



THE ROLE OF SPECIAL SERVICE WITHIN THE SYSTEM OF PUBLIC SERVICE: THE CASE OF THE INTERNAL AFFAIRS BODIES OF THE REPUBLIC OF UZBEKISTAN

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Abstract. This article examines the legal nature and institutional role of special service within the system of public service, with particular emphasis on service in the internal affairs bodies of the Republic of Uzbekistan. The study focuses on the relationship between general public service and special service, the distinctive legal status of personnel serving in the internal affairs bodies, and the specific requirements governing recruitment, service performance, discipline, restrictions, powers, and social guarantees. Particular attention is paid to the provisions of the Law of the Republic of Uzbekistan No. ZRU-788 of 8 August 2022 “On the State Civil Service” and the Law of the Republic of Uzbekistan No. ZRU-407 of 16 September 2016 “On Internal Affairs Bodies.” The analysis demonstrates that, although service in internal affairs bodies forms an integral part of the broader system of public service, it cannot be equated with state civil service because it is governed by a distinct legal regime arising from the special functions, powers, responsibilities, and risks associated with law enforcement activities. The article argues that special service should be regarded as an independent functional form of public service characterized by enhanced legal, disciplinary, ethical, and professional requirements. The study also formulates proposals aimed at improving the legal regulation of special service and ensuring an appropriate balance between institutional interests, public security, and the rights of service personnel.

Keywords: public service, state civil service, special service, internal affairs bodies, law enforcement, public servant, legal status, service discipline, official powers, legal restrictions, professional competence, public security.

The institution of public service occupies a central position in the functioning of a modern state. The effective implementation of public policy, enforcement of legislation, protection of human rights and freedoms, maintenance of public order, and provision of public security depend to a considerable extent on the professionalism and legal status of persons performing public functions. Public service therefore should not be understood merely as employment within a state



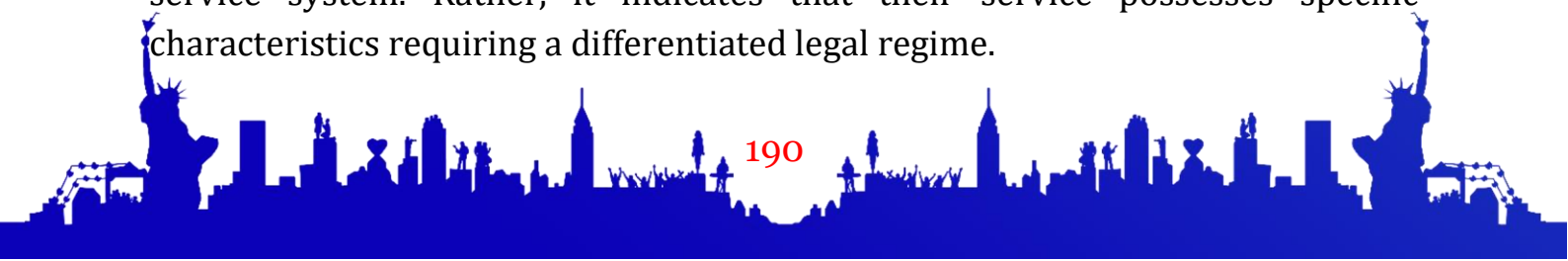


institution. It represents a specific system of public-law relations through which the functions and powers of the state are practically implemented by professionally trained personnel acting on behalf of public authorities. In this sense, the effectiveness of public administration is directly connected with the quality of the legal framework regulating public service and with the differentiation of service regimes according to the nature of the functions performed.

The development of public service legislation in Uzbekistan has entered a qualitatively new stage in recent years. An important milestone in this process was the adoption of the Law of the Republic of Uzbekistan No. ZRU-788 of 8 August 2022 “On the State Civil Service.” The Law established a systematic legal framework for relations arising in the sphere of state civil service and introduced a number of important legal mechanisms concerning recruitment, professional development, career advancement, rights and obligations of civil servants, restrictions related to public service, remuneration, incentives, and termination of service. The adoption of this Law has contributed significantly to the institutionalization of state civil service as a distinct area of public administration.

At the same time, the legal regulation of public service in Uzbekistan cannot be reduced exclusively to the sphere covered by the Law “On the State Civil Service.” The structure of the state requires different categories of personnel to perform functions that vary considerably in their legal and institutional nature. Administrative and managerial functions performed by civil servants differ substantially from functions related to law enforcement, national security, military defence, public order, and emergency response. Accordingly, the legal status and service conditions of persons performing such functions require special regulatory mechanisms.

