

Improving the Mechanism for Ensuring the Principle of Legal Certainty in the Civil Procedure of the Republic of Uzbekistan

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Abstract: This academic paper examines the principle of legal certainty in the civil procedure of the Republic of Uzbekistan, with a particular focus on the mechanism for upholding this principle. The study substantiates the need to improve the mechanisms for ensuring legal certainty and proposes corresponding recommendations.

Keywords: Systematization, digital technologies, democratizing, the Supreme Court, procedural sphere

Introduction

Ensuring the principle of legal certainty in the civil procedure of the Republic of Uzbekistan requires further improvement of both the regulatory framework and law enforcement practice. Under modern conditions, the formation of a stable and predictable mechanism of judicial protection acquires special significance — one that allows participants in proceedings to understand in advance the legal consequences of their actions and to rely on the stability of judicial decisions [1].

First and foremost, an important direction is improving the quality of civil procedural legislation. Legal norms must be characterized by clarity, unambiguity, and internal consistency, excluding the possibility of arbitrary interpretation. Eliminating gaps and contradictions in legislation, as well as improving legal technique, contribute to the uniform application of norms by courts and strengthens public trust in justice [2].

No less significant is ensuring the uniformity of judicial practice. Different approaches by courts to resolving similar disputes create legal uncertainty and undermine the principle of fairness. In this regard, the role of higher judicial authorities in formulating explanations and legal positions aimed at unifying law enforcement is growing. The systematization of judicial practice and ensuring its accessibility also contribute to increasing the predictability of judicial decisions [3].

The improvement of procedures for reviewing judicial acts deserves separate attention. Review must be carried out in strictly defined cases prescribed by law and must not become a means for the endless contestation of decisions that have entered into legal force. Ensuring a balance between the possibility of correcting judicial errors and the principle of finality of a judicial act is the most important condition for legal certainty [4].

Methodology

An important element is also ensuring the timely and complete enforcement of judicial decisions. The absence of an effective enforcement mechanism negates the results of judicial protection and violates the principle of legal certainty. In this regard, it is necessary to improve the activities of enforcement bodies, introduce digital technologies, and strengthen control over the execution of judicial acts. Furthermore, raising the professional level of judges and other participants in the process plays a significant role. Quality training and a unified understanding of legal norms contribute to the formation of a stable judicial practice and a reduction in the level of legal

uncertainty.

In a modern rule-of-law state oriented toward ensuring and protecting the rights, freedoms, and lawful interests of individuals, the judiciary occupies a key place in the system of state institutions. It is precisely its activities that are aimed at maintaining legality, fairness, and the stability of the legal order in society. The effective functioning of the judiciary is impossible without the formation of solid institutional foundations ensuring its independence and autonomy, which is a necessary condition for reliable protection of rights. In this context, the principle of legal certainty acquires special significance, since it is through the stability of judicial decisions, the predictability of law enforcement, and the uniformity of judicial practice that trust in the judicial system and the effectiveness of justice overall are ensured.

Issues of democratizing the judicial-legal system and ensuring its genuine independence were the subject of deserved attention by the country's leadership and were taken into account in the development of the Action Strategy for the five priority areas of development of the Republic of Uzbekistan for 2017–2021.¹ An analysis of the content and directions of the state programs being implemented attests to the consistent and systemic character of the reforms being carried out in the judicial sphere. Among the key transformations are: the establishment of the Supreme Judicial Council of the Republic of Uzbekistan, the revision of approaches to judicial tenure and professional training, the merger of the Supreme Court and the Supreme Economic Court into a single supreme judicial body, the formation of administrative courts, the creation of a commission under the Oliy Majlis to promote judicial independence, and the establishment of the Higher School of Judges. The introduction of modern information technologies into the activities of courts also became an important direction of reform.

Results

These transformations are directly relevant to ensuring the principle of legal certainty, as they are aimed at forming a uniform judicial practice, increasing the transparency of justice, and strengthening public trust in the judicial system [5].

The reforms carried out have significantly raised the level of protection of human rights and freedoms, and have strengthened guarantees of access to justice. At the same time, the dynamic development of the state and society, the increasing complexity of economic relations, and active integration into the international legal space necessitate further improvement of judicial activities and enhanced effectiveness of justice in accordance with modern requirements and international standards [6].

Under these conditions, further strengthening of the independence of the judiciary acquires special significance as a key condition for ensuring the stability of legal regulation and the predictability of judicial practice. As emphasized in the addresses of the head of state, ensuring the independence of the courts remains a priority of state policy and is under constant oversight [7].

