

# The Structure Of The Judiciary In The Formation Of The Statehood Of Karakalpakstan

1Utebaev Salamat Maksetbay uli and 2Toksanbaeva Ayjamal Mangitbay qizi

1Master's student

Karakalpak State University after named Berdakh  
Nukus, Uzbekistan

2Student

Karakalpak State University after named Berdakh  
Nukus, Uzbekistan

**Abstract:** *The stages of the structure of the judiciary in the formation of the statehood of the Republic of Karakalpakstan after independence, the basis of its system and activities, as well as the progress made in this area.*

**Keywords—** Republic of Karakalpakstan, Constitution of the Republic of Karakalpakstan, Judiciary, Supreme Court, Courts of General Jurisdiction, Joqarg'i Kenes, Appeal.

## 1. INTRODUCTION

Due to independence, legal independence was achieved. Irrigated by the spirit of nationalism, the Constitution was adopted at the same time in line with world legal standards. The Constitution clearly defines the foundations of the judiciary, the courts and judges are independent and subject only to the law [1. 64].

The Constitution has raised the status of courts and judges to a qualitatively new level, dramatically increased their responsibilities and created ample opportunities for the administration of justice.

The issues of deepening reforms in the judicial sphere are very important for a new democratic state based on the rule of law.

The Law on Courts of September 2, 1993, and later the Law of December 14, 2000, which regulates the mechanism of exercising an independent judiciary and is the main guarantee of the procedure for election, appointment and dismissal of judges, liability for interference in court proceedings, etc.

In recent years, large-scale, truly historic changes have taken place in the judicial system of our country. The Decree of the President of the Republic of Uzbekistan dated February 21, 2017 "On measures to radically improve the structure and efficiency of the judicial system of the Republic of Uzbekistan" raised the state policy in this area to a qualitatively new level. In accordance with this decree, the Supreme Court of the Republic of Uzbekistan, the only supreme body of judicial power in the field of civil, criminal, administrative and economic justice, was established. Within the framework of this decree, the Supreme Civil and Criminal Courts of the Republic of Karakalpakstan and the Economic Courts of the Republic of Karakalpakstan were abolished. The practice of the courts, which does not correspond to the essence of justice, such as the return of criminal cases for additional investigation, has been stopped [2. 2].

## 2. MATERIALS AND METHODS

However, despite the ongoing reforms in the judicial sphere in our country, in his Address to the Oliy Majlis on December 22, 2017, the President expressed his criticism of the judiciary: "Courts have not yet become a place where justice is done. People are dissatisfied with the courts. It's all an old pelvis, an old bathroom. We will continue the reforms in this area firmly and consistently. Courts and law enforcement agencies are judged by the people themselves. The strict requirement for them is to protect the rights and interests of the people" [3. 33-34].

On July 24, 2020, the President signed the Decree "On additional measures to further improve the work of courts and increase the efficiency of justice." Below we consider how this Decree will have a positive impact on improving the judicial system, increasing the efficiency of justice and, most importantly, the protection of human rights and interests.

According to the decree, the civil, criminal and economic courts of the Republic of Karakalpakstan, regions and the city of Tashkent will be merged and a single court of general jurisdiction will be established on their basis, while maintaining strict specialization of judges.

We have already mentioned that on June 1, 2017, the Supreme Court and the Supreme Economic Court were merged in Uzbekistan. To date, the merger of post-Supreme Court courts has also allowed for a duplication of judicial management functions, a unified judicial practice, a rational distribution of judicial functions and staffing, and the improvement and optimization of courts in line with modern requirements.

To date, each regional court has between 4 and 15 judges, while the newly established courts of general jurisdiction have between 19 and 47 judges. Admittedly, there is a lot of work for criminal judges, and their qualifications are higher than others. The main workload falls on these judges. After this merger, the number of states almost tripled, and the workload was evenly distributed, as a result of the transfer of work from one province to another, eliminating the confusion of citizens. The main purpose of reforming the judicial system is to

increase the level of access to justice for citizens, to ensure true independence of the judiciary, to strengthen the guarantees of reliable protection of human rights and freedoms [4. 3].

