



Legal Basis for the Application of International Law by the Courts

Laziza Niyozova

Institute of Legislative Problems and Parliamentary Research of the Oliy Majlis of the Republic of Uzbekistan, Senior Research Fellow, Department of Forensic Research

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Corresponding Author:
Laziza Niyozova

ABSTRACT

This article presents the issues of priority of the norms of international law, the introduction and improvement of the practice of applying the norms of international law by courts, as well as strengthening the authority of the court at the international level.

KEYWORDS: Norms Of International Law, Human Rights, Court, International Standards.

The Republic of Uzbekistan, as a full-fledged subject of international relations, expresses the principle of priority of international law in the Constitution and laws of the country. The preamble to the Constitution of the Republic of Uzbekistan perfectly states that the people of Uzbekistan recognize the supremacy of universally recognized rules of international law. Also, in accordance with Article 2 of the Law "On International Agreements of the Republic of Uzbekistan", if the international agreement of the Republic of Uzbekistan establishes various rules other than those provided by the legislation of the Republic of Uzbekistan, the rules of international agreements of the Republic of Uzbekistan apply.

The Republic of Uzbekistan is currently a party to more than 80 international human rights instruments, including six major United Nations treaties and four optional protocols, and regularly submits national reports to the UN Human Rights Council and treaty committees on their implementation. In this regard, we should dwell on the concept of a universally recognized norm of international law. According to Article 53 of the Vienna Convention on the Law of Treaties (May 23, 1969), a universally recognized norm of international law is "the binding force of states or international intergovernmental organizations regulating interstate relations, adopted and recognized by states unanimously. Provided norms". According to the Russian scholar Lukashuk, "In many countries, the generally recognized principles and norms of international law are the general principles and norms of international law recognized by most countries." In our opinion, the universally recognized norms of international law are the universally binding norms with the highest legal force that apply to all national legal systems. It should be noted that the priority of

the norms of international law and its place in the national legal system of a particular country is associated with the direct application of these norms by public authorities, primarily the courts. Because the courts are the main body that ensures the observance of human rights and freedoms. Article 4 of the Law on Courts states that the main tasks of the court are the rights and freedoms of citizens guaranteed by the Constitution and other laws of the Republic of Uzbekistan, international treaties, as well as international human rights instruments, state and public interests, rights of legal entities and individual entrepreneurs are to protect the interests protected by law.

The issues of improving the application of international law by courts and developing clear mechanisms, increasing the knowledge of judges on international law and their application in practice, establishing regular training and further strengthening this activity are reflected in a number of international documents.

In particular, the Johannesburg Principles on the Promotion of the Rule of Law and the Promotion of Sustainable Development state that "justice at the national, regional or universal level plays a key role in ensuring the coherence, implementation and enforcement of international and national law. Judges should move to the direct application of international treaties within the framework of national law. The Bangalore Principles on the Conduct of Judges stipulates that judges must be constantly aware of changes in international law, in particular international conventions and other instruments, which are enshrined in human rights norms.

At the same time, at a time when judicial reform has opened a wide way and is still ongoing, our national legislation pays special attention to the application of

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international law in the judiciary. Resolution of the President of the Republic of Uzbekistan dated June 22, 2020 "On approval of the National Strategy of the Republic of Uzbekistan on Human Rights"

Decree PF-6012 further expand the practice of courts and law enforcement agencies in applying the provisions of international human rights treaties, improve the system of monitoring the observance of the rights of persons detained in prisons, and develop clear mechanisms for implementing decisions of treaty committees was mentioned. It is also important that the principles and norms of international law and international treaties of Uzbekistan are widely used by courts and law enforcement agencies the creation of an effective mechanism for implementing the principle of the rule of law is one of the main directions of the National Strategy.

At a time when Uzbekistan is entering a new stage of development as a subject of international law and is an active participant in the development of international norms and initiators of new international agreements, study and analyze the practice of courts in applying international law, implement proposals. It is necessary to radically improve the implementation of the norms. This begs the legitimate question: what can be achieved by applying the norms of international law in the work of the courts? We can answer this by saying that with the application of the norms of international law in the activities of the courts, first of all, the constitutional principle will be put into practice, and an important step will be taken towards the observance of the law. Because our Basic Law and these laws stipulate the supremacy of the norms of international law, in the event of a conflict, the norms of international law take precedence. Also, in accordance with the principle of "pacta sunt servanda" of international law and the strict rules set out in Article 2 of the UN Charter and Article 26 of the Vienna Convention on the Law of Treaties, as long as Uzbekistan is a party to international treaties, each treaty is binding. must conscientiously fulfill the obligations imposed on him, as well as the implementation of contracts in practice. By applying the norms of international law in the national legal system, the country fulfills its international obligations through participation in these agreements.

In addition, it serves to regulate the mechanisms for ensuring the protection of human rights and legitimate interests, as well as to identify legal gaps in the implementation of international human rights standards in legislation and law enforcement practice. In addition, the substantiation of court decisions through the norms of international law increases their effectiveness, showing that the judge also approached the issue raised in the decision from the point of view of international law.

In particular, from the point of view of procedural law, the following can be achieved through the application of the norms of international law by courts by court documents:

- elimination of legal gaps in national legislation;

- Demonstrate compliance with national legislation in accordance with generally accepted principles of international law;
- settlement of legal conflicts,
- International legal interpretation of the rules applicable to court decisions;
- Substantiate the court decision by referring to international legal sources and strengthen its legality.

In conclusion, it should be noted that the application of universally recognized norms of international law by the courts serves to reliably protect the rights and interests of citizens, to ensure the validity of court decisions, to strengthen the authority of the court at the international level.

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