The implementation of these objectives is directly linked to ensuring the principle of legal certainty, since it is precisely an independent judiciary that is capable of guaranteeing the uniformity of law enforcement, the stability of judicial decisions, and the effective protection of the rights and lawful interests of citizens [8].

Special significance in ensuring the principle of legal certainty attaches to measures aimed at improving state legal policy and raising the quality of law-making activities. In this context, an important role is played by the Presidential Decree “On Measures for the Further Improvement of the Activities of Justice Bodies and Institutions in the Implementation of State Legal Policy.”²

This regulatory act is aimed at raising the effectiveness of justice bodies, ensuring the systemic coherence of legislation, and improving the legal review of regulatory acts. Its provisions are oriented toward raising the quality of law-making, eliminating contradictions in legal regulation, and ensuring the accessibility and clarity of legal norms [9].

Discussion

In the context of the subject under consideration, the Presidential Decree is of key importance, since it is precisely through the improvement of legislation, its coherence and predictability, that the realization of the principle of legal certainty is ensured. This contributes to

the formation of a stable legal environment, a reduction in legal uncertainty, and an increase in public trust in the legal system as a whole [10].

Within the framework of the reforms being carried out, several key objectives are envisaged aimed at improving the judicial system.

First, special attention is paid to structural reforms of the judicial system. An analysis of the current organization of regional courts has identified a number of problems related to administration and the organization of their activities, including procedural delays due to the absence of the required quorum of judges, as well as insufficient efficient use of available resources [11]. These circumstances have a negative impact on the timeliness and quality of justice.

In this regard, the task was set of forming, on the basis of regional and equivalent courts, a unified system of general jurisdiction courts, including the Court of the Republic of Karakalpakstan, regional courts, and the Tashkent City Court, while maintaining judicial specialization and establishing judicial panels by type of proceedings [12]. The proposed model, on the one hand, ensures organizational correspondence with the structure of the Supreme Court and promotes the formation of a uniform approach to the administration of justice, and on the other, makes it possible to improve the management of the judicial system and to make rational use of material and human resources [13].

Furthermore, this transformation creates more favorable conditions for citizens, since the consolidation of various types of proceedings within a single institutional structure simplifies access to justice.

In the context of the present topic, these measures are of significant importance for realizing the principle of legal certainty, as they are directed toward ensuring the uniformity of judicial practice, reducing the timeframes for case consideration, and increasing the predictability of judicial decisions, which ultimately contributes to strengthening public trust in the judicial system [14].

Second, an important direction of reform is the change in the structure of the Supreme Court of the Republic of Uzbekistan. An analysis of its activities shows that the absence of specialized subdivisions, including those dealing with legislation and interaction with the mass media, hampers the effective performance of the functions assigned to it. In addition, the existence of different approaches to resolving disputes involving foreign investors, and delays in judicial proceedings, negatively affect the formation of a favorable investment climate [15].

To address these shortcomings, a number of organizational measures have been envisaged aimed at raising the quality, effectiveness, and transparency of the Supreme Court's activities. In particular, it is planned to establish a specialized judicial composition for the consideration of investment and competition disputes, to introduce the position of Chief of Staff of the Supreme Court with responsibility for coordinating the activities of structural subdivisions, and to form a unit for the analysis of legislation in the judicial-legal sphere. The establishment of subdivisions for public relations and interaction with mass media, including press services not only in the Supreme Court but also in regional-level courts, is also of substantial importance.

Conclusion

These transformations are aimed at enhancing the uniformity of judicial practice, ensuring the openness of judicial activities, and strengthening the institutional foundations of justice. In the context of the present topic, these measures are directly relevant to realizing the principle of legal certainty, as they contribute to the formation of a stable and predictable law enforcement practice, a reduction in legal uncertainty, and an increase in public trust in the judicial system, including on the part of investors.

Third, substantial changes affect the procedural sphere, aimed at improving judicial proceedings. An analysis of current practice reveals the existence of certain problems related to an imbalance of procedural rights and powers between the court, the prosecutor, and the defense counsel. This circumstance impedes the full realization of the adversarial principle and negatively affects compliance with the fundamental principles of justice.

Thus, the improvement of procedural mechanisms aimed at eliminating these problems is a necessary condition for ensuring legal certainty, as it contributes to the stability of judicial decisions,

compliance with reasonable timeframes for case consideration, and the strengthening of the principle of fair justice.

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