

**CIVIL AND ECONOMIC PROCEDURAL LAW IS A SOLID FOUNDATION FOR
FAIR TRIAL AND LEGAL PROTECTION**

Sodiqov Shahzod Bobosherovich
Department of Civil Procedure
and Economic Procedural Law,
Tashkent State University of Law.

Abstract: This article discusses the content and essence of civil and economic procedural law, the principles of fair trial, the improvement of legal protection mechanisms and their compliance with international standards in our national legislation. The article is devoted to the urgency of forming a fair judicial system within the framework of the judicial and legal reforms underway in the Republic of Uzbekistan.

Keywords: civil procedural law, economic procedural law, fair trial, legal protection, judicial independence, international standards.

One of the most important factors in building a democratic state governed by the rule of law today is the existence of a fair and independent judiciary, its effective functioning, and the protection of individual rights by the judicial authorities within society.

The institutions of civil and economic procedural law are aimed at protecting and restoring the violated rights and interests of individuals and organizations through judicial proceedings. In this process, civil and economic procedural law institutions regulate the manner in which the violated rights of participants are protected, ensure the proper application of procedural legal norms, and guarantee that participants in the proceedings can fully exercise their rights.

In recent years, the reforms carried out in the judicial and legal system of our Republic clearly demonstrate that significant steps have been taken to simplify the procedure for considering civil and economic court cases and to ensure fair judicial proceedings through the introduction of digital technologies.

The essence and functions of civil and economic procedural law.

Civil procedural law ensures the protection of the personal, political, economic, and social rights, freedoms, and interests of citizens, as well as the rights and legally protected interests of enterprises, institutions, organizations, public associations, and self-governing bodies of citizens through the court¹.

Economic procedural law, in turn, defines the framework for the activities of business entities. This branch of law strengthens the guarantees for resolving economic disputes between legal entities engaged in entrepreneurial activity, ensures contractual discipline, and contributes to economic stability.

¹ Civil Procedure Code of the Republic of Uzbekistan. (2018). Tashkent: Adolat Publishing House

The common purpose of both branches is to ensure legality, justice, and legal protection through the judiciary. Therefore, they represent the practical embodiment of the principles of a fair trial.

The principles of a fair trial and their legal foundations.

The principle of a fair trial is enshrined in Article 55 of the Constitution of the Republic of Uzbekistan. It guarantees that everyone has the right to protect their rights and freedoms through the courts and to appeal to a court against unlawful decisions, actions, or inaction of state bodies, other organizations, and their officials.

Everyone is guaranteed the right to have their violated rights and freedoms restored through a hearing conducted within the time limits established by law by a competent, independent, and impartial court.

This principle ensures that citizens, under any circumstances, have the opportunity to protect their rights and legitimate interests through judicial means.

The fairness of judicial proceedings is determined by the following fundamental principles:

- **Principle of legality** – the court must render decisions strictly on the basis of applicable law;
- **Judicial independence** – no authority or official may interfere in the activities of the court;
- **Equality of parties** – the plaintiff, the defendant, and other participants in the proceedings enjoy equal rights before the court;
- **Openness and adversarial principle** – court hearings are conducted publicly, and the parties have the freedom to present evidence and arguments;
- **Respect for human dignity** – the honor, dignity, and personal inviolability of individuals must be protected during the judicial process;
- **Reasonable time for proceedings** – civil and economic cases must be heard and resolved without undue delay.

These principles are comprehensively established in the Civil Procedure Code and the Economic Procedure Code of the Republic of Uzbekistan.

The relevance of improving legal protection mechanisms.

If we analyze the legislation of legally developed countries, it becomes evident that the effectiveness of legal protection largely depends on the independence of the judiciary, the professional competence of judges, the clarity of laws, and their proper implementation in practice. In recent years, a number of significant reforms have been carried out in this direction in our country.

In particular, the improvement of electronic systems in judicial activities through the platforms “**my.sud.uz**” and the “**Adolat**” **information system complex** has made it possible to conduct cases remotely, digitize documents, and ensure greater transparency of proceedings.²

Furthermore, the development of the **mediation institution** and the practice of pre-trial dispute resolution have enhanced efficiency in civil and economic proceedings.

In addition, ensuring the **uniformity of judicial practice** — through the decisions of the Plenum of the Supreme Court — contributes to the consistent interpretation and application of laws by the courts.³

² United Nations Development Programme (UNDP). (2020). Rule of Law and Access to Justice in Central Asia: Regional Report. New York: UNDP Publications

³ Supreme Court of the Republic of Uzbekistan, Plenum Decisions (2022).

As a result of these reforms, citizens' access to justice has expanded, and the mechanisms for protecting their rights have been significantly strengthened.⁴

Ensuring the conformity of national legislation and judicial practices with international legal standards.

After gaining independence, the Republic of Uzbekistan identified the harmonization of its national legislation with international legal standards as one of its key strategic priorities. This process serves to enhance the country's reputation in the international arena, ensure the protection of citizens' rights and freedoms, and promote socio-economic stability.

As a subject of international law, the Republic of Uzbekistan has ratified a number of important international instruments aimed at safeguarding human rights, including:

- The Universal Declaration of Human Rights (Article 10);⁵
- The International Covenant on Civil and Political Rights (Article 14);⁶
- The European Convention on Human Rights (Article 6).⁷

These documents recognize the right to a fair trial as one of the fundamental and inalienable human rights.

Judicial and legal reforms in Uzbekistan are being implemented in accordance with these international standards, thereby contributing to the integration of national procedural law into the global legal system. Furthermore, the "Basic Principles on the Independence of the Judiciary" developed by the United Nations and the Organization for Security and Co-operation in Europe (OSCE) have been reflected in Uzbekistan's national legislation.

