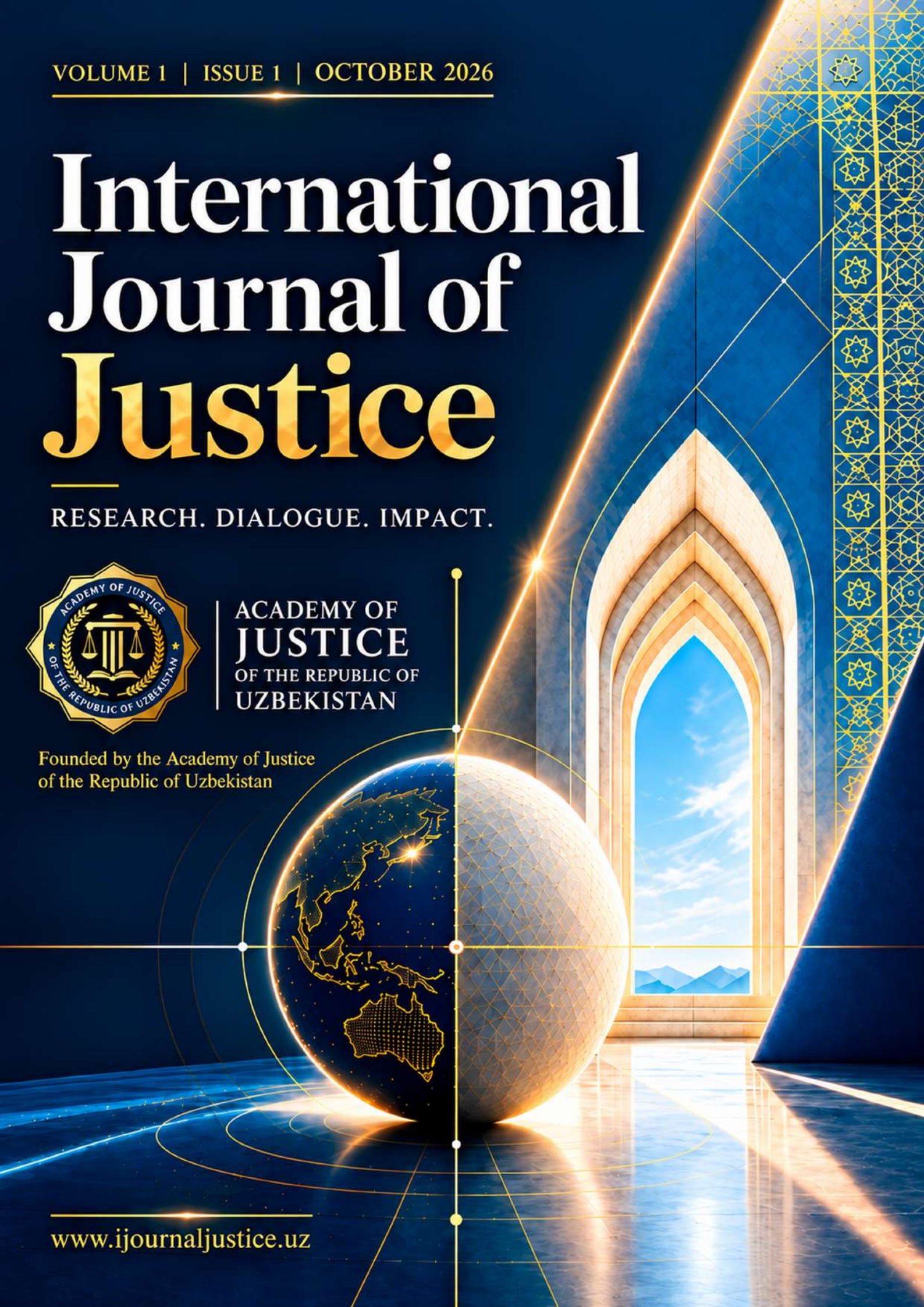
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INDEPENDENCE — A SOLID FOUNDATION OF JUSTICE AND HUMAN DIGNITY

(35 Years of the Evolution of the Judicial and Legal System of the Republic of Uzbekistan)

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Abstract. The article examines the development of a human-centred model of justice in independent Uzbekistan between 1991 and 2026. It traces the transition from the institutional separation of the judiciary and the liberalisation of criminal policy to the direct constitutional operation of human rights, judicial control at the pre-trial stage, stronger adversarial proceedings, digital justice and the responsible use of artificial intelligence. Particular attention is paid to the investigating judge, the legal classification of violence against children and individualised sentencing. Drawing on legislation, published judicial decisions and the views of Uzbek and international scholars, the article proposes safeguards against double counting, child-friendly procedures and stronger judicial reasoning.

