

## JUDICIAL POWER IN THE REPUBLIC OF UZBEKISTAN

To‘yeva Ferangiz Furqat kizi

2nd year student of the "Jurisprudence" department of Bukhara State University

**Abstract:** This article provides a comprehensive overview of the judicial power in the Republic of Uzbekistan, analyzing its constitutional basis, structure, principles, and modern reforms. It explores the evolution of the judiciary from the early years of independence to the present stage of modernization and digitalization. The study also evaluates the legal mechanisms ensuring judicial independence, transparency, and the protection of human rights in accordance with international standards. The research concludes that Uzbekistan’s judiciary is undergoing a transformative process aimed at consolidating the rule of law, enhancing institutional integrity, and aligning national legislation with global democratic practices.

**Keywords:** Judiciary, rule of law, independence, justice, constitutional reform, human rights, judicial reform, Uzbekistan.

**Introduction:** The concept of judicial power occupies a central place in the system of state governance and serves as one of the key pillars of democracy. In Uzbekistan, the judiciary acts as a constitutional guarantor of justice and equality before the law. Following the adoption of the Constitution of the Republic of Uzbekistan in 1992, the country embarked on a long-term path of reforming its judicial institutions to meet modern legal and democratic requirements. The establishment of a truly independent judiciary became a critical component of the broader transformation of public administration.

In line with the **principle of separation of powers**, the judiciary functions as an autonomous branch, separate from the legislative and executive authorities. This principle is fundamental for ensuring accountability and preventing concentration of power in any one branch of government.

**Historical Evolution of the Judicial System:** In the early years of independence, Uzbekistan inherited a Soviet-style court system characterized by bureaucratic control and limited judicial autonomy. Over time, significant institutional reforms were implemented to transform it into an independent and transparent institution.

Key milestones include:

- **1992:** Adoption of the Constitution guaranteeing the independence of judges.
- **2000:** Establishment of the Higher Qualification Commission for Selection and Recommendation of Judges.
- **2017–2023:** Deep reforms under the “Strategy for the Development of New Uzbekistan,” emphasizing human rights, fair trials, and digital justice.

These reforms reflect a shift from a state-controlled judiciary to a citizen-oriented system focused on justice, equality, and legal protection.

**Constitutional and Legal Foundations:** Article 106 of the Constitution of the Republic of Uzbekistan states: “Judges are independent and subordinate only to the law.” This provision serves as the cornerstone for judicial independence and impartiality.

The judicial system operates under several fundamental principles:

- **Legality and fairness;**
- **Independence and non-interference;**
- **Transparency and openness of judicial proceedings;**
- **Equality of all before the law and the court;**
- **Right to appeal judicial decisions.**

The Law “On Courts” (2021) defines the structure, powers, and responsibilities of each judicial body and introduces mechanisms for judicial self-governance.

**Institutional Structure of the Judiciary:** Uzbekistan’s court system is unified and consists of general, specialized, and supreme levels: **The Supreme Court** — the highest judicial authority overseeing civil, criminal, administrative, and economic cases. **Regional, City, and District Courts** — handle first-instance and appellate cases. **Administrative Courts** — protect citizens against unlawful actions of state bodies. **Economic Courts** — resolve disputes between legal entities and entrepreneurs. **Military Courts** — administer justice in the armed forces.

The **Supreme Judicial Council** plays a vital role in guaranteeing judicial independence by managing appointments, discipline, and evaluation of judges without interference from the executive branch.

**Judicial Independence and Accountability:** Judicial independence is not only institutional but also personal, ensuring that judges can make decisions free from any political or administrative pressure. Several mechanisms have been established to uphold this principle:

- Judges are appointed through transparent procedures based on merit and experience.
- Their tenure is secured, and they cannot be dismissed arbitrarily.
- The Supreme Judicial Council oversees judicial careers and ethical compliance.
- Court decisions are published online to enhance transparency and public trust.

At the same time, judicial accountability mechanisms—such as disciplinary proceedings and ethical oversight—prevent misuse of judicial authority.

**Judicial Reforms and Digital Transformation:** Recent years have seen unprecedented modernization within Uzbekistan’s judiciary:

- **E-Court System:** Introduction of electronic filing, case tracking, and digital archives to increase efficiency.
- **Open Data Portals:** Allowing citizens to access information about court decisions.
- **Public Reception Offices:** Expanding citizen engagement and legal awareness.

➤ **Online Court Hearings:** Facilitating remote justice during and after the COVID-19 pandemic.

