

The New Uzbekistan - "Judiciary" in the Period of Reforms

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Annotation:

This article summarizes a number of judicial and legal reforms implemented by the President of our country in recent years to regulate the activities of the courts, to raise it to a new level.

Keywords: Judiciary, democracy, instance, Supreme Court, disciplinary responsibility.

An important and integral feature of a democratic country based on the rule of law. Ensuring human rights and freedoms in a country governed by the rule of law is also a key task. The role of the courts is important in this regard. Related to this, the President said in one of his speeches: "*The judiciary plays a crucial role in ensuring justice and the rule of law*" [1.5].

Regulating the activity of the courts, raising it to a new level is one of the main tasks in building a country governed by the law. Therefore, in recent years, a number of legislative acts have been adopted to review the activities of the courts, to make a final decision on behalf of the state, to increase the effectiveness of dispute resolution. In the second half of 2020, three decrees and resolutions of the President aimed at regulating the activities of the courts were adopted.

In order to increase the level of access to justice, improve the quality of court proceedings and expand the mechanisms to ensure equality and adversarial nature of the parties to make impartial, fair and lawful judicial decisions, the President of Uzbekistan issued a decree on July 24, 2020. In accordance with the Decree "On Measures", courts of general jurisdiction were established, including the middle level of courts, civil, criminal and economic courts in the Republic of Karakalpakstan, 12 regions and the city of Tashkent.

There is a single general jurisdiction court consisting of three specialties in 14 administrative-territorial units.

District (city) administrative courts will be reduced and reorganized as inter-district, district (city) administrative courts. Until now, cases of administrative offenses considered by administrative courts have now been transferred to criminal courts [2.1]. Of course, this change will create convenience not only for the activities of the courts, but also for citizens. The principle of "one court - one instance" was introduced by the decree of the President, on the basis of which from 2021 the courts will consider cases on certain disputes in only one instance [3.1]. The supervisory instance was also revoked. This decree was intended to change many of the cases that needed to be reconsidered by the courts. This, in turn, further strengthens the effective functioning of the judiciary, its role in resolving disputes.

The introduction of digital technologies in the judiciary is an important task today. For this purpose, on September 3, 2020, the Presidential Decree "Measures to digitize the activities of the judiciary" was adopted [4.2]. The resolution criticized the unsatisfactory involvement of digital technologies in the judiciary, and set the task to expand the range of interactive services provided by the courts to citizens and entrepreneurs.

On December 7, 2020, the Presidential Decree "On measures to ensure the true independence of judges and increase the effectiveness of prevention of corruption in the judiciary" was adopted. Under this decree, many positive changes have been made in the judiciary. In particular, consistent work is being done in our country to ensure the independence of judges, to select qualified personnel, to improve the system of training and appointment to the judicial profession, to increase public confidence in justice. In-depth study and analysis of the causes and conditions of corruption in the judiciary, effective implementation of the system of combating and preventing corruption, staffing the judiciary with qualified and honest staff, ensuring openness and transparency in the judiciary, citizens and entrepreneurship the need for new rules and norms to further increase the confidence of the subjects in the judiciary [5.1].

Many of the tasks and issues set out in the above legislation are reflected in "the Law on Courts".

The new Law of the Republic of Uzbekistan "On Courts" provides true independence of the judiciary, ensuring that justice is administered by judges only in accordance with the law, open and transparent court hearings, broad protection of the rights and freedoms of citizens, legitimate interests of business entities, thereby focusing on increasing individuals' access to justice. The new law defines the status of judges, guarantees of their independence, and

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requirements for candidates and elected officials in accordance with international standards. The document revises the disciplinary liability of judges, defines the grounds and procedure for revocation of judges' powers, and provides for the social protection of judges. While the disciplinary liability of judges was previously regulated by Article 73 of the Law, Chapter 11, which consists of 4 articles, is now devoted to this norm. According to him, a judge can be subject to disciplinary action in the following cases for violation of the rule of law in the administration of justice;

- for breaking the rules in the organization of court proceedings as a result of negligence or indiscipline;
- for misconduct that undermines the honor and dignity of a judge and undermines the reputation of the court;
- for violating the requirements of the Code of Judicial Ethics [6.2]. A panel of judges may impose one of the following disciplinary sanctions on a judge:
 - warning;
 - reprimand;
 - a fine not exceeding thirty percent of the average monthly salary;
 - reduction of qualification level by one step;
 - early termination of powers.

Chapter 12, introduced by the new law, provides for cases and procedures for suspension and termination of a judge's powers. When it comes to financial support for judges, the new law allows them to get housing and compensation for rented housing.

In addition, the procedure for social protection of expired judges is established, and the average monthly salary of expired judges is maintained during the period of re-election or reappointment or until the transfer of another job, but not more than three months. Upon the expiration of their term of office, the previous job (position) held before their election or appointment to the position of a judge shall be transferred, and in the absence of such job (position), another job (position) equal to the previous one shall be granted [7.5].

Another noteworthy aspect of the law is that some of the requirements for persons elected and appointed to the position of judge have changed. Now a person with at least fifteen years of work experience in the legal profession, including, as a rule, at least seven years of work experience as a judge, a judge of the Supreme Court of the Republic of Uzbekistan, at least two years as a judge of the Military Court of the Republic of Uzbekistan, the Court of the Republic of Karakalpakstan, the Administrative Court of the Republic of Karakalpakstan, regional, Tashkent city court, Tashkent city administrative court, a person with at least seven years of legal experience may be a judge of a court, a territorial military court [8:1] According to the Law on Courts, adopted on 14 December 2000, the length of service requirement was set at ten, seven and five years, respectively. This allows candidates with sufficient life experience and activity to be appointed to this position.

In short, this law, which is aimed at regulating the judiciary, is more comprehensive, understandable and contains the norms of legal acts related to judicial activity than its predecessors. Judicial and legal reforms in our country are of particular importance as they are aimed at ensuring the rule of law and social justice, peace and harmony of citizens. It also takes the effectiveness of the regulation of social relations in the field to a new level. In my opinion, such reforms need to be strengthened and not delayed in order for an independent, open and transparent judiciary to ensure that judges are true defenders of justice and the law. Then there will be no loss of confidence that the court is fair, no doubt that the verdict is right.

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