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The Significance Of International Norms In The Qualification Of Crimes Related To Violations Of Labor Legislation

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Abstract: This article examines the significance of international norms in the qualification of crimes related to violations of labor legislation, with a particular focus on the Republic of Uzbekistan. It highlights that labor rights protection is not confined to domestic law but is also shaped by international treaties and conventions, which form an integral part of the national legal system. Special attention is given to the role of universal and regional labor standards established by the United Nations, the International Labour Organization (ILO), the Council of Europe, and the Commonwealth of Independent States (CIS). The article analyzes ILO fundamental, governance, and technical conventions, including those ratified by Uzbekistan, and explores their importance in shaping domestic labor law and criminal liability for labor law violations. It also emphasizes the legal nature of blanket norms in the Criminal Code of Uzbekistan, which require the application of both national and international legal sources for correct qualification of labor-related crimes. The study concludes that the effective enforcement of labor rights demands knowledge of international standards, as neglecting them can lead to misqualification of crimes or impunity for socially dangerous acts.

Keywords: - International labor law, ILO conventions, labor rights, forced labor, qualification of crimes, international standards, labor legislation, criminal liability.

Introduction: Protecting labor rights today is no longer limited to domestic legislation. As the importance of this issue increases on a global scale, so do the international obligations of states. International legal norms not only serve as a crucial factor for the development of national

legislation but also as a fundamental criterion for ensuring that states comply with labor standards. The protection of labor rights is not limited to the national sphere. International legal norms serve as a vital factor and criterion for the development of national legislation. According to Article 18 of the Constitution of the Republic of Uzbekistan, the Republic of Uzbekistan is based on the universally recognized principles and norms of international law, and international treaties are an integral part of its legal system.

The international protection of labor rights is realized through two main avenues:

1) By establishing international standards in the field of labor and social security and implementing an international monitoring system for their enforcement.

2) Through the activities of international judicial bodies in the field of protecting labor and social security rights [1].

The protection of rights in the sphere of international labor and social security is categorized into two types:

Universal-level international standards.

Regional-level international standards.

Universal-level standards are expressed in legal documents adopted by international organizations, which are intended to apply equally to all states. Specifically, international documents such as the UN's Universal Declaration of Human Rights and the conventions of the International Labour Organization (ILO) affirm that every person has the right to fair wages, decent working conditions, and freedom from any form of discrimination. Adherence to these fundamental principles serves as a cornerstone for achieving social justice and sustainable societal development.

Furthermore, the 1966 International Covenant on Economic, Social and Cultural Rights (ratified by the Republic of Uzbekistan on December 28, 1995) establishes the following standards in the field of labor and social security: the right to work; the right to just and favorable conditions of work; the right to form and join trade unions; the right to social security, and others [2].

The 1966 International Covenant on Civil and Political Rights (ratified by the Republic of Uzbekistan on December 28, 1995) prohibits the use of forced labor and stipulates the freedom to form trade unions and the right to join such unions for the protection of one's interests [3].

This list is not exhaustive. The 1979 Convention on the Elimination of All Forms of Discrimination against

Women (ratified by the Republic of Uzbekistan on August 18, 1995) sets forth the obligation of states to ensure equal rights for working women as for men [4]. The 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families specifically emphasizes the necessity of establishing equal labor rights and non-discrimination for migrant workers and their family members.

The International Labour Organization (ILO), founded in 1919 and later becoming a specialized agency of the United Nations, is one of the leading international organizations for the protection of human rights in labor relations. Although the term "human rights" is not directly used in the ILO Constitution, the core of the organization's activities is aimed at the international legal recognition, protection, and promotion of human rights in the field of labor.

The conventions and recommendations developed by the ILO serve as important instruments for the legal strengthening and guaranteeing of labor rights worldwide, including at national, regional, and international levels. These documents are regarded as key sources of modern labor legislation and play a decisive role in shaping the concept of labor rights and implementing it in practice.

To date, the International Labour Organization (ILO) has adopted a total of 191 conventions and 202 recommendations. Some of these documents have become outdated over time and have been replaced by more modern and comprehensive standards. Additionally, certain conventions are specialized in nature and are intended for use only in specific industrial sectors. The organization itself classifies these international norms into fundamental, governance, and technical categories.

