

Some Issues of Independence of Judges

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Abstract. This article discusses mutual differences, the legal basis for the independence of the judge and the independence of the court, norms that may limit the independence of the court and legislation in this direction. In particular, the report of judges to the Council of People's Deputies acting in the regions and districts is analyzed. Also in this matter, the opinion of judges and the experience of foreign countries are studied.

Key words. Interdistrict, city court, chairman, Councils of People's Deputies, independence of judges, judicial and legal system, representative body or team, obligation, article.

It is known that on the basis of the Decree of the President of the Republic of Uzbekistan of July 24, 2020 DP-№6034, while maintaining the strict specialization of judges in regional and equivalent civil cases, on the basis of courts and economic courts in criminal cases and organizing separate judicial panels on the types of legal proceedings, the courts of the Republic of Karakalpakstan, regions and the city of Tashkent were created.

In articles 37, 41, 52 and 56 of the Law of the Republic of Uzbekistan "On Courts," the Chairman of the Court of the Republic of Karakalpakstan, regional, Tashkent city court Chairman of the interdistrict, district, city court, district, inter-district, district, city economic court for criminal cases, chairman of the administrative court of the Republic of Karakalpakstan, regional, Tashkent city administrative court, as well as the chairman of the interdistrict administrative court for civil cases at least once a year submit information to the relevant regional and district Councils of People's Deputies.

From the above rule of the law it follows that the chairmen of the national courts and administrative courts of the middle level "in" and "lower bug" must annually submit information to the Council of People's Deputies.

The law also defines the content of this information. That is, the chairman of the court provides information about "the activities of the court to implement judicial protection of the rights and freedoms of citizens, as well as the rights and interests of enterprises, institutions and organizations protected by law."

In particular, article 1 of the Law establishes that "the judiciary in the Republic of Uzbekistan acts independently of the legislative and executive authorities, political parties, other public associations" (independence of the court), in article 9 independence of judges, only subordination to the law, the



assumption of any interference in the activities of judges in the implementation of justice legal consolidation that such interference cannot be allowed and entailed liability in accordance with the law (independence of a judge).

A notable party, in the second part of the article is defined: "It is not allowed to assign to judges any duties not related to the implementation of justice." In turn, the question arises. Does the judge submit information to the Council of People's Deputies related to the implementation of justice? Will the information of the chairmen of the courts be discussed or accepted for information?

Opinions of judges working directly in the judicial system also differ in this matter. In particular, Judge N. Murodov believes that the discussed duty "does not correspond to the goals established by the Constitution of Uzbekistan, does not correspond to the general basis of our reforms in the judicial and legal sphere for impartial, inconclusive, superficial, formalism and generates corruption circumstances" and emphasizes the expediency of refusing such hearings¹.

The decision of the Konimex District Council of People's Deputies, in which the chairman of the district court for criminal cases in 2022 identified a number of tasks for the subsequent execution of his information, was canceled by a protest from the prosecutor's office. The basis for this completion was the corresponding submission of the Chairman of the Supreme Council of Judges of the Republic of Uzbekistan. In this regard, by the Decree of the President of the Republic of Uzbekistan of 07.12.2020 DP-№6127, the Chairman of the Council established the submission to the prosecutor's office on the facts of violation of the immunity of judges and interference in their activities in the implementation of justice.

With regard to international experience in this matter, in Japan judges do not represent or report to any representative body or team. Their activities cannot be controlled by any structure that is not part of the judicial system².

In the United States, it is emphasized that only independent judges can legally protect human rights. In turn, they consider it important to protect the people from an excessively strong court. The risk that, with full independence, judges can change laws as they see fit is taken into account. Therefore, in the United States there is control over the activities of judges of the Supreme Representative Body. However, the judges do not provide any team with information or a report³.

In many countries where the judicial and legal system of the world is developed, the implementation of norms or order that may affect the independence of a judge will be decided through numerous discussions. In many other countries that have achieved high results in achieving the independence of the court and the court, in particular in France⁴, Germany⁵, Finland⁶, judges do not have the practice of providing such information.

In conclusion, it should be noted that increasing the authority of the judiciary in our society, ensuring the true independence of judges and only based on laws, are important the Constitution of our country

¹ <https://kun.uz/uz/news/2021/02/20/sudya-mahalliy-kengash-deputatlari-sud-raislari-axborotini-eshitishining-nafi-nolga-teng?q=%2Fuz%2Fnews%2F2021%2F02%2F20%2Fsudya-mahalliy-kengash-deputatlari-sud-raislari-axborotini-eshitishining-nafi-nolga-teng>

² japan.kantei.go.jp

³ www.uscourts.gov/judges-judgeships/about-federal-judges

⁴ <https://study.com/academy/lesson/the-judicial-branch-of-the-french-republic-purpose-powers.html#:~:text=The%20French%20judicial%20branch%20and.branch%20and%20the%20administrative%20branch>

⁵ <https://www.britannica.com/place/Germany/Justice>

⁶ <https://rm.coe.int/ministry-of-justice-department-of-judicial-administration-the-finnish-/168078f3d2>



and the laws adopted on this basis. After all, ensuring the true independence of the judiciary is one of the important conditions for building a legal democratic state and a strong civil society. When achieving these goals, ensuring the independence of the judge, it is advisable to provide the above information or cancel other obligations of this content.

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