



PRINCIPLES OF ENSURING JUDICIAL INDEPENDENCE AND IMMUNITY WITHIN THE FRAMEWORK OF INTERNATIONAL LEGAL STANDARDS: THEORETICAL AND PRACTICAL APPROACHES

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Abstract: This article examines the independence and immunity of judges from the perspective of international legal standards. It analyzes the principles outlined in legal instruments adopted by the UN, the Council of Europe, the European Union, and other international organizations. Key guarantees such as judicial autonomy, professional immunity, administrative and institutional safeguards are explored. The article also draws on international best practices to identify challenges in judicial activity and proposes practical solutions to address them.

Keywords: judicial independence, immunity, international standards, fair trial, judicial authority, Council of Europe, UN, institutional guarantees

Judicial reforms in our country in the field consistent with the essence of the power of the court without further improvement based on the principles of democracy receives to strengthen the independence of his institutional, increase the effectiveness of the activities of the administration of justice, citizens for justice and the rule of law and the strengthening of trust and guarantee the legal enforcement to put its provisions has a goal. In this context, effective and sustainable mechanisms of the formation of the legal state prosecutorial criminal legislation to establish an integral reliable protection of human rights and freedoms, and warranty protection of the state interests of the society as well as the priority tasks aimed at ensuring the overall security of sirasiga includes.

Strengthening the rule of law and the judicial system in uzbekistan on the basis of modern requirements of the reforming process has been comprehensive and consistent direction. This is one of the priority areas of the process is most important – the power of the court guaranteeing institutional and functional independence, as well as to achieve a high level of protection of the civil court is being lifted to the level of the fair. 2022-2026 designed to “new development strategy of uzbekistan” at the judicial sector is also identified as priorities for the improvement of the following principles: the court of the participants in the equal rights argument and discussion process (adversarial) principles provide full, gradual digitization of the court system, to eliminate excessive bureaucratic obstacles to further expansion of the capacity of citizens and businesses through appeal to the court¹. Also, the consolidation of the independence of judges, their institutions of self-government, the development of a corps of judges in the formation of reforms aimed at ensuring consistent with openness and transparency are implemented.

¹ Ўзбекистон Республикаси Президентининг “2022 — 2026 йилларга мўлжалланган Янги Ўзбекистоннинг тарақиёт стратегияси тўғрисида”ги фармони. <https://lex.uz/docs/5841063>

Assume this condition at a particular level is a responsibility not only judges, but also the need to guarantee them the powers of justice to implement legally robust distribution is noted. In this context, the true independence of the judiciary, to ensure reliable protection of constitutional rights and freedoms of citizens, as well as enough of the population to a fair trial level to ensure progress – state on further improvement of the judicial sector is one of the main priority areas of the policy. G.Kissindjer as noted, the balance between the independence of the judiciary in any state is an important guarantee of the organs of state. According to him, the court must be free from political pressure².

As it is known, of article 6 of the convention on the protection of human rights and fundamental freedoms³ and civil and political rights, article 14 of the international pact⁴, everyone is equal before the law and the court; each one put him in determining his civil rights and obligations or of any criminal charges specified in the law competent, independent and impartial court within a reasonable time, has the right to be considered fair.

At the same time, there are international standards on the independence of judges and his safety if the judge in the legal status of political importance, universal for all countries the issue of the role ensuring its safety will be stressed. Therefore, the solution is independent of the activities of judges and justice in the implementation of the active safety factor if these principles are universally recognized norms and principles of international law was backed at the level of M., and according to the teachings of china, only the right to make independent decisions by judges ta'minlangandagina the rule of law can be applied to life. Judges should be free from belonging to the organs of executive power⁵.

International standards on the independence of judges and the following main documents specified in his safety. In particular, 1998 of the year, 8-10 June “judges the status on” European of charter⁶, 1985 in the united nations Seventh Congress accepted has been “Judicial bodies of independence basic principles”⁷ and the other on the issue of the independence and immunity of judges adopted by international organizations focused on in the main document into the safety of particular importance. In particular, **the united nations basic principles on the independence of judges (1985)** at the independence of judges for ensuring the safety and international standards defines. The judges shall only be subject to the law, and judges reflected on his rules prohibited any intervention to the safety of their business⁸.

The council of europe's independence of the judges, and responsibilities related to the efficiency of charter (1998) at, while the independence of judges, their appointment and remain in the position of the stimulation mechanisms, as well as established rules relating to the responsibility of the judges⁹.

Charter of the fundamental rights of the european union (2000) independent and fair by the court's article 47 of every person is guaranteed the right to be heard, this refers to the

² Киссинджер Г. А. Дипломатия. – М.: Международные отношения, 1997. – С. 442.

