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IN THE CONTEXT OF THE COVID-19 PANDEMIC IN THE REPUBLIC OF UZBEKISTAN: ONLINE PLATFORMS, FREELANCERS AND THE STATE OF EMPLOYMENT AND RIGHTS

Abstract: This article examines labor law and employee classification in relation to the current realities of the labor market during the coronavirus pandemic.

Unprecedented measures are being taken to combat the spread of coronavirus infection around the world, including by restricting the movement of people and closing businesses.

This has led to a sharp decline in production and consumption in the largest countries, disruption of global production chains and trade relations, falling commodity prices in global financial markets and worsening conditions.

The economy of Uzbekistan, which is part of the global economic system, is also affected by these factors, which, in turn, requires effective preventive measures to mitigate the negative consequences of this situation. At the same time, special attention should be paid to supporting and ensuring the sustainability of rapidly growing sectors of the economy such as tourism, transport, pharmaceuticals and textiles.

Key words: platform economy, online platform, labor market, freelancers, rights and responsibilities.

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Introduction

In the context of the COVID-19 pandemic in the Republic of Uzbekistan, a number of reforms are being carried out to create online platforms, develop a platform economy, expand the rights and obligations of employers and workers in the labor market, as well as freelancers. In particular, on March 19, 2020, the Decree of the President of the Republic of Uzbekistan UP-5969 "On priority measures to mitigate the negative impact on the economic sectors of the coronavirus pandemic and global crisis phenomena" was adopted. This Decree created the Anti-Crisis Fund in the amount of 10 trillion soums under the Ministry of Finance of the Republic of Uzbekistan without creating a legal entity.

The funds of this fund are mainly directed to the following purposes:

- implementation of additional infrastructure projects aimed at expanding economic activity and

employment in the regions of the republic, as well as, first of all, the construction of engineering communications in small industrial zones;

- support for labor migrants through the organization of "Welcome to Work" mono-centers and vocational training centers, as well as the organization of vocational and language training, etc.

At the same time, in order to strengthen social protection of the population and ensure the stability of economic sectors, as well as support individual enterprises in the fight against the spread of coronavirus infection, on April 3, 2020, the Decree of the President of the Republic of Uzbekistan UP-5978 "On additional measures to support the population, industries economy and business entities during the coronavirus pandemic" provides a number of tax and customs preferences for labor market participants.

In particular:

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- exempted from paying land tax from legal entities and property tax from legal entities;
- started paying social tax at a reduced rate of 1 percent;
- the calculation of a fixed amount of personal income tax and social tax for individual entrepreneurs forced to suspend their activities during the quarantine period has been stopped;
- deferred payments on loans to legal entities and individuals, individual entrepreneurs experiencing financial difficulties from commercial banks.

In a pandemic, a radical improvement in the self-employment system remains the most urgent problem. In this context, it became necessary to support freelancers, i.e. self-employed, and in creating their own legal arrangements.

For this purpose, and in order to achieve greater involvement of the population in entrepreneurial activity and create additional conditions for legal employment, on June 8, 2020, the Resolution of the President of the Republic of Uzbekistan PP-4742 "On measures to simplify state regulation of entrepreneurial activity and self-employment" was adopted.

Registration of self-employed is carried out through a special mobile application or personal account of the taxpayer with the issuance of a matrix barcode (QR code) confirming the registration of self-employed by notification.

Family businesses with a minimum of three members of the freelance activities are subject to a reduced value added tax of 50 percent of the statutory amount.

Most importantly, income earned by self-employed persons from employment is not included in the total income of individuals.

Freelancers providing services over the Internet have the following rights:

- accepting payments in foreign currency from individuals and legal entities abroad;
- non-residents for services rendered on the accounts of banks of the Republic of Uzbekistan without entering relevant information into the unified electronic information system of foreign trade operations;
- provision of services to foreign individuals and legal entities without concluding an agreement, accepting an offer of an agreement or exchanging electronic correspondence or issuing invoices, including in electronic form.

In addition, mobile applications for remote registration of freelancers have been introduced, which provide the following capabilities:

- accepting orders and paying for services (goods);
- provision of electronic invoices for the provision of services (sale of goods) to legal entities;
- keeping records of income and expenses on a voluntary basis using a mobile application and using

this information for subsequent purposes, including for obtaining loans and (or) tax deductions;

- advertising of goods (works, services) of freelancers;
- evaluate the quality of services (goods) and leave customer reviews.

Types of activities (works, services) for freelancers in the Republic of Uzbekistan are defined as 69 types according to the following list.

SCROLL

types of activities (works, services) that self-employed persons can be engaged in

1. Tutoring at home - conducting individual and group lessons in educational disciplines with children and adults
2. Services for individuals in the supervision and care of children
3. Services to individuals for the care and attention of sick and elderly people in need of constant care
4. Provision of housekeeping and household services to households, including cleaning of living quarters, cooking
5. Cleaning of premises, improvement and landscaping of the territory of an individual
6. Repair and assembly of furniture for individuals at home
7. General construction simple repair and construction work (concrete, painting, plastering, brick and tile laying, perforating, carpentry, locksmith and other general construction work) performed for individuals
8. Minor repairs and installation of plumbing equipment for individuals
9. Intra-apartment (in private buildings - intra-house) electrical work (if there is an electrical safety permit), performed for individuals
10. Excavation and reclamation work on dekhkan and household plots of citizens
11. Agricultural work commissioned by farm owners (care for agricultural plants and animals, harvesting crops and other agricultural work)
12. Works on the arrangement of the landscape of summer cottages and household plots of citizens
13. Assistance to the owners of dekhkan and household plots in planting and caring for agricultural plants, in harvesting crops
14. Grazing livestock, caring for livestock
15. Repair and adjustment of computers, installation of licensed software for individuals
16. Installation and repair of household appliances performed at the customer's home
17. Minor repairs, installation of accessories and car alarms, sewing covers and floor coverings for private cars of individuals
18. Car wash, car body polishing for individuals
19. Loading and unloading work at home, performed without the use of mechanization

