



## JAPANESE EXPERIENCE IN FORMING THE JUDICIAL CORPS AND APPOINTING JUDGES.

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<https://doi.org/10.5281/zenodo.15089193>

**Annotation:** This article examines the formation of the judicial corps in the Republic of Uzbekistan, in particular, the procedure for appointing judges and their current state, the relevance of their improvement, and proposals for the formation of the judicial corps and improving the procedure for appointing judges, studying the experience of Japan in appointing judges, and their importance.

**Key words:** appointment of judges, judiciary, justice, rule of law, legality, transparency, justice, experience of the country of Japan, human resources management, candidates.

From the early days of Uzbekistan independence, to gradually strengthen the judicial power, to ensure the independence of the court, to turn it into an independent state institution that serves to reliably protect and protect the rights and freedoms of people and citizens, rather than a body as a tool of repression and punishment, as in the previous system. large-scale organizational and legal measures have been implemented.

Ensuring the true independence of the judiciary, increasing the effectiveness and prestige of the courts, further improving the structure of the courts and the system of selection and appointment of candidates for judicial positions, and the openness, transparency, fairness, and transparency of the activities related to the professional and career growth of judges, and the appointment to leadership positions are inextricably linked. In the Republic of Uzbekistan, in the implementation of activities aimed at strengthening justice, the rule of law and ensuring legality, and the reliable protection of individual rights and interests, to select, prepare, and appoint candidates for judicial positions from among the most qualified and responsible specialists, as well as to nominate them to the positions of leading judges. it is important to ensure timely protection of their rights and interests by forming the corps of judges by selecting suitable personnel.

In this regard, Decree No. PF-60 of the President of the Republic of Uzbekistan dated January 28, 2022 "On the Development Strategy of the New Uzbekistan for 2022-2026", approved by Decree No. PF-11 of the President of the Republic of Uzbekistan dated January 16, 2023 "Designed for 2023-2026 Short-term strategy of bringing the judicial system to a new level in terms of quality" and of the President of the Republic of Uzbekistan Decree No. PF-6127 of December 7, 2020 "On measures to ensure the true independence of judges and increase the effectiveness of preventing corruption in the judicial system" is of great importance in shaping the judiciary in our country.

The development strategy of this new Uzbekistan has defined seven main tasks in the priority direction, in which - in making the principles of justice and the rule of law the most basic and necessary condition for development in our country, it is important to properly organize the procedure for appointing judges.

### Main part

At the same time, during the period of reforms being carried out in the Republic, one of the pressing issues is formation of the corps of judges, appointment of judges, the analysis of existing regulatory legal acts in this area, the importance of their improvement, the practice of appointing judges in this area conducted and established in Japan, and which of them can be applied to Uzbekistan.

In order to ensure justice and legality, if we analyze the experience of Japan in appointing and placing judges and consider the practices introduced there, first of all, due to the rapid growth of development in the economy, science and technology, finance, medicine and other fields in the process of globalization, and the fact that Japan is located in a small area and does not have natural resources, in order to develop the country rapidly and have a strong economy in the world community, it has paid great attention to the system of effective use of human capital, which is considered the most important factor in development. Therefore, not only the state administration bodies, but also the private sectors have sought to create a transparent system for personnel issues, the procedure for their selection and placement, promotion, and appointment to other positions. As a solution to this problem, "Human resource management" departments have been established in all systems.

These departments are responsible for planning the personnel reserve in enterprises, organizations, etc. (how many new personnel are needed in each department, department, branch, how many employees will be transferred to other positions, how many employees will retire, how many employees will go on leave, the vacancy of management positions, filling the remaining vacancies with other qualified employees, training and preparing employees for other or higher and management positions), that is, they are responsible for deciding the formation of a personnel reserve for 5-year, 10-year and long-term periods.

In addition, they study and analyze the experience of developed foreign countries and, based on national values, create open, transparent and transparent conditions and requirements for new employees, appoint employees to other positions or higher, managerial positions, and develop and present to management short, medium and long-term strategies, proposals, and programs for their development.

Also, this department studies and analyzes the experience of developed foreign countries in terms of personnel promotion and, based on national values, solves the issue of developing a system of open, transparent, transparent requirements and procedures and their improvement, develops relevant proposals for the management.

One of the important issues is the formation of the above-mentioned personnel reserve, their placement, and the introduction of an effective, scientifically-based procedure for growth in service positions into the judicial system.