This differentiation is particularly evident from Article 3 of the Law No. ZRU-788, which defines the scope of its application. The Law expressly provides that its provisions do not apply to a number of categories of public servants, including persons serving in law enforcement bodies. Consequently, personnel serving in the internal affairs bodies are not subject to the general legal regime established for state civil servants. This legislative approach is of fundamental importance for understanding the place of special service within the broader system of public service. The exclusion of law enforcement personnel from the scope of the state civil service legislation does not mean that their service falls outside the public service system. Rather, it indicates that their service possesses specific characteristics requiring a differentiated legal regime.



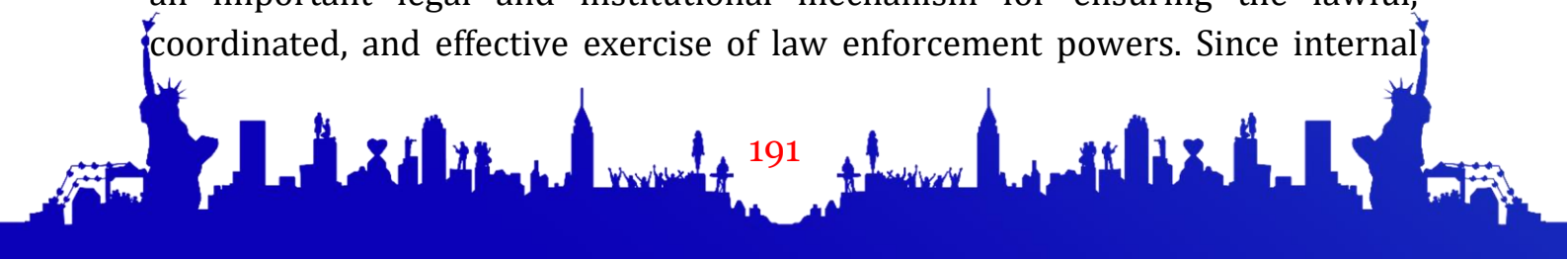


The special nature of service in internal affairs bodies is further demonstrated by the Law of the Republic of Uzbekistan No. ZRU-407 of 16 September 2016 “On Internal Affairs Bodies.” This Law establishes the legal status, main tasks, principles, powers, and organizational foundations of internal affairs bodies. Under the Law, internal affairs bodies constitute law enforcement bodies within the system of the Ministry of Internal Affairs of the Republic of Uzbekistan. Their activities are aimed at protecting the rights, freedoms, and legitimate interests of individuals, ensuring public order and security, preventing and combating offences, and performing other law enforcement functions assigned to them by legislation. These functions determine the special character of service performed by personnel of internal affairs bodies.

The distinction between state civil service and special service should therefore be examined primarily through the functions performed by service personnel. A state civil servant generally performs professional administrative, organizational, analytical, regulatory, or managerial functions within the relevant public authority. A person serving in the internal affairs bodies, by contrast, may exercise law enforcement powers directly affecting the rights and legitimate interests of individuals. Such powers may include measures aimed at preventing offences, protecting public order, responding to threats to public security, and performing other legally established law enforcement activities. The possibility of exercising such powers creates a heightened level of legal responsibility and requires additional professional, ethical, and disciplinary standards.

The legal nature of special service is thus determined not simply by the institutional affiliation of the employee, but by the specific public functions entrusted to the relevant body. The personnel of internal affairs bodies perform duties that are closely connected with the protection of public order and security. Their professional activities may involve situations of increased danger, psychological pressure, physical risk, and the necessity to make immediate decisions under uncertain circumstances. Consequently, the legal framework governing their service must provide not only general guarantees applicable to public servants but also special mechanisms designed to regulate professional conduct, discipline, accountability, and the lawful exercise of public authority.

One of the essential characteristics of special service is the heightened importance of service discipline. Discipline in internal affairs bodies has a broader meaning than merely compliance with internal organizational rules. It constitutes an important legal and institutional mechanism for ensuring the lawful, coordinated, and effective exercise of law enforcement powers. Since internal





