



The concept and legal nature of the institution of withdrawal in the economic process under the legislation of Uzbekistan

Ibratova Feruza

Professor of Tashkent State Law University, Doctor of Law

Sobirova Muslimakhon

Student of Tashkent State Law University

ABSTRACT

The article examines the essence of the institution of recusal in economic proceedings, the grounds and mechanism of its application to the judge and other participants in the case, and also identifies existing problems and prospects for the development of this institution in the context of the current stage of development of economic proceedings in the Republic of Uzbekistan.

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Economic litigation in the Republic of Uzbekistan occupies a key place in ensuring the legal protection of the interests of business entities. One of the most important elements that guarantees objectivity and impartiality in resolving economic disputes is the institution of challenge. This procedural mechanism is aimed at removing from participation in the case those persons whose presence may affect the legality and fairness of the adopted judicial act¹.

The relevance of the challenge institute is one of the effective tools to ensure a fair trial and requires further improvement in light of ongoing reforms in the judicial and legal system of Uzbekistan. A comprehensive analysis of the procedure for applying the rules on challenge allows us to identify existing shortcomings, as well as outline possible ways to eliminate them, which helps to strengthen the legal guarantees of participants in the economic process.

The institution of recusal in economic proceedings is a set of procedural rules governing the procedure for removing from participation in the consideration of a case those persons whose objectivity or impartiality may raise doubts². Its key task is to ensure the independence of the judiciary and create conditions for making fair and legal decisions on economic disputes.

The Economic Procedural Code of the Republic of Uzbekistan contains special provisions devoted to the institution of challenge, which indicates its significant role in the system of procedural guarantees. Thus, Article 20 of the Economic Procedural Code of the Republic of Uzbekistan stipulates that a judge must be removed from participation in a case if there are circumstances that could cast doubt on his impartiality³.

¹ Хабибуллаев Д. Основания для увольнения судьи в гражданском процессе //Обзор законодательства Узбекистана. – 2016. – №. 2. – С. 23-25.

² Қучқаров Х. А. ФУҚАРОЛИК ПРОЦЕССИ БОСҚИЧЛАРИНИ ОПТИМАЛЛАШТИРИШ МАСАЛАСИ //Государство и право. – 1980. – №. 1. – С. 208.

³Тожибоев Н. ДАХЛСИЗЛИК–СУДЪЯЛАР МУСТАҚИЛЛИГИНИНГ ЭНГ АСОСИЙ КАФОЛАТЛАРИДАН БИРИ //Наука и инновация. – 2024. – Т. 2. – №. 34. – С. 43-46.

The institution of recusal has a dual legal nature: on the one hand, it represents the right of participants in the process to file a recusal, and on the other hand, it represents the obligation of the judge or other participant in the process to initiate self-recusal if there are grounds provided for by law.

The legislative framework on which the functioning of the institution of withdrawal in Uzbekistan is based includes:

- Constitution of the Republic of Uzbekistan;
- Economic Procedural Code of the Republic of Uzbekistan;
- Law of the Republic of Uzbekistan "On Courts";
- Resolutions of the Plenum of the Supreme Court of the Republic of Uzbekistan.

The Constitution of the Republic of Uzbekistan enshrines the principle of independence of the judiciary, which is the fundamental basis for the functioning of the institution of challenge. In accordance with Article 106 of the Constitution, judges are independent, subject only to the law, and interference in their activities is inadmissible⁴.

Chapter 4 of the Economic Procedural Code of the Republic of Uzbekistan (Articles 20–24) regulates in detail the procedure and grounds for the recusal and self-recusal of both judges and other participants in the process. The Law of the Republic of Uzbekistan "On Courts" also strengthens the guarantees of impartiality of judicial activity, prohibiting any interference in the activities of judges⁵.

In addition, the Plenum of the Supreme Court provides practical explanations on the application of the rules on the application of a challenge, contributing to the unification of judicial practice and the correct interpretation of procedural rules.

