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**JUDICIAL REFORMS AND ENSURING AN INDEPENDENT JUDICIARY:
THE EXPERIENCE AND PRACTICAL OUTCOMES IN UZBEKISTAN**

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Abstract: *This article analyzes the reforms aimed at modernizing the judicial system in the Republic of Uzbekistan, strengthening the independence of courts, and protecting the rights and legal interests of citizens. The study examines reforms implemented over the past four years in the judicial sphere, the introduction of new institutions, the transparency of court operations, procedures for handling criminal and economic cases, as well as issues of gender equality and the practical outcomes of judicial reforms. The article is supplemented with practical examples, statistical data, and international experiences.*

Keywords: *independent judiciary, fair trial, judicial reforms, citizens’ rights, Uzbekistan, criminal procedural legislation, gender equality*

Recent reforms in Uzbekistan’s judicial system have been aimed at strengthening judicial independence and ensuring justice. In this context, the President’s Address to the Oliy Majlis on December 29, 2020 emphasized the importance of upholding the rule of law and improving the judicial system, outlined the results achieved, and identified priority tasks for the future. According to the Address, over the past four years, more than 40 laws, decrees, and resolutions have been adopted to reform the judiciary, highlighting the judiciary’s decisive role in ensuring justice and the rule of law. These measures reflect the ongoing need to strengthen judicial independence, enhance its authority, and reliably protect citizens’ rights and freedoms.

The term “**court**” (derived from the Slavic word meaning “case”) refers to a state body responsible for administering fair justice. Courts resolve criminal, civil, administrative, and other categories of cases in accordance with the procedural rules established by the state. They consider disputes between private individuals, between individuals and state bodies, enterprises, institutions, organizations, or public associations. Courts protect the rights and freedoms of citizens, as well as the legally protected rights and interests of legal entities, including companies, institutions, and organizations.

The judicial system in present-day Uzbekistan has a rich historical heritage rooted in centuries of statehood. Historically, courts were guided by cultural traditions, moral principles, and extensive life experience, and their decisions were respected, authoritative, and binding for all. For nearly thirteen centuries, Uzbekistan had the **Qazi courts**, which

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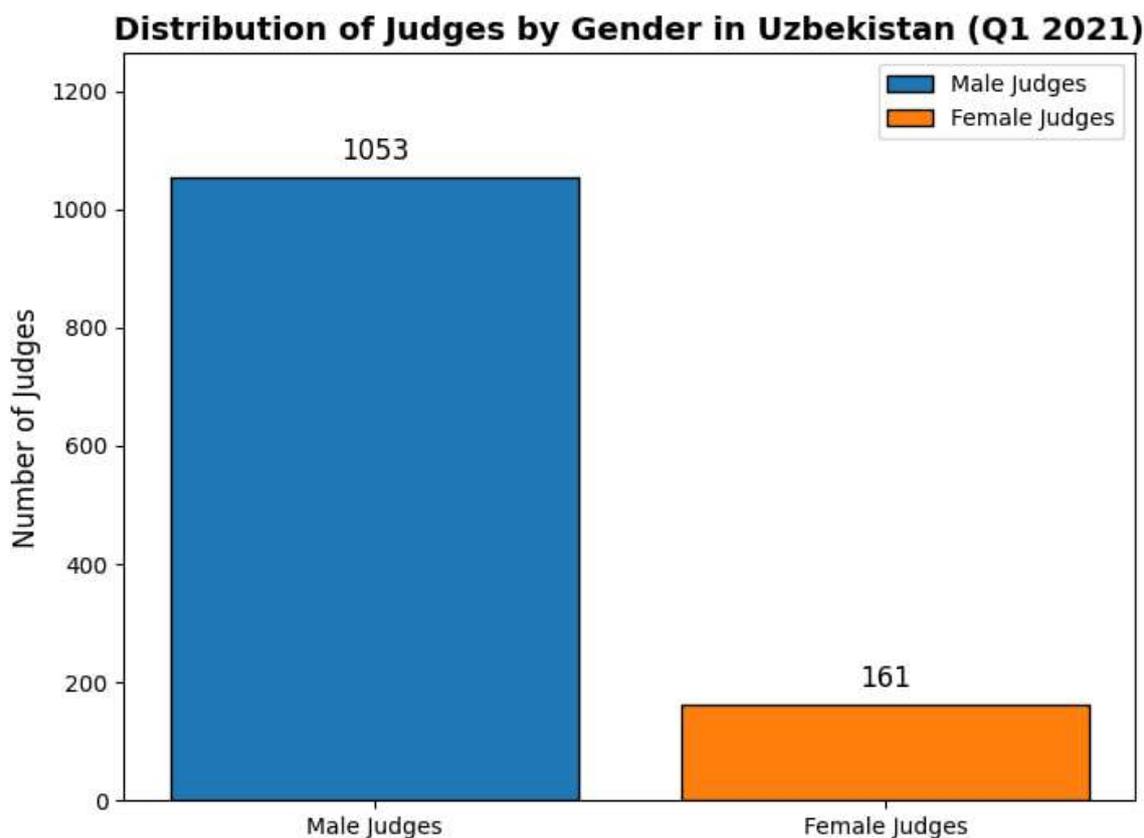
applied Sharia law, alongside **Biy courts**, which relied on customary law and traditions to make decisions.

