



ISSUES OF IMPROVING LEGAL NORMS ESTABLISHED FOR CRIMES RELATED TO VIOLATIONS OF LABOR LEGISLATION

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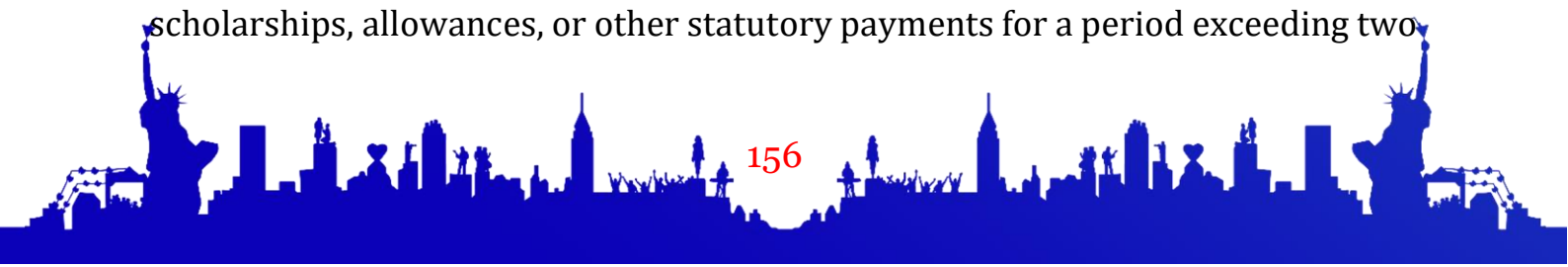
This article examines the issue of non-payment of wages, pensions, scholarships, and allowances, contrasting the current legislation of the Republic of Uzbekistan with the criminal codes of the Russian Federation, Ukraine, the Kyrgyz Republic, and Tajikistan. While neighboring jurisdictions have established specific criminal liability for such violations, Uzbekistan's current legal framework predominantly relies on civil and administrative remedies, which statistics suggest are insufficient deterrents. Based on an analysis of judicial statistics from 2022 to 2025 and specific case studies, this paper argues for the criminalization of intentional wage non-payment. Consequently, the author proposes the introduction of a new Article 148³ to the Criminal Code of the Republic of Uzbekistan to ensure social justice and the protection of constitutional labor rights.

Keywords: criminal liability, non-payment of wages, labor rights, comparative criminal law, Uzbekistan legislation.

The timely payment of wages and social benefits is a fundamental aspect of labor rights and social security. Unlike the criminal legislation of the Republic of Uzbekistan, the Criminal Codes of the Russian Federation, Ukraine, the Kyrgyz Republic, and Tajikistan have established distinct criminal liability for the non-payment of wages, pensions, scholarships, allowances, and other statutory payments. This disparity raises questions regarding the efficacy of Uzbekistan's current mechanisms for protecting employees against financial abuse by employers.

While the aforementioned nations share a commitment to criminalizing wage theft, the dispositions of the relevant articles in their respective criminal codes vary in scope and specific qualification.

According to Article 153.1 of the Criminal Code of Tajikistan [1], criminal liability arises when an employer or the head of an enterprise, institution, or organization—regardless of the form of ownership—fails to pay wages, pensions, scholarships, allowances, or other statutory payments for a period exceeding two





months. Crucially, this liability is predicated on the act being committed out of pecuniary or other personal interests.

Article 203 of the Criminal Code of the Kyrgyz Republic [2] links liability to the misuse of funds. It stipulates that criminal liability applies if an official of an enterprise, institution, or organization misuses funds intended for social payments, resulting in a failure to pay said funds on time for a period exceeding sixty days.

The Russian legislation offers a more granular approach under Article 145.1 [3] of the Criminal Code:

Partial Non-Payment: Liability arises for partial non-payment exceeding three months if committed out of pecuniary or personal interest. Punishments range from fines (up to 120,000 rubles) to imprisonment for up to one year.

Total Non-Payment: For total non-payment exceeding two months, or payment below the federal minimum wage, penalties increase significantly, including fines up to 500,000 rubles or imprisonment for up to three years.

Grave Consequences: If these acts result in grave consequences, the penalty may include imprisonment for a period of two to five years.

Exemption Clause: A first-time offender may be released from liability if they fully settle the arrears and pay monetary compensation within two months of the case initiation, provided no other crime was committed.

In the Republic of Uzbekistan, instances of non-payment of wages remain prevalent. It is observed that employers often intentionally delay payments, relying on the relatively lenient liability currently prescribed by law.

A recent example highlights this systemic issue. On August 9, 2025, the Ministry of Poverty Reduction and Employment of the Republic of Uzbekistan responded to reports on social media regarding the “University of Economics and Pedagogy” where teachers criticized the administration for the non-payment of vacation funds [4]. The Ministry confirmed that an investigation was underway. Such public grievances indicate that administrative measures are often insufficient to prevent initial violations.

