

The Main Directions of Labor Migration in Uzbekistan and Ways to Solve the Problems of Migration

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Abstract

In this article, some problems of regulation of migration policy in the Republic of Uzbekistan were discussed. In addition, the processes of foreign labor migration in our country are analyzed, scientifically based and suggestions of important practical importance have been developed. Methods/Statistical Analysis: used in the research work: observation, historicity, analysis and synthesis, induction and deduction, logic, comparative legal, statistical and other methods of scientific knowledge. The purpose of the current research is to scientifically analyze the theoretical and practical aspects of the international and national legal regulation of external migration, to study comprehensively, and to identify the factors affecting these processes through sociological research, and to develop practical suggestions and recommendations. The scientific novelty of the research work is the study of a wide range of problems and the presentation of scientific-based and important practical proposals for improving the legislation in the field of international and national legal regulation of foreign migration.

Keywords: *flow of migrants, employee, employer, labor migration, migrant worker, refugees, illegal migration.*

INTRODUCTION

In order to further develop mutually beneficial cooperation with the Republic of Korea in the field of labor migration: On December 13, 2012, the Ministry of Labor and Social Protection of the Republic of Uzbekistan and the Ministry of Employment and Labor of the Republic of Korea signed a Memorandum of Understanding on sending workers to the Republic of Korea under the employment permit system. Globalization of global processes leads to the increasing openness of countries and their integration into the world community. This caused the movement not only of raw materials, investment, financial and material resources, but also of labor force. In the conditions of globalization, the formation of world labor markets becomes more active, which is

carried out through the labor migration of the population. In the current conditions, international labor migration remains an integral part of the world economy. As a labor sending country, Uzbekistan is actively participating in these processes. Currently, external migration is the strongest migration flow in our country.

The right of the citizens of our country to work abroad was announced and strengthened in the Law of the Republic of Uzbekistan on Employment (August 7, 2020). The creation of an organizational and legal basis in the field of labor migration processes began with the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 268 of July 14, 1993 No. 353 "On the management of labor migration and migration issues". The main migration partner of Uzbekistan is Russia. According to the UN, Russia ranks second in the world in terms of the number of international migrants. There are negative and positive sides to the migration of the people of Uzbekistan abroad. Remittances from migrants not only bring a lot of income to the state, but also lead to the development of the country's economy, on the other hand, due to labor migration, the most active and capable workers are leaving the labor market of Uzbekistan. The negative socio-demographic consequences of labor migration are also very noticeable - migrants' health deteriorates, family relationships become complicated, attention to children's education decreases, sometimes families even break up, which causes problems in the country's demographic situation in the future¹.

In the 20th century, an active migration policy was carried out in Uzbekistan, first by the Russian Empire, and then by the Soviet Union, which greatly affected the population change, as well as its ethnic and social structure. After the collapse of the USSR and independence, the collapse of the Soviet Union and the destruction of the unified economic system led to the emergence of a new motive for migration, which was not previously determined, namely, ethnic migration. More than eight million people have left Uzbekistan since we gained independence. In addition, internal migration has increased - from rural to urban, from one province to another.

Today, refugees are an urgent problem of a global nature. The proximity of the Republic of Uzbekistan to areas of political, economic, inter-ethnic instability and hostilities increases the number of refugees, stimulates migration processes in Uzbekistan, but, in our opinion, the legal status of refugees is not sufficiently resolved. Based on this fact, it is appropriate to harmonize the national legislation of the Republic of Uzbekistan with the norms of international law on refugees.

It should be noted that since independence, Uzbekistan attaches great importance to the legal regulation of labor migration. The analysis of the current legislation makes it possible to distinguish labor migration according to legal (legal) and illegal (illegal) migration. The procedure for permitting foreign labor is established in the Republic; Therefore, foreign citizens have the right to work legally in compliance with the legal conditions established by the legislation of the Russian Federation. However, the existence and further expansion of illegal labor migration of the

¹ Murtazayeva, R. Interethnic relations and tolerance in Uzbekistan [Text]: textbook / R. Murtazayeva. - Tashkent: "Go To Print", 2020. - 344 p. pages 267-268

population of Uzbekistan is a serious problem. In this regard, it is appropriate to develop a special legal mechanism for regulating labor migration.

In a globalizing economy, labor migration is not limited to the import of foreign labor². According to the current legislation, citizens of Uzbekistan have the right to independently seek work abroad or find work through intermediary organizations. Organizational export of workers is carried out by the Foreign Labor Migration Agency under the Ministry of Employment and Labor Relations of the Republic of Uzbekistan. In the author's opinion, the qualification requirements for persons applying for a license to operate in the field of labor export from Russia to foreign countries are somewhat simplified.

