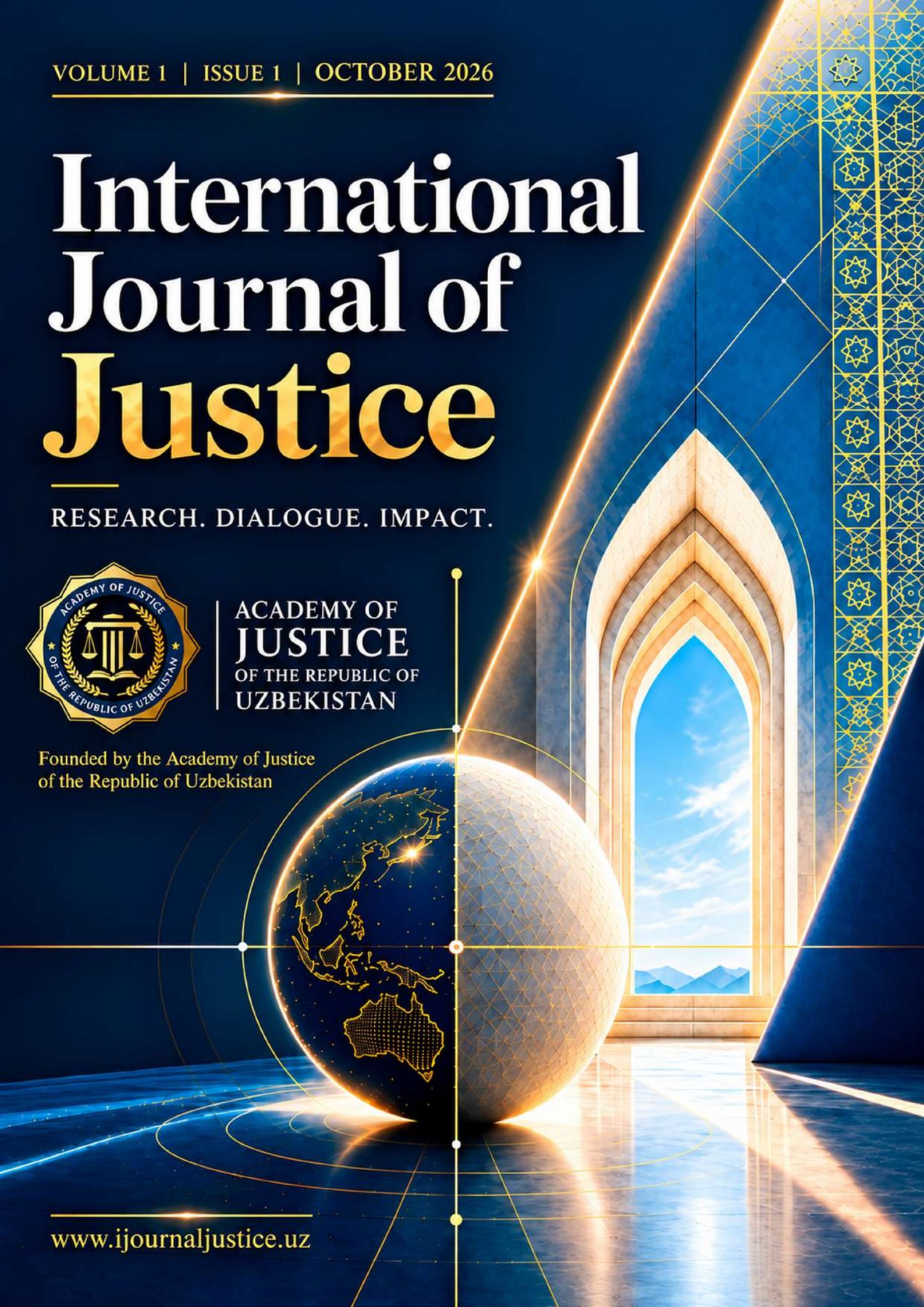
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INSTITUTIONAL MODELS OF JUDICIAL QUALIFICATION BOARDS: INTERNATIONAL STANDARDS AND FOREIGN EXPERIENCE

