



## LEGAL ANALYSIS OF SERVICE PROVISION AS A BASIS FOR REWARDING

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**Annotation:** The article analyzes the concept and essence of service provision in the country's legal policy, forms and characteristics of service provision, typical legal actions of legal subjects in the service sector, criteria, and legislative acts in this field.

**Keywords:** State, legal incentives, concept of service, classification, functions, forms of service, characteristics of service, incentives.

In current conditions, the issue of high social activity of individuals is of particular importance. The provision of exceptional services serves as the basis for applying a highly effective legal tool, similar to legal incentives frequently used in practice today. Exceptional services, due to their scale, bring many times more beneficial results to the state and society as a whole than ordinary actions and are considered the main factor of social development. The concept of "exceptional service" represents the most crucial processes occurring in the life of any society [1. p.3].

Nevertheless, this legal concept has not yet been studied and theoretically examined comprehensively at the level of general law theory. According to Prof. V.N. Kudryavtsev, legal incentives are rewards for certain exceptional services. However, this concept has not been developed or supplemented with clear legal content [2. p.87].

Numerous studies have been conducted on offenses as the basis of legal liability, and the concept and structure of offenses are enshrined in legislation. However, there are no studies on exceptional services as a basis for legal incentives. Law-making and law enforcement agencies do not have a unified approach to applying the concept of "exceptional services" in regulatory and law enforcement documents of different levels. As a result, subjectivism and abuses occur in incentive activities [1. p.4].

Defining the concept of "exceptional service" has great theoretical and practical significance in applying incentives as both an independent legal tool and a method of legal regulation. The comprehensive analysis of an individual's exceptional service, which is the sole and undeniable basis for applying incentives, is of utmost importance to legal science. A clear understanding of what should be incentivized, when, and under what circumstances allows for the development and strengthening of incentive norms in legislation [1. p.10].

In this case, it is crucial to clearly understand what constitutes the content of the "exceptional services" concept. For legal professionals, a clear understanding of exceptional services, their characteristics, classification, and legal structure is of great importance. This is because it expresses the state's legally significant attitude towards the individual's corresponding behavior. Therefore, it is necessary to develop a scientifically based concept of exceptional behavior and exceptional service.

When analyzing state awards as the main form of legal incentives, it is first necessary to highlight the concept of exceptional service and its important characteristics that distinguish

it from other legal actions. Important features of exceptional service include the following: first, the form of external manifestation - an active positive action that goes beyond normal legal action; second, a clearly materialized action - a definite positive result; third, a result that benefits not only the individual (or individuals) but also society as a whole and the state; fourth, the result achieved by the legal subject as a product of conscious, purposeful actions for specific reasons (high morality, moral and material interest, for the benefit of society or individuals, often at their own expense, based on internal conviction); fifth, the result that meets the evaluation criteria developed by state bodies for rewarding worthy candidates [4. 16-17].

Thus, exceptional service is the result of a purposeful action by a legal subject that goes beyond the framework of ordinary legal action, brings great benefit to the state, society, or individuals, and is assessed by a state body as a factual basis for reward [4. 16-17].

According to V.M. Duel, the provision of services is the result of the activity of the subject of law that goes beyond the ordinary legal action, is purposeful, brings great benefit to the state, society and individuals, and corresponds to the evaluation criteria developed by state bodies in order to reward the most worthy candidates [4.16-17].

E.V. Tipikina defines high behavior as follows: "high behavior is normally established, habitual, superior to necessary behavior, requiring the application of incentive measures, and mutually beneficial for individuals, the state, and society as a whole. High behavior is not a simple legal behavior, it is the highest form of legal behavior, the highest degree of conformity to the law. The core of high behavior is high service.

A high service is a voluntary, necessary, conscious-volitional, conscientious, socially active legal action that exceeds the scope of ordinary actions and serves as the basis for the application of incentive measures in the overfulfillment of the subject's obligations or the achievement of a generally recognized beneficial result by him.

High service can be classified according to various criteria: according to the subject's composition - in collective and individual forms; according to the level of social significance - simple, special, special, very high, very important; according to the form of expression in legislation - directly high service and other forms of high behavior; according to the field (sphere) of activity - labor, service (high military services, high law enforcement services), high services in law-making activities, etc. [1.