Keywords: *independence, justice, human dignity, human rights, criminal procedure, adversarial proceedings, investigating judge, violence against children, digital court, artificial intelligence.*

Thirty-five years of state independence make it possible to assess the development of justice not as a mere sequence of individual laws and institutional transformations, but as a long-term process of changing the very philosophy of relations between the individual and the State. While in the early 1990s the primary task was to establish a national judicial system and an independent legal framework, by 2026 the focus of reforms has shifted towards the quality of judicial protection, the practical effectiveness of procedural safeguards, and respect for the dignity of every participant in judicial proceedings.

This approach has found its most concentrated expression in the revised Constitution of the Republic of Uzbekistan. According to Articles 20 and 54 of the Constitution, human rights and freedoms have direct effect, determine the substance of the activities of public authorities, and their protection constitutes the highest objective of the State. Article 55 guarantees everyone the right to have his or her case heard by a competent, independent and impartial court within the time limits established by law [1]. In this sense, state independence and judicial independence are closely interconnected: sovereignty created the opportunity to develop a national model of justice, while a genuinely independent judiciary transforms state independence into the everyday protection and security of the individual.

International standards establish the same conceptual framework. Article 14 of the International Covenant on Civil and Political Rights links the fairness of judicial proceedings with equality before courts and tribunals, as well as with the competence, independence and impartiality of the judicial body [2].

Therefore, the principal outcome of judicial reform should be understood not merely as the creation of a new judicial structure, but also as the ability of judicial procedures to constrain public authority, ensure equality between the parties, and provide effective mechanisms for correcting judicial errors.

1. From the Establishment of a National Judicial System to a Human Rights-Oriented Model

Several interconnected stages may be conditionally distinguished in the development of the judicial and legal system of independent Uzbekistan. The first was associated with the constitutional recognition of the judiciary as an independent branch of government, the development of national codes, the specialization of courts, and the introduction of appellate and cassation review. Even at that stage, the idea gradually took root that the role of the court was not to confirm the position of the prosecution or the administration, but to resolve legal disputes on the basis of law.

The second stage was characterized by the humanization of criminal policy and the expansion of judicial oversight. From 1 January 2008, the death penalty was abolished, while the authority to authorize detention in custody was transferred to the courts [4]. This reform had a dual significance: at the substantive-law level, the State abandoned an irreversible form of punishment, while at the procedural level, restrictions on the fundamental right to liberty were placed under the supervision of an independent judicial body. Subsequently, judicial authorization was progressively extended to other measures of procedural coercion and investigative actions affecting constitutional rights.

A new stage, which began in 2017, gave the reforms a systemic and institutional character. The Supreme Judicial Council, a unified Supreme Court, and administrative courts were established, while approaches to the formation of the judiciary were substantially revised [5]. The Constitution of the Republic of Uzbekistan, as revised in 2023, established the Supreme Judicial Council as an independent body of the judicial community and enshrined judicial independence as a directly applicable constitutional guarantee [1]. The Law "On Courts" defines the protection of rights and freedoms guaranteed not only by national legislation, but also by international treaties and human rights instruments, as one of the principal tasks of the judiciary [3].

The establishment of the Academy of Justice in 2025 logically continued this line of reform: professional independence is impossible without a judge who is competent, ethically resilient, and trained in accordance with contemporary requirements. Presidential Decree No. DP-141 of 21 August 2025, "On Measures for the Fundamental Improvement of the System for Training Highly Qualified Personnel in the Sphere of Justice," linked judicial training with international standards and with the integration of education, research, and practice [23]. Thus, human resources policy became not merely an auxiliary component, but a constitutionally significant element of the quality of justice.