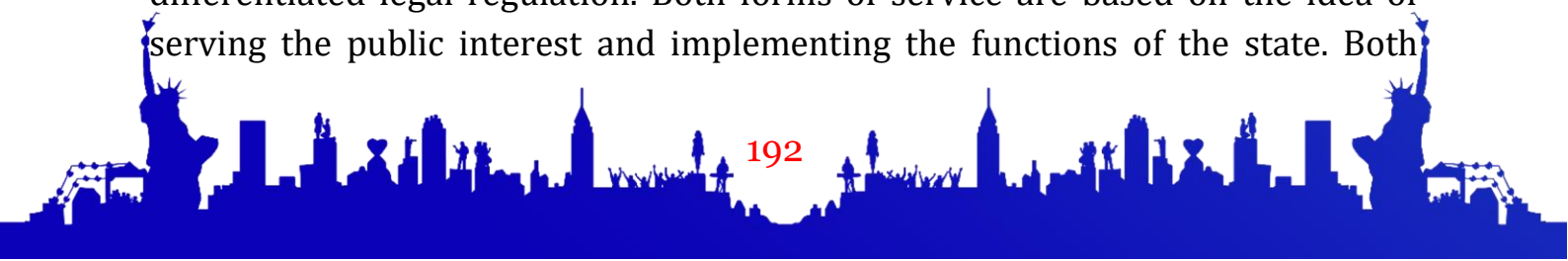
affairs personnel operate within a hierarchical public authority structure, the proper execution of lawful orders, observance of statutory requirements, protection of confidential information, and compliance with professional and ethical standards are indispensable elements of their service.

The special nature of service is also reflected in the requirements applicable to recruitment. Whereas state civil service emphasizes professional qualifications, competence, merit, and compliance with the requirements of civil service legislation, recruitment to internal affairs bodies may require consideration of additional characteristics arising from the specific nature of law enforcement. Physical fitness, psychological suitability, professional preparedness, integrity, and the ability to perform duties under stressful and potentially dangerous conditions may become relevant factors. Such requirements are not arbitrary restrictions. They derive from the nature of the functions performed and are intended to ensure that public authority is exercised by personnel capable of fulfilling the responsibilities entrusted to them.

Another important characteristic distinguishing special service from state civil service is the system of legal restrictions imposed upon personnel. Restrictions in public service generally serve to prevent conflicts of interest, corruption, abuse of official position, and the use of public authority for private purposes. These objectives are equally relevant to personnel of internal affairs bodies. However, because internal affairs personnel possess special law enforcement powers and have access to sensitive information and institutional resources, the necessity for heightened restrictions is objectively justified.

From this perspective, restrictions imposed upon personnel of internal affairs bodies should not be interpreted solely as limitations of individual rights. They should be understood within the broader principle of proportionality, according to which limitations associated with public service must pursue a legitimate public objective and remain connected with the specific responsibilities of the position. In the context of special service, such objectives include protection of public security, prevention of corruption, preservation of institutional integrity, prevention of conflicts of interest, protection of confidential information, and maintenance of public trust in law enforcement institutions.

The relationship between state civil service and special service can therefore be described through the principle of common foundations combined with differentiated legal regulation. Both forms of service are based on the idea of serving the public interest and implementing the functions of the state. Both





require legality, professionalism, integrity, responsibility, and respect for the rights and legitimate interests of individuals. However, the mechanisms through which these principles are implemented differ depending on the nature of the relevant service.

This differentiation is particularly important in the context of the legal status of service personnel. A public servant's legal status traditionally includes rights, duties, responsibilities, guarantees, restrictions, and grounds for termination of service. In the case of special service, these elements acquire additional dimensions. The personnel of internal affairs bodies may possess special powers, bear heightened responsibility for the consequences of their decisions, be subject to specific disciplinary requirements, and receive special social and legal guarantees reflecting the risks associated with their professional activities.

The principle of legality occupies a particularly important position in this system. The exercise of law enforcement powers directly affects individuals and therefore must always have a clear legal basis. The broader the authority granted to a service employee, the greater the necessity for effective mechanisms of legal accountability. Accordingly, the legal framework governing special service must ensure a proper balance between operational effectiveness and protection of individual rights and freedoms. The legitimacy of special service depends not only on its ability to prevent and combat offences but also on its capacity to exercise public authority strictly within the limits established by law.

The Law No. ZRU-407 "On Internal Affairs Bodies" should consequently be regarded as a central element of the legal framework of special service in Uzbekistan. Its significance lies in establishing the institutional and functional foundations of internal affairs bodies and defining the framework within which their personnel exercise public authority. The Law also demonstrates that internal affairs bodies have a distinct legal identity within the system of state administration and law enforcement. Their activities are not merely administrative but involve the implementation of specific state functions aimed at ensuring public order and security.

At the same time, the Law No. ZRU-788 "On the State Civil Service" provides an important comparative benchmark. Its provisions concerning professionalism, competence, integrity, restrictions, career development, and public accountability can serve as general conceptual reference points when considering the development of special service. However, these principles cannot simply be transferred mechanically to internal affairs bodies because the operational





environment and functional responsibilities of law enforcement personnel differ from those of civil servants performing administrative functions.

