

**ENHANCING THE FORMATION OF THE JUDICIAL CORPS IN  
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**ANNOTATION:** This article analyzes the importance and necessity of improving the formation of the judicial corps in Uzbekistan. In particular, it investigates the specifics of further reforming the judicial system and strengthening guarantees for the reliable protection of citizens' rights and freedoms.

Current legislative issues concerning the improvement of the judicial corps' formation in Uzbekistan are examined, and solutions aimed at enhancing the legislation have been proposed.

**Keywords:** court, judge, law, court appeal, judicial control, judicial immunity, judicial corps.

The institution of judicial control plays an important role in ensuring the independence of the judiciary. The Law "On Courts" stipulates that judges are required to ensure<sup>1</sup> the protection of the rights and legitimate interests of citizens and legal entities, identify<sup>2</sup> the causes of crimes and the conditions that enabled their commission as required by the Criminal Procedure Code. The Code of Economic Procedure establishes<sup>3</sup> the obligation to reinforce legality, promote the prevention of offenses in the economic sphere, and foster respect for the law and the judiciary. These objectives are achieved not only through the administration of justice but also through control mechanisms.

The introduction of the institution of judicial control represents one of the key directions of judicial and legal reforms in our country. In contemporary legal doctrine, judicial control is recognized as a fundamental function of the judiciary, serving not only as a procedural safeguard for protecting the rights and freedoms of citizens but also as a mechanism for upholding legality within society. Accordingly, today the approach that the judiciary should

<sup>1</sup> Article 62 of the Law of the Republic of Uzbekistan "On Courts". <https://lex.uz/docs/5534923>

<sup>2</sup> Article 296 of the Criminal Procedure Code of the Republic of Uzbekistan. <https://lex.uz/docs/111460>

<sup>3</sup> Article 2 of the Economic Procedure Code of the Republic of Uzbekistan <https://lex.uz/docs/3523891>

solely administer justice has evolved, and in order to fully achieve justice in practice, judicial control must be exercised. This will establish a foundation for the unconditional adherence to the law by state bodies and citizens, the elimination and prevention of violations that have occurred or are likely to occur, the protection of citizens' rights during pre-trial, judicial proceedings, and subsequent stages, and ensuring the high-quality and legal implementation of justice.

The Presidential Decree of the Republic of Uzbekistan, "On Measures to Further Reform the Judicial and Legal System, Strengthen Guarantees of Reliable Protection of the Rights and Freedoms of Citizens," dated October 21, 2016 (PD-4850), as well as the Presidential Resolution, "On the Comprehensive Improvement of the System for Training Candidates for Judicial Positions, Retraining Judges, and Enhancing the Qualifications of Court Staff," dated January 6, 2019 (PR-4096), set out that the "Main priorities of state policy in the field of further judicial and legal reforms include ensuring the true independence of the judiciary, reliable protection of citizens' rights and freedoms, and improving the level of access to justice. The resolution also highlights the need to improve the system for selecting, enhancing the qualifications, and retraining personnel, ensuring that only individuals with high moral, ethical, and professional qualities are selected through a transparent process to ensure the effective implementation of the tasks and reforms assigned."<sup>4</sup>

As a result of the reforms, to ensure the independence of the judiciary, the nomination of candidates for judicial positions, the early termination of judges' powers, the suspension of judges' powers, and the initiation of disciplinary proceedings were transferred from the jurisdiction of the Justice bodies to the Qualification Boards of the courts. This marked a significant step in strengthening the independence of the judiciary.

In order to enhance the effectiveness of the courts and ensure the administration of justice, special authorized bodies were established in the Republic of Uzbekistan under the Ministry of Justice – Department for the Enforcement of Court Decisions and the Material-Technical and Financial Support of the Courts, the Research Center for the Democratization

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<sup>4</sup> The Decree of the President of the Republic of Uzbekistan dated October 21, 2016, No. PD-4850, "On Measures to Further Reform the Judicial and Legal System, Strengthen Guarantees of Reliable Protection of the Rights and Freedoms of Citizens". *Collection of Legislation of the Republic of Uzbekistan*, 2016, No. 43, Article 497.

and Liberalization of Judicial Legislation and Ensuring the Independence of the Judiciary, and the Supreme Qualification Commission (Judicial Inspection) under the President of the Republic of Uzbekistan, responsible for selecting and recommending judges for positions.

