



## PROBLEMS OF INCREASING THE TRANSPARENCY OF THE JUDICIAL SYSTEM

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| <b>Received:</b> 11 <sup>th</sup> November 2021<br><b>Accepted:</b> 11 <sup>th</sup> December 2021<br><b>Published:</b> 21 <sup>th</sup> January 2022  | The article outlines the features of many issues in the field of judicial and legal issues that are important for the prosperity of our country and our nation, in particular, ensuring the transparency of judicial decisions and personal data in preventing corruption. |
| <b>Keywords:</b> Court decisions, criteria for transparency, fairness, and jurisdiction, the system of electronic courts, public monitoring and investment climate, as well as international experience. |  |

It is no secret that today a several positive steps have been taken in our country to increase the capacity and prestige of the judiciary, ensure true independence, as well as further improve the structure of courts and the system for selecting and appointing candidates for deputies. judicial positions. Many government agencies have their own websites and through them have begun to acquaint the public with their activities.

In this sense, the reforms carried out in recent years under the leadership of President Shavkat Mirziyoyev, the new laws adopted to ensure the well-being of our people, the reliable protection of their rights and freedoms, the true independence of the judiciary, increase the efficiency, potential, and prestige of the judiciary. In particular, PF-4850 of October 21, 2016 "On measures to further reform the judicial system, strengthening guarantees of reliable protection of the rights and freedoms of citizens" [1], "Radical improvement of the structure and efficiency of the judicial system of the Republic of Uzbekistan PF-4966 of February 21 2017 [2], PF-5482 dated July 13, 2018 "On measures to further improve the judicial system and increase confidence in the judiciary" [3] created an appropriate legal framework for the activities of the courts by the decrees.

In our country, the main laws and information about them are open to the public, written in understandable language, as well as the quality of information published by the government in print or on the Internet, and its ease of access, as well as the speed of publication of court decisions, should not be.

The goal is to maximize the transparency of the judiciary through the immediate online publication of judgments and decisions handed down by the courts. This could be one of the most important steps taken by the judiciary to fully win the trust of our people.

In this regard, there are many simple and logical reasons for bringing the decision of the court to the attention of the public after its adoption:

First, questions remain about how judges work, whether their decisions meet the criteria of fairness and impartiality, and whether judges can adequately justify their decisions. In case of announcement of court decisions and orders, public monitoring of courts is formed. Until the transparency of judicial decisions is ensured, it will be useless to talk about the impartiality of judges and the prevention of corruption in the judicial system. Such a simple requirement as ensuring the transparency of judicial decisions is one of the least costly, proven, proven throughout the world, effective ways to prevent many problems in the field, especially corruption. This procedure is a tool that encourages judges to tirelessly work on themselves, conduct their work with high quality, make informed and fair decisions;

Secondly, there are sufficient legal grounds for ensuring the transparency of judicial decisions. This procedure is a constitutional requirement. In particular, Article 30 of the Constitution states: "All state bodies, public associations and officials of the Republic of Uzbekistan must provide citizens with access to documents, decisions and other materials affecting their rights and interests." In addition, the election program of UzLiDeP, the country's largest political party, includes the item "to install a system for electronic publication of court decisions on their official websites." The great jurists of our country have also mentioned it in their various articles;

Thirdly, foreign experience also proves that ensuring the transparency of judicial decisions is one of the most appropriate ways to develop the country's judicial system. Let us dwell on the experience of the countries of the world. All the industrialized countries of Europe and America always leave judgments open. In this practice, a court decision is added to the list of decisions on the website of the court no later than the day the judge makes a decision in a particular case, and any citizen has the opportunity to directly familiarize himself with the text of this decision. A database of decisions has been formed on the website of court, and citizens have the opportunity to find and familiarize themselves with court

decisions based on the topic and day. This is especially helpful for law students, media workers and journalists. The practice of Asian tigers and Japanese lawsuits also confirms the correctness of this practice. So how are things in the Commonwealth of Independent States (CIS)? In most CIS countries, especially in Russia, and even in our neighbors Kazakhstan and Kyrgyzstan, court decisions are published on the portal of the Supreme Court. In Kazakhstan, for example, since 2009 the courts have been publishing all sorts of decisions on their websites. In Kyrgyzstan, this practice began seven years ago;

Fourthly, the role of the public announcement of court decisions in legal education is enormous. Ensuring the transparency of judicial decisions has a positive effect on the process of preparing students studying at law schools and faculties. We often ask, "Why do law schools train bad staff? Why are there not enough people in local and international arbitration courts to represent the interests of our country?" we hear reasonable arguments. The most painful aspect of current legal education is that students at the Tashkent State University of Law, the University of World Economy and Diplomacy, and Westminster International University in Tashkent, two of the country's leading law schools, do not have a clear understanding of how laws and theoretical skills are applied in practice. They continue to study the practice of laws with imaginary examples they have developed. This affects the quality of legal education. Unsurprisingly, this is another reason why students studying abroad in the field of law have a high level of knowledge. Abroad, law students have the opportunity to get higher education with a solid knowledge of not only the laws and their theoretical foundations, but also how these laws are applied in practice, how to resolve litigation;

Fifth, ensuring the transparency of court decisions will also serve to increase the role of the investment climate in international rankings. Foreign investors and lawyers who invest in our country are trying to find out how our judges react to problems in practice, through court decisions already taken, and use them when drawing up their business plans. This situation leads to legal stability.

It is well known that one of the indicators of the country's investment climate is not only the rule of law but also the presence of a judicial system consisting of competent, independent judges who know their business well. This can only be ensured by the quality of the decisions they make and take. Naturally, they do not dare to invest in a state where the transparency of judicial decisions is not ensured.

In a word, the transparency of the judicial system is an important process for the development of our country and people, a sign of the quality of democratic statehood, the rule of law, and an integral part of judicial reform in our country. In a word, transparency and prompt publication of court decisions will serve to strengthen the position of our country in the World Justice Project Index.

Based on the feedback above, we have developed the following suggestions and recommendations:

- creation of a situational center with a unified system for monitoring court cases, which makes it possible to collect and analyze up-to-date judicial information;
- review by the competent authorities which categories of cases are open and which are closed, to improve the judicial process through the widespread use of modern technical means;
- establishment of public control over the activities of the judiciary through the immediate publication on the Internet of resolutions and decisions issued by the courts of the republic;

#### **LIST OF USED LITERATURE:**

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