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OPENNESS PROCESSES IN COURTS

Sharof Rashidov

Sharipov Asrorjon Safar o'g'li

Samarkand State University Faculty of Law 2nd stage student

Asrorsharipov777@gmail.com

Annotation

The openness of justice in this article is revealed through two fundamental principles: publicity and transparency of the judicial proceedings.

Key words

Principles of judicial proceedings, transparency,openness of justice, transparency.

Introduction

The principle of publicity of court proceedings is intended to satisfy the public's need for information about justice. The last decade in Russia has been marked by comprehensive informatization; this trend has also affected the judicial system. The following methods of obtaining have become available: information, such as electronic resources of courts on the Internet, broadcasts of court hearings in real time, etc. And in this regard, without losing its classical meaning, the principle goes beyond the usual framework.The publicity of a court hearing has a close relationship with the principle of transparency of legal proceedings.

The topic of open justice is often heard in scientific discussions and is mentioned as a priority in interviews with representatives of the judicial system, and is considered as an important topic in scientific research. In recent years the regulatory framework regulating openness has expanded significantly justice. For almost a decade, the Federal Law of the Russian Federation dated December 22, 2008 No. 262-FZ "On ensuring access to information about the activities of courts in the Russian Federation." On the issue The highest courts spoke out about openness of justice.

When characterizing such a phenomenon as access to information about legal proceedings, a variety of formulations are used: "transparency of judicial systems"2, "transparency of justice"3, "transparency of judicial activities"4,"information openness of courts", "information openness of justice"5, "transparency of legal proceedings"6, etc. The presented terms are connected by a single meaning - to make the legal process open and understandable to every member of society.

So, if we take as a basis the statement that the openness of legal proceedings includes openness and transparency, it is necessary to analyze these components. The basis for disclosing the principle of publicity is the provision of Part 1 of Art. The Constitution of the Russian Federation, according to which: "Proceedings of cases in all courts are open. Hearing the case in closed session is permitted in cases provided for by federal law."The principle of publicity of legal proceedings is also enshrined in industry legislation: in Art. 10 Code of Civil Procedure of the Russian Federation, art. 11 Arbitration Procedure Code of the Russian Federation, art. 310 of the Code of Criminal Procedure of the Russian

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Federation and Part 1 of Art. 30.8 Code of Administrative Offenses RF. And, in fact, everywhere it is revealed through two main elements.

The first element is open hearing of cases in the courts. The meeting is held with “open doors”, when everyone can attend consideration of the case. In this form, the norm is, if not “dead,” then ineffective, since most processes take place in an empty room. Further, an exception to this rule is established by law: consideration of a case or parts of it in a closed court session. In addition, persons present at open court hearing, have the right to take notes during the trial meetings and record them using audio recording devices.

The second element can be viewed through public announcement forms judicial acts:

1) proclamation of a judicial act in an open court session;

2) depositing a judicial act in the office and (or) archive of the court;

3) scanning case materials and storing them electronically;

4) publication of texts of judicial acts in printed publications;

5) publication of texts of judicial acts on the Internet, on the official website of the court, as well as in the system of automatic publication of all judicial decisions on the single portal “Bank of Arbitration Court Decisions”, in the “Electronic Guardian” information service, etc. In this regard, the problem of personal data arises acutely.

6) delivery of copies of judicial acts to participants in the process and other persons,interested in receiving them. In courts of general jurisdiction, copies of judicial decisions are issued only upon the application of the participants in the process. In arbitration courts have a different practice: copies are sent regardless of the will of the parties,which appears to provide greater guarantees of transparency. Particular attention should be paid to the provisions of paragraph 23 of the Resolution of the Plenum of the Armed Forces of the Russian Federation No. 35 “On openness and publicity of legal proceedings and on access to information on the activities of the courts", which states that the court’s failure to comply with the requirements for publicity of proceedings when considering civil case may serve as an independent basis for the reversal of court decisions.

The third element of openness is judicial transparency systems should be understood as a real qualitative characteristic of judicial authorities, reflecting the actual degree of its information openness, expressed in the availability of objective, complete and reliable information about organization and activities of the judiciary.

Issues of society's attitude towards the justice authorities are included in strategic documents. In the federal target program “Development of the judicial system of Russia in 2007-2012” among the target indicators, The issue of trust and distrust of citizens in the justice system was raised. However, as can be seen from the Federal Target Program for the development of the Russian judicial system for the next period – at 2013-2020, the developers abandoned this practice. As recent sociological studies show, trust in the judicial system is low. As recent sociological studies show, trust in the judicial system is low.According to the Public Opinion Foundation, published in July 2012 Negative

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assessments of the courts prevail in society, they are made by 40% of respondents, and only 24% evaluate the activities of the court and judges positively.

Of course, a strong public reaction is caused mainly by high-profile cases, such as “The Case of the Murder of Journalist Anna Politkovskaya”, “The Case of Oboronservis", "PussyRiot Case" and other high-profile processes in recent years. It is important to note that the reaction of society in any case must be civilized and lawful.

The principle of open justice is a product of modern times. It develops before our eyes, acquiring more and more new features. The principle of openness one of the most dynamic, and there is no doubt about its further modernization. However, it is important to note that the openness of legal proceedings should not go beyond reasonable limits, because the fate of people is decided in the courtroom, and respect for human rights is the highest value.

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