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Abstract. *This article provides a comparative legal analysis of institutional bodies responsible for judicial qualification, professional evaluation, career advancement, ethical oversight and disciplinary accountability. It examines relevant international standards developed by the United Nations and the Council of Europe, as well as institutional mechanisms operating in the United States, Germany, France, Japan and the Republic of Korea. The study focuses on the relationship between judicial independence, professional competence, accountability, transparency, and procedural safeguards. Applying a functional comparative legal approach, the study compares not merely institutions bearing similar names, but institutions performing comparable functions in the selection, qualification, evaluation, promotion and disciplinary accountability of judges. The findings demonstrate that there is no universally applicable institutional model of judicial qualification bodies, as their organization depends on constitutional structures, legal traditions and systems of judicial governance. Nevertheless, comparative experience and international standards make it possible to identify common institutional safeguards, including independence, objective qualification criteria, procedural fairness, reasoned decision-making, transparency and effective review mechanisms. Based on these findings, the article proposes an adapted institutional model for judicial qualification boards in Uzbekistan that seeks to balance judicial independence, professional competence, accountability and institutional legitimacy.*

Keywords: *judicial qualification; judicial qualification boards; judicial independence; judicial accountability; judicial governance; judicial evaluation; disciplinary liability; comparative law.*

Introduction

The institutional organization of judicial qualification is one of the central questions of modern judicial governance. The quality of mechanisms used to select, evaluate, promote and discipline judges influences not only the professional capacity of the judiciary but also the practical realization of judicial independence, impartiality and public confidence in justice. A qualification body has an important and sensitive role. It must maintain high professional standards. At the same time, it must protect judges from political, administrative, or internal pressure.

The problem is particularly complex because jurisdictions have developed substantially different institutional responses. Some states entrust judicial councils with broad powers concerning appointments, career development and discipline. Others distribute these functions among judicial councils, court administrations, judicial selection committees, ministries, parliamentary institutions and specialized disciplinary bodies. Comparative research consequently cautions against assuming that the creation of a judicial council or qualification body automatically guarantees judicial independence. Garoupa and Ginsburg describe judicial councils as institutions situated within a continuing

tension between judicial independence and accountability [1, pp. 103–134]. Kosař similarly demonstrates that judicial self-government is not limited to judicial councils and may involve appointment commissions, promotion committees, court presidents and disciplinary bodies [2, pp. 1567–1612].

The international normative framework does not prescribe one organizational design. The United Nations Basic Principles on the Independence of the Judiciary emphasize integrity, ability and appropriate legal qualifications in the selection of judges and require safeguards against improper considerations in judicial appointment [3]. The Council of Europe has likewise developed a body of standards emphasizing the independence of judicial self-governing institutions while recognizing diversity in national institutional arrangements. The Consultative Council of European Judges has expressly recognized that there is no single model of a Council for the Judiciary suitable for all states [4].

This diversity is especially relevant to Uzbekistan. Article 135 of the Constitution of the Republic of Uzbekistan establishes the Supreme Judicial Council as a body of the judicial community that supports observance of the constitutional principle of judicial independence. Article 136 provides that judges are independent and subject only to the Constitution and law, prohibits interference in the administration of justice and guarantees judicial inviolability.

At the statutory level, the Law of the Republic of Uzbekistan "On Courts" of 28 July 2021 regulates qualification classes and qualification attestation of judges. The Regulations on Qualification Boards of Judges define the competence of the Highest Qualification Board and subordinate qualification boards. Their functions include consideration of disciplinary responsibility, suspension or early termination of judicial powers, judicial immunity, assignment of qualification classes and monitoring compliance with the judicial oath and ethical rules.

These bodies have gained greater institutional importance as the Uzbek judiciary has modernized. In 2025–2026, the Supreme Judicial Council expanded its functions. The Council also established the Academy of Justice. Official information published in February 2026 also indicates substantial activity concerning judicial appointments, reappointments, evaluation and disciplinary measures.

The central question is not whether judicial qualification institutions are necessary. It is how these institutions can strengthen professional competence and accountability while protecting judicial independence. This article focuses on finding an institutional model that can achieve this balance.

