Uzbekistan: A New Dimension of Judicial Reforms

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Abstract

In conditions of reforming of the judiciary and construction of a lawful state the contents of concept ‘judiciary’ was considerably enriched and became wider. In clause has found the reflection modern understanding of the judiciary system of the Republic of Uzbekistan, the point of view on the basis of legislation and judicial reforms implemented in Uzbekistan. In this regard, new requirements for the judicial system are of exceptional importance. As an important socio-political institution of society, the authors analyzed in the article how it should play a significant role in the formation of civil society, be able to exercise its powers in the interests of protecting human and civil rights and freedoms, the constitutional system, the common economic and legal space of Uzbekistan. The article reflects the modern understanding of the judicial system of the Republic of Uzbekistan, argues the point of view on the basis of legislation and judicial reforms implemented in the country.

Keywords: Constitution, Court, Reform, Human Rights, Law, Justice

1. Introduction

At the New new stage of modern statehood of Uzbekistan, such values as reforms, openness in the state and society monasteries, humanism, and public control of putting human dignity in place are developing in depth. It does not go smoothly as a result of internal and external factors influencing these processes. The tension between antiquity and modernization in Uzbek society is being resolved in combination with historical and modern progressive experience. This in turn puts them on the agenda of scientific analytical research from the point of view of today's and historical political - legal approach. The use of modern experience in our opinion gives the development of statehood opportunities to be equal within the equal, while relying on historical teachings gives mental, spiritual and cultural methodology to the course of the process. These are especially manifested in reforms in the judicial system of law, updates related to the implementation of judicial power. In our opinion, it is advisable to investigate the changes in the judicial system of Uzbekistan to the stage of their consideration and prospects. In particular, the first stage consists of the achievement of independence of Uzbekistan and the period from 2017 to 2017, the second stage-from 2017 to 2017. At the first stage, the constitutional legal foundations, organizational, economic, spiritual foundations of the judicial legal system of our qualification were created. For the first time, the formation of political legal thinking, consciousness culture was observed in people. Judicial institutions and procedures were formed. The second stage is beginning in 2017 and there are completely new developments in this area. In this, systematicity and an integrated approach prevail in the reforms of the judicial system of law. On the basis of a new strategy, it is important to carry out justice, to ensure openness, humanitarian principles and public control in the proceedings. In this study, the processes that we are going through in the second stage, i.e. the judicial system, the provision of a new content of human rights, justice, public control of openness, make sense - we tried to research based on the method of historicism. Documents of the president of Uzbekistan and the government of Uzbekistan adopted the Imperial base of the study on judicial co-Organization,information on the official website of the Supreme Court of the Republic of Uzbekistan, information published on the website of the Independent Commission established by the Parliament of the Republic of Uzbekistan, materials on judicial law proceedings in the media.will organize. In our opinion, these circumstances reveal the essence of the judicial system and the trends, prospects for the development of ri.
To date, large-scale work has been carried out to ensure the real independence of the judiciary. One of the important areas of reforms implemented in Uzbekistan is the democratization of the judicial and legal system, ensuring its true independence and strengthening guarantees of reliable protection of the rights, freedoms and legitimate interests of citizens.

In order to radically increase the effectiveness of the ongoing reforms, create conditions for ensuring the comprehensive and accelerated development of the state and society, the implementation of priority directions for the modernization of the country and the liberalization of all spheres of life.

As you know, the conceptual provisions of the reform of the judicial system of Russia are defined in accordance with the modern idea of the principles of fair or due justice, actively functioning in international judicial institutions and national courts:

- everyone has free access to independent and fair justice;
- everyone has the right to have their case heard within a reasonable time by an independent and fair court;
- everyone has the right to be heard by an independent and fair court, in whatever instance the case is heard.

In order to successfully fulfill these tasks, such fundamental legislative acts as federal constitutional laws have been adopted in recent years.

The degree of scientific elaboration of the problem. The theoretical and legal analysis of the proposed topic cannot develop successfully without clarifying the methodology of modern political and legal approaches to the order formed at the turn of the XX - XXI centuries. Each of the approaches has its own theoretical foundations and research procedures.

