World Bulletin of Management and Law (WBML)
Available Online at: https://www.scholarexpress.net
Volume-28, November -2023
ISSN: 2749-3601

JUDICIAL REFORMS IN THE CONDITIONS OF NEW UZBEKISTAN IMPROVEMENT ISSUES

Pirimova Shokhista Tolkinovna
Tashkent State University of Economics Assistant teacher shoxista.pirimova@gmail.com
+99890 817 89 98

Article history:

Received: September 4h 2023
Accepted: October 4th 2023
Published: November 6th 2023

Abstract:

In a democratic state, the judicial power acts between the state and the citizen and serves to more effectively ensure the rights and interests of not only the individual, but also the state. It can be clearly said that the judicial power must protect the rights of citizens from any illegal actions and decisions, regardless of who they are made by, including from officials who have the power of authority, and thereby ensure the rule of law. As a body of judicial power, all types of courts are specially established state bodies - subjects of law enforcement activity. This article discusses the reforms in the judicial system in the Republic of Uzbekistan.

Keywords: Judicial Power, Republic of Uzbekistan, Judicial system, Democratic state, Rights of citizens

The reforms carried out in the years of independence in Uzbekistan served to democratize and liberalize the judiciary and increase the role and importance of the judiciary in protecting the rights and legal interests of citizens. At the same time, modern requirements and strategic priorities of the country's development required further improvement of the judicial system.

In order to implement these priority tasks, according to Article 130 of the new version of the Constitution of the Republic of Uzbekistan, justice in the Republic of Uzbekistan is carried out only by the court.

In the Republic of Uzbekistan, it is determined that the judicial power shall operate independently of the legislative and executive power, political parties, and other institutions of civil society.

The most realistic option is what is proposed: an independent expert survey. For the reasons given, it is probably the least likely to achieve its goal. Although it may succeed in making modest improvements and efficiency gains.

International criminal tribunals require territorial access, resources and political support to function effectively. As Bosco pointed out in relation to the trials for Yugoslavia and Rwanda: the approach had the value of requiring continued political support for the investigation. Powerful countries have invested time, money and leadership in creating those special courts. States that funded the tribunals offered political and even military support to enforce the judgments. Over time, this commitment paid off.

Before the eight Central and Eastern European countries fully joined the European Union in 2004, the relevant institutions in Brussels paid constant attention to the reform of their judicial system. After the fall of the communist regimes, all new constitutions of post-communist European countries have, of course, in one way or another indicated the principle of the independence of the "judiciary".

Solving the problem of establishing and implementing important standards of the rule of law has become more difficult because some technical reforms related to the judicial system have often been "parasitic" on two levels. At the external level, through the intervention of political power seeking to expand its influence; Due to the often conflicting interests of a part of the judicial elite who saw in these reforms an actual or potential attack on their functions.

Thus, replacing the old legal order turned out to be a much more difficult and complex task than it seemed at first glance. All the countries concerned faced the same type of problems to one degree or another. The two contenders for 2007, Bulgaria and Romania, are no exception. At least as far as the first is concerned, the challenges of reform are political in nature.

The Bulgarian government developed a national strategy for restructuring and reforming the entire judicial system for the legislative period 2001-2005. This reform has several goals: first, to replace the old criminal and criminal procedural codes from the communist era.

Therefore, the challenges are many and concern both the normative framework of the judicial system and the political will to implement reforms. It is important to emphasize that the intention to reform the judicial system has existed since the relative stabilization of political life in 1994, but there has never been a broad enough political consensus to implement

World Bulletin of Management and Law (WBML)
Available Online at: https://www.scholarexpress.net
Volume-28, November -2023
ISSN: 2749-3601

such a reform. In 1994, the adoption of the Judiciary Act.

D.V. No. 59 dated July 22, 1994. established the foundation of the post-totalitarian judicial system and established the Courts of Appeal, the Supreme Administrative Court and the Supreme Court of Cassation as provided for in the 1991 constitution.

This type of law has not been adopted in Estonia, for example, in 1998, the reform of the Civil and Criminal Procedure Codes established the principle of a three-stage jurisdictional system - first, appeal and cassation. However, the many legislative changes since then have never addressed the system's obvious and ongoing dysfunctions.

In 1998, the reform of the Civil and Criminal Procedural Codes established the principle of operation of the jurisdictional system at three levels - the first, appeal and cassation instances. However, the many legislative changes since then have never addressed the system's obvious and ongoing dysfunctions.

The DPS, founded at the end of 1989, is a political movement, representative, and set out to solve this problem, which all previous governments have neglected, namely: to implement the restructuring and reorganization of the judiciary, to reorganize the judiciary provide. The effectiveness, speed, transparency and impartiality of the judiciary, in particular the investigation and prosecution, establishing effective internal control against corruption, abuse of power and extortion in the judicial system, and finally, guaranteeing the independence and depoliticization of the judiciary. This government should have implemented such a reform. The action strategy presented by the government in 2002 has been somewhat delayed, mainly because it faced opposition from some members of the high-ranking judiciary.

