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# A COMPARATIVE LEGAL ANALYSIS OF THE JUDICIAL SYSTEMS OF UZBEKISTAN, GERMANY AND THE USA

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**Abstract:** This article provides a comparative legal analysis of the judicial systems of the Republic of Uzbekistan, the Federal Republic of Germany, and the United States of America. The study places particular emphasis on the hierarchical structure of judicial bodies, the legal status of judges, judicial independence, and mechanisms of constitutional review. Theoretical conclusions on improving national legislation by examining the advanced judicial and legal experience of foreign countries are presented.

**Keywords:** judicial system, judicial power, judicial independence, comparative law, constitutional review, judges, rule of law.

**INTRODUCTION**. Judicial power is the most important institution ensuring the rule of law and human rights in any democratic state governed by the rule of law. The fair resolution of socio-legal disputes arising in society, the realization of the principle of checks and balances in public administration depend precisely on the effective functioning of the courts [1].

Today, there are various models for organizing the judicial system in world practice, each formed within the framework of certain legal family traditions. The judicial and legal reforms being implemented in the Republic of Uzbekistan in recent years require adapting the national justice system to international standards. From this perspective, a comparative study of the leading legal systems in the world Germany, a bright representative of the continental legal system, and the United States of America (USA), belonging to the Anglo-Saxon legal family with our national legislation acquires urgent scientific and practical significance. The main purpose of this study is to comparatively analyze the architecture, operating principles, and specific features of the judicial systems of Uzbekistan, Germany, and the USA, and on this basis, to develop theoretical proposals for improving the national judicial system.

**METHODOLOGY**. During the research, comparative-legal, systemic-structural analysis, and logical reasoning (induction and deduction) methods were used. In particular, through the comparative-legal method, the constitutions and special legislative acts on the judicial system of Uzbekistan, Germany, and the USA were compared[2]. Furthermore, using the document analysis method, the instanced structure and jurisdictional scopes of the courts in each country were studied.

**RESULTS.** The analyses conducted showed that the judicial systems of the three countries differ fundamentally from each other both in terms of territorial structure and functional specialization.

[1] Bingham, T. (2011). The Rule of Law. Penguin UK.

[2] Glendon, M. A., Carozza, P. G., & Picker, C. B. (2014). Comparative Legal Traditions: Text, Materials, and Cases on Western Law. West Academic Publishing

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The Institutional Structure of the Judicial System in Uzbekistan Since Uzbekistan is a unitary state, a single national judicial system operates in the country. According to the Constitution (Article 130) and the Law "On Courts," justice is administered solely by the court [3]. At the top of the system are two independent bodies: the Constitutional Court of the Republic of Uzbekistan (for constitutional review) and the Supreme Court of the Republic of Uzbekistan (the supreme body for civil, criminal, economic, and administrative cases). The lower instances consist of courts of general jurisdiction and specialized courts (criminal, civil, economic, administrative) at the regional and district (city) levels. Military courts operate as a separate structure.

The Specificity of the Judicial System in Germany The German model is characterized by its federal nature and strong specialization. Justice is administered by the federal center and the courts of the 16 federal states (Länder). The system is strictly divided into 5 separate judicial branches [4]:

Ordinary courts – criminal and civil cases;

Administrative courts;

Labor courts;

Financial courts;

Social courts. Each of these five branches has its own Federal Supreme Court. The most notable feature is the existence of the German Federal Constitutional Court (Bundesverfassungsgericht), which operates completely independently of all other state bodies and has very broad powers [5].

The US Judicial System and its Dualistic Nature The architecture of the US judicial power has a unique complexity. Here, federal courts and state courts operate in parallel (Dual Court System). The federal court system has three levels: Federal District Courts (94), Courts of Appeals and the US Supreme Court. Each state has its own independent judicial system based on its constitution [6].

Another important feature is that the USA does not have a separate Constitutional Court like Germany or Uzbekistan. Constitutional review (judicial review) is carried out by ordinary courts during the hearing of a specific case [7]. Moreover, assessing factual circumstances in criminal and major civil cases falls within the competence of the jury.

The main differences obtained during the study are summarized in the following table:

| Comparison Criterion | Uzbekistan | Germany | USA |
|---|---|---|---|
| System Architecture | Unified (based on unitary state structure) | Dual (Federal and 16 state courts) | Dual (Federal and 50 state courts in parallel) |

[3] Constitution of the Republic of Uzbekistan. (2023). Tashkent: "Uzbekistan".

[4] Foster, N. G., & Sule, S. (2010). German Legal System and Laws. Oxford University Press

[5] Neubauer, D. W., & Meinhold, S. S. (2016). Judicial Process: Law, Courts, and Politics in the United States. Cengage Learning

[6] Reitz, J. C. (1998). How to Do Comparative Law. The American Journal of Comparative Law, 46(4), 617-636.

[7] Vidmar, N. (2000). World Jury Systems. Oxford University Press

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| Comparison Criterion | Uzbekistan | Germany | USA |
|---|---|---|---|
| Specialization | Civil, criminal, economic, administrative | Strictly separated 5 branches | Mostly single general jurisdiction, territorial division |
| Constitutional Review | Special and separate (Constitutional Court) | Special and separate (Federal Constitutional Court) | Diffused (all general courts, headed by the Supreme Court) |
| Appointment of Judges | Supreme Court judges elected by the Senate, others appointed by the Supreme Judicial Council | Federal ministries and special committee in collaboration | Federal judges nominated by the President, confirmed by the Senate |
| Jury | Does not exist | In a limited form (mixed court composition) | A very important body (especially in criminal cases) |

**DISCUSSION**. The results of the analysis confirm that regardless of what the judicial system is called or what branches it is divided into, the main goal in all developed countries is the same – to ensure judicial independence. However, this independence is ensured through various mechanisms [8].

The German experience shows that specialization (labor, social, finance) is highly effective in resolving disputes professionally and quickly. The current separate operation of administrative and economic courts in Uzbekistan is in line with this trend. However, introducing the prestige and openness of the German Federal Constitutional Court in society into the practice of Uzbekistan, in particular, further expanding the institution of citizens' direct appeal to the constitutional court is of great importance.

The US experience is a bright example of the principle of checks and balances between branches of power. In the USA, the lifetime appointment of judges (on the condition of good behavior) is the main factor protecting them from political pressures. In Uzbekistan, important steps are also being taken to guarantee the terms of office of judges and minimize subjective factors in the reappointment process. Also, the jury institution in the USA is a powerful tool that increases public confidence in justice, and the issue of revising the institution of people's assessors in Uzbekistan's criminal justice or introducing elements of a classical jury as an experiment can be a subject of scientific discussion [9].

**CONCLUSION.** The comparative study of the judicial systems of Uzbekistan, Germany, and the USA allows us to conclude that there is no perfect judicial model. While the US judicial system relies

[8] Law of the Republic of Uzbekistan "On Courts". (2021). National Database of Legislation

[9] Kommers, D. P., & Miller, R. A. (2012). The Constitutional Jurisprudence of the Federal Republic of Germany. Duke University Press

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on common law norms and precedents, the German and Uzbekistan systems rely on codified normative legal acts.

Simply copying the experience of foreign countries is not expedient. However, the practice of developed democratic states shows universal mechanisms that guarantee the rule of law – genuine immunity of judges, independent financing from the state budget, public control in the selection of judges, and transparency of court proceedings. Utilizing the experience of specialized courts in Germany for digitalizing court processes and categorizing cases in Uzbekistan, and the experience of the USA for ensuring the direct participation of citizens in the administration of justice will serve to raise the effectiveness of the national judicial system to a qualitatively new level.

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