



CRIMINAL COURTS IN UZBEKISTAN: FORMATION, DEVELOPMENT, AND INSTITUTIONAL REFORMS

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Abstract

This article examines the formation and development of criminal courts in Uzbekistan as an independent institution. The study analyzes judicial reforms, organizational changes, court efficiency, and mechanisms for the protection of human rights.

Keywords: Criminal courts, judicial reforms, independent judiciary, human rights.

Introduction

Since gaining independence, the establishment and development of criminal courts as independent institutions in Uzbekistan has been one of the main directions of judicial reform. This process aimed to strengthen the independence of the judiciary, ensure fairness, and enhance the protection of human rights. This article analyzes the organization of criminal courts, socio-legal reforms, structural changes within the judicial system, and their operational efficiency during the period from 1991 to 2020.

The research methodology includes the following approaches:

- **Historical-analytical method:** Analysis of the development of criminal courts and judicial reforms from 1991 to 2020;
- **Statistical and archival analysis:** Examination of court decisions, enforcement documents, and disciplinary case records;



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- **Comparative method:** Analysis of structural changes in the courts and distribution of powers across different periods;
 - **Normative-legal analysis:** Evaluation of the independence and authority of criminal courts based on laws, presidential decrees, and court resolutions.

The sources used in this study include:

- Supreme Court documents and Plenum resolutions, normative-legal acts on judicial reforms [1–6];
- Archival materials on court activities, meetings of the Supreme Qualification Board, and reports [7–12];
- Information on judicial appointments and court operations in 2020 [13–14].

These sources allowed for a comprehensive study of the history, independence, and efficiency of criminal courts in Uzbekistan.

Analysis and Results

Formation and Development of Criminal Courts in Uzbekistan

The formation and development of criminal courts as an independent institutional system in Uzbekistan has been one of the key directions of judicial reforms. This process began in the early years of independence and continued consistently in subsequent periods. Through criminal courts, the independence and fairness of the judiciary and the effective protection of human rights were ensured [1].

Early Years of Independence: The Role of the Supervisory Instance (1991)

In 1991, the Supreme Court of the Republic of Uzbekistan received 6,998 complaints related to criminal cases. A portion of these complaints was directly reviewed by the Supreme Court, and 850 criminal cases were examined, with decisions made on whether to lodge a protest or not. Under the supervisory procedure, a total of 822 protests were lodged regarding criminal cases, of which 690 were satisfied [1]. These figures demonstrate the significant role of the supervisory instance in the operation of criminal courts and the widespread practice of reviewing judicial decisions.



Beginning of Reforms and Specialization (2000–2001)

On June 1, 2000, the Plenum of the Supreme Court of the Republic of Uzbekistan was held. During the session, the composition of the judicial panels was approved: a 30-member panel for criminal cases, an 8-member panel for civil cases, and a 5-member military panel [2].

From January 1, 2001, the reforms implemented within the judicial system led to the institutional strengthening of criminal courts. These reforms were legally supported by the Presidential Decree of August 14, 2000, “On the Improvement of the Judicial System of the Republic of Uzbekistan,” and the new edition of the Law “On Courts,” adopted on December 14, 2000. Under this law, the specialization of general jurisdiction courts in criminal matters was legally established, clearly separating criminal and civil court jurisdictions.

According to Article 1 of the Law “On Courts,” the following criminal courts were defined within the judicial system:

- The Supreme Court of the Republic of Karakalpakstan for civil and criminal cases;
- Regional courts and the Tashkent city court for civil and criminal cases;
- District (city) courts for criminal cases;
- Military courts with special criminal jurisdiction [3].

As a result of these reforms, criminal courts were established as independent specialized judicial bodies, creating legal mechanisms to ensure justice, legality, and efficiency in criminal proceedings.

Material, Technical, and Financial Support for Court Activities

The normative-legal acts adopted in 2001 were aimed at organizing the criminal courts’ activities efficiently. In particular, by the resolution of the Cabinet of Ministers dated September 22, 2001, a system was established to support courts organizationally, materially, technically, and financially. Consequently, a department was created under the Ministry of Justice responsible for the enforcement of court decisions and for providing courts with material, technical, and financial support.

According to Article 5 of the Law “On the Execution of Court and Other Authorities’ Decisions,” adopted on August 29, 2001, the enforcement of the



property-related parts of criminal court rulings, judgments, and decisions was assigned to this department. This allowed criminal judges to be relieved of enforcement functions and focus fully on the primary task—considering criminal cases lawfully and fairly [4].

Structural Optimization and Centralization (2004)

In 2004, significant organizational changes were made in the structure of criminal courts. By the Presidential Decree of February 20, 2004, several district courts were abolished, and city courts were established in their place. For example, in Bukhara and Samarkand regions, certain district courts were replaced by Bukhara City and Samarkand City criminal courts [5].

Criminal Courts: Structure, Human Rights, and Subsequent Activities (2004–2020)

The structural reforms of 2004 aimed at streamlining the network of criminal courts, improving territorial and organizational efficiency in case proceedings, and aligning the judicial system with modern requirements. Later, by the decree of August 11, additional district courts in the Republic of Karakalpakstan and Sirdaryo region were abolished [5]. These measures contributed to the optimization of criminal court operations and enhanced the efficiency and effectiveness of judicial processes while respecting human rights.

Enhancement of Human Rights Protection (2008)

From January 1, 2008, the authority to approve detention was transferred from the prosecution to criminal courts. Detention was designated as a measure applied only based on the rulings of criminal or military courts and only in exceptional cases. At the same time, the scope of the habeas corpus institution was expanded, significantly strengthening judicial oversight of individual freedom.

District (city) criminal courts were granted authority to extend detention periods, suspend the accused from office, place them in medical institutions, terminate cases under amnesty, or exempt individuals from punishment. These changes substantially enhanced the role of criminal courts in protecting human rights [6].



Subsequent Activities and Challenges (2011–2020)

In 2011, 17.5% (34 cases) of complaints submitted to the Supreme Qualification Board concerned the activities of judges in criminal and military courts [7]. That year, 28 disciplinary cases were considered: 29 judges received a reprimand, and 8 were fined. Additionally, the chairperson of the Zarbod District Criminal Court in Jizzakh region, U. Abdullaev, had his judicial mandate terminated before the expiration of his term [8, 9].

As of January 25, 2012, 111 judicial positions in criminal courts were vacant [10]. In 2013, meetings on judicial ethics and the independence of the judiciary were held in Fergana region; however, deficiencies such as delays in submitting copies of rulings were identified in some courts [11].

In 2018, only 12.8% of 1,036 enforcement documents issued by Bukhara regional criminal courts were fully executed. This situation highlighted problems in the enforcement efficiency of criminal courts [12].

By 2020, six judges from postgraduate graduates served in criminal courts, and an additional 22 judges were appointed by the Supreme Council of Judges to criminal courts [13, 14].

These reforms and changes contributed to the development of criminal courts as independent, specialized institutions with enhanced capacity to protect human rights. Nevertheless, challenges in staffing, enforcement efficiency, and disciplinary matters remain relevant.

Conclusion

The development of criminal courts has contributed to the formation of an independent and specialized institution within the judicial system of Uzbekistan. Throughout their operation, mechanisms aimed at protecting human rights, ensuring fairness, and upholding the rule of law have been strengthened. At the same time, pressing challenges remain, including enforcement efficiency, staffing needs, and disciplinary issues. Future reforms are required to address these areas comprehensively.



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