The article proceeds from the proposition that institutional effectiveness depends not merely on the formal scope of powers but on the relationship among composition, appointment, competence, decision-making procedures, transparency and review.

The purpose of the study is to identify major institutional models of judicial qualification and related judicial governance, examine them against international standards, and determine which institutional elements can be adapted to the Uzbek legal system.

The study addresses four research questions:

1. What institutional principles concerning judicial qualification and accountability follow from international standards?

2. How do selected countries organize similar judicial functions?

3. What similarities, differences and institutional risks emerge from comparison?

4. Which institutional elements can be adapted to Uzbekistan to form a coherent and balanced institutional model?

Materials and methods

The study uses three main methods: doctrinal legal research, comparative legal analysis, and functional institutional comparison. The doctrinal method examines international instruments, constitutional provisions, legislation, and official institutional documents. Comparative legal analysis identifies similarities and differences in the organization of judicial qualification and accountability. Functional comparison plays a particularly important role because the selected jurisdictions use different terms for similar institutions and functions.

The object of comparison is therefore not the formal title of an institution but the functions it performs. The functions examined are judicial selection and qualification, professional evaluation, career advancement, ethical oversight, disciplinary responsibility and institutional review. This approach avoids a false equivalence between institutions that have different constitutional names but perform comparable tasks.

The study selected these jurisdictions because they represent different institutional traditions. The United States illustrates a distributed model of judicial administration and discipline. Germany demonstrates a federal model with constitutionally protected judicial independence and judicial participation in selection structures. France provides a constitutional judicial council model with mixed membership and important appointment and disciplinary functions. Japan provides a particularly useful example of structured professional evaluation. The Republic of Korea illustrates an integrated model of judicial career governance and judicial administration.

The comparative framework uses eight criteria:

1. constitutional and legal basis;
2. institutional composition;
3. appointment or election of members;
4. judicial and non-judicial participation;
5. qualification and evaluation powers;
6. disciplinary competence and procedural safeguards;
7. independence and accountability;
8. transparency and review mechanisms.

The analysis also applies a normative test based on four interconnected principles: independence, competence, accountability and procedural fairness. An institution achieves balance when these principles support each other. The system should strengthen each principle without weakening the others.

Results

3.1. International standards and minimum institutional guarantees

International standards establish a normative floor rather than a single institutional blueprint. The United Nations Basic Principles on the Independence of the Judiciary state that persons selected for judicial office shall be individuals of integrity and ability with appropriate training or qualifications in law. They further require methods of judicial selection to safeguard against appointments made for improper motives [3].

The Council of Europe has developed a more detailed framework. Recommendation CM/Rec (2010) 12 emphasizes that decisions concerning the selection and career of judges should be based on objective criteria and that the authority competent to make decisions concerning the selection and career of judges

should be independent from the executive and legislative powers [5].

CCJE Opinion No. 24 (2021) is especially important for institutional design. It recognizes diversity among Councils for the Judiciary but emphasizes that their competences, composition and procedures must be compatible with the protection of judicial independence. The Opinion also highlights the need to avoid excessive concentration of powers and to ensure accountability and transparency [4].

The 2023 OSCE/ODIHR Recommendations on Judicial Independence and Accountability provide an additional comparative framework. They address the functioning and accountability of judicial councils and self-governing bodies, disciplinary proceedings, judicial transfers, equality and diversity within the judiciary [6]. The recommendations recognize that different self-governing bodies may handle selection, promotion, training, discipline, and performance evaluation. This approach helps prevent excessive concentration of power and reduces concerns about corporatism. At the same time, such bodies should be independent, legally regulated and institutionally protected.

The standards therefore reveal five minimum requirements.

First, qualification and career decisions should rest on objective and professionally relevant criteria.

Second, the institution making such decisions must possess sufficient independence.

Third, disciplinary procedures require procedural safeguards and an effective opportunity for review.

Fourth, institutional composition must reduce both political capture and excessive corporatism.

Fifth, transparency should be sufficient to support legitimacy while respecting confidentiality and personal data.

