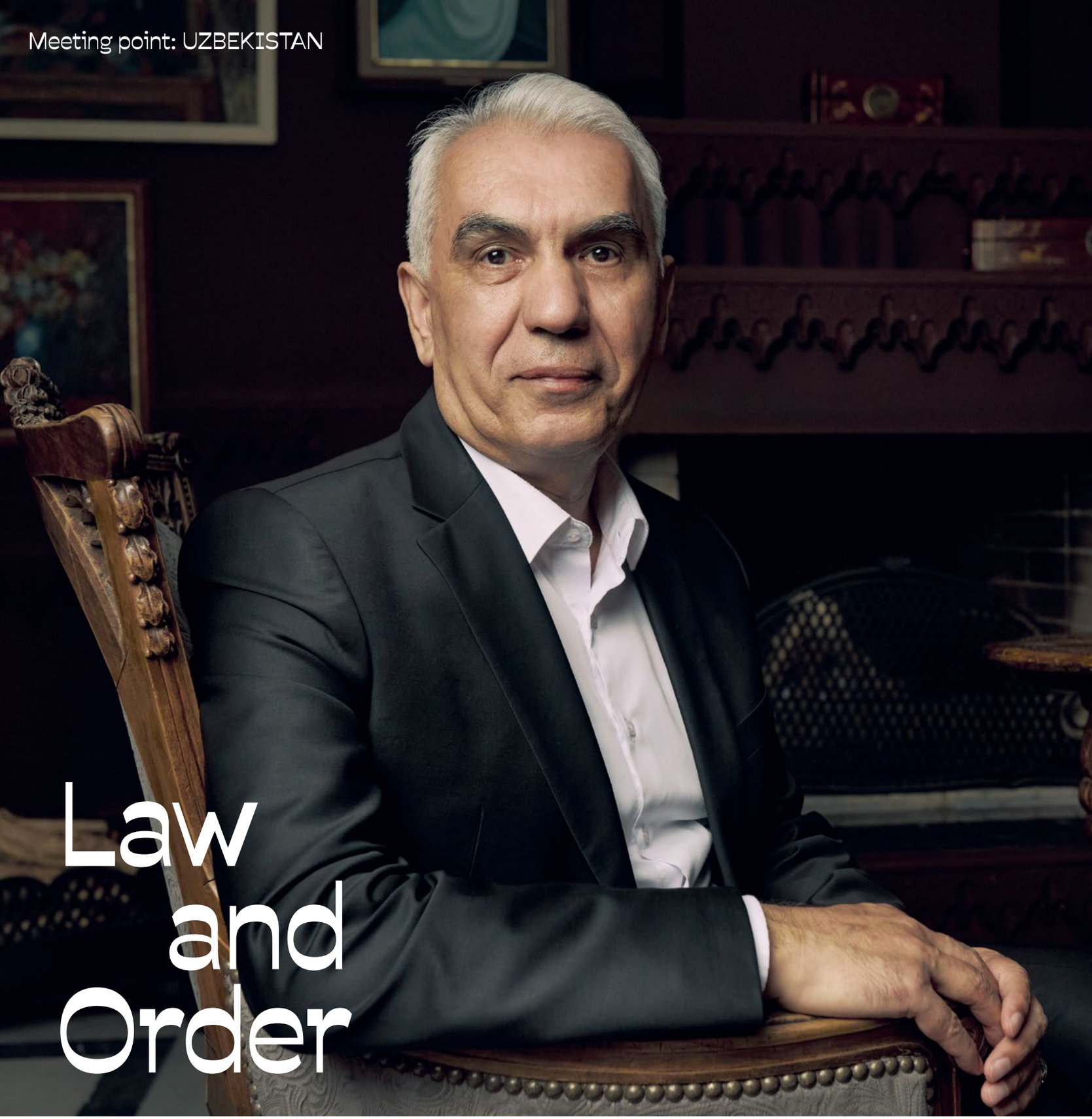


Law and Order

Uzbekistan's Judicial Reforms: Foziljon Otakhonov on the Evolution of the Courts and Lawmaking, in conversation with Evgeniya Chervets.



Foziljon Otakhonov

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Photography by
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Could you tell us about your childhood and what led you to pursue a career in law?

I was born on April 18, 1959, in the city of Yaypan, the administrative centre of Uzbekistan District in the Fergana Region. My father, Khaydarkhon Otakhonov, began working in a collective farm at the age of fourteen and went on to serve as an accountant — and later chief accountant — for over five decades in various institutions across the district. My mother, Soadathon, was a skilled embroiderer of traditional tubeteikas (Uzbek skullcaps), which she sold at the local market. All six of us children, myself included, would help her with the embroidery.

