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PROFESSIONAL DEFORMATION OF JUDGES' LEGAL CONSCIOUSNESS: CONCEPT, TYPOLOGY AND MECHANISMS OF PREVENTION

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Abstract

This article examines the professional legal consciousness of judges and the phenomenon of its deformation as a distinct object of legal-theoretical research. The author defines the professional legal consciousness of a judge as the unity of cognitive, axiological and behavioural components, and argues that the axiological component (belief in the social value of law and justice) is the leading one. The author's definition of the deformation of a judge's legal consciousness is proposed, and it is distinguished from an ordinary judicial error. On the basis of the classical doctrine of legal nihilism, legal idealism and legal infantilism, an author's typology of eight forms of deformation is developed, in which accusatorial bias and professional burnout are identified for the first time as independent forms specific to judicial activity. A three-factor model of the determination of deformation (cognitive-psychological, organisational-systemic, moral-value factors) is substantiated, and three typical syndromes of deformation are described. Drawing on international standards (the Bangalore Principles, Recommendation CM/Rec(2010)12, CCJE opinions), empirical research on judicial decision-making, foreign experience and the Hanafi tradition of adab al-qadi, the article proposes a closed-cycle model of prevention and specific amendments to the legislation of the Republic of Uzbekistan.

Keywords: Judge, professional legal consciousness, deformation of legal consciousness, accusatorial bias, judicial burnout, legal nihilism, judicial ethics, judicial independence

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Introduction

In any state that has chosen the path of the rule of law, the independence, effectiveness and fairness of the judiciary are among the main criteria of the maturity of the entire state-legal system. Since the judiciary acts as the last guardian of human rights and freedoms, the quality of justice is ultimately expressed through a single subject: the person of the judge, his or her professional training, moral image and, above all, the level of professional legal consciousness. However perfect the laws may be and however modern the organisation of the courts, if the legal consciousness of the judge applying them is deformed, the idea of a fair trial is not realised in practice.

The Constitution of the Republic of Uzbekistan, adopted by nationwide referendum on 30 April 2023, raised the constitutional status of the judiciary to a qualitatively new level. Article 11 enshrines the principle of the separation of powers, Article 55 guarantees everyone the right to have their case considered by a competent, independent and impartial court, and Chapter XXIII establishes the independence of judges, their subordination only to the law and the inadmissibility of any interference in their activity [1]. These provisions place very high demands on the professional legal consciousness of the judge: the judge must not only know the law, but must also deeply believe in its social value, withstand any external and internal pressure and form conclusions independently.

The judicial and legal reforms carried out in Uzbekistan in 2016–2026 are among the largest institutional transformations of the period of independence. They include the establishment of the Supreme Judicial Council, the formation of a single Supreme Court, a fundamental change in the procedure for selecting and appointing judges, the introduction of the habeas corpus institution, and the digitalisation of the courts, including the use of artificial intelligence technologies [2]. Nevertheless, institutional reforms do not by themselves guarantee the quality of judges' legal consciousness. In the World Justice Project Rule of Law Index for 2024, Uzbekistan's position declined for the first time since 2016 [3]. The share of acquittals remains very low, which indicates a specific form of deformation known as accusatorial bias. According to the report of the Supreme Judicial Council for 2025, 19 judges were dismissed for violating

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the oath and the Code of Judicial Ethics, 3 judges were brought to criminal liability and 266 judges to disciplinary liability during the reporting period [4]. At the same time, the problem of judges' professional legal consciousness and its deformation has not yet become the subject of a comprehensive legal-theoretical study. The general theory of legal consciousness was developed in the works of L.I. Petrazhitsky, I.A. Ilyin, I.E. Farber, E.A. Lukasheva, N.I. Matuzov and V.A. Tumanov [7]. I.A. Ilyin introduced the idea that a distorted legal consciousness "remains legal consciousness, but distorts its content" [5]. N.Ya. Sokolov developed the concept of the professional consciousness of lawyers [6], while P.P. Baranov, N.L. Granat and V.P. Salnikov studied professional deformation mainly among law enforcement officers. In Uzbek legal science, questions of legal consciousness and legal culture were considered by Kh.T. Odilkoriev, A.Kh. Saidov, U. Tadjikhanov and other scholars; however, the professional legal consciousness of the judge has not been singled out as an independent object of research. Foreign empirical studies of judicial decision-making by C. Guthrie, J. Rachlinski and A. Wistrich [8] and research on judicial stress and burnout by C. Schrever, C. Hulbert and T. Sourdin [9] have not yet been integrated into the legal-theoretical doctrine of legal consciousness.

