

Analysis of Certain Requirements for Becoming A Judge in The Republic of Uzbekistan

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Received: 29 June 2025; Accepted: 25 July 2025; Published: 27 August 2025

Abstract: This article provides an in-depth study and analysis of the requirements set for judicial office, in particular, being a citizen of the Republic of Uzbekistan, possessing higher legal education, having reached the age of 35, and having knowledge of the Uzbek language.

In addition, based on the analysis of the experience of foreign countries and the examination of scholars' views, the author has developed proposals and conclusions aimed at improving national judicial legislation.

Keywords: Judge, status, candidate for becoming a judge, requirements for the candidate, citizen of the Republic of Uzbekistan, higher legal education, being at least 35 years old, language.

Introduction: In order to ensure the full protection of citizens' right to judicial remedies, the requirements established for prospective judges must be of a high standard. This is because a judge performs the function of administering justice (resolving cases) and is vested with the authority to render decisions that determine human destiny.

With regard to the requirements for candidates for judicial office, researcher J.Kh.Abdurakhmonkhodjayev expressed the following view: "It is scientifically justified to classify the requirements for judicial candidates and judges into three conditional groups, namely:

first, the requirements imposed on candidates for judicial office;

second, the requirements related to the exercise of judicial professional activity;

third, the requirements pertaining to the professional ethics of judges."

"By the requirements for a candidate for judicial office is meant the qualification requirements, moral-ethical and medical criteria stipulated in legislative acts with respect to persons selected for judicial office, those appointed (or elected) to a judicial position for the first time, as well as those nominated for a subsequent term of office or for an indefinite period," – defines J.Kh.Abdurakhmonkhodjayev [1].

In this regard, A.Kh.Saidov emphasizes: "It is necessary to pay attention to the decisive importance of judges' professional competence and patriotism. A judge must serve the people. For this, a judge should be devoted to the people, so that the people may have trust in the court and in justice" [2].

Moreover, it is not without reason that the President of the Republic of Uzbekistan, Sh. Mirziyoyev, has emphasized in this regard: "... we consider the further strengthening of the sense of justice in our lives as our primary task."

According to the current legislation, judges in our country are persons vested with the authority to administer justice in accordance with the law. Therefore, in order for them to examine any cases entrusted to them comprehensively, thoroughly, and impartially, certain requirements have been established by the state. These requirements are reflected in Article 67 of the Law of the Republic of Uzbekistan "On Courts" and consist of the following:

- being at least thirty-five years of age;
- possessing higher legal education;
- being a citizen of the Republic of Uzbekistan.

In our opinion, it is necessary to analyze these requirements for candidates for judicial office separately. This is due to the fact that certain gaps exist in the current legislation in this regard, and today there is a pressing need to eliminate these shortcomings.

In our country, since independence up to the present, different age requirements have been established for candidates for judicial office. For example, Article 62 of the Law of the Republic of Uzbekistan "On Courts" No. 924-XII of September 2, 1993, stipulated that a candidate for judicial office must be at least 25 years old.

By the Presidential Decree of the Republic of Uzbekistan No. PD–4570 of October 4, 2013, it was established that for persons appointed for the first time to the position of judge of inter-district, district (city) courts, the age threshold was raised from 25 to 30 years.

Subsequently, under the Law of the Republic of Uzbekistan No. URL–566 of September 10, 2019, "On Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan in Connection with the Improvement of the Activities of Certain State Bodies," the age requirement for candidates for judicial office was raised from 30 to 35 years [3].

Most importantly, in the Law of the Republic of Uzbekistan "On Courts" No. URL—703 of July 28, 2021, this age threshold was not changed, and the requirement of being at least 35 years old was retained.

Article 13 of the Law of the Republic of Uzbekistan "On the Constitutional Court of the Republic of Uzbekistan" No. URL–687, adopted on April 27, 2021, stipulates that a person elected as a judge of the Constitutional Court must not be younger than 35 years of age [4].

In our opinion, it is necessary to reconsider the age requirement for candidates for judicial office based on the experience of foreign countries and to incorporate their positive practices into national legislation. This can be illustrated by a practical example. Research shows that a student graduates from a higher legal education institution at approximately 22-23 years of age. If this graduate seeks employment within the judicial system of the Republic of Uzbekistan, he or she must wait an additional 12-13 years, from the perspective of the age threshold, before becoming eligible to serve as a judge. Consequently, the majority of graduates decide to pursue careers in other fields of jurisprudence. In our view, this situation leads to a decline in the interest of young, honest, and hardworking specialists in the judicial system, and significantly reduces the number of candidates among students aspiring to enter the judiciary.

