

THE PRINCIPLE OF JUSTICE IN NEW UZBEKISTAN

Ziyodullaev Muzaffar Ziyodullaevich

Professor at the University of Public Safety of the Republic of
Uzbekistan, Doctor of Law, Professor.

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Abstract: The principle of a fair trial is a cornerstone of Uzbekistan's Constitution and legal framework, aimed at safeguarding citizens' rights and freedoms, as well as the interests of individuals, society, and the state. Significant reforms have been implemented to ensure judicial independence, equality before the law, and the presumption of innocence. Measures such as the establishment of the Supreme Council of Judges, the integration of information and communication technologies into court processes, and the digitization of judicial activities have enhanced transparency, efficiency, and accessibility in the justice system. Presidential decrees, including PD-4850 (2016) and PD-6034 (2020), introduced structural improvements, streamlined judicial procedures, and enhanced the professionalism and accountability of judges. The adoption of the Updated Constitution in 2023 further strengthened judicial guarantees, emphasizing the independence of the judiciary, open trials, and proportionality in legal measures. These reforms have yielded tangible outcomes: thousands of unjust charges were dismissed, over 1,200 individuals were acquitted, and significant advancements were made in resolving legal disputes fairly and efficiently. By embedding international standards and modern practices, Uzbekistan's judicial system continues to evolve, ensuring robust legal protections and fostering public trust in justice.

Keywords: The Fair Trial, The Principle of Fair Trial, Independence of Judges, Issuing a Fair and Reasonable Decision, Equality of the Parties, Openness and Transparency of the Process, Presumption of Innocence, Bindingness of Court Decisions, The Supreme Court of the Republic Of Uzbekistan, Updated Constitution of the Republic of Uzbekistan



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Introduction

The principle of fair trial is one of the most important legal principles defined in the Constitution and legislation of the Republic of Uzbekistan and it is manifested in a number of important social and legal relations aimed at effective protection of the rights and freedoms of citizens, as well as the interests of individuals, society and the state. In particular:

- a. Independence of judges - first of all, courts in Uzbekistan are independent from the legislative and executive authorities, judges obey only the law in their activities and operate independently without subordinating to other state bodies and officials. Persons with personal and professional qualities are selected, they are appointed and dismissed according to the procedure established by law.
- b. Issuing a fair and reasonable decision - the trial is carried out only by the courts, each court makes an acquittal or an indictment decision impartially and rationally, based only on the law and judicial practice, in accordance with the established procedural rules.
- c. Equality of the parties - in the court, the parties have the same rights defined by the legislation and are given the same opportunity.

- d. Openness and transparency of the process - openness, transparency and public control are ensured during the court process.
- e. Presumption of innocence - a person accused of committing a crime is considered innocent until his guilt is proven by a public trial in accordance with the procedure provided for by law and until it is determined by a legally binding judgment of the court.
- f. Bindingness of court decisions - legally binding court decisions must be executed and implemented by all state bodies, organizations, officials and citizens.

Ensuring justice is one of the main priorities of the large-scale reforms implemented in New Uzbekistan. In recent years, dozens of laws, decrees and decisions have been adopted on priority issues in this direction. Existing ones were updated in line with the reforms, including the laws “On Courts”, “On the Supreme Council of Judges of the Republic of Uzbekistan” and “On the Constitutional Court of the Republic of Uzbekistan”. Based on them, the judicial system was fundamentally improved.

As stated by the President of the Republic of Uzbekistan Shavkat Mirziyoyev, justice and the rule of law are the most basic and necessary conditions for building a populist state and ensuring human dignity [1]. Therefore, the Head of State has set a number of priority tasks to ensure the true independence and openness of the justice system, improve the activities of law enforcement bodies, strengthen the legal profession, digitalize the activities of these areas, and systematically and consistently implement them.