The purpose of this article is to clarify the concept of the deformation of a judge's professional legal consciousness, to propose its author's typology, to identify the factors that determine it and to substantiate a system of measures for its prevention, including proposals for improving the legislation of the Republic of Uzbekistan.

Methods

The methodological basis of the study is the dialectical method of cognition, which makes it possible to consider the legal consciousness of a judge as a dynamic phenomenon that is formed, develops and may be distorted under the influence of internal and external factors. The systemic-structural method was used to identify the components of professional legal consciousness and the links between them. The formal-legal method was applied to analyse the Constitution of the Republic of Uzbekistan, the Law "On Courts", the Law "On the Supreme Judicial Council", the Criminal Code and the Code of Judicial Ethics.

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The comparative-legal method was used to study the experience of France, Germany, the United Kingdom, the United States, Canada, Australia and several post-Soviet states, as well as international standards: the Bangalore Principles of Judicial Conduct (2002) [10], Recommendation CM/Rec(2010)12 of the Committee of Ministers of the Council of Europe [11] and the opinions of the Consultative Council of European Judges [12]. The historical-legal method was used to analyse the classical Hanafi sources on the qualities of the judge (qadi), in particular al-Hidaya by Burhan al-Din al-Marghinani and works of the adab al-qadi genre.

The axiological approach made it possible to evaluate legal consciousness from the standpoint of the values of justice (ʿadl), impartiality and integrity. Legal modelling was used to construct the typology of deformation and the model of its prevention. In addition, the article relies on the results of published empirical studies of judicial cognition and burnout [8; 9; 13] and on official statistics of the Supreme Judicial Council [4]. A sociological questionnaire for measuring the state of judges' professional legal consciousness was developed within the dissertation research; it is presented as a tool for future monitoring rather than as a source of data for this article.

Results and Discussion

1. The professional legal consciousness of the judge. The professional legal consciousness of a judge is the highest, integrative form of the professional legal consciousness of lawyers. In our view, it represents the unity of three components: (a) the cognitive component, that is, deep and systematised legal knowledge; (b) the axiological component, that is, the conviction that law and justice are social values, together with a sense of fairness; (c) the behavioural (conative) component, that is, readiness and ability to make impartial and independent decisions.

The specific feature of the judge's legal consciousness is that the leading role belongs not to knowledge but to the axiological attitude to justice. A highly qualified judge who does not believe in the value of law is more dangerous for the system than a judge who does not know the law well, because the former is

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able to use legal knowledge for purposes contrary to law. It is precisely through the erosion of the axiological component that deformation most often begins.

2. The concept of deformation and its distinction from judicial error. The term "deformation" comes from the Latin deformatio, meaning distortion or change of form. In legal theory, the deformation of legal consciousness is understood as the destruction of its positive elements and their replacement by negative ones. It is not the disappearance of legal consciousness, but its qualitative distortion. As I.A. Ilyin noted, a distorted legal consciousness turns to the idea of law but takes from it only the outer scheme [5].

The author proposes the following definition: the deformation of a judge's professional legal consciousness is a set of stable negative changes in the cognitive, axiological, behavioural and emotional-volitional components of the judge's professional legal consciousness that reduce or completely eliminate the ability to administer impartial and independent justice.

This definition contains three essential features. First, deformation is a systemic phenomenon: it arises not in a single component but in their interconnection. Second, it is stable: an accidental mistake or a single wrong decision is not deformation; deformation is a recurring state that has become an attitude. Third, it has a functional criterion: a decline in the judge's ability to make impartial and independent decisions.

It is methodologically important not to confuse deformation with judicial error. A judge may make mistakes, and for this reason appeal, cassation and supervisory instances exist. An error may result from a lack of knowledge, an incorrect assessment of evidence or a wrong interpretation of a norm. Deformation, by contrast, is a distortion of attitudes that systematically produces errors in one and the same direction. For example, the absence of an acquittal in one case may be an error, but a judge who has not issued a single acquittal for many years shows a sign of deformation. V.R. Petrov rightly considers deformation to be any stable distortion of positive legal attitudes [14]. At the same time, an excessively broad interpretation is also dangerous. We therefore propose as a criterion a stable deviation from the value of the rule of law, which makes it possible to distinguish an episodic error from systemic deformation.

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3. The author's typology of deformation. Legal literature traditionally distinguishes legal infantilism, legal negativism, legal nihilism, legal idealism and the "rebirth" (pererozhdenie) of legal consciousness. N.I. Matuzov described legal nihilism and legal idealism as "two sides of the same coin" [7]. Taking into account the specific nature of judicial activity, the author expands this classification to eight forms (Table 1).

