

Comparative Analysis of the Principle of Non-Deterioration of Workers' Legal Status in Different Legal Systems

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Abstract: This article examines the principle of non-deterioration of workers' legal status, which constitutes one of the fundamental pillars of labor legislation in the Republic of Uzbekistan. The study employs comparative legal analysis to explore how this principle is implemented in different legal systems, with particular focus on France, Japan, and Uzbekistan. The findings reveal both universal approaches to labor rights protection and national peculiarities of legal regulation, reflecting specific legal traditions and socio-economic conditions of each country.

Keywords: labor legislation, legal system, workers, labor

Introduction

The principle of protecting workers from deterioration of their legal status represents one of the basic foundations of labor legislation that has gained widespread recognition and legal consolidation both at the international level and in national legal systems of the Republic of Uzbekistan. This principle serves as a key foundation in the system of labor guarantees that ensure the protection of rights and interests of workers in the labor sphere. It is a fundamental element upon which the entire structure of labor relations is built, aimed at preventing the deterioration of workers' status.

The principle, expressed in establishing minimum guarantees of labor rights that cannot be reduced or limited by agreement between parties or by local acts of the employer, acquires special significance in the context of labor market globalization and increased competition. The practical implementation of this principle in different countries has its own characteristics, determined by both legal traditions and socio-economic conditions of societal development.

This research employs comparative legal analysis to examine how the principle of non-deterioration of workers' legal status is implemented in different legal systems. The study focuses on France, Japan, and Uzbekistan, representing different legal traditions and approaches to labor regulation. The analysis covers legislative frameworks, judicial practice, and doctrinal interpretations of the principle in each jurisdiction.

The Uzbek legal system.

In Uzbekistan, the principle has received clear legislative consolidation with detailed regulation of the hierarchy of norms and priority of provisions more favorable to the worker, which ensures a high level of protection of labor rights.

The Labor Code of the Republic of Uzbekistan explicitly states in Article 8: "Any regulatory legal act should not worsen the position of an employee compared to a regulatory legal act that has greater legal force. No internal act or individual legal act of an employer can worsen the position of an employee compared to regulatory legal acts."

Further development of this principle is reflected in Articles 13-15 of the Labor Code, which establish a clear hierarchy of labor regulation sources and prohibit the inclusion of rules in lower-level acts that worsen the position of workers compared to higher-level acts.

The French legal system.

In France, the principle is enshrined in the Labor Code, specifically in Article L. 132-4, which states: "Collective agreements may include provisions more favorable to workers than those stipulated by laws and regulations. They cannot deviate from the public order norms contained in these laws and regulations ."

The "favor laboris" principle means that in case of conflict between norms, priority is given to the one most favorable to the worker. This includes laws, collective agreements, and individual contracts. The principle functions as a mechanism for resolving standard conflicts, according to which a lower-level document (e.g., individual employment contract) cannot contain conditions worse for the employee than a higher-level document (e.g., collective agreement).

Despite its relative novelty (first officially mentioned by the State Council in a decree of March 22, 1973), this principle clearly demonstrates the protective nature of labor legislation. As noted by the State Council, "the provisions of laws and regulations in the field of labor law have the character of public order, as they guarantee workers a minimum level of benefits ."

The principle has undergone significant transformation with the adoption of the Auroux Ordinance of January 16, 1982, which introduced the concept of "public order norms allowing deviations." This innovation allowed, in strictly defined cases, the conclusion of collective agreements providing less favorable conditions for workers than those fixed in legislation.

The Japanese legal system

Japan presents a unique example of a state where traditional values harmoniously combine with modern legal institutions. The Japanese legal system, formed under the influence of various legal traditions, including continental European law and the American legal system, has retained its identity and specific features due to centuries-old history and culture.

The key normative acts regulating labor relations in Japan include the Labor Relations Regulation Act of 1946, the Labor Standards Act of 1947, and the Labor Conditions Act of 1987, among others.

Analysis of Japanese legislation shows that a key normative document in this field is the Labor Standards Act. This law establishes minimum standards of working conditions that must be observed by all employers in the country. The fundamental provision on the inadmissibility of deterioration of working conditions is enshrined in Article 1, paragraph 2 of this Act, which directly states that the labor standards established by this Law are minimum standards, therefore parties to labor relations should not worsen working conditions based on these standards and should strive to improve them .

Comparative Analysis

Analysis of the legislation of the three countries shows that the principle of non-deterioration of the legal status of workers is a universal element of labor law but has different forms of consolidation and implementation.

In France, the "favor laboris" principle has deep historical roots and developed judicial practice, but in recent decades there has been a tendency to soften its absolute nature in favor of greater contractual freedom of the parties to labor relations.

In Japan, the principle is integrated into the labor law system, which seeks to balance the interests of workers and employers, taking into account national cultural characteristics and borrowed legal elements.

In Uzbekistan, the principle has received clear legislative consolidation with detailed regulation of the hierarchy of norms and priority of provisions more favorable to the worker, which ensures a high level of protection of labor rights.

Conclusion

The principle of non-deterioration of workers' legal status serves as a key mechanism for ensuring social justice in the sphere of labor, but its specific implementation reflects the specifics of national legal systems. The comparative analysis reveals that while all three legal systems recognize the need to protect workers as the significantly weaker party in labor relations, the degree of flexibility in applying this principle varies depending on legal traditions and socio-economic conditions of each country.

Future research in this area could focus on how globalization and digital transformation of the labor market affect the implementation of this principle, and what new mechanisms for protecting workers' rights emerge in response to changing economic realities.

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