From a scholarly perspective, this corresponds to the approach developed by M. Cappelletti and B. Garth, who distinguished between formal access to the courts and the effective ability of an individual to exercise his or her rights [24]. An electronic reception service, a newly established court, or an additional level of judicial review is valuable

not in itself, but insofar as it enables an individual to be heard, to receive a reasoned response, and to secure the enforcement of a judicial decision.

2. Human Rights in Criminal Proceedings

The humanistic orientation of reforms is tested most convincingly in criminal proceedings, where the State possesses the broadest range of coercive powers. The revised Constitution does not confine itself to general declarations. It enshrines the prohibition of the death penalty and torture, the right to liberty and personal security, the requirement of judicial authorization for arrest, a maximum period of 48 hours for the detention of a suspect without a court decision, the presumption of innocence, the right to remain silent, the prohibition of compelled self-incrimination, the right to legal counsel from the moment of actual restriction of liberty, and the inadmissibility of unlawfully obtained evidence [1]. These provisions form a coherent system: human dignity is protected not only by the final judgment, but also by the manner in which evidence is obtained, the conditions under which liberty is restricted, and the practical effectiveness of the right to defence.

The Criminal Procedure Code of the Republic of Uzbekistan further develops these guarantees through the principles of respect for the honour and dignity of the individual, the protection of rights and freedoms, the right to defence, the openness of judicial proceedings, and the possibility of appealing procedural decisions [7]. Judicial practice concerning the admissibility of evidence is equally important: courts are required to exclude information obtained in violation of the law, while a confession of guilt cannot substitute for a body of reliable and sufficient evidence. Under this approach, judicial oversight does not constitute an obstacle to investigation, but rather a condition for the legitimacy of its outcome.

At the same time, the human rights-protective meaning of the law is fully revealed only through its practical application. A formal explanation of a right is not equivalent to a genuine opportunity to exercise it; the mere presence of defence counsel does not always ensure equality of procedural resources; and the public nature of a hearing cannot substitute for a properly reasoned judicial decision. Therefore, the assessment of the next stages of reform should take into account the quality of judicial reasoning, the effectiveness of the examination of complaints concerning pre-trial actions, the defence's access to evidence, and the actual exclusion of inadmissible materials from criminal proceedings.

3. The Investigating Judge as an Institutional Safeguard of Liberty

The introduction, as of 1 January 2025, of investigating judges in district and city criminal courts became a logical development of the *habeas corpus* principle. The Law "On Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan Aimed at Further Strengthening Guarantees for the Reliable Protection of Individual Rights and Freedoms" defined an investigating judge as a judge who independently exercises judicial oversight over the observance of the rights, freedoms and legitimate interests of an individual at the pre-trial stage of proceedings. The powers of the investigating judge include consideration of applications for detention in custody and house arrest, extension of detention, searches, interception of communications, seizure of property, placement in a medical institution, and pre-trial preservation of testimony [8].

The functional value of this institution lies in its specialization and in separating judicial oversight at the pre-trial stage from the subsequent adjudication of the criminal charge on its merits. Even before the adoption of the relevant legislation, an analytical report by the United Nations Office on Drugs and Crime recommended the development of an independent human rights judge empowered to issue judicial authorizations for measures that substantially affect individual liberty [25]. In this respect, the Uzbek model reflects a broader transition from episodic judicial authorization to systematic judicial oversight at the pre-trial stage.

National scholars rightly draw attention to the potential risks associated with this institution. A. Akilov emphasizes that the effectiveness of the investigating judge depends on institutional, procedural and ethical independence, the automatic allocation of case materials, a clear separation of procedural roles, and effective mechanisms for recusal and appeal [9]. Sh. Kurbonov and A. Matchanov, comparing the models of France and Kazakhstan, likewise associate public confidence in the new institution with the independence of the investigating judge and protection from pressure by investigative and prosecutorial authorities [10].

International experience cautions against mechanical borrowing of foreign models. Empirical studies by J. Hodgson demonstrate that, within continental criminal procedure, the actual level of protection is determined not by the title of a judicial office, but by the distribution of powers among the police, prosecution, judiciary and defence [13]. Consequently, the further development of this institution in Uzbekistan should, in the author's view, be linked to three conditions: random electronic allocation of case materials; mandatory and reasoned justification for any interference with constitutional rights; and effective and expeditious appellate review. The investigating judge should not become an additional level of procedural approval, but should serve as an independent guarantor of the proportionality of State coercion.

