

Characteristics and Legal Regulation of Labor Migration Relations in Uzbekistan in the Conditions of Pandemic

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Abstract: The problems of regulating labor migration relations are becoming increasingly important owing to the intensification of integration processes in the world and the acceleration of international relations. The total number of migrants was 3.5% of the world's population, the bulk of which accounted for 60% of labor migrants as of January 1, 2021, in accordance with the data of the International organization for migration.

Keywords: Legal Regulation, Labor Migration, Pandemic, Characteristics.

Extensive measures are being implemented for further strengthening the level of regulation of relations related to external labor migration in the country to a new level, expanding the scope of special benefits and guarantees for migrant workers and their families, legal, material and social support of migrant workers abroad, a system of safe, orderly and legal labor migration are issued in the governmental discussion.

External labor migration is an important source of income for a certain part of the population of Uzbekistan as in all countries. The country is one of the largest suppliers of labor resources to the international labor market, a donor country whose labor exports have significantly increased compared to imports. Differences between wages and differences in the domestic labor market are one of the main factors driving external labor migration.

The majority of the total volume of external labor migration (more than 90 percent) is due to migration relations with the CIS countries and about 10 percent with other countries of the world. Currently, Russia, Kazakhstan, Turkey and South Korea remain the main destinations for Uzbek labor migrants. The most active participants in labor migration are the able-bodied segments of the population.

A new comprehensive approach and practice is emerging in assessing the situation in foreign labor markets, providing comprehensive support to migrant workers in their countries of origin and targeted assistance to their compatriots abroad during the COVID-19 pandemic, which posed a serious threat to the economy and social life of countries.

The international community recognizes the national priority of the President of the Republic of Uzbekistan Shavkat Mirziyoyev in matters of migration and his active participation in regional and global cooperation on international migration. The Republic of Uzbekistan is one of the first countries to support the terms of the Global Migration Agreement. In particular, it was the first country in the UN region in Europe and Central Asia to submit a voluntary report on the implementation of the Global Compact. The Presidential Decree aimed at improving the skills of prospective migrants, protect their rights abroad, expand cooperation with the diaspora and support the reintegration of returnees has been adopted. Decree of the President of the Republic of Uzbekistan dated on September 15, 2020 No PP-4829 "On measures to introduce a system of safe, orderly and legal labor migration" fully meets the generally recognized principles of international law.

President of the Republic of Uzbekistan at the CIS Summit on December 18, 2020 in the form of a video conference outlined that *“it is time to create a single mechanism for mutual recognition of documents of labor migrants, to this end, to develop and adopt a program of cooperation between the CIS countries on labor migration”*. The proposal clearly shows the position of the republic in the field of organizational and legal regulation and management of labor migration.

At the same time, despite the widespread use of modern information and communication technologies aimed at ensuring openness and transparency in the provision of public services in the field of labor migration, simplification and optimization of procedures in this area, the level of introduction of information and communication technologies remains low. In this regard, the state of organizational and legal regulation of labor migration processes is not satisfactory.

The development of the virtual labor market has enormously increased especially in the circumstance of COVID-19 pandemic. In particular, according to the International Labor Organization, the number of people working remotely (online) in the world today is 17%. The figure is almost 40 percent in Japan and the United States. As a result, the range of online businesses and services has expanded. The level of digitization of the economy has increased. New visions of virtual migration and virtual tourism have emerged.

In this process, the problems in the field of organizational and legal regulation of labor migration relations in Uzbekistan are of particular importance. Specifically, one of the main problems is the lack of an adequate regulatory framework that guarantees the right of citizens engaged in temporary employment abroad to receive pensions and other social guarantees, as well as regulates border labor migration in the Republic of Uzbekistan.

An electronic platform for centralized and digitized information on all diplomatic missions, consular posts and international organizations operating in the country has not been created. The need to expand the range of online services in the framework of the “labor-migration” software package developed within the information system “Unified national labor system”, developed by the Ministry of employment and labor relations, is of particular importance in the pandemic.

Analysis of the legal framework governing labor migration in the Republic of Uzbekistan shows that the issue of virtual labor migration remains open in the process of developing information technology. The fact that the national mechanisms for digitizing the process of labor migration and the application of artificial intelligence to it do not meet the requirements of the modern world also to some extent hinders the development of the relationship under consideration.

Our opinion can be justified to some extent by the fact that the current regulations do not follow the terms related to labor migration, in particular, “virtual labor migration”, “digital labor migration” in the Laws of the Republic of Uzbekistan “On Private employment agencies” (2018), “On Employment” (2020), “On Additional measures to further improve the external labor migration system of the Republic of Uzbekistan” (2018), Resolution “On measures to introduce a system of safe, orderly and legal labor migration” (2020).

This situation reveals that the legal guarantees of virtual labor relations have not yet been created in our country. The formation of the legal framework governing these legal relations remains a very important task. In this case, in the virtual world, the problem of state guarantees of the relationship between employer and employee is of particular importance. Therefore, it is advisable for the state to create and implement an online electronic platform that provides representation in the conclusion and implementation of short-term (one-time) employment contracts between the employer and the employee.

Moreover, the research and analysis show that in today`s conditions, the main directions of state policy in the field of external labor migration should be focused on:

- 1) the improvement of the legal framework in accordance with the norms of international law on temporary employment of citizens of the republic abroad, their social and legal protection. In this regard, it is especially expedient to create legislative norms guaranteeing virtual labor relations;
- 2) the collection and analysis of information on foreign labor markets, integration of the electronic platform “labormigration.uz” into the information systems of countries with a large number of Uzbek migrant workers, as well as expanding the capabilities of its system of assistance to migrants.

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