When “To further reform the judicial system, to strengthen the guarantees of reliable protection of the rights and freedoms of citizens” (No. PD-4850, October 21, 2016), “On measures to fundamentally improve the structure of the judicial system of the Republic of Uzbekistan and increase the effectiveness of its activities” (No. PD-4966, It can be said that the decrees of February 21, 2017) played an important role. These decrees set a number of priority tasks and measures in the field. In particular, the first five-year, then ten-year term of being a judge, and then an indefinite term was set; The Supreme Council of Judges was established; the right to sanction the blocking and exhumation of postal and telegraphic dispatches was transferred to the courts; The duties and powers of judicial bodies in the field of material and technical and financial support of the activities of courts of general jurisdiction were transferred to the Supreme Court; the activity of administrative courts was established; The Supreme Court and the Supreme Economic Court were merged to form the Supreme Court of the Republic of Uzbekistan, a single supreme body of judicial power in the field of civil, criminal, administrative and economic court work [3], [4].

The decision of the President of the Republic of Uzbekistan “On measures for the wider introduction of modern information and communication technologies to the activity of courts” (No. PD-3250, August 30, 2017) and the 2017-2020 approved by it In 2010, the Program for the introduction of modern information and communication technologies into the activities of the courts served to increase the efficiency of conducting court proceedings and the level of awareness of justice among the population, and the wide application of modern information and communication technologies to the activities of the courts [5].

By the decree of the President of the Republic of Uzbekistan “On additional measures to further improve the activity of courts and increase the efficiency of justice” (No. PD-5268, November 30, 2017), the rule of law of citizens. Important measures have been defined to ensure the constitutional principles such as equality, humanity, justice and presumption of innocence, and to observe the rights and freedoms of citizens in judicial investigation activities. In particular, information obtained in serious violation of procedural legislation or by illegal means cannot be used

as evidence in criminal cases; inspection of the scene of the incident, search, examination of evidence at the scene of the incident, mandatory video recording of procedural actions in the form of an investigative experiment using video recording devices; it was clearly established that stenography was kept during the trial and its materials were added to the materials of the criminal case [6].

To improve the quality of administration of justice in accordance with the decree of the President of the Republic of Uzbekistan “On measures to further improve the judicial system and increase confidence in judicial authorities” (PD-5482, July 13, 2018) specific measures have been established. In particular, the procedure for systematically announcing court decisions on the website of the Supreme Court of the Republic of Uzbekistan, explaining the content of the received court document to the participants of the court proceedings after it has been read out, as well as the practice of holding briefings by regional courts. introduced, as well as measures to strengthen the social support of judges and their social and legal protection [7].

Methods

This study utilizes a qualitative research approach to analyze the reforms in the judicial system of Uzbekistan from 2000 to 2023. The research focuses on evaluating the legal and institutional changes implemented through a series of presidential decrees and legislative acts, aiming to improve the independence of the judiciary, the accessibility of justice, and the protection of citizens' rights. Key documents, such as the laws "On Courts," "On the Supreme Council of Judges," and "On the Constitutional Court," along with presidential decrees (PD-4850, PD-4966, PD-6034, PD-4818, etc.), provide the primary sources for the study.

Data is gathered through a review of official texts, government reports, and statistical data on the judicial processes and outcomes of court cases in Uzbekistan. The study examines the effectiveness of these reforms in areas such as judicial independence, transparency, public access to court proceedings, and the implementation of modern information technologies in judicial practices.

Furthermore, the study analyzes the legal provisions in the Updated Constitution of Uzbekistan, which strengthens the guarantees of justice, human rights, and judicial independence. The research also incorporates an assessment of the reforms' impact on reducing corruption within the judicial system, improving judicial efficiency, and ensuring fair trials.

Results and Discussion

As a result of such measures taken at the initial stage of the reforms in the field of justice provision in the new Uzbekistan, first of all, the constitutional norm of true independence of judges and obedience only to the law was fully realized in practice. the ground was created, their social and legal protection was strengthened, besides, the reliable protection of the rights and freedoms of citizens was ensured, the level of achieving justice by observing them in judicial and investigative activities was increased, and modern information and communication technologies were widely introduced into the activities of courts.