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20. Collection of waste paper, plastic containers, scrap metal and other recyclable materials
21. Folk healing (if licensed)
22. Provision of butler and concierge services for individuals
23. Delivery of goods to individuals using personal transport (except for freight)
24. Transportation in markets and shopping malls of small loads in trolleys
25. Purchase and sale of second-hand goods
26. Bicycle repair
27. Wooden architecture (wooden sculptures, structures for playgrounds and park areas, made of wood)
28. Painting
29. Metal repair work (repair of household metal products (making duplicate keys, repairing umbrellas, simple repair of other household metal products), carried out at home)
30. Production and sale of popcorn, ice cream on a router at home
31. Retail trade of agricultural products in dekhkan markets
32. Retail sale of newspapers, magazines and book products
33. Hairdressing, manicure, pedicure services
34. Services of a cosmetologist and other similar services
35. Laundry and ironing services at home
36. Repair of garments, fur, leather and knitwear, hats and products from textile haberdashery, tailoring by individual order of the population of garments and knitwear, hats and products from textile haberdashery
37. Painting on fabrics (manual dyeing of fabrics and garments, drawing drawings on fabrics, including by screen printing and manual drawing)
38. Sewing shoes for individual orders of the population, repair, dyeing and shoe shine
39. Individual sewing and repair of curtains and drapes, embroidery
40. Manufacturing and repair of haberdashery products
41. Manufacturing and repair of jewelry and key rings
42. Key making
43. Manufacturing and rental of measuring instruments
44. Making wreaths (including funeral wreaths), artificial flowers, Ikebana, garlands
45. Manufacturing and repair of fences, monuments, metal wreaths
46. Sharpening of cutting products and tools
47. Breeding and sale of aquarium fish, ornamental birds and other animals
48. Repair and tuning of musical instruments
49. Video and photography services
50. Production and sale of national sweets, confectionery products at home without the use of packaging equipment

51. Production and sale of national flat cakes and patyr
52. Production and sale of salads and pickles, as well as the production and sale at home of certain types of piece meals without the organization of seats or in places specially designated by the decision of local government authorities
53. Production and sale of soft drinks, ayran, tug for bottling and kurta at home
54. Organization and management of circles
55. Services for stuffing stuffed animals (taxidermy works)
56. Growing and selling flowers and ornamental trees (including the art of bonsai)
57. Distribution of advertising brochures, taking orders by operators at home
58. Bookbinding
59. Demonstration of clothing models at shows, posing for illustrated magazines, advertising films and video clips
60. Services of guides (guides-translators), tour guides and instructors-guides
61. Text creation and processing (copywriter, rewriter, SEO copywriter, SEO rewriter, proofreader, content manager, editor, specialist in sending letters via e-mail, speechwriter, transcriber, etc.)
62. Creation and processing of multimedia, design and art materials (web designer, graphic designer, computer game designer, interior designer, landscape designer, clothing designer, retoucher, photo collage maker, vector graphics editor, architect, visual designer, information designer, designer interface, technical designer, motion designer, banner maker, print designer, flasher, 3D designer, video editor, videographer, composer, sound director, arranger, announcer, photo editor, etc.)
63. Development and technical support of software, information systems, mobile applications and websites (programmer, software approbation specialist, web page designer, web analyst, website optimization specialist)
64. Translation services (translation of fiction, technical translation, translation of websites, films, computer and mobile applications, presentations, video, audio and advertising)
65. Activities in social networks (PR manager, internet marketer, promotion and advertising of goods (works, services) in social networks (SMM), administrator of pages on social networks, account manager, marketer, link manager, targetologist, specialist contextual advertising, directologist, media planner, SMO specialist)
66. Activities in the field of recruiting (manager for work with Internet projects, head of the group of freelancers, HR manager, recruiter, personal assistant)
67. Online consulting (online consultant, online trainer, financial consultant, webinar host)

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68. Preservation and use of objects of intangible cultural heritage (dorboz, askia and lapar) (except for persons working in cultural centers)

69. Nursing.

While companies continue to categorize their employees as freelancers, new limited sick leave assistance is being offered. Mass layoffs pose serious legal problems even in the absence of a massive employment pandemic.

As business models and market structures are constantly changing, only one thing remains

unchanged: the importance of classifying labor relations in determining the rights and obligations of market participants.

During the pandemic, clear procedures were also developed to ensure the rights of many to sick leave, health and safety, especially in the delivery sector, and the right to be classified as a freelancer.

I suggest applying precautions to those who are not busy, whether they work on a digital platform or offline in more traditional settings. I also think it is correct that our social security system is not closely linked to the labor market.

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