Judicial and legal issues are studied in the scientific works of R.Kabulov, M.M.Kadyrov, B.J.Akhrarov, M.H.Rustambaaev, B.F.Yusupov, A.I.Tashpulatov, A.S.Yakubov and other scientists. Also, some aspects of this issue have been partially studied in the works of scientists from CIS member countries, including T.K.Aguzarov, I.A.Bobrakov, A.B.Galakhova, M.A.Garanina, A.C.Gorelik, I.V.Dvoryanskov, S.A.Denisov, I.P.Kabashny, Y.Kartashov, M.M.Musaev, A.Ya.Sukharev, V.V.Troisky, K.N.Kharisov, E.Y.Khloptseva, A.I.Chuchaev and from foreign scientists such as Daniel S. Lev, Javier A.Couso, Alexandra Huneeus, Rachel Sieder, Tom Ginsburg, Lisa Hilbink, Attila Badó, Justice Edwin Cameron, Frank Cass.Gloppen, E.Kasimbazi, R.Hazell, K.Malleson, P.O'Brien, O.M.Fiss have studied to one degree or another the crimes of interference in the investigation or in the resolution of court cases.

**New Reform Processes in The Judicial System**

Indeed, since the second half of 2016, Uzbekistan has entered a new stage of the path of social, legal, democratic and secular statehood of our country. In these processes, human dignity has become one of the priorities of the reforms carried out in his interests. These, in turn, led to the fact that our state, in the current extremely difficult conditions, became a subject of international monotheism, had modern mechanisms for protecting its territorial integrity and sovereignty. Especially on the basis of the absolute modern sermons of new reforms in the field of judicial law, including openness in Justice, the application of public mechanisms, the manifestation of the humanistic principle in the adoption of judicial power are becoming the agenda of political and Legal Policy and are gaining more and more regularity.

First of all, on October 21, 2016, the decree of the president of the Republic of Uzbekistan No. 4850 "on measures to further reform the judicial system, strengthen guarantees of reliable protection of rights and freedoms of citizens" was adopted. On the basis of the decree, a comprehensive program of measures was implemented to reform many areas of the judicial and legal system. In addition to finding a legal solution to the issues that have been controversial in this area for many years, it has determined that they will be improved more gradually and mobilised to consolidate guarantees of reliable protection of the rights and freedoms of citizens. In order to ensure the consistent and systematic reform of the judicial system provided for by this decree, the president of the Republic adopted on February 17, 2017 a decree "on measures to radically improve the structure of the judicial system of the Republic of Uzbekistan and improve the efficiency of its activities." This document was considered as the main tasks of the judicial sphere to instill democratic values, to ensure strict compliance with the constitutional norms on the independence of judicial power. To ensure the implementation of these tasks in practice, the Supreme Council of judges of the Republic of Uzbekistan was created.

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This reform not only served to eliminate the overlapping functions in the management of the system of judicial bodies, but also to ensure the uniform application of the requirements of legislation, the uniform decision on similar issues and the uniform implementation of laws. As a result of the implementation of this program, consistent work is underway in our country to further improve the judicial system, strengthen measures to reliably protect the rights and legitimate interests of citizens and entrepreneurs, effectively ensure justice and increase the role of the judicial community. As a result of the work carried out, the level of protection of human rights in the process of Justice has reached a new level.

At the same time, the fact that excessive bureaucratic obstacles in ensuring judicial protection are preserved, there are overlapping stages of re-examination of court decisions, insufficient organization of investor rights under judicial protection, and a number of other shortcomings have become the day of revision of the current structure of judicial bodies in accordance with the requirements of the times and international standards. The next major step in the field of improving judicial power in this regard was the adoption on July 24, 2020 of the decree of the president of the Republic of Uzbekistan "on additional measures to further improve the activities of the courts and improve the effectiveness of Justice". On July 24, 2020, the Presidential Decree "on additional measures to further improve the activities of the courts and improve the effectiveness of Justice"(PF-6034) was adopted. Since January 1, 2021, the Republic of Karakalpakstan, regions and Tashkent City all-Russian courts have been established on the basis of regional and equivalent civil cases, criminal courts and economic courts. In this regard, Part 1 of Article 107 of the Constitution was stated in the new edition as follows: "the judicial system of the Republic of Uzbekistan consists of the Constitutional Court of the Republic of Uzbekistan, the Supreme Court of the Republic of Uzbekistan, the military courts, the court of the Republic of Karakalpakstan, the Administrative Court of the Republic of Karakalpakstan, the Administrative Courts of the regions and the city of Tashkent, the inter-district, district, city courts for civil cases, the district, city courts for criminal cases, the city courts, the inter-district, district, district, as a result of the implementation of the measures established in the decree, the following positive trends in the qualification judicial legal system are expected to result. First, comprehensive measures were implemented aimed at improving the effectiveness of the activities of the judicial system, improving the procedure for selecting and placing judges, ensuring the issuance of a legal, justified and fair Court decision on each case. Secondly, information and communication technologies were widely introduced into the activities of the judicial system, an open, transparent and alternative selection system was created when selecting judges and appointing them to positions on the basis of the experience of advanced foreign countries, for the first time the practice of indefinite appointment to the post of Judge was introduced. As a result of the work carried out, the level of protection of human rights in the process of Justice has reached a new level. The law of the Republic of Uzbekistan "on courts" has been adopted. This law created mechanisms for the procedure for the election and appointment of judges, the status of judges, their rights and obligations, ensuring the material and social protection of judges and members of their family. Fourth, by the norms in the law, the requirements for candidates for the position of Judge and persons appointed to the position of Judge, elected, were adjusted to the established standards. The procedure for the appointment (election) of judges, judicial chairmen and deputy chairmen was established. The grounds, procedure for the suspension, termination of the powers of judges are further clarified.

