



Reforming the Judicial System and Improving the Anti-Corruption System is the Need of the Hour

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Annotation: In this article, the reform and liberalization practice of the field of justice is expressed as the priority of the principle of "Justice" in a humane democratic legal state, and special attention is paid to the fundamental improvement of the activities of judicial authorities in our country.

Keywords: Judiciary, "Justice" principle, Judicial power, real independence of courts, "Habeas corpus", Judicial independence, legal consciousness, Ombudsman.

INTRODUCTION

The practice of judicial reforms and liberalization shows that the principle of "Justice" is a priority in a humane democratic legal state. From this point of view, special attention is being paid to the fundamental improvement of the activity of judicial authorities in our country.

It is reasonable to conditionally divide the reforms in the field of judiciary in Uzbekistan into the following six stages.

In the first stage (1991-1995) - the national strategy for the reform of the judicial system was determined and the constitutional and legal foundations were created. In the Constitution of the Republic of Uzbekistan, a special chapter is devoted to the judicial power, in which the essence of the "Judicial Power" was revealed through a number of provisions covering the principles of the organization of the judicial system and the functioning of the courts.

In addition, taking into account world experience, a Constitutional Court was established in our country for the first time.

In the second stage (1996-1999) - based on the analysis of the existing experience and legislation, measures aimed at improving the position of the legal profession were implemented in order to deepen the reforms of the judicial system, democratize the justice system, and ensure the practical equality of the prosecution and the defense during the trial.

In the third stage (2000-2004) - specialization of courts, liberalization of criminal punishments, improvement of the quality of justice, shortening of trial periods, introduction of appeal procedures for consideration of civil and criminal cases, reform of the cassation procedure, legal mechanisms for improving the enforcement of court decisions were created.

of the fourth stage (2005-2010) are to analyze and generalize the experience gained during the years of independence, to improve the legal framework for ensuring the real independence and freedom of courts, the right to life and other constitutional rights and freedoms, and strengthening the responsibility of judicial and law enforcement officials. and defined specific measures.

of the President of the Republic of Uzbekistan No. PF-3641 dated August 1, 2005 "**On the abolition of the death penalty in the Republic of Uzbekistan**" abolished the death penalty as a



type of criminal punishment and provided for the introduction of life or long-term imprisonment instead. As of January 1, 2008, the death penalty was abolished as a type of criminal punishment in the Republic of Uzbekistan, and life or long-term imprisonment was introduced instead.

The fifth stage (2010-2015). At this stage, reforms were carried out on the basis of the concept of further strengthening of democratic reforms and development of civil society in our country. Social protection of judicial system employees, introduction of modern information and communication technologies into court activities, measures to improve the regulation of investigative activities were taken.

Sixth stage (after 2016). In order to further democratize and liberalize the judicial system, increase the efficiency of the court, law enforcement and control bodies, increase the public's confidence in justice, ensure the rule of law in society and strengthen legitimacy A number of measures have been implemented.

ANALYSIS AND RESULTS

Reforms carried out in the field of judicial law in recent years can be tentatively indicated in the following *directions* :

- 1. Guaranteed protection of human rights and freedoms and development of the "Habeas Corpus" institution ;**
- 2. Organizational reforms implemented in the judicial system;**
- 3. Social protection of employees working in the judicial system.**

Necessary measures have been taken to implement specific, legal measures aimed at strengthening the independence and freedom of the judiciary.

Judicial power is a special type of power, which is different in nature from the legislative and executive branches of power. Coexistence of the judiciary with the legislative and executive powers is an important feature of a democratic state. The independent separation of the judiciary from other state structures testifies to the serious achievements of this country in implementing the principle of the rule of law, the ideas of freedom and justice in it.

The famous Prime Minister of the Seljuk Empire, **Nizamulmulk**, in his work "*Politics*" said that "*provincial governors should fulfill¹ the judgments of judges and sharia* " and pointed to the independent implementation of justice at that time.

The main task of the judiciary is to protect and protect the members of the society, their rights and freedoms, and their legal interests from the unlawful aggression of other members of the society, and the state from wrongful actions.

of the President of the Republic of Uzbekistan " **On measures to further reform the judicial system and strengthen the guarantees of reliable protection of the rights and freedoms of citizens** " The decree was adopted on October 21, 2016 . It defined the important tasks of the court, law enforcement and control bodies for the implementation of the main priorities of the state policy.

