



## JUDICIAL POWER IN THE REPUBLIC OF UZBEKISTAN LEGAL MECHANISMS FOR ENSURING

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**Abstract:** This article provides a comprehensive analysis of the legal mechanisms for ensuring the independence of the judicial power in the Republic of Uzbekistan. The author examines the constitutional foundations of judicial independence, the procedure for appointing and dismissing judges, guarantees of financial independence, and mechanisms for applying disciplinary measures to the judiciary. It also examines the role of the Supreme Judicial Council, its compliance with international standards, existing problems, and ways to address them. The article is of great practical and theoretical importance in the context of the ongoing judicial and legal reforms in Uzbekistan.

**Keywords:** judicial independence, legal mechanisms, judicial council, constitutional guarantees, judicial and legal reform, Uzbekistan.

**Аннотация:** В данной статье всесторонне проанализированы правовые механизмы обеспечения независимости судебной власти в Республике Узбекистан. Автором исследованы конституционные основы независимости суда, порядок назначения и освобождения от должности судей, гарантии финансовой независимости и механизмы применения дисциплинарных мер в отношении судейского корпуса. Также рассматривается роль Высшего судебного совета, его соответствие международным стандартам, а также существующие проблемы и пути их решения. Статья имеет важное практическое и теоретическое значение в контексте продолжающихся судебно-правовых реформ в Узбекистане.

**Ключевые слова:** независимость судебной власти, правовые механизмы, совет судей, конституционные гарантии, судебно-правовая реформа, Узбекистан.

**Annotatsiya:** Ushbu maqolada O'zbekiston Respublikasida sud hokimiyati mustaqilligini ta'minlashning huquqiy mexanizmlari har tomonlama tahlil qilingan. Muallif tomonidan sud mustaqilligining konstitutsiyaviy asoslari, sudyalarni tayinlash va lavozimdan ozod etish tartibi, moliyaviy mustaqillik kafolatlari hamda sudyalar korpusiga nisbatan intizomiy choralar qo'llash mexanizmlari tadqiq etilgan. Shuningdek, Oliy sudlov kengashining roli, xalqaro standartlar bilan muvofiqligi va mavjud muammolar hamda ularni bartaraf etish yo'llari ko'rib chiqilgan. Maqola O'zbekistonda davom etayotgan sud-huquq islohotlari kontekstida muhim amaliy va nazariy ahamiyat kasb etadi.

**Kalit so'zlar:** sud hokimiyati mustaqilligi, huquqiy mexanizmlar, sudyalar kengashi, konstitutsiyaviy kafolatlar, sud-huquq islohoti, O'zbekiston.

The independence of the judiciary is a fundamental component of a democratic state governed by the rule of law. In the processes of competition and integration between states, having a fair and independent judicial system is being evaluated as a necessary condition not only for internal stability but also for international legal cooperation. After gaining independence in 1991, the Republic of Uzbekistan, consistently moving along the path of

democratic reforms, established the executive and judicial branches of power important steps in the field of separation from the executive authorities and ensuring its independence. During the reforms initiated by President Shavkat Mirziyoyev in 2016, the fundamental renewal of the judicial and legal system became one of the priority areas.<sup>1</sup> The "Action Strategy" adopted in 2017 and a number of organizational and legal changes implemented in subsequent years have created an important foundation for strengthening the independence of the judiciary. The new edition of the Constitution, adopted in 2023, further strengthened this process. Nevertheless, the legal mechanisms for ensuring the independence of the judiciary have not been sufficiently scientifically studied or systematically analyzed. In order to fill this gap, this article examines the main legal instruments ensuring judicial independence in Uzbekistan, their practical effectiveness, and prospects for improvement.

In legal theory, the concept of "judicial independence" is considered in two main dimensions: external independence and internal independence. External independence means that the court is protected from pressure from other state bodies, political parties, economic groups, and the public. Internal independence refers to the ability of an individual judge to make their own decisions independently of the influence of higher-ranking judges or governing bodies. Among international documents, an important place is occupied by the "Basic Principles on the Independence of Judicial Authorities," adopted by the UN General Assembly in 1985. This document defines the following as the main criteria for judicial independence: protection of the court from any interference, equal access to judges, guarantees for the appointment and tenure of judges, and financial independence. From the perspective of comparative law, three main models of ensuring judicial independence are distinguished:

1.the continental-European model is based on the consolidation of judicial bodies as separate constitutional bodies -France, Italy, Spain.

