

Reforms in the Field of Further Expansion of Access to Justice in Uzbekistan and Improvement of the Efficiency of the Courts

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ANNOTATION: Today, the reforms of the judicial system in Uzbekistan include priority tasks such as glorifying human dignity, ensuring the rights and freedoms of citizens, and legal interests. This article analyzes the decree “On additional measures to further expand access to justice and increase the efficiency of the courts” adopted by the President of the Republic of Uzbekistan on January 16, 2023. Also, in this article, within the framework of the new decree, the content of the new reforms regarding the full digitization of court activities in Uzbekistan and the introduction of artificial intelligence technologies in their activities, the improvement of interdepartmental electronic information exchange, and the expansion of opportunities for remote participation in court sessions have been revealed.

KEYWORDS: rule of law, reforms, human rights, freedoms, justice, court, public interest, government.

INTRODUCTION

At the new stage of development of Uzbekistan, reforms are being implemented in the country to ensure the rule of law and improve the judicial and legal sphere. Especially in recent years, the reforms implemented in the judicial and legal sphere are improving in terms of their scope and quality. The main goal of such reforms is reflected in the following reforms:

First, to ensure human rights and freedoms. In this regard, significant reforms were implemented in Uzbekistan in the following years. In particular, strict liability has been established for the use of information obtained in an illegal way as evidence in the prosecution of a person. In the judicial system of the Republic of Uzbekistan, special attention is paid to the fact that the main purpose of the punishment applied to the guilty persons is their re-education. According to the decree of the President of the Republic of Uzbekistan dated November 30, 2017 No. PF-5268 “On additional measures to strengthen the guarantees of the rights and freedoms of citizens in judicial and investigative activities” [1] it was established that torture, mental and physical pressure, and other inhuman violence against persons arrested and brought to criminal responsibility in Uzbekistan are absolutely unacceptable.

Second, access to justice. In order to achieve this, it is noteworthy that the professional skills and culture of every judge in the country have increased, and in any case, they work based on the principles of law, justice and humanity. Therefore, attention is paid to the fact that every decision made by the courts is, first of all, fair, legal and reasonable, and citizens’ confidence that justice will be decided in any case is getting stronger.

Thirdly, to improve the activities of law enforcement Agencies. In this regard, the Laws of the Republic of Uzbekistan “On Courts”, “On the Prosecutor’s Office”, “On Internal Affairs Agencies”, “On the State Security Service of the Republic of Uzbekistan” are in force.

DISCUSSION

Today, the development strategy of New Uzbekistan for 2022-2026 serves to make the principles of justice and the rule of law the most basic and necessary condition for development in the country. In particular, among the tasks set within this priority direction, there is the task of ensuring the true independence of the judiciary, increasing the authority of the court, democratizing and improving the judicial system. In this regard, on January 16, 2023, the President of the Republic of Uzbekistan adopted Decree No. PF-11 “On additional measures to further expand access to justice and increase the efficiency of the courts” [2].

On the basis of this decree, in addition to ensuring the independence of the judiciary in Uzbekistan, as well as ensuring openness and transparency in the activities of the courts, it was determined that the guarantee of protecting the rights and legal interests of citizens and entrepreneurs will be further strengthened. In accordance with the decree, within the short-term strategy of bringing the judicial system to a qualitatively new stage for 2023-2026, the priority tasks of ensuring justice were determined. Achieving these goals requires the effective implementation of several tasks. Such tasks include the following:

First, to form a truly fair judicial system based on the idea of “For human dignity” in the society, and to direct court activities to effective protection of the public interest and human dignity;

Second, to strength the confidence of the people, including entrepreneurs, in the judicial system through the adoption of fair court decisions, the task of achieving that every person in the country sees his reliable defender in the form of courts and judges;

Third, to create all opportunities for citizens and businessmen to protect their rights and legal interests in courts, to fully implement the principles of dispute and equality of parties in court proceedings, to improve legislation aimed at ensuring the impartiality of courts in practice;

