

Analysis of The Consequences of Violating the Procedural Rights of Persons with Disabilities During the Review of Decisions

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Abstract: This article presents an analysis of the general procedural rights of persons with disabilities in civil proceedings. In this case, the guarantees of rights related to applying to the court, using the services of an interpreter, exemption from state duty, and other rights, as well as the scope of influence on decisions as a result of their violation, were studied. Also, shortcomings and existing problems related to the rights of persons with disabilities in civil procedural legislation were studied, and theoretical and practical solutions were given to them. Proposals and conclusions based on the general analysis are given.

Keywords: Decision, state duty, principle, judicial error, dactyl-ology, sign language interpreter, digital court.

Introduction: Achieving the protection of citizens' rights and legitimate interests through the improvement of the judicial system is regarded as one of the primary tasks of justice. The fifteenth goal of the Decree of the President of the Republic of Uzbekistan "On the Development Strategy of New Uzbekistan for 2022–2026" defines measures to increase the level of access to justice for citizens and business entities. At the same time, it is mainly emphasized that it is necessary to fundamentally increase the level of access to justice for citizens and business entities through the gradual digitalization of the judicial system and the elimination of bureaucratic barriers and obstacles (Decree of the President of the Republic of Uzbekistan, 2022). In light of these changes, it is necessary to guarantee the procedural rights of persons with disabilities to apply to and participate in court.

In order to ensure the implementation of the Decree of the President of the Republic of Uzbekistan "On measures to radically improve the system of state support for persons with disabilities" (Decree of the President of the Republic of Uzbekistan, 2017), based on the goals set forth in this decree, the Law "On the Rights of Persons with Disabilities" was adopted on October 15, 2020 (Law of the Republic of Uzbekistan

"On the Rights of Persons with Disabilities", 2021), and the UN Convention "On the Rights of Persons with Disabilities" was ratified on July 28, 2021 (United Nations, 2006). The implementation of these normative legal acts demonstrates that the rights of persons with disabilities are of particular importance.

During the analysis of the Civil Procedure Code of the Republic of Uzbekistan (hereinafter referred to as the CPC), it became clear that only Article 34 of the CPC contains provisions directly related to the procedural rights of persons with disabilities, i.e., jurisdiction. According to part ten of this article, if the plaintiff, due to the presence of minor children, as well as disability or severe illness, is unable to travel to the inter-district, district (city) civil court at the defendant's place of residence, claims for divorce may be filed with the court at the plaintiff's place of residence. However, in the Code of Civil Procedure, there are no norms regarding persons with disabilities other than this rule.

Based on the above, analyzing the procedural rights of persons with disabilities, identifying problems and shortcomings in them, as well as developing alternative solutions to them, is one of the important issues in achieving social justice.

METHODS

In this study, issues related to the violation of the procedural rights of persons with disabilities during the review of decisions were comprehensively studied from a civil procedural point of view. The methodological basis of the research consists of general scientific and special legal research methods. In particular, formal-legal, comparative-legal, systemic-analytical and logical approaches were used.

The research materials include international legal documents such as the UN Convention on the Rights of Persons with Disabilities, national regulatory legal acts such as the Constitution of the Republic of Uzbekistan, the Decree "On the Development Strategy of New Uzbekistan for 2022-2026", The Decree of the President of the Republic of Uzbekistan "On additional measures to increase the level of access to justice by introducing artificial intelligence technologies into the activities of courts and improving the material and technical support of the judicial system", Decree of the President of the Republic of Uzbekistan "On measures to radically improve the system of state support for persons with disabilities", the Civil Procedure Code, the Law "On State Duty", the Law "On the Rights of Persons with Disabilities", the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan "On Approval of the Regulation on the Procedure for Calculating and Paying Funds Payable to Victims, Witnesses, Experts, Specialists, Interpreters, and attesting witnesses", the Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan "On the Practice of Collecting Court Costs in Civil Cases", the legislation of foreign countries, and judicial practice materials were analyzed.

RESULTS AND DISCUSSION

Legal guarantees for persons with disabilities are provided in various regulatory legal acts. According to Article 57 of the Constitution of the Republic of Uzbekistan, the rights of persons with disabilities are protected by the state (Constitution of the Republic of Uzbekistan, 2023). Additionally, legal guarantees for persons with disabilities regarding access to justice are defined in Article 13 of the UN Convention on the Rights of Persons with Disabilities (United Nations, 2006) and Article 30 of the Law of the Republic of Uzbekistan "On the Rights of Persons with Disabilities" (Law of the Republic of Uzbekistan "On the Rights of Persons with Disabilities", 2021). According to it, the state ensures access to justice for persons with disabilities on an equal basis with others, including taking measures aimed at ensuring the direct or indirect participation of persons with disabilities at all stages of the judicial process, as well as at the stages of inquiry and preliminary investigation, in the manner prescribed by law.

