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Research Article

A NEW STAGE OF REFORMS IN THE SPHERE OF JUDICIAL SYSTEM

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ABSTRACT

I made some suggestions and the issues regarding the legal reforms implemented in our republic. Also, the problems on implementation of justice, the rights and freedoms of citizens, the protection of the interests of society and the state, the status of judges, their rights and obligations, the issues related to the strengthening of ensuring the true independence of judges and their inviolability are scientifically analyzed in the article.

KEYWORDS

Legal system, regulatory rule, justice, rule of law, justice, rights and obligations, judicial control, legal entity, prosecutor's corps.

INTRODUCTION

To strengthen the guarantees of the rights and freedoms of citizens, to further strengthen their personal, social, economic and other rights in the legislation, to ensure the true independence and openness of the justice system, in turn, to adopt relevant regulatory legal documents, to amend and

add to the existing ones, it also requires cancellation of some legal documents.

In this case, the creation of the Constitutional basis of the normative rules being changed or newly

introduced ensures the stability of these normative legal documents.

G. Yusupjanova stated, "At the core of the large-scale and consistent judicial reforms implemented in New Uzbekistan is the idea of ensuring human rights, which are defined as the highest quality in our Constitution. After all, making a fair decision only by obeying the laws is the most necessary criterion of judicial independence" [1].

According to G. Berdiqulov, "the main goal of judicial and legal reforms, which are being carried out consistently in our republic, is to respect universally recognized values and to ensure reliable protection of human rights and freedoms" [2].

It is not an exaggeration to say that during the past six years, the implementation of the tasks set by the Strategy of Actions in the priority direction of ensuring the rule of law and further reforming the judicial system has been achieved. In particular, the adoption of the law "On Courts" of the Republic of Uzbekistan (July 28, 2021) [3] and the procedure for electing and appointing judges, the status of judges, their rights and obligations, material and social support of judges and their family members, and other important actions defined in the Strategy events were expressed in this law as a separate rule.

In the new development strategy of Uzbekistan for 2022-2026, approved by the Decree of the President of the Republic of Uzbekistan No. PD-60 dated January 28, 2022, "making the principles of justice and the priority of law as the most basic and necessary condition for development in our country" [4] has been strengthened as the second priority. Moreover, one of the main goals in this direction is to establish effective judicial control over the activities of state

bodies and officials and to increase the level of access to justice for citizens and business entities.

The Law of the Republic of Uzbekistan "On the Referendum of the Republic of Uzbekistan" stipulates that "the referendum of the Republic of Uzbekistan is a national vote of citizens on the most important issues of society and state life for the purpose of adopting laws and other decisions of the Republic of Uzbekistan."

The draft of the Constitutional Law of the Republic of Uzbekistan "On Amendments and Additions to the Constitution of the Republic of Uzbekistan" was submitted for public discussion in order to apply the above norm in practice and to study public opinion on amendments and additions to the Constitution of the Republic of Uzbekistan.

The project provides for the introduction of our constitution, as well as important changes and additions to the main principles, basic rights, freedoms and duties of people and citizens, society and individuals, administrative-territorial and state structure, organization of state power, and the procedure for amending the Constitution.

In particular, Chapter XXII of the Constitution of the Republic of Uzbekistan is devoted to the judicial power of the Republic of Uzbekistan. In the draft of the Constitutional Law of the Republic of Uzbekistan "On Amendments and Additions to the Constitution of the Republic of Uzbekistan", it is proposed to state Article 116 of the Constitution in the following version:

"Article 116. Everyone is guaranteed the right to competent legal assistance. Legal assistance is provided free of charge in cases provided for by law.

The right to qualified legal assistance is guaranteed at any stage of investigation and court proceedings.

Advocacy operates based on the principles of independence and self-management to provide legal assistance to individuals and legal entities. The procedure for the organization of the advocacy and its activity is determined by law.

It is not allowed to interfere with a lawyer's activities while performing his or her professional duties to protect the rights and legal interests of individuals."

It should be noted that on January 16, 2023, the decree of the President of the Republic of Uzbekistan No. PD-11 "On additional measures to further expand the possibilities of achieving justice and improve the effectiveness of the activities of the courts" adopted a short-term strategy for bringing the judicial system to a qualitatively new level for 2023-2026 according to the decree.

Within the framework of the strategy:

On the basis of the idea of "for human dignity" to form a truly fair judicial system and direct its activities to the effective protection of the people's interest and human dignity;

by achieving the adoption of fair court decisions, to strengthen the people's and entrepreneurs' trust in the judicial system, to ensure that every person sees his reliable defender in the form of courts and judges;

to create all opportunities for citizens and entrepreneurs to protect their rights and legal interests in courts, to fully implement the principles of dispute and equality of parties in court proceedings, to improve the legislation aimed at ensuring the impartiality of courts in practice;

full digitization of court activities, introduction of artificial intelligence technologies, improvement of interdepartmental electronic information exchange,

expansion of opportunities for remote participation in court hearings;

to strengthen guarantees of independence and integrity of judges, to develop effective mechanisms to prevent cases of disrespect of court and interference in court proceedings;

ensuring strict execution of court decisions, increasing the responsibility of state bodies and local governments in this regard;

by forming a culture of high treatment among judges and court employees, instilling a sense of satisfaction from the court, and ultimately from the state, in every citizen and entrepreneur who applied to the court, was determined as the priority task of ensuring justice.

Also, new mechanisms aimed at fully implementing the principles of dispute and equality of parties in the conduct of court proceedings at all stages, and ensuring the impartiality of courts in practice, were introduced, and the corps of prosecutors specialized in assisting the implementation of justice and its main tasks were defined.

In addition, the establishment of the practice of consideration of appeals of individuals and legal entities on non-procedural legal clarification issues by judicial bodies was strengthened as one of the measures to develop the independence of the court and the immunity of judges.

The above-mentioned information shows that a new stage of reforms has begun in the judicial system as well as in other spheres in our country, and strategic actions are being taken in this regard. Rules included in the draft of the Constitutional Law of the Republic of Uzbekistan "On Amendments and Additions to the Constitution of the Republic of Uzbekistan", as well as the Law of the Republic of Uzbekistan "On Courts"

(July 28, 2021), the main Decree of the President of the Republic of Uzbekistan dated January 16, 2023 No. PD-11 tasks serve to increase the confidence of citizens in justice, the effectiveness of the protection of their rights and freedoms, to strengthen the guarantees of their rights to receive qualified legal assistance, to strengthen the provision of the true independence of judges and their integrity, and to prevent violations of the law.

REFERENCES

1. G. Yusupdzhanova. Functions of the court in the system of criminal procedural relations // <https://inscience.uz/index.php/socinov/article/view/1471/1640>
2. G. Berdikulov. Ensuring the right to defense of participants in criminal proceedings // <https://academicsresearch.com/index.php/rnsr/article/view/538/948>
3. Law of the Republic of Uzbekistan "On Courts" // <https://lex.uz/uz/docs/5534923>
4. Decree of the President of the Republic of Uzbekistan dated January 28, 2022 "On the development strategy of New Uzbekistan for 2022-2026" No. PD-60 // <https://lex.uz/uz/docs/5841063>
5. Decree No. PD-11 of the President of the Republic of Uzbekistan dated January 16, 2023 "On additional measures to further expand access to justice and increase the efficiency of the courts" // <https://lex.uz/uz/docs/6358976>