Fourth, full digitization of court activities in Uzbekistan and wide implementation of artificial intelligence technologies in their activities, improvement of inter-departmental electronic information exchange, expansion of opportunities for remote participation in court sessions;

Fifth, to strengthen guarantees of independence and integrity of judges, to create effective mechanisms to prevent cases of contempt of court and unjustified interference in court proceedings;

Sixth, to ensure the strict execution of court decisions, and in order to achieve this, to increase the responsibility of state bodies and local governments;

Seventh, to form a culture of high treatment among judges and court employees, thereby forming a sense of approval from the court, and ultimately from the state, in every citizen and entrepreneur who applies to the court [2].

According to this decree, it was decided to adopt the following laws:

First, to cancel the procedure for sending the case to lower courts by the courts of higher instance for a new view of the case and impose on them the responsibility of making a final decision on the case;

Second, determining that the conduct of operational search measures against the judge is allowed only on the basis of the sanction of the Prosecutor General.

Moreover, the decree approved the action program for the implementation of this strategy, and it was confirmed that the Supreme Court, the Supreme Council of Judges, the Prosecutor General, as well as the

heads of responsible ministries and agencies are personally responsible for the timely and complete implementation of the activities provided for in the Action Program.

RESULTS

The Supreme Court, together with the State Security Service, the General Prosecutor's Office, and the Ministry of Justice, in order to create a convenient and simplified procedure for citizens to check whether court decisions on criminal cases are legal, reasonable and fair:

- revision of cases seen in the first instance by inter-district, district, city courts in the regional and equivalent courts in the order of appeal or Cassation;
- revision of cases seen in appeal or Cassation order by the region and the equivalent courts in the revision procedure in these courts;
- revision of cases seen by the province and its equivalent courts in revision order in the Supreme Court's judicial boards;
- overturning the procedure of sending the case to the lower courts for a new hearing by the higher courts and giving them the responsibility of making a final decision on the case.

In addition, the structure of the Supreme Court is being improved within the existing states, and the following are being established:

1. On the basis of the Department of Legal Analysis, the Department of Legal Analysis;
2. Information and communication monitoring - Situation center;
3. Center for Cooperation with the Public on the basis of the Department of Cooperation with the Public and Media.

The following are the main tasks of Center for Cooperation with the Public on the basis of the Department of Cooperation with the Public and Mass Media in the Supreme Court and the press services of the lower courts:

- provide regular, complete and prompt information about court activities through media and social networks;
- constant monitoring of the information space and prompt response to critical and widely discussed information attacks [2].

Moreover, according to the decree, measures to improve the participation of prosecutors in courts were determined. In particular, relevant departments of the General Prosecutor's Office, regional and district prosecutor's offices have been designated as a corps of prosecutors specialized in assisting in the administration of justice. Based on this, the following effective measures were established to ensure the effectiveness of the specialized prosecutor's corps:

1. The fact that the employee is independent in presenting his opinion to the court on the issues of supporting, changing, abandoning the state accusation (civil lawsuit), applying the norms of the Criminal Code to the defendant, assigning the type and standard of punishment;
2. It is forbidden to interfere with the activities of the corps of specialized prosecutors, and the approval of the Deputy Prosecutor General is required for the rotation of the corps employees;
3. Establishment of specialized prosecutors' corps and advisory councils consisting of experienced employees who have worked in other areas for many years in each regional prosecutor's office.

CONCLUSION

In short, within the framework of this decree, the program of actions for the implementation of the short-term strategy of bringing the judicial system to a qualitatively new stage in Uzbekistan for 2023-2026 will begin a new period of reforms in the judicial system. Especially in country, in order to ensure the true independence of judges, any interference in their work is strictly punished, and the state creates all the conditions for judges to work without worry, which is a big innovation in this field. So, this decree undoubtedly serves the guaranteed protection of human rights and freedoms by ensuring the priority of law and justice in the society.

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