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NEW CONSTITUTION LEGAL BASIS OF SOCIAL PROTECTION: PENSION PROVISION CONSTITUTIONAL GUARANTEE

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ABSTRACT

This article examines the results of a number of reforms carried out by the Republic of Uzbekistan from the moment of independence to the present day to protect human rights, freedoms and legitimate interests, especially important steps taken in recent years towards the creation of a state that glorifies human value, and these reforms show that in Zamir they are becoming important it is the interests of a person, respect for human values, attitude towards a person. declared.

It also highlights some of the problems that existed in the field of social security until the coming years, and information about the reforms carried out after 2017 to solve these problems.

KEYWORDS

Social security, pension, benefits, minimum consumer expenses, working pensioners, social benefits.

INTRODUCTION

Since Uzbekistan gained independence to this day, a number of reforms have been carried out to protect human rights, freedoms and legitimate interests. In this regard, a number of laws have been adopted and international legal acts have been ratified.

Especially in recent years, important steps have been taken towards the creation of a State that glorifies human value. In the course of the fundamental reforms carried out in the republic, it is the interests of a person, respect for human values, and attitude towards a person that are becoming important. Our

main committee also recognized that the republic is a social state [1].

In addition, one of the 7 important areas of implementation”The development strategy of the new Uzbekistan for 2022-2026 “is precisely ” building a people's democratic state by increasing the value of a person and further developing a free civil society [2]”.

The creation of a people's democratic State by increasing the value of a person and the further development of a free civil society is understood as a comprehensive comprehensive legal development of all aspects of society.

Today, as in other spheres of society, populist reforms are being carried out in the sphere of social protection.

Article 46 of the new Constitution stipulates that direct social security is guaranteed by the Constitution. This article says: "everyone has the right to social security in old age, in case of disability, unemployment, as well as in case of loss of a breadwinner and in other cases provided for by law. The amounts of pensions, allowances and other types of social assistance established by law cannot be less than the officially established minimum consumer expenses."

All the amendments and additions made to the Constitution first created a legal basis, a foundation in our republic and only then were reflected in the new constitution.

In the same way, the legal basis for each paragraph of this article was created.

Earlier, article 39 of the Constitution established that “the amount of pensions, allowances, and other types of social assistance cannot be less than the officially established subsistence minimum.” But the application of this rule remained abstract for 30 years.

In order to determine the level of poverty in our country, the Ministry of Economic Development and Poverty Reduction of the Republic of Uzbekistan (in 2021), the State Statistics Committee and the relevant ministry, as well as research institutes together with World Bank experts conducted research. As a result of research to determine the level of poverty, the concept of the cost of minimum consumer spending, consisting of food, non-food goods and services, as well as necessary per person, was introduced. The specificity of this method stems from the composition and nature of the actual consumption of the population (consumption Behavior).

Since June 2021, the minimum value of consumer spending has been announced in our republic, and it has been established that this value will be revised in stages. That is why today the amount of pensions, allowances and other types of social assistance is not less than the officially established minimum of consumer spending.

In addition, the following has been implemented as the legal basis of this article.

Until 2017, some social security issues were the reason that our elderly people hunted without finding a solution.

1. It is no secret that since the 2010s, due to the presence of a problem with cash, unjustified transfer of pension and pension payments of citizens to bank plastic cards without their consent, and in practice, payment terminals and cash registers of banks are not provided properly, trading with plastic cards – during the sale, it was obvious that with their own funds, interest was illegally accrued or inflated prices were set, as a result of which the number of appeals from pensioners with protests sharply increased, and the

rights and legitimate interests of socially needy segments of the population were not protected.

-In order to eliminate an inconvenient and long-unresolved problem for the elderly, the Decree of the President of the Republic of Uzbekistan No. PP-2753 dated February 2, 2017 “on additional measures to improve the mechanism of payment of wages, pensions, allowances and scholarships” was adopted[3]. This is a historic decision made as a result of a critical analysis of the current situation in the field of pensions and pension payments.

In accordance with this decision of the head of our state, since February 2017, the payment of all types of pensions has been carried out in full in cash without any restrictions, millions of pensioners have found their solution to the problems that have plagued them for many years.

It would not be an exaggeration to say that this regulatory legal act is a historic document in the field of social security, adopted in the first months of the President's tenure.

Because at a time when proper infrastructure was not created or many pensioners did not know what a plastic card was, the transfer of pensioners' pensions to full bank plastic cards was a sad situation for the luminaries.