The Economic Procedural Code of the Republic of Uzbekistan establishes an exhaustive list of grounds for the challenge of judges. According to Article 20 of the Economic Procedural Code of the Republic of Uzbekistan, a judge cannot participate in the consideration of a case and is subject to challenge if:

- 1) he participated as a judge during the previous consideration of this case and his repeated participation in the consideration of the case in accordance with the requirements of this Code is inadmissible;
- 2) he participated as a judge of an arbitration court, arbitrator, prosecutor, expert, specialist, translator, secretary of the court session, representative or witness during the previous consideration of this case;
- 3) he is a relative of the persons participating in the case or their representatives;
- 4) he is personally, directly or indirectly interested in the outcome of the case or there are other circumstances that raise doubts about his impartiality;
- 5) is a relative of a judge who is a member of the panel hearing the case⁶.

These provisions are aimed at preventing conflicts of interest and strengthening trust in the results of judicial proceedings. In addition to judges, the recusal procedure may also be applied to other participants in the process: the prosecutor, expert, specialist, translator, and secretary of the court session. Although the grounds for their recusal largely coincide with the grounds for recusal of judges, they have certain specifics. In addition to judges, other participants in the economic process may also be subject to recusal: the prosecutor, expert, specialist, translator, and secretary of the court session. The grounds for their recusal are generally similar to the grounds for recusal of judges, but have their own specifics⁷.

In accordance with Article 21 of the Economic Procedure Code of the Republic of Uzbekistan, a prosecutor, expert, specialist, translator, court secretary may not participate in the consideration of a case and are subject to challenge on the following grounds:

⁴ Ганибаев А. Фуқаролик суд ишларини юритишда иштирок этувчи шахсларнинг процессуал ҳуқуқ ва мажбуриятлари //Обзор законодательства Узбекистана. – 2011. – №. 3. – С. 6-8.

⁵ Ibratova F., Boltayeva D., Abdulhayev Z. IQTISODIY PROTSESSDA DALILLAR NING HUQUQIY AHAMIYATI VA ISBOTLASHDAGI ROLI //Теоретические аспекты становления педагогических наук. – 2025. – Т. 4. – №. 5. – С. 133-138.

⁶ Довудова Д. Процессуальный статус прокурора, участвующего в расследовании неправильного приговора или постановления в суде апелляционной инстанции //Общество и инновации. – 2023. – Т. 4. – №. 4. – С. 139-152.

⁷ Тай Ю. В., Арабова Т. Ф., Бурдон В. Л. Отвод судей как гарантия независимости суда //Вестник Высшего Арбитражного Суда Российской Федерации. – 2014. – №. 8. – С. 131-147.

A prosecutor, expert, specialist, court secretary or translator may not participate in the consideration of a case and is subject to challenge if he/she:

- 1) is a relative of the persons participating in the case or their representatives;
- 2) is personally, directly or indirectly interested in the outcome of the case or there are other circumstances that raise doubts about his/her impartiality.

The grounds for challenging an expert and specialist are also:

- 1) his/her official or other dependence at the time of the consideration of the case or in the past on the persons participating in the case or their representatives;
- 2) he/she is conducting an audit, the materials of which served as the basis or reason for applying to the court or are used in the consideration of the case⁸.

Таким образом, законодательство Республики Узбекистан предоставляет как универсальные, так и специфические основания для отвода, обеспечивая высокую степень защиты от предвзятости в судопроизводстве

Thus, the legislation of the Republic of Uzbekistan provides both universal and specific grounds for challenge, ensuring a high degree of protection against bias in legal proceedings. There is such a concept in the institution of challenge as self-recusal. Self-recusal is one of the forms of implementing the institution of challenge and is an important procedural guarantee of impartiality and independence of participants in economic legal proceedings. Unlike challenge, which is initiated by another participant in the process, self-recusal involves the voluntary removal of a person from participation in the case in the presence of grounds provided by law⁹.

In the economic process of the Republic of Uzbekistan, the right and obligation to recuse themselves are enshrined in Article 22 of the Economic Procedural Code of the Republic of Uzbekistan. According to the provisions of this article, a judge, prosecutor, expert, specialist, translator, secretary of the court session are required to recuse themselves in the event of the discovery of circumstances that could affect their objectivity and impartiality when considering a specific case.

