

Journal Website:
<https://theamericanjournals.com/index.php/tajpslc>

Copyright: Original content from this work may be used under the terms of the creative commons attributes 4.0 licence.

Research Article

THE MAIN CRITERIA FOR THE QUALITY OF COURT DECISIONS

Submission Date: May 10, 2022, Accepted Date: May 20, 2022,

Published Date: May 30, 2022 |

Crossref doi: <https://doi.org/10.37547/tajpslc/Volume04Issue05-04>

Rakhimov Azizjon

Judge of the Tashkent regional Administrative Court, Uzbekistan

ABSTRACT

The article discusses the main indicators of the quality of judicial acts such as legality, validity, consistency, correctness. The author points out the difference between the validity and legality of court decisions. It explains the inadmissibility of using slang, local dialects in a court decision, which lead to a negative perception of judicial acts by society.

KEYWORDS

Judicial act, jurisdictional procedures, legality, validity, consistency, correctness.

INTRODUCTION

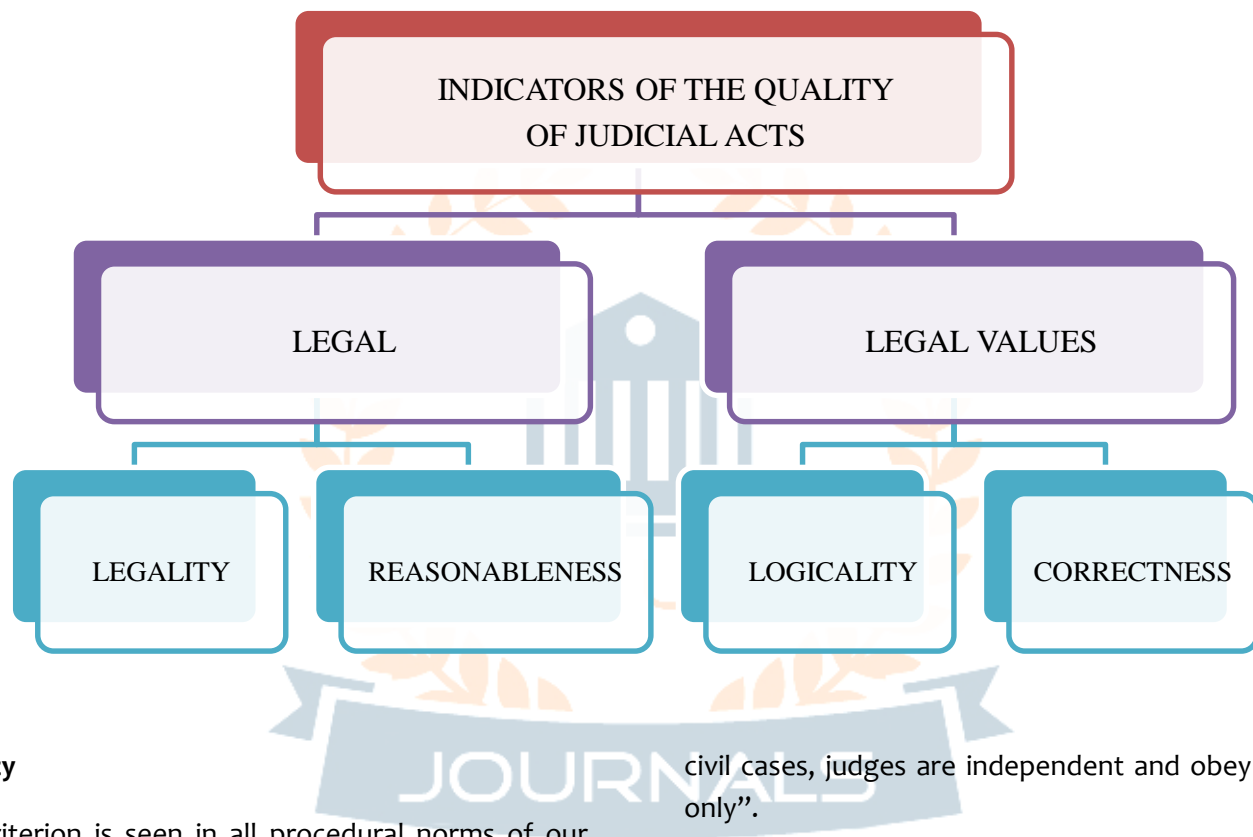
Nowadays it is more important than ever to ensure the true independence of the judiciary and increase the authority of the court. If the judiciary does not gain the trust of citizens and society, then it is likely that informal jurisdictional procedures in resolving disputes

will develop in society. This will lead to the fact that the subjects of public legal relations will begin to evade appeals to official courts and prefer various kinds of unofficial intermediaries, which in turn will lead to a decline in the authority of the judicial system and a

sharp increase in the shadow economy and corruption. Under such circumstances, the state will be less attractive for investment projects and foreign partners.

The main indicators of the quality of the judicial system are the consistency of decisions taken, the unity of judicial practice and, accordingly, its predictability.

In our opinion, the quality indicators of judicial acts should be distinguished on the following grounds:



Legality

This criterion is seen in all procedural norms of our republic. For example, in accordance with Article 11 of the Criminal Procedure Code of the Republic of Uzbekistan, a judge, a prosecutor, an investigator, an inquirer, a defender, as well as all individuals involved in criminal proceedings, are obliged to strictly observe and comply with the requirements of the Constitution of the Republic of Uzbekistan, this Code and other legislative acts of the Republic of Uzbekistan [1]. Or in accordance with Article 9 of the Civil Procedure Code of the Republic of Uzbekistan, “Administering justice in

civil cases, judges are independent and obey the law only”.