Today, certain rights related to the participation of persons with disabilities in courts are guaranteed by the state. In particular, Article 8 of the Law of the Republic of Uzbekistan "On State Duty" defines the circle of subjects exempt from paying state duty in civil courts, and in accordance with the seventeenth paragraph of the first part of this article, public associations of persons with disabilities, as well as their institutions, educational and production enterprises and associations, are exempt from state duty on all claims (Law of the Republic of Uzbekistan "On State Duty", 2020). However, it should be taken into account that persons with disabilities are exempt from state duty only when they apply to the court on behalf of these institutions or organizations. In other cases, that is, when they apply to civil courts with an independent claim, they cannot use this privilege. This may also lead to the emergence of certain obstacles in the exercise of the rights of these persons to apply to the court.

Article 55 of the Constitution of the Republic of Uzbekistan and Article 3 of the Code of Civil Procedure establish the right of individuals to judicial protection. The legal scholar M. Mamasiddikov notes that the right to judicial protection is a constitutional right of every individual, and this rule is the most effective, effective, and democratic way to protect the legal rights and interests of citizens (Mamasiddikov & Xabibullayev, 2020, p. 6). Professor D.Y. Xabibullayev, evaluating the right to judicial protection as a separate principle, emphasizes that this principle is a guarantee for interested parties at all stages of civil proceedings to have the opportunity to apply to the court to protect their rights and legitimate interests in the manner prescribed by law (Xabibullayev, 2023, p. 11). Indeed, the right to judicial protection is considered an inherent right of every individual, and the refusal to apply to the court is considered invalid. However, it should be noted that there is no separate provision regarding the right to judicial protection for a specific circle of persons, namely persons with disabilities. Therefore, to strictly define their legal guarantees in civil procedural legislation, it is necessary to supplement Article 3 of the CPC with a new part as follows:

"Courts should create the necessary opportunities for persons with disabilities to apply to the court."

The rights of these individuals related to the use of sign language interpretation services when applying to the court are also provided. Article 28 of the Law "On the Rights of Persons with Disabilities" stipulates that persons with hearing and speech disabilities are provided with sign language interpretation services when participating in civil court proceedings. This will facilitate the free participation and participation of persons with disabilities in court. Sign language

interpretation is a method of translating from a language using the dactyl alphabet and/or sign language (Law of the Republic of Uzbekistan “On the Rights of Persons with Disabilities”, 2021).

Lawyer D. Khudoynazarov, defining an interpreter in court proceedings, emphasizes that a person participating as an interpreter must not only be fluent in the language in which the proceedings are conducted but also meet the necessary level of knowledge of the sign language (Xudoynazarov, 2024, p. 126). A person with sign language translation skills translates sign language using sign language and dactyl-ology (speaking using fingers) when communicating with deaf (mute, deaf-mute) citizens (Rizhakov, 2013, p. 45).

The right to use sign language interpretation services is not directly mentioned in the Code of Civil Procedure. That is, Article 11 of the Code of Civil Procedure deals with the principle of language in court proceedings, and it contains procedural rules related to language in court proceedings. According to it, civil court cases can be conducted in Uzbek, Karakalpak or in a language spoken by the majority of the population, as well as persons who do not know the language of the court can use the services of an interpreter. However, there are no rules regarding sign language interpreters.

The procedural legislation of some developed countries provides guarantees for the participation of persons with disabilities and their free communication. In particular, if we look at the experience of France, these rules are clearly stated. Article 231 of the French Code of Civil Procedure contains a provision stating that persons who are unable to communicate freely due to disability must be provided with a sign language interpreter or a qualified person in this field, which cannot be appealed by a court (French Code of Civil Procedure, n.d.). This procedural rule is regarded as part of the principle of language.

Consequently, based on the above, it is necessary to introduce a new norm into the CPC of the Republic of Uzbekistan with the following title:

“Ensuring free communication of persons with disabilities in the judicial process”

Also, the definition of this norm should be as follows:

“If one of the persons participating in the case is unable to communicate freely due to a hearing or speech impairment, the judge shall appoint any qualified person proficient in the language or method that allows communication with them in an uncomplaining manner to provide assistance. Exceptions are cases involving the presence of a person of their choice who can communicate with them.

The judge may also use any technical means that allow

him to communicate with this person.”

Article 135 of the CPC contains procedural rules related to court costs and includes fees payable to the interpreter. Paragraph eighteen of the Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan “On the practice of recovering court costs in civil cases” stipulates that court costs shall be recovered from the parties in advance to the court deposit account (Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan, 2024). The Resolution of the Cabinet of Ministers of the Republic of Uzbekistan “On Approval of the Regulation on the Procedure for Calculating and Paying Funds Payable to Victims, Witnesses, Experts, Specialists, Interpreters, and Jurors” also provides for the collection of fees for sign language interpretation services (Resolution of the Cabinet of Ministers of the Republic of Uzbekistan, 2023). Persons with disabilities may always be required to use sign language interpretation services in court. Therefore, it is advisable to clearly specify in the legislation that the amount of payment for sign language interpretation services is covered by the state.

