

Main Objective Further Reform of the Judicial System of the Republic of Uzbekistan - Strengthening the Protection of Human Rights and Freedoms

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Abstract: *This article was prepared on the basis of Presidential Decree "On measures to further reform the judicial system, strengthening guarantees protection of the rights and freedoms of citizens." It outlines the main priorities of state activity.*

Keywords: reform of the legal system, protection of the rights, freedoms, the Constitution of the Republic of Uzbekistan.

The Republic of Uzbekistan since the first years of independence is experiencing a period of formation of a lawful state. World practice shows that it is a long and rather complex creative process that requires fundamental changes in key areas of public and social life. One of the directions of formation of the rule of law is to reform the judicial system.

The Constitution of the Republic of Uzbekistan, the priority of securing individual rights, equality of the parties, defined the main directions of the revision of the entire criminal justice concept. In the framework of judicial reform put the priority of human and civil rights, the primary task of the judicial authorities recognized their protection and an effective remedy. Conducted since independence reforms have contributed to the democratization and liberalization of judicial-legal sphere, increasing the role and significance of the judiciary in the protection of rights and legitimate interests of citizens.

At the same time, modern requirements and the strategic priorities of the country's development requires further improvement of the judicial system.

October 21, 2016 signed by the President of the Republic of Uzbekistan Decree №PF-4850 "On measures to further reform the judicial system, strengthening guarantees reliable

protection of the rights and freedoms of citizens." This decree marked the transition of the state policy in this sphere to a qualitatively new level, identifying the following three core priorities: ensuring genuine independence of the judiciary; strengthening the guarantees of protection of the rights and freedoms of citizens; improving access to justice. Within the framework of the implementation of this decree will be changes and additions to the Constitution of the Republic of Uzbekistan, the Criminal, Criminal Procedure, Civil Procedure, the Economic Procedural Code and a number of other legislative acts.

The independence of judges and the judiciary is guaranteed by the Constitution or attached at the highest legal level of the state. But there are attempts to interfere in the organization of the courts deal with specific legal cases, obstruction of justice by the courts, pressure on judges through threats, blackmail and other illegal action.

Judges must be independent from any external attacks, and they must resist any outside influences.¹ Only a qualified and professional judge who conducts his affairs without undue interference from the side, based on the current legislation, can guarantee the formation of justice in the legal system of relations at this point

¹ Akulinicheva O.S. Independence of the judiciary // Young scientist. -2015. -No. 3. P. 615-617.

regardless of other factors. Herself as a practicing lawyer, I can say with confidence that there is an influence on the judge by law enforcement agencies. For example, in one criminal case a judge unreasonably deviated each claimed the protection of the petition. According to Art. 167 of the Criminal Code, one examination was done. The court declared an informed and reasoned request for a retransmission, an additional examination, as had every reason to believe that the investigation established the material damage to the state is clearly overstated. This was facilitated by a request by the prosecution that the accused's guilt was fully proved, and of any legal action is inappropriate.

Election of judges for an indefinite period is a normal practice, and in general - is the Council of Europe standards. After all, the judge must be independent. Almost all judges appointed permanently in the western democracies. As a rule, there are no situations in which the political body in the midst of a career judge decides to pursue his refereeing or not. This ensures the independence of the judge - if he has already been appointed, then no one will be able to fire, except, of course, in those cases provided by law - the desire to judge to resign, disciplinary violations, health, etc. In accordance with the Decree in order to ensure genuine independence of the judiciary, increasing the prestige of the profession, the formation of highly qualified and well-functioning judiciary for the first time reviewed the terms of judges authority.

So, put the order, providing for appointment (election) of judges for an initial five years and the next ten-year period, and subsequently for an indefinite period of tenure.

Input changes are fully in line with international standards and best practices of developed democracies.

In accordance with the Decree of the President of the Republic of Uzbekistan dated August 31, 2006 № PP-458 "On measures to further improve the work of the Department on execution of court decisions, logistical and financial support of the courts under the Ministry of Justice of the Republic of Uzbekistan" and according to the instructions of January 12, 2007, "on the safety of ships the order of trials and

participants" to date, all courts of the Republic of Uzbekistan building is guarded by employees of law enforcement bodies. They are equipped with burglar alarms, CCTV, fire, alarm communication buttons. In order to ensure the personal safety of judges issued their firearms on the list, respectively, determined by the Chief Justice, the Chairman of the Supreme Economic Court, the Minister of Justice of the Republic of Uzbekistan. Where appropriate, by order of the chairman of the relevant court authority of the Interior to the judge and his family with an armed guard. However, the problem of security of judges is still very relevant. Outside the court buildings of life and health of judges are in danger. Security, which may ask the judge in the case of threats, stands out for a few days before the trial ends.

In order to implement these priorities, the most important tasks of judicial, law enforcement and regulatory bodies are determined:

- to ensure strict compliance with the provisions of Article 112 of the Constitution of the Republic of Uzbekistan on the independence of judges, their subordination only to the law and the principle of inevitability of punishment for interfering in the work of judges in the administration of justice;

- protection of the rights and legitimate interests of citizens, to take all necessary measures on the facts of abuse, avoiding red tape and violations of the order of consideration of appeals of individuals and legal entities;

- ensuring openness and transparency through the timely bring relevant information to the public, increase the efficiency of interaction with civil society, the media and the public;

- identify and address the causes of systemic deficiencies and irregularities by improving enforcement and the legislation in force, the implementation of the work of the advanced scientific and technical resources and information and communication technologies;

- strengthening of institutional control, prevention, prevention of abuse and other offenses among employees, quality improvement personnel, the introduction of modern personnel selection mechanisms for hiring the most qualified candidates.

