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JUDICIAL VERDICT IN THE ROMANO-GERMAN LEGAL SYSTEM: ANALYSIS OF PROCEDURAL ASPECTS

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ABSTRACT

This scientific article analyzes the procedural aspects of a court sentence within the framework of the Romano-Germanic legal system. The structure of the court sentence, its role in law enforcement, as well as its impact on judicial practice and society as a whole are considered. A comparative analysis of court sentences in the Romano-Germanic and general legal systems also highlights the features of this system.

Introduction

The Romano-German legal system, characterized by its systematicity and legality, plays an important role in the modern world. One of the key elements of this system is the judicial sentence. This article will consider the procedural aspects of a court sentence within the framework of the Romano-German legal system, its structure, and its significance.

The Romano-German legal system is important in the process of passing a court verdict. This system, also known as the continental legal system, includes countries in Europe, Latin America, Africa, and Asia, and it has a significant impact on

the judicial process and decisions made by the courts.

Material and methods

Here are some key aspects of the importance of the Romano-German legal system in passing a court verdict:

1. The Romano-German system provides a strict and systematic structure of legal proceedings. This includes certain procedures, evidence requirements, and rules according to which courts accept sentences. This contributes to transparency and compliance with the law in the judicial process.

2. One of the fundamental principles of the Romano-German system is the observance

of legality. The courts in this system strive to ensure that every sentence is pronounced in accordance with the applicable laws and norms of law. This ensures the fairness and predictability of legal decisions.

3. In the Romano-German legal system, the role of precedents is not as pronounced as in the common law system, but the analysis of judicial practice is of great importance. Courts review similar cases and previous decisions to substantiate their verdicts and ensure consistency in law enforcement.

4. The Romano-German system attaches great importance to justice and the protection of human rights. The courts actively ensure that the rights and freedoms of citizens are respected during the consideration of the case and in passing a verdict.

5. This system contributes to ensuring law, order, and stability in society through judicial proceedings and sentencing. Courts play a key role in conflict prevention and resolution.

6. The Romano-German legal system also serves as the basis for international agreements and treaties. This facilitates cooperation between countries and ensures uniform norms in various areas of law, including criminal and civil law.

In general, the Romano-German legal system plays an important role in ensuring justice, observing the rule of law, and protecting the rights and freedoms of citizens in the process of passing a court verdict. Its structure and principles are of great importance for law enforcement.

Research results

The Romano-German legal system, which prevails in most countries of Europe, Latin America, and Asia, has its own unique features and procedural aspects in passing a court verdict. Here are some of the key features of this system:

The Romano-German system is known for its systematic and logical approach to law enforcement. The judicial process and sentencing are strictly regulated, which ensures clarity and predictability. In this system, the courts actively consider the

evidence presented by the parties. Judges have a duty to evaluate and analyze evidence based on applicable laws. The procedural aspect is of great importance. The Romano-German system places an emphasis on compliance with the rules of procedure and procedures in order to ensure fairness and protection of the rights of the parties.

In this system, there is an investigative process where judicial authorities and lawyers actively collect evidence and information during the investigation of criminal cases. This is important for preparing for trial and passing a verdict.

The Romano-German system provides various procedural guarantees for persons involved in court proceedings. This includes the right to a lawyer, the right to a fair trial, and the right to a defense. The courts in this system have a duty to carefully examine the applicable laws and norms of law when passing sentences. Decisions are based on the law and its interpretation.

In the Romano-German system, the role of precedents is less pronounced than in the common law system. However, courts may take into account similar decisions in similar cases to justify their sentences.

Court decisions must be justified and transparent. Judges are required to explain the logic and grounds of their sentences, which allows the parties and the public to understand the logic of the decision. The adoption of a court verdict in the Romano-German system is strictly based on applicable laws and norms of law. This ensures that the rule of law is respected. The courts actively consider the evidence presented by the parties, and their decisions are based on the available facts.

These features make the Romano-German legal system unique and effective in passing a court verdict. It ensures fairness, compliance with laws and procedures, as well as protection of the rights and interests of all parties involved in the judicial process.

