

LEGAL STATUS OF INTERN IN UZBEKISTAN LABOR LEGISLATION: ANALYSIS OF INTERNATIONAL EXPERIENCE AND NATIONAL PRACTICE

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Abstract: This article provides a comparative analysis of the legal status of interns, their labor rights and guarantees within the framework of the labor legislation of the Republic of Uzbekistan, in comparison with international experience. The author argues that the Labor Code of Uzbekistan does not fully regulate internship activities, which leads to certain gaps in the legal protection of interns. The study analyzes the labor standards of Germany, France, the USA and the International Labor Organization (ILO), and studies the recognition of interns as labor subjects in these countries, the provision of wages, insurance and social guarantees to them. The author puts forward specific proposals for the modernization of the internship institution in the labor legislation of Uzbekistan, the introduction of a separate chapter in the Labor Code, the mandatory introduction of a tripartite contract system, and the normative strengthening of social protection and insurance guarantees for interns. In conclusion, determining the legal status of an intern in accordance with international labor standards is considered an important factor in establishing fair labor relations in the country and ensuring youth employment on a legal basis.

Keywords: intern, labor law, labor code, international experience, internship, social guarantees, tripartite agreement, labor relations, youth policy, International Labor Organization, legal status, regulatory and legal framework

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In recent years, the Republic of Uzbekistan has been implementing large-scale reforms aimed at modernizing labor relations, ensuring youth employment, and strengthening the processes of integration into the labor market. The institution of "internship" plays an important role in this process. Internship is important not only as a practical part of the education system, but also as a mechanism for young specialists to enter the labor market. Therefore, the issues of determining the legal status of an intern, ensuring his labor rights, guarantees, and protection should be analyzed not only from a national but also from an international legal perspective.

According to the International Labour Organization (ILO), interns and trainees are often exploited, underpaid, or deprived of social security when their employment relationships are not fully regulated (ILO, 2022). Therefore, strengthening the legal status of trainees requires special attention within the framework of international labor standards.

1. The legal content of the concept of intern and its status in national legislation

The current Labor Code of the Republic of Uzbekistan (April 30, 2022) does not directly define the concept of an intern. However, Article 17 of the Labor Code lists the employer and employee as subjects of labor relations. Since interns or trainees are not included in this category of persons, their legal status remains "intermediate" for the time being.

At the same time, Article 30 of the Law “On Education” (2020) establishes internships for students as a mandatory element of the educational process. However, this law does not define the status of the intern as a labor subject, but rather their role as a subject of education. As a result, the legal relations related to the activities of an intern are not clearly defined.

Important innovations were introduced in the “Regulations on Paid Internship of Students”, approved by the Cabinet of Ministers on January 10, 2024. It states that interns have the right to receive remuneration in proportion to the amount of work performed during their practical activities. Although this document partially recognizes the intern as a subject of labor law, their social insurance, labor protection rights, and guarantees for accidents are not fully regulated.

Therefore, there is a regulatory gap in national legislation regarding the legal status of interns, which, in turn, creates uncertainty, legal vulnerability, and the risk of economic exploitation in the activities of interns.

2. International experience: intern status within the framework of labor law

In international law, the status of a trainee (intern) is regulated based on different approaches.

For example, in Germany, the “Berufsbildungsgesetz” (Vocational Training Act, 2005) requires a written contract with each trainee, which clearly specifies working and rest times, insurance, compensation, and wages.

In France, since 2014, it has been mandatory for all interns to sign a “Convention de stage” (internship agreement), which recognizes interns as employees. They are guaranteed a minimum payment (indemnité de stage) for internships of at least 2 months.

In the United States, the Fair Labor Standards Act (FLSA) regulates the wages and working conditions of interns. According to guidance issued by the U.S. Department of Labor in 2021, an intern is entitled to be paid as an employee if he or she contributes to the production process (US Department of Labor, 2021).

The International Labor Organization (ILO) also recommends ensuring transparency, wages, insurance, and social guarantees in internship processes through its "Quality Framework for Traineeships" (2020).

These experiences show that in modern legal systems, the institution of internship is considered an important part of labor relations. However, Uzbek legislation in this regard is still at the stage of full integration.

3. Comparative analysis of national and international approaches

The following aspects indicate some differences in the Uzbek labor system compared to international standards:

Legal aspect	International experience (ILO, EU, USA)	Legislation of Uzbekistan
Intern status	Recognized as an employee (based on an employment contract)	Not fully recognized, considered a student
Paying a fee	Minimum amount guaranteed	In some cases, a fee is charged, but not mandatory
Social insurance	Mandatory	Unspecified

Liability for accidents	The employer is responsible	Not provided for in the regulatory framework
Contract form	Tripartite (educational institution, employer, intern)	Sometimes bilateral, rarely used in practice

This analysis shows that in order to bring Uzbekistan's experience into line with international standards, it is necessary to expand the regulatory framework and recognize interns as labor subjects.

4. Legal proposals and the need for institutional reform

A clear definition of the status of interns would not only strengthen their legal protection, but also ensure the stability of the labor market. Therefore, the following proposals can be put forward:

Introducing a new chapter to the Labor Code: A chapter entitled "Legal Status of Interns and Procedure for Their Labor Activities" should be introduced. It should clearly define the rights, obligations, and social guarantees of interns.

Introduction of a tripartite contract system: The contract between the employer, educational institution, and intern should be binding and regulate issues of wages, labor protection, and liability.

Insurance and social guarantee mechanisms: It should be made mandatory for interns to have accident insurance during their internship.

Regulatory and legal monitoring system: Internships should be monitored by ministries and agencies and administrative liability should be established for violations of the law.

Conclusion

Although the labor legislation of Uzbekistan has taken significant steps towards recognizing the institution of internship as an integral part of the modern labor market, the existing regulatory framework is not yet fully formed. International labor standards show that recognizing an intern as a labor subject, providing him with social guarantees, and introducing a transparent labor contract system are factors that ensure legal stability.

Therefore, strengthening the legal status of interns not only protects the interests of young people, but also has strategic importance in creating fair competition in the labor market, training qualified personnel, and ensuring the stability of economic development.

References

1. Labor Code of the Republic of Uzbekistan (new edition), April 30, 2022.
2. Law "On Education", 2020.
3. Presidential Decree No. PQ-190, April 13, 2022.
4. US Department of Labor. (2021).
5. International Labor Organization (ILO). (2022).