4. Adversarial Proceedings: From a Normative Principle to Equality of Procedural Opportunities

Article 25 of the Criminal Procedure Code of the Republic of Uzbekistan provides that proceedings before courts of first and higher instances shall be conducted on the basis of the adversarial principle, while the functions of prosecution, defence and adjudication are separated from one another [7]. Presidential Decree No. DP-11 of 16 January 2023, "On Additional Measures to Further Expand Access to Justice and Improve the Efficiency of the Courts," established the full implementation of the principles of adversarial proceedings and equality of the parties, together with the digitalization of the judiciary, as a key objective [6]. This is a matter of principle: adversarial proceedings are not merely an external form of courtroom debate, but a means of preventing a one-sided assessment of the facts.

M. Abdullaeva emphasizes the need to strengthen the adversarial principle specifically within the process of proving facts, where equal opportunities to present and challenge evidence, make use of expert knowledge, and seek judicial oversight are of decisive importance [11]. M. Damaska, in analysing different models of legal procedure, demonstrated that the traditional distinction between "adversarial" and "inquisitorial" systems does not fully explain the actual functioning of justice: what ultimately matters

is the structure of authority, the position of the participants, and the manner in which decisions are made [12]. For Uzbekistan, this means that strengthening the adversarial principle does not require the court to abandon its responsibility for legality; rather, it requires the exclusion of situations in which the court compensates for deficiencies in the prosecution's case or treats investigative materials as inherently reliable.

Practical directions for further development include expanding the ability of defence counsel to collect and preserve evidence; ensuring equal access of the parties to expert knowledge; timely disclosure of prosecution materials; effective cross-examination; and clear standards for the exclusion of inadmissible evidence. A reasoned judgment should demonstrate not only which evidence has been accepted, but also why substantial arguments advanced by the opposing party have been rejected. It is precisely this quality of judicial reasoning that transforms the adversarial principle into an observable guarantee of fairness.

5. Protection of Children from Violence as a Measure of the Humanity of Justice

Cases involving violence against children are of particular importance in assessing the human-centred nature of criminal justice. In such cases, substantive criminal-law protection and procedural safeguards are inseparable: the State is obliged to prosecute offenders effectively, while at the same time ensuring that the investigation and trial themselves do not become a source of repeated trauma for the child. The Law "On the Protection of Children from All Forms of Violence" established a comprehensive approach to the prevention of violence, the protection of victims, and inter-agency cooperation [19]. The Strategy for 2026–2030 directs public authorities towards creating an atmosphere of intolerance towards violence and ensuring reliable protection of children's rights [21].

In the author's view, the central challenge in law enforcement remains the need to coordinate three distinct levels of assessment: the legal classification of the act; consideration of relevant circumstances in sentencing; and determination of measures for the protection and recovery of the child. Conflating these levels gives rise to two opposite errors. In one situation, the victim's age, dependency and psychological vulnerability are underestimated; in another, the same circumstance is first used for the legal classification of the offence and then taken into account a second time to aggravate the sentence. Paragraph "b" of Article 56 of the Criminal Code of the Republic of Uzbekistan classifies the commission of a crime against a young child as an aggravating circumstance, while expressly prohibiting the repeated consideration of a circumstance already provided for in an article of the Special Part of the Criminal Code as an element or qualifying feature of the offence [20].

An illustrative example is provided by a published judgment of the Andijan Regional Court dated 6 March 2023. The court established that A., armed with a knife and committing the murder of members of a family, also killed a 12-year-old child who had attempted to stop the attack. The act committed against the child was classified as the murder of a person known by the offender to be in a helpless condition. At the same time, the court excluded from the charges the classification of the murder as having been committed in connection with the victim's performance of a civic duty, as well as a separate charge of

resistance, because the child's age and physical development did not permit his actions to be equated with the conscious performance of a civic duty [26]. This example demonstrates that enhanced protection of a child does not require the maximum possible number of aggravating legal classifications, but rather an accurate determination of the legal content of each element.