My grandfather was a merchant, and my great-grandfather, an imam. They came from a well-respected, educated family originally from Kanibadam, and that sense of heritage and dignity was always present in our household.

Before I started school, my mother and my elder sister Sharifa taught me to read and count. My mother was devoted to creating the best possible conditions for my education, while my father was unwavering in his discipline: he meticulously checked my school diary every week, monitored my attendance and grades, and left his signature on each page. I still keep those diaries to this day, and now show them to my children and grandchildren with pride.

In 1976, I graduated from high school with a gold medal. At first, I intended to apply to a university department of industrial and civil engineering. But a chance event in my final year of school ignited a new dream: to become an investigator. That moment became a turning point, and I enrolled in the Faculty of Law at Tashkent State University. I have never once regretted that decision.

Throughout my studies, I received an advanced scholarship and graduated with honours. My father attended my thesis defence and even gave a short speech. I'll never forget how Professor Yakov Pesin praised my work and, impressed by my father's fluent and articulate Russian, said: "It's clear you became an honours student thanks to your father." I was filled with pride. To this day, I remember him with gratitude and pray for him daily.

Let's start with a big picture question: how is Uzbekistan's judicial system structured today and what laws shape the way justice is delivered?

Uzbekistan's judiciary is a well-organised multilayered system founded on the principle of judicial independence. It includes specialised courts that focus on specific categories of cases: an approach that helps ensure justice is both efficient and well-informed.

At the top stands the Supreme Court, which plays a crucial role in unifying judicial practice across the country. It oversees the work of lower courts, provides legal clarity and contributes to the development of law enforcement standards and jurisprudence.

The judiciary operates strictly within the framework of the Constitution and the laws of the Republic. It remains independent from the legislative and executive branches, as well as from political influence.

One of the key institutions safeguarding this independence is the Supreme Judicial Council of the Republic of Uzbekistan. As an autonomous body of the judicial community, it oversees the appointment of judges and ensures that constitutional principles, first and foremost, judicial independence, are upheld in practice.

The judicial process in Uzbekistan is governed by four distinct procedural codes: the Civil Procedure Code, the Criminal Procedure Code, the Administrative Procedure Code and the Economic Procedure Code.

Do Uzbek courts have a role in shaping the law or is their function strictly interpretive?

Unlike in common law systems, Uzbek courts do not create binding legal precedent. Judicial rulings do not form new legal norms. However, court practice, particularly interpretive guidance from the Plenum of the Supreme Court, holds significant influence and helps ensure consistency across the legal system.

Through interpretation and the application of legal norms in complex cases, courts, especially the Supreme Court and the Constitutional Court, play a key role in refining how laws function in practice.

Notably, under Article 98 of the Constitution of Uzbekistan, both the Supreme Court and the Constitutional Court have the right to legislative initiative. Within the scope of their jurisdiction, they can propose new legislation to Parliament. While they do not legislate through judicial rulings, this mechanism allows the courts to contribute directly to the evolution of national legislation.

In recent years, Uzbekistan made visible strides in developing arbitration and mediation. What sparked this growth in alternative dispute resolution and how far did the country go?

Since 2018, Uzbekistan made remarkable progress in advancing alternative dispute resolution (ADR), with mediation and commercial arbitration emerging as the primary focus. This shift was driven by a growing demand for faster, more flexible methods of resolving conflicts, particularly in the commercial sector.

A major milestone in this process was the adoption of the Law On Mediation on July 3, 2018. Since then, the legal and institutional framework for ADR has steadily expanded, making it an increasingly accessible and trusted avenue for resolving disputes outside the courtroom.



Uzbekistan's embrace of ADR reflects a broader commitment to judicial reform and modernisation: bringing the country's legal infrastructure closer in line with international standards.

STATISTICS
on cases dismissed due to the conclusion of a mediation agreement

ECONOMIC COURTS	CIVIL COURTS
2022 **3,561 cases**	2022 **2,916 cases**
2023 **5,125 cases**	2023 **2,221 cases**
2024 **3,238 cases**	2024 **3,016 cases**

A growing emphasis on alternative dispute resolution (ADR) in Uzbekistan has been driven by several key factors: the need to reduce pressure on the court system, the ambition to improve the investment climate and the country's commitments under international economic agreements, including recommendations from the World Trade Organisation and the World Bank.

In recent years, Uzbekistan undertook a targeted step-by-step approach to integrating international ADR standards into its legal system. A significant milestone came on May 7, 1993, when Uzbekistan acceded to the Convention on the Settlement of Investment Disputes between States and Nationals of Other States (the Washington Convention, 1965). This was followed by a resolution on December 22, 1995, to join the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards adopted on June 10, 1958.