2.the Anglo-Saxon model ensuring independence based on common law traditions-Great Britain, USA.

3.the post-socialist model is the attainment of independence through fundamental reforms of the legal system during the democratic transition period - Poland, the Czech Republic, Uzbekistan,

The third model is characteristic of Uzbekistan, as the country is undergoing a transition from a judicial system based on Soviet ideology to one that meets modern democratic principles. This process is characterized by its complexity and multifaceted nature.

**Constitutional and legal mechanisms.** The Constitution of the Republic of Uzbekistan in its new edition of 2023 introduced a number of important innovations in the field of ensuring the independence of the judiciary. Article 106 of the Constitution established that courts are subject only to the law,<sup>2</sup> and any form of interference in their independence and the activities of judges is unlawful. This norm is a strengthened and more clearly formulated version of the previously existing constitutional provision. According to Articles 107-108 of the new Constitution, the composition and powers of the Supreme Court and the Constitutional Court of the Republic of Uzbekistan have been significantly expanded. In particular, mechanisms for ensuring the activities of the Constitutional Court have been strengthened, and the

<sup>1</sup> Regulation on the Supreme Judicial Council of the Republic of Uzbekistan. - approved by Presidential Decree No. PP-2821 dated February 21, 2017.

<sup>2</sup> Constitution of the Republic of Uzbekistan (new edition 2023). — Tashkent: Uzbekistan, 2023. - 72 p.

constitutional right of citizens to appeal has been introduced which, in turn, is regarded as an important tool for monitoring judicial independence.

The Supreme Judicial Council of the Republic of Uzbekistan was established by a presidential decree on February 21, 2017. The main task of the Council is to serve as a relatively independent body in the formation of the judicial corps, to select and recommend candidates for judges, and to resolve issues related to judicial discipline. The Council includes the Chairman of the Supreme Court, his deputies, a representative of the Prosecutor General, the Minister of Justice, legal scholars, and practitioners.<sup>3</sup> The mixed composition of the council consisting of judges, academics, and representatives of the executive branch serves, on one hand, to ensure impartiality and, on the other, to maintain the link between the judicial system and other branches of government. **Procedural mechanisms.** The publicity of the judicial process is regarded as one of the procedural guarantees of independence. As part of the reforms carried out in Uzbekistan in 2019-2023, the practice of video recording of court hearings, publication of court decisions on the Internet and information through social media was introduced. These measures will reduce instances of arbitrariness and self-interest among judges. Since 2022, the Courts Information Portal has been operational, allowing citizens and organizations to monitor information regarding their cases online. By 2024, this portal served more than one million users, which significantly contributed to increasing trust in the judicial system. The multi-level appellate system is also an important procedural tool for ensuring judicial independence. In Uzbekistan, a four-tier judicial system (district/city court, regional court, appellate court, Supreme Court) operates when considering civil, administrative, and criminal cases. This system ensures legal stability and uniformity through the oversight of lower court decisions by higher-level courts.

**Conclusion:** The analysis considered above shows that the legal mechanisms for ensuring the independence of the judiciary in the Republic of Uzbekistan have significantly developed and strengthened during 2016-2024. The measures taken to strengthen constitutional guarantees, establish the Supreme Judicial Council, improve the material support of judges, and ensure the transparency of the judicial process are yielding positive results. However, from the perspective of the methodology of social sciences, it is necessary to take into account the difference between the formal existence of legal mechanisms and their practical functioning. To bridge the gap between formal legal guarantees and practical independence, it is necessary to deepen institutional reforms, enhance legal culture, and expand international cooperation. Most importantly, judicial independence is not a one-time political decision, but a continuous process that must be reinforced in daily activities by every court hearing, every decision, and every judge. Uzbekistan's current reform path creates a real legal and institutional basis for achieving this ideal.

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