

ANTI-CORRUPTION

INDEPENDENCE OF THE JUDICIARY AND MEASURES AIMED AT PREVENTING IN THE JUDICIARY SYSTEM**Kozim KAMILOV ***

* Chairman of the Supreme Court of the Republic of Uzbekistan

Received: October 31, 2021

Accepted: November 30, 2021

Published: December 9, 2021

Copyright © 2021 K. Kamilov, licensee Anti-corruption Agency of the Republic of Uzbekistan. This work is licensed under a [Creative Commons Attribution 4.0 International License](https://creativecommons.org/licenses/by/4.0/).

HOW TO CITE

Kamilov K. 2021. Independence of the judiciary and measures aimed at preventing in the Judiciary system Uzbekistan Anti-Corruption Digest. 1, 1 (Dec. 2021), 14–18.

DOI: <https://doi.org/10.47689/uzacd.2131.3345-vol1-iss1pp16-21>



The scope and volume of the measures taken in our country to prevent and combat corruption deserve special attention and recognition. Indeed, acts related to bribery and extortion are extremely dangerous, as they undermine the economic foundation of any state and lead to many negative consequences, such as social evil, in particular, crime and committing of new crimes. Of course, in the prevention and the fight against the corruption, the courts should be especially active, including the formation of intolerance of corruption among the population, the issuance of legal, reasonable and fair sentences for crimes related to bribery, the dangers of corruption. A special responsible approach is required to bring it to the attention of the general public in a simple and understandable way. Therefore, every judge and judicial officer must perform their duties honestly and conscientiously, absolutely refrain from greed and corruption and take immediate action in the event of a bribe in exchange for a certain action or non-performance; it is their professional duty, their human duty.

It should be noted that the country has created not only an organizational, but also a legal basis for combating corruption in all areas. In particular, the prevention and fight against corruption among judges and judicial staff has been identified as one of the priorities of public policy. Indeed, the Presidential Decree of October 21, 2016 "On measures to further reform the judicial

system, strengthening guarantees of reliable protection of the rights and freedoms of citizens", February 21, 2017 "On measures to radically improve the structure and efficiency of the judicial system of Uzbekistan" The Decree of the President of the Republic of Uzbekistan dated April 10, 2017 "On the formation of the Supreme Council of Judges of the Republic of Uzbekistan" and the Resolution of the President of the Republic of Uzbekistan dated May 4, 2017 "On material and technical and financial support of the Supreme Council of Judges" were adopted. These legal acts serve as guiding principles in this direction.

In turn, the Decree of the President of the Republic of Uzbekistan dated July 18, 2017 "On measures to establish the Palace of Justice", the Decree of July 24, 2020 "On additional measures to further improve the judiciary and increase the efficiency of justice" plays an important role in regulation.

It is noteworthy that every piece of legislation on the functioning of the judiciary, in essence, provides a basis for the prevention and fight against corruption between judges and judicial staff. In this regard, it is worth noting the practical significance of the Decree of the President dated December 7, 2020 "On measures to ensure the true independence of judges and increase the effectiveness of prevention of corruption in the judiciary."

In accordance with this Decree, the main directions of state policy were identified to ensure the independence of judges and the prevention of corruption in the judiciary. In this regard, the creation of legal mechanisms to ensure effective protection of the professional activity of judges in the administration of justice from any external influences, selection, training, appointment of judges, as well as impartiality and transparency in the evaluation of judges, the consistent introduction of modern information technology. The special concern was taken for the formation of judiciary as well as establishing a system aimed at prevention and early detection of corruption among judges and court staff and assessment

assessment of any corruption in the judiciary as uncompromising, taking comprehensive measures to improve the professionalism, morale and responsibility of judges, attention is paid to the formation of the judiciary.

Therefore, in accordance with this Decree, from February 1, 2021, in order to prevent corruption in the judiciary, to ensure openness and transparency in the activities of the Council and the judiciary, for the first time online translation of the examination process was taken place for the selection of candidates for judicial positions.

