



THE LEGAL STATUS OF JUDICIAL BODIES IN THE CONSTITUTION

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Annotation

In this article, the system of judicial bodies in each country is organized in administrative-territorial structures, and in the processes of development of socio-economic spheres of society, the issues arising as a result of the legal relationship between enterprises and organizations, state bodies and citizens are considered at the scale of defined territorial units. Also, the tasks and goals of the judicial bodies are about the implementation of justice and the fulfillment of the requirements specified in the Constitution of the Republic.

Keywords: criminal-procedural, investigator, investigator, prosecutor, presumptive judge, economic, social, civil and criminal cases, Supreme Court, parliament.

Judiciary bodies of the Republic of Uzbekistan are part of a branch of state power and are bodies that ensure and regulate the rule of law. Article 107 of the Constitution of the Republic of Uzbekistan states that "the judicial system of the Republic of Uzbekistan is the Constitutional Court of the Republic of Uzbekistan, which is elected for a five-year term, the Supreme Court of the Republic of Uzbekistan, the Supreme Economic Court of the Republic of Uzbekistan, the Supreme Court of the Republic of Karakalpakstan, regional courts appointed for the same period from the Economic Court of the Republic of Karakalpakstan[1], the Tashkent city court, consists of district, city and commercial courts. According to the new version of the Law "On Courts" adopted on December 14, 2000, the above-mentioned judicial system was amended and the courts were specialized, i.e. Supreme Courts of the Republic of Karakalpakstan for civil and criminal cases, regional and Tashkent city courts for civil and criminal cases, civil cases inter-district, district (city) courts, district (city) courts for criminal cases were introduced[4].

On August 29, 1996, the President of the Republic of Uzbekistan, I.A. Karimov, in his speech at the 1st convocation, VI session of the Oliy Majlis of the Republic of Uzbekistan, the main goal of legal reforms in Uzbekistan was the idea of restoring the





position of the court as a separate and independent power branch. New branches of judicial power were created. The powers of the court have been significantly expanded. "The legal norms of guaranteeing protection of the legal rights and interests of citizens through the court are being improved, now the task is to ensure that these norms are consistently introduced into the judicial practice, to achieve their deep establishment in the minds of people[5]."

In the legal regulation of the economic, social and political relations of the state, the influence of judicial bodies is strong, and it guarantees it on behalf of the state. It ensures the protection of the rights of citizens established by the Constitution and laws in public institutions, public associations, regardless of the form of ownership.

Article 111 of the Constitution of the Republic of Uzbekistan stipulates that "Resolving economic disputes between enterprises, institutions, organizations based on different forms of ownership, as well as between entrepreneurs, in the field of economy and in the process of its management, is carried out by the Supreme Economic Court and economic courts within their powers[6-25]."

The main goal of the activity of judicial bodies of the Republic of Uzbekistan is aimed at the strict adherence of citizens to the Constitution and laws. For the implementation of the above-mentioned tasks, judicial bodies are given great powers by law. Depending on the specialization of courts:

1. Determines the type of punishment and the term of the punishment for those who have committed a crime:
2. In cases where citizens or organizations do not fulfill their obligations, they are forced to take mandatory enforcement measures in the manner specified in the norms of civil legal obligations.

It is not allowed to create emergency courts. In the activity of judicial bodies, judicial proceedings are not carried out on the basis of different political views and opinions. One of the most important principles in the activity of judicial bodies in the Republic of Uzbekistan is the supremacy of the Constitution and laws, only the courts have the right to take measures on behalf of the state in criminal cases and civil cases in accordance with the law. The Constitution of the Republic of Uzbekistan and the Law "On the Courts of the Republic of Uzbekistan" define the concept of principles of activity of judicial bodies as follows: "Judges are independent, they obey only the law[26-36]. It is not allowed to interfere in any way with the activities of judges in the administration of justice, and such interference is the cause of liability according to law. The judiciary operates independently of the legislative and executive authorities, political parties, and public associations."





The Constitution of the Republic of Uzbekistan stipulates that the activities of judicial bodies are to determine the type of punishment for a crime, to resolve economic cases, and to deal with civil and administrative cases. Paragraph 1 of Article 110 of the Republic of Uzbekistan states: "The Supreme Court of the Republic of Uzbekistan is the supreme body of judicial power in conducting civil, criminal and administrative proceedings[25]. This determines the directions of the administration of justice. One of the main conditions for the implementation of justice in the Republic of Uzbekistan is the equality of citizens before the court. Cases are heard openly in all courts. It is allowed to hear judicial cases in closed session only in cases established by law. Such cases are used in the consideration of certain crimes.