By decree, from April 1, 2017, important changes were made to the criminal, criminal-procedural, civil-procedural and other legal documents aimed at increasing the efficiency of justice. In particular, the type of criminal punishment in the form of imprisonment has been abolished, the period of detention of persons suspected of committing a crime has been reduced from **72** hours to **48** hours, the maximum periods of the application of preventive measures in the form of

¹ Nizamulmulk. Policy or siyar ul-muluk. Tashkent: Adolat, 1997. -P.47-48.



imprisonment and house arrest, as well as the preliminary investigation of criminal cases have been reduced **from 1 year to 7 months** . The institution of remand for further investigation of the criminal case was canceled.

of habeas corpus, the powers of prosecutors to sanction investigative actions such as interception and exhumation of mail and telegraphs were transferred to the courts. Courts have been given the right to use alternative preventive measures when the preventive measure of imprisonment or house arrest is refused.

The system of appointment to the post of judge was introduced for the first time for a period of five years, then for a period of ten years, and then for an indefinite period. The terms and grounds for the termination of the criminal record and the removal of the criminal record have been revised . Certain criminal elements with low social risk were removed from the crime category .

of the President of the Republic of Uzbekistan " **On measures to radically improve the structure of the judicial system of the Republic of Uzbekistan and increase the effectiveness of its activities**" Accept the Decree on February 21, 2017. Institutions, which are the body of the community of judges and help to ensure compliance with the constitutional principle of independence of the judiciary in the Republic of Uzbekistan, were established.

The concept of the judicial council in foreign countries began to be used in France at the end of the 19th century and was intended to protect the independence of the judiciary. The first modern judicial council was established in 1946 **in France** (*Conseil Supérieur de la Magistrature*). Later in 1948 **in Italy** (*Consiglio Superiore della Magistratura*) was created, but this institution started its activity in 1958, today the network of European Judicial Councils includes the Councils of 22 countries.

In order to ensure a unified judicial practice, the Supreme Court and the Supreme Economic Court were merged into the Supreme Court of the Republic of Uzbekistan, a single supreme body of judicial power in the field of civil, criminal, administrative and economic court work.

On April 4, 2018, **the Law of the Republic of Uzbekistan "On amendments and additions to certain legal documents of the Republic of Uzbekistan in connection with the adoption of measures to strengthen the guarantees of the rights and freedoms of citizens in judicial and investigative activities"** was adopted. The introduction of criminal liability for falsification of evidence and results of investigative activities into the Criminal Code has increased the responsibility of law enforcement and court officials. As a result of these reforms, the use of testimony obtained under various duress as evidence was put an end. In the consideration of court cases, it is based only on the evidence that has been carefully examined and confirmed in the course of the judicial investigation.

of the President of the Republic of Uzbekistan dated January 6, 2019 "**On measures to prepare candidates for judicial positions, retrain judges and court staff, and fundamentally improve the system of their professional development**", the Higher School of Judges was formed under the Supreme Council of Judges of the Republic of Uzbekistan.

on January 14, 2019 "**On Protection of Victims, Witnesses, and Other Participants in Criminal Proceedings**" established legal guarantees for the protection of life, health, and property of victims, witnesses, and other participants in criminal proceedings. Since 2020, judicial control over the inquiry and preliminary investigation process has been established.

For this purpose, state bodies, other institutions and private individuals should refrain from putting pressure on judges to make certain decisions. In this regard, the President's proposal to limit the practice of recalling and studying court decisions by the prosecutor's office, that is, to determine



that the prosecutor can study the court decision only if a complaint is received, will serve to strengthen judicial independence.

In the Republic of Uzbekistan in 2020, reforms in the field of justice and the liberalization of criminal punishments were consistently continued. As the President noted, **74 percent** of convicted persons were sentenced to non-custodial sentences this year.

616 citizens who are serving their sentences and who are firmly on the road to recovery have been pardoned. As a result of ensuring the independence of the courts, **719** citizens were acquitted this year.