The term of office for judges has been established as an initial five years, followed by ten-year terms and, subsequently, life tenure. Judges are granted authority to independently resolve financial, material, and technical matters, which are now under the jurisdiction of the Supreme Court. Furthermore, the institution of sending criminal cases back for additional investigation has been abolished, with judicial decisions now required to be based solely on evidence and legal grounds. Torture, psychological and physical pressure, and other forms of coercion are strictly prohibited, thereby ensuring that judicial decisions are impartial and fair.

New mechanisms have been introduced in judicial proceedings. In criminal cases, the institution of preliminary hearings, the practice of conducting cases in mobile court sessions, and the reduction of pre-trial detention periods as a precautionary measure serve to more effectively protect human rights. The selection mechanism for judicial candidates is implemented through online examinations and a competitive basis, which facilitates the formation of a highly qualified and professional corps of judges and improves the training quality of court staff. In this way, the transparency, impartiality, and fairness of court activities are being aligned with international standards.

Fundamental principles in judicial proceedings have been reinforced. An independent court operates solely in accordance with the procedure prescribed by law, and interference by other state bodies, officials, or public associations is strictly prohibited. According to the principle of fair trial, judicial decisions are made solely on the basis of evidence and legal norms. The adversarial principle and equality of the parties are ensured, contributing to a fair and balanced court process. Principles such as the language of proceedings, immediacy, and transparency enhance citizens’ ability to access the courts and effectively protect their rights. The binding nature of judicial decisions ensures their enforcement and strengthens the practical authority of the judiciary.

Gender equality within the judicial system is also given significant attention. The share of female judges in Uzbekistan is steadily increasing: in 2019 there were 149 female judges, in 2020 – 157, and in the first quarter of 2021, women constituted 15.3% of the total number of judges. In the Supreme Court, female judges account for 31.25%, reflecting significant progress toward gender equality. Additionally, a system has been established allowing individuals to appeal against decisions of state bodies and officials. For example, between 2019 and 2020, administrative courts reviewed 31,321 applications, of which 21,272 were satisfied, and 2,852 decisions of local governors were annulled.



One of the priority directions for further development of our country is the consistent democratization of the judicial system and ensuring strict adherence to the constitutional norms regarding the independence of the judiciary. Over the past years, comprehensive measures have been implemented aimed at establishing the judiciary as an independent and separate branch of power, transforming it from a historically punitive institution into a genuinely independent state body that protects human rights and freedoms and guarantees reliable legal protection. These measures include improving the procedures for the selection and appointment of judges and ensuring that every case is resolved with lawful, well-reasoned, and fair judicial decisions.

In particular, the High Council of Judges of the Republic of Uzbekistan was established, the Supreme Court of the Republic of Uzbekistan as the sole highest judicial authority was organized, administrative courts were created, and the system of appointing (electing) judges for a lifetime term was introduced. At the same time, an analysis of the activities of judicial authorities revealed several problems and shortcomings that hinder the effective implementation of their responsibilities. Notably, the interaction between courts and the public as well as the media remains unsatisfactory, which limits the proper coverage of judicial activities and leads to a decline in public confidence in the judiciary.

Therefore, the modern requirements for national development and strategic priorities necessitate further improvement of the judicial and legal system.

The Decree of the President of the Republic of Uzbekistan “On Measures to Further Reform the Judicial and Legal System and Strengthen Guarantees for the Reliable

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Protection of Citizens’ Rights and Freedoms” has qualitatively advanced state policy in this area and outlined three main priority directions:

- Ensuring the genuine independence of the judiciary;
- Strengthening guarantees for the reliable protection of citizens’ rights and freedoms;
- Increasing the level of fair justice.

Implementing these priority directions facilitates the democratization and liberalization of the judiciary, enhances its role and significance in protecting citizens’ rights and legal interests, and provides solutions to the aforementioned problems.

Foreign experience serves as an important source for the development of Uzbekistan’s judicial system. In Germany, economic courts operate independently, their decisions are always well-founded, and proceedings are conducted in strict accordance with established procedures. In France, cases are heard in open sessions, legal protection is guaranteed, foreign law is applied in practice, and judicial proceedings are conducted through electronic systems. In Russia, emphasis is placed on procedural equality and adversarial proceedings; judges are independent, and decisions are published on the official website. In Kazakhstan, cases are considered quickly and impartially, and all proceedings are managed through a unified electronic system.

This international experience allows Uzbekistan to use these principles as a foundation for implementing judicial independence, equality of parties, transparency, adversarial proceedings, and directness in its courts.

Taking international practices into account, Uzbekistan is modernizing its judicial system through digitized court proceedings, the training of qualified judges, the improvement of the activities of economic courts, and alignment with international standards. At the same time, the reasoning and execution of court decisions are ensured, and the rights and lawful interests of citizens are effectively protected.

CONCLUSION

As a result of reforms in the judicial system of Uzbekistan, judicial independence has been strengthened, and guarantees of fairness and transparency have been established. New institutions for hearing criminal and economic cases, such as preliminary hearings and plea agreements, ensure the impartiality of proceedings and equality of parties. Positive results have been observed in terms of gender equality, and public confidence in the judiciary has increased. By relying on international experience, Uzbekistan has aligned its judicial system with international standards, and the introduction of digitized court processes has improved efficiency. These reforms are of strategic importance in protecting citizens’ rights, ensuring impartial judicial decisions, and upholding the rule of law.

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