In the period after that, reforms in the field of ensuring justice in Uzbekistan were consistently continued. In particular, by the decree of the President of the Republic of Uzbekistan “On additional measures to further improve the activity of courts and increase the efficiency of justice” (PD-6034, July 24, 2020), citizens have access to justice a number of important measures aimed at increasing the level of achievement, improving the quality of hearing cases in court and making impartial, fair and legal court decisions were determined and focused on implementation. In particular, courts of general jurisdiction of the Republic of Karakalpakstan, regions and the city of

Tashkent were established, the authority to review cases of administrative offenses was transferred from administrative courts to criminal courts, the administrative court system was reformed, inter-district courts were established in the regional centers, the institution of judicial review was abolished, at the stage of appointing criminal cases for trial in court, the procedure for making decisions with the participation of the parties was established, observing the principle of dispute, cases were “One court - one the procedure of review based on the principle of “instance” was introduced, as well as the structure of the Supreme Court for consideration of investment disputes and cases related to competition, and the procedure for consideration of such cases in courts of first instance was established [8].

Automatic distribution of cases among judges in the courts of appeal and cassation by the Presidential Decree “On measures to digitize the activities of judicial authorities” (No. PD-4818, September 3, 2020), by interested parties online monitoring of the process of consideration of claims, applications and complaints, about 10 interactive services, as well as the “Adolat” information systems complex were introduced. More than 814,000 economic courts, 108,000 administrative courts, and 1 million civil courts have been served through this complex. More than 600,000, more than 318,000 cases of criminal courts and 2 million cases of administrative offenses. About 800,000 court decisions were posted on the Internet [9].

In accordance with the decree of the President of the Republic of Uzbekistan “On measures to ensure the true independence of judges and increase the effectiveness of preventing corruption in the judicial system” (PD-6127, December 7, 2020). A number of measures have been determined and put into practice for the selection and appointment of suitable personnel with sufficient knowledge and life experience in the system, effective introduction of modern information and communication technologies to this process. In particular, for the first time, online coverage of the examination processes for the selection of candidates for the positions of judges has been launched via the Internet; specific criteria that ensure open and transparent evaluation of the judge's performance through electronic rating were developed and implemented; A judicial inspection was established to ensure the integrity of judges and prevent corruption; The “Excellent Judge” award was introduced [10].

In accordance with the Presidential Decree “On measures to fundamentally improve the system of financing the activities of judicial bodies” (PD-6134, January 13, 2021) it was determined that salaries and additional payments of judges and employees of judicial bodies will be fully financed from the State budget [11].

Decree of the President of the Republic of Uzbekistan “On additional measures to further expand access to justice and increase the efficiency of the courts” (PD-11, January 16, 2023) approved that a short-term strategy for bringing the judicial system to a qualitatively new level for 2023-2026, as well as a program of actions for its implementation, as well as systemic tasks, including ensuring the independence of the court and the integrity of judges, assisting in the implementation of justice formation of a corps of specialized prosecutors and specific measures to ensure the effectiveness of their activities were determined and put into practice [12].

Information on “Participation of the Prosecutor in the Courts” as a result of the adoption of the Presidential Decree “On additional measures to effectively organize the implementation of judicial activities” (PD-12, January 16, 2023) system and put it into practice, as well as complete exchange of documents by integrating the information systems of the General Prosecutor’s Office and the Supreme Court, effectively organizing the activities of the Corps of Specialized Prosecutors, digitizing the activities of judicial authorities and to ensure the timely and high-quality execution of

the tasks was achieved [13].

Such reforms in the field, first of all serve to guarantee the reliable protection of the rights and freedoms of citizens. For example, the analysis shows that in 2023, 58,418 criminal cases against 73,797 persons were considered by criminal courts in Uzbekistan, and charged items according 13,522 persons who were unjustifiably arrested by preliminary investigation bodies are excluded from the charge or reclassified. Also, 1,244 persons were acquitted and rehabilitated and 14,698 persons were released from criminal responsibility as a result of the effective use of the institution of reconciliation [14], [15].