Recusal, like recusal, can be declared on the following grounds:

- participation in the previous consideration of the case in any other capacity;
- family ties with the participants in the process or their representatives;
- personal or indirect interest in the outcome of the case;
- the presence of other circumstances that may raise doubts about the objectivity of the person¹⁰.

An important feature of self-recusal is its preventive nature. It is aimed at eliminating even the potential for bias in the consideration of economic disputes. This not only promotes compliance with the principles of justice, but also strengthens public confidence in the judicial system. The right to self-recusal is not only ethical, but also legally binding. In other words, if the relevant person, knowing about the existence of circumstances that prevent participation, does not declare self-recusal, this may lead to a violation of procedural legislation and entail the cancellation of the decision made¹¹.

A statement of self-recusal must be reasoned, submitted in writing and declared before the start of the consideration of the case on the merits.

Thus, self-recusal is an important procedural tool that ensures compliance with the principles of fairness, independence and impartiality in economic proceedings. Its application serves not only as a legal but also as a moral guarantee for the protection of the rights of the parties in the process.

⁸ Ибратова Ф. Б. и др. СОСТАВ ДОКАЗАТЕЛЬСТВ, ЗАФИКСИРОВАННЫХ В СУДЕБНЫХ ДОКУМЕНТАХ //INNOVATIVE DEVELOPMENTS AND RESEARCH IN EDUCATION. – 2024. – Т. 3. – №. 28. – С. 281-286.

⁹ Палиева О. Н. Отвод судье: проблемы правоприменения //Вестник Северо-Кавказского федерального университета. – 2013. – №. 6. – С. 235-238.

¹⁰ Ibratova F., Ismailov A. SODDALASHTIRILGAN TARTIBDA ISH YURITISHNING AHAMIYATI VA AFZALLIKLARI //Теоретические аспекты становления педагогических наук. – 2025. – Т. 4. – №. 5. – С. 128-132.

¹¹ Zhamieva R., Tulaganova G., Ibratova F. LEGAL ISSUES OF PROCEDURAL INDEPENDENCE OF THE INVESTIGATOR WHEN PRODUCING INVESTIGATIVE AND OTHER PROCEDURAL ACTIONS //Norwegian Journal of Development of the International Science. – 2021. – №. 74-2. – С. 24-29.

The procedure for filing and subsequent consideration of a recusal or self-recusal is regulated by the Economic Procedural Code of the Republic of Uzbekistan. These rules are aimed at ensuring a fair and objective consideration of economic disputes¹².

A challenge must be filed before the start of the consideration of the case on the merits. During the consideration of the case, a challenge may be filed only if the grounds for the challenge became known to the person filing the challenge after the start of the consideration of the case on the merits.

Any recusal, as well as self-recusal, must be motivated. Unfounded accusations or subjective doubts without specific grounds are unacceptable. The application must indicate:

- to whom exactly it is presented (e.g., a judge, an expert, etc.),
- on what grounds (e.g., family ties with a party to the case),
- supporting documents or other evidence, if any.

An application for recusal of a judge shall be considered and resolved by the court in the following order:

1. The issue of recusal of a judge considering a case alone shall be resolved by the chairman of the economic court, the deputy chairman of the economic court, and in a single-component court - by the same judge;

2. The issue of recusal of a judge when considering a case in a collegial panel shall be resolved by the same panel of judges by a majority vote in the absence of the judge who has been recused. If the number of votes cast for and against the recusal is equal, the judge shall be considered recused;

3. The issue of a challenge filed against several judges or the entire panel of the court shall be resolved by the entire panel of the court by a simple majority of votes;

4. The issue of a challenge against the chairman of the economic court shall be resolved by the entire panel of the court under the chairmanship of a judge authorized to do so by the chairman of the economic court¹³.

