



## Judicial Immunities As A Guarantee Of Their Independence

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### ABSTRACT

The article deals with the reforms being carried out in judicial and law enforcement spheres of the Republic of Uzbekistan, as well as issues of safety of judges, election of judges, appointment and dismissal of judges with strictly following established legal order, inadmissibility of interference into administering justice, confidentiality of judges' consilium and prohibition of disclosure of such information disrespect to the court or interference in the resolution of certain cases, liability for violation of judicial immunities, scientific theoretical and legal analysis of ensuring independence of judges .

### KEYWORDS

Immunity of judges, independence of judges, justice, judge's disciplinary and administrative liability, humanity, legitimacy, fairness, impartiality and transparency, "fortress of justice".

### INTRODUCTION

In-depth analysis of historical development of our country put on the agenda such tasks as

need to develop and implement new approaches to progress of our country in

rather stable and dynamic environment in the context of rapid changes and globalization, as well as ensuring true independence of judiciary power, public confidence in justice on an entirely new level. Admittedly, the country has undergone radical reforms in all areas, including the judiciary, over the past years.

According to Article 44 of the Constitution of the Republic of Uzbekistan, everyone has the right to judicial protection of their rights and freedoms, the right to appeal to the court against illegal actions of state bodies, officials, public associations. [1]

Judges are symbols and representatives of the judiciary power that, as a branch of government, operates independently of legislative and executive ones.

Article 112 of the Constitution of the Republic of Uzbekistan enshrines such important norms as independence of judges, their obedience only to the law, inadmissibility of any interference in administering justice, and the fact that such interference is punishable according to law.

It should be noted that independence of judges and their inviolability play an important role in ensuring their obeying only to the law. Independence and inviolability of judges are guaranteed by the Constitution of the Republic of Uzbekistan, the Law “On Courts” and the Law “On the Supreme Judicial Council of the Republic of Uzbekistan” by establishing norms that ensure election of judges, appointment and dismissal of judges with strictly following established legal order, inadmissibility of interference into administering justice, confidentiality of judges’ consilium and prohibition of disclosure of such information disrespect to the court or

interference in the resolution of certain cases, liability for violation of judicial immunities, provision of adequate material and social security. [2]

The principle of judicial inviolability is the most important among constitutional principles that form legal basis of justice and guarantee independence of judges.

Judicial inviolability plays an important role in preventing restriction of their rights in administering justice and any interference with them in the performance of this duty. Therefore, according to the current legislation, disrespect to the judge, as well as actions that show disregard for him, are punishable under the law.

In any way, influencing judges in order to prevent a particular case from being considered comprehensively, completely and impartially, or to obtain an illegal court decision, is punishable by law.

Immunity of judges applies to all judges, regardless of the level of judiciary or case type.

In accordance with the Law of the Republic of Uzbekistan “On Courts”, the person of a judge is inviolable. The immunity of a judge shall apply to his residence, office, means of transport and communication used, correspondence, belongings and documents. [3]

In order to ensure personal safety of judges, they shall be provided with firearms according to the list made by the Chairman of the Supreme Court of the Republic of Uzbekistan and the Minister of Justice. If necessary, chairman of the relevant court can by his decision oblige appropriate body of internal

affairs to provide armed guards for the judge and his family.

A criminal case against a judge may be instituted only by the Prosecutor General of the Republic of Uzbekistan that shall be personally responsible for legality and justification of instituting criminal proceedings against a judge.

Prosecution and arrest of judges require conclusion of the Supreme Judicial Council and consent of the Plenum of the Supreme Court.

According to the Law on Courts, a judge may not be held administratively liable without the conclusion of the Supreme Judicial Council of the Republic of Uzbekistan. Access to the judge's residence or office, the vehicle he uses, including inspection, search or seizure of items out of them, body search, listening to telephone conversations, as well as his correspondence, belongings and documents, seizure is allowed only with the permission of the Prosecutor of the Republic of Karakalpakstan, the Prosecutor of a region, Tashkent city, the Military Prosecutor of the Republic of Uzbekistan or decision of the court.

These legal norms mean that it is prohibited to hold judges administratively liable or to carry out body search and search of their belongings etc unless in the order prescribed by the law.

Moreover, on December 7, 2020, the Presidential Decree “On measures to ensure true independence of judges and increase the effectiveness of corruption prevention in the judiciary” was adopted. It is no exaggeration to say that this Decree will serve to ensure true independence of judges, to raise

confidence of citizens in the system justice to a new level.

The Decree provides for the creation of legal mechanisms to protect professional activities of judges in administering justice from any external influence; to ensure impartiality and transparency in the evaluation of judges, selection, training and appointment, as well as introduction of modern information technologies in these processes. Protection of judges and independence of the judiciary are closely linked to prevention of corruption among the judiciary. [4 ]

At the same time, the facts that the Chairman of the Supreme Judicial Council shall personally inform the President on an annual basis on hindering factors of administering justice and the state of the fight against corruption in the judicial sphere, as well as establishment of the Judicial Inspectorate for Immunity and Prevention of Corruption of the Supreme Judicial Council were important steps towards ensuring true independence of the judiciary and further strengthening confidence of citizens in the system of justice.

Moreover, under the amendments to the law, the Chairman of the Supreme Judicial Council of the Republic of Uzbekistan shall submit proposals to the prosecutor's office on cases of violation of Judicial immunity and interference in administering justice. The petition shall be considered by the prosecutor's office and the Prosecutor General's Office of the Republic of Uzbekistan shall notify of the initiation or refusal to institute criminal proceedings.

This, in turn, plays an important role in ensuring the immunity of judges, as well as

strengthening of confidence in the judicial system by the head of state.

In conclusion, it should be noted that the Constitution of our country and the laws adopted are important in enhancing the prestige of the judiciary in society, ensuring true independence of judges. When a citizen comes to court in the hope of finding justice, he can be persuaded to defend his rights by demonstrating qualities such as true humanity, legitimacy and justice. As the head of our state mentioned, our main goal should be to strengthen the confidence of our people in the judiciary by protecting rights and freedoms of citizens, to turn the court into a real “fortress of justice”.

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