

FORMATION AND DEVELOPMENT OF THE LEGAL AND REGULATORY FRAMEWORK GOVERNING LABOR MIGRATION IN THE REPUBLIC OF UZBEKISTAN (1991-2024)

Toshtemirov Akram Mengli ugli

Teacher of the Department of History,

Chirchik State Pedagogical University

ORCID: 0009-0001-9573-1070, UDK: 950 (575.1)

akramtoshtemirov5577@gmail.com

Abstract

This article analyzes the formation and stages of development of the legal and regulatory framework governing labor migration in the Republic of Uzbekistan during the years of independence. The study examines the impact of laws, resolutions, and international agreements adopted from 1991 to 2024 on migration processes of the Constitution and general legislation. Gaps in legal regulation and mechanisms for their elimination are examined on a scientific basis.

Keywords: Labor migration, legal and regulatory framework, external labor migration, regulation, migration policy, international agreements, legal protection.

Introduction

Аннотация

В данной статье анализируются формирование и этапы развития нормативно-правовой базы, регулирующей трудовую миграцию в Республике Узбекистан в годы независимости. В исследовании рассматривается влияние законов, постановлений и международных соглашений, принятых в период с 1991 по 2024 год, на миграционные процессы и их соответствие положениям Конституции и общего

законодательства. На научной основе исследуются пробелы в правовом регулировании и механизмы их устранения.

Ключевые слова: трудовая миграция, нормативно-правовая база, внешняя трудовая миграция, регулирование, миграционная политика, международные соглашения, правовая защита.

INTRODUCTION

Uzbekistan's attainment of independence in 1991 brought about fundamental changes not only in the principles of statehood but also in the patterns of the population's migratory mobility. Whereas migration processes during the Soviet era were managed on the basis of centralized planning, the early years of independence saw a sharp increase in the population's need for external labor migration, driven by economic crisis, contraction of employment opportunities, and the transition to market relations [1]. During the initial decade, this process was largely spontaneous in character, and dedicated legal mechanisms for regulating migration flows were insufficient. Labor migration has today become an integral component of Uzbekistan's economy, serving as a significant factor in the formation of household incomes. However, the complexity of migration processes, the necessity of protecting migrants' rights, and intensifying competition in the international labor market require the state to implement deep and systematic legal regulation of this sphere. For this reason, the study of the history of formation, its stages, and the trends of development of the legal and regulatory framework governing labor migration during 1991-2024 is of pressing scientific significance. The objective of the study is to analyze the evolutionary development of legislation in the field of labor migration in Uzbekistan and to develop scientifically grounded proposals for the further improvement of the legal framework.

RESEARCH METHODOLOGY

This article employs a systematic approach along with historical-legal, comparative-legal, and statistical analytical methods. The historical-legal method was applied to examine the conditions under which normative legal instruments adopted between 1991 and 2024 came into force, as well as their interrelationships. The comparative-legal method enabled a comparison of Uzbek

legislation with the conventions of the International Labour Organization (ILO) and the requirements of the United Nations Global Compact for Safe, Orderly, and Regular Migration. In the course of the research, use was made of the legal information systems of the Ministry of Justice of the Republic of Uzbekistan and materials of the Legislative Chamber of the Oliy Majlis, as well as reports of the International Organization for Migration (IOM) and the World Bank on Uzbekistan [2].