The classification of high service is the establishment of conformity, identity between the specific composition of high service provided for by the norms of incentive law and the behavior actually performed.

The composition of high service is an internal expression of the essence of high service, a system of objective and subjective features enshrined in the norm of stimulating law, which allows for the characterization of socially useful, legal behavior as high service.

An element of high service is its component, encompassing a group of characteristics that correspond to different aspects of high service behavior. Each component of a high service embodies both objective and subjective elements. Objective elements include the object and objective side of high service; subjective elements include the subject and subjective side of high service. One of the conditions for stimulation is the integrity of the composition of objective and subjective elements of high service behavior. Only their sum allows us to conclude the existence of a high service structure.



A subject of high service is a highly qualified sane individual (individual) and a collective (legal entity with legal capacity, creative group, other associations of citizens, state authorities, self-governing bodies, district, city, region, etc.). The individual subject of high service is general and specific [1. B.9].

The object of high service is the social relations towards which high service behavior is directed. The more important and valuable an object of high service for society, the higher its level is considered. The objects of high service are divided into types depending on the spheres of life of society. The more diverse social relations are, the more diverse are the objects of high service.

The subjective aspect of high service is a set of characteristics that characterize a person's subjective (psychological) attitude towards their high-level behavior and its consequences.

The subjective aspect of high service is characterized by the following subjective characteristics: a) a person's subjective attitude towards their high-level behavior and its consequences, manifested in two forms: the subject of high service realizes the social usefulness of their actions and wants to perform them, anticipates the inevitability or possibility of the emergence of consequences in the form of a generally recognized beneficial outcome, which is greater than the result of ordinary actions in terms of its scale, and wants its emergence for the common good; b) motivation; c) motivation;

The objective side of high service is the external manifestation of high service in objective existence, a set of external characteristics that characterize high service. The objective side of high service is characterized by the following features: high service behavior; consequence; causal connection between high service behavior and the resulting consequence. Additional characteristics include: time, place, conditions, methods, and means of performing high service behavior.

In turn, the clear and detailed presentation of legal norms that stimulate high service contributes to increasing the effectiveness of legal incentives, while at the same time acquiring significant importance for both their theoretical study and stimulating legal practice.

When highlighting the signs of legal incentives, it is emphasized that the most important of them is high service. High service is a condition, a basis for applying legal incentives.

It has long been known that there is a strong genetic link between service and incentives. According to E. Rotterdamski, where there is no place to serve, there is no place to punish or reward. As R. Iyering noted in his time, encouragement is the opposite of punishment; society punishes those who are guilty before it, and rewards those who provide services. The same idea was put forward by Russian thinkers A.N. Radyshev, L.I. Petrajitskiy, and P.A. Sorokin.

In most cases, the normative act or incentive law enforcement act refers to the provision of services, thereby emphasizing the relationship between the provision of services and incentives. However, although the concept of "service" is used in documents of different levels, it is not defined.

However, for lawyers, it is of particular importance to clarify the concept of "service." This is because we are talking about the state's legal attitude towards the individual's corresponding behavior. Without a clear understanding of what, when and how to be encouraged, it is impossible to develop and enshrine in the law the corresponding incentive

norms and procedures on a scientific basis. The lack of a legal framework for incentives can lead to various negative consequences.

There are different opinions about service provision in the literature. Service is the generally accepted behavior, activity of a person; service is the acquisition of something by one's work and behavior, the acquisition of the right to it.

The term "service" is interpreted differently in scholarly literature. P.A. Sorokin was one of the first to work on the provision of services. He expressed the following opinion: "There are rules and rules that each of us must follow. Firstly, they do not interfere with our way of life, secondly, the persons who render services go beyond their boundaries, that is, they perform work that is recognized as excessive service, in addition to fulfilling their obligations. In this case, they rely solely on their own desires and do not feel obligated to fulfill them. In these comments, the essence of service seems to be fully revealed. However, they do not provide incentives and rewards for the provision of services.

