

"ISSUES OF IMPROVING THE LEGAL STATUS OF PARTICIPANTS IN CIVIL PROCEEDINGS"

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Abstract In recent years, Uzbekistan has been implementing consistent measures to enhance the judicial and legal system, strengthen the reliable protection of the rights and lawful interests of citizens and entrepreneurs, ensure fair administration of justice, and reinforce the role of the judiciary. Particular attention is given to creating a favorable legal and regulatory environment for foreign investors, whose rights and interests are safeguarded through judicial mechanisms. The increasing number of business entities, including foreign investors, has led to a rise in commercial disputes, which are resolved by competent courts. The participation of individuals assisting the courts in evaluating evidence and ensuring fair adjudication is crucial, while they are legally bound not to influence the proceedings or act independently. Furthermore, the introduction of criminal liability for disclosing information and details of closed court sessions without permission is proposed to strengthen confidentiality and the rule of law. These measures aim to ensure that court decisions are lawful, justified, and fair, thereby protecting human rights, personal privacy, and the dignity of citizens.

Keywords judicial system reform, legal protection of investors, civil and economic proceedings, fair administration of justice, confidentiality in court, closed court sessions, dispute resolution, evidence evaluation, rule of law, human rights protection

In recent years, Uzbekistan has been consistently implementing measures to further improve the judicial and legal system, strengthen the reliable protection of the rights and lawful interests of citizens and entrepreneurs, ensure effective administration of justice, and enhance the role of the judiciary. Most importantly, these efforts aim to create a favorable legal and regulatory framework for foreign investors. A state that guarantees the rights of foreign investors attracts their investments, while the protection of their rights and interests is ensured through the courts. The right to judicial protection is increasingly recognized, and every business entity (including foreign investors) has the right to seek protection through the courts.

Consequently, as the number of business entities (including foreign investors) increases daily, disputes among them are also on the rise. Such disputes are resolved by the competent courts. The participation of individuals who assist in the administration of justice is crucial for the fair and substantiated resolution of these disputes, as well as for assessing the sufficiency of evidence. These individuals perform their duties and obligations before society as prescribed by law and contract, and they do not influence the course of economic proceedings or participate in court proceedings on their own initiative.

In the context of the globalization of modern society, resolving disputes between parties in judicial proceedings has become increasingly important. Worldwide, courts are emphasizing the speed of case resolution, simplifying and streamlining court procedures, effectively protecting human rights, setting reasonable deadlines for case management, and integrating information and communication technologies into the judicial process. In Uzbekistan, special attention is also being paid to reliably protecting the rights and lawful interests of citizens and entrepreneurs, ensuring fair administration of justice, and creating a favorable legal and regulatory environment for every citizen and entrepreneur (investor).

Currently, procedural codes stipulate that participants in closed court sessions must be warned about liability for disclosing information. However, legislation does not yet provide for liability measures for disclosing such information. Accordingly, it is necessary to introduce criminal liability for disclosing information and details of closed court sessions without the court's permission.

It is proposed to introduce amendments and additions to certain laws of the Republic of Uzbekistan to prohibit the disclosure of information and details of closed court sessions by participants, and to establish criminal liability for disclosing such information without the court's consent.

Specifically, the following amendments are proposed to the Economic Procedural Code of the Republic of Uzbekistan:

1. In Article 56, after the words “expert providing a deliberately incorrect conclusion,” insert: “disclosing information and details of a closed court session without the court’s permission.”
2. In Article 58, second paragraph, after the words “providing explanations regarding their actions,” insert: “and not disclosing information and details of a closed court session without the court’s permission.”

3. In Article 60, third paragraph, after the words “translator providing an incorrect translation,” insert: “disclosing information and details of a closed court session without the court’s permission.”

4. In Article 86, second paragraph, after the words “expert providing a deliberately incorrect conclusion,” insert: “when the case is heard in a closed court session, disclosing information and details of the closed session without the court’s permission.”

5. To supplement Article 165 with the following sixth paragraph: “When a case is considered in a closed court session, participants are warned about non-disclosure of information and details of the court proceedings without the court’s permission, and a written acknowledgment is obtained. The acknowledgment shall also include a warning regarding liability under Article 239 of the Criminal Code of the Republic of Uzbekistan for violation of this obligation.”

Thus, in all disputed situations, evaluating and proving the facts through evidentiary means ensures that court decisions are lawful, justified, and fair. Such proposals and recommendations for improving legislation aim to reliably protect human rights and freedoms, personal privacy, the confidentiality of individual and family matters, honor, and dignity in our country.