Any interference in the activity of judges when administering the justice is unacceptable and entails liability under the law [2].

Legality is often defined as the compliance of a judicial act with the current regulatory legal acts.

In judicial practice, there are decisions that are made with the application of laws that have become invalid or based on facts that did not take place in practice. The court's decision will be legal even if it contradicts



the law, since the law clearly prescribes the execution of court decisions. The decision will be legal until it is overturned by the highest authority in accordance with the law. Therefore, when speaking about the legality of judicial acts as an indicator of its quality, the society should consider the decisions of the general practice of interpretation and application of law - both in other judicial instances and in other law enforcement and administration agencies.

Another indicator of the legality of court decisions is compliance with the requirements of Articles 20 and 21 of the CPC of the Republic of Uzbekistan. Article 21 of the CPC of the Republic of Uzbekistan includes a specific list of circumstances when a judge cannot consider a case and is subject to refusal. This takes place when a judge:

- 1) Participates as a judge during the previous consideration of this case, and his/her repeated participation in the consideration of the case in accordance with the requirements of this Code is unacceptable;
- 2) Is interested personally, directly or indirectly in the outcome of the case or there are other circumstances that cast doubt on his/her objectivity and impartiality;
- 3) Participated as a judge of the arbitration court, prosecutor, expert, specialist, translator, secretary of the court session, witness and representative during the previous consideration of the case;
- 4) Is a relative of an individual or other individuals participating in the case;
- 5) Is a relative of the judge who is a member of the panel considering the case[3].

Article 20 of the Code indicates the circumstances in which a judge cannot participate in the re-examination of a case "The judge who considered the case in the

court of first instance may not consider this case again if the court's decision is overturned by the court of appeal or cassation, except when the cases on newly discovered circumstances as well as review of the decision taken in absentia are considered".

The judge who considered the case in the court of first instance may not participate in the consideration of this case in the court of appeal or cassation instance.

The judge who took part in the consideration of the case in the court of appeal may not participate in the consideration of this case in the court of first instance or cassation instance.

The judge who took part in the consideration of the case in the court of cassation instance may not participate in the consideration of this case in the court of first or appellate instance, or in the court of cassation instance during the retrial of this case[4].

The court decision will not be lawful and is subject to cancellation if the judge neglects the rules of jurisdiction or responsibility when considering the case.

Reasonableness (motivated).

The law provides for the validity of judicial acts. Part 3 of Article 455 of the Criminal Procedure Code of the Republic of Uzbekistan provides that, "the verdict is recognized as justified if the actual circumstances of the case have been established with the necessary completeness and in exact accordance with how they actually took place[5].

It should be noted that not everyone distinguishes between the validity and legality of court decisions.

Arguing convincing grounds within the framework of the relevant law and order, the court justifies its



decision on specific circumstances relevant to the case. And legality is defined as compliance of a judicial act with the current regulatory legal acts.

In order for the parties to have no grounds and impressions to consider the court's decisions unilateral, the judge in his/her decision must clearly and precisely substantiate the answers to the legal questions posed to the court.

Logicity

Despite the fact that the legislator does not see the legal requirements for the consistency of court decisions, consistency is one of the main indicators of the quality of court decisions.

If the decision is structured logically correctly, then any individual who does not have a legal education and is not privy to the essence of the matter will understand its meaning. In our opinion, it will be appropriate to use the header or other means in the formation of the solution. This especially applies to civil cases related to inheritance, the discussion subject of which is much more complicated than that of other court proceedings. The use of such tools helps the author to check the logic of decisions.

Correctness

A linguistically and terminologically correct judicial act is considered correct. When making a court decision, the judge must strictly observe the language of the court decision. The main characteristics of court decisions can be cited as imperativeness, accuracy, template (uniformity of style) and formality. It is unacceptable to use slang and local dialects in a court decision, which leads to a negative perception of judicial acts by society.

The author of the judicial act should not use complex legal terms and expressions. This leads to the fact that the parties who do not have legal knowledge will begin to doubt the legality and fairness of the court decision.

As mentioned above, the judge must observe the language of the judgment and avoid unnecessary legal terms and expressions when making decisions.

It should not be forgotten that in most cases the main "consumers" of judicial acts are individuals who, as a rule, do not have deep legal knowledge and, therefore, will not be able to read the text written in a legal language incomprehensible to them. Such a decision will also not serve the development of the legal culture of the population, which probably will not accept it because of its inherent complexity and incomprehensibility.

Making a conclusion we can say the following. Making a decision is a big responsibility. After all, the fate of not only individuals, but also legal entities depends on the judge's decision. One misinterpreted law or article can cripple a person's fate and permanently lose confidence in the judicial system and the state. Nowadays the legal consciousness of society is growing rapidly and society expects from the judiciary not just decisions, but decisions that would allow people to plan their future actions with a reasonable understanding of which actions will be recognized as legitimate, and from which actions it is advisable to refrain due to possible negative consequences (sanctions) from the courts.

At the end I wanted to remember the words of E. Annens "the level of its civility largely depends on the extent to which legal technology is developed in the country"[6]. By making informed and correct decisions, the courts contribute to improving the legal culture and consciousness of the population.



REFERENCES

1. Закон Республики Узбекистан от 22.09.1994 г. № 2013-XII
2. Собрание законодательство Республики Узбекистан 2018 г., № 4
3. Собрание законодательство Республики Узбекистан 2018 г., № 4
4. Собрание законодательство Республики Узбекистан 2018 г., № 4
5. Закон Республики Узбекистан от 22.09.1994 г. № 2013-XII
6. Э.Аннерс История европейского право. М., 1994, С 7