ILO Fundamental Conventions:

Forced Labour Convention, 1930 (No. 29).

Protocol of 2014 to the Forced Labour Convention, 1930.

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

Equal Remuneration Convention, 1951 (No. 100).

Abolition of Forced Labour Convention, 1957 (No. 105).

Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

Minimum Age Convention, 1973 (No. 138).

Occupational Safety and Health Convention, 1981 (No. 155).

Worst Forms of Child Labour Convention, 1999 (No. 182).

Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).

ILO Governance Conventions:

Labour Inspection Convention, 1947 (No. 81).

Employment Policy Convention, 1964 (No. 122).

Labour Inspection (Agriculture) Convention, 1969 (No. 129).

Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

All other conventions are classified as technical by the International Labour Organization itself, but this does not diminish their significance.

The number of ILO conventions ratified by the Republic of Uzbekistan is 25, which are as follows:

Forced Labour Convention, 1930 (No. 29). (Ratified on August 30, 1997).

Forty-Hour Week Convention, 1935 (No. 47). (Ratified on May 6, 1995).

Holidays with Pay Convention, 1936 (No. 52). (Ratified on May 6, 1995).

Right to Organise and Collective Bargaining Convention, 1949 (No. 98). (Ratified on August 30, 1997).

Equal Remuneration Convention, 1951 (No. 100). (Ratified on August 30, 1997).

Maternity Protection Convention (Revised), 1952 (No. 103). (Ratified on May 6, 1995).

Abolition of Forced Labour Convention, 1957 (No. 105). (Ratified on August 30, 1997).

Discrimination (Employment and Occupation) Convention, 1958 (No. 111). (Ratified on August 30, 1997).

Employment Policy Convention, 1964 (No. 122). (Ratified on May 6, 1995).

Workers' Representatives Convention, 1971 (No. 135). (Ratified on August 30, 1997).

Minimum Age Convention, 1973 (No. 138). (Ratified on April 4, 2008).

Collective Bargaining Convention, 1981 (No. 154). (Ratified on August 30, 1997).

Worst Forms of Child Labour Convention, 1999 (No. 182). (Ratified on April 8, 2008).

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). (Ratified on October 25, 2016).

Tripartite Consultation (International Labour

Standards) Convention, 1976 (No. 144). (Ratified on March 4, 2019).

Labour Inspection (Agriculture) Convention, 1969 (No. 129). (Geneva, June 25, 1969, ratified on August 27, 2019).

Labour Inspection Convention, 1947 (No. 81). (Geneva, July 11, 1947, ratified on August 27, 2019).

Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187). (Geneva, 2006, ratified on May 29, 2021).

Safety and Health in Construction Convention, 1988 (No. 167). (Geneva, June 20, 1988, ratified on February 7, 2022).

Convention concerning Protection against Hazards of Air Pollution, Noise and Vibration in the Working Environment, 1977 (No. 148). (Geneva, June 20, 1977).

Protection of Wages Convention, 1949 (No. 95). (Geneva, July 1, 1949, ratified by Law No. O'RQ-918 of March 12, 2024).

Convention concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities, 1981 (No. 156). (Geneva, June 23, 1981, ratified by Law No. O'RQ-932 of June 19, 2024).

The ILO Part-Time Work Convention, 1994 (No. 175) (Geneva, June 24, 1994) was ratified by Law No. O'RQ-962 of September 12, 2024.

The ILO Occupational Safety and Health Convention, 1981 (No. 155) (Geneva, June 22, 1981) was ratified by Law No. O'RQ-969 of October 2, 2024.

The ILO Holidays with Pay Convention (Revised), 1970 (No. 132) (Geneva, June 24, 1970) was ratified by Law No. O'RQ-994 of the Republic of Uzbekistan on November 7, 2024.

The International Labour Organization, throughout its work, also performs direct supervision and monitoring functions, which are explicitly stipulated in its Constitution. According to Article 22 of the Constitution, every member state is obligated to submit regular reports on the legislative and practical measures taken to implement the provisions of each convention it has ratified. This report must reflect the state's efforts to implement its obligations under ILO instruments and the list of conventions it intends to ratify.