At any stage of the investigation and court proceedings, the accused are guaranteed the right to competent legal assistance. Clause 1 of Article 26 of the Constitution of the Republic of Uzbekistan defines the personal rights of citizens: "every person accused of committing a crime shall not be considered guilty until the case of a person accused of committing a crime is considered in a court of law in a public manner and his guilt is determined. All conditions for self-defense shall be provided to the person accused in the court[27].

In the legislation of the Republic of Uzbekistan, special attention is paid to ensuring the right to be under court protection. Article 44 of the Constitution guarantees every person the right to protect his rights and freedoms through the court, to appeal to the court against the illegal actions of the officials of state bodies and public associations. The procedure for the application of this constitutional norm is defined in legal documents, in particular, on the basis of the law of the Republic of Uzbekistan "On appeal to the court against actions and decisions that violate the rights and freedoms of citizens" adopted on August 30, 1995 and other laws[29].

Every person has the right to protect his interest personally or through a legal representative. The opportunity to protect their rights by a legal representative is also given to natural persons who have legal capacity and can think.

Article 26 of the Constitution of the Republic of Uzbekistan states: "Every person accused of committing a crime shall not be considered guilty until the case of each person accused of committing a crime has been publicly examined in a court of law and his guilt has been determined. All conditions will be provided for the accused person to defend himself in court.

This constitutional norm is fully consistent with generally recognized international documents. For example: presumption of innocence important international documents in the field of human rights: "Universal Declaration of Human Rights" (Article 11), "International Covenant on Civil and Political Rights" (Article 14), "On





the Protection of Human Rights and Fundamental Freedoms" It is expressed in the norms of the European Convention (Clause 2 of Article 6)[31].

The presumption of innocence does not represent the personal opinion of judges, investigators and prosecutors, but the objective legal status of a person. Only persons charged with the burden of proof can be found guilty.

The accused is considered innocent until a legally binding verdict of guilty is issued by the court. According to the rule of presumption of innocence, until all existing doubts and assumptions are fully clarified, this case is resolved in favor of the accused, which, in turn, shows that the person is innocent of a certain crime.

Until the judgment of the court against the accused enters into legal force, even if he is detained, his work, family and other rights and freedoms are practically not restricted. In general, this Constitutional principle is a valid rule that no one can treat the accused as guilty until the court's conviction has entered into force. If there are enough reasons to prove the guilt of the accused or the suspect in committing a crime, it is established that some of his rights and freedoms can be restricted in accordance with the law[34].

The provision of the right to defense is essentially expressed in Article 116 of the Constitution of the Republic of Uzbekistan and Article 24 of the Code of Criminal Procedure. These laws require special attention to be paid not only to the existence of the right to defense, but also to the guarantee of this right.

In order to protect the rights and freedoms of the persons charged with criminal responsibility, they are given a wide range of rights, for example, to know what they are accused of, to receive testimony and explanations regarding the charges against them and other circumstances of the case, to familiarize themselves with the evidence proving their criminal actions, to conduct a criminal case against them. have the right to appeal against the actions of the responsible officials[17].

The right to defense: the investigator, the investigator, the prosecutor, and the court are obliged to: explain to the suspect, the accused, and the defendant his rights, and give him a real opportunity to use all the means and methods provided by the law to defend himself against the charges against him.

The accused may request to be provided with a defense attorney at his request in order to defend his rights.

Article 49 of the Criminal Procedure Code stipulates that in the presence of a defense counsel, citizens will be read out the decision to indict or recognize them as a suspect based on the evidence proving their guilt.

It is not allowed to discriminate against anyone's legal rights, to arrest them, and to carry out any other form of harassment that degrades their dignity. Irrespective of





nationality, religion, origin, it is impossible to treat people harshly, to force them to follow religious views. Belief in the religion of your choice, freedom of conscience is protected by the state and judicial authorities in case of violation of the rights of privacy of people guaranteed by the Constitution and laws[21].

Judicial proceedings in the Republic of Uzbekistan are conducted in the Uzbek language, the Karakalpak language or the language spoken by the majority of the population in a certain place.

During court proceedings, persons who do not know the language and who participate in the court shall have the right to familiarize themselves with the case materials through an interpreter and participate in the court proceedings, as well as the right to speak in their native language during court proceedings.

The Supreme Court of the Republic of Uzbekistan is considered the highest body of the system of judicial bodies, and the documents adopted by it are strictly enforced, and it also has the right to control the judicial activity of the courts of regions, cities and districts[22].

