025 (Law No. 23/24). Each new code reflected socio-economic changes and the need to modernize labor regulation while preserving the fundamental principles of labor law.

Article 3 of the current Labor Code of the Kyrgyz Republic contains a single list of 19 fundamental principles regulating labor and directly related relations. Overall, the principles set out in Article 3 form a multifaceted model that integrates the protective, social, and organizational functions of Kyrgyz labor legislation. The structure of these principles reflects the state's commitment to ensuring decent work, fair employment conditions, broad social guarantees, and a stable mechanism of social dialogue.

However, these principles are not given explicit legal definitions, and their content and implementation mechanisms are not systematically elaborated in separate articles. Only certain provisions, in particular Article 9 on the prohibition of discrimination in the sphere of labor and Article 10 on the prohibition of forced labor and the worst forms of child labor, provide practical legal substance to some of these principles. At the same time, the term "principle" is not directly used in these provisions; their status as principles is inferred from the substance of the norms.

Unlike the Labor Code of Uzbekistan, the Labor Code of Kyrgyzstan recognizes a number of priority rules as independent principles. In particular, the right to remuneration

for work, protection against unjustified dismissal, employment promotion and protection against unemployment, safe and hygienic working conditions, the right to rest, compensation for damage to health in the course of work, support for professional development, and the right to resolve individual and collective labor disputes are enshrined as separate principles.

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