In this regard, it is noteworthy that in the Russian Federation, a separate law dedicated to the status of judges has been adopted, which may serve as a positive example.

The Law of the Russian Federation "On the Status of Judges in the Russian Federation" No. 3132-1 of June 26, 1992, was adopted, and Article 4 of this Law sets forth the requirements for candidates for judicial office. According to it, the age requirements for candidates wishing to become judges in the Russian Federation are established differently, depending on the level of the judicial system in which they intend to serve. More precisely, the following four categories of age thresholds are defined:

First category: A judge of the Constitutional Court of the Russian Federation may be a citizen who has reached the age of 40 and has at least 15 years of professional experience in the field of jurisprudence.

Second category: A judge of the Supreme Court of the Russian Federation may be a citizen who has reached the age of 35 and has at least 10 years of professional experience in the field of jurisprudence.

Third category: A judge of the Court of Cassation of General Jurisdiction, the Court of Appeal of General Jurisdiction, the Military Court of Cassation, the Military Court of Appeal, the Supreme Court of a Republic, a regional, territorial, federal city, autonomous region, or autonomous district court, as well as a district (naval) military court, district arbitration court, appellate arbitration court, or specialized arbitration court may be a citizen who has reached the age of 30 and has at least 7 years of professional experience in the field of jurisprudence.

Fourth category: A judge of an arbitration court of a constituent entity of the Russian Federation, a constitutional (charter) court of a constituent entity of the Russian Federation, a district court, or a garrison military court may be a citizen who has reached the age of 25 and has at least 5 years of professional experience in the field of jurisprudence [5].

In our view, the age requirements established in the Russian Federation for candidates aspiring to judicial office represent a positive practice, and it would be beneficial to incorporate such an approach into national legislation.

In the Republic of Tajikistan, the Constitutional Law "On the Courts of the Republic of Tajikistan" has been adopted. Article 12 of this Law sets out the requirements for candidates for judicial office. An analysis of this article shows that the age requirements for judicial candidates are divided into two categories:

First category: Candidates for the positions of judge of

the Supreme Court, the Supreme Economic Court, the Court of the Gorno-Badakhshan Autonomous Region, regional courts, and the Dushanbe city court must be at least 30 years old to be elected or appointed.

Second category: Candidates for the positions of judges of city and district courts, garrison military courts, the Economic Court of the Gorno-Badakhshan Autonomous Region, and regional and Dushanbe city economic courts must be citizens of Tajikistan who are at least 25 years old [6].

One interesting feature of the legislation of this state is that the upper age limit for holding judicial office is set at 58 for women and 63 for men. By contrast, in our national legislation, the maximum age for judicial service is the same for both men and women, without distinction.

In the Republic of Kazakhstan, the Constitutional Law "On the Judicial System and the Status of Judges of the Republic of Kazakhstan" No. 132-II, adopted on December 25, 2000, was enacted, and Article 29 of this Law stipulates the requirements for candidates for judicial office. The analysis of this article shows that in Kazakhstan, a candidate for the position of judge of a district court must be at least 30 years old [7].

On November 15, 2021, the Law of the Kyrgyz Republic "On the Status of Judges of the Kyrgyz Republic" No. 138 was adopted. An analysis of Article 19 of this Law shows that the requirements and election procedures for judges of the Constitutional Court and the Supreme Court are defined therein. To be a judge of these courts, a candidate must be at least 40 years old, while the maximum age limit for holding this position is 70 years. For candidates for the position of local court judge, the minimum age is set at 30, and the maximum at 65 years [8].

In Georgia, Article 34 of the Law "On General Courts" specifies the requirements for candidates for judicial office, including the condition that a candidate must be at least 30 years old [9].

In the Republic of Azerbaijan, Article 93 of the Law "On Courts and Judges" establishes the requirements for candidates for judicial office, stipulating that a candidate must have reached the age of 30 [10].

Article 6 of the Law "On the Status of Judges" No. 544-XIII of July 20, 1995, also outlines the requirements for judicial candidates, specifying that a candidate must be at least 30 years old in order to be appointed as a judge [11].

In Turkmenistan, the requirements for candidates for judicial office are set out in different articles of the Law "On Courts." Article 59 of this Law stipulates the following:

First category: A candidate for the position of judge of a district court or a city court with district-level jurisdiction must be at least 25 years old.

Second category: A candidate for the position of judge of higher courts of Turkmenistan and the Arbitration Court must be at least 30 years old.

Third category: An analysis of Article 81 of this Law shows that for candidates for judicial office in administrative and executive proceedings, the minimum age requirement is set at 23 years.