Based on the results of the review of the application for the recusal of a judge, a ruling is issued. This procedure is aimed at ensuring objectivity in deciding the issue of recusal and preventing the influence of personal interest on the decision-making process.

The procedure for recusal of a prosecutor, expert, specialist, translator, secretary of a court session has its own characteristics and is regulated by Article 22-23 of the Economic Procedural Code of the Republic of Uzbekistan.

The issue of recusal of a prosecutor, expert, specialist, translator, secretary of a court session is resolved by the composition of the court considering the case. Based on the results of the review of the issue of recusal, a ruling is issued¹⁴.

The difference between this procedure and the procedure for challenging a judge is that the issue of challenging other participants in the process is decided directly by the panel of judges considering the case, without involving the chairman of the court or other judges. Such regulation is due to the fact that the participation of a prosecutor, expert, specialist, translator, secretary of the court session in the process is not as decisive for the outcome of the case as the participation of a judge. However, the objectivity and impartiality of these persons are also important for ensuring a fair trial¹⁵.

If the application for recusal of a judge or other participant in the proceedings is granted, the case is considered in the same court, but by another judge or another panel of judges, or with the participation of another prosecutor, expert, specialist, translator, secretary of the court session.

¹² Степкин С. П. Отвод судьи в гражданском процессе // Арбитражный и гражданский процесс. – 2017. – №. 2. – С. 23-27.

¹³ Казарина М. И. Отвод и самоотвод судьи как гарантия независимости судей // Вестник Томского государственного университета. – 2020. – №. 459. – С. 235-241.

¹⁴ Ibratova F. V. Corporate dispute as a subject of litigation consideration // Экономика, право и инновации в мире глобальных трансформаций. – 2023. – С. 5-9.

¹⁵ Жадяева М. А., Калинкина Л. Д. Отвод и самоотвод судьи (суда) как гарантия обеспечения законного состава суда кассационной инстанции // Право и государство: теория и практика. – 2009. – №. 8. – С. 98-100.

If as a result of satisfying the recusals it is impossible to form a new panel of judges to consider the case in this court, the case is transferred to another economic court in the manner established by Article 39 of the EPC RUz:

A case accepted by the court for its proceedings in compliance with the rules of jurisdiction must be considered by it on the merits, even if it subsequently becomes subject to the jurisdiction of another court¹⁶.

The court shall transfer the case to another court for consideration if:

1) during the consideration of the case in this court it was revealed that it was accepted for proceedings in violation of the rules of jurisdiction;

2) after the recusal of one or more judges, their replacement in this court becomes impossible, as well as in other cases when it is impossible to consider the case in this court.

A ruling shall be issued on the transfer of the case to another court for consideration.

A case sent from one court to another must be accepted for consideration by the court to which it is sent.

Disputes about jurisdiction between economic courts in the Republic of Uzbekistan are not allowed.

It is important to note that the court's ruling on the issue of disqualification of a judge is not subject to appeal. Objections to this ruling may be included in an appeal, cassation appeal against a decision or ruling of the court on the merits of the case.

Such regulation is aimed at ensuring the continuity of the judicial process and preventing abuse of the right to disqualification in order to delay the consideration of the case.

In practice, the application of the rules governing the disqualification of a judge in the economic process of the Republic of Uzbekistan is accompanied by a number of difficulties that negatively affect the effectiveness of this legal institution¹⁷.

One of the main problems is the evaluative nature of legislative formulations. Thus, the expression "other circumstances that raise doubts about the impartiality of the judge" allows for different interpretations, which can lead to both the refusal of a justified challenge and the satisfaction of unjustified motions. The subjectivity of the assessment of such grounds significantly reduces the predictability of decisions on challenges¹⁸.

In addition, parties to the process often face difficulties in proving the judge's interest or dependence on the other party. The lack of specific criteria makes this process cumbersome and ineffective. In such circumstances, proving a personal connection or bias of a judge is almost impossible, especially if it is not clearly expressed. An additional problem is the procedure for considering applications for recusal, when the relevant decision is made by judges of the same court in which the person whose impartiality is questioned works. This can affect objectivity, since judges of the same court often have professional or personal relationships, which entails the risk of protecting the corporate interests and reputation of a colleague. Such an approach does not always ensure the necessary neutrality and independence.