Table 1. Forms of deformation of a judge's professional legal consciousness (author's typology)

No.	Form of deformation	Manifestation in judicial activity	Main means of prevention
1	Legal infantilism	Insufficient qualification, ignorance of Supreme Court Plenum decisions and international standards, oversimplified interpretation	Initial training, mentoring, compulsory in-service training
2	Legal negativism	Sceptical attitude to law: "the law does not work anyway"	Improving the quality of legislation and the enforcement of judgments
3	Legal nihilism (bureaucratic and procedural)	Disregard of procedural time limits, groundless rejection of motions, template-based reasoning	Disciplinary control, transparency, reasoned decisions
4	Legal idealism (fetishism)	Normative formalism, procedural fetishism, "repressive idealism"	Training in teleological interpretation and the purposes of punishment
5	Legal conformism (vertical and horizontal)	Adapting to the expected position of the higher court or court president; "fear of reversal"	Changing judicial evaluation criteria, protecting internal independence
6	"Rebirth" of legal consciousness	Corruption, knowingly unjust decisions, falsification	Criminal and disciplinary liability, asset declarations
7	Accusatorial bias (judge-specific)	Treating the prosecution's evidence as reliable in advance, mass rejection of defence motions, "fear" of acquittal	Procedural reforms: adversarial process, investigating judge, independent expertise
8	Professional burnout (judge-specific)	"Conveyor-belt" approach, depersonalisation of parties, loss of empathy	Workload standards, judicial wellness programmes

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The first six forms are general legal deformations, typical of all categories of lawyers. The last two — accusatorial bias and professional burnout — are judge-specific forms, which are introduced here as independent types of deformation. This division has practical importance: general deformations are addressed by means common to the legal profession (education, codes of ethics, disciplinary liability), while judge-specific deformations require special means that take into account the nature of judicial work (procedural reforms, wellness programmes, workload standards).

The forms of deformation should also be considered dynamically. The "rebirth" of legal consciousness is not reached at once; as a rule, it is the final point of a long erosion: infantilism → negativism → nihilism → conformism → corruption. It follows that the fight against corruption in the judiciary is effective not only through punishment but, above all, through intervention at the early stages. Article 230 of the Criminal Code of the Republic of Uzbekistan establishes liability for knowingly issuing an unjust judgment, decision, ruling or resolution [15], but taking measures only at that stage is a belated response.

4. Accusatorial bias as a systemic-procedural phenomenon. Accusatorial bias (in Russian-language literature, obvinitelny uklon) is a stable attitude of the judge to regard the prosecution's position as reliable in advance and to assess the defence's evidence sceptically. It manifests itself in the absence of critical verification of prosecution evidence, the mass rejection of defence motions, a "fear" of acquittal, the interpretation of doubts against the accused rather than in his or her favour, and the "correction" of investigative errors at the trial stage. Although accusatorial bias is the central and most widespread form of deformation in post-Soviet legal systems, it is not singled out as a separate form in existing classifications.

This phenomenon is usually explained by the personal qualities of the judge, a "prosecutorial past" or "repressive thinking". In our view, such an explanation is superficial. The roots of accusatorial bias lie in the architecture of criminal procedure. In continental systems, a case is first investigated, evidence is collected and an indictment is drawn up, and only then is the case sent to court; weak cases are terminated at the pre-trial stage. As a result, the judge receives

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cases that are considered "ready" and "proven". This structure forms in the judge's mind an unwritten presumption that "the investigation is right", which in practice displaces the constitutional presumption of innocence. V.V. Volkov and the researchers of the Institute for the Rule of Law in St Petersburg also explain accusatorial bias as a structural feature of the procedural system [16].

At the same time, we do not agree with the radical conclusion that "the system, not the judge, is to blame". Institutional factors do not cancel individual responsibility: under the same procedural conditions, different judges reach different decisions. Accusatorial bias is therefore a two-layer phenomenon: its base is institutional (the procedural architecture), while its upper layer is a deformation of consciousness (the fading of a critical approach to evidence). Accordingly, the remedy must also be two-layered: procedural reform (strengthening the adversarial principle, expanding the powers of the investigating judge, judicial control over the pre-trial stage, the defence's right to independent expert examination) and work with consciousness (education, ethics, reflection). It should also be noted that a direct comparison of acquittal rates across countries is incorrect, since procedural systems differ; the acquittal rate should be used as an indicator together with others, such as the share of granted defence motions and the practice of applying pre-trial detention.

