

## **The Principle Of Publicity In Ensuring Fairness**

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**Annotation:** The article outlines the organizational and procedural aspects of increasing the authority of the judiciary, expanding the right to judicial protection, adapting the legal framework of the judicial system to the requirements of a democratic state.

**Key words:** strategy of action, justice, judicial documents, openness and transparency of court decisions, the media and foreign experience.

One of the most important issues on the agenda of our country as President of the Republic of Uzbekistan, Shavkat Mirziyoyev, is the process of establishing an open dialogue with the people, understanding everyone's opinions, listening to the suffering and implementing a national strategy that is realistic. dropped off. Indeed, it is only in the country where the interests of human beings are prevailing, the citizen of such a state is fully competent and ready to sacrifice his life for the homeland, the people.

It should be noted that the legal norms consolidated in the procedural legislation of our country serve as a solid supporter of wide-ranging reforms in the judicial sphere. However, today's requirements for the development of the country and the strategic priorities of development have shown that further reform of the judicial system should be further developed, as well as the guarantees for the reliable protection of the rights and freedoms of citizens by the courts, law enforcement and supervisory authorities.

This, in turn, contributes to the development and further improvement of the procedural legal system, determining the procedure of judicial proceedings, strengthening the procedural mechanisms that ensure the perfect implementation of the existing norms of the legislation, in particular, the development of new procedural codes of the Republic of Uzbekistan required.

The Decree of the President of the Republic of Uzbekistan "On Strategy for Action for Further Development of the Republic of Uzbekistan" developed and adopted at the initiative of the head of our state, Shamil Mirziyoev, which pursues a comprehensive and dynamic development of the country, and improving the quality of the proceedings, as well as improving the procedural framework for administrative, criminal, civil, and economic court proceedings [1].

In order to increase the authority of the judiciary in the society, additional guarantees for judicial protection, adaptation of the legal framework of the judicial system to the requirements of the law democratic state, the Presidential Decree of the President of the Republic of Uzbekistan of October 21, 2016 "On Further Reforming Judicial and Legal System, On Measures for Strengthening the Guarantee of Reliable Provision of Securities ", Decree of the President of the Republic of Uzbekistan dated February 7, 2017" On Strategies for Further Development of the Republic of Uzbekistan " 4947, Decree of the President of the Republic of Uzbekistan from February 21, 2017 "On measures to radically improve the effectiveness and improvement of the effectiveness of the judicial system of the Republic of Uzbekistan", Decree No. 4966 of the President of the Republic of Uzbekistan On April 10, 2017, " On the Formation of the Supreme Council of Judges of the Republic of Uzbekistan", PF-5006, dated August 30, 2017" On Measures for Further Implementation of Modern Information and Communication Technologies in Courts " was adopted.

This created a favorable and effective judicial system, enhanced the ability to create an amicable agreement between the parties and access to modern technologies, and ensure transparency of justice.

At the same time, the principle of transparency of the court hearing was improved based on the requirements of time. In particular, the use of a videoconferencing system in a closed session of the court, the introduction of legally valid judicial acts with the consent of the parties or without the identification of the person on the official web-site of the court (with the exception of judicial documents, These are the norms. Hence, access to

information through the Court's official web site will help to reduce the number of cases, since the court's decision on the case will prevent the appeals on the case. The announcement of a court decision by an official web site also encourages judges to clarify their case in order to avoid further criticism from the media or scholars.

The experience of foreign countries on the openness of court decisions is that courts in Germany and France are open to the public and, in some cases, the names of the parties will not be disclosed if there are substantial grounds. Particularly, effective mechanisms for the dissemination of supreme judicial and administrative decisions have been created in France, and the Internet legitimacy website [Legifrance.gov.fr](http://Legifrance.gov.fr) has a special place in this regard. This legal information website provides you with access to all sources of law, including the judgments of the French jurisdiction [2].

There are similar situations in the United Kingdom, and it is a tradition to publish interesting judgments on the media regularly. For example, the London Times newspaper almost daily publishes brief information on recent court cases. Every Wednesday in the *Lou Tiam* newspaper, a whole chapter deals with law and judicial practice. You can also find the decisions of the higher courts in the United Kingdom on the special site of the House of Lords and other information on the case study. You can also find information about court rulings in the past on this site, since 1966 [3].

As for the openness of the judgments of the United States, it is possible to get acquainted with all the documents and documents that have been received by the courts through the court clerk's office. Court decisions are available only in electronic form, but in printed form. In particular, all US court judgments are published in a series of publications of these courts and are available in all legal libraries [4].

It is well known that in the State program approved by the President of the Republic of Uzbekistan Sh.M.Mirziyoev and approved by the Decree of the President of the Republic of Uzbekistan "On strategy of further development of

the Republic of Uzbekistan" [5] implementation of complex forms of interaction with modern forms and methods, including electronic cooperation with participants of the process, use of video conferencing, as well as widespread introduction of video, audio recording of procedural actions, new types of verdicts (draft paragraphs 73 and 82).

In addition, the Resolution of the President of the Republic of Uzbekistan №PP-3250 dated August 30, 2017 "On Measures for the Further Implementation of Modern Information and Communication Technologies in the Judicial Activity" as an Annex to this Decision, the adoption of the program on introduction of information and communication technologies has made it possible for further work in this area. In addition, the newly adopted FPC has also strengthened the legal framework and mechanisms for the introduction of modern information technologies in civil justice, especially in civil proceedings. In particular, article 4 of the CPC states that the application and its accompanying documents can be submitted to the court as an electronic document.

According to Article 208 of the FPC, open court sessions may take place in the videoconferencing mode. The direct participation of a court in a videoconferencing session at the FPK shall be equal to the participation in a verdicts trial.

Also, Article 209 of the CPC sets norms for the procedure of participation in the videoconferencing trial.

One of the positive aspects of the new FPC is the reflection of the norms on the procedure for the formation and registration of civil cases. According to him, the civil case is formed by the court on the basis of the documents submitted by the court or the court documents, which were submitted by the parties to the case, other participants in civil proceedings. It has been established that the civil case may be formulated electronically but that there is a copy of a civil case file.

The court may initiate audio or video recording of the court hearing at the petition of the participants of the court proceedings.

In the event that the court session is to be held in a videoconferencing mode, as well as audio and video recording at the court session, the court shall warn the persons participating in the case and other participants in the proceedings.

Those present at the courtroom have the right to make written notes. Photographing, audio and video recording of court sessions, as well as broadcasting in mass media shall be permitted at the consent of the parties and with the permission of the presiding judge at the court session.

Indeed, through the use of electronic media, the opportunity to apply to the court through such electronic applications makes it easier for the court to provide protection. This, in turn, will help to increase the effectiveness of justice, to ensure its efficiency and reliability.

From the experience of the world, depending on the level of technical development, it is possible to find out that the procedure for applying electronic filing to courts is different in each country. In particular, the application for electronic citizenship in a civil court in Singapore is mandatory. In Israel, the United States and Australia, the electronic submission of documents to the court is widespread and voluntarily administered by persons applying to court.

In the event that civil proceedings are formulated electronically, persons participating in the case and other civil servants shall have the right to submit the documents electronically to the court. Written documents submitted by the persons participating in the case and other participants in civil proceedings to the court are attached electronically, after which the written documents are returned to the persons who have submitted them.

In the case of civil cases being formulated electronically, judicial acts are approved by an electronic digital signature of the judge (judges), and court records and protocols of proceedings are approved by an electronic digital signature of the presiding judge.

Transformation of civilized work of electronic form into another court or another body is carried out through the information system.

It not only facilitated the work of the jury but also positively impacted the quality of justice, as well as the additional costs, the legal interests of citizens and organizations applying for judicial protection.

In sum, we can say that improving the effectiveness of judicial protection of human rights, freedoms and legitimate interests, improving the procedural mechanisms that provide for openness of the judiciary and equitable access to justice is currently being further strengthened in the country, ensuring the rule of law in the society and judicial reform development.

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