³ <https://treaties.un.org/pages/showDetails.aspx?objid=080000028014a40b>

⁴ <https://treaties.un.org/doc/publication/unts/volume%20999/volume-999-i-14668-english.pdf>

⁵ Shain, M. The Rule of Law and Judicial Independence. – Cambridge University Press, 2012. – p. 102.

⁶ European charter on the statute for judges // Strasbourg, on 8-10 July 1998 // <https://rm.coe.int/090000168092934f>

⁷ Basic Principles on the Independence of the Judiciary ADOPTED. 06 September 1985. BY the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Milan from 26 August to 6 September 1985 // <https://www.ohchr.org>; <https://www.unodc.org>

⁸ <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-independence-judiciary>

⁹ https://www.venice.coe.int/WebForms/pages/?p=02_Principal_Texts&lang=EN

independence of judges and providing safety¹⁰. Judicial lawmaking and implementation hampers Kelzen the compromise between the price of the body that many mechanisms of ensuring that requires its neutral institutional¹¹.

In addition, **the un convention against corruption (2003)** and increase the efficiency of the court system in the fight against corruption at the independence and immunity of judges noted that the importance of¹² be **charter international association of judges on the independence of international judges**, the independence of judges at their appointment, the set international standards on safety and remain in his position¹³. This document defines the standards for ensuring the safety and independence of the judges of the international court helps to increase the efficiency of the system and to familiarize yourself with their content.

Adopted by the united nations in 1985, the "basic principles on the independence of judicial bodies" that focuses on the independence of judges at the court established number of important norms and safety. In particular, these international documents reflects the following principles:

- The power of the court institutional independence: judicial bodies independently from other branches of state power, should maintain functioning without external influence and interference;
- The privacy and contributors in the activities of judges: judges who rely on justice and the law in the review of the work, must be free from personal interests or individuals who make decisions without external influences;
- Judges their personal immunity: the functions they serve in the implementation of any pressure, threats and should be protected from interference;
- Court appointment and ensuring the work engine warranty: the appointment of judges, remain in position, material supply issues and benefits of the law should be established;
- Etik professional qualification and norms: legal knowledge judges shall be of high professional experience and are required to be able to high ethical quality;
- Judges of responsibility: be strict compliance with the requirements of the law in the exercise of their powers, there is the possibility of damage to the responsibility of the offense drew in the prescribed manner;
- Law judge the competence of guarantee: freely perform their professional activities, rights and decent working conditions is necessary to ensure performance.

The independence of judges and the safety of this principle, international law recognized in the basic principles of the implementation of the legal guarantee them a fair trial¹⁴.

In 1998 adopted by the council of europe, "on the status of Judges", aimed to ensure that international law and the independence of the judges on the european charter safety is recognized as one of the most important sources of. charter the main principles in the

¹⁰ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT>

¹¹ Кельзен Х. Чистое учение о праве. – М.: Статут, 2004. – С. 136.

¹² <https://www.unodc.org/unodc/en/treaties/CAC/>

¹³ <https://www.iaj-uim.org/iuw/wp-content/uploads/2013/01/International-Charter-of-Judges.pdf>

¹⁴ БМТнинг Суд органлари мустақиллигига оид асосий принциплари. Жинойтчиликни олдини олиш ва жинойтчилар билан муомала қилиш бўйича 1985 йил 26 август-6 сентябрь кунлари Миланда ўтказилган БМТ Еттинчи Конгресси томонидан қабул қилинган. БМТ Бош ассамблеясининг 29.11.1985 йилдаги 40/32-сонли ва 13.12.1985 йилдаги 40/146-сонли резолюциялари билан маъқулланган.

professional activities of judges, in particular, their independence and personal institutional, unbiased information, as well as providing guarantees the inviolability of the person defined¹⁵.

In particular, as noted in paragraph 1.6 of this document, each judge must be subject to the law of the implementation of their own activities, working without, no state should not be under the influence of bodies or officials. The essence of this norm, the judge relied on the legal basis of their conclusions only legal case, independently of the form should constitute. G in the same issue. Xart law unless they are assessed within the framework of the concept of legitimacy and the legislative, the judiciary is seen as the implementation of the rights live¹⁶.

Also, charter 3-the judges are defined as individuals who can be replaced or be replaced in their positions. The judge and the judicial bodies such guarantee to avoid the effects of the various activities will serve to ensure the true independence.

This international norms by judges fair, impartial law and legal and necessary for appropriate decisions to be made institutional the role and importance of the judiciary in a democratic state and serves as the basis will strengthen you. Rozalind Dikson is the analysis of international legal practices since the process of assigning them guarantee the independence of judges, the service period, the financial policy and the independence of the disciplinary authority that is important¹⁷.