In 2017-2021, 2,770 people were sentenced to acquittal in 2020 against 781 people, 3,434 persons were released from the courtroom and substances unjustified against 5,958 citizens were removed from the charges or changed. Deputy chairman of the Supreme Court I. Muslimov noted that in the last 10 months of 2022, 760 persons were acquitted and rehabilitated. The number of citizens released from the courtroom was 6 thousand 917. A clear example of a positive change in the judicial system is the appointment of other types of punishments not related to imprisonment for 31 thousand 318 of 47 thousand 340 convicts in the same period, 178 citizens are sentenced to parole. Behind these numbers, which at first glance seem to be the sum of simple numbers, the fate of so many people is reflected that, in turn, are a kind of barometer indicating the level of legal culture in society. (https://sud.uz/2111-2/)

The results of our political - legal throne show that the main attention of the state leader is focused on the taacomization of the activities of the courts. Because the interconnection of all spheres of human destiny, positive economic life, is a matter directly related to the systematic functioning. The development strategy of our country for 2022 - 2026 also sets the goal of realizing the principles of real equality and dispute of the parties during the trial, increasing the level of achievement of justice by citizens and business entities. In this regard, the conceptual strategic importance was given by the facts
and feedback of the state leader at a meeting on the discussion of priority tasks on the provision of Justice on November 14, 2022.

Since 2016, strengthening the independence of the courts, ensuring impartiality, justice and legality in the consideration of judicial cases have become one of the main tasks of political legal reforms in the last six years, the adoption of more than 50 laws, decrees and resolutions on this system. During this period, 4 thousand unjustly charged people were sentenced to acquittal, more than 26 thousand were released from the courtroom, 47 thousand citizens were charged with the substances put in the investigation. (https://president.uz/uz/lists/view/5695)

Therefore, the president gave instructions on the formation of an atmosphere of dispute in the courts, on improving the work of law enforcement agencies," the Tax Office of the state said, on average, 1 million 500 thousand inhabitants apply to the courts every year. 18 thousand citizens, dissatisfied with the decisions made by the regional courts at the beginning of the year, murajjaat to the Supreme Court. (https://president.uz/uz/lists/view/5695)

Secondly, the fact that the role of lawyers during the viewing of cases in the courts is still not high, and the activity in the investigators is still at a low level in some cases, is causing protests. It was noteworthy that in order to prevent interference in the court in the reforms, the term of office of judges was extended, the salary was sharply increased. It was also news that the appointment of judges to the post was transferred to the Supreme Council of judges. Even so, the head of State believes that there are still some gaps in this regard bor. To fourth, the task was set to increase the responsibility of the regional courts, develop draft laws that provide for the adoption of a criminal case along with the indictment and the opinion of the defender. Fifth, it was noted the importance of radical reform of the Supreme School of judges, training judges specializing in property, family, tax, labor relations for district and regional courts. Sixth, the task was set to strengthen the powers of the judicial community, gradually increasing the number of judges. Also, the head of state has expanded digitalization in the field, set the tasks of harmonizing information systems, increasing the comfort of people through modern technologies.

New tasks new perspectives

It should be said that the reforms carried out in the judicial legal system are directly related to the serious changes coming to wujdu in our country and in the outside world, the progress of the reforms being carried out in all areas in our country, the results being achieved and the identification and solution of emerging problems. As a result of the reforms carried out since 2017, major changes have occurred in all areas. The same also happened with the judiciary. The monotheism of people towards reforms to the state, especially to the judicial system of law, has changed for the better. As a result of these deep echelons, the state leader met with our people at the davvom of the presidential election in 2021, in almost all regions, the fact that reforms are going on in practice, the problems arising in their implementation led to feedback on the social economic life of the people, clear feedback with them when their proposals were heard. As a result of this, Uzbekistan has formed a new development strategy in the following years. Based on this, Uzbekistan was declared a social, democratic, legal state as a secular society. These conceptual views set the task of improving the entire legal system, including the.