These steps demonstrate the state's commitment to transparency, efficiency, and accessibility of justice for every citizen.

**International Cooperation and Legal Harmonization:** Uzbekistan actively collaborates with international organizations such as the **United Nations**, **OSCE/ODIHR**, **USAID**, and the **Council of Europe** to harmonize its judicial practices with global standards. Training programs, joint seminars, and judicial exchanges have contributed to the professional growth of judges and the adoption of best international practices.

Uzbekistan is also a party to several international treaties, including:

- Universal Declaration of Human Rights (1948);
- International Covenant on Civil and Political Rights (1966);
- Convention against Torture (1984).

These instruments directly influence domestic legislation and court practices in ensuring the right to a fair trial.

**Current Challenges:** Despite remarkable progress, several challenges remain:

- Limited public awareness of legal rights and procedures;
- Occasional delays in judicial proceedings;
- Need for broader gender representation in the judiciary;
- Ensuring consistent application of laws across regions.

Addressing these issues requires continuous institutional strengthening, public engagement, and investment in legal education.

The judiciary of the Republic of Uzbekistan stands as a vital institution in consolidating democratic governance and protecting human dignity. The ongoing reforms demonstrate the country's strong political will to ensure **justice, fairness, and equality before the law**. With continued modernization, international cooperation, and enhancement of judicial professionalism, Uzbekistan is gradually establishing a judiciary that embodies both national values and universal democratic principles.

The trajectory of these reforms signifies that the rule of law is not merely a political slogan but a practical foundation of the "New Uzbekistan" — a state where **justice is the cornerstone of progress and human rights are the supreme value**.

## References

1. Constitution of the Republic of Uzbekistan. (2023). Tashkent: National Legislative Database.

2. Law of the Republic of Uzbekistan “On Courts.” (2021, December 28). National Database of Legislation, No. 03/21/728/1188.
3. Decree of the President of the Republic of Uzbekistan No. PF-6041 “On Measures to Further Improve the Judicial System.” (2020, October 7). Official Gazette of Uzbekistan.
4. Strategy of the Development of New Uzbekistan for 2022–2026. (2022). Tashkent: Ministry of Justice of the Republic of Uzbekistan.
5. United Nations. (1985). Basic Principles on the Independence of the Judiciary. New York: United Nations General Assembly.
6. United Nations Development Programme (UNDP). (2023). Rule of Law and Access to Justice in Uzbekistan. New York: UNDP Publications.
7. OSCE/ODIHR. (2023). Judicial Independence in Central Asia: Assessment Report. Warsaw: Organization for Security and Co-operation in Europe.
8. USAID. (2022). Rule of Law Partnership Project in Uzbekistan: Final Evaluation Report. Washington, DC: United States Agency for International Development.
9. Council of Europe. (2021). European Commission for the Efficiency of Justice (CEPEJ): Report on European Judicial Systems. Strasbourg: Council of Europe Publishing.
10. Venice Commission. (2020). Opinion on the Draft Law on the Judicial System and the Status of Judges in Uzbekistan. Strasbourg: Council of Europe.
11. Human Rights Watch. (2022). Uzbekistan: Judicial Reforms and Human Rights Progress Report. New York: HRW Publications.
12. Freedom House. (2023). Nations in Transit: Uzbekistan Country Report. Washington, DC: Freedom House.
13. Transparency International. (2022). Corruption Perceptions Index 2022: Central Asia Focus. Berlin: Transparency International Secretariat.
14. Rakhimov, I. (2021). Judicial Reforms in Uzbekistan: Challenges and Perspectives. *Central Asian Law Review*, 4(2), 45–60.
15. Karimova, D. (2022). Modernization of the Judicial System in Uzbekistan: Toward International Standards. *Journal of Comparative Law and Policy*, 11(3), 78–95.
16. OECD. (2022). Governance and Rule of Law in Central Asia: Progress and Reforms. Paris: OECD Publishing.
17. UN Human Rights Council. (2023). Report on the Implementation of the International Covenant on Civil and Political Rights by Uzbekistan. Geneva: United Nations Office.
18. European Union Delegation to Uzbekistan. (2021). EU–Uzbekistan Cooperation in the Field of Judicial Reform. Brussels: European External Action Service.



19. World Bank. (2022). Enhancing Judicial Efficiency in Transition Economies: Uzbekistan Case Study. Washington, DC: World Bank Publications.
20. National Human Rights Centre of Uzbekistan. (2023). Annual Report on the State of Human Rights Protection in Uzbekistan. Tashkent: NHR Centre Press.