In conclusion, it can be stated that it is necessary to optimize the current requirement of 35 years of age for candidates for judicial office in the Republic of Uzbekistan by differentiating it according to the levels of the judiciary. Specifically, it would be advisable to set the minimum age at 25 years for the lower level, 30 years for the middle level, 35 years for the higher level, and 40 years for the Constitutional Court of the Republic of Uzbekistan. Introducing such a proposal into national legislation would foster greater interest among young professionals in pursuing careers within the judicial system of the Republic of Uzbekistan and would contribute to the staffing of this system with qualified personnel.

Furthermore, in our opinion, when determining the maximum age for serving as a judge, it is necessary to establish differentiated age limits for men and women.

The second issue addressed in this research concerns the educational qualification requirement for candidates to judicial office. According to the current legislation, a candidate must possess a higher legal education.

In our opinion, with regard to the requirement of higher legal education for judicial candidates, two fundamental provisions should be reflected at the level of law:

First proposal: the requirement of higher legal education for judicial candidates should be clarified in such a way that the candidate must possess a basic higher legal education;

Second proposal: higher legal education obtained abroad should, once recognized in accordance with the procedure established in the Republic of Uzbekistan, be accorded the same legal force as diplomas issued by domestic higher legal education institutions.

We shall attempt to substantiate this position from a legal perspective, relying on both the experience of foreign countries and the results of conducted interviews.

First and foremost, it is necessary to elaborate on the essence of the concept of "higher education." To this end, reference should be made to educational

legislation.

In order to regulate relations in the sphere of education, the Law of the Republic of Uzbekistan "On Education" (Law No. URL–637 of 23 September 2020) was adopted.

For the purposes of this study, the section relating to higher education is of primary relevance. Therefore, it is essential to examine and analyze Article 11 of the Law of the Republic of Uzbekistan "On Education." According to the content of this provision, higher education ensures the training of highly qualified specialists at the levels of bachelor's programs and master's programs.

It should be particularly emphasized that higher education itself consists of two stages:

- the bachelor's degree stage;
- 2. the master's degree stage.

Pursuant to the current legislation, the bachelor's degree constitutes a basic higher education in one of the fields of higher education, providing in-depth knowledge, skills, and competences. Importantly, the duration of study at this stage must be at least three years.

With regard to the second stage – master's degree studies – this level of higher education is pursued in a specific specialization on the basis of the corresponding bachelor's degree, and its duration is at least one year.

According to the current procedure, each year, by a relevant order issued by the Minister of Higher and Secondary Specialized Education of the Republic of Uzbekistan, a list of related fields of higher education eligible for admission to master's programs in state higher education institutions is approved.

This circumstance (the list of fields) is confirmed annually by the competent authority. As a result of this rule, it may be observed that a considerable number of individuals who have successfully completed their undergraduate studies in non-law disciplines have subsequently been admitted to, and successfully graduated from, the master's degree programs in law at Tashkent State University of Law.

Accordingly, a person holding a basic higher education (bachelor's degree) in a non-law specialty, upon being admitted to a jurisprudence-related master's program and successfully completing it, is also regarded as possessing a higher legal education. Such individuals are, in turn, considered entitled to pursue a career as a judge in the future.

In this regard, attention should be directed to a specific regulatory document, namely, the Regulation on the Procedure for Admission to the Training Course for Candidates for Judicial Office [13], approved by Resolution of the Council of the Higher School of Judges on 21 July 2025. Paragraphs 4 and 6 of this Regulation are of direct relevance to the present study.

Thus, paragraph 4 of the Regulation on the Procedure for Admission to the Training Course for Candidates for Judicial Office, approved by the Resolution of the Council of the Higher School of Judges on 21 July 2025, stipulates that a citizen of the Republic of Uzbekistan may be admitted to the training course if, by 31 December of the year of admission, he or she has attained the age of 34, possesses higher legal education, and has at least seven years of professional experience in a legal specialty.

Furthermore, paragraph 6 of the same Regulation specifies that the length of the applicant's professional experience in the relevant specialty shall be calculated from the date of issuance of the diploma of higher legal education; if the diploma has been obtained abroad, the calculation shall commence from the date of its recognition (nostrification) in the prescribed manner.

In our opinion, these requirements ought to be enshrined at the level of law. Otherwise, individuals with a non-law undergraduate education who are admitted to, and successfully complete, a law-related master's program may subsequently be admitted to the Higher School of Judges under the Supreme Judicial Council of the Republic of Uzbekistan and thereafter appointed or elected to judicial office.