3.2. The United States: distributed institutional governance

The United States provides a distinctive example because the federal judiciary does not concentrate judicial qualification, career management and discipline in a single qualification board. Instead, several institutions share responsibility for judicial governance. These institutions include the Judicial Conference, circuit judicial councils, the Administrative Office of the United States Courts, and other institutional mechanisms.

Under 28 U.S.C. §332, each federal circuit has a judicial council composed of the chief judge and an equal number of circuit and district judges. These councils oversee the administration of courts within their circuits and review complaints of judicial misconduct.

The Judicial Conference functions as the national policy-making body for the federal courts, while the Administrative Office performs administrative functions for the federal judiciary. This distribution of responsibilities creates a system in which judicial administration and professional accountability are not concentrated in one institution.

The Judicial Conduct and Disability Act of 1980 provides a statutory framework for complaints concerning federal judicial misconduct and disability. National rules were adopted to promote consistency in the processing of such complaints [9]. The existence of review mechanisms within the judicial system is an important procedural safeguard.

The American model therefore demonstrates the potential value of functional

distribution. The distribution of powers may reduce risks associated with excessive institutional concentration, although it also creates a need for clear coordination and consistent procedures.

The principal lesson for Uzbekistan is not to reproduce the American institutional structure. Rather, it is to recognize the value of functional distribution, procedural consistency and review.

3.3. Germany: federalism, judicial independence and participation in selection

Germany illustrates a different institutional arrangement. Article 97 of the Basic Law provides that judges are independent and subject only to law and establishes safeguards concerning judicial tenure. Article 98 allows the Länder to create procedures for judicial selection. Under these procedures, the competent Land minister and a judicial selection committee may jointly select judges.

The German Judiciary Act provides for judicial appointment councils. Section 55 requires the relevant council to participate in the appointment or selection of judges. Section 57 requires the council to provide a written opinion on the candidate's personal and professional aptitude.

The German experience shows that both government and judicial actors can participate in judicial selection and qualification. Such participation does not necessarily undermine judicial independence. Constitutional safeguards, clearly defined powers, and procedural guarantees can limit the exercise of authority and protect judicial independence.

The important transferable principle is therefore institutional clarity. The law should clearly define the powers of political authorities, judicial bodies, and professional councils. Judicial independence should rest on clear legal rules, not only on institutional practice.

The German model also demonstrates the relevance of federal diversity. Institutional solutions may vary within one constitutional system while remaining subject to common constitutional guarantees. This is particularly useful for comparative research because it shows that institutional uniformity is not always necessary for maintaining judicial independence.

3.4. France: mixed composition and constitutional judicial council

France provides one of the clearest examples of a constitutional judicial council. The Conseil supérieur de la magistrature (CSM) assists the President of the Republic in guaranteeing judicial independence and performs functions concerning judicial appointments, ethics and discipline.

The current CSM structure combines judicial and non-judicial members. Its formations include qualified non-judicial personalities and judges, while disciplinary formations provide additional judicial participation. The CSM participates in the selection of senior judicial positions and gives opinions concerning other judicial appointments.

The French model is relevant for two reasons.

First, it demonstrates the potential value of mixed institutional composition. External professional participation can introduce perspectives beyond the judicial corporation and may strengthen public legitimacy.

Second, the model shows that mixed composition needs safeguards against politicization. External members can strengthen legitimacy when the appointment process is transparent. Clear professional

criteria and institutional independence also help protect the process from political influence.

The CSM's current practice also demonstrates the importance of transparency. Information concerning appointments, institutional composition and disciplinary functions is publicly available. The Council's selection procedures for senior judicial positions include review of professional careers, evaluations, written statements and interviews.

For Uzbekistan, the French model does not require the adoption of the same numerical ratio of judicial and non-judicial members. Instead, it shows the importance of designing the body's composition according to its functions.

3.5. Japan: structured professional evaluation

Japan offers a particularly useful model concerning judicial personnel evaluation. The Supreme Court of Japan has established a personnel evaluation system. Under this system, the court evaluates judges every year. The evaluation considers case-processing ability, organizational management ability and other professional qualities and abilities necessary for judicial office.