In our view, the appropriate approach is therefore not to establish complete uniformity between state civil service and special service, but to develop common fundamental principles while preserving differentiated mechanisms of implementation. Such an approach would allow the state to maintain coherent standards of legality, professionalism, integrity, transparency, and accountability throughout the public service system while simultaneously recognizing the specific requirements of law enforcement service.

The modernization of special service should also take into account the changing nature of threats to public security. Contemporary law enforcement increasingly requires advanced analytical capabilities, digital literacy, effective communication skills, knowledge of information technologies, psychological resilience, and the ability to work with complex information. Traditional models of personnel selection and professional training should therefore be complemented by competency-based approaches capable of identifying and developing the skills required by modern law enforcement.

Professional competence should become one of the principal criteria for career development within special service. Promotion should be based not merely on length of service or formal hierarchical criteria, but also on professional achievements, ethical conduct, leadership capabilities, knowledge of legislation, ability to work with citizens, and effectiveness in performing assigned duties. Such an approach would strengthen merit-based career development and contribute to the formation of a professional law enforcement service.

The development of an effective system of professional training is equally important. Internal affairs personnel should receive continuous education reflecting changes in legislation, developments in crime prevention, digital technologies, human rights standards, communication techniques, conflict management, and ethical requirements. Professional development should not be regarded as a one-time stage preceding appointment but as a continuous component of special service throughout the employee's career.

The protection of the rights and legitimate interests of personnel should also constitute an important element of special service reform. The existence of heightened professional requirements and restrictions must be accompanied by adequate legal and social guarantees. Employees who perform duties under increased physical and psychological risks require appropriate mechanisms of social protection, occupational safety, professional development, remuneration,





and protection of their legitimate rights. A strong system of guarantees contributes not only to the welfare of employees but also to institutional stability and professional motivation.

An additional issue requiring attention is the conceptual definition of special service itself. Although the legislation establishes distinct legal regimes for different categories of public servants, the broader concept of “special service” would benefit from a clearer theoretical and legal definition. From a doctrinal perspective, special service may be understood as professional public activity performed within specially authorized state bodies for the implementation of specific state functions involving heightened public responsibility, special powers, increased disciplinary requirements, and a differentiated system of legal and social guarantees.

Such a definition would make it possible to establish a clearer relationship between general public service, state civil service, military service, and special service. It would also provide a conceptual basis for further development of legislation governing law enforcement personnel and other categories of public servants whose activities require special legal regulation.

The experience of Uzbekistan demonstrates that differentiation of public service regimes is not a sign of fragmentation but a necessary consequence of the diversity of state functions. A uniform legal framework cannot always adequately regulate fundamentally different forms of public activity. Administrative management, military defence, law enforcement, emergency response, and other specialized state functions involve different levels of authority, risk, confidentiality, discipline, and public responsibility. Therefore, differentiation accompanied by common constitutional and legal principles should be considered a rational model for organizing the public service system.

From this standpoint, the special service of internal affairs bodies occupies a particularly important position. Internal affairs personnel operate at the intersection of state authority and the everyday interests of citizens. Their decisions and conduct can directly influence public perceptions of legality, justice, and institutional legitimacy. Consequently, the professionalism and integrity of special service personnel are not merely internal organizational matters but important factors in maintaining public trust in the state and its institutions.

The legal framework should therefore ensure that the exercise of special powers is accompanied by effective accountability mechanisms. Every extension of public authority should be matched by corresponding legal responsibility. This principle is especially significant for internal affairs bodies because their





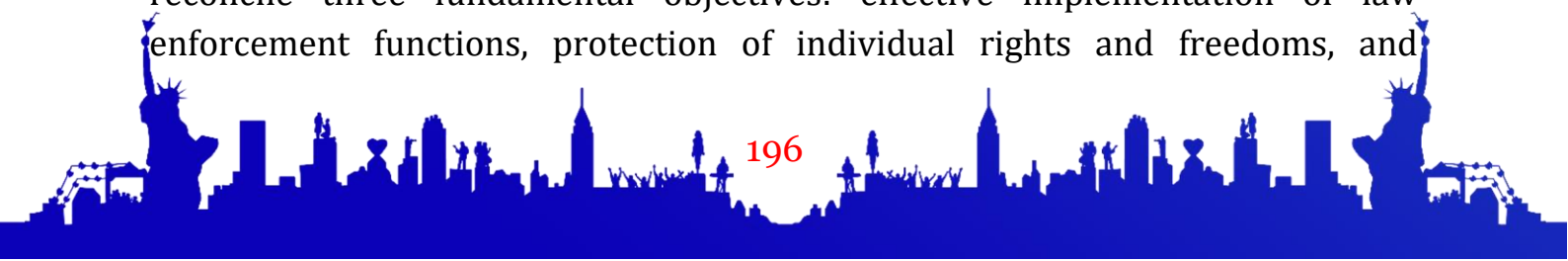
personnel may exercise powers involving coercive measures or other forms of state authority. Effective internal control, disciplinary procedures, judicial oversight, and mechanisms for protecting citizens' rights are therefore essential components of a modern special service system.