Such a possibility is fully enabled by Article 18 of the Law of the Republic of Uzbekistan "On Normative Legal Acts" (Law No. URL–682 of 20 April 2021) [14], which regulates the hierarchy and interrelation of normative legal acts.

It should be underscored that for qualified lawyers to fully comprehend jurisprudential knowledge and to acquire the practical skills necessary for its application, one year of study is insufficient to master the fundamental principles of law. Moreover, it must be emphasized that there exists an undeniable and substantial difference in the level of theoretical knowledge and practical skills between students who have studied jurisprudence at the undergraduate level for 3–4 years and those whose undergraduate education is in a non-law specialty but who have completed only a one-year master's degree in law.

In our opinion, the fact that a person who administers justice (a judge) in our country may come to this position without possessing the necessary legal knowledge runs counter to the rules of logic. For an individual without a basic higher education in law, it is impossible to qualify as a judge, since one academic year of master's studies is neither sufficient in time nor

in the scope of subjects to fully master the fundamental principles of jurisprudence. Therefore, this issue requires serious attention and demonstrates the necessity of strengthening legislation.

In the Law of the Republic of Uzbekistan "On Courts," the requirement of having a "higher legal education" is prescribed. Studying similar provisions in the legislation of other states is of significant importance for this research. For example, the legislation of the Republics of Tajikistan, Kazakhstan, Georgia, Azerbaijan, Moldova, and Turkmenistan also stipulates the requirement of "having a higher legal education."

However, in certain foreign countries, the requirement for judicial candidates concerning the level of education is defined differently. In particular, in the Russian Federation, to become a judge, a citizen of the Russian Federation must possess a higher legal education in the specialty of "jurisprudence" or hold a master's degree in the field of "jurisprudence," or have a bachelor's degree in "jurisprudence."

Similarly, the legislation of the Kyrgyz Republic requires a judicial candidate to possess a higher legal education in the specialty of "jurisprudence" or to have completed higher education in the field of "jurisprudence." These provisions are reflected in Articles 19, 21, and 23 of the Law of the Kyrgyz Republic No. 138 "On the Status of Judges of the Kyrgyz Republic."

Based on the analysis of foreign legislation and the above research, it is necessary to incorporate into the Law of the Republic of Uzbekistan "On Courts" a provision stipulating that only persons with a higher legal education may obtain the status of a judge.

In our view, one of the mandatory requirements for a judicial candidate in our country is to be a citizen of the Republic of Uzbekistan. Research and analysis demonstrate that even states with multiple citizenships allow only their own citizens to become judicial candidates.

In this regard, it is necessary to consider the experience of foreign countries. National legislation can be improved only by conducting comparative analysis with the legislation of other states. For instance, Article 4 of the Law of the Russian Federation No. 3132-1 of June 26, 1992, "On the Status of Judges in the Russian Federation," establishes that only a citizen of the Russian Federation may be nominated for the position of judge in this country.

Article 12 of the Constitutional Law of the Republic of Tajikistan "On the Courts of the Republic of Tajikistan" reflects the requirements for a judicial candidate, among which one of the mandatory criteria is Tajik

citizenship.

Similarly, Article 29 of the Constitutional Law of the Republic of Kazakhstan No. 132-II of December 25, 2000, "On the Judicial System and the Status of Judges of the Republic of Kazakhstan," stipulates that only a citizen of Kazakhstan may be appointed as a judge of the relevant court.

Articles 19 and 21 of the Law of the Kyrgyz Republic No. 138 of November 15, 2021, "On the Status of Judges of the Kyrgyz Republic," require that a candidate for a judicial position must be a citizen of this country.

Article 34 of the Law of Georgia "On Common Courts" sets out the requirements for a judicial candidate, with the citizenship requirement differing slightly from that of other states. Specifically, it is legally established that not only a Georgian citizen, but a legally competent Georgian citizen, may become a candidate for the judicial office.

It should be particularly emphasized that it is necessary to study and analyze the positive aspects of the legislation of each foreign country and adopt certain elements into national legislation.

In this regard, another country whose legislation is worth examining is the Republic of Azerbaijan. In particular, Article 93 of the Law of the Republic of Azerbaijan "On Courts and Judges" stipulates that in order to be a candidate for judicial office, a person must be a citizen of that state.

With respect to the citizenship requirement, an analysis of the legislation of the Republic of Moldova shows that mere possession of citizenship is not sufficient. To be more precise, it is also required that the individual must have a place of residence in the country. This provision is clearly set out in Article 6 of the Law of the Republic of Moldova "On the Status of Judges" No. 544-XIII of July 20, 1995.

