

STAFFING PROBLEMS AND SOLUTIONS IN THE COURT SYSTEM OF UZBEKISTAN

Mahkamov Abdikayum Mahkamovich,

Independent researcher of Karshi State University, Karshi.

Abstract: The article historically analyzes the processes related to personnel in the judicial system of Uzbekistan and their outcomes.

Keywords: Court employees, advanced training, reforms, personnel training, judicial bodies.

The fourth section of the new version of the Law "On Courts" adopted at the fourth session of the second convocation of the Oliy Majlis of the Republic of Uzbekistan on December 14, 2000 is called "Status of Judges". issues such as provision were reflected.

In the Republic of Uzbekistan, all judges have the same status and differ only in terms of their powers and scope of law. A citizen of the Republic of Uzbekistan who has reached the age of 25, has a higher legal education, has at least two years of work experience in the field of law, and has passed the qualification exam, could be appointed as a judge of the district (city) court, commercial court.

A citizen of the Republic of Uzbekistan with a higher legal education, at least five years of legal experience, including usually at least two years in the position of a judge, and who has passed the qualification exam can be appointed as a judge of the Supreme Court of the Republic of Karakalpakstan, the regional court, the Tashkent city court, the military court of the Armed Forces. was

A citizen of the Republic of Uzbekistan with a higher legal education, at least seven years of work experience in the field of law, including usually at least five years as a judge, and who has passed the qualification exam, could be elected as a judge of the Supreme Court of the Republic of Uzbekistan, the Supreme Economic Court.

A citizen of the Republic of Uzbekistan who is performing actual military service, has a military rank in the ranks of an officer, and meets the requirements of this article can be appointed as a military court judge. the legal and social protection measures provided for in the legislation were applied.

A citizen of the Republic of Uzbekistan who has reached the age of 25 and who is elected for a period of two and a half years by open voting at meetings of citizens at their places of residence or work, could become a people's adviser. A



citizen of the Republic of Uzbekistan who has completed actual military service and turned 18 years old on the day of the election could be a people's adviser of a military court. People's councilors were elected for a period of one and a half years by open voting at meetings of military personnel. The number of people's advisers for each court is determined by the Minister of Justice of the Republic of Uzbekistan.

People's councilors were summoned to the courts for a maximum of two weeks per year to perform their duties. The cases of extension of this term were excepted when there was a need to complete the consideration of the judicial case started with their participation. During this period, the average salary at their place of work was preserved regardless of the form of ownership of the enterprise, organization, institution.

Judges of the Supreme Court of the Republic of Uzbekistan and the Supreme Economic Court were elected by the Oliy Majlis on the recommendation of the President of the Republic of Uzbekistan. Judges of the Republic of Karakalpakstan were elected or appointed by the Dzhokorgi Council of the Republic of Karakalpakstan based on the presentation of the Chairman of the Dzhokorgi Council of the Republic of Karakalpakstan agreed with the President of the Republic of Uzbekistan. Judges of regional courts, Tashkent city court, district (city) courts are appointed by the President of the Republic of Uzbekistan. The person appointed (elected) to the post of judge for the first time took an oath as follows: "I solemnly swear to fulfill the duties assigned to me honestly and conscientiously, to administer justice only in accordance with the law, to be impartial, fair and honest as my duty and conscience dictates as a judge." The oath of judges was solemnly taken in front of the State flag of the Republic of Uzbekistan, and in the Republic of Karakalpakstan, also before the State flag of the Republic of Karakalpakstan.

Honest and conscientious performance of professional duties by judges guarantees effective protection of rights violated by their independence during decision-making, strengthens trust in the society in the principles of justice, impartiality and independence of the court. In this case, it is of particular importance to set up the organizational and personnel work in the courts of general jurisdiction, to ensure that the judges adhere to the judicial oath.

The analysis of statistical data shows that in the period from 2001 to the first 9 months of 2007, a total of 3,417 applications were received and reviewed by judges' qualification boards. Among them, 3305 people who passed the qualification exam were placed in the reserve, and 112 people were denied the reserve.



During this period, 2,828 persons who wanted to participate in the competition for filling vacancies in judicial positions in accordance with the decision of the judges' qualification commissions were found worthy of these positions, and the documents regarding them were sent to the higher qualification commission for the selection and recommendation of judges under the President of the Republic of Uzbekistan. 1,000 candidates from the persons recommended for the position of judges were later appointed to these positions.

At the same time, statistics show that there were serious shortcomings and defects in the work of general jurisdiction courts in the field of organization and personnel, which negatively affected the efficiency of the justice system. For example, during 2001-2007, 210 judges were released from their positions, which was about a quarter of the total number of judges. Among them, 130 judges were dismissed according to their application, 28 judges were dismissed for violating their oath of office, and 25 judges were brought to criminal liability.

In 2001-2007, the level of personal, moral and professional compliance of the judges who worked in 2001-2007 remained extremely low. For example, only 269 (51.6%) of the 521 candidates recommended for the new judge's term were appointed. The documents of 214 (41.1%) candidates were returned due to negative descriptions given to them, 23 (4.4%) judges working in the judicial position were found unfit for the recommended judicial position or left in reserve. As a result, in 2007, 45.4% of the current judicial corps (320 judges) consisted of persons appointed to this position for the first time with no more than five years of service, while only 11.6% (82 judge) established.

The mentioned negative situations were caused by the fact that the judges did not feel their high status and the assigned responsibility sufficiently, the work being done to increase the legal level and the level of socio-political awareness was weakened, and they put their personal interests above the interests of justice. There were many cases of disrespect for the participants of the court proceedings, violations of the deadlines set by the law, negligence in the handling of cases and complaints.

It should be noted that this situation was caused primarily by the insufficient organization of cases in courts by the presidents of regional and equivalent courts, the unsatisfactory work of judges' qualification boards, and the weakening of control over the observance of the court oath and executive discipline.

List of used sources and literature:

1. O'zbekiston Respublikasi Oliy sudi Plenumining qarori. Umumiy yurisdiksiya sudlarida kadrlar bilan ishlash holati va sudylar tomonidan



- sudyalik qasamyodiga rioya etilishi masalalari to‘g‘risida. <https://lex.uz/uz/docs/1479950>
2. “Sudlar to‘g‘risida”gi O‘zbekiston Respublikasi Qonuni. 81-90-moddalar. <https://lex.uz/docs/5534923>
 3. O‘zbekiston Respublikasi Oliy xo‘jalik sudi Plenumining 2000 yil 28 iyuldagi “O‘zbekiston Respublikasi Prezidenti I.A.Karimovning 2000 yil 21 iyulda Vazirlar Mahkamasining yig‘ilishida so‘zlagan nutqidan kelib chiqadigan ko‘rsatmalar asosida respublika xo‘jalik sudlarining iqtisodiy qonunchilikni mustahkamlash, odil sudlovni ta‘minlash borasida amalga oshirilishi lozim bo‘lgan vazifalar to‘g‘risida”gi qarori. <https://nrm.uz/contentf?doc=12373>
 4. O‘zbekiston Respublikasi Oliy Majlisining 1997 yil 29 avgustdagi “Jamiyatda huquqiy madaniyatni yuksaltirish milliy dasturi to‘g‘risida”gi qarori. <https://lex.uz/docs/249352>