(https://www.norma.uz/qonunchilikda_yangi/sud_tizimi_tuzilmasi_konstituciyada_mustahkamlandi)

First of all, the strategy is to form a truly fair judicial system based on the idea of “for human dignity” and to direct its activities to the effective protection of the interests of the people and human dignity, to strengthen the confidence of the people, including entrepreneurs, in the judicial system by achieving the adoption of fair judicial decisions, to achieve the, the issues of expanding the possibilities of remote participation in court sessions were defined as the priority tasks of ensuring justice.

In the second place, by ensuring the strict execution of court decisions, increasing the responsibility of state bodies and local authorities in this regard, forming a high culture of treatment in judges and court employees, every citizen and entrepreneur who goes to court is also provided with issues of instilling a sense of consent from the court, and ultimately from the state, ensuring

From the employer, measures of responsibility for interference in the settlement of court cases and non-execution of a judicial document are tightened. Also, impressive mechanisms are introduced aimed at ensuring the execution of judicial acts.

Fourth, in order to ensure the true independence of judges, any interference in their work is strictly punished, it is envisaged to create all conditions for the uneasy work of judges by the state.

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From beshichn, on the basis of the Department for the analysis of legislation in the field of judicial law, the Department for the analysis of legislation in the field of Justice was created. This department develops proposals for a systematic analysis of legislation in the field of judicial activity and problems of Justice, further improvement of legislation in the field of law, judicial practice and judicial proceedings, analyzes the effectiveness of Justice on the basis of advanced foreign experience and modern development trends.

Sixth, the international rating and indexes on the field of justice take systematic and consistent measures to improve the position of the Republic of Uzbekistan and develop proposals for the study of generally recognized principles and norms of international law in the field of civil, criminal, economic and administrative legislation, ensuring the independence of courts, their implementation in national legislation.

The implementation of such reforms further improves the control of the public, the provision of independence of Justice, Humanity, openness, which has arisen before that time in judicial activity. These in turn ensure the independence of the courts, create conditions for increasing the confidence of the population in Justice, ensuring the rule of law in society and strengthening legality.

The main merit of humanitarian Justice

It is known that Article 18 of our Constitution enshrines that in the Republic of Uzbekistan all fugaros have the same rights and freedoms and are equal before the law, regardless of gender, race, nationality, language, religion, social origin, faith, personality and positive position.

The encyclopedic scientist Abu Ali Ibn Sina considers that the base pillar of the state is made up of citizens. In his opinion, in order for the citizens of the country to live peacefully, interact and cooperate, fair laws and a judicial system that protect human rights must be composed: due to mutual agreement between people, Justice rules and laws are established. Already, the legislator gives the obligation to comply with these norms. It is important to recognize the supreme legislator and judge in this, after all, people use their rights in their activities, -it is worth noting that these thoughts have found their expression in practice. In particular, in recent years, a fair and fair decision has been made against the accused, relying on the positive actions carried out in the judicial system. In the implementation of justice by the courts, the protection of a person, his rights and freedoms is ensured. Our national legislation, which reflects the principles of humanism, is a solid foundation. In particular, Article 73 of the Criminal Code notes the norm of early conditional release from serving a sentence, and Article 74 of the same code notes the norm of replacing punishment with a lighter one. According to the requirements of this law, exemption from punishment or replacement with a lighter is applied to a convicted person who has fulfilled the requirements of the established procedure and has an honest attitude to work and has served the specified part of the punishment.

In our opinion, the fact that the actions of the accused in this criminal case are fully proved and allowed for a sharp dispute between the public court, the accusers, The Defenders - the principle of "everything is for man, for human dignity" in our country, we can see as an example of a policy of forgiveness can.

Democratic Court, which is an important component of the legal state

as a result of the implementation of state policy aimed at reforming the chukur system and ensuring human rights, today's judicial and social justice and the principle of bloodthirsty, based on humanitarian ideas, was able to carry out its work. It was as a result of the fact that the justice system was widely established by the judicial authorities that the "Karabalpak events" were issued on the basis of humanitarian principles in relation to the persons involved. Light punishment for persons involved in "Karabalpak events"

the appointment is not in vain. Because in the next appeal of our president to the Oliy Majlis on December 20, 2022, special attention is paid to ensuring the rule of law and the consistent continuation of the improvement of the judicial sphere. It is emphasized that reliable protection of human rights and freedoms should be defined as a constitutional obligation of the state. On the basis of humanitarian principles, when imposing punishment on the accused, punishment was imposed in accordance with the criteria of justice, taking into account the fact that they sincerely regret their actions, draw the right conclusions to themselves, have underage children under their care, family circumstances and social status. By nature, an important attention was paid to the fact that a person makes mistakes, but realizes them in time and corrects his mistakes. In turn, it was practically confirmed that every person living in our mumlacat has a tendency to lean and believe in humanity, justice and Justice.
Article 18 of our constitution enshrines that in the Republic of Uzbekistan all fugaros are equal before the law, regardless of gender, race, nationality, language, religion, positive origin, faith, personality and positive position. Accordingly, to the "Karakalpak events"

in relation to the persons involved, a puddle of humanitarian principles of legality, fairness, forgiveness has been achieved.