An equally significant difficulty is the impossibility of immediately appealing the refusal to satisfy the application for recusal. According to the current procedure, such decisions can be appealed only after the final decision on the case has been made. If a higher court subsequently finds the refusal to recusal unlawful, the process may be delayed, and the case itself may require revision, which reduces the overall procedural efficiency.

These problems require a comprehensive solution to improve the effectiveness of the institution of recusal as a guarantee of a fair trial.

The judicial practice of economic courts shows that applications for recusal are granted extremely rarely. This can be explained both by the lack of sufficient grounds in most cases, and by the fact that even if they are present, it can be extremely difficult to prove the necessary circumstances. Most often, recusals are declared on the basis of the judge's family or friendly ties with the parties to the proceedings, his previous

¹⁶ Okyulov O., Ibratova F., Salimova I. Legal issues of remedies by the judgment //International Research Conference on Technology, Science, Engineering & Management. – 2021. – С. 53-60.

¹⁷ Багаутдинов Ф. Н. Актуальные проблемы отвода судьи в современных условиях //Журнал российского права. – 2009. – №. 5 (149). – С. 93-99.

¹⁸ Babakulovna I. F. Ibratova FB, Yerkebayeva Zh. A. Mediation as an alternative way to resolution of economic disputes //Editorial team.

participation in the consideration of the case, as well as assumptions about his personal interest in the outcome. In the context of the Uzbek mentality, where close interpersonal ties are widespread, situations often arise in which a judge may be acquainted with or connected with one of the parties, or with other participants in the proceedings, for example, with a prosecutor or expert.

At the same time, applications for recusal based on formal, easily verifiable circumstances (family ties, previous participation in the case) are most often granted. Applications for recusal based on the alleged interest of the judge are granted much less often, which is due to the difficulties in proving such circumstances¹⁹.

It is interesting to note that the practice of judges recusing themselves is also quite common, especially in cases where the judge has family or other ties with the parties to the proceedings. This demonstrates the high level of professional responsibility of judges and their desire to ensure the impartiality of the trial.

The effectiveness of the recusal mechanism can be increased by taking a comprehensive approach to improving legislation and judicial practice. First of all, it is necessary to formulate the grounds for recusal more clearly in order to eliminate ambiguity in their interpretation. The procedure for considering such applications also requires significant changes: transferring the authority to consider them to another, independent body could ensure a higher level of impartiality. It is also advisable to provide for the possibility of a separate, immediate appeal of the refusal to recusal, without waiting for the final decision on the case. This would allow for prompt elimination of violations and prevent the delay of the trial. It is also important to introduce liability for the unfair use of the recusal mechanism if petitions are filed solely for the purpose of pressuring the court or delaying the consideration of the dispute. Finally, it is necessary to ensure the transparency of the entire process by mandatory reflection in the minutes of the court hearing of all declared challenges and the circumstances associated with them.

These measures can help to increase the effectiveness of the institution of challenge and strengthen trust in the judicial system as a whole²⁰.

For a more detailed study of the institution of recusal, we will conduct an analysis with foreign experience. Analysis of international experience shows that the institution of recusal of judges in economic processes is regulated differently depending on the legal system of a particular country. At the same time, in the post-Soviet states, such as Russia, Kazakhstan and Belarus, similar approaches are largely traced, due to common legal traditions. However, each country has developed its own characteristics, which can be useful for improving Uzbek legislation²¹.

In the Russian Federation, the grounds for challenging judges in arbitration proceedings are largely similar to the norms enshrined in the Economic Procedural Code of Uzbekistan. At the same time, Russian law contains a number of additional grounds, in particular, the possibility of challenging a judge in the event of family or other informal ties between the judges who are members of the panel. This rule is aimed at eliminating the potential influence of personal relationships on the adoption of a judicial decision.

