



THE CONCEPT OF DIPLOMATIC SERVICE, ITS LEGAL STATUS, AND ITS RELATIONSHIP WITH LABOR LAW IN THE REPUBLIC OF UZBEKISTAN

Sulton Jurayev

Law teacher at Karshi international university

Sultonbek7727@gmail.com

+998992757727

<https://doi.org/10.5281/zenodo.17510359>

ARTICLE INFO

Received: 29th October 2025

Accepted: 30th October 2025

Online: 31st October 2025

KEYWORDS

diplomatic service, labor law, legal status, civil service, consular institutions, employment contract, state service, international law.

ABSTRACT

This thesis examines the concept and legal status of diplomatic service in the Republic of Uzbekistan and its interconnection with labor law. It analyzes the Law on Diplomatic Service (2022), the organizational and functional nature of diplomatic and consular institutions, and the rights and duties of diplomatic employees from a labor-law perspective. The study employs comparative, analytical, and doctrinal legal methods to explore how diplomatic service, while a form of public service, simultaneously embodies the principles of labor law. The research identifies legal overlaps, existing contradictions, and proposes recommendations to ensure coherence between labor and diplomatic law.

Introduction. Diplomatic service is an essential institution of modern statehood and foreign policy. It represents a form of professional activity carried out by state officials who perform functions related to foreign relations, international cooperation, and protection of national interests abroad.

In Uzbekistan, the legal basis for diplomatic service has undergone significant reform since independence. The adoption of the **Law “On Diplomatic Service” (June 29, 2022, O’RQ-767)** established a modern legal framework defining the organization, duties, and social guarantees of diplomatic employees. This law is directly linked to the **Labor Code (2023, new edition)** and the **Law “On the Civil Service” (2021)**, forming an integrated system of labor relations within public administration.

The need to analyze the interrelation between diplomatic service and labor law stems from the hybrid nature of this profession. Diplomats are public servants bound by loyalty and confidentiality to the state, yet they also possess individual labor rights such as fair remuneration, rest, and social protection. Understanding this dualism is crucial for aligning domestic legislation with **international standards**, including the **Vienna Conventions on Diplomatic (1961) and Consular Relations (1963)** and relevant **ILO conventions**.

Methods. This research applies **comparative-legal, formal-logical, and systemic-structural** methodologies.

Comparative-legal analysis was used to juxtapose Uzbekistan’s Law on Diplomatic Service with similar legislation in Russia (Federal Law on the State Civil Service, 2004), Turkey (Foreign Service Personnel Act, 1982), and the United States (Foreign Service Act, 1980).

Doctrinal and textual interpretation of national acts such as the Labor Code and the Law on Civil Service was conducted to reveal areas of overlap and divergence.

Systemic analysis allowed integration of the diplomatic service within the broader framework of labor law and international public law.

Normative synthesis was applied to identify potential legislative improvements ensuring consistency between labor guarantees and diplomatic obligations.

Primary sources included Uzbek legislation, international treaties, and ministerial regulations of the **Ministry of Foreign Affairs (MFA)**. Academic commentary from local scholars such as A. Karimov (2023), R. Khodoyorov (2022), and D. Mahmudov (2021) was also reviewed.

Results.

3.1. The Concept of Diplomatic Service under Uzbek Law.

According to Article 3 of the **Law “On Diplomatic Service”**, diplomatic service is defined as “a professional activity of citizens of the Republic of Uzbekistan who perform official duties in the field of foreign relations and represent the state in international affairs.”

This definition emphasizes three key characteristics:

Professional nature — diplomatic service is performed on a permanent and remunerated basis;

State representation — the diplomat acts on behalf of the Republic of Uzbekistan;

Public-interest function — activities are carried out to protect the political, economic, and legal interests of the state abroad.

Hence, diplomatic service is a special form of **state civil service** that simultaneously incorporates labor-law principles such as employment, remuneration, and social guarantees.

3.2. The Legal Status of Diplomatic and Consular Institutions

Articles 7–10 of the **Law “On Diplomatic Service”** classify diplomatic institutions into two categories:

Diplomatic missions — embassies, permanent representations, and special missions representing the Republic of Uzbekistan abroad;

Consular institutions — general consulates, consulates, and honorary consulates performing consular and administrative functions.