2. Regarding another problematic situation, when delivering pensions and benefits to their owners, there were all sorts of negative situations, for example, when delivering pensions, there were many cases of adding overdue newspapers and magazines or other unnecessary goods, unjustified retention of pensions without their full payment or overdue payments.

- in order to eliminate these negative situations By Presidential Decree No. PK-2826 dated March 13, 2017

Since July 1, 2017 it has been established that the payment of pensions, allowances and other payments is carried out only by the People's Bank, and these negative circumstances have been suppressed.

3. Another important problem in the implementation of pension payments are working pensioners. The Tax Code stipulated that pensioners would pay insurance premiums or deductions related to the pension fund in full, like other working persons, but since 1996 their pensions have been paid in the amount of 50 percent.

In fact, although the legislation did not have a differentiated procedure for the payment of social benefits to employees, employees of working age (from 16 years to retirement age, women 55 years, men 60 years) and an employee of retirement age were entitled to the same amount of social benefits.

- In order to eradicate this social injustice Since January 1, 2019, the payment of pensions in full to all working pensioners has been put into practice.

5. As you know, pension provision in our republic is based on a solidary system, citizens work all their lives paying social payments established by the state to the Pension Fund.

Pension payments stopped when they retired and were deprived of their liberty for any reason, and it was established that pension payments would continue only after serving their sentence.

So that this category of people does not have problems with socio-economic problems after the release of family members or themselves;

- as a rare experience in world practice since September 2019, the procedure for assigning and paying pensions to persons serving sentences in penal colonies was introduced.

4. Until 2017, a huge number of documents were required from citizens when applying for a pension or allowance. Citizens will be busy collecting documents for months, years.

In some periods when the enterprises were liquidated, the documents were not archived or the documents were filled out poorly, which led to excessive overdraft on the part of those who applied for a pension.

- By Decree of the President of the Republic of Uzbekistan, since 2020, the practice of assigning pensions in electronic form has been introduced, without requiring paper documents from citizens, especially information on wages and seniority, from the "Unified National Labor System" program.

As we have already noted above, now citizens are not required to provide certificates from their place of work, from archives, including salary, seniority, family members, places of study:

-On the basis of entries in the work book for the period up to 2005;

- Data of the People's Bank for 2005-2016;

- On the basis of registers of payment of insurance premiums by the enterprise for 2016-2018;

- The appointment of citizens' wages has been introduced on an individual basis, using a generalized database for the period after 2019.

This means that currently a pension will be sufficient only if a citizen applies with an identity document and an application.

In the new Uzbekistan, systemic reforms are continuing in order to provide social support for pensioners, all this indicates that a state is being built that extols human values.

In order to create more favorable conditions for pensioners, strengthen their material security, it is proposed:

-It is known that in accordance with Article 16 of the Law "On State Pension Provision of Citizens" since 2011, the assignment of pensions to disabled persons of the 3rd group has been canceled, and only since 2018: "the assignment of pensions only to disabled persons of the 3rd group who participated in the liquidation of the consequences of the Chernobyl disaster has been resumed.

Proposal: Social justice is based on the principles of everything

Revision of the issue of assigning pensions to disabled persons of 3 groups;

- In accordance with article 37 of the Law, it is established that "the length of service of persons retiring by age and continuing their work is not taken into account when calculating pensions."

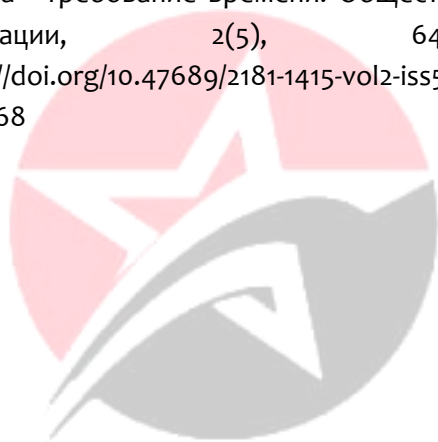
It is advisable if pensions are recalculated for persons who continue to work after retirement, taking into account the fact that this category of persons continues to pay contributions and deductions in accordance with the Tax Code.

From the point of view that the protection of human rights is an ongoing process, it can be concluded that the creation of a people's democratic state in the new Uzbekistan through fair social security, increasing human values and further development of a free civil society is the highest goal of our people.

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