A significant institutional safeguard is the distinction between professional evaluation and review of the substantive correctness of judicial decisions. The purpose of judicial evaluation should be to assess professional competence and performance without turning administrative evaluation into a mechanism for directing judicial reasoning.

The Japanese approach offers a useful model for judicial qualification. It shows that institutions can evaluate judges using clear and predetermined professional criteria. At the same time, such criteria can protect judicial independence in decision-making.

This distinction matters for Uzbekistan. Qualification and evaluation may consider legal knowledge, professional skills, procedural competence, timeliness, ethical conduct, and professional development. However, administrative bodies should not penalize a judge simply because they disagree with the judge's legally reasoned decision.

The Japanese model supports a broader principle: institutions may evaluate judicial performance, but they must protect judges' independence in deciding individual cases. Administrative evaluation should focus on professional performance, not on the substantive outcome of a judge's decision.

3.6. The Republic of Korea: integrated judicial career governance

The Republic of Korea represents a model in which judicial appointment, career development and judicial administration are closely interconnected. Its experience is important because it illustrates how judicial qualification can form part of a broader professional career governance system rather than being concentrated exclusively in one qualification board.

An integrated model can produce advantages in professional consistency, career planning, training and institutional coordination. At the same time, concentration of career functions can create a risk that the institution responsible for promotion and evaluation may acquire disproportionate influence over individual judges.

The Korean experience therefore reinforces the need for internal safeguards. Where qualification and career management are integrated, objective criteria, transparent procedures, reasoned decisions and

meaningful opportunities for review become particularly important.

The main lesson is that institutional integration needs clear procedural differences. Integration can improve coordination. However, institutions must keep safeguards against conflicts of interest and excessive administrative influence.

3.7. Uzbekistan: existing institutional framework

Uzbekistan already possesses a developed system of judicial qualification boards. The Regulations on Qualification Boards of Judges define the Highest Qualification Board and subordinate qualification boards and entrust them with significant functions, including disciplinary responsibility, suspension or early termination of judicial powers, judicial immunity, and assignment of qualification classes and monitoring compliance with the judicial oath and ethical rules.

The qualification boards assist the Supreme Judicial Council in carrying out its functions. The existing framework therefore combines specialized qualification institutions with the broader institution of judicial self-governance.

The Law of the Republic of Uzbekistan "On Courts" also establishes a qualification class system. It establishes several qualification classes. The Highest Qualification Board assigns these classes based on relevant conclusions.

The Uzbek model has also developed a more structured approach to entry into the judicial profession. The Academy of Justice currently indicates that professional retraining for candidates includes psychological testing, foreign-language testing, specialized judicial testing, a written examination and an individual interview conducted by an inter-agency commission organized by the Supreme Judicial Council.

These developments demonstrate that judicial qualification in Uzbekistan increasingly forms part of a broader professional pipeline encompassing recruitment, training, qualification, evaluation and career development.

The institutional challenge is therefore no longer simply the creation of qualification mechanisms. It is their coherent coordination, especially with regard to independence, objective evaluation, disciplinary safeguards, transparency and review.

Results discussion

4.1. Comparative institutional findings

The comparative analysis identifies several broad institutional models among the selected jurisdictions.

The first model is the distributed model, which the United States illustrates. Different institutions perform different judicial governance functions. This approach helps prevent excessive concentration of authority. However, it may create challenges in coordination and procedural consistency.

The second is the judicial council model, prominently illustrated by France. A constitutionally established council performs important functions concerning appointments, ethics and discipline and includes both judicial and non-judicial members. Its principal challenge is maintaining an appropriate balance between professional judicial participation and external legitimacy.

The third is the integrated career governance model, illustrated in different forms by Japan and the Republic of Korea. Such models can promote consistency in professional evaluation and career

management but require safeguards against excessive administrative influence.

Germany occupies a more complex position because its federal structure distributes relevant functions among federal and Land institutions while constitutional law strongly protects judicial independence.

The comparison leads to a clear conclusion. Uzbekistan should not simply adopt a single foreign institutional model. A functional comparative approach is more appropriate.

4.2. Independence, competence, accountability and legitimacy

The institutional design of qualification boards should pursue four mutually connected objectives.