According to the Decree of the Republic of Uzbekistan dated July 24, 2020 "**On additional measures to further improve the activity of courts and increase the efficiency of justice**" further expansion of digitization in the judicial system was envisaged. In addition, according to the decision of the President of the Republic of Uzbekistan "**On measures to digitize the activities of judicial authorities**", today it is envisaged to exchange information with about **30** ministries and agencies, to integrate their information systems, and to put an end to conducting cases in paper form. . In addition, it is necessary to accelerate work on expanding the type of interactive services provided by courts to citizens and entrepreneurs. Now it is planned to create an opportunity for our citizens to apply **online without coming to the court**. Also, citizens will be able to remotely monitor the process of reviewing their applications.

The priority of the human factor in Uzbekistan shows the need to continue the work on the wide application of the humanitarian principle in the system of execution of punishment. Reduction of penal institutions, that is, reduction of 25 correctional facilities, will be a priority in this regard. At the same time, the authority to introduce a submission on commutation of the sentence with a lighter one and conditional release will be transferred from the penal institutions to the newly established **humanitarian commissions**. Probation control is used in many European countries such as **Denmark, Norway, Sweden, and Germany**.

The need to radically improve the system of prevention of torture in the field of rapid search, investigation and execution of punishment arose from appeals and objections of citizens regarding the existence of serious deficiencies in the field. This situation has a negative impact on the international reputation of our country.

The goal of ensuring that Uzbekistan enters the world's **50 leading countries** in the field of human rights and freedoms according to international rankings and indexes was strengthened **in the National Strategy of the Republic of Uzbekistan on Human Rights**. In particular, measures are being taken to improve institutional mechanisms for the prevention of torture against individuals. The issue of the Republic of Uzbekistan joining **the Optional Protocol of the UN Convention against Torture** is being resolved positively.

One of the goals of our country is to improve the organizational and legal mechanisms for the protection of the rights of persons serving prison terms in places of deprivation of liberty, including regular training of penitentiary institutions.

"monitoring visits" will be launched by the Ombudsman every quarter together with the representatives of the public. This practice is rare in the world and is a unique know-how of Uzbekistan. After that, the practice of hearing the report of the Ombudsman on the prevention of torture was established every year.

The economic development of any country requires the continuous attraction of investments, especially foreign investments, and the necessary legal conditions for this. Effective organization of investment activities also depends on its level of legal protection. Therefore, in recent years, special



attention has been paid to directing foreign investments to priority projects, and new institutions are being introduced. In order to ensure the freedom and development of investment activity, it is important to strengthen its legal basis. Now mechanisms are being introduced to resolve disputes related to business activity with **investors** by applying to the Supreme Court at will.

CONCLUSION

In recent years, some eases have been introduced in the issue of granting citizenship of the Republic of Uzbekistan as a guarantee of human rights and freedoms. The new version of the Law "On Citizenship of the Republic of Uzbekistan" was adopted on March 13, 2020.

The following innovations were introduced in the law:

identification of citizens of the Republic of Uzbekistan who are permanently living abroad and do not have a permanent consular account;

to determine the fact of acceptance of the citizenship of the Republic of Uzbekistan as a result of knowingly providing false information or forged documents;

identification of citizens of the Republic of Uzbekistan who have voluntarily acquired the citizenship of a foreign country;

to identify the citizens of the Republic of Uzbekistan who acquired the citizenship of a foreign country by birth or on the basis of the citizenship of their father or mother, who is a citizen of a foreign country, at the age of minors.

In particular, as a novelty in the law (Article 6), the procedure for recognizing the citizenship of the Republic of Uzbekistan for a stateless person was established. A person who entered the territory of the Republic of Uzbekistan before January 1, 1995 and passed permanent registration, who did not receive the citizenship of a foreign country and who was stateless before the entry into force of this Law, and who lives in the Republic of Uzbekistan on the basis of a residence permit, shall be recognized as a citizen of the Republic of Uzbekistan. Also, the grounds for recognition of a child whose parents (single father or mother) are citizens of the Republic of Uzbekistan as a citizen of the Republic of Uzbekistan were shown. This with 50 thousand from person more than to individuals fu black get opportunity was created .

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