In this regard, since there have been cases of illegally deceiving people to work abroad on the basis of moral or psychological coercion in order to place them in degrading conditions such as slave labor or domestic exploitation, forced prostitution and other illegal actions that violate basic human rights, moreover, taking into account the urgency of the problem and the imperfection of the current legislation, we propose to develop a special law on "Foreign labor migration". In the scientific literature, there is a widespread opinion that the processes of globalization weaken the sovereignty of the state, limit the independence of the country in the choice and implementation of economic policy, thereby weakening and devaluing the regulatory function of the state³. Of course, globalization has a great impact on the state, although, according to the authors, it is premature to assume that there is a tendency to form a single world state. On the contrary, only a strong state is able to create the necessary conditions for entering the international sphere without affecting national interests. In the context of globalization, the role of the national state in the implementation of its tasks is not decreasing, even if it adapts to the constantly changing economic, socio-political, demographic, migration and other situations.

The activity of any country cannot be imagined without a proper migration policy. He attached great importance to the improvement of the existing directions of migration management and the development of new directions in the Republic of Uzbekistan. This requires further improvement of the current legal framework on labor migration aimed at maintaining quotas for foreign labor, simplifying the procedures for attracting highly skilled labor migrants, as well as strengthening the responsibility of employers for employing illegal migrants. All this allows to use the opportunities of external labor migration to form an integrated national labor market, to protect the labor and social rights of migrants. The analysis of the competences of the state bodies involved in the management of migration processes in the Republic of Uzbekistan allows us to conclude that the regulation of population migration and its important component - labor migration is of great importance in the country.

² Mandrygin KV. The state and shadow economy in the globalizing world. Moscow Legal Forum. Moscow: Gorodets; 2004.

³ International labor migration: Policy of host countries. The Monograph. Volgograd: Tsaritsynsky Printing Company; 2005.

At the same time, it should be noted that there is an unreasonable "dispersion" of powers between various state bodies dealing with migration and, in particular, labor migration issues, and sometimes duplication of functional duties. According to the researchers, it is necessary to reduce patent employment and the use of foreign labor, establish more consistent penalties against employers who illegally recruit foreign labor, and adopt a special law on labor migration. It affects the process of improvement of national legislation by applying the norms of international law to national legislation. In turn, globalization encourages countries to develop joint actions against emerging problems and, as a result, integrate their economies, universalize and harmonize their national legislation with international legal documents.

A review of international legal documents adopted by international organizations in the field of migrant labor regulation allows us to conclude that there are international labor standards that countries that use migrant labor follow. To date, the Republic of Uzbekistan has ratified a number of international legal documents on the regulation of labor relations adopted by the United Nations, ILO and other international organizations. The Constitution of the Republic of Uzbekistan provides for the introduction of generally recognized norms of international law into the national legal system. According to Article 17 of the Basic Law, not only the norms of the Constitution and relevant laws, but also the universally recognized principles and norms of the international law of the Republic of Uzbekistan are the applicable law. In this case, international agreements ratified by the Republic have priority over national laws and are directly applied, with the exception of cases where the application of an international agreement requires the promulgation of a law.

In a historically short period of time, the Republic of Uzbekistan joined the most universal international legal documents on the regulation of labor relations. At the same time, there are a number of ILO conventions on labor migration that have not been ratified by Uzbekistan, but as a member of the ILO, Uzbekistan must adhere to these conventions in regulating migrant labor. Since the fight against human trafficking, which has gained a global scale and is actually a modern form of slavery, is becoming extremely urgent for Uzbekistan and many other countries of the world, according to researchers, Uzbekistan's 1950 It is appropriate to enter into the Convention on Combating Trafficking in Human Beings and Exploitation of Prostitution of Others, approved by the decision No. 317 (IV) of March 21. Uzbekistan is interested in the ratification of important international documents, which are universal documents of global importance, as well as the adoption of regional and international agreements aimed at protecting the rights of migrant workers and migration issues.

The documents of the Council of Europe, the European Union and the OSCE on the issues of labor migration are important for our country, because a lot of attention is paid to the development of cooperation in the social sphere with participating countries within the framework of the regional community, in particular, to the development of cooperation. In the conditions of globalization, it is necessary to form a coherent migration policy, with fair belief that international coordination and cooperation in the field of migration can serve to manage the interstate movement of the population more effectively.

With the involvement of Uzbekistan and the Eurasian Economic Union in the field of labor migration, the strategy of the new integrated structure is aimed at ensuring the free movement of citizens, as well as creating appropriate conditions in new settlements or workplaces of labor migrants. Illegal labor migration is a complex problem facing the member countries of the Eurasian Economic Union (EEU). At the moment, practice shows that in most countries experiencing migration pressure, especially illegal migration indicators exceed the capacity of states to regulate migration processes and respond to their consequences. Therefore, the development and adoption of an act on cooperation of the OSCE member states on the protection of national labor markets from illegal labor migration from third countries seems to be an urgent issue. In Article 23 of the Constitution of the Republic of Uzbekistan, the Republic of Uzbekistan guarantees the protection and patronage of its citizens both inside and outside its territory. A citizen of the Republic of Uzbekistan cannot be forcibly expelled from Uzbekistan or extradited to another country. It is determined that the state will take care of maintaining and developing relations with compatriots living abroad in accordance with the norms of international law.

