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## Research Article

# THE IMPORTANCE OF MODERN MECHANISMS IN ENSURING THE FULL INDEPENDENCE OF THE ADMINISTRATIVE COURT

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## ABSTRACT

In this work, it is shown that the measures taken to ensure the organizational functioning of the courts in our country, including the change of the term of office of judges, the selection of candidates for the position of judges and their appointment to the position of judges, and the improvement of the systems of material and technical provision of the courts, and the systematic introduction of modern information technologies into their activities. At the same time, taking into account the fact that in disputes resolved by administrative courts, there is always a state body or organization with authority as a party, it is stated that it is considered a constant necessity to further strengthen the activity of such courts from an organizational and legal point of view, and to introduce modern mechanisms to achieve this goal. the proposal was put forward.

## KEYWORDS

Independence of the judiciary, procedures for appointing and electing judges, administrative court, ensuring the rights, freedoms and legal interests of citizens, public power, mechanism of belonging to extraterritorial justice.

## INTRODUCTION

Certain procedures and organizational measures are required for effective implementation of any activity, including the activity of courts related to the administration of justice.

It depends on the proper organization of the activities of the courts in order to ensure the quality and efficient implementation of judicial activities, which is the main task of the judiciary.

Issues of the organization of judicial activities, including the organization of the work of courts and direct judges, organizational maintenance of the activities of courts, are of great importance for ensuring the effectiveness of justice [1, 102-103].

According to V.Nesterov, the organization of court activities is defined as organizing the work of these courts in a systematic and thoughtful manner [2, 2].

In other words, the organization of court activities is the creation of necessary and favorable conditions for courts, judges, and court officials for the effective implementation of judicial activities.

The correct organization of court activities serves to ensure the full accounting of the work of judges and court employees, the fair distribution of court cases, the quick and high-quality performance of the tasks assigned to the court system, and as a result, the goal of justice is achieved.

It should be noted that increasing the efficiency of the judiciary in our country, creating all the conditions for its full and independent implementation is one of the issues that the leadership is constantly paying attention to.

As a proof of this, it can be shown that special attention is paid to the organizational and legal issues of the courts in the action strategy for the five priority directions of the development of the Republic of Uzbekistan in 2017-2021 and in the new development strategy of Uzbekistan for 2022-2026.

In particular, in these program documents, the priorities and goals of further reforming the judicial system are to increase the position of judges and court staff, the level of material incentives and social security, to strengthen the material and technical base of the courts, to strengthen the court apparatus, and

to introduce modern information and communication technologies to the operation of the courts. implementation issues are defined.

A number of practical measures have been taken in our country to achieve these goals.

The term of office of judges has been changed, the procedure for appointing (election) them for the first time for a period of five years, then for a period of ten years, and then for an indefinite period has been introduced [3].

The system of selecting candidates for the position of judge and appointing them to the position of judge has been fundamentally improved. The participation of judges in this process was expanded, and most of the powers to appoint judges were transferred from the President of the Republic of Uzbekistan to the community of judges. For this, the Supreme Council of Judges was established [4].

An independent and unified system of training of candidates for judicial positions, retraining of judges and court personnel, and improvement of their qualifications was created. The High School of Judges under the Supreme Council of Judges was established [5].

Practical measures were taken to independently solve the issues of material and technical provision of the courts. For this, first of all, the Department of Courts was established at the Supreme Court [6]. He was entrusted with the task of providing the courts materially and technically and financially, creating the necessary conditions for the operation of the courts, improving working conditions, organizing the material and social support of judges and employees of the judicial apparatus.

In order to ensure the independence of courts in matters related to material and technical support, a fund for the development of judicial authorities was established [7].

Starting from 2021, the salaries of judges and court employees will be fully financed from the State budget [8]. Salaries of judges and court officials have been significantly increased.

Modern information and communication technologies have been actively introduced into the activity of justice. In particular, systems have been created to apply to courts remotely, participate in court sessions using the video conference system, automatically distribute cases between judges, publish court decisions on the Internet, and send executive documents for mandatory execution electronically [9].

At the next stage of the introduction of information technologies into the activities of the courts, the types of interactive electronic services provided to citizens and business entities were expanded, and online monitoring of the review process of each appeal was ensured. Measures were taken to transfer the information exchange of courts with other state bodies to a fully electronic form, for which the information systems of the courts were integrated with the information systems of 28 state bodies and organizations [10].