DISCUSSION AND RESULTS

The process of legal regulation of labor migration in Uzbekistan may be conditionally divided into three principal stages. First Stage (1991–2000): Formation of the Legal Framework. In the early years of independence, migration issues were addressed primarily within the framework. Article 28 of the Constitution of the Republic of Uzbekistan, adopted in 1992, guaranteed every person the right to freedom of movement within the territory of the country, to choose a place of residence, to leave the country, and to return [3]. However, no dedicated legislation specifically addressing labor migration existed during this period. The Law on Migration in the Republic of Uzbekistan, adopted in 1993, constituted the first comprehensive instrument, yet it was oriented primarily towards issues of forced displacement and refugees and did not fully encompass the specific characteristics of labor migration. During the 1990s, migration flows were regulated principally on the basis of bilateral agreements within the framework of the Commonwealth of Independent States. Second Stage (2001–2016): Institutionalization and Transition to Systematic Regulation. At the beginning of the twenty-first century, the growth in the volume of external labor migration prompted the state to establish dedicated institutions for managing this process. The Law on External Labor Migration of the Republic of Uzbekistan, adopted on 24 October 2012, laid the legal foundation of the sector [4]. This law for the first time provided precise legal definitions for concepts such as “external labor migration,” “migrant worker,” and “employer.” It also established the legal status of the authorized state body for matters relating to external labor migration. During this period, a number of Cabinet of Ministers resolutions aimed at reducing irregular migration and organizing migration flows were adopted. In practice, however, legal mechanisms for protecting the rights of migrants abroad proved insufficient, and penalty sanctions were applied predominantly against the

migrants themselves. Third Stage (2017 - 2024): Liberalization, Primacy of Human Rights, and Digitalization. The far-reaching reforms initiated after 2016 brought about revolutionary changes in the sphere of labor migration as well. On 23 December 2021, a new edition of the Law on External Labor Migration of the Republic of Uzbekistan was adopted [5]. This instrument removed a number of restrictions contained in previous legislation, notably simplifying licensing requirements for the recruitment of migrant workers and expanding the activities of private employment agencies. A series of decrees and resolutions adopted during 2022 - 2024 (for example, the Decree on Measures for the Digitalization and Simplification of Services in the Field of Labor Migration) served to enhance transparency in migration processes [6]. In particular, the introduction of the unified interactive "Labor Migration" public services portal enabled migrants to formalize visas, permits, and contracts online. Furthermore, Uzbekistan acceded in 2018 to the United Nations Global Compact for Safe, Orderly, and Regular Migration, which constituted a significant step towards aligning national legislation with international standards. The analyses conducted indicate that Uzbekistan's labor migration legislation has transitioned from a reactive (post-hoc) stance to a proactive and human-centered approach. Nevertheless, certain issues remain within the legal and regulatory framework that require resolution. First, the legislation does not fully reflect the organic relationship between internal and external labor migration. As numerous researchers, including R. Karimov, have noted in their works, the weakness of legal mechanisms incentivizing internal migration is giving rise to an artificially elevated volume of external migration flows [7]. Second, the issue of migrants' social protection has not been fully resolved at the level of bilateral agreements. Mechanisms for establishing a unified legal framework concerning pension provision and health insurance with the Russian Federation and other receiving states, for instance, still require further development. Practical steps towards full implementation into national legislation of the norms established in ILO Conventions No. 97 (Migration for Employment) and No. 143 (Migrant Workers – Supplementary Provisions) remain insufficient [8]. Third, the geopolitical changes occurring after 2022 (in particular, the crisis situation in Eurasia) have introduced new risks to the legal status of migrants. The tightening of legislation in receiving states demands that Uzbekistan further activate diplomatic and legal protection

mechanisms, including a more precise legislative definition of the procedure for providing consular and legal assistance [9].

CONCLUSION

The legal and regulatory framework governing labor migration in the Republic of Uzbekistan has undergone a complex path of evolutionary development over the period 1991-2024. It evolved from a fragmented state in the early years to the adoption of systematic legislation in 2012 and, subsequently, from 2021 onwards, to a contemporary model grounded in the primacy of human rights, digitalization, and international cooperation.

With a view to further improving the legal framework, the following proposals are advanced:

Adoption of a dedicated law “On the Protection of the Rights of Labor Migrants” or the insertion of a special chapter into the existing law reinforcing the social and legal guarantees of migrants in foreign states;

Revision and acceleration of the ratification process of bilateral social security (pension and health insurance) agreements with CIS states and other principal destination countries for labor migrants;

Legal consolidation of the use of artificial intelligence and Big Data technologies in the monitoring and management of migration processes will serve to prevent irregular migration and human trafficking.

These measures will serve to transform labor migration from a mere economic necessity into a strategic resource for the development of the country's human capital.

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