Independence

Judges must be able to decide cases without fear that an administrative body will use evaluation, promotion or discipline to influence judicial reasoning.

Competence

Judicial independence does not remove the legitimate interest of the state and society in ensuring that judges possess adequate professional knowledge, practical skills and ethical standards.

Accountability

Every judicial system needs an institution that can review serious professional misconduct and ethical violations. Without such an institution, public confidence may decline. It can also undermine the legitimacy of the judiciary.

Legitimacy

Qualification bodies exercise public authority over members of another constitutionally protected branch. Therefore, the body should follow transparent and legally defined procedures when making decisions. At the same time, it should protect legitimate confidentiality.

These principles create a functional relationship:

Independence → protects adjudicative freedom

Competence → protects the quality of justice

Accountability → protects integrity

Transparency → protects legitimacy

A qualification institution becomes institutionally effective when these four functions operate together.

4.3. Risks of excessive concentration and excessive fragmentation

Comparative experience reveals two opposite institutional risks.

The first is excessive concentration. If one body controls selection, qualification, evaluation, promotion, discipline and termination, individual judges may become overly dependent on that institution. Even if the institution is formally independent from the executive, excessive internal concentration can threaten the independence of individual judges.

The second risk is excessive fragmentation. Too many institutions may handle qualification, evaluation, discipline, and career management. Without clear coordination, these institutions may apply inconsistent criteria, duplicate their work, and create procedural delays.

The appropriate model is therefore neither maximum concentration nor maximum fragmentation. A balanced model should distribute functions according to their nature while maintaining a common institutional framework and clear coordination rules.

This conclusion is consistent with the 2023 Warsaw Recommendations, which expressly

recognize the possibility of dividing selection, promotion, training, and discipline and performance evaluation among different judicial self-governing bodies in order to avoid excessive concentration and perceptions of corporatism.

4.4. Proposed institutional model for Uzbekistan

Based on international standards and comparative findings, this article proposes a Balanced Institutional Model for Judicial Qualification Boards in Uzbekistan.

The proposed model does not copy any foreign institution. Instead, it adapts selected functional elements to Uzbekistan's constitutional and legal framework.

First: statutory institutional independence

The law should clearly define the legal status and main powers of qualification boards. This requirement becomes especially important when their decisions directly affect judicial independence, tenure, qualification status, or disciplinary liability.

The body should possess sufficient organizational and functional autonomy to make professional decisions without inappropriate influence from executive or legislative authorities.

Second: balanced composition

Qualification boards should combine substantial judicial expertise with limited and carefully defined participation of qualified non-judicial professionals.

Non-judicial members should satisfy objective requirements concerning legal expertise, professional experience, integrity and reputation. The body should exclude anyone with direct political interests or institutional conflicts from individual cases.

Third: merit-based membership

The body should select its members according to transparent and predetermined criteria. Relevant criteria should include professional competence, legal experience, knowledge of judicial ethics, institutional reputation, integrity, absence of conflicts of interest. The relevant institution should publish the criteria in advance.

Fourth: fixed terms and reasonable rotation

Members should serve fixed terms. The institution should rotate members regularly to reduce the risk of institutional capture. At the same time, the rotation system should preserve continuity and professional experience. The term of office should provide sufficient independence from the body responsible for appointment or election.

Fifth: functional separation of disciplinary stages

Qualification and disciplinary functions may belong to the same judicial governance system. However, different institutions or procedures should handle each stage. One body may initiate and investigate a case, while another should make the final decision. A body responsible for collecting evidence should not have unlimited and uncontrolled authority to determine the final sanction.

This approach is consistent with contemporary Council of Europe standards concerning judicial disciplinary liability. [10]

Sixth: objective judicial evaluation

Judicial evaluation should rely on professionally relevant criteria, including legal knowledge, quality of legal reasoning, procedural competence, observance of ethical standards, timeliness, professional development, organizational competence where relevant. At the same time, the substantive outcome of an individual

judicial decision should not automatically constitute a negative evaluation criterion.

The Japanese experience is particularly useful in establishing this distinction.