In turn, an electronic program was developed and implemented in order to help for the assessment of the suitability of candidates for the position of judge and judges on the psychological portrait.

In addition, in order to ensure the implementation of important tasks set out in the Decree, the development and implementation of clear criteria for open and transparent evaluation of the effectiveness of judges through electronic rankings, the establishment of courts of general jurisdiction of the Republic of Karakalpakstan, regions and Tashkent. The task of organizing the delegations was also completed.

Also, in accordance with the Decree, the Judicial Inspectorate for the Immunity of Judges and the Prevention of Corruption was established on the basis of the Judicial Inspectorate for the Immunity of Judges. In addition, in order to encourage the work of judges in the administration of justice, the "Exemplary Judge" award was established, the "Judicial Honors" badge was established for retired judges who have worked effectively for many years in the administration of justice, and this year these awards were presented.

In addition, the Judges Club have been established under the Council, which has the power to provide advice on the proper application of existing substantive and procedural law and to clarify the requests of judges on the application of the code of ethics in certain situations. It is gratifying that the Club is now operating effectively.

This Decree approved an action plan to further strengthen the independence of the judiciary, ensure the inviolability of judges and prevent corruption in the system, according to which the Supreme Council of Judges was appointed the main executor.

In accordance with this plan, a program was developed and approved to ensure the inviolability of judges, to establish strict measures to prevent any interference in the administration of justice, to eliminate systemic causes and conditions of corruption offenses and to increase the effectiveness of anti-corruption measures in 2021.

Online training is being organized to improve the professional skills, morale and responsibility of judges and judicial staff, to form an intolerant attitude to all forms of corruption in the system and to take measures to analyze and eliminate any factors that contribute to corruption in the system.

It should be noted that extensive cooperation has been established with law enforcement agencies and civil society institutions in identifying and eliminating corruption and an uncompromising fight against these crimes are underway.

In particular, the courts consider the imposition of legal, reasonable and just punishments on those who have committed corruption-related crimes as the most urgent task. If in the past 2020, 1,132 people were convicted of bribery, the figure was 1,252 in the first 9 months in 2021.

Although this data shows an increase in the number of corruption-related crimes in 2021 compared to 2020, another aspect of the issue needs to be analyzed. When quarantine announced in 2020, the real possibility of bribery and kickbacks has significantly decreased. At the same time, as a result of the prudent anti-corruption policy of the head of our state, the law enforcement agencies have become more active in this area. More precisely, in the past there was a delay in the timely detection of corruption-related crimes, but now we can see the involvement of not only government agencies, but also civil society institutions in this process.

In order to detect corruption at an early stage, to further strengthen the participation of our compatriots in this process and to facilitate citizens, it is possible to send text, voice and video appeals via the Telegram-bot of the Supreme Court of the Republic of Uzbekistan. This facilitation was made possible by a joint project of the Supreme Court of the Republic of Uzbekistan, the United States Agency for International Development (USAID) and the United Nations Development Program in Uzbekistan "Partnership for the Rule of Law in Uzbekistan." However, requests sent through this bot can be in the form of files of various formats.

Telegram-bot is designed to create additional opportunities and conveniences for citizens and businesses to apply to the courts, timely review of cases, avoidance of various red tape, elimination of bureaucratic barriers and restrictions, as well as the fight against corruption in the judiciary.

Each appeal is taken into account and the responsible staff has the opportunity to get acquainted with the statistics of appeals, to control appeals, to see unanswered appeals in it. The bot also has a function to alert the responsible staff about unanswered appeals.

Today, a number of additional opportunities and services has been created for Telegram-bot users to monitor appeals, cassation and other complaints, add the function of calculating court costs, get acquainted with published court decisions and ensure openness and transparency of the judicial system. This bot can be found by entering the name [@suduzbot](https://t.me/suduzbot) in the search field of Telegram Messenger or by going directly to it via the link <http://t.me/suduzbot>.