In general, as a result of the reforms implemented in New Uzbekistan in 2000-2023 on the basis of the above decrees and decisions, the independence of judges was further strengthened, the judicial system and the principles of judicial proceedings were improved, and the quality of justice was improved and increased efficiency. Secondly, the management of the judicial system was formed, which allows to bring the court closer to the people, to solve people's legal problems in one court. Thirdly, a system was formed that serves to objectively and fairly resolve administrative-legal disputes between citizens and state bodies. Fourthly, advanced international standards and foreign experiences were widely introduced into the field. Fifth, a significant reduction of the time between the adoption of court decisions and their execution was achieved. Sixth, the guarantees of legal protection of investors' rights and legal interests have been further strengthened.

Indeed, 2023 was a special year in the history of national statehood of the Republic of Uzbekistan. Because, according to the results of the national referendum, the Updated Constitution was adopted on April 30, 2023, and for the first time, the Republic of Uzbekistan was defined as a legal state, and the norms related to the guarantees of human rights were tripled.

It should be noted that in the Updated Constitution, the guarantees of justice were strengthened by a number of norms. In particular, justice in the Republic of Uzbekistan should be carried out only by the court, the judiciary should work independently of the legislative and executive authorities, political parties, and other institutions of civil society (Article 130); In the Republic of Uzbekistan, the judicial system and the order of court activity shall be determined by law, the establishment of emergency courts shall not be allowed (Article 131); The independence of judges, their obedience only to the Constitution and the law, it is not allowed to interfere in their activities related to the implementation of justice in any way, and such interference is a cause of responsibility according to the law, judges are not accountable for certain cases. State ensures the safety of the judge and his family members (Article 136); open hearing of cases in courts (Article 137); Mandatory documents of judicial authorities for all state bodies and other organizations, officials and citizens (Article 138); It was clearly defined that the financing of the activity of the courts should be carried out only from the State budget of the Republic of Uzbekistan and that it should ensure the possibility of full and independent implementation of justice (Article 140) [2].

Also, the Constitution was strengthened with a number of other norms serving to ensure justice. In particular, the measures of legal influence applied to a person should be based on the principle of proportionality and be sufficient to achieve the goals stipulated by the laws (Article 20), no one can be imposed an obligation not specified in the legislation without his consent (Article 21.); all doubts about guilt should be resolved in favor of the suspect, the accused, the defendant or the condemned, if the possibilities of their removal have been exhausted (Article 28); it is not allowed to use the evidence obtained in violation of the law during the administration of justice (Article 29); everyone is guaranteed the right to receive qualified legal assistance, and legal assistance must be provided at the expense of the state in the cases stipulated by law (Article 29); everyone has the right

to keep their correspondence, telephone conversations, mail, electronic and other messages confidential, and the limitation of this right is allowed only in accordance with the law and on the basis of a court decision (Article 31); The persons participating in the court who do not know the language in which the court proceedings are being conducted should be provided with the right to fully familiarize themselves with the case materials and participate in the court proceedings, as well as the right to speak in the court in their native language (Article 131).

It is worth noting that the updated Constitution will serve as a foundation for large-scale and consistent measures to be implemented in the future, while bringing reforms in the field of judicial system and justice provision in Uzbekistan to a new stage.

Conclusion

The comprehensive reforms implemented in Uzbekistan have significantly enhanced the principles of justice, ensuring the independence of judges, transparency in judicial processes, and the protection of citizens' rights and freedoms. The integration of modern technologies and adherence to international standards have improved judicial efficiency, reduced procedural delays, and strengthened legal protections for both citizens and investors. With the adoption of the updated Constitution in 2023, these reforms have reached a new milestone, reinforcing justice as a cornerstone of Uzbekistan's legal and social framework while paving the way for further advancements in the judicial system.

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