Seventh: procedural guarantees

Judges subject to qualification or disciplinary proceedings should have timely notice, access to relevant materials, the right to provide explanations, the right to submit evidence, the right to legal representation where appropriate, the right to receive a reasoned decision, the right to seek review.

These guarantees are essential because institutions cannot protect judicial independence without protecting the procedural rights of individual judges.

Eighth: reasoned decisions

Qualification and disciplinary decisions should contain sufficient reasoning.

A reasoned decision serves three functions:

1. it allows the judge to understand the grounds of the decision;
2. it permits effective review;
3. it strengthens institutional legitimacy.

Ninth: transparency and confidentiality

The qualification institution should publish general qualification criteria, procedural rules, annual activity reports, aggregate statistics, anonymized information concerning disciplinary practice, methodological information concerning judicial evaluation.

At the same time, personal data, confidential information and protected deliberative materials should remain restricted. Thus, transparency should not mean unrestricted disclosure. It should mean accountable transparency.

Tenth: digital institutional infrastructure

A modern qualification system should use a secure digital platform for qualification records, evaluation cycles, procedural deadlines, conflict-of-interest declarations, disciplinary case management, statistical monitoring, and institutional reporting.

Digitalization should increase consistency and traceability but should not replace professional human judgment.

4.5. Proposed institutional architecture

The Supreme Judicial Council should provide strategic judicial self-governance, while qualification boards should exercise specialized professional functions within clearly defined legal boundaries.

The Academy of Justice can provide the professional development and training dimension, thereby creating a coherent institutional cycle: **selection → training → qualification → evaluation → career development → accountability → professional development.**

Such an arrangement would reduce duplication and clarify institutional responsibilities.

Conclusion

The comparative analysis demonstrates that judicial qualification institutions form an important part of the broader architecture of judicial independence and accountability. The institutional solutions adopted by the United States, Germany, France, Japan and the Republic of Korea differ substantially.

The United States demonstrates the advantages of functional distribution and institutional review. Germany illustrates the importance of constitutional safeguards, federal diversity and clearly allocated competences. France provides an example of a constitutional judicial council with mixed membership and significant appointment and disciplinary functions. Japan demonstrates the value of structured professional evaluation

accompanied by safeguards protecting adjudicative independence. The Republic of Korea illustrates the opportunities and risks associated with integrating qualification and career governance within broader judicial administration.

The international standards examined in this study confirm that there is no universally applicable institutional blueprint. Instead, they establish principles that should guide institutional design: independence, objective qualification criteria, professional competence, procedural fairness, accountability, transparency and effective review.

For Uzbekistan, the main lesson is clear: policymakers should adapt foreign institutional models to the country's legal and constitutional context. A functional comparative approach is more appropriate. The most useful elements are those that strengthen the national system while remaining compatible with its constitutional architecture.

The proposed model combines substantial judicial expertise with carefully structured professional external participation, fixed terms, reasonable rotation, objective qualification criteria, and functional differentiation of disciplinary stages, procedural rights, reasoned decisions, transparency and digital institutional support.

The model also seeks to establish a coherent relationship between the Supreme Judicial Council, qualification boards, the Academy of Justice and other institutions involved in the formation and professional development of the judiciary.

The objective is not to expand institutional powers for their own sake. Instead, institutions should exercise any power that affects a judge's professional status according to clear legal criteria, transparent procedures, and effective safeguards.

The study reaches an important theoretical conclusion: judicial independence and judicial accountability do not necessarily conflict with each other. Independence protects judges from improper interference, while accountability protects the judiciary from misconduct, incompetence and loss of public legitimacy.

In this respect, the most sustainable model for Uzbekistan is one based on independent but accountable judicial governance. Such a model can preserve the professional character of judicial qualification while preventing qualification, evaluation and disciplinary mechanisms from becoming instruments of undue administrative influence.

Ultimately, the legitimacy of judicial qualification boards depends on their ability to perform two tasks simultaneously: protecting the judiciary from improper interference and ensuring that judges remain professionally competent, ethical and accountable. A balanced institutional model can transform these objectives from competing requirements into mutually reinforcing components of an effective and legitimate judicial system.

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