5. Professional burnout as a form of deformation. According to the model of C. Maslach, burnout has three dimensions: emotional exhaustion, depersonalisation (cynicism) and a reduced sense of professional accomplishment [13]. In judicial work, burnout appears as a "conveyor-belt" attitude to cases, the perception of parties as "material" rather than people, fatigue from in-depth examination of evidence, template-based decisions and the loss of empathy. Traditionally, burnout is considered a psychological or medical problem. The author proposes to treat it as a legal-theoretical problem as well, for three reasons: it directly erodes the axiological and emotional-volitional components of legal consciousness; its consequence is poor-quality judicial decisions, that is, legal harm; and its prevention requires legal means (workload standards, guarantees of rest, institutions of psychological support). Burnout itself is not yet deformation, but it is its psychophysiological gateway:

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depersonalisation turns parties into "case numbers" and human destinies into "conveyor units". The first empirical study of judicial stress in Australia, covering 152 judges and magistrates, confirmed that judicial work carries a significant psychological burden [9].

6. Factors of deformation and typical syndromes. The author substantiates a three-factor model of the determination of deformation:

1. Cognitive-psychological factors: anchoring, hindsight bias, confirmation bias, the shift to heuristic thinking and the depletion of cognitive resources. The experiment by Guthrie, Rachlinski and Wistrich with 167 federal magistrate judges showed that all five cognitive illusions tested had a significant influence on judicial judgment [8], which corresponds to the general theory of "fast" and "slow" thinking [17].
2. Organisational-systemic factors: excessive workload, dependence on court presidents and higher courts, an evaluation system oriented towards statistical indicators (above all, the rate of reversed decisions), and the accusatorial orientation of pre-trial proceedings.
3. Moral-value factors: defects of primary legal socialisation, a corruption-prone environment, and the lack of internalisation of ethical standards.

In the conditions of Uzbekistan, organisational-systemic factors are of priority importance: the pace of institutional reforms has outstripped the pace of change in legal consciousness. The well-known study by S. Danziger and co-authors on parole decisions (the so-called "hungry judge effect") [18] is cited here only as an illustration of the influence of extraneous factors, taking into account its criticism by K. Weinshall-Margel and J. Shapard [19] and A. Glöckner [20]. The universality of cognitive limitations does not lower the requirements placed on the judge; on the contrary, it justifies the need for institutional compensation mechanisms: standards of reasoning, collegial deliberation, appellate review and training on cognitive biases.

The forms of deformation do not exist in isolation but appear as syndromes. Three typical syndromes can be distinguished:

• The "exhausted judge" syndrome: excessive workload → burnout → template-based decisions → accusatorial bias (since an acquittal requires more reasoning)

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→ legal negativism. It is treated by organisational means (reducing workload, wellness programmes).

• The "fearful judge" syndrome: weak guarantees of independence → fear of reversal → vertical conformism → loss of inner conviction. It is treated by institutional reform. For this reason, CCJE Opinion No. 11 (2008) emphasises that the quality of judicial decisions should not be evaluated by reversal statistics [12].

• The "corrupted judge" syndrome: erosion of the axiological component → legal nihilism → experience of impunity → corruption. It requires a combination of repressive and preventive measures (transparency, asset declarations, disciplinary control).

7. Specific features of the deformation of a judge's legal consciousness. Compared with other legal professions, the deformation of a judge's legal consciousness has the following features: (1) high social danger, since the judge makes final, binding and often irreversible decisions on a person's liberty, property and family status; (2) latency, since the judge formally observes procedure and the deformation becomes visible only in long-term statistics and the direction of decisions; (3) institutional protection, since judicial independence protects not only the honest judge but also the deformed one; (4) reinforcement by corporate solidarity; (5) self-justification mechanisms ("the system is like this", "the higher court will correct it", "everyone works this way"). The solution to the dilemma of independence and accountability lies not in limiting independence, which would only increase deformation, but in developing internal self-cleansing mechanisms of the judicial community and a culture of reflection.

8. Mechanisms of prevention. Prevention is possible only on the basis of a systemic approach. The author proposes a closed-cycle model: selection → training → ethics → professional wellness → guarantees of independence → disciplinary liability → return to selection on the basis of monitoring results. Each link depends on the others: an ethical norm without guarantees of independence turns into a declaration; a disciplinary mechanism without a fair

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procedure becomes an instrument of repression; training without a reduction of workload becomes an additional burden; a wellness programme without confidentiality becomes a control mechanism. In this model, liability is not the first but the last means.