Today, several arbitral institutions operate in the country, including the International Commercial Arbitration Court under the Chamber of Commerce and Industry of Uzbekistan.

Mediation also gained a firm foothold. Around 3,000 professionals were certified as mediators and the Tashkent Mediation Centre plays an active role in promoting and facilitating the use of mediation as a viable and effective tool for dispute resolution.

What are the main priorities on the legislative agenda in Uzbekistan and which legal fields are set to undergo further reform or require additional regulation?
The legislative agenda of the Republic of Uzbekistan is currently shaped by the country's long term development strategy, Uzbekistan 2030, approved by the Presidential Decree on September 11, 2023. The Strategy outlines 100 key goals, each accompanied by measurable performance indicators.

Goal 80, for instance, sets forth a comprehensive reform plan for the legislative process, including:

- a digital transformation of parliamentary operations, with 100% digitalisation of decision making and publication processes;
- expansion in the adoption of self-executing (direct action) laws, aiming to raise their share to at least 60%;
- full coverage of effective monitoring mechanisms for the implementation of legal and regulatory acts;
- efforts to enhance the competitiveness of the legal system by streamlining legislation, making it more accessible for citizens and businesses alike;
- a drastic reduction in departmental regulatory acts, through clearly defined limits on their issuance.

The Uzbekistan 2030 Strategy also outlines major reforms in the area of rule of law and judicial governance, including:

- reinforcement of constitutional supremacy and the principle that reliable protection of human rights and freedoms must serve as the main benchmark for judicial reform;
- the establishment of effective judicial oversight over the actions of state bodies and officials alongside the continued development of administrative justice;
- strengthening judicial independence and transparency as fundamental pillars of access to justice.

Among today's legislative priorities are the digitalisation of lawmaking and justice, as well as the development of legal frameworks in emerging areas, such as artificial intelligence, digital rights, investment regulation and humanisation of criminal policy.

These are by no means the only areas of focus, but they are among the most urgent and emblematic of Uzbekistan's broader vision for a modern, responsive legal system.

What legal research institutions exist in Uzbekistan today? Which ones can be seen as key centres for the development of legal doctrine?
Uzbekistan is home to a number of research and expert institutions dedicated to advancing legal doctrine, analysing legislation and formulating evidence-based proposals for legal reform. Among the most prominent are the Institute of Legislation and Legal Policy under the President of the Republic of Uzbekistan, the Institute for Parliamentary Research under the Legislative Chamber of the Oliy Majlis, the Higher School of Judges, the National Centre for Human Rights, and

the Tashkent State University of Law. In addition, the country hosts the Academy of the Ministry of Internal Affairs, the Law Enforcement Academy, the University of Public Security, the Institute for Retraining and Professional Development of Legal Personnel and the Institute of State and Law under the Academy of Sciences.

