

**LEGAL ISSUES OF JUDICIAL SYSTEMS OF FOREIGN COUNTRIES JAPAN, FINLAND  
AND GERMANY (comparison with the judicial system of the Republic of  
Uzbekistan)**

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**Annotation:** *The article deals with the issues of the judicial system of foreign countries, such as Japan, Finland and Germany, compared with the judicial system of the Republic of Uzbekistan, analyzes the issues of jurisdiction. It is concluded that, unlike the Uzbek courts, the courts of foreign countries place a very strong emphasis on resolving the dispute peacefully.*

**Key words:** *judicial system, jurisdiction, administrative body, legal proceedings, family legal relationship, civil cases.*

**ПРАВОВЫЕ ВОПРОСЫ СУДЕБНЫХ СИСТЕМ ЗАРУБЕЖНЫХ СТРАН ЯПОНИИ,  
ФИНЛЯНДИИ И ГЕРМАНИИ (сравнение с судебной системой Республики  
Узбекистан)**

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**Аннотация:** *В статье рассматриваются вопросы судебной системы зарубежных стран, таких как Япония, Финляндия и Германии, сравниваются с судебной системой Республики Узбекистан, анализируются вопросы подведомственности. Делается вывод о том,*

что в отличие от узбекских судов, суды зарубежных стран делают очень сильный упор на урегулирование спора мирным путем.

**Ключевые слова:** судебная система, подведомственность, административный орган, судопроизводство, семейное правоотношение, гражданские дела.

Before examining the judicial system of Japan, it is necessary to mention that this system is based on the Anglo-Saxon legal family, as a result of which the main source is precedents<sup>73</sup>. Japan's constitution provides that judicial power is vested exclusively in the judiciary<sup>74</sup>. This rule was added to suppress the arbitrariness of legal proceedings on the part of administrative bodies during the Second World War. The structure of the Japanese judiciary is divided into the following instances: the Supreme Court, High Courts, Family Courts, Local Courts (general courts) or disciplinary courts<sup>75</sup>.

The Supreme Court is the highest judicial body in Japan. The Japanese constitution has a separate article for judges of the Supreme Court. It states that the people have the right to review the appointment of judges. This right allows voters to vote for the removal of any judge, and a simple majority of this requirement is satisfied<sup>76</sup>. It also provides for a rule on remuneration of judges for their activities. The main task of the Supreme Court is to standardize the interpretation and application of the law. Drawing an analogy with the judicial system of Uzbekistan, we can mention similar functions. For example, the Supreme Court can request a case from any instance and consider it on the merits. But there is one nuance here. The Supreme Court of Japan can use this option only in case of violation of the principle of inviolability of the person, referring to the Habeas Corpus Institute. Also, as in Uzbekistan, the Supreme Court of Japan can consider cases as an appellate instance<sup>77</sup>. But even here, not everything is so clear-cut. The only legal basis for an appeal to the Supreme Court is now an error of interpretation of the Constitution or other violations of the Constitution, where the Supreme Court acts as the first court<sup>78</sup>.

The next instance is the High Courts. Throughout Japan, the High Courts are located in 8 major cities. The High Courts can be either courts of first

<sup>73</sup> Барышова М. В. и др. Социальное предпринимательство: научные исследования и практика. – 2019.

<sup>74</sup> <https://legalns.com/download/books/cons/japan.pdf>

<sup>75</sup> Бибило В. Н. Судебные системы зарубежных государств: учеб.-метод. пособие для студентов юрид. спец. БГУ / В. Н. Бибило. – Минск: БГУ, 2012, – с. 71–72

<sup>76</sup> <https://legalns.com/download/books/cons/japan.pdf>

<sup>77</sup> Babakulovna I. F., Normuratovna E. Z. Legal Issues of the Concept of “Corporate Disputes” Under Procedural Legislation: Theory and Practice // American Journal of Social and Humanitarian Research. – 2022. – Т. 3. – №. 6. – С. 341-346.

<sup>78</sup> <https://legalns.com/download/books/cons/japan.pdf>

instance (high treason or validation of elections) or last instance (civil cases heard at the level of disciplinary courts)<sup>79</sup>. It should be noted that the Tokyo High Court has two special divisions dealing with cases of antitrust law and intellectual property law<sup>80</sup>.

One of the distinguishing features of the Japanese judicial system is the presence of courts for the consideration of exceptional issues arising from family legal relations. Issues such as guardianship and guardianship, disappearance claims, acts of civil status, which by their nature can only be resolved by a court decision, are considered in the court session of the family court<sup>81</sup>.

Local (district) courts - consider cases as the first instance, unless such cases are accountable to other instances. Cases are considered individually or collegially in the composition of 3 judges. The division of competence between the courts of this link is carried out on the basis of territorial jurisdiction<sup>82</sup>.

The lower courts are the disciplinary courts. Unlike the courts of Uzbekistan, these courts have general jurisdiction and loosen the concept of jurisdiction. They can hear civil cases if the value of the claim is below 1.4 million yen. At the same time, they consider minor criminal cases, the punishment for which does not exceed 15 days of arrest<sup>83</sup>.

Finnish courts are under the jurisdiction of the Ministry of Justice<sup>84</sup>, in other words, they are not separated into a separate branch of government according to the system of public administration proposed by Charles Montesquieu. Courts of the Republic of Uzbekistan operate independently of the legislative and executive branches of government<sup>85</sup>.

If judges in Finland are appointed by the president of the country himself, then in the Republic of Uzbekistan the judiciary is formed by the Supreme Judicial Council, which in turn consists of judges whose candidacy was approved by the country's parliament<sup>86</sup>.

<sup>79</sup> ПАСТУХОВА В. Правовая система Японии //Юстиция Беларуси. – 2016. – №. 12 (177). – С. 62.

<sup>80</sup> Babakulovna I. F. GROUNDS FOR THE INTRODUCTION OF BANKRUPTCY PROCEDURES FOR AN INDIVIDUAL ENTREPRENEUR OR AN INDIVIDUAL WHO HAS LOST THE STATUS OF AN INDIVIDUAL ENTREPRENEUR //International journal of professional science. – 2022. – №. 1. – С. 5-9.

<sup>81</sup> Чурсина Т. И. Судебная система Японии //Журнал зарубежного законодательства и сравнительного правоведения. – 2013. – №. 5. – С. 905-909.

<sup>82</sup> Ibratova F. Foreign Practice of Use of Mediation on Collective Labor Disputes //American Journal of Social and Humanitarian Research. – 2022. – Т. 3. – №. 10. – С. 57-62.

<sup>83</sup> Ибратова Ф. Б., Чориев М., Собиржонов О. ПРАВОВЫЕ ВОПРОСЫ УЧАСТИЯ В ЭКОНОМИЧЕСКОМ ПРОЦЕССЕ ПРОКУРОРА, ГОСУДАРСТВЕННЫХ ОРГАНОВ И ИНЫХ ЛИЦ //International journal of professional science. – 2022. – №. 5. – С. 14-22.

<sup>84</sup> Конституция Финляндии, статья 108

<sup>85</sup> Ситникова И. И. Судебная система Финляндии //Электронное приложение к Российскому юридическому журналу. – 2012. – №. 5. – С. 31-35.

<sup>86</sup> Конституция Республики Узбекистан. <https://lex.uz/docs/35869>

It is also noteworthy that the judicial system of the Republic of Uzbekistan operates and exercises its powers on the basis of the country's legislation, which was formed as a result of cultural and traditional features, while Finnish laws are based on Swedish ones.

The judicial system of the Republic of Uzbekistan is not divided and is considered as a whole, but they can be divided into courts of general and special jurisdiction depending on the jurisdiction, in Finland they are divided into general and specialized<sup>87</sup>. If in Finland the Supreme Court considers both the constitutionality of normative legal acts and other issues related to the constitution of the country, then in Uzbekistan such powers are granted to the Supreme Constitutional Court, separate from it.

In addition, in the Republic of Uzbekistan, the Constitutional Court, the Supreme Court, Military Courts are classified as courts of special jurisdiction because they can consider issues related to administrative, civil, economic law, while in Finland they are considered courts of general jurisdiction<sup>88</sup>.

In Finland, the Market Court, the Labor Court, the Insurance Court are considered special courts and operate independently of each other, as well as a civil court<sup>89</sup>. In the Republic of Uzbekistan, disputes on labor and insurance issues fall within the competence of the civil court, and market disputes of the economic court.

The system of jurisdiction in Germany will be demonstrated using the example of courts of general jurisdiction, since the competence of these courts includes most of the cases related to private and civil relations<sup>90</sup>.