On the basis of the adopted normative and legal acts in this area, a number of reforms have been carried out in the judiciary of the Republic of Karakalpakstan. At the fifteenth session of the Supreme Council of the Republic of Karakalpakstan, amendments and additions were made to the Constitution of the Republic of Karakalpakstan. According to Article 101 of the Constitution of the Republic of Karakalpakstan, the judicial system of the Republic of Karakalpakstan includes courts of the Republic of Karakalpakstan, administrative courts of the Republic of Karakalpakstan, inter-district, district (city) courts on civil cases, district and city courts on criminal cases, inter-district, district (city) economic courts and inter-district courts. consists of administrative courts [5. 29].

Judges of the Court of the Republic of Karakalpakstan and the Administrative Court of the Republic of Karakalpakstan shall be elected by the Jogorku Kenesh of the Republic of Karakalpakstan on the proposal of the Chairman of the Jogorku Kenesh of the Republic of Karakalpakstan and with the consent of the President of the Republic of Uzbekistan.

Judges of inter-district, district (city) courts on civil cases, district and city courts on criminal cases, inter-district, district (city) economic courts and inter-district administrative courts of the Republic of Karakalpakstan on the proposal of the Chairman of the Jogorku Kenesh of the Republic of Karakalpakstan Appointed by the Jogorku Kenesh.

The order of work and organization of courts, the Constitution of the Republic of Uzbekistan, the Constitution of the Republic of Karakalpakstan, the Law of the Republic of Uzbekistan "On Courts", the Code of Civil Procedure, the Code of Criminal Procedure, the Code of Economic Procedure, the Code of Administrative Liability and others regulated by laws. The formation of emergency courts is not allowed [6. 29].

The court of the Republic of Karakalpakstan is the highest judicial authority in the field of civil, criminal and economic proceedings and has the right to supervise the activities of district and city courts.

The Administrative Court of the Republic of Karakalpakstan is the supreme judicial authority in the consideration of administrative cases on disputes and applications arising from public relations and has the right to monitor the proceedings of inter-district administrative courts [7. 30].

### **3. RESULTS AND DISCUSSIONS**

To date, administrative courts have been hearing administrative offense cases. Administrative cases have now been transferred to criminal courts. The Administrative Court of the Republic of Karakalpakstan and the inter-district administrative courts located in the center of the Republic of Karakalpakstan shall hear disputes arising from administrative cases and public legal relations.

District administrative courts were abolished, and its state units were transferred to district criminal courts.

The court of the Republic of Karakalpakstan consists of a chairman, a deputy chairman, judges and people's advisers, and acts in the order of the presidium and judicial commissions.

The court of the Republic of Karakalpakstan has the right to consider the case of the district (city) courts in the first instance, taking into account the complexity and social significance of any case. He can also take the case from one court to another.

Judicial proceedings in the Republic of Karakalpakstan shall be conducted in Karakalpak, Uzbek, or the language spoken by the majority of the population in a particular area. Persons participating in the trial who do not know the language of the proceedings shall have the right to have full access to the case file and to participate in the proceedings through an interpreter and to speak in their mother tongue in court [8. 30].

The state languages in Karakalpakstan are Karakalpak and Uzbek. Therefore, litigation is conducted in these languages. In some border areas, if the majority of the population speaks another language, litigation may be conducted in that language. The language of the proceedings must be understood by the parties. This is reflected in international human rights standards.

The powers of the courts and judges of the Republic of Karakalpakstan may be terminated early upon the proposal of the Chairman of the Jogorku Kenesh of the Republic of Karakalpakstan in cases specified by law in the Jogorku Kenesh of the Republic of Karakalpakstan.

Cases are heard openly in all courts. Hearings of cases in closed session are allowed only in cases provided by law [9.31].

One of the constitutional principles of the democratic principles of justice is the independence of the judiciary. Judges are subject only to the law, so no one has the right to interfere in their activities in the administration of justice.

### **4. CONCLUSION**

In conclusion, the reform of the judiciary should be aimed primarily at ensuring the true independence of the judiciary. Only in this way will the person who now considers the court as a punitive body apply to the court as a body that must protect its rights, freedoms and interests. Only then will the judiciary become a truly independent branch of government.

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