In addition, there are a number of shortcomings in other opinions. For example, V.M. Baranov understands service as an action that has two legal meanings: firstly. The conscientious and correct fulfillment of obligations imposed on subjects by legal entities or society; secondly, the performance by participants in society of useful social work that goes beyond simple requirements and is not established by law. V.I. Kudryavtsev emphasizes that "service is an action that takes place outside of ordinary requirements and surpasses them, approaching their fulfillment with responsibility." Yu.E. Permyakov said, "The service of a warrior is courage, and the service of a doctor is caution." The useful work is expressed in its direction. People are created differently by nature in terms of social status, professional experience, and personal culture, and each person strives to demonstrate their positive qualities based on their own capabilities. Despite the fact that the aforementioned authors correctly assessed service provision, they did not comment on the relationship between service provision and incentives. This situation is a significant drawback.

On the one hand, legislative activity gives an assessment of the significance of the state and society in providing services and determines various incentives for them. On the other hand, incentive measures in the established norms will not be implemented if the service is not provided.

In addition, if we pay attention to the content of the service, we encounter a number of problematic issues. For example, V.M. Baranov argues that "the conscientious fulfillment of their duties by subjects does not lead to incentives." In order to truly motivate, it is necessary not only to conscientiously and correctly perform one's duties, but also to perform with a high level of performance that exceeds the set. P.A. Sorokin also paid attention to this situation and expressed the following opinion: "any service can be assessed as a service in its essence, in which tasks are performed in accordance with the law, but the performance of one's task differs from the provision of a service."

However, there is no need to distinguish between them in legal literature. Because service provision is not related to the performance of simple tasks, but to their high performance. In our current legal life, millions of people conscientiously and correctly fulfill the tasks assigned to them. However, it is impossible to apply incentives to all of them. It is appropriate to quote the following opinion of P.A. Sorokin: "A soldier who dies in battle, a guard who saves people from the pressure of a hooligan, a postman who brings letters every day, domestic servants who perform various services every day, a teacher who teaches us -

they all provide different services every day." We can call their work service. However, they follow the established rules and only perform the task assigned to them. Therefore, these actions cannot be called service.

If we pay attention to how the provision of services is regulated by law, we can see that its content includes "high-level over-performance." For example, "For bravery," "For heroism," "For great services," "For high results," "For many years of fruitful activity," "For many years of conscientious work."

In this regard, S.V. Miroshnik approached V.M. Baranov more closely. According to him, "the provision of services is the achievement of socially beneficial results through the highly effective performance of one's duties by an individual compared to simple legal actions."

Evaluating service delivery is also a challenging issue. According to O.M. Kiseleva, "the provision of services is a socially active action based on, on the one hand, the goals and motives of the subjects, and on the other hand, the work of legal significance that forms the basis of the incentive." The provision of services is expressed through the first act as an offence. In this case, the offense is against the provision of services. When providing services, not objective assessment is taken into account, but socially useful activity. In other words, only socially useful activity can be assessed as a legal fact. Therefore, it is correct to express the provision of services not through "objective assessment," but through the concepts of "activity," "behavior," and "service." In his time, Hegel also noted that "service should be expressed in active action." Our current scientists have also emphasized this. D.N. Bakhrakh wrote that "providing services is an action that is positively evaluated by state authorities." According to Yu.V. Golik, "providing services is a beneficial activity for society."

In our view, service provision is a conscientious act in which incentive measures are applied due to the high performance of one's duties or the achievement of a universally recognized beneficial outcome.

Service provision has the following characteristics:

a) service is manifested in socially active actions related to the fulfillment of one's positive obligations.

b) service is the conscientious performance of a person's duties. According to V.N. Kudryavtsev, "service is not only an objective external action of a person, expressed in a positive motive and purpose, but also an internal responsibility for their task."

c) service is the achievement of universally recognized beneficial results by a person who performs their duties at a high level. In this case, the actions go beyond the scope of their functions. However, in such a situation, there is a deviation from the law, not downward, as an offense, but upward. This refers to actions that exceed them due to enormous outcomes compared to simple actions. Incentives are established for individual services, courage and heroism, performance beyond established standards (introducing innovations into work activities, applying them, professional skills, etc.).

g) incentive measures are applied in the provision of services, just as punitive measures are applied in relation to the offense.

While encouragement is an effective way of managing society, the foundations for its application have not always been the same. This process was influenced by historical, political, economic, and moral conditions. P.A. Sorokin, who worked on this issue, also emphasized this opinion.