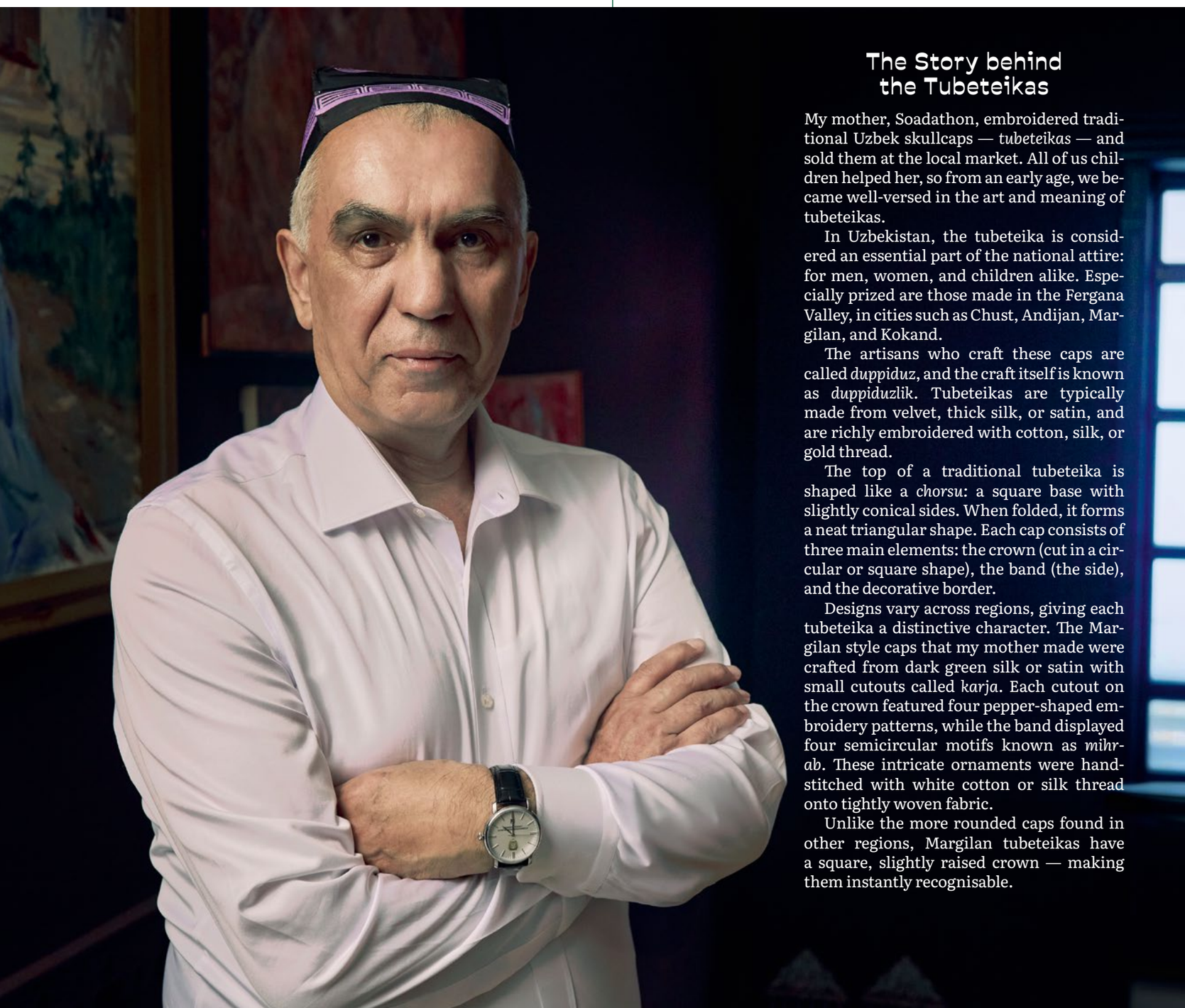
Alongside these state-affiliated institutions, a growing number of independent research and analytical centres are emerging in Uzbekistan. These organisations focus on human rights, the development of legal thought and broader legal reforms. Notable examples include the Republican Centre for the Study of Public Opinion Ijtimoiy Fikr, the Centre for Support of Civil Initiatives and the Institute for Democracy and Human Rights.

As legal awareness strengthens and civil society continues to expand, the role of non-governmental legal institutions is expected to grow, particularly in areas such as legislative monitoring, legal digitalisation and human rights expertise.

If you could recommend just one book to a young lawyer, what would it be?
I would recommend Al Hidayah. Translated from Arabic as The Guidance, its full title is Al Hidayah fi Sharh Bidayat al Mubtadi: The Guidance in Commentary on the Beginning of the Beginner.

This is the most authoritative text in the Hanafi school of Islamic law, written in Arabic in the 12th century by the renowned Central Asian theologian and jurist Burhan al Din al Marghinani. It is a monumental work — both in scale and substance — that systematically addresses the foundations and complexities of Islamic jurisprudence.

For more than eight centuries, Al Hidayah has remained one of the most significant contributions to Muslim legal thought and continues to serve as a cornerstone of Islamic legal scholarship. Despite its age, the text remains highly relevant today and offers valuable insights into many enduring legal and ethical questions.



The Story behind the Tubeteikas

My mother, Soadathon, embroidered traditional Uzbek skullcaps — *tubeteikas* — and sold them at the local market. All of us children helped her, so from an early age, we became well-versed in the art and meaning of tubeteikas.

In Uzbekistan, the tubeteika is considered an essential part of the national attire: for men, women, and children alike. Especially prized are those made in the Fergana Valley, in cities such as Chust, Andijan, Margilan, and Kokand.

The artisans who craft these caps are called *duppiduz*, and the craft itself is known as *duppiduzlik*. Tubeteikas are typically made from velvet, thick silk, or satin, and are richly embroidered with cotton, silk, or gold thread.

The top of a traditional tubeteika is shaped like a *chorsu*: a square base with slightly conical sides. When folded, it forms a neat triangular shape. Each cap consists of three main elements: the crown (cut in a circular or square shape), the band (the side), and the decorative border.

Designs vary across regions, giving each tubeteika a distinctive character. The Margilan style caps that my mother made were crafted from dark green silk or satin with small cutouts called *karja*. Each cutout on the crown featured four pepper-shaped embroidery patterns, while the band displayed four semicircular motifs known as *mihrab*. These intricate ornaments were hand-stitched with white cotton or silk thread onto tightly woven fabric.

Unlike the more rounded caps found in other regions, Margilan tubeteikas have a square, slightly raised crown — making them instantly recognisable.