Speaking about the changes and innovations in the judicial system, it is important to note that the role of the Presidential Decree of January 13, 2021 "On measures to radically improve the system of financing the judiciary" is unique. Indeed, this Decree will serve as an important basis for radically improving the system of financing the activities of the judiciary and strengthening the social protection of judges. In accordance with this Decree, starting from

2021, the salaries and bonuses of the Constitutional Court of the Republic of Uzbekistan, the Supreme Council of Judges, the Supreme Court, judges of lower courts, the Higher School of Judges and their staff, the Department of Judicial Activities under the Supreme Court and its territorial divisions. Funding from the state budget has been set. This is, of course, one of the most necessary means of preventing corruption among judges and judicial staff.

In addition, in order to increase the effectiveness of the anti-corruption system, create a favorable business environment, enhance the country's positive image in the international arena, as well as in accordance with the tasks set out in the Action Strategy for 2017-2021. The State Program on combating corruption for 2019-2020 was approved by the Decree "On measures to further improve the system of combating corruption."

By the Decree of the President of the Republic of Uzbekistan dated June 29, 2020 "On additional measures to improve the system of combating corruption in the Republic of Uzbekistan", the Republican Interagency Commission on combating corruption was renamed the National Council for Combating corruption and included the Chairman of the Supreme Court.

In this regard, it is necessary to dwell on the event dedicated to the implementation of the tasks set out in the minutes of the meeting of the Council No. 5. The inaugural meeting of the Territorial Council for Combating corruption, which took place on September 25 in the Bukhara regional administration, was dedicated to the topical issue - corruption, which is a serious obstacle to the development of society and its prevention. The meeting was attended by members of the regional council, regional administration, deputies, law enforcement agencies, representatives of the economy and agro-industrial complex, education, health, non-governmental organizations and media.

Speakers at the founding meeting spoke in detail about the tasks facing the Territorial Council, as well as the past years of corruption and bribery in our country, especially in the region, the conditions that lead to crime and delinquency.

The meeting discussed the important tasks assigned to each member of the Regional Anti-Corruption Council.

In particular, the study of the legality, transparency and fairness of tenders and auctions in public procurement, construction, road repair and other areas, the formation of transparency and healthy competition in the selection and placement of young staff, recruitment to government agencies, enterprises and institutions. Attention was paid to aspects. It was stressed that the media should also become a leading force in this process, to be intolerant of possible bribery and corruption in this or that area and to form public opinion on this issue. At the end of the founding meeting, the number of recommendations was developed and the relevant responsibilities were assigned to the responsible people.

The State Program on Combating corruption for 2021-2022 was approved by the Decree of the President of the Republic of Uzbekistan dated July 6, 2021 "On measures to create an environment of intolerance to corruption, sharply reduce corruption in public administration and expand public participation."

With this Decree, in order to increase the effectiveness of the system of combating corruption and early prevention of corruption, to involve the public in this process and to create an environment of intolerance to corruption, intolerance and ruthlessness in all forms of corruption and were identified as a top priority for staff.

The Resolution of the President of the Republic of Uzbekistan dated July 6, 2021 "On additional measures for the effective organization of anti-corruption activities" established a number of procedures for the effective organization of the implementation of anti-corruption measures.

In general, it should be noted that every piece of legislation on the prevention and fight against corruption is an important document in finding a legal solution to a particular issue.

In conclusion, it is important to note that corruption is inadmissible in the judiciary, which is a stronghold of justice. The vices that hinder the development of the state and society, more precisely, are all equally responsible in the fight against crime, the prevention and fight against corruption. Therefore, a large-scale work is being done to increase the effectiveness of the fight against this socially dangerous act.

Preventing and combating corruption, which poses the greatest threat to the development of society, must always be approached as an urgent task. Judges and system staff in particular need to be uncompromising. One of the main goals of the ongoing reforms in the judiciary is to radically improve the system of eliminating corruption in the field. The work to ensure the independence of judges and increase their prestige imposes a great responsibility on each of us in the fight against this scourge. In short, a loyal, patriotic judge will never commit such a heinous act as corruption.