The same judicial decision is also significant from the standpoint of sentencing. The court imposed a lengthy term of imprisonment of 24 years, but expressly stated that the victim's helpless condition and the particular cruelty of the offence, which had already constituted qualifying elements of the murder, could not be taken into account again as circumstances aggravating the punishment [26]. This approach is consistent with the explanations contained in Resolution No. 1 of the Plenum of the Supreme Court of the Republic of Uzbekistan of 3 February 2006, "On Judicial Practice in the Imposition of Criminal Punishment," concerning the individualized and fair nature of sentencing [28]. The author considers that such separate and explicit reasoning should become a mandatory standard for judgments in all cases involving violence against children.

Another aspect is reflected in the judgment of the Sherabad District Court dated 10 April 2023 concerning the murder of a woman in the course of domestic violence committed in the presence of her minor child. The evidentiary basis included testimony given by the minor, who had particular psychological characteristics, obtained with the participation of a specialist and supported by photographic materials and video recordings, as well as digital records retrieved from a mobile phone. The court declared the defendant an especially dangerous recidivist and sentenced him to 16 years' imprisonment [27]. For the purposes of the present study, it is particularly important that in such cases the child is not merely a source of evidentiary information, but also an independent victim of psychological violence in need of protection and rehabilitation.

The study of these judicial decisions makes it possible to formulate a practical conclusion: a judgment should separately address, first, the child's age and actual vulnerability; second, the existence of family, material or other dependency on the offender; third, the duration, repetition and method of the violence; fourth, the physical, psychological and social harm caused; and fifth, the offender's post-offence conduct and the risk of repeated violence. Reimbursement of expenses, an apology, or the position taken by the child's legal representative should not automatically be treated as mitigating factors where this would be inconsistent with the child's safety and best interests. M. Freeman rightly warns that the concept of the best interests of the child should not be reduced to an abstract formula: it requires an individualized and verifiable assessment of the circumstances of the particular child [29].

Adversarial proceedings in such cases require special safeguards. The accused's right to challenge testimony must be balanced against the need to protect the child from repeated questioning and direct contact with the alleged perpetrator. A promising national standard would be a single specially prepared interview, subject to mandatory high-quality video recording, conducted with the participation of a psychologist or another appropriately trained specialist, and allowing the parties to submit questions in advance. Remote participation, protective screens and

separate rooms should be regarded not merely as technical conveniences, but as means of preventing secondary victimization while preserving the right to a fair trial.

Based on the analysis conducted, the following measures are proposed:

- to adopt a separate resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan, or alternatively prepare a thematic review of judicial practice, concerning cases of violence against children;
- to develop uniform guidelines for distinguishing between physical, sexual and psychological violence, torture or cruel treatment, threats, and abandonment in danger;
- to introduce a structured sentencing section in judgments, making it possible to identify clearly which circumstances were taken into account in the legal classification of the offence and which were considered in the individualization of the sentence;
- to establish a mandatory assessment of the child's needs in terms of safety, medical treatment and social rehabilitation.

These measures could simultaneously reduce both unjustified leniency in sentencing and the double counting of aggravating factors.

A particularly important role in implementing this approach belongs to the investigating judge, who may review the necessity of the most sensitive investigative measures, ensure the pre-trial preservation of the child's testimony, assess the proportionality of interference with private life, and respond promptly to complaints. Therefore, research into criminal liability and sentencing for violence against children is directly connected with the development of an independent judiciary. A child's dignity is protected not by a severe sanction alone, but by accurate legal classification, a fair sentence, safe procedures, and the effective restoration of violated rights.

6. Digitalization and Artificial Intelligence: New Opportunities and New Limits

Digital transformation has become an independent direction of judicial reform. Electronic filing of documents, videoconferencing, access to judicial decisions, automated case allocation, and inter-agency data exchange reduce temporal and territorial barriers. Presidential Decree No. DP-11 of 16 January 2023, "On Additional Measures to Further Expand Access to Justice and Improve the Efficiency of the Courts," provided for the comprehensive digitalization of court activities, the introduction of artificial intelligence technologies, and the expansion of remote participation [6]. In 2025, the "Digital Court" concept was presented as a phased transition towards electronic judicial proceedings and the gradual elimination of paper-based document management.