Due to the need to further improve the procedure for selecting and appointing candidates for judicial positions, the Supreme Qualification Commission for selecting and recommending judges, which lacked a clear legal status, carried out its activities on a public basis and had limited powers. To ensure the true independence of the judiciary, enhance the effectiveness and reputation of the courts, and further improve the system for selecting and appointing candidates for judicial positions, the Supreme Qualification Commission under the President of the Republic of Uzbekistan was dissolved. In its place, the Supreme Judicial Council of the Republic of Uzbekistan was established. This body, which is part of the judicial community, helps ensure the adherence to the constitutional principle of judicial independence in Uzbekistan.<sup>5</sup> The activities, powers, and organizational procedures of the Council are reflected in legislation<sup>6</sup>, with its main tasks being:

Selection, training, and appointment of candidates for judicial positions from among the most qualified and responsible specialists, as well as recommending candidates for managerial judicial positions, thus forming the judicial corps;

Taking measures to prevent violations of judicial independence and interference in the activities of judges in administering justice;

Implementing measures to prevent and identify cases of corruption among judges at an early stage;

Reviewing and evaluating each case of corruption identified in the judiciary;

Taking measures to ensure openness and transparency in the activities of the Council and the judiciary;

Organizing professional training and increasing the qualifications of judges, ensuring fairness and transparency in evaluating the effectiveness of judges through the implementation of modern information technologies;

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<sup>5</sup> The Decree of the President of the Republic of Uzbekistan dated February 21, 2017, No. PD-4966, "On Measures to Fundamentally Improve the Structure and Increase the Efficiency of the Judicial System of the Republic of Uzbekistan".

<sup>6</sup> Law of the Republic of Uzbekistan "On the Supreme Judicial Council of the Republic of Uzbekistan." No. LRU-427. April 6, 2017.

Selecting qualified judicial candidates for managerial judicial positions and initiating measures related to their encouragement and rewards.

Cooperating with the mass media, establishing communication with the public, and reviewing appeals concerning judges' compliance with ethical standards;

Preparing proposals to further improve legislation in the field of law and justice, ensure the true independence of the judiciary, establish unified judicial practice, and enhance the level and quality of the implementation of justice;

Considering the issue of holding judges accountable for disciplinary actions, as well as issuing conclusions regarding their criminal and administrative liability.

Furthermore, the requirements for judicial candidates have been improved. A citizen of the Republic of Uzbekistan who is at least 35 years old, holds a higher legal education, and has at least seven years of work experience in a legal field, may become a judge of an inter-district, district, city court, or territorial military court.<sup>7</sup>

The nomination of candidates for judicial positions is carried out based on the equality of their rights, regardless of gender, race, nationality, language, religion, social origin, beliefs, personality, and social status.

Candidates being appointed to judicial positions for the first time must, as a mandatory requirement, study at the Supreme School of Judges under the Supreme Judicial Council of the Republic of Uzbekistan. During their studies, they are exempt from performing labor duties with their primary employer without the preservation of their average monthly salary. However, their workplace (position) is retained for the entire duration of the studies.

Additionally, individuals holding positions appointed or agreed upon by the President of the Republic of Uzbekistan and who possess an impeccable reputation may, as an exception, be appointed to judicial positions for the first time without mandatory training at the Supreme School of Judges under the Supreme Judicial Council of the Republic of Uzbekistan.

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<sup>7</sup> Law of the Republic of Uzbekistan No. LRU-703 "On Courts". July 28, 2021. National Database of Legislation of the Republic of Uzbekistan [www.lex.uz](http://www.lex.uz)

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