These procedural rights of persons with disabilities are considered important in decision-making. A violation of these procedural rights, in turn, may lead to a review of the decision, as a result of which the decision may be overturned or amended. Article 3724 of the CPC lists the grounds for violating the norms of procedural law. One of them is the violation of language rules. The language rules must take into account procedural violations arising not only from translations related to ordinary speech but also from sign language interpretation. Because, as mentioned above, sign language interpretation is considered one of the fundamental procedural rights of persons with disabilities. Failure to comply with it hinders access to justice for persons with disabilities and limits the process of free communication. As a result, difficulties arise in the collection, verification, and evaluation of evidence in court.

In the Decree of the President of the Republic of Uzbekistan “On additional measures to increase the level of access to justice by introducing artificial intelligence technologies into the activities of courts and improving the material and technical support of the judicial system”, the creation of remote participation in court proceedings through modern technologies and other conveniences through the introduction of the “Digital Court” concept means that persons with disabilities will reach a new level in the implementation of their rights to justice (Decree of the President of the Republic of Uzbekistan, 2025).

CONCLUSION

In general, the rights of persons with disabilities are guaranteed by the Constitution and other laws. Aspects related to procedural actions within the framework of these rights should be strictly defined in separate procedural legislation. However, as noted above, there are currently practically no clear norms in the Code of Civil Procedure directly related to special opportunities for persons with disabilities to participate in courts, communicate, and similar actions. Certain legal guarantees are provided for in other legislative acts. However, in order to facilitate their practical application and create greater convenience for persons with disabilities, it would be advisable to introduce the amendments and additions analyzed above to the Code of Civil Procedure. These changes not only increase the level of access to justice for persons with disabilities but also help ensure that decisions are made without procedural errors and remain unchanged. This is because the violation of procedural legislation can lead to an increase in judicial errors in practice, a loss of trust in the judicial system, and the discrediting of legal norms. Therefore, it is important to increase the level of clarity of the norms of procedural law in their prevention.

REFERENCES

1. Constitution of the Republic of Uzbekistan. (2023). Retrieved from <https://lex.uz/docs/-6445145#-6446096>
2. Civil Procedure Code of the Republic of Uzbekistan. Retrieved from <https://lex.uz/docs/-3517337#-3517860>
3. Decree of the President of the Republic of Uzbekistan "On the Development Strategy of the New Uzbekistan for 2022–2026". Retrieved from <https://lex.uz/uz/docs/-5841063#-5844013>
4. Decree of the President of the Republic of Uzbekistan "On Additional Measures to Increase the Level of Access to Justice through the Introduction of Artificial Intelligence Technologies into Court Activities and Improve the Material and Technical Support of the Judicial System". Retrieved from <https://lex.uz/en/docs/-7696567>
5. Decree of the President of the Republic of Uzbekistan "On Measures for the Radical Improvement of the System of State Support for Persons with Disabilities". Retrieved from <https://lex.uz/docs/-3436192>
6. French Code of Civil Procedure. Retrieved from <https://french-business-law.com/french-legislation/legitext000006070716-french-code-of-civil-procedure>
7. Law of the Republic of Uzbekistan "On State Duty". Retrieved from <https://lex.uz/docs/-4680944>
8. Law of the Republic of Uzbekistan "On the Rights of Persons with Disabilities". Retrieved from <https://lex.uz/docs/-5049511#-5053973>
9. Mamasiddiqov, M.M., & Xabibullayev, D.Y. (2020). Civil Procedural Law. Tashkent: Lesson Press Publishing House, 607 p., p. 6.
10. Resolution of the Cabinet of Ministers of the Republic of Uzbekistan "On Approval of the Regulation on the Procedure for Calculating and Paying Funds to Victims, Witnesses, Experts, Specialists, Translators and Attesting Witnesses". Retrieved from <https://lex.uz/docs/-6647112#-6647944>
11. Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan "On the Practice of Recovering Court Costs in Civil Cases". Retrieved from <https://lex.uz/docs/-7305182#-7305488>
12. Rizhakov, A.P. (2013). A person involved in arbitration proceedings as a translator. Sovetnik Yurista, No. 4, p. 45.
13. United Nations. Convention on the Rights of Persons with Disabilities. Retrieved from <https://lex.uz/docs/-5501227>
14. Xabibullayev, D.Y. (2023). Civil Procedural Law (Questions and Answers). Tashkent: TSUL Publishing House, 336 p., p. 11.
15. Xudoynazarov, D. (2024). Improvement of the Participation of Persons Assisting in the Administration of Justice in Economic Proceedings (Theoretical-Legal and Procedural Aspects). Dissertation. Tashkent, 156 p., p. 126.