If we turn to the Law of Turkmenistan "On Courts," Article 59 of this law reflects the citizenship requirement, according to which a citizen of Turkmenistan may be elected as a judge of a district or city court.

Based on the study and analysis of foreign legislation regarding the citizenship requirement for judicial candidates, it is our view that the provision established in Article 67 of the Law of the Republic of Uzbekistan "On Courts," which requires the candidate to be a citizen of the Republic of Uzbekistan, should remain a necessary and mandatory requirement.

At the same time, we consider it important to briefly highlight certain requirements for judicial candidates that are not provided for in the legislation of the Republic of Uzbekistan but are reflected in the

legislation of foreign countries.

In our opinion, the first such requirement that should be examined and discussed is the knowledge of the official language of the state by a candidate for judicial office. An analysis of the current national legislation shows that there is no requirement for judicial candidates to know the official language of the state.

Among the countries with provisions similar to our legislation in this respect are the Republics of Kazakhstan, Azerbaijan, Turkmenistan, and the Russian Federation.

However, in some foreign countries this requirement is established at the legislative level as a mandatory condition for candidates. For example, Article 12 of the Constitutional Law of the Republic of Tajikistan "On the Courts of the Republic of Tajikistan" stipulates that, along with other requirements, a candidate for judicial office must have a good command of the state language.

Similarly, Article 19 of the Law of the Kyrgyz Republic "On the Status of Judges of the Kyrgyz Republic" No. 138 of November 15, 2021, provides that, in addition to general requirements, a candidate for judicial office must have a good knowledge of both the state and the official languages. The specific feature of this legislation is that, apart from the state language, the candidate is also required to know the official language, since the legislation of this country distinguishes between the state and the official languages.

The Law of Georgia "On Common Courts" also explicitly requires that a candidate for judicial office must have knowledge of the state language.

Likewise, the Law of the Republic of Moldova "On Courts and Judges" contains the same requirement as in Georgia.

On the basis of the above studies and analyses, we conclude that Article 67 of the Law of the Republic of Uzbekistan "On Courts" should be supplemented with the requirement of "knowledge of the state language."

Article 1 of the Law of the Republic of Uzbekistan "On the State Language" states that the state language of the Republic of Uzbekistan is the Uzbek language. In order to further enhance the prestige of the state language and to strengthen the respect of judges towards it, there is a need to incorporate this requirement into legislation.

One of the issues subject to further discussion is the requirement of "possessing an impeccable reputation." Article 69 of the Law of the Republic of Uzbekistan "On Courts" stipulates that, by way of exception, individuals who are engaged in positions appointed or approved by the President of the Republic of Uzbekistan and who

possess an impeccable reputation may be appointed to judicial positions for the first time without mandatory training at the Higher School of Judges under the Supreme Judicial Council of the Republic of Uzbekistan. However, the essence of the concept of "impeccable reputation" has not been defined.

It is deemed necessary to introduce into the Law of the Republic of Uzbekistan "On Courts" a precise definition of the concept of "impeccable reputation," as well as to incorporate a separate article enumerating the specific circumstances under which an individual shall be considered as not possessing such a reputation. Comparable provisions can be observed in the legislation on courts of the Republics of Kazakhstan, Kyrgyzstan, and Turkmenistan.

We consider it expedient to incorporate another positive experience from the Russian Federation into the national legislation. In particular, the Federal Constitutional Law and federal laws of the Russian Federation provide that additional requirements may be established for candidates for judicial office.

Referring to the legislation of the Republic of Uzbekistan, Article 24 of the Law of the Republic of Uzbekistan "On the Supreme Judicial Council of the Republic of Uzbekistan" No. URL-427 regulates the procedure for selecting candidates for judicial positions for the first time. According to this provision, in selecting candidates for judicial positions for the first time, for a new term of office, or for other judicial positions, various methods of examination may be employed by the Council in accordance with the procedure established by it, such as conducting interviews, administering tests by independent experts, preparing essays on given problems, and using electronic questionnaires to assess the level of knowledge. In our view, such interviews, tests, and essay preparation should be considered as additional requirements, since these are not reflected in Articles 67-68 of the Law "On Courts."

Therefore, it appears reasonable to introduce into the legislation of the Republic of Uzbekistan a norm stipulating that additional requirements for candidates for judicial office may be established on the basis of other legislative acts of the Republic of Uzbekistan.

CONCLUSION

In conclusion, it may be emphasized that the implementation of the above proposals into national legislation would primarily serve to further enhance the prestige of the judicial status. At the same time, the practical application of these proposals would create a legal and institutional framework ensuring that judges, in the course of administering justice, adopt lawful, well-founded, and fair decisions.

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