At the same time, accountability should be balanced with institutional independence and the ability of internal affairs bodies to perform their functions effectively. Excessive procedural complexity or uncertainty may reduce operational effectiveness, while insufficient oversight may create risks of abuse. The optimal model therefore requires a clear distribution of powers, transparent procedures, professional supervision, and legally defined grounds for intervention.

The analysis of Laws No. ZRU-788 and No. ZRU-407 leads to the conclusion that special service should be regarded as a distinct form of public service possessing its own legal and institutional characteristics. The exclusion of law enforcement personnel from the scope of the Law "On the State Civil Service" is particularly significant in this regard. It demonstrates that the Uzbek legislator recognizes the need for a separate legal regime for law enforcement personnel. At the same time, the existence of a separate legal regime should not be interpreted as complete separation from the general system of public service. Rather, special service represents a differentiated component of that system.

In our assessment, further improvement of the legal framework should focus on several interconnected directions. First, the concept and legal characteristics of special service should be clarified at the doctrinal and, where appropriate, legislative levels. Second, common principles applicable to all forms of public service should be strengthened, particularly legality, professionalism, integrity, accountability, respect for human rights, and prevention of corruption. Third, the specific mechanisms governing recruitment, professional development, career progression, discipline, restrictions, and termination of special service should be systematically developed in accordance with the specific functions of internal affairs bodies. Fourth, legal and social guarantees for personnel should be strengthened in proportion to the risks and responsibilities associated with special service. Fifth, competency-based approaches and continuous professional development should be expanded as essential elements of modern personnel policy.

Ultimately, the effectiveness of special service depends on the ability to reconcile three fundamental objectives: effective implementation of law enforcement functions, protection of individual rights and freedoms, and





professional development of service personnel. These objectives are not mutually exclusive. On the contrary, a properly designed legal framework can ensure that stronger institutional capacity is accompanied by stronger accountability and greater respect for human rights.

The analysis therefore supports the conclusion that the service performed within the internal affairs bodies of Uzbekistan should be recognized as a special form of public service characterized by a distinct legal regime, specific functional responsibilities, enhanced disciplinary and ethical requirements, special powers, and corresponding legal and social guarantees. The Law of the Republic of Uzbekistan No. ZRU-788 of 8 August 2022 “On the State Civil Service” establishes the general conceptual framework for state civil service, while the Law No. ZRU-407 of 16 September 2016 “On Internal Affairs Bodies” provides the institutional and legal foundations for the functioning of internal affairs bodies. Their relationship demonstrates the differentiated structure of the Uzbek public service system.

Accordingly, the future development of public service legislation in Uzbekistan should not be directed exclusively toward unification. A more effective approach would combine common fundamental principles with differentiated legal mechanisms reflecting the nature of each type of service. Within this framework, special service in internal affairs bodies should retain its specific legal character while developing in accordance with modern standards of professionalism, legality, accountability, human rights protection, and public trust. Such an approach would contribute to strengthening the institutional capacity of internal affairs bodies and, at the same time, ensure that the exercise of state authority remains firmly grounded in law and public interest.

Conclusion. Special service occupies a strategically important position within the public service system of the Republic of Uzbekistan. Its distinctive character is determined by the special nature of the functions performed by internal affairs bodies, the scope of their public powers, the risks associated with law enforcement activities, and the heightened requirements imposed upon personnel. The legislative differentiation between state civil service and service in internal affairs bodies, reflected particularly in Laws No. ZRU-788 and No. ZRU-407, provides a legal basis for treating special service as an independent form of public service rather than as an ordinary category of state civil employment. At the same time, the principles of legality, professionalism, integrity, accountability, respect for human rights, and public interest should constitute the common foundation of the entire public service system. Strengthening these common





principles while preserving differentiated legal mechanisms for special service would provide an appropriate balance between effective law enforcement and the protection of individual rights, thereby contributing to the further modernization of public administration and the rule of law in Uzbekistan..

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