As for the Republic of Kazakhstan, the procedure for challenging a judge has certain specifics. When considering a case alone, the issue of challenging is resolved by the chairman of the court or another judge of the same judicial body. At the same time, if the challenge is filed again on the same grounds, it is considered directly by the same judge to whom it was filed. This model is aimed at preventing abuse of the right to challenge and unreasonable delays in the process²².

The economic legal proceedings of the Republic of Belarus also have their own practice. Here, applications for recusal are considered by the chairman of the court, his deputy or the head of the judicial panel. Moreover, an oral form of filing such an application is allowed, which is recorded in the minutes of the court session. This simplifies the procedure and makes it more accessible to the participants in the process.

¹⁹ Babakulovna I. F. Ibratova FB, Mirjamolov MB Peculiarities of consideration of cases related to inheritance in civil courts in the Republic of Uzbekistan //Editorial team. – С. 65.

²⁰ Ibratova F. Civilinės teisės terminai ir jų taikymas ginant asmens teises Uzbekistano Respublikoje //Teisė. – 2009. – T. 71. – С. 182-194.

²¹ Багаутдинов Ф. Н. Актуальные проблемы отвода судьи в современных условиях //Журнал российского права. – 2009. – №. 5 (149). – С. 93-99.

²² Шарипова А. Р. Отвод судьи: насколько оправданы межотраслевые различия? //Евразийская адвокатура. – 2017. – №. 4 (29). – С. 81-85.

The experience of the CIS countries shows various approaches to regulating the institution of recusal, which can be useful for improving the legislation of the Republic of Uzbekistan.

In foreign countries, the institution of recusal has its own characteristics, due to differences in legal systems and judicial traditions²³.

In the United States, a judge is required to recuse himself/herself if he/she has a financial interest in the outcome of the case, family ties with the parties to the proceedings, previous participation in the case as a lawyer or witness, or if the judge's impartiality can reasonably be questioned. An interesting feature is that a recusal can be made at any stage of the proceedings, even after a decision has been made, if the grounds for the recusal become known after the completion of the case²⁴.

The German judicial system also provides for a mechanism for challenging a judge in the presence of certain grounds similar to those enshrined in the legislation of Uzbekistan. However, there is a difference in the procedure: the issue of challenging is considered by the panel of judges without the participation of the judge concerned. If, as a result of the challenge, it is impossible to form a panel of judges, the case is referred to a higher court for consideration²⁵.

Another interesting approach is being implemented in France: a challenge application is filed with the same court where the case is being heard, but a decision on it is made by a higher court. This ensures greater independence and eliminates the influence of professional and personal connections between judges of the same level.

Studying foreign experience in regulating the challenge institution may be useful for improving the relevant provisions of the legislation of the Republic of Uzbekistan²⁶.

Based on the analysis of foreign experience in regulating the institution of recusal, the following areas for improving the legislation of the Republic of Uzbekistan can be proposed:

1. Expanding the list of grounds for recusal of a judge, including such grounds as the existence of family ties between judges working in the court where the case is being heard, as well as the financial interest of the judge in the outcome of the case;

2. Improving the procedure for considering an application for recusal by referring this issue for consideration to a higher court or a panel of judges specially created for these purposes;

3. Introducing the possibility of filing a challenge at any stage of the process if the grounds for the challenge became known after the start of the consideration of the case on the merits;

4. Establishing clear deadlines for considering a challenge application to prevent the process from being delayed;

5. Introducing liability for knowingly unfounded challenge applications aimed at delaying the process or putting pressure on the court.

The above measures can contribute to increasing the effectiveness of the institution of challenge and strengthening trust in the judicial system of the Republic of Uzbekistan.

In conclusion, it can be emphasized that the institution of challenge in the economic process of the Republic of Uzbekistan is an important element that guarantees the impartiality and objectivity of judicial proceedings. This mechanism allows for the exclusion from participation in the process of judges whose impartiality may be questioned, which, in turn, contributes to the adoption of fair and reasonable judicial decisions. At the same time, an analysis of the legal regulation and practice of applying the institution of challenge reveals a number of problems that reduce its effectiveness. Such problems include subjectivity in assessing the grounds for challenge, difficulties in proving the relevant circumstances, insufficient objectivity

²³ Жадяева М. А. Рассмотрение ходатайства об отводе судьи (суда) //V Юридические чтения. – 2019. – С. 57-61.