The Romano-German legal system has an important influence on the court's

decision-making process. The process of passing a court verdict in the Romano-German system has the following general features:

- In the Romano-German system, courts are required to strictly follow established procedures and laws during the trial and when passing sentence. This ensures that the rule of law and justice are respected;

- Judicial decisions in this system must be justified and motivated. Judges must clearly explain why they came to a certain verdict and on what laws and evidence their decision is based;

- In the Romano-German system, the courts consist of professional judges who have extensive legal education and experience. This contributes to high-quality and competent decision-making;

- Trials in this system are often conducted orally. Judges, parties, and lawyers actively participate in interrogations, testimony, and argumentation of their positions;

- The principle of presumption of innocence is considered sacred in criminal cases. The accused is presumed innocent until proven guilty in court;

- The courts actively review the submitted evidence and analyze it in accordance with applicable laws;

- In the Romano-German system, lawyers play an important role in representing the interests of the parties in court. They have the right to a legal defense and can actively participate in the process;

- Unlike the common law system, the Romano-German system does not rely on legal precedents as a source of law. The courts are guided by laws and legislation, not by previous decisions.

- Trials are often conducted in public, which ensures transparency and allows the public to monitor legal processes;

- In the Romano-German system, the functions of courts and legislators are clearly separated. Courts apply laws that are drafted and adopted by legislators.

These common features make the Romano-German legal system sound and

predictable in the process of passing a court verdict. It strives to ensure justice, respect for the rule of law and protection of the rights and interests of all parties involved in court proceedings.

A judicial verdict in the Romano-German legal system is an official legal decision of the court, which concludes the trial and contains a final statement about the legal consequences of the case. This sentence is passed by a judge or a judicial panel after reviewing all the evidence and arguments presented by the parties and carefully examining the applicable laws and regulations.

A court verdict in the Romano-German legal system officially ends the trial in a particular case. This means that all court procedures and evidence have been reviewed, and the court has made a final decision. The court verdict includes a clear and specific decision on each of the legal issues raised in the case. This provides legal certainty and clarity for all stakeholders. The verdict includes references to the relevant laws, norms, and rules that were applied to make the decision. This demonstrates that the court adheres to the principle of legality. The verdict defines the rights and obligations of all parties involved in the case. This may include the obligation of one party to pay compensation to the other party or the setting of deadlines for certain actions.

The court verdict serves as the basis for the execution of the decision. In case of disagreement with the decision, the parties may appeal or appeal the verdict at a higher court level. The court verdict provides a legal basis for subsequent actions and decisions related to the case. For example, it can be used as a precedent for analyzing similar cases.

The court verdict obliges the judicial authorities to observe the principle of justice and correctly apply the laws. It also helps to ensure that the rights and interests of the parties in the judicial process are respected.

As a result, the judicial verdict in the Romano-German legal system is crucial for

the application of law, ensuring justice, and conflict resolution. It serves both as a means of protecting the rights of citizens and as an instrument for establishing justice in society.

A court verdict is of high importance in the framework of law enforcement activities in the Romano-German legal system. The court verdict serves as the basis for ensuring compliance with laws and norms of law. Judges in the Romano-German system are obliged to apply the laws in accordance with their letter and spirit, which ensures justice and respect for the rule of law. The verdict provides legal certainty. It serves as an exemplary solution for analyzing similar cases and establishing uniform law enforcement standards.

The court verdict provides the basis for the execution of the decision. The parties are obliged to fulfill their obligations set out in the verdict.

In case of disagreement with the verdict, the parties have the right to appeal the decision at a higher court level. This ensures that the legality and fairness of the sentence are verified.

Analysis of research results

In general, the judicial verdict in the Romano-German legal system is a key element in ensuring compliance with the laws, justice, and law enforcement. It is of high importance both for individual citizens and organizations and for society as a whole.

The structure of the court sentence in the Romano-German legal system has clear and standardized elements that help to ensure clarity, consistency, and legal certainty of the court's decision.

