



IMPROVING THE SYSTEM FOR EVALUATING THE EFFECTIVENESS OF JUDICIAL ACTIVITIES

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Abstract: This article analyzes the current state of procedures and criteria for evaluating the effectiveness of judges in the Republic of Uzbekistan and the relevance of their improvement. It examines proposals for enhancing the procedures and criteria for evaluating judges' performance, drawing on the experience of foreign countries in evaluating employee effectiveness.

Keywords: evaluation of judges' performance effectiveness, "Justice" electronic information system, judicial corps, administration of justice, evaluation criteria, quantitative analysis, qualitative analysis

From the early days of our country's independence, extensive organizational and legal measures have been implemented to gradually strengthen the judiciary, ensure its independence, and transform it from an instrument of repression and punishment, as it was in the former regime, into an independent state institution that reliably protects and safeguards the rights and freedoms of individuals and citizens.

Ensuring genuine independence of the judiciary, increasing the efficiency and prestige of courts, further improving the structure of courts and the system for selecting and appointing candidates to judicial positions, as well as the professional and career growth of judges, is inextricably linked to the openness, transparency, fairness, and publicity of activities related to their promotion and appointment to leadership positions.

In the implementation of the activities of the judicial system in the Republic of Uzbekistan aimed at strengthening justice, the rule of law and the rule of law, reliable protection of the rights and interests of the individual, ensuring the timely protection of the rights and interests of judges through the selection, training, appointment of candidates for judicial positions from among the most qualified and responsible specialists, as well as the formation of a judge corpus through the selection of suitable personnel for the nomination of leading judicial positions, is of great importance.

In this regard, the Decree of the President of the Republic of Uzbekistan dated January 28, 2022, No. UP-60 "On the Strategy for the Development of New Uzbekistan for 2022-2026," the "Short-term Strategy for Raising the Judicial System to a Qualitatively New Level for 2023-2026," approved by the Decree of the President of the Republic of Uzbekistan dated January 16, 2023, No. UP-11, and the Decree of the President of the Republic of Uzbekistan dated December 7, 2020, No. UP-6127 "On Measures to Ensure.

The Strategy for the Development of New Uzbekistan outlines seven main tasks in this priority area, in which it is important to properly organize the procedure for evaluating the effectiveness of the activities of judges in transforming the principles of justice and the rule of law into the most fundamental and necessary condition for development in our country.

Main part

At the same time, during the period of reforms implemented in the republic, one of the pressing issues is the assessment of the effectiveness of judicial activity in the judicial system, the analysis of existing regulatory legal acts in this area, the importance of their improvement, the practice of foreign countries in this area, and the possibility of applying some of them to Uzbekistan.

The Decree of the President of the Republic of Uzbekistan dated December 7, 2020 No. UP-6127 "On measures to ensure the true independence of judges and increase the effectiveness of preventing corruption in the judicial system" introduced an electronic procedure for assessing the effectiveness of the activities of judges.

The Supreme Judicial Council of the Republic of Uzbekistan in 2021 based on the analysis of the Regulation "On the Procedure for Electronic Rating Evaluation of the Effectiveness of Judicial Activity" by Decree No. 1646 of December 6, the effectiveness of the activities of judges is determined without the human factor and intervention

We can see that the 100-point evaluation system is implemented based on the main and additional criteria.

In it, the quality of court decisions, the responsibility and etiquette of the judge, as well as the judge's knowledge of foreign languages are the main criteria for evaluation. In addition, the size of the work of judges, their activity in the online forum of the judges' club, their academic degree, their participation in professional development of judges, as well as the achievement of reconciliation (agreement) of the parties in a certain case are additional criteria for evaluation.

Of course, the results of this rating are of great importance for the transition of judges to the next term, promotion, transition to another position, appointment to leadership positions and encouragement of judges.

Based on the experience of foreign countries, particularly South Korea and Japan, despite the fact that the country has a small land area and does not have many natural resources, great attention is paid to the system of effective use of human capital, which is considered the most important factor of development, in order to accelerate the country's development and have a strong economy in the global community.

Therefore, to ensure a transparent personnel system, a "Human Resource Management" department was established.

One of the tasks of this department is to provide information when appointing employees based on an assessment of their activities not only through quantitative analysis, but also through qualitative analysis.

Currently, it can be seen that data is entered into the electronic information program for evaluating the effectiveness of judges' activities by the secretary of the qualification board of judges, and the program evaluates this data based on numerical analysis.