Therefore, planning and coordination of personnel issues in the judicial system of Japan is carried out by the Cabinet of Ministers. This council is also engaged in planning the personnel reserve for judicial positions, requirements for newly appointed judges, the appointment of judges to other positions or higher, managerial positions, motivating judges, as well as creating open, transparent conditions and requirements, procedures, and developing short- and long-term strategies, proposals, and programs for their improvement.

The Chief Justice of Japan is equivalent to the position of Prime Minister in the government hierarchy and is appointed by the Emperor and confirmed by the Court. The remaining judges appointed by the Cabinet, which is equivalent to the rank of Cabinet Ministers, and perform their duties after approved by the Emperor. In Japan, a candidate must have a "broad

worldview and deep legal knowledge." In addition, candidates are not required to have judicial or professional legal experience. However, at least 10 judges are appointed from among judges, prosecutors, investigators and law professors who have graduated from universities and law schools. Judges appointed to the Supreme Court are considered in the first general election for membership in the House of Representatives, held once every ten years, and whichever judge receives the most removal votes in that election is terminated. Judges can serve until the age of 70.

The presidents of other lower courts in Japan are called presidents and are appointed by the Cabinet (which exercises executive power in Japan) and confirmed by the Emperor. All other judges, assistant judges, and small claims court judges (hereafter referred to as judges) are appointed by the Court, as a rule, only after receiving the opinion of the "Committee on Nominations for Lower Court Judges." All lower court judges are appointed by the "Court" to the position of judge, with the possibility of reappointment for a term of 10 years. The activity of a judge's assistant ends at the age of 65. To become a judge's assistant, a candidate must have passed the National Examinations, have advanced training at the Institute of Legal Training and Research, and have passed the final exams.

Judges with the position of assistant judge may serve as one of three judges on a panel and participate in court hearings, but may not preside over them. According to the decision of the Supreme Court, when the assistant judge has 5 years of experience, he can try cases alone. Judges are appointed from assistant judges, prosecutors, consuls, and law professors with 10 years of experience.

Judges of the Japanese Small Claims Court may be appointed by the president (chairman), judges of higher courts, or assistant judges, prosecutors, and consuls with three years of experience. It is noteworthy that capable citizens who are not qualified lawyers, have many years of experience in the legal field or have academic experience, and are able to fulfill the professional duties of a judge of the Small Claims Court, are appointed by the "Selection Committee for Judges of the Small Claims Court" for a term of 10 years with the right to reappointment. Their retirement age is 70 years. At the same time, in Japan, judges with equal authority to the judges of this court for family and civil relations may be appointed from among the court employees, consuls, who consider family reconciliation, on a half-time basis for a period of 5 years.

According to statistics, In 2024, 718 service inspections were conducted against judges, as a result of which 506 disciplinary cases were initiated, and 274 judges received various disciplinary punishments. That is, we can see that 47.05 percent of judges working in the courts of the republic were subject to a service inspection, 33.1 percent were subject to disciplinary proceedings, and 17.9 percent were subject to disciplinary punishment.

Also, the powers of 40 judges were terminated ahead of schedule. Of these, 19 or 47.5 percent were terminated ahead of schedule by the Supreme Judicial Council upon written application, 11 or 27.5 percent for violating the judicial oath, and 10 or 25 percent for violating the requirements of the Code of Ethics of Judges.

### **Conclusion**

Having analyzed these international experiences and the procedure for appointing judges introduced in the country of Japan, it is important to introduce the following in the Republic of Uzbekistan:

In order to further improve the procedure of selection and placement of judges, judges appointed for the first time should be directly trained as third judges in regional and equivalent courts for a certain period of time, after which they will hear cases on an individual basis based on the decision of the Supreme Council of Judges.;

Given the high workload in lower courts, the need for these courts to resolve cases in a timely and fair manner in accordance with the law, reduce the number of complaints filed by citizens to higher courts, and attract qualified judges to these courts, measures should be taken to increase the monthly salaries of lower court judges, send qualified judges to improve low-quality courts, and rotate judges for a certain period of time.

The practical implementation of these proposals in the formation of the judicial corps in the Republic of Uzbekistan, the procedure for appointing judges, the selection of worthy candidates for judicial positions in the judicial system, and will allow for the significant reduction in appeals against judicial acts issued by lower courts.

The above opportunities will lead to the timely protection of the rights and freedoms of citizens, the full protection of their legitimate interests, the improvement of the formation of the judiciary in Uzbekistan as an independent branch of government, the transformation of the judiciary into a truly independent institution of the state that protects and reliably defends human rights and freedoms, and the establishment of justice at a historical turning point in the new Uzbekistan.

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