R. Susskind views the online court not merely as a traditional hearing conducted through a screen, but as a new form of public service capable of making dispute resolution faster, more comprehensible, and more accessible [14]. However, digital accessibility is not synonymous with access to justice. A. Nabiev rightly notes that digitalization alone cannot resolve all the problems facing the judiciary [15]. Where a party lacks the necessary digital skills, stable internet access, an interpreter, or a secure communication channel, electronic procedures may create a new form of inequality.

The use of artificial intelligence requires even greater caution. Algorithms may assist in searching judicial practice, anonymizing

judicial decisions, recognizing documents, scheduling hearings, translation, and identifying technical inconsistencies. However, the assessment of the credibility of testimony, guilt, the nature of harm, and the fairness of punishment must remain within the exclusive competence of the judge. It is particularly unacceptable to transform statistical correlation into a presumption of an individual's dangerousness or to use an opaque prediction of recidivism as an independent basis for restricting liberty.

The CEPEJ European Ethical Charter requires respect for fundamental rights, non-discrimination, data quality and security, transparency, and user control [16]. The 2025 UNESCO Guidelines supplement these requirements with the principles of judicial independence, accountability, and meaningful human oversight [17]. R. Calo warns of the risk of "techno-legal lock-in," whereby controversial assumptions embedded in a system may gradually and almost imperceptibly become entrenched in legal practice [18]. These considerations are particularly important in criminal cases and cases involving violence against children, where confidential information, behavioural context, and the consequences of error are exceptionally sensitive.

The "Justice–2030" Strategy, adopted by Presidential Decree No. DP-160 of 14 August 2026, established a fundamentally sound formula: the safe, responsible, and purpose-specific use of artificial intelligence while preserving the exclusive powers of judges in the administration of justice [22]. Its implementation requires a register of algorithms used within the judicial system, prior human rights impact assessments, independent audits of data, documentation of the role played by artificial intelligence in the preparation of judicial decisions, a prohibition on entering legally protected information into unsecured public services, and the ability of the parties to challenge any significant algorithmic output.

7. Priorities for Further Development

The analysis conducted makes it possible to identify several interconnected priorities.

First, judicial independence should be assessed not only through formal legal guarantees, but also through the actual practice of case allocation, disciplinary procedures, financing, and the protection of judges from both external and internal pressure.

Second, judicial oversight at the pre-trial stage should be further developed through the specialization of investigating judges, uniform standards for reasoned decisions, and prompt appellate review.

Third, the adversarial principle should be measured by the equality of actual procedural opportunities, including access to case materials, experts, digital evidence, and effective examination and cross-examination.

Fourth, in cases involving violence against children, it would be appropriate to adopt an inter-agency standard for child-friendly criminal proceedings, conduct a comprehensive review of judicial practice, and develop methodological guidelines on legal classification and sentencing. Such guidelines should clearly distinguish between elements or qualifying features of an offence and circumstances relevant to the individualization of punishment, while also establishing requirements for reasoned assessment of the physical and psychological harm caused to the child.

Fifth, digital technologies should undergo legal and ethical assessment before their

introduction rather than only after harm has occurred. The training of judges, investigating judges, court staff, and faculty members of the Academy of Justice should include digital evidence, algorithmic risks, cybersecurity, the psychology of vulnerable victims, and skills in clear and persuasive judicial reasoning. Such an integration of law, technology, and the humanities corresponds to the very idea of independence: the State is free to choose modern instruments, but remains bound by the obligation to preserve human dignity.

Conclusion

Over thirty-five years of independence, the judicial and legal system of the Republic of Uzbekistan has evolved from the formation of national institutions to a constitutionally enshrined human-centred model of justice. The abolition of the death penalty, the transfer to the courts of the authority to authorize detention in custody, the establishment of the Supreme Judicial Council and administrative courts, the revision of the Constitution, the introduction of investigating judges, the strengthening of adversarial proceedings, and digital transformation are not isolated legal innovations, but elements of a consistent process of subjecting public authority to the rule of law.

At the same time, the principal criterion for evaluating reform is found neither in the text of normative legal acts nor in the number of electronic services introduced. It is revealed in an individual case: whether the defence has been heard; whether the necessity of restricting liberty has been properly examined; whether unlawfully obtained evidence has been excluded; whether the judgment is adequately reasoned; whether a child has been protected from repeated trauma; and whether a citizen is able to understand and challenge the decision. The analysis of published judicial practice confirms that justice in cases involving violence against children requires a precise distinction between qualifying and aggravating factors, assessment of the independent psychological harm suffered by a child witness, and special procedural arrangements for obtaining the child's testimony.