That is, without taking into account the complexity of the work category, the criteria of the category of work, but also depending on the number of cases facing judges and the stability of court decisions in these cases, an assessment is given based on "number" analysis.

This, in turn, indicates the expediency of organizing a system for evaluating the effectiveness of judicial activity without human intervention, combining not only "quantitative" but also "qualitative" analysis.

Summary

Analyzing this international experience and the established procedure for evaluating the effectiveness of the activities of judges, it is important to introduce the following in the Republic of Uzbekistan:

Ensuring full integration of the system for evaluating the effectiveness of the activities of judges with the "Adolat" electronic information system established in courts;

Introduction of criteria for the complexity of work categories and categories in addition to the criteria introduced in assessing the effectiveness of the activities of judges;

It is necessary to ensure the integration of the system for evaluating the effectiveness of the activities of judges with the relevant interactive services of other state bodies.

The practical implementation of these proposals in the system of evaluating the effectiveness of the activities of judges of the Republic of Uzbekistan, the organization of the system of evaluating the effectiveness of the activities of judges in an impartial and transparent manner, fairness, truthfulness, without human factor and intervention, in a combination of "quantity" and "quality" analysis, will allow for an objective and fair assessment of the activities of judges.

The aforementioned opportunities will lead to obtaining information about the effectiveness of judges online, every minute, objectively and without the human factor, constant monitoring of changes in rating points by judges, as well as a significant reduction in the exchange of judicial documents in courts, accelerating the exchange of information on the effectiveness of judges' activities.

As a result, by ensuring the organization of the system for evaluating the effectiveness of the activities of judges, objectivity and transparency, fairness, fairness, without human factor and intervention, in combination with "quantity" and "quality" analysis, the selection and appointment of spiritually developed judges capable of upholding justice at the historical turning point in the new Uzbekistan, who have sufficient knowledge and life experience in the judicial system, the selection of suitable candidates for leadership positions, the replenishment of the judicial system with qualified and honest honest personnel

References:

1. Ўзбекистон Республикаси Президенти Ш.Мирзиёевнинг 2022 йил 28 январдаги “2022 — 2026 йилларга мўлжалланган янги Ўзбекистоннинг тараққиёт стратегияси тўғрисида”ги ПФ-60-сонли Фармони.
3. Ўзбекистон Республикаси Президенти Ш.Мирзиёевнинг 2023 йил 16 январдаги ПФ-11-сонли фармони билан тасдиқланган “2023-2026 йилларга мўлжалланган суд тизимини сифат жиҳатидан янги босқичга олиб чиқишнинг қисқа муддатли Стратегияси”.
4. Ўзбекистон Республикаси Президенти Ш.Мирзиёевнинг 2020 йил 7 декабрдаги “Судьяларнинг чинакам мустақиллигини таъминлаш ҳамда суд тизимида коррупциянинг олдини олиш самарадорлигини ошириш чора-тадбирлари тўғрисида”ги ПФ-6127-сонли Фармони.
5. Судьялар олий кенгашининг 2021 йил 6 декабрдаги 1646-сонли қарори билан тасдиқланган “Судьялар фаолияти самарадорлигини электрон рейтинг баҳолаш тартиби тўғрисида”ги Низом.

6. Ўзбекистон Республикаси Судьялар олий кенгашининг 2023 йилдаги фаолиятига доир Ахбороти. Тошкент-2024. 10-б. Судьялар олий кенгаши расмий сайти.
7. Каримов И.А. Мамлакатимизда демократик ислохотларни янада чуқурлаштириш ва фуқаролик жамиятини ривожлантириш концепсияси// Ўзбекистон Республикаси Олий Мажлиси Қонунчилик палатаси ва Сенатининг қўшма мажлисидаги марузаси. Халқ сўзи газетаси, 2010 йил 13 ноябр. - № 220 (5135).
8. John O.Haley., Wiley B. Rutledge.The Japanese Judiciary:Maintaining Integrity, Autonomy and the Public Trust. 2003., p 4.
9. Litigation in Korea. Litigating in Korea: a general overview of Korean civil procedure. Court system. Edward Elgar publishing Limited. 2010 y.
10. Members. Qualifications <https://eng.scourt.go.kr> Жанубий Корея Олий судининг расмий сайтидан.
11. Justices, Judges, and Court Officials other than Judges (1) Overview of the Personnel Structure <http://www.courts.go.jp> Япония Олий судининг расмий сайтидан.