Measures were taken to ensure the openness and transparency of the activities of judicial bodies, to expand open dialogue with the population, and to strengthen the role of the public in the administration of justice.

For this purpose, the procedure of systematic announcement of court decisions was gradually introduced on the website of the Supreme Court, after

the adopted court document was read out, the practice of explaining its content to the participants of the court proceedings was established, as well as informing the public and mass media about the activities of the courts. quarterly briefings by the presidents of the regional courts and their deputies [11].

There is no doubt that the reforms carried out on the organizational and legal support of court activities will serve to ensure the effective implementation of judicial activities and the independence of courts, including administrative courts.

However, taking into account that in disputes resolved by administrative courts, there is always a state body or organization with authority as a party, it is a constant necessity to further strengthen the activity of such courts from an organizational and legal point of view.

It should be noted that today, in case of violations of the rights and legal interests of citizens or business entities by hokimities, other state bodies or organizations, or their officials, their protection is carried out by the administrative court in the place where these hokimities, other state bodies or organizations are located.

In such a case, there is a high probability that the governorship, other state body or organization will interfere in the administrative court case, influence it, and officials are in constant contact with the judge on the basis of their official duties, so there is an opportunity for corruption.

This leads to justified doubts about the impartiality of the administrative court in citizens or business entities whose rights have been violated, and to legitimate objections.

The decreasing confidence of citizens or business entities in the administrative court can be seen in the fact that in 2018, administrative courts considered 17,424 complaints against the decision of a state body or the actions of an official, this number increased to 16,255 in 2019, 15,066 in 2020, and 15,066 in 2021. 15,146, and 15,344 in 2022 [12].

In order to prevent the above-mentioned situation, it is proposed to introduce a mechanism of extraterritorial jurisdiction at the request of a citizen or business entity whose right to the activity of administrative courts has been violated, and to take a number of organizational measures for the effective functioning of this mechanism.

### **This mechanism is used in the following order:**

when a citizen or a business entity whose rights have been violated has doubts about the impartiality of the administrative court, he has the right to file an application to have the case heard in an administrative court in a territory other than the one where the hokimality, other state body or organization is located;

in the case of such an application, the appeal will be transferred to an administrative court in another region for consideration through an automated system introduced into the operation of administrative courts.

When introducing the mechanism of extraterritorial jurisdiction, it is necessary to effectively use the capabilities of the automated information system implemented in the operation of courts.

Currently, if a complaint is filed with a certain inter-district administrative court, this complaint is automatically distributed among the judges using the information system. The number of cases handled by the judge, the judge's work experience and the level of complexity of the complaint are taken into account

when automatically distributing a specific complaint between judges.

It should be noted that the automatic allocation system is currently only used to allocate cases between judges within one court.

When introducing the mechanism of extraterritorial jurisdiction, it is necessary to make extensive use of the capabilities of the information system designed for the automatic distribution of cases, and ensure that it works not within the framework of a specific court, but within the framework of the system of administrative courts.

As a result, if a citizen or business entity whose rights and legal interests have been violated, applies to have his/her case heard in an administrative court in a region other than the one where the hokimality, other state body or organization is located, the case will be automatically forwarded to the administrative court in another region through the information system.

In this case, the proximity of the administrative court in another region to the applicant, the volume of work of this court, the work experience of its judges, the language of proceedings and other circumstances should be taken into account.

It should be noted that when the case is distributed based on the extraterritorial jurisdiction mechanism, the applicant does not have the opportunity to choose another administrative court. The case is automatically transferred to an administrative court in another area.

It should be noted that such an opportunity is created only in inter-district administrative courts and regional administrative courts.

The introduction of the proposed mechanism into the activity of administrative courts will ensure the

effective protection of the rights and legal interests of citizens or business entities by such courts, the elimination of suspicions of the population regarding the corruption cases in the activity of the courts, as well as the administrative serves to further strengthen the independence of courts.

Ensuring the independence of the judiciary serves the acceleration of democratic processes, and the independent judiciary can be an effective tool in the implementation of the principle of mutual restraint and balance in state administration.

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