He said: "If we compare the service and reward in ancient and modern societies, it is clear that in ancient times, evaluation was not carried out in an equal way, that is, an individual's service was evaluated depending on which group he belonged to. In other words, the evaluation did not take into account the positive actions and personal merits of the individual, but their belonging to the group. If we compare the evaluation of service and the order of its reward in the past and present, we can see a huge difference between them. This difference lies in the fact that now, as in previous times, not the group to which the person belongs, but his personal abilities and services are taken as the basis for encouragement."

P.A. Sorokin also analyzed why prizes were awarded before and now, in addition to the "evaluation mechanism." He studied the historical manifestations of the phrase "to each according to his service" and identified the following expressions: "to each according to the will of God," "to each according to his participation in the defense of the country, service and management of the service," "to each according to his wealth," "to each according to his socially useful work." According to him, labor is currently the main social service.

For the provision of services (as defined by the legislation on incentives), incentive measures are established depending on their level. In this case, the provision of services is the basis for determining which type of incentives is applied. In this case, the classification of services corresponding to the following system is important.

1) depending on the level of service provision: provision of services related to the production activities of an organization, institution (these relations are defined in the Labor Code of the Republic of Uzbekistan on a general basis, and they are more clearly covered in the rules of collective agreement and internal procedure); provision of services related to the activities of public associations and non-profit organizations.

2) Depending on the conditions under which the service is performed, it is divided into types: ordinary (long-term conscientious work) and emergency (courage, heroism).

3) In accordance with the nature of the achieved generally recognized result, the provision of services is divided into specific, i.e., beneficial to society (heroism during a fire, rescue of a drowning person, scientific discovery, etc.) and conditional (voluntary refusal from committing a crime, voluntary compensation for damage caused by the offender, exemplary behavior during serving a sentence in penal institutions).

4) Depending on the scope of the subjects, the service can be collective and individual. A service is considered collective if it is provided not by one person, but by a collective majority (laboratory, department, enterprise, institution, organization).

5) Depending on the level of social benefits, service provision is divided into simple and specific types. Individual services are highly rewarded with state awards.

For example, the Order "Buyuk xizmatlari uchun," established by the Law of the Republic of Uzbekistan dated August 29, 1996, was first awarded to scientists, writers, poets, artists, athletes who lived and worked during the period of the former regime and showed great selfless heroism in their life.

The level of spiritual, cultural, and legal awareness of society can be assessed based on the provision of services and incentives.

It should also be noted that the content of the terms "service provision" and "specific service provision" is not clearly defined in the legislation. In this regard, the content of the terms "higher services," "special services," and "specific services" should be clearly defined in the legislation.

At the same time, it is necessary to pay attention to another situation. The Services are interpreted in different ways in the law. Due to the large number of socially useful activities, it is difficult to determine the level of their usefulness.

We believe that the legislation should include such norms as "the grounds on which incentive measures are applied to an employee, the qualified performance of official duties; long-term successful service; the performance of important and complex tasks." However, when analyzing the meaning of these concepts, we face a number of difficulties. For example, it is important to clearly define in the legislation what is meant by the concepts of "long-term successful service," "performance of special important and complex tasks."

Because we are talking about an area where subjectivism and abuse are unacceptable. Therefore, it is important to clearly define the foundations of incentives for civil servants and the structural elements of the service. To determine the level of service provision, it is necessary to use technologies that work based on precise mathematical calculations in the future.

Currently, the theory of law emphasizes the need to develop the concept of "composition of service provision." A number of legal scholars have expressed their opinions on this matter.

As can be seen from the above, the concept of "provision of services" should be clearly formulated in the legislation. This will allow for theoretical and practical research into legal incentives in the future, as well as increasing the effectiveness of legal incentives established by law. By studying the specifics of service provision, it is possible to regulate the mechanism of legal incentives, positively impact the process of lawmaking and law enforcement.

Thus, with the help of remuneration, opportunities are created for the use of positive incentives in law in order to increase the social activity of the individual and achieve socially useful behavior. The study of the problem of stimulation in law based on the needs of the interests of science and practice allows for the identification of ways to increase the effectiveness of stimulating norms of law to ensure the full disclosure of organizational foundations in the life of a society pursuing the path of development of a legal democratic state.

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