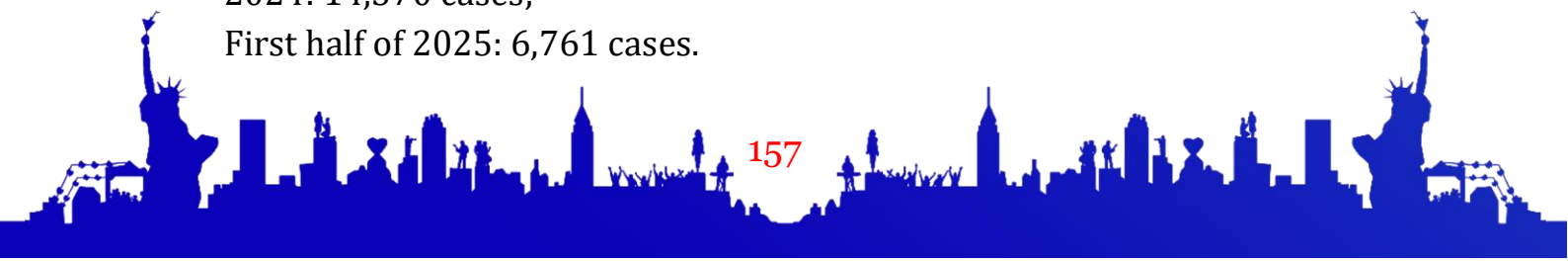
Official statistics provided by the Supreme Court of Uzbekistan underscore the scale of the problem. The number of civil cases reviewed regarding wage recovery is as follows:

2022: 30,979 cases;

2023: 16,073 cases;

2024: 14,370 cases;

First half of 2025: 6,761 cases.





In total, between 2022 and 2025, 68,183 civil cases regarding wage recovery were adjudicated. These figures suggest that the current normative framework lacks the necessary deterrent force to ensure strict compliance with payment obligations.

The protection of fair remuneration is enshrined in the highest laws of the land:

Article 253 of the Labor Code mandates that wages must be paid at least once every half month.

Article 42 of the Constitution of the Republic of Uzbekistan guarantees the right to fair remuneration for labor without discrimination and not less than the established minimum amount.

To align with these constitutional guarantees and enforce social justice, it is necessary to criminalize the malicious non-payment of wages.

Based on the comparative analysis and domestic needs, it is proposed to introduce Article 148³ into the Criminal Code of the Republic of Uzbekistan:

Article 148³. Non-payment of wages, pensions, scholarships, allowances, and other statutory payments on time

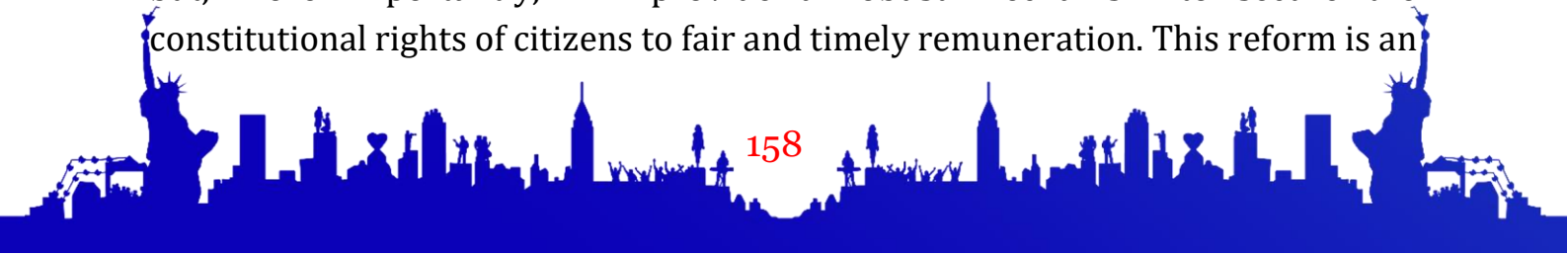
Non-payment of wages, pensions, scholarships, allowances, and other statutory payments on time for a period exceeding sixty days, committed by an employer as a result of the misuse of funds intended for these payments or out of pecuniary or other personal interest shall be punishable by a fine of up to fifty times the base calculation amount, or mandatory community service up to three hundred and sixty hours, or correctional labor up to two years, or imprisonment up to one year.

Aggravating circumstances leading to grave consequences shall be punishable by imprisonment up to three years.

A provision for release from liability upon full payment of arrears and compensation for first-time offenders is included.

The analysis of statistical data and foreign legal experience demonstrates that civil liability alone is insufficient to curb the systemic non-payment of wages in Uzbekistan. The introduction of criminal liability for delays exceeding two months, committed out of personal interest, will serve as a powerful deterrent against unscrupulous employers.

Adopting the proposed Article 148³ will not only harmonize Uzbekistan's legislation with international standards observed in neighboring CIS countries but, more importantly, will provide a robust mechanism to secure the constitutional rights of citizens to fair and timely remuneration. This reform is an





essential step toward ensuring social justice and strengthening the rule of law in the labor sector..

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