As a result of the implementation of state policy aimed at the chukur reform of the judicial-legal system, which is an important component of the Democratic state, and the provision of human rights, the principle of today's judicial - social justice and qanuiism was able to carry out its work, relying on humanitarian ideas.

In this regard, we once again turned to the legal views of the thinkers of the Eastern Renaissance, so we witnessed that it did not lose its relevance today, but found expression in the reforms in the judicial sphere that are being implemented today, in the ideas about the liberalization of crime and punishment. Secondly; according to domestic scientists, punishment should not be completely lost in society, punishment should be imposed on justice, and the ideas put forward regarding the improvement of laws and legislation have not lost their relevance either. His confirmation is a slight punishment for persons involved in the "Karakalpak events" is appointed. In the next appeal of the president of Uzbekistan to the Oliy Majlis on December 20, 2022, special attention is paid to ensuring the rule of law and a consistent continuation of the improvement of the judicial sphere. It is emphasized that reliable protection of human rights and freedoms should be defined as a constitutional obligation of the state.

In the East, the fair justice can be seen in the views of Burkhonuddin Marginani, who promoted the judgment as the task of his judge. Even, this part of the work was called the "obligations of the Kazakh". According to Hidoya, such people should be appointed to the position of the steward, that person should be able to cope with this task, know the science of jurisprudence, be able to make decisions, be a supporter of Justice. Here is the triumph of justice, the Justice of the Justice and the efforts of our judges, carried out in Bukhara.

The provision of public control is observed as an important condition for Justice.

If we pay attention to the political and legal views of scientists of the Eastern Renaissance, then look, from the views of Ibn Sina, it turns out that any quality is instilled in a person by society. The highest stage of moral quality is achieved in such a way that members of society are determined by the fact that all good deeds are done for the benefit of society, the people, without reckoning for what they have done. And the highest happiness is achieved in that a member of society with all his body deeply feels the benefit and well-being of society and the people, and considers himself the creator of this prosperous society. It is a gratifying fact that these opinions are still expressed in these trials today.

Secondly, the commission conducted an in-depth study of cases and phenomena related to violation of human rights, freedoms and legitimate interests; in order to ensure transparency, organized documentation of the work carried out within the framework of the commission's activities, including recording using audio-, photo- and video recording means, prepared the final information on the results of the study and presented it.

In the investigation and proceedings, each case was examined by an independent commission on the basis of requests from representatives of international organizations, diplomatic missions. Taking into account each of the pleas of the defendants, the principle of humanity was superimposed on ensuring the rule of law.

4. Conclusion

As noted in the history of legal teachings in this regard, it is noteworthy that these rules were used in Movarunnahr by veterans, hakims. In particular, Narshakhi wrote that when said ibn Khalaf Balkhi became a judge of Bukhara, he "established good laws... so that the strong man would not oppress the weak man, he had built dams in the city, and he had introduced the water of Bukhara to the loss of justice and Justice." Indeed, it is no exaggeration to say that in today's proceedings, the confidence of every citizen who observed the triumph of the principle of justice in the state and laws has increased. It is noted that the proceedings were conducted in accordance with the legislation, according to which the members of the commission on the study of the circumstances and events in the Republic of Karakalpakstan, who participated in the court session as observers, and conduct an independent investigation on them. It should be noted that the court proceedings against alocador persons to the "Karakalpak events" provided for the possibility of further expansion of digitalization in the judicial
system, allowing the fukaros to remotely monitor online procedures without having to come to the court building. This, in turn, prevented the court from saving the time of the persons whose case had fallen, from falling into exorbitant expenses, and ensured that the court watched the justice process as openly as all.In turn, on the basis of the absolute modern sermons of new reforms in the field of judicial law, including the use of public mechanisms of openness in Justice, the manifestation of the humanistic principle in the adoption of judicial power, is becoming the agenda of political and Legal Policy and is gaining more and more regularity. Indeed, it is no exaggeration to say that even in today's proceedings, the confidence of every citizen who observed the triumph of the principle of justice in the state and laws has increased.

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1. Scientific papers: