

**LEGAL MECHANISMS OF ENSURING JUDGES' INDEPENDENCE THROUGH THE APPLICATION OF DIGITAL TECHNOLOGIES IN THEIR ACTIVITIES**

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**Abstract.** *Today globalization, digital technologies have been widely introduced in all human-made industries around the world and are fundamentally changing the lifestyle of humanity. In this direction, the countries that use the advances in digital technology are leading in the stages of development. This article analyzes the world experience and development of legal mechanisms for ensuring the independence of courts in Uzbekistan by using digital technologies.*

**Keywords:** *CaseLines digital document exchange system, blockchain technologies, "Electronic government contract", "E-Toimik" portal.*

In 2011, the Supreme Court approved the concept of introduction of information and communication technologies into the system of courts of general jurisdiction of the Republic of Uzbekistan to introduce digital technologies into the activities of the courts and to ensure a unified methodological and comprehensive approach in this regard. This document provided for the consistent introduction of automated systems to the judicial process and the resolution of issues that may arise. However, the measures envisaged in the document were not fully implemented [1].

Therefore, in our country, in the "Year of Science, Enlightenment, and Digital Economy Development" in 2021, attempts are being made to use the undeniable achievements of digital technologies on a large scale in all fields and sectors.

In particular, in the judicial system, which is one of the most requested areas, special attention is being paid to the consistent implementation of the digitalization policy, thereby ensuring the independence of judges, reducing corruption, and speeding up services to the population.

World experience shows that the introduction of digital technologies into the judicial system is a cornerstone in the implementation of justice, increasing the transparency and efficiency. For example, as a result of the HM Courts&Tribunals Service Digital Case System (HM Courts&Tribunals Service Digital Case System) program in Great Britain, since 2015, the amount of paper used has been reduced by 500 tons, and the time for filing a claim has been reduced from 15 working days to 10 minutes. According

to experts, by 2023, more than 2 million cases per year will be transferred out of the real courtroom to save 244 million pounds are saved. The CaseLines digital document exchange system in Great Britain has resulted in a 50% reduction in the volume of hearings at the Crown Court. Today, 84 percent of document exchanges in Singapore's courts are done electronically, and nearly 400 law firms have access to a single database. Video conference connection is widely used in the courts of leading countries such as Hungary, USA, Great Britain, Netherlands, Belgium, Italy, Ireland, Australia, United Arab Emirates, Singapore, and Canada. Also, the Dubai International Financial Center (DIFS) and Smart Dubai are working together to create a court system that works through the exchange of documents based on blockchain technology [2].

At this point, it should be noted that the work being carried out in Uzbekistan in this field is also developing in line with world standards. It is appropriate if we analyze this period of development in two stages. The first phase covers the years 2017-2020, and the second phase covers the years 2020-2022.

In the first stage, during the years 2017-2020, as a result of the implementation of the program for the introduction of modern information and communication technologies to the activities of the courts in 2017-2020, approved by the President's decision No. PQ-3250 of August 30, 2017, remote access to courts, participation in court sessions using the video conference system, systems for automatic distribution of cases among judges, publication of court decisions on the Internet, and electronic submission of executive documents for compulsory execution have been introduced.

The second step is the Decision of the President of the Republic of Uzbekistan dated September 4, 2020 "On measures to digitize the activities of judicial authorities" and is important for ensuring the openness and transparency of the judicial system for the population and improving its work efficiency.

The decision set the task of implementing the digitalization program of court activities in 2020-2023.

In the second stage, the IT infrastructure of the courts, the Supreme Council of Judges, and the Higher School of Judges will be further improved, in particular, from 2021, court sessions in all courts will be recorded using audio recording with the request of the parties and the approval of the chairman; creating minutes of court sessions using the system; automatic distribution of cases between judges in courts of appeal and cassation; All

participants were informed about the time and place of court hearings free of charge via SMS.

In 2022, court decisions will be presented to the parties online, and at their request in paper form. About 10 interactive services have been launched to make it easier for citizens and businesses to get justice in the activities of judicial authorities.

According to this decision, starting in 2023, court cases are submitted to the state archive in electronic form.

Also, according to the decision, it is planned to expand the opportunity to participate in court sessions in the format of a video conference, by the end of this year, a suitable mobile application for citizens and rooms equipped with special equipment will appear in penal institutions.

The Internet network, the types, and methods of communication tools, which are developing in the world, including in Uzbekistan, at an imperceptibly fast rate, have completely changed the ideas about the exchange of information in modern society. Due to this, the use of digital technologies in the work of courts is considered urgent, and it provides speed and convenience of information exchange in the work of judges.

However, today, when dealing with cases in courts, information exchange with many ministries and agencies was mainly done in paper form because their information systems are not mutually integrated. In addition, there was no opportunity to accelerate and expand the work on expanding the type of interactive services provided by the courts to citizens and entrepreneurs, to ensure online monitoring of the process of consideration of each appeal [3].

Previously, when citizens applied to the court, they had to spend their valuable time in the court without knowing the result. Now, citizens have the opportunity to monitor the result of consideration of their electronic appeal to the court online without losing time and money, even from the most remote areas.

It is known that there were problems in notifying all participants in time when conducting court hearings. Sending a summons to the parties about the time and place of the hearing was done by the postal service and it took a certain amount of time and cost. Now all participants will be informed about the time and place of the court hearings free of charge via SMS.

This ensures that the parties are notified of the court hearing in a short period, and secondly, it is evidence that the parties who want to artificially

prolong the court proceedings without coming to the court hearing have been warned about the court hearing.

It was also established that court decisions will be presented to the parties in the case online, and on their request in paper form. This will prevent citizens from coming to the court as a wanderer and create an opportunity to receive court decisions online even remotely.

It is known from the experience of foreign countries, especially countries with advanced technology, such as Singapore, Korea, Malaysia, Germany, and Estonia, that the introduction of information technologies into courts can optimize work processes and increase the productivity of courts. The increase has been achieved [4].

It is also being introduced to record court sessions using audio recording at the request of the parties to the case and with the chairman's consent, and to create minutes of court sessions using this system. Audio recording of court hearings significantly reduces the role of the human factor in court hearings. The record of the court session will have a new look. This will make it easier to conduct court cases, record the minutes of the court session, and increase the parties' confidence in justice. In practice, it prevents the cases of the parties not being able to familiarize themselves with the minutes of the court session in time, as well as the cases of not fully covering the testimony of the witnesses in the court session in the minutes of the court session.

According to Article 691 of the old version of the Law of the Republic of Uzbekistan "On Courts", taking into account the volume of work and specialization of judges in courts, the distribution of cases among judges is influenced by persons interested in the outcome of court proceedings. It was determined that it will be distributed using an automated information system in an order that excludes its display [5].

There was a mechanism of distribution among the judges of the lawsuits, appeals, petitions, and administrative, economic, civil, and criminal cases introduced in the courts under the system of electronic justice. However, there was no distribution of cases to judges using an automated information system in the appeal or cassation process when a complaint or protest was presented in the administrative, economic, civil, and criminal cases considered in the court of first instance.

Now, considering the cases in the courts of appeal and cassation instance, taking into account the workload of the judges, the human factor does not participate in the automatic distribution, that is, the interference of the chairman of the regional court in the distribution of cases is prevented,

and in these instances, the distribution is done electronically among the judges, and the distribution is based on the result of the court hearing. influence of interested persons is prevented and this increases citizens' confidence in justice.

Currently, the digital technologies introduced in the activity of the courts are limited only to conducting court sessions in video-conference mode and publishing court decisions on the Internet. This requires the judicial system to introduce many areas of digital technologies into its activities and to have sufficient technological and human resources to ensure their continuous operation.

As noted by UNDP experts, the digital tools available in courts of general jurisdiction are diverse toolkits. Their main task is to ensure the fulfillment of tasks related to the institution (preparation of documents in the office, fulfillment of accounting and reporting tasks, court work in a limited scope), and collection of primary statistical data. The use of information and legal databases by judges ("LexUZ", "Norma", "Pravo", and "Yurida") are not regulated by normative documents, as a result of which they are used by the personal initiative of judges. One of the serious shortcomings is the lack of departmental communication and data transmission systems. There is no single departmental information system uniting courts of different levels, and electronic information exchange between lower and higher courts has not been established [6].

To overcome these obstacles in the field, in our opinion, it is necessary to use foreign experience in the introduction of digital technologies. For example, "The US experience is of particular interest in this regard. "E-government" adopted in 2002 established several rules regulating the use of ICT in court activities. In particular, the law stipulates that every court should have a website, where the address of the court, the procedure for viewing information about the pending cases and their materials, and other information will be displayed. It is also worth noting that according to procedural legislation, the courts are empowered to "allow or require the parties to submit documents in electronic form. If necessary, each participant in the court process can get acquainted with the court documents, including decisions, reports, etc. [7].

The German e-justice (judicial proceedings) system includes modules such as "Electronic court and mail system of administration" ([www.egvr.de](http://www.egvr.de)), reference information systems, video conference systems, and electronic submission of documents [8].

In Malaysia, lawyers are required to use the online filing system. Special service bureaus have been established in the courts to assist in using the online application system. E-COURT (E-SUD) includes several systems: video conference, use of virtual court and holographic technologies, electronic archive, case management system, the database of issued court decisions, queue management system, recording of court sessions, and transcription. In addition, the system allows you to view the record of each case in electronic form. The audio-video recording system records the court proceedings gives opportunity to judges not to record by hand [9].

The information system of Estonian civil courts is capable of recording and storing all documents and actions, taking into account the current volume of work, automatic distribution of accepted cases, and court documents (based on the judge's decision) allows to publication on the "E-Toimik" portal. This system makes possible to receive documents via the Internet, to familiarize court participants with the application review process and the status of the case being considered by the court. In addition, the "E-Toimik" system allows the parties to receive documents accepted by the courts from the courts. Court decisions, rulings, and subpoenas are submitted in digital form or through the information system (in which the opening date of the letters is automatically recorded) or sent by e-mail to the participant (in this case, he must notify the court that he has received the letter) [10].

It should be noted that the interdepartmental information cooperation system allows the court to obtain all the necessary information about the participant of the trial through digital technology. Another advantage of the system is that it provides an opportunity to create procedural documents based on the information about the process participants.

To sum up, several achievements have been achieved through the implementation of digital technologies in the activities of the courts in our country, such as increasing the productivity of the courts, simplifying the electronic court system, ensuring the openness and transparency of court activities, and significantly reducing the periods for considering cases. The implementation of such technologies in the judicial sphere not only relieves the burden but also serves as one of the factors that ensure the independence of judges by significantly reducing the work of judges.



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9. Explanation: Transcription is the process of converting information in audio or video format into a text version. Such translation is carried out by transcription service programs or freelancers. Their task is to qualitatively translate speech into written format: edit sentences, remove parasitic words, pause.
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