The system of courts of general jurisdiction in Germany consists of:

1. District courts
2. Land courts
3. Higher Regional Courts
4. Supreme Court

All jurisdiction of cases in Germany is determined by the law "On the structure of the judicial system in Germany"<sup>91</sup>.

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<sup>87</sup> Babakulovna I. F. GROUNDS FOR THE INTRODUCTION OF BANKRUPTCY PROCEDURES FOR AN INDIVIDUAL ENTREPRENEUR OR AN INDIVIDUAL WHO HAS LOST THE STATUS OF AN INDIVIDUAL ENTREPRENEUR //International journal of professional science. – 2022. – №. 1. – С. 5-9.

<sup>88</sup> Ибратова Ф. и др. ПРАВОВЫЕ ВОПРОСЫ ЭЛЕКТРОННОГО ДОКАЗАТЕЛЬСТВА В ЭКОНОМИЧЕСКОМ ПРОЦЕССЕ //International journal of professional science. – 2022. – №. 4. – С. 18-24.

<sup>89</sup> Орлов В. Г. Система правового регулирования в России и Финляндии: сравнительные аспекты //Судебная система РФ: вопросы теории, истории и судебная практика. – 2009. – С. 13-16.

<sup>90</sup> Саломатин А. Ю., Корякина А. С. СУДЕБНАЯ СИСТЕМА ГЕРМАНИИ: ДОСТОИНСТВА И НЕДОСТАТКИ //Судебная реформа как инструмент совершенствования правосудия. – С. 156.

<sup>91</sup> [http://www.gesetze-im-internet.de/englisch\\_gvg/index.html](http://www.gesetze-im-internet.de/englisch_gvg/index.html)

District courts hear cases where the amount of the claim does not exceed 5,000 euros. These often include disputes relating to rental housing and simple family disputes.

Land courts, however, consider cases as the first instance, the amount of the claim, which exceeds 5,000 euros, and considers mostly corporate and commercial cases. In addition, the regional courts can consider, as an appellate instance, cases heard by the district court<sup>92</sup>.

The Higher Regional Courts act as a court of cassation if the district courts considered the case on the merits, and if the dispute was considered on the merits in the Regional Court, then the Higher Regional Courts act as an appeal<sup>93</sup>.

The Supreme Court hears cases if the case on the merits has been heard in the Regional Court, but the appeal has been heard in the Higher Regional Court. In such circumstances, the Supreme Court considers the case as an appeal.

If a person considers that his rights are still violated after going through all the instances, he can apply to the Constitutional Court. The Constitutional Court is not a judicial instance and its tasks include only control over the observance of the constitution<sup>94</sup>.

Participation of a lawyer is obligatory in the land, higher land and the Supreme Court. But in the district there is no such obligation, and the parties have the right to decide for themselves whether to use the help of a lawyer or not<sup>95</sup>.

Only 45 lawyers, who have already been determined by the judiciary itself, are entitled to speak in the Supreme Federal Court for Civil Cases.

Unlike the Uzbek courts, the German courts place a very strong emphasis on settling the dispute amicably. This is largely due to the provision of paragraph 1 of § 278 of the German Code of Civil Procedure, which states that "the court at each stage of the proceedings must strive to resolve the dispute by amicable agreement." Thus, up to a quarter of court cases end with an amicable agreement.

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<sup>92</sup> Кулёв М. Г. Судебная система Германии //Правоохранительная и правозащитная деятельность: вчера, сегодня, завтра. – 2017. – С. 97-101.

<sup>93</sup> Алоев К. В. Судебная система Германии //Нравственно-правовые критерии формирования судебной власти в государстве. – 2018. – С. 8-10.

<sup>94</sup> Саломатин А. Ю., Корякина А. С. СУДЕБНАЯ СИСТЕМА ГЕРМАНИИ: ДОСТОИНСТВА И НЕДОСТАТКИ //Судебная реформа как инструмент совершенствования правосудия. – С. 156.

<sup>95</sup> Бодячук К. В. Судебная власть и организация судебной власти в Федеративной Республике Германии //Нравственно-правовые критерии формирования судебной власти в государстве. – 2018. – С. 13-16.