The activities of judicial bodies are aimed at ensuring social justice, equality and harmony, strengthening legal legitimacy by all measures. Constitution of the Republic of Uzbekistan in accordance with the Constitution of the Republic of Uzbekistan. The Supreme Court and the Supreme Economic Court have the right to initiate legislation in the Oliy Majlis of the Republic of Uzbekistan. In the Oliy Majlis of the Republic of Uzbekistan, the right of the Supreme Court body includes the right of legislative initiative, the right to make amendments to the adopted laws, to adopt new laws and make proposals for the adoption of other normative acts. Their proposals and comments are considered by the Oliy Majlis and referred to the decision of the deputies in sessions and meetings.

At the sixth session of the Oliy Majlis of the Republic of Uzbekistan, on the initiative of the President of the Republic of Uzbekistan, the improvement of the principles of the judicial bodies, the liberalization of criminal punishments; They proposed that we need to review the offense and punishment system based on the principles and criteria used in developed democratic countries and justified it as follows; Depending on the degree of social danger of the crime, it is divided into four groups. These are crimes with a low social risk, not very serious, serious and extremely serious[17]. Crimes of low social risk make up 86 of the total 640 crimes in the Criminal Code, or in other words, 18.7 percent. Today, it is proposed to transfer 110 types of less serious crimes to the rule of crimes with less social risk in order to liberalize the criminal law and bring it more in line with humanitarian principles. Thus, 42.8 percent of crimes in the Criminal Code are crimes that do not pose a social threat. The increase in the category





of crimes with a low social risk significantly expands the possibilities of investigative and judicial authorities to use legal restrictions that do not involve imprisonment... "The change of the rules of definition of crimes allows us to literally change the general direction of our Criminal Code and bring it into line with the principles of a legal-democratic state," he continued with clear facts[30].

The undeniably reasonable proposals of this President were supported by the deputies, and the decision of the Oliy Majlis of the Republic of Uzbekistan on amendments and additions to the Criminal and Criminal Procedure Codes of the Republic of Uzbekistan and the Code of Administrative Responsibility in connection with the liberalization of criminal punishments was adopted.

94 articles of the Criminal Code, Criminal Procedure Code, Code of Administrative Responsibility of the Republic of Uzbekistan, adopted on September 22, 1994, were enriched with new content. It was determined that if he makes peace with and eliminates the damage caused, he can be released from criminal responsibility[29].

Studying the contents and essence of the changes and additions to the Criminal, Criminal-Procedural and Administrative Responsibility Codes of the second convocation of the sixth session of the Oliy Majlis of the Republic of Uzbekistan, we are sure that the human factor of each code is given a lot of attention. In the norms of the Criminal Code, it is clarified that the crimes committed intentionally and punishable by three to five years of imprisonment for not very serious crimes are part of the crimes committed as a result of carelessness. This does not allow uncertainty in the activity of law enforcement agencies in a certain direction. For example, it strengthens the practical application of the decrees of the President of the Republic of Uzbekistan on amnesty.

In addition, fine amounts for the benefit of the state have been established for certain types of crimes.

The sanctions norms of 39 articles of the Criminal Code have been removed.

In Article 36 of the Constitution of the Republic of Uzbekistan, every person is given the right to own property, and in Article 53, the inviolability of all forms of property and its protection by the state are strengthened. If we look at the history of the most developed democratic countries, they did not suddenly establish rules regulating social relations in state administration[11]. Every nation, fortunate enough to determine its own rights, strives to develop its own life. This, of course, takes time. Our independent Republic has just turned fourteen years old, it will soon be 13 years since the adoption of its Constitution. It has been more than 200 years since the adoption of the US Constitution. We can conclude from this that the stages of development of our country are based on the experience of other countries and





generally recognized norms of international law. The main force that unites and coordinates society is the Constitution and the law. We can talk about building a legal state only when the law prevails. In March 1990, the first session of the Supreme Council of the Republic of Uzbekistan decided to establish the Constitutional Control Committee[36]. The creation of this body is a big event in the life of a country that has chosen the path of democracy. In other countries, such a body has different names. In the USA - the Supreme Court, in France - the Constitutional Council, in the Federal Republic of Germany - the Constitutional Court. As a rule, the activities of these bodies are not controlled by anyone. It determines the conformity of parliamentary laws with the Constitution of the government and the decrees of the President of the country. The constitutional system is a great triumph of human social life, a universally recognized form. Any attempt aimed at weakening it, undermining its stability, and discrediting the constitutional structures is contrary to the spirit and essence of the legal state. The Constitution of the Republic of Uzbekistan does not allow any actions directed against the existing system.

The Constitution of the Republic of Uzbekistan enriches the concept of constitutional system itself.

The constitutional system is the most sacred thing, it is the basis for organizing the life activities of millions, which does not allow anyone to condemn it and encroach on it.

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