²⁴ Косимов Б. Барьеры в отношении независимости судебной власти: сравнительный анализ практики Узбекистана и США //Обзор законодательства Узбекистана. – 2020. – №. 4. – С. 17-23.

²⁵ Восканян М. Ж. Заявил отвод суду-злоупотребил процессуальными правами? //Российский судья. – 2012. – №. 5. – С. 41-48.

²⁶ Ибратова Ф. и др. ПРАВОВЫЕ ВОПРОСЫ СУДЕБНЫХ СИСТЕМ ЗАРУБЕЖНЫХ СТРАН ЯПОНИИ, ФИНЛЯНДИИ И ГЕРМАНИИ (СРАВНЕНИЕ С СУДЕБНОЙ СИСТЕМОЙ РЕСПУБЛИКИ УЗБЕКИСТАН) //International journal of professional science. – 2022. – №. 10. – С. 20-26.

in considering applications for challenge, as well as the impossibility of appealing a decision to refuse to satisfy an application for challenge before a decision is made on the merits of the case.

The following measures are proposed to solve the above problems:

- clarifying and specifying the grounds for recusal;
- improving the procedure for considering recusal applications;
- introducing the possibility of appealing a ruling on the refusal to satisfy a recusal application;
- increasing liability for obviously unfounded recusal applications;
- increasing the transparency of the recusal procedure.

An analysis of international experience in this area also allows us to develop recommendations for improving the legislation of the Republic of Uzbekistan. In particular, it is necessary to expand the list of grounds for recusal, provide for the possibility of filing a recusal application at any stage of the process, and establish clear deadlines for considering such applications.

The implementation of the proposed measures will help to increase the effectiveness of the recusal institution and strengthen trust in the judicial system of the Republic of Uzbekistan as a whole.

References

1. Хабибуллаев Д. Основания для увольнения судьи в гражданском процессе //Обзор законодательства Узбекистана. – 2016. – №. 2. – С. 23-25.
2. Кучкаров Х. А. ФУҚАРОЛИК ПРОЦЕССИ БОСҚИЧЛАРИНИ ОПТИМАЛЛАШТИРИШ МАСАЛАСИ //Государство и право. – 1980. – №. 1. – С. 208.
3. Тожибоев Н. ДАХЛСИЗЛИК–СУДЬЯЛАР МУСТАҚИЛЛИГИНИНГ ЭНГ АСОСИЙ КАФОЛАТЛАРИДАН БИРИ //Наука и инновация. – 2024. – Т. 2. – №. 34. – С. 43-46.
4. Ганибаев А. Фуқаролик суд ишларини юритишда иштирок этувчи шахсларнинг процессуал ҳуқуқ ва мажбуриятлари //Обзор законодательства Узбекистана. – 2011. – №. 3. – С. 6-8.
5. Ibratova F., Boltayeva D., Abdulhayev Z. IQTISODIY PROTSESSDA DALILLAR NING HUQUQIY ANAMIYATI VA ISBOTLASHDAGI ROLI //Теоретические аспекты становления педагогических наук. – 2025. – Т. 4. – №. 5. – С. 133-138.
6. Довудова Д. Процессуальный статус прокурора, участвующего в расследовании неправильного приговора или постановления в суде апелляционной инстанции //Общество и инновации. – 2023. – Т. 4. – №. 4. – С. 139-152.
7. Тай Ю. В., Арабова Т. Ф., Бурдон В. Л. Отвод судей как гарантия независимости суда //Вестник Высшего Арбитражного Суда Российской Федерации. – 2014. – №. 8. – С. 131-147.
8. Ибратова Ф. Б. и др. СОСТАВ ДОКАЗАТЕЛЬСТВ, ЗАФИКСИРОВАННЫХ В СУДЕБНЫХ ДОКУМЕНТАХ //INNOVATIVE DEVELOPMENTS AND RESEARCH IN EDUCATION. – 2024. – Т. 3. – №. 28. – С. 281-286.
9. Палиева О. Н. Отвод судье: проблемы правоприменения //Вестник Северо-Кавказского федерального университета. – 2013. – №. 6. – С. 235-238.
10. Ibratova F., Ismailov A. SODDALASHTIRILGAN TARTIBDA ISH YURITISHNING ANAMIYATI VA AFZALLIKLARI //Теоретические аспекты становления педагогических наук. – 2025. – Т. 4. – №. 5. – С. 128-132.
11. Zhamieva R., Tulaganova G., Ibratova F. LEGAL ISSUES OF PROCEDURAL INDEPENDENCE OF THE INVESTIGATOR WHEN PRODUCING INVESTIGATIVE AND OTHER PROCEDURAL ACTIONS //Norwegian Journal of Development of the International Science. – 2021. – №. 74-2. – С. 24-29.
12. Степкин С. П. Отвод судьи в гражданском процессе //Арбитражный и гражданский процесс. – 2017. – №. 2. – С. 23-27.
13. Казарина М. И. Отвод и самоотвод судьи как гарантия независимости судей //Вестник Томского государственного университета. – 2020. – №. 459. – С. 235-241.
14. Ibratova F. B. Corporate dispute as a subject of litigation consideration //Экономика, право и инновации в мире глобальных трансформаций. – 2023. – С. 5-9.

15. Жадыева М. А., Калинин Л. Д. Отвод и самоотвод судьи (суда) как гарантия обеспечения законного состава суда кассационной инстанции //Право и государство: теория и практика. – 2009. – №. 8. – С. 98-100.
16. Okyulov O., Ibratova F., Salimova I. Legal issues of remedies by the judgment //International Research Conference on Technology, Science, Engineering & Management. – 2021. – С. 53-60.
17. Багаутдинов Ф. Н. Актуальные проблемы отвода судьи в современных условиях //Журнал российского права. – 2009. – №. 5 (149). – С. 93-99.
18. Babakulovna I. F. Ibratova FB, Yerkebayeva Zh. A. Mediation as an alternative way to resolution of economic disputes //Editorial team.
19. Babakulovna I. F. Ibratova FB, Mirjamolov MB Peculiarities of consideration of cases related to inheritance in civil courts in the Republic of Uzbekistan //Editorial team. – С. 65.
20. Ibratova F. Civilinės teisės terminai ir jų taikymas ginant asmens teises Uzbekistano Respublikoje //Teisė. – 2009. – Т. 71. – С. 182-194.
21. Багаутдинов Ф. Н. Актуальные проблемы отвода судьи в современных условиях //Журнал российского права. – 2009. – №. 5 (149). – С. 93-99.
22. Шарипова А. Р. Отвод судьи: насколько оправданы межотраслевые различия? //Евразийская адвокатура. – 2017. – №. 4 (29). – С. 81-85.
23. Жадыева М. А. Рассмотрение ходатайства об отводе судьи (суда) //V Юридические чтения. – 2019. – С. 57-61.
24. Косимов Б. Барьеры в отношении независимости судебной власти: сравнительный анализ практики Узбекистана и США //Обзор законодательства Узбекистана. – 2020. – №. 4. – С. 17-23.
25. Восканян М. Ж. Заявил отвод суду-злоупотребил процессуальными правами? //Российский судья. – 2012. – №. 5. – С. 41-48.
26. Ибратова Ф. и др. ПРАВОВЫЕ ВОПРОСЫ СУДЕБНЫХ СИСТЕМ ЗАРУБЕЖНЫХ СТРАН ЯПОНИИ, ФИНЛЯНДИИ И ГЕРМАНИИ (СРАВНЕНИЕ С СУДЕБНОЙ СИСТЕМОЙ РЕСПУБЛИКИ УЗБЕКИСТАН) //International journal of professional science. – 2022. – №. 10. – С. 20-26.