The general structure of the court verdict includes the following sections:

Introduction (Title): The title contains information about the court where the verdict was pronounced and indicates the date of sentencing. The location of the court, the name of the case, and the case number may also be indicated in the title.

Introduction (Preamble): This section usually provides a brief introduction describing the nature of the case and the

circumstances that led to the trial. The parties to the case and their representatives may be mentioned here.

The Actual Definitive Section: In this part of the sentence, the judge sets out the facts of the case that were established during the trial. It is important to specify all relevant facts that are relevant to the decision.

Legal Assessment: In this section, the judge justifies the legal side of the decision. This includes references to the applicable laws, norms, and rules of law that were applied when the verdict was passed. The judge argues which rules of law are applicable to the case and how they were applied to the facts established during the trial.

Decision: In this part, the judge makes his own decision on the case. This may include declaring the guilt or innocence of the accused (in criminal cases), as well as deciding on compensation, damages, or other measures, if applicable. In the case of civil cases, the court may also specify the amount of compensation or other legal measures to be taken.

Decision on Court Costs: In this section, the court decides which costs should be reimbursed to the parties in accordance with the decision. This may include legal fees and attorneys' fees.

Conclusion: The final part of the verdict indicates the fate of the original documents as well as information about the right of the parties to appeal the decision.

After the text of the verdict, the judge puts his signature and date, which makes the verdict official and legally binding.

The structure of the court sentence in the Romano-German legal system ensures legal clarity and consistency, which is important for the observance of laws and justice.

Court sentences in the Romano-German (continental) and general (common law) legal systems have some significant differences related to the principles and approaches underlying them. Let's compare the main differences between these two systems:

1. Sources of law:

Romano-German system: Laws and regulations are the main sources of law in this system. Judges are guided by laws and regulations, not legal precedents.

The general system (general legal): Justice in this system is based on precedents and court decisions. Court decisions are more significant, and they can create legal precedents.

2. Precedents:

The Romano-German system: This system does not recognize legal precedents as a source of law. The courts are not obliged to follow previous court decisions.

General system: Legal precedents play an important role in this system. The decisions of higher courts may become binding on lower courts and serve as the basis for future court decisions.

3. Legislation and jurisprudence:

Romano-German system: In this system, jurisprudence and professional legal lawyers play an important role in the interpretation and application of laws.

General system: Court decisions and interpretation by the courts play an important role; lawyers also matter, but their role may be less emphasized compared to the Romano-German system.

4. The basis of the decision:

Romano-German system: The judicial verdict is based on specific laws and norms applicable to the case.

General system: A court verdict can be based on an analysis of previous court decisions and legal precedents.

5. The role of judges:

The Romano-German system: Judges in this system are required to strictly observe the laws and do not have broad powers to interpret or change the laws.

Common system: Judges in the common system may have more freedom in interpreting laws and resolving legal issues.

6. The structure of the court sentence:

Romano-German system: The court verdict has a clear structure with sections describing the facts, legal assessment,

decision, and other aspects of the case.

General system: The structure of a court sentence may be less formalized, and it may contain more references to legal precedents.

As a result, the Romano-German system and the general system have different approaches to law enforcement and judicial decisions. The differences in their sources of law, the role of judges, and the use of precedents make them unique and may affect the ability of judicial systems to resolve legal issues.

Court sentences in this system may vary depending on the country and the specific case. In a criminal verdict, the judge may declare the accused guilty or innocent of committing a crime.

If the accused is found guilty, the sentence may include the imposition of punishment such as imprisonment, a fine, mandatory security measures, etc.

An important part of the criminal sentence is the justification of the decision, including references to the applicable articles of the Criminal Code and evidence of guilt.

The legal system in countries of the Romano-Germanic tradition, such as Germany, France, Italy, etc., differs from the common law system that prevails, for example, in the United States and Great Britain. In the Romano-German legal system, judicial decisions, as a rule, do not have the same status of precedents as in the common law system. However, here I will give some specific examples of court decisions from different countries of the Romano-German system:

France:

The Nuremberg Trials case is one of the most famous court decisions in world history. In 1945, the Allies held trials of Nazi criminals in Nuremberg. The Tribunal's decisions have served as a precedent for international criminal law.