The normative-value basis of judicial ethics in Uzbekistan can be built as a synthesis of three layers: (a) international standards, namely the Bangalore Principles [10] and Recommendation CM/Rec(2010)12 [11]; (b) the national Islamic legal heritage; (c) modern foreign experience. The Hanafi tradition, in particular al-Hidaya of Burhan al-Din al-Marghinani and the adab al-qadi literature, contains a ready value core of judicial ethics: justice (ʿadl), knowledge (ʿilm), piety (taqwa), impartiality, the strict prohibition of bribery (rishwa) and the rule that a judge must not decide a case while angry, hungry or exhausted [21]. These values are not in conflict with the Bangalore Principles but are in harmony with them. Reliance on national heritage facilitates the internalisation of ethical norms by judges, since they are perceived not as rules imposed from outside but as their own values. Notably, the classical prohibition on judging in a state of anger corresponds in substance to the findings of modern cognitive research.

Comparative analysis shows that no foreign model should be copied mechanically. For Uzbekistan, a synthetic model is preferable, combining the French institutional framework (the deontological collection of the Conseil supérieur de la magistrature), Australian and Canadian judicial wellness programmes, American training on cognitive biases, and the national value core. Negative experience should also be considered: excessive tightening of judges' liability, as well as the politicisation of disciplinary mechanisms, does not eliminate deformation but transforms it into defensive conformism. Finally, the introduction of artificial intelligence in the courts [22] reduces technical workload but creates the risk of a new form of deformation, which the author calls algorithmic conformism: the habit of accepting the solution suggested by an algorithm without critical verification.

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Conclusion

The study leads to the following conclusions. First, the professional legal consciousness of a judge is the unity of cognitive, axiological and behavioural components, among which the axiological component is the leading one. Second, the deformation of a judge's legal consciousness is not an ordinary professional error but a stable, attitude-based, latent and socially dangerous deviation from the value of the rule of law. Third, eight forms of deformation can be distinguished, two of which — accusatorial bias and professional burnout — are specific to judicial activity. Fourth, accusatorial bias is a two-layer phenomenon whose base is procedural and institutional; therefore, it cannot be eliminated by ethical education alone. Fifth, deformation is an empirically measurable phenomenon: cognitive biases and burnout are measured by validated methods, which means that the state of judges' legal consciousness is not an "immeasurable moral category" but an object of management.

Based on the above, the following proposals are made to improve the legislation and practice of the Republic of Uzbekistan:

1. To include in the Law "On Courts" [24] a judge's obligation to maintain and raise his or her professional legal consciousness, including compulsory in-service training at least once every three years at the Academy of Justice on judicial ethics, the psychology of judicial work and the prevention of professional deformation.
2. To supplement the Code of Judicial Ethics with an article "Impartiality and awareness of cognitive risks", obliging the judge to recognise the possible influence of extra-legal and psychological factors on his or her decisions and to take measures to neutralise them.
3. To supplement the Code of Judicial Ethics with an article "Professional wellness", guaranteeing the judge's right to confidential psychological assistance and prohibiting the use of the fact of seeking such assistance in personnel and disciplinary procedures.
4. To include in the Law "On the Supreme Judicial Council of the Republic of Uzbekistan" [25] norms on maximum workload standards for judges, developed on the basis of the CEPEJ methodology [23], and on fair disciplinary

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proceedings, including the judge's right to defence, the right to appeal and the proportionality of sanctions.

5. To enshrine, without exceptions, the prohibition of disciplinary liability of a judge for the content of a judicial decision (except where the elements of the crime of knowingly issuing an unjust decision are present). This norm is the key means of eliminating the psychological core of accusatorial bias: "if I acquit, I will be punished".

6. To introduce into procedural legislation mechanisms against accusatorial bias: strengthening the adversarial principle, expanding the powers of the investigating judge, strengthening judicial control over pre-trial proceedings and guaranteeing the defence's right to appoint an independent expert examination.

7. To guarantee in the rules on the use of artificial intelligence in the courts the advisory nature of AI recommendations, the full responsibility of the judge, the transparency of algorithms and the prohibition on AI recommending decisions on guilt and punishment.

8. To establish a Judicial Wellness Centre at the Academy of Justice, to introduce a mentoring institution for judges in the first five years of service (the mentor should not be the mentee's administrative superior), and to conduct an anonymous sociological and psychometric survey of judges once every three years, reflecting its generalised results in the annual report of the Supreme Judicial Council.

The implementation of these proposals would make it possible to move from responding to the consequences of deformation to preventing it at the early stages, and thus to strengthen public trust in the judiciary.

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