Based on international judicial practice—particularly the experience of the European Court of Human Rights—significant transformations are taking place within Uzbekistan's judicial system. Principles such as judicial independence, transparency, equality of parties, and the right to defense are being progressively strengthened.

The ongoing legal analyses conducted by the Supreme Court of the Republic of Uzbekistan on the use of international judicial practice represent a tangible outcome of this process, demonstrating Uzbekistan's commitment to aligning its judiciary with universally recognized principles of justice and the rule of law.

Contemporary trends in the development of civil and economic procedural law.

Currently, the field of civil and economic procedural law is characterized by several notable trends:

- **Digital justice** – the administration of court proceedings based on artificial intelligence, blockchain technologies, and electronic archiving systems;
- **Expansion of judicial mediation and arbitration** – the institutions of alternative dispute resolution are emerging as reliable mechanisms for resolving conflicts;
- **International recognition of judicial decisions** – with the growth of transnational economic relations, the recognition and enforcement of foreign court judgments have become increasingly relevant;
- **Strengthening judicial ethics and independence** – these factors play a key role in enhancing public confidence in the fairness of the judiciary.

⁴ Esonova, Z. (2022). *Procedural Guarantees of Fair Trial in Civil and Economic Proceedings*. *TSUL Scientific Bulletin*, No. 4, pp. 33–41.

⁵ United Nations General Assembly. (1948). *Universal Declaration of Human Rights*. Resolution 217 A (III).

⁶ United Nations Treaty Series, Vol. 999. (1966). *International Covenant on Civil and Political Rights*.

⁷ Council of Europe. (1950). *European Convention on Human Rights*. Rome

These directions contribute to the modernization of civil and economic procedural law and facilitate the practical implementation of the principles of a fair trial.

The institutions of civil and economic procedural law form the foundation of fair justice and legal protection. They serve not only as instruments for dispute resolution but also as mechanisms that reinforce citizens' trust in the state and the rule of law.

The ongoing judicial and legal reforms in the Republic of Uzbekistan, the integration of international standards into the national system, and the introduction of digital technologies represent significant steps toward ensuring fair judicial proceedings and the effective protection of human rights.

In any democratic society, the institutions of civil and economic procedural law are recognized as essential mechanisms for guaranteeing a fair trial. An analysis of their legal nature demonstrates that they serve as the primary means for restoring violated civil rights and freedoms, as well as for safeguarding the legitimate interests of participants in economic relations.

The principle of a fair trial is enshrined in the **Constitution of the Republic of Uzbekistan**, the **Law "On Courts"**, and international legal instruments such as the **Universal Declaration of Human Rights** and the **International Covenant on Civil and Political Rights**.

This principle plays a crucial role at every stage of civil and economic proceedings — from the initiation of a case and the examination of evidence to the rendering and enforcement of judicial decisions.

From a contemporary perspective, the principle of a fair trial encompasses not only procedural equality, transparency, and judicial independence, but also the integration of digital technologies, ensuring openness of judicial processes, and expanding citizens' access to justice.

In conclusion, the improvement of the civil and economic procedural law system contributes to the further strengthening of fair trial guarantees and legal protection mechanisms. In turn, this process enhances citizens' legal culture, fosters public trust in state institutions, and constitutes a vital step toward building a genuine rule-of-law state. The enhancement of the civil and economic procedural law system serves as a vital factor in reinforcing the institutions of fair trial and legal protection. This process, in turn, contributes to the advancement of citizens' legal culture, the strengthening of public trust in the judiciary, and constitutes a significant step toward the establishment of a democratic state governed by the rule of law.

References:

1. **Constitution of the Republic of Uzbekistan.** (Adopted on December 8, 1992; revised edition of 2023). Tashkent: "Uzbekiston" Publishing House.
2. **Civil Procedure Code of the Republic of Uzbekistan.** (2018). Tashkent: Adolat Publishing House. **Economic Procedure Code of the Republic of Uzbekistan.** (2018). Tashkent: Adolat Publishing House.
3. **Law of the Republic of Uzbekistan "On Courts."** (2021). Tashkent: National Database of Legislation.
4. **Universal Declaration of Human Rights.** (1948). United Nations General Assembly, Resolution 217 A (III).
5. **International Covenant on Civil and Political Rights.** (1966). United Nations, Treaty Series, vol. 999.
6. **European Convention on Human Rights.** (1950). Council of Europe, Rome.

7. **United Nations Basic Principles on the Independence of the Judiciary.** (1985). Adopted by the Seventh UN Congress on the Prevention of Crime and the Treatment of Offenders.
8. **Organization for Security and Co-operation in Europe (OSCE).** (1990). Document of the Copenhagen Meeting of the Conference on the Human Dimension.
9. Mirziyoev, Sh. M. (2023). Speech on the Priorities of Judicial and Legal Reforms in Uzbekistan. Official website of the President of the Republic of Uzbekistan.
10. Khusanov, B. (2021). Judicial Independence and the Rule of Law in Uzbekistan: Current Challenges and Prospects. Tashkent State University of Law Journal, No. 3, pp. 45–57.
11. Saidov, A. Kh. (2019). Modern Trends in the Development of Civil and Economic Procedural Law in Uzbekistan. Journal of Legal Studies, Vol. 5, No. 2, pp. 12–28.
12. Osipov, Yu. K. (2018). The Role of the Prosecutor in the Legal Process: Theoretical and Practical Aspects. Moscow: Legal Science Press.
13. United Nations Development Programme (UNDP). (2020). Rule of Law and Access to Justice in Central Asia: Regional Report. New York: UNDP Publications.
14. Esonova, Z. (2022). Procedural Guarantees of Fair Trial in Civil and Economic Proceedings. Tashkent: TSUL Scientific Bulletin, No. 4, pp. 33–41