Pursuant to Article 24 of the Constitution, professional associations of workers or employers have the right to file a representation with the International Labour Office, stating that a member state which has ratified a particular convention has failed to secure its effective observance. Subsequently, the Governing Body forwards this representation to the government of the

state concerned for review. If the government fails to provide a response within a “reasonable time” Article 25 of the Constitution allows the Governing Body to take action by making the representation and the response (or lack thereof) public.

Furthermore, Article 26 of the Constitution establishes a more rigorous procedure for filing a complaint. According to this, any member of the organization that believes another member state is not effectively carrying out a convention it has also ratified can file a complaint with the International Labour Office. Upon receiving a complaint, the Governing Body may ask for an explanation from the government of the accused state or appoint a special commission of inquiry to thoroughly investigate the situation and prepare a report.

Regional-level standards are reflected in the documents of regional international organizations. For example, the Council of Europe has adopted over 223 documents on issues related to the regulation of socio-labor relations. The 1950 Convention for the Protection of Human Rights and Fundamental Freedoms establishes a number of basic rights and freedoms, including the prohibition of forced labor, non-discrimination, and others. The function of overseeing compliance with labor legislation by member states of the Council of Europe is carried out by the European Court of Human Rights.

Another regional organization is the Commonwealth of Independent States (hereinafter CIS). Within this international organization, more than 150 documents have been adopted, including those on the regulation of labor and social security rights. The most important among them are: the 1995 CIS Convention on Human Rights and Fundamental Freedoms (which establishes the prohibition of forced or compulsory labor, the right to work, and protection against unemployment, among others); and among the key advisory documents of the CIS, the Concept of a Model Labour Code for CIS countries adopted in 2000, the 1997 Model Law on Labour Protection, the 1997 Model Law on Collective Agreements and Contracts, and the 1999 Model Law on Employment can be noted [5].

In the context of building a rule-of-law state, the issue of ensuring human rights and freedoms, particularly the protection of labor rights, is of critical importance. Legal norms regulating labor relations are often blanket norms or referential in nature, and their correct application requires legal enforcement bodies to have a deep understanding not only of domestic legislation but also of international legal norms. Therefore, neglecting international conventions when qualifying crimes can lead to serious negative

consequences.

According to the Criminal Code of the Republic of Uzbekistan, the following socially dangerous acts are considered violations of labor legislation and form the basis for criminal liability:

Violation of the right to work (Article 148).

Violation of requirements regarding the inadmissibility of using the labor of minors (Article 148¹).

Administrative coercion to labor (Article 148²).

Violation of labor protection rules (Article 257).

These listed articles are considered blanket norms, and their correct qualification requires knowledge of the normative legal framework that regulates labor legislation. Based on Article 10 of the Labor Code of the Republic of Uzbekistan, the international conventions mentioned above constitute labor legislation, and a violation of the norms stipulated in these conventions is considered a violation of labor legislation. From this, we can conclude that a lack of knowledge of international legal norms can lead to the incorrect qualification of articles or to socially dangerous acts remaining unpunished.

Blanket norms are a widely used legal institution, as they do not fully express the elements of a crime. Such norms refer to other normative legal documents for their substance. For example, the elements of crimes related to violations of labor legislation often rely on the Labor Code, international treaties, or other normative legal documents concerning labor. Therefore, to correctly qualify a crime, a perfect understanding of this referenced legal basis is necessary.

The essence of a blanket norm is that it provides a general direction about the objective elements of a crime but compels one to seek specific criteria in other normative documents. For example, what is understood as “violation of labor legislation” is defined by the articles of the Labor Code or the relevant norms in international conventions.

In conclusion, for the effective qualification of crimes related to violations of labor legislation, it is necessary to know not only national legal norms but also international legal norms.

Secondly, the primary mechanisms of international responsibility for labor law violations are aimed at ensuring that states comply with the conventions they have ratified. The control system of the International Labour Organization, particularly the reporting, representation, and complaint mechanisms, directly influences member states to fulfill their international obligations. This, in turn, creates a strong foundation for the robust protection of national labor rights.

Thirdly, Uzbekistan's experience in ratifying ILO conventions and working with its monitoring mechanisms demonstrates the country's commitment to achieving international standards in the field of labor. The integration of international legal norms into the national legal system and the measures of international responsibility for their violation are not only tools for regulating international relations but also an effective practice aimed at protecting the rights of every worker.

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