**REFERENCES:**

1. Барышова М. В. и др. Социальное предпринимательство: научные исследования и практика. – 2019.
2. <https://legalns.com/download/books/cons/japan.pdf>
3. Бибило В. Н. Судебные системы зарубежных государств: учеб.-метод. пособие для студентов юрид. спец. БГУ / В. Н. Бибило. – Минск: БГУ, 2012, – с. 71–72
4. <https://legalns.com/download/books/cons/japan.pdf>
5. Babakulovna I. F., Normuratovna E. Z. Legal Issues of the Concept of “Corporate Disputes” Under Procedural Legislation: Theory and Practice //American Journal of Social and Humanitarian Research. – 2022. – Т. 3. – №. 6. – С. 341-346.
6. <https://legalns.com/download/books/cons/japan.pdf>
7. ПАСТУХОВА В. Правовая система Японии //Юстиция Беларуси. – 2016. – №. 12 (177). – С. 62.
8. Babakulovna I. F. GROUNDS FOR THE INTRODUCTION OF BANKRUPTCY PROCEDURES FOR AN INDIVIDUAL ENTREPRENEUR OR AN INDIVIDUAL WHO HAS LOST THE STATUS OF AN INDIVIDUAL ENTREPRENEUR //International journal of professional science. – 2022. – №. 1. – С. 5-9.
9. Чурсина Т. И. Судебная система Японии //Журнал зарубежного законодательства и сравнительного правоведения. – 2013. – №. 5. – С. 905-909.
10. Ibratova F. Foreign Practice of Use of Mediation on Collective Labor Disputes //American Journal of Social and Humanitarian Research. – 2022. – Т. 3. – №. 10. – С. 57-62.
11. Ибратова Ф. Б., Чориев М., Собиржонов О. ПРАВОВЫЕ ВОПРОСЫ УЧАСТИЯ В ЭКОНОМИЧЕСКОМ ПРОЦЕССЕ ПРОКУРОРА, ГОСУДАРСТВЕННЫХ ОРГАНОВ И ИНЫХ ЛИЦ //International journal of professional science. – 2022. – №. 5. – С. 14-22.
12. Конституция Финляндии, статья 108
13. Ситникова И. И. Судебная система Финляндии //Электронное приложение к Российскому юридическому журналу. – 2012. – №. 5. – С. 31-35.
14. Конституция Республики Узбекистан. <https://lex.uz/docs/35869>
15. Babakulovna I. F. GROUNDS FOR THE INTRODUCTION OF BANKRUPTCY PROCEDURES FOR AN INDIVIDUAL ENTREPRENEUR OR AN INDIVIDUAL WHO HAS LOST THE STATUS OF AN INDIVIDUAL ENTREPRENEUR //International journal of professional science. – 2022. – №. 1. – С. 5-9.

16. Ибратова Ф. и др. ПРАВОВЫЕ ВОПРОСЫ ЭЛЕКТРОННОГО ДОКАЗАТЕЛЬСТВА В ЭКОНОМИЧЕСКОМ ПРОЦЕССЕ //International journal of professional science. – 2022. – №. 4. – С. 18-24.
17. Орлов В. Г. Система правового регулирования в России и Финляндии: сравнительные аспекты //Судебная система РФ: вопросы теории, истории и судебная практика. – 2009. – С. 13-16.
18. Саломатин А. Ю., Корякина А. С. СУДЕБНАЯ СИСТЕМА ГЕРМАНИИ: ДОСТОИНСТВА И НЕДОСТАТКИ1 //Судебная реформа как инструмент совершенствования правосудия. – С. 156.
19. [http://www.gesetze-im-internet.de/englisch\\_gvg/index.html](http://www.gesetze-im-internet.de/englisch_gvg/index.html)
20. Кулёв М. Г. Судебная система Германии //Правоохранительная и правозащитная деятельность: вчера, сегодня, завтра. – 2017. – С. 97-101.
21. Алоев К. В. Судебная система Германии //Нравственно-правовые критерии формирования судебной власти в государстве. – 2018. – С. 8-10.
22. Саломатин А. Ю., Корякина А. С. СУДЕБНАЯ СИСТЕМА ГЕРМАНИИ: ДОСТОИНСТВА И НЕДОСТАТКИ1 //Судебная реформа как инструмент совершенствования правосудия. – С. 156.
23. Бодянчук К. В. Судебная власть и организация судебной власти в Федеративной Республике Германии //Нравственно-правовые критерии формирования судебной власти в государстве. – 2018. – С. 13-16.