The author concludes that the further humanization of criminal justice should be based on four interconnected elements: uniform legal classification of different forms of violence; structured and individualized reasoning in sentencing; mandatory assessment of the child's needs for protection and recovery; and judicial oversight of actions capable of causing secondary victimization. It is not the severity of punishment in itself, but its legality, proportionality, and convincingly reasoned nature that expresses the State's respect for the dignity of the child.

The "Justice–2030" Strategy opens a new stage in which technological advancement must be combined with judicial independence, equality of the parties, and responsibility towards the individual. The future of justice in Uzbekistan lies not in replacing the judge with an algorithm, but in using technology to relieve judges of routine tasks and strengthen their capacity to deliver decisions that are lawful, fair, and comprehensible. In such a system of justice, the individual — including the most vulnerable child — remains not an object of procedural management, but a bearer of inalienable dignity and rights.

References

1. Constitution of the Republic of Uzbekistan (new edition adopted by referendum on 30 April 2023). URL: https://constitution.uz/ru/clause/index (accessed: 21 August 2026).

2. International Covenant on Civil and Political Rights of 16 December 1966, Article 14. URL: https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights (accessed: 21 August 2026).

3. Law of the Republic of Uzbekistan No. LRU-703 of 28 July 2021 "On Courts". URL: https://lex.uz/uz/docs/5534928 (accessed: 21 August 2026).

4. Decree of the President of the Republic of Uzbekistan No. DP-3994 of 1 May 2008. URL: https://www.lex.uz/docs/1393887 (accessed: 21 August 2026).

5. Decree of the President of the Republic of Uzbekistan No. DP-5482 of 13 July 2018 "On Measures for Further Improvement of the Judicial and Legal System and Enhancing Public Confidence in the Judiciary". URL: https://lex.uz/acts/3822469 (accessed: 21 August 2026).

6. Decree of the President of the Republic of Uzbekistan No. DP-11 of 16 January 2023 "On Additional Measures to Further Expand Access to Justice and Improve the Efficiency of the Courts". URL: https://lex.uz/ru/docs/6358985 (accessed: 21 August 2026).

7. Criminal Procedure Code of the Republic of Uzbekistan. URL: https://lex.uz/mact/111463 (accessed: 21 August 2026).

8. Law of the Republic of Uzbekistan No. LRU-1022 of 28 January 2025. URL: https://lex.uz/ru/docs/7347873 (accessed: 21 August 2026).

9. Akilov A. The Importance of Developing a Proper Understanding of the Status of the Investigating Judge // UzA. 16 May 2025. URL: https://uza.uz/uz/posts/vazhnost-formirovaniya-pravilnogo-ponimaniya-statusa-sledstvennogo-sudi_720560 (accessed: 21 August 2026).

10. Kurbonov Sh., Matchanov A. Legal Analysis of the Introduction of the Institution of the Investigating Judge into the Criminal Procedure Legislation of the Republic of Uzbekistan // Society and Innovations. 2026. Vol. 7. No. 5/S. P. 270–278. URL: https://doi.org/10.47689/2181-1415-vol7-iss5/S-pp270-278 (accessed: 21 August 2026).

11. Abdullaeva M. Issues of Ensuring the Adversarial Principle in the Process of Proof // Society and Innovations. 2024. Vol. 5. No. 9/S. P. 1–8. URL: https://doi.org/10.47689/2181-1415-vol5-iss9/S-pp1-8 (accessed: 21 August 2026).

12. Damaška M. R. The Faces of Justice and State Authority: A Comparative Approach to the Legal Process. Yale University Press, 1986. URL: https://yalebooks.yale.edu/book/9780300051193/the-faces-of-justice-and-state-authority/ (accessed: 21 August 2026).

13. Hodgson J. French Criminal Justice: A Comparative Account of the Investigation and Prosecution of Crime in France. Hart Publishing, 2005. URL: https://www.bloomsbury.com/uk/french-criminal-justice-9781847310699/ (accessed: 21 August 2026).