Along with this, the Decree from April 1, 2017 introduced a number of changes in criminal law, criminal procedure, civil procedure and other legislation aimed at improving the efficiency of the administration of justice with a view to ensuring the priority of human rights and freedoms strengthen the guarantees to a fair and timely trial, justice and humanity of punishment.

In particular, it abolished criminal penalties in the form of arrest with the increasing use of alternative forms of punishment, not connected with imprisonment. Thus, the system of criminal penalties eliminated one of the most stringent measures of influence that is the logical continuation of the policy on the liberalization of criminal penalties, broad application of progressive forms and methods of aftercare to offenders.

Within the framework of strengthening the legal safeguards for the protection of the rights and freedoms of citizens in the criminal process, improve the efficiency of criminal investigations term detention of persons is reduced, suspected of committing a crime from 72 to 48 hours (art. 226 Criminal Procedure Code of the Republic of Uzbekistan).

Deadlines for application of preventive measures in the form of detention and house arrest and preliminary investigation of criminal cases are reduced from 1 year and 7 months.

The introduction of these measures will ensure, on the one hand, the protection of citizens against cases of unjustified restriction of their freedom, on the other hand, increasing the responsibility and efficiency of the bodies of inquiry and investigation.

In the Republic of Uzbekistan such procedural coercive measures as detention, placement of a person in a medical institution and removal from office applied for court approval. As part of the further expansion of the application of the institute of "Habeas Corpus" powers to authorize prosecutor's investigative actions such as the arrest of the postal and telegraph and the production transferred to the exhumation of the competence of the judiciary.

These changes are fully in line with the Constitution, generally recognized principles and norms of international law, which establishes that

the individual rights and freedoms are inviolable and no one may, without a court to deprive or limit them.

In addition, the court granted the possibility to apply alternative measures of restraint in the event of a failure in the application of a preventive measure in the form of detention or house arrest.

Of particular note is such an innovation as the abolition of the court Institute returning criminal cases for further investigation aimed at improving the efficiency and quality of justice, by eliminating unnecessarily delaying the timing of final decision on the case and the role of courts in criminal proceedings.

Introduced a measure to reduce from 3 years to 1 year period during which the possible revision of a judgment in a civil case in order of supervision, designed to ensure the sustainability of civil legal relations, protection of rights and legal interests of participants of the civil process.

In order to improve the operation of the law review of the system and the validity of judgments, as well as eliminating unnecessary intermediate bodies that affect the timing and quality of the judicial process, the Decree provides for the elimination of duplicate instance on the revision of the courts of the regional-level civil and criminal cases in the order of supervision, with the exception of the relevant authority presidents of courts and prosecutors to lodge a protest in order of supervision.

Along with this, eliminated duplicate the powers of the Plenum of the Supreme Court to hear cases of supervision.

Eliminating unnecessary and redundant instances will prevent cases of repeated examination of cases of the same supervisory authority, to ensure the stability and finality of judicial decisions and, consequently, increase the level of public confidence in the courts.

The decree also provides for the establishment of commercial courts in the system of the regional courts of appeal, which aims to eliminate the powers of regional economic courts on the revision of their own making.

Especially relevant provisions of the Decree determining the strengthening of independence of the judiciary framework, is the transfer of the

Supreme Court of the Republic of Uzbekistan functions and powers of the judicial authorities of logistical and financial support of the courts of general jurisdiction.

This measure creates an additional guarantee of independence of courts and non-interference in their activities.

Along with this, the Decree of the Supreme Court, Supreme Economic Court, the General Prosecutor's Office and other concerned agencies mandated to July 1, 2017 based on the study of foreign experience to prepare reasonable proposals for: improving the system of training judicial and prosecutorial personnel and leadership training; strengthen the legal protection of minors in legal proceedings, the liberalization of criminal penalties, as well as the rescheduling and repayment basis and remove criminal records; expansion in the criminal proceedings the institute of reconciliation in view of its compliance with such age-old traditions of the Uzbek people as kindness and mercy. This rule will free from criminal liability sincerely repentant, and to make amends for the harm citizens in conflict with the law; decriminalization of certain offenses that do not pose great danger to society; expand the list of crimes for which the criminal case is made solely at the request of the victim; improve the quality of the administration of justice through the introduction of modern forms and methods of electronic proceedings and enforcement proceedings, advanced mechanisms to ensure access to justice. The implementation of the initiative will serve to improve the efficiency of the judicial activity, as well as the consistent realization of the principles of openness, transparency and access to justice for the society, in full compliance with the requirements of the present stage of development of the republic within the framework of the law "On e-government."

In addition, in order to enhance the role of the legal services of state bodies in ensuring the rule of law and the effective implementation of the ongoing reforms in the country, provides for specific measures to further improve their performance.

For the implementation of the identified priorities and practical implementation of new rules approved by the Decree of the program of comprehensive measures, providing for the implementation of 45 specific actions for the 8 most priority areas of development of the judicial system.

With a view to continuous improvement, and strengthening the system of protection of the rights and freedoms of citizens, based on generally accepted international standards is planned to adopt special laws, including the laws "On the protection of victims, witnesses and other participants in criminal proceedings", "On Mediation", "On the administrative proceedings", etc. .

The implementation of this decree will raise a new level of activity of the judicial system of the country, to ensure the protection of rights, freedoms and lawful interests of citizens, as well as significantly strengthen public confidence in justice.