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SPECIFIC CHARACTERISTICS OF IMPLEMENTING DISCIPLINARY PUNISHMENTS AGAINST AN EMPLOYEE IN UZBEKISTAN LABOR LEGISLATION.

Abstract.

Applying disciplinary punishments to an employee is one of the ways to ensure labor discipline. Disciplinary liability includes the obligation of an employee who has acted in violation of labor discipline to respond and the procedures for applying disciplinary punishments to him provided for by the labor legislation. The presence of disciplinary sanctions is important in maintaining labor discipline in the enterprise, increasing work productivity, and preventing violations of the norms established by internal labor procedures by employees. The article provides a scientific analysis of the types of disciplinary punishments that can be applied to employees under the labor legislation of the Republic of Uzbekistan, the procedure and basis of their application.

Key words: labor discipline, disciplinary punishments, disciplinary responsibility, reprimand, fine, warning.

The existence of certain disciplinary responsibility for employees who violate internal labor procedures in the enterprise is considered as one of the important means of establishing labor discipline. Disciplinary responsibility is manifested not only as a means of punishing the employee, but also in maintaining order in the enterprise, preventing the employee from repeating this violation, setting an example for other employees, and between employees and the employer in the workplace. is important in creating a stable environment. First of all, let's talk about the concept of disciplinary responsibility.

Disciplinary responsibility is a means of influencing an employee who is guilty of not fulfilling his labor obligations in accordance with the law or improperly. Failure of an employee to perform his/her work duties in accordance with the law or improperly due to his/her own fault, to the extent that it does not lead to criminal liability, is considered a violation of discipline (inaction) [1].

Disciplinary liability is divided into general and special types according to the scope of employees [2]. The procedure, terms and other aspects of applying special disciplinary liability for employees are regulated by separate laws, relevant charters and regulations. In terms of general disciplinary responsibility, the penalties for violating labor discipline, the procedure for their application, the procedure for appealing and removing the penalty are defined in the Labor Code and the Model Internal Labor Procedure [3].

According to Article 312 of the Labor Code of the Republic of Uzbekistan, the following types of disciplinary sanctions may be applied to an employee:

- 1) reprimand;
- 2) a fine of no more than thirty percent of the average monthly salary. The rules of the internal labor procedure may provide for cases where the employee is fined no more than fifty percent of the average monthly salary.
- 3) termination of the employment contract [4].

It is not allowed to apply punishments other than the above-mentioned disciplinary punishments against the employee.

As the academiv lawyer M.Y.Gasanov notes, "It is important to note that the list of disciplinary sanctions in line with international legal acts and market requirements, in contrast to the previously existing Labour Code. In particular as contradicting The ILO Convention № 105 of 1957, "On the abolition of forced labour" was excluded from the Labour Code of the Republic of Uzbekistan suc a disciplinary measure as transfer to a lower-paid job [5].

Only persons authorized to employ have the authority to apply disciplinary sanctions. Also, they will decide what type of disciplinary punishment to apply for the guilty behavior of the employee, considering its seriousness. In this case, it is necessary to follow the norms established in the internal labor procedures of the enterprise.

Before applying disciplinary punishment to an employee, the employer must demand a written explanation from him. However, if the employee refuses to give this explanation, the employer can draw up a document in the presence of witnesses, but this does not exclude the application of disciplinary punishment. The purpose of obtaining a written explanation is that this explanation can be important in determining the level of guilt of the employee, its seriousness, and in correctly determining the type of disciplinary punishment that should be applied to him. When determining the type of disciplinary punishment, the previous performance and behavior of the employee should be taken into account.

After receiving an explanation from the employee, the order of the employer to apply disciplinary punishment is accepted. After that, within three working days, the reason for applying this order and disciplinary punishment will be announced to the employee, and his signature will be obtained. If the employee refuses to sign, in this case, the document will be drawn up, and in this case, the employee will be considered to have been notified of the order. However, if the employer does not introduce the order to the employee, this situation is considered to be against the law, and the employee is considered not to have received disciplinary punishment in this case.

As for the terms of disciplinary punishments, according to Article 314 of the Labor Code of The Republic of Uzbekistan, disciplinary punishment should be applied immediately after the discovery of a disciplinary act, but no later than one month after the date of discovery. The period when the employee is temporarily incapacitated or on vacation is not taken into account. The day on which the document on the results of the service review is signed by the commission is considered the day on which the disciplinary action determined by the results of the service review was established. Disciplinary punishment may be applied no later than six months from the date of the commission of the disciplinary act, and according to the results of the audit or audit of financial and economic activities, no later than two years from the date of its commission. These periods do not include the time of criminal proceedings [3].

In practice, many violations of the law are allowed by the employer in the application of these terms. The employer can apply disciplinary punishment against the employee within one month from the date of discovery of the disciplinary act committed by the employee. But in this case, it is necessary that it has not been more than six months since this act was committed by the employee. Failure to comply with these terms is a violation of the law.

Disciplinary punishment is valid for up to one year. However, the employer has the right to remove this disciplinary punishment at his own discretion, at the request of the trade union committee or the employee directly, and this is formalized by the order of the employer. Disciplinary sanctions received by the employee are valid only during these periods. If no other disciplinary punishment is received by the employee within this period, he is considered not to have received disciplinary punishment. If the employee receives another disciplinary punishment during the period of validity of one disciplinary punishment, the employment contract with him may be canceled due to the fact that the employee regularly violates his labor obligations in accordance with Article 161, Part 2, Clause 4 of the Labor Code.

If the employee is dissatisfied with the applied disciplinary punishment, he has the right to file a complaint in accordance with the established procedure for handling individual labor disputes. Such labor disputes are considered by the labor dispute commission, the court, and for certain categories of employees, by higher authorities. When assessing the legality of the disciplinary punishment applied to the employee, it is taken into account the circumstances in which the misconduct was committed, whether the type of disciplinary punishment was correctly chosen by the employer, and to what extent the procedure and terms of disciplinary punishment were observed.

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