The implementation of the rights of all parties in the justice process strictly judge prosessual in which case, his activities in any form of foreign influence, pressure or interference from completely independently be decided on the evidence and on the basis of an objective analysis of their inner confidence, must act in accordance with the requirements of law and legal consciousness.

In fact, I find the decision of the judicial activity in the society of the rule of law, explain, and ensure social justice between the citizens peace, stability and legal as focused strategic goals. Judges assigned to undertake the most important task in this process – this is to ensure justice. Therefore, the independence of the judges of the court and a fair trial institutional the power of personal freedom appears as the main condition of the implementation of activities.

At the same time, “judicial independence” and “the independence of the judge, the concept of” clearly the distinction is important. The independence of the court, first of all, the bodies in the republic of uzbekistan is carried out by the court of justice only, in this process networks to other judicial authority, public organizations is absolutely independent from political power, or means. On the other hand, the independence of the judge – the court of his powers in the case that the requirements of the law just rely on your personal or group interests, without external influences free, independent increase is characterized by done on a regular basis.

Based on the difference in the case of the above, the court system “independence” in terms of core has two significant areas:

– Institutional independence – from the organizational aspect of government as if it occurs independent of the authority of this court, the other without being subject to the government means business operation;

¹⁵ <https://www.icj.org/wp-content/uploads/2017/01/Uzbekistan-PGN%C2%B01-Publications-Practitioners-Guide-Series-2017-UZB.pdf>

¹⁶ Харт Г. Л. А. Понятие права. – М.: Логос, 1999. – С. 215.

¹⁷ Dixon, R. Constitutional Judicial Independence. // International Journal of Constitutional Law. – 2015. – Vol. 13(4). – pp. 875–902.

– Personal (individual) independence – this every court to rely on the only law, without external influence, without inner confidence and implies the possibility to decide on the basis of legal consciousness.

This is testified that the availability of the two types of independence and the constitution and the law of judicial authority to rely on only its structural element, they are no state or church office of its powers and structure are not dependent on free, independent and impartial in the form must perform.

Judicial independence from the executive and legislative authorities institutional separate, independent on the basis of available means. Thus, judges do not submit to power the network, and only should rely on their effects in his career getting to the current legislation. All state agencies, court decisions binding to follow to and them obey must.

Personal independence while special court of any kind in the form of external influences completely free without business the point of running provides. Thus, not only other state or non-state institutions and their official person, but the court his colleagues, the court system top of the tier, even the court office staff by be can that illegal effects also includes.

Judicial authority of the independence guaranteeing international from the principle come out, all state agencies, interested individuals or organizations judges by produced the decision to the effects of the show, and to them in different ways, with the pressure held absolutely control needed. Judges only to the law and its vjdoniga obey to the necessity.

The court has the power of personal (individual) the independence of the below listed basic principles through its expression finds:

– The court state bodies and their officials, the person's freedom – every judge in the execution of the executive or the local authority network in the interests serve do not, of them have a variety of wholesale see from the effects of protected be a must;

– The court of the chairman of the effects of the independence – judges their powers out in increasing the court, the chairman of the administrative guidelines or informal effects on submit does not, only the law within the framework of the activities they are carrying should;

– High court instance, represented the court independence – the above courts lower tier court out of the decision to only appeal to or control in the form of and applicable law, the requirements on the basis of the relationship to express the right has, they lower the permission of the court to the activity directly interfere does not;

– Kollegial the court's discussion of personal independence – a court in the jury take part who judges each other's views to influence did not fall, each one its own inner confidence and legal solutions on the basis of an independent decision taken be should;

– The court society, citizens, the media and public organizations from independence – judges mass information media, civil society institutions or particular individuals by pressure and no and their mind with a vision to tailor forced to is not necessary.

In this aspect, the judge of the independence of the security not only of the court of authority to genuine freedom it represents, but also in law, the rule of the principle of the real guarantee as serve will. This principle of the full implementation be carried through in society, justice, equity and legal certainty it provides.

As a conclusion, it is noteworthy that the court the independence and immunity of judicial power, fair, based on the rule of law has the function to maintain the effective functioning of the foundation. A number institutional and legal reforms in our country in this

direction have been carried out, although the experience of developed countries on international standards and the necessity of further improvement in this area remains. Out scientific and legal analysis shows that the conclusion of the judges of the independence of the legal, organizational and financial aspects warranty provisions to strengthen the prestige of the judiciary and social, along with the increase of confidence, serves to the further development of the activities of the effectiveness of the judicial system.

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