According to Article 523 of the Labor Code of the Republic of Uzbekistan. Foreign citizens who have legally entered the territory of the Republic of Uzbekistan for the purpose of performing labor activities have the right to perform labor activities in the territory of the Republic of Uzbekistan only on the basis of a certificate of the right to perform labor activities in the territory of the Republic of Uzbekistan, except for the cases established by legislation. The employer has the right to conclude employment contracts with foreign citizens who have legally entered the territory of the Republic of Uzbekistan only if they have a certificate of the right to work in the territory of the Republic of Uzbekistan, except for cases provided for by legislation. Thus, foreigners may be appointed to certain positions or engage in certain activities if, in accordance with the legislation of the Republic of Uzbekistan, appointment to these positions or engaging in such activities is related to obtaining the citizenship of Uzbekistan. not allowed. The use of migrant labor in various employment sectors is an integral part of the labor market, so freedom of labor should be fully extended to migrant workers, provided they are legally present and have a work permit. At the same time, the need to maintain restrictions on a certain type of work or employment of migrant workers is not only intended to protect the interests of citizens of Uzbekistan, but also to ensure the national security of the sovereign state.

Under the influence of a number of internal and external macroeconomic factors, as a result of which there was a need to increase (or at least maintain) the level of well-being, in recent years the socio-cultural aspects of Uzbek society began to change: in a purely patriarchal society, new egalitarian relations began to form, which in turn affected the labor migration processes of Uzbekistan. According to these new guidelines, the participation of certain socio-demographic categories of the population, which previously had little participation in labor migration processes, becomes possible and even begins to represent a mass phenomenon.

The expansion of migration is gradually changing socio-cultural relations at the family and community levels, and the latter, in turn, creates mechanisms that stimulate and support further

growth of migration flows, as well as changes in the composition of labor migrants. encourages. Thus, there is no doubt that the microcommunity affects migration, but such an effect is not one-sided, because migration is gradually changing the microcommunity and its basic principles.

The rejuvenation of migration and the expansion of the geography of its flows will continue to contribute to the further growth of the flow of labor migration from Uzbekistan, because globalization and the spread of information technologies may increase the involvement of the younger generation in migration processes. Creating new migration networks and expanding existing ones in receiving countries. At the same time, despite the redistribution of migration flows to a certain extent and the simplification of the legislation on the residency of Uzbek citizens in a number of countries (for example, Turkey and South Korea), in the near term, the number of labor migrants from Uzbekistan Russia may remain the leader among the countries.

As for the increasing feminization of foreign labor migration, its main causes at the micro level are not only women's activism, but also the gradual softening of patriarchal stereotypes about women's mobility at the family and community level, leading to the softening of gender regimes. This can lead to the further expansion of the feminization of migration and the strengthening of the influence of the role of women in Uzbek society.

Finally, the so-called migration success is of particular interest. Often, unclear travel goals and initial focus on relatively short-term migration have a negative impact on adaptation in the country of employment; however, migrant workers may face new challenges in the reintegration process after their return. This may be one of the reasons for repeated or periodic migration. At the same time, the future focus of the migration cycle - based on the behavior of migrants themselves and a number of macro conditions (including the consequences of the current crisis caused by the coronavirus pandemic) and micro-level socio-cultural factors - the adaptation of migrants in the host country and may even transfer to their possible immigration.

Conclusion. The formation of a legal mechanism for the protection of migrating persons has a centuries-old history, and today international organization has already been established in the field of regulation of migration processes, labor migration in general. At present, a set of international legal tools for regulating migrant labor has been created in the field of international legal regulation of labor relations. Documents of the United Nations, its specialized agencies, the International Labor Organization (hereinafter ILO), the International Migration Organization, regional organizations, as well as bilateral agreements can be very effectively used by states to employ migrants. We believe that it is appropriate for Uzbekistan to ratify such important documents as the ILO Convention No. 143 on violations in the field of migration and on providing equal opportunities and treatment to migrant workers (Convention No. 97 on Migrant Workers). In addition to joining the universal and regional international legal documents regulating the rights of labor migrants, it is appropriate for Uzbekistan to conclude bilateral and multilateral agreements with the CIS countries on the regulation of labor migration.

At the same time, it should be noted that there is an unreasonable "dispersion" of powers between various state bodies dealing with migration and, in particular, labor migration issues, and

sometimes duplication of functional duties. On this basis, it is appropriate to establish a special state body for the regulation of labor migration. Having carefully studied both sides, we conclude that the benefit of foreign migration is greater than the harm, and if we correctly solve the issues of legal regulation of foreign migration, the solution to the problem would be eliminated. The solution is to adopt the Law on Foreign Migration and to establish a state body for special migration. Many countries have adopted the Law on Foreign Migration in their national legislation (for example, the countries of the European Union), and a special state body on foreign migration operates in Azerbaijan.

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