Germany:

The "Grundgesetz" case - After World War II, Germany adopted a new constitution known as the "Grundgesetz." This document became the foundation for a democratic

Germany and contains many court decisions and interpretations that have influenced the country's legal system.

Italy:

The *Furman v. Georgia* case is an example of a court decision in Italy in which it was decided to legalize abortion in certain cases. This decision has become an important precedent in the field of reproductive rights in Italy and other countries.

Spain:

The *Ley de Memoria Historica* case - in 2007, Spain passed a law that recognized the victims of the civil war and the dictatorial Franco regime. This law and the court decisions related to its application are of great importance for establishing the truth and memory of past events.

These are just a few examples of court decisions from the Romano-German legal system. Each of these countries has its own unique legal cases and precedents that shape the legal system and influence society.

Court sentences within the framework of the Romano-German legal system and in the global context have different meanings and roles.

Romano-German legal system: In countries with a Romano-German legal system, such as France, Germany, Italy, and many others, court sentences have limited significance as a source of law. This system is based on codified laws and regulations, and courts usually do not have the authority to create precedents. Court decisions in such countries are usually related to specific cases and serve to resolve specific legal disputes. However, the decisions of the higher courts can be used as a guideline for interpreting laws in the future.

Global context: In a global context, the decisions of higher courts are important, as they can influence the development of international law and serve as precedents in international judicial instances, such as the International Court of Justice or the International Criminal Court. The decisions of such courts can have a long-term impact

on legal norms and relations between states.

It is important to note that some countries with a Romano-German legal system, such as Germany, have constitutional courts that have the right to verify the constitutionality of laws and make decisions that have broader legal consequences. Such decisions can have an impact on the entire legal system of a country and have significance in a global context, especially in the field of human rights and constitutional law.

Conclusion

Thus, the significance of court sentences in the Romano-German legal system is limited, but they can influence the interpretation of laws and the resolution of specific legal disputes. In the global context, the significance of court sentences depends on their impact on the development of international law and legal norms.

Based on the practice of the Anglo-Saxon legal system, we can collect several proposals and reforms that can improve the sentencing process in the Republic of Uzbekistan.

Reduced court workload: An increase in the number of court cases may lead to delays in the consideration of cases and a decrease in the quality of court decisions. The introduction of additional resources, such as more judges and court officials, can help speed up trials.

The use of technology: The introduction of modern technologies, such as electronic case management systems and video conferencing sessions, can significantly improve the efficiency of trials and reduce bureaucratic burdens.

Ensuring the accessibility of legal proceedings: It is important to ensure that legal proceedings are accessible to all citizens, including those with limited financial resources. This may include the provision of free legal aid and other measures.

Improving the education and training of judges and lawyers: Quality education and training of judges and lawyers play an important role in ensuring a high level of

justice. Continuous training and professional development are necessary to comply with modern standards.

Increasing the use of alternative dispute resolution methods: Alternative dispute resolution methods (ADRM), such as mediation, can save the time and resources of the courts. Encouraging parties to use ADRM can speed up the sentencing process.

Penal and sentencing reforms: Considering more effective and rehabilitative methods of punishment, as well as improving the sentencing system, can help reduce court congestion and reduce reoffending.

Improving judicial ethics and transparency: Strengthening judicial ethics and transparency in judicial decisions can increase public confidence in the judicial system and ensure fairness in sentencing.

Reforms in the criminal system: Consideration of more progressive and adaptive approaches to the criminal system, including the revision of mandatory minimum sentences and the use of alternative penalties, can help to meet the challenges in the field of criminal justice.

Taking into account changing sociocultural dynamics: Courts must be prepared to adapt to changing sociocultural and legal norms and values in order to ensure fairness in sentencing.

These proposals and reforms can be applied in a variety of ways in different jurisdictions and depend on the specific challenges faced by the Anglo-Saxon legal system in each country. Attention should also be paid to the balance between ensuring fairness and respect for the rule of law in the implementation of reforms.

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