Principles of organization and functioning of the Bulgarian judicial system. Since the fall of the totalitarian regime, one of the main principles of the Bulgarian judicial system is contained in Article 117, Clause 2 of the Constitution, which states that "the judiciary is independent." This principle is usually interpreted in two ways

In order to prepare the country for the accession to the European Union, the Bulgarian government developed a national strategy for the restructuring and reform of the entire judicial system for the period 2001-2005. This reform has several goals: first, to replace the old criminal and criminal procedural codes from the communist era.

If we look at the international level, the independence of the judicial system in Morocco in accordance with international standards is a human right. This report builds on the existing set of recommendations. It aims to contribute to efforts to consolidate the legislative reform process and is working institutionally; strengthening the independence of the judiciary and, consequently, increasing respect for human rights and the rule of law in our country is important in ensuring and protecting the rule of law in the country's judicial and legal system. Individual and institutional independence is necessary in the activity of courts.

An independent judicial body means that victims can claim. Compensation for damages, prosecution of perpetrators of human rights violations, and the right to a fair trial are the rights of every person suspected of committing a crime. In addition, by acting as a force against other authorities, courts, to ensure compliance of executive and legislative authorities with international standards related to human rights and the rule of law.

The International Covenant on Civil and Political Rights (ICCPR), to which Morocco is a party, guarantees everyone the right to a fair and just trial. It provides an opportunity to freely see and participate in public by a competent, independent and impartial court.

This is an absolute right and is not subject to any exceptions. Since Morocco is a member, it is necessary for it to carry out a decent work, and it is important to guarantee that this right is respected, as well as to provide the necessary guarantees to enable it to be implemented. Despite the constitutional guarantees of the independence of the judiciary and the separation of powers, Morocco has long failed to fulfill its obligation to ensure this. The courts are independent and not subordinate to the executive. In 2004, the Human Rights Committee (the monitoring body of the ICCPR) came to this conclusion as part of its review of Morocco's implementation of its obligations under the ICCPR. Morocco could not guarantee the independence of the court.

In general, consistent democratization of the judicial system, strict adherence to this constitutional principle, which ensures reliable protection of human rights and freedoms, occupies a central place in the reforms implemented in the field of judiciary in our country.

At the same time, in 2017-2021, the "Strategy of Actions" adopted on the five priority directions of the development of the Republic of Uzbekistan stipulates the expansion of guarantees of reliable protection of the rights and freedoms of citizens, and the increase of their use. Ensuring justice, improving the efficiency and quality of conducting court cases, further improving the system of selecting candidates and appointing judges to

World Bulletin of Management and Law (WBML)
Available Online at: https://www.scholarexpress.net
Volume-28, November -2023
ISSN: 2749-3601

judicial positions were identified as the main directions of reforms in the judicial and legal sphere.

As a body of the judicial community, the Supreme Council of Judges is called upon to help ensure compliance with the constitutional principle of judicial independence. It includes the Chairman of the Council appointed by the Senate on the recommendation of the President of the Republic of Uzbekistan and 20 members approved by the President of Uzbekistan from among the judges who make up the majority of its composition, as well as representatives. law enforcement agencies, civil society institutions and qualified lawyers. At the same time, 13 members of the Supreme Council of Judges perform their activities on a permanent basis, and the remaining eight on a voluntary basis.

The Supreme Council of Judges is entrusted with the task of forming candidates for judicial positions from among the most qualified specialists on the basis of an open and transparent competition; taking measures to prevent violations of judges' integrity and interference with their activities in the administration of justice; organization of professional training; candidates and judges communicate with the population.

Also, the Council has the authority to appoint and dismiss judges in agreement with the President of the Republic of Uzbekistan, except for the chairmen and deputy chairmen of the Constitutional Court, Supreme Court, Military Court and regional courts.

As part of the "Uzbekistan - 2030" strategy to ensure the rule of law, to organize public administration in the service of the people, and to further liberalize responsibility in the field of entrepreneurship, starting from January 1, 2024, every criminal case brought against business entities procedure for involving (reporting) the Business Ombudsman, the Chamber of Commerce and Industry, as well as other organizations of which the business entity is a member, to protect the entrepreneur from the moment the relevant official receives the materials of the criminal case for investigation and court proceedings is being introduced.

Judicial reform can be divided into three categories: realistic, ambitious and idealistic. Real options are options that do not significantly deviate from "business as usual." Ambitious options are those that require significant changes in work practices, attempts to reorient priorities and culture, or involve the creation of new mechanisms within an existing structure. Idealistic reform requires, first, the formulation of new ideas regardless of their political expediency. This category includes all reforms that require significant changes to legislation.

REFERENCES:

1. https://lex.uz/uz/docs/-6445145
2. Voir l'introduction de Krygier M. & Czarnota A. dans: *The Rule of Law after Communism*. Problems and Prospects in East-Central Europe, Dartmouth, 1998, 344 p.
3. Observations finales du Comité des droits de l'homme sur le Maroc, Doc. CCPR/CO/82/MAR, para. 19
4. https://uza.uz/uz/posts/ozbekiston-2030-strategiyasini-2023-yilda-sifatli-va-oz-vaqtida-amalga-oshirish-chora-tadbirlari-togrisida_519174