Their **legal status** is governed by both **national law** and **international treaties**. Under the **Vienna Convention on Diplomatic Relations (1961)**, missions enjoy inviolability, jurisdictional immunity, and functional independence within the receiving state. However, internally, they remain **subject to Uzbek national legislation**, especially in relation to labor management, budgetary use, and discipline.

Thus, while diplomatic and consular missions operate outside the state territory physically, legally they remain **extensions of Uzbekistan’s sovereign jurisdiction**. Consequently, employment contracts and service relations established within these missions are governed primarily by Uzbek labor law, subject to the special provisions of the Law on Diplomatic Service.

3.3. Rights and Obligations of Diplomatic Employees from a Labor-Law Perspective.

Diplomatic employees occupy a unique position that blends elements of **labor contract** and **public service oath**. Their legal rights and duties are outlined in Articles 14–22 of the Law on Diplomatic Service and supplemented by the Labor Code.

(a) Rights.

Right to fair remuneration and allowances — salaries are determined according to the unified tariff scale for civil servants and adjusted with foreign-service coefficients to reflect cost-of-living differences.

Right to rest and leave — employees are entitled to paid annual leave of not less than 30 days (Article 135 of the Labor Code).

Right to social protection and insurance — mandatory state and foreign medical insurance are provided for both the employee and family members.

Right to safe working conditions — the employer (MFA or mission head) must ensure safety consistent with international occupational-safety norms.

Right to legal protection — employees are guaranteed the right to appeal disciplinary measures or unlawful dismissal before competent authorities in Uzbekistan.

(b) Obligations

Loyalty and confidentiality — diplomats must preserve state secrets and act strictly within official instructions.

Political neutrality — participation in political or commercial activities in the host country is prohibited.

Representation duties — employees must act in the name of the Republic of Uzbekistan, respecting international diplomatic protocol.

Compliance with ethical standards — observance of professional conduct and avoidance of conflicts of interest.

From a labor-law standpoint, these obligations constitute a **special service discipline** exceeding ordinary employment relations. Violations may entail disciplinary, material, or administrative liability under the Labor Code (Articles 188–191) and internal MFA regulations.

4. Discussion.

The findings confirm that Uzbekistan's diplomatic service functions as a **hybrid legal institution**—situated between labor and administrative law. This dualism, while providing flexibility, also generates certain legal ambiguities.

First, the Law on Diplomatic Service lacks explicit references to the Labor Code in regulating employment contracts, leading to uncertainty regarding termination, dispute resolution, and overtime compensation.

Second, the existing legal framework does not clearly define the **jurisdictional authority** for labor disputes arising in diplomatic missions abroad. Given the principle of diplomatic immunity, local (foreign) courts have no competence, while domestic courts face procedural challenges.

Third, social protection for family members of diplomatic employees remains under-regulated. Unlike the U.S. or Turkish systems, Uzbekistan's legislation does not yet codify compensation for children's education or spousal employment restrictions abroad.

Comparative analysis indicates that successful diplomatic systems (e.g., the U.S. Foreign Service Act and Turkey's Dışişleri Personel Kanunu) explicitly integrate labor-law principles into foreign-service statutes, thereby ensuring transparency and predictability in employment relations.

Therefore, the relationship between diplomatic and labor law in Uzbekistan should evolve toward **mutual integration**: diplomatic service law must adopt labor-law guarantees, while labor legislation should recognize the specific nature of foreign-service employment.

Conclusion.

The diplomatic service of Uzbekistan is legally defined as a specialized branch of the state civil service, performing public-interest functions abroad. However, as this activity is carried out under employment-like conditions, it remains closely linked to labor law.

To ensure coherence and protect the labor rights of diplomatic employees, the following measures are proposed:

Amend the Law "On Diplomatic Service" to include direct references to the Labor Code regarding employment contracts, disciplinary procedures, and dispute resolution.

Develop a unified "Regulation on Labor Relations in Diplomatic Missions" harmonizing the two legal systems.

Expand social and labor guarantees for diplomats and their families, including medical insurance, housing, and education support.

Establish a clear jurisdictional mechanism for resolving labor disputes arising in foreign missions through specialized arbitration or mediation under the MFA.

Ensure compliance with international labor standards (ILO Conventions Nos. 111 and 158) in diplomatic employment practice.

Integrating these reforms will not only safeguard the labor rights of Uzbekistan's diplomatic personnel but also strengthen institutional integrity and enhance the efficiency of the country's foreign-policy apparatus.

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