

## UZBEKISTAN ANTI-CORRUPTION DIGEST

## ANTI-CORRUPTION

## THERE IS NO JUSTICE IF THERE IS NO SPIRITUALITY

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**Abstract:** *Reforms in fighting against corruption in the judicial system, prevention of corruption risks in the process of appointment of judges, and efforts to promote intolerance attitude towards corruption in the behavior of judges over the past five years are highlighted.*

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There is no need to define and comment the concept “corruption”. The public is well-awared of this concept, which is a cornerstone of progress. As you know, there is no sphere where this trouble has not yet penetrated. Since the judiciary is an inseparable part of society, it is obvious that it cannot be free from this vice either.

Just as it is impossible to put a cart before a horse, it is impossible to effectively fight against any vice without a sufficient legal framework, since corruption is primarily created as a result of gaps and contradictory norms contained in legislation.

Over the past five years, a number of amendments to legal documents has been made in this regard. In particular, the Law “On Courts” has been adopted in a new edition, and the Law “On the Supreme Judicial Council of the Republic of Uzbekistan” has been amended and supplemented.

The Decree of the President of the Republic of Uzbekistan dated December 7, 2020 “On measures to ensure the true independence of judges and increase the effectiveness of prevention of corruption in the judiciary” has started a new stage in the process of reforms of the system.

An effective fight against corruption has *two important factors: openness and transparency*. It is also noteworthy that these two factors are of paramount importance in the adopted legal documents. After all, openness and transparency require limiting the human factor. It is a well-known fact that objectivity takes precedence where the human factor is limited.

The Decree has established a number of new procedures aimed at limiting the human factor in the process of selection and appointment of judges. For example, the

process of selection and appointment of qualified personnel for judicial positions has been based *on open competition on an alternative basis, and most importantly, by application of information technology*. As a result, the human factor has sharply been limited and the selection process has become open and transparent. The opportunity to monitor the process directly and indirectly (online) has also been created. This, in turn, is important in selecting the best candidates.

Noteworthy news is the introduction of a system for transparent evaluation of the activities of judges through electronic rankings. It is known that until now, the activities of judges were analyzed every two and a half years and appropriate conclusions were made. And this was done with the help of the human factor (i.e., by members of the qualification boards). By the electronic ranking, this task is now being performed without the human intervention.

An electronic program has been launched to assist the process of assessment of the suitability of candidates and acting judges to the judicial position on the basis of psychological profile. With the help of this electronic program for psychological test, the following character traits are evaluated, such as toughness, calmness, resilience, stress-resistance, propensity to corruption and others. The outcomes of the psychological test are analyzed by a professional psychologist, who draws conclusions of a recommendatory nature. Later on, this conclusion is taken into thorough consideration while making the decision on the appointment of the candidates to the position.

The Supreme Judicial Council has put into practice the conduct of an internal audit for each corruption case in the system, identifying the causes and conditions that contribute to its occurrence. This, in turn, has its effect in the timely detection and prevention of corruption cases.

Thus, the above new rules and conditions apply to the judicial appointment process. However, the candidate goes through quite a

few checks up to this stage. At this point, it is worth pointing that this is not about the process of studying candidates in detail and drawing certain conclusions, but about new procedures for the preparation of candidates for the judicial positions.

The public is well-aware of the adoption of the Decree of the President three years ago, on January 6, 2019, No. PQ-4096. As a result of the adoption of this Decree, which regulates measures for the training of candidates for judicial positions, retraining of judges and court staff, and radical improvement of their professional development, many changes have been implemented in practice. By virtue of this Decree, the Supreme School of Judges has been created under the auspices of the Supreme Judicial Council of the Republic of Uzbekistan, whose composition and structure were radically updated. By this Decree, the minimal age of appointment to the position of a judge was set as 35 years old. Additionally, from September 1, 2020, it was established that only the candidates, who have successfully completed training courses at the School can be appointed to judicial positions.

Obviously, the new rules and regulations will facilitate encouraging the candidates for the post of judge to work harder on themselves. These changes will also play an important role in furthering their intolerance to corruption.

It is worth noting that the use of advanced foreign experience, a certain methodology in the training of judges, the unconditional limitation of the human factor, from the process of entrance and intermediate to the final exams, deserves special recognition. However, it shall also be pointed that in order to form the spirit of intolerance to corruption in candidates to judicial positions, the attention shall be paid to the effective use of national values, being more precise, the factors of faith and spiritual upbringing. This is due to the fact that such spirit can persist any evil, including the factor of corruption. In this regard, the Supreme School of Judges under the Supreme Judicial Council has

organized educational events with participation of scholars, servers of religion, imams, where the participants were informed that the act of corruption is a criminal offense under the law and prohibited act (haram) under Sharia.

Justice and spirituality are closely intertwined concepts, so the head of state has also pointed that “where there is no spirituality, there will never be justice.” Accordingly, special attention is paid to this issue while organizing the process of training of judges and lawyers and appointment of them to the judicial positions.

Life itself has shown that it is impossible to fight against any vice with empty words, but only through effective measures. To do this, you need to correctly use effective methods of influence. Last year, at the initiative of the Supreme Judicial Council, a short film “Pushaymon” (“Repentance”) was created. The film reveals the tragic fate of a former judge, who committed an act of corruption. When this film was shown, not only the judges themselves, but also their spouses were invited to the performance. The question arises: why? Because it is one of the most influential means, as, the family occupies a special place in the successes and troubles of a person. In this connection, the circle of such educational events needs to be expanded.

In addition, it seems that the organization of visits of judges and candidates for judges to places of execution of punishments from time to time will result in positive outcomes. Hearing about bringing responsible officials to criminal responsibility for a corruption crime is one thing, but seeing with own eyes how punishments are carried out is completely different. In vain, they say that it is better to see once than to hear a hundred times.

Anyways, it is too early to talk about the sufficiency of the work done to inculcate intolerance to corruption in the judicial system, in the process of training judges and their appointment to positions.

First of all, it is necessary to further improve the quality and efficiency of work in

this area. This requires the search for personnel with sufficient knowledge and experience, an impeccable reputation. It is also appropriate to use special psychological tests conducted by the Supreme Judicial Council during the admission exams to the Supreme School of Judges in order to determine the propensity of candidates for corruption. Clear definition of anti-corruption standards of conduct of judges also serves to increase the effectiveness of work in this area. As a continuation of this idea, it would be useful to consider the introduction of training hours on the standards of anti-corruption ethics in the curriculum of the Supreme School of Judges.

In addition, the time has come to consider the mechanisms of bringing judges to disciplinary liability, procedural guarantees of disciplinary actions, as well as duties and functions of qualification commissions in this regard.

When it comes to corruption, its timely prevention, work on a systematic and constant analysis of the state of affairs on the observance of anti-corruption norms by judges and judicial staff will remain urgent and top priority.

Instead of a conclusion, it should be noted that there is no place among judges for the one, who, through connections or for a certain amount – a bribe – interest decides the case and thereby allows injustice.

One of the main tasks of the Council is to staff the system with honest and fair personnel.