14. Susskind R. Online Courts and the Future of Justice. Oxford University Press, 2019. URL: https://global.oup.com/academic/product/online-courts-and-the-future-of-justice-9780192849304 (accessed: 21 August 2026).

15. Nabiev A. U. Digital Justice in the Current Conditions of the Republic of Uzbekistan // StudNet. 2021. Vol. 4. No. 4. URL: https://cyberleninka.ru/article/n/tsifrovoe-pravosudie-v-nyneshnih-usloviyah-respubliki-uzbekistan/pdf (accessed: 21 August 2026).

16. European Commission for the Efficiency of Justice. European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and their Environment, 2018. URL: https://www.coe.int/en/web/cepej/cepej-european-ethical-charter-on-the-use-of-artificial-intelligence-ai-in-judicial-systems-and-their-environment (accessed: 21 August 2026).

17. UNESCO. Guidelines for the Use of AI Systems in Courts and Tribunals, 2025. URL: https://www.unesco.org/en/articles/guidelines-use-ai-systems-courts-and-tribunals (accessed: 21 August 2026).

18. Crootof R. "Cyborg Justice" and the Risk of Technological–Legal Lock-In // Columbia Law Review Forum. 2019. Vol. 119. P. 233–251. URL: https://scholarship.richmond.edu/law-faculty-publications/1600/ (accessed: 21 August 2026).

19. Law of the Republic of Uzbekistan No. LRU-996 of 14 November 2024 "On the Protection of Children from All Forms of Violence". URL: https://lex.uz/uz/docs/7219505 (accessed: 21 August 2026).

20. Criminal Code of the Republic of Uzbekistan. URL: https://www.lex.uz/acts/111457 (accessed: 21 August 2026).

21. Decree of the President of the Republic of Uzbekistan No. DP-256 of 24 December 2025 "On Approval of the Strategy for the Protection of Children from All Forms of Violence for 2026–2030". URL: https://lex.uz/docs/7938812 (accessed: 21 August 2026).

22. Decree of the President of the Republic of Uzbekistan No. DP-160 of 14 August 2026 "On the Justice–2030 Strategy". URL: https://lex.uz/en/docs/8407362 (accessed: 21 August 2026).

23. Decree of the President of the Republic of Uzbekistan No. DP-141 of 21 August 2025 "On Measures for the Fundamental Improvement of the System for Training Highly Qualified Personnel in the Sphere of Justice". URL: https://lex.uz/ru/docs/7696610 (accessed: 21 August 2026).

24. Cappelletti M., Garth B. Access to Justice: The Newest Wave in the Worldwide Movement to Make Rights Effective // Buffalo Law Review. 1978. Vol. 27. P. 181–292. URL: https://digitalcommons.law.buffalo.edu/buffalolawreview/vol27/iss2/1/ (accessed: 21 August 2026).

25. UNODC. Analytical Report on Judicial Control at the Pretrial Stage in Uzbekistan. URL: https://www.unodc.org/roca/en/news/unodc-issues-analytical-report-on-judicial-control-at-the-pretrial-stage-in-uzbekistan.html (accessed: 21 August 2026).

26. Judgment of the Andijan Regional Court for Criminal Cases of 6 March 2023 in Case No. 1-1708-2201/272 (anonymized judicial decision). URL: https://publication.sud.uz/api/file/criminal/2167264 (accessed: 21 August 2026).

27. Judgment of the Sherabad District Court for Criminal Cases of 10 April 2023 in Case No. 1-1913-2301/44 (anonymized judicial decision). URL: https://publication.sud.uz/api/file/criminal/2215950 (accessed: 21 August 2026).

28. Resolution No. 1 of the Plenum of the Supreme Court of the Republic of Uzbekistan of 3 February 2006 "On Judicial Practice in the Imposition of Criminal Punishment". URL: https://lex.uz/docs/1455974 (accessed: 21 August 2026).

29. Freeman M. The Best Interests of the Child? Is the Best Interests of the Child in the Best Interests of Children? // International Journal of Law, Policy and the Family. 1997. Vol. 11. No. 3. P. 360–388. URL: https://doi.org/10.1093/lawfam/11.3.360 (accessed: 21 August 2026).

