

## Legal Status of Plenum Decisions

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**Annotation.** This article discusses the legal status of the decisions of the Plenum of the Supreme Court in the countries belonging to the Anglo-Saxon and Romano-German legal families, its specific features and the main aspects related to its use. In the article, the implementation of the decisions of the Plenum by the courts and their different use in different countries, as well as the advantages and disadvantages arising from it, are highlighted through examples.

**Key words:** Plenum decisions, legal system, court, law, state bodies, subordinate, regulatory legal document, Republic of Uzbekistan.

Decisions of the Plenum of the Supreme Court are legal precedents determined by the collegial decision of the higher court jurisdiction. In common law systems, the decisions of the full court are binding precedents that lower courts must follow. Plenum decisions help to implement legislative acts in practice.

In Uzbekistan, the Plenum of the Supreme Court plays an important role in the development and interpretation of legal documents. The Plenum is formed from among the highest-ranking judges in the country, and its decisions are binding on all lower courts. Decisions of the Plenum of the Supreme Court are made by open voting with the majority of the members participating in the session of the Plenum of the Supreme Court. [1] It enters into legal force from the date of its adoption and is published in the official publications of the Supreme Court of the Republic of Uzbekistan. [2] Plenum decisions are not definitive legal documents, but rather authoritative interpretations of existing laws. The decisions of the plenum directly indicate the practice of legal technique. Procedural actions taken during the consideration of cases in the court are also reflected in the decisions of the plenum. Judges take such rules into account when considering cases. Also, this situation helps in a certain way to consider cases in full. Lower courts follow plenary decisions in interpreting and applying laws.

In civil legal systems, the decisions of the court plenum are persuasive, that is, they are not binding, but can be used as a guide in the interpretation and application of normative legal documents. The legal system in Uzbekistan is also often based on the principles of civil law. Plenum decisions are often used as persuasive authority to guide the court's decision-making, but they are not the only factor the court considers in deciding a case. The specific features of using the decisions of the court plenum in Uzbekistan depend on the type of case being considered, the level of the courts and other similar factors. However, the decisions of the Plenum of the Supreme Court play an important role in the development of legal principles and interpretation of laws in the legal system of the Republic of Uzbekistan. This has several advantages and disadvantages.

The advantages are as follows:

1. Time and resources are saved, that is, reuse of existing court decisions helps to save time and effort of defender, legal representative and lawyers in studying and interpreting previous decisions.

2. Ensures transparency, that is, the decisions of the court plenum can be reviewed by the public and are open to citizens. Citizens can get acquainted with them at any time.
3. This ensures the principle of similarity and stability, that is, the implementation of the decisions of the court plenum ensures that similar legal issues are resolved consistently, sequentially and uniformly in different courts of the same legal system. [3]
4. Unanimous adoption of court plenum decisions, that is, plenum decisions are taken by a majority vote of the court, that is, the issued document is adopted based on the consensus of all judges (that is, the legal status, knowledge, ability of the judges is meant) . This avoids the possibility of biases affecting the admissibility of documents.
5. Accuracy and consistency. Plenum decisions provide greater clarity and consistency in the application of legal principles and rules. This is because they set a clear precedent that lower courts must follow. This facilitates early identification of legal disputes and helps ensure consistent application of the law.
6. Having a stronger binding effect. Plenary decisions have stronger binding effect than decisions made by an individual judge or a smaller panel of judges. This ensures that the decision has greater impact on the legal system and is more likely to be followed by other courts and judges.

Disadvantages of court plenum decisions include:

1. The strengthening of the patronage of the courts, that is, excessive reliance on the decisions of the court plenum, may lead to the formation of regulatory legal documents by the Supreme Court without observing democratic principles and to neglecting the views of the society on important legal issues.
2. In some cases, disputes between judges may arise.
3. Lack of flexibility: Plenary decisions may lose flexibility in certain cases. They are based on the facts and circumstances of the particular case before the court, meaning that such decisions cannot be tailored to the unique circumstances of individual cases. [4]
4. Defined by a limited circle. Plenum decisions are limited to the specific legal issue before the court. This means that they cannot fully address all the various issues and complexities that arise in a particular legal dispute. These features are interpreted differently in different countries. We can clearly see the legal status of court plenum decisions in international experience.

In the countries belonging to the Romano-Germanic and Anglo-Saxon law family, the above cases are different. Legal precedent is more widely used in countries belonging to the Anglo-Saxon legal system. According to scientist Sh.A.Saidullayev, a legal precedent is a written or oral decision of a court or administrative body, which is the basis for considering and solving all similar cases in the future is an exemplary norm.[5] Judicial precedent is manifested in the forms of judicial or administrative precedent in countries belonging to the Anglo-Saxon legal system. That is, in these countries, the decision of the court is considered relevant for the next case. For example, in the United States, decisions made by the Supreme Court are binding on lower courts and other government agencies, and they set legal precedent that guides future court decisions. However, the Supreme Court does not issue plenary decisions like in other countries, on the contrary, it issues written conclusions on individual cases. Judicial precedents vary from state to state in the United States. They are accepted by state courts and are valid only within that territory. [6]

Taking this into account, it can be said that the decisions of the court plenum and court precedent documents have mutually distinguishing features. Plenum decisions and judicial precedent are important in the legal system, but they serve different purposes. Decisions of the court plenum are decisions made by the court on a specific case or issue. These decisions are usually final and binding

on the parties and the courts. Former Philippine Supreme Court Associate Justice Isagani Cruz, who has written extensively on Philippine constitutional law, said plenary decisions are binding precedent unless they are later overruled by a higher authority or by some subsequent act. [7] They may be of great importance to future cases, but they do not have the same authority as judicial precedent. Judicial precedents are documents accepted by judges or a full panel of judges. These decisions are usually adopted in order to comprehensively resolve specific cases and disputes and express the nature of obligation for the parties involved in this case. They set the legal rules for future cases and may provide guidance to lower courts, but they are not binding on courts. On the other hand, judicial precedents refer to previous decisions made by courts that lay down legal principles or rules. Precedent may be binding or persuasive depending on the jurisdiction, importance and specific circumstances of the case. In summary, while both plenary decisions and court precedents influence the legal system, plenary decisions are case-specific and not necessarily binding on lower courts, whereas precedent is a legal body of law that governs the decisions of all courts within a jurisdiction. defines the principles.

Court precedents and plenum decisions in countries with the Romano-Germanic legal system are mutually contradictory, that is, a different rule applies in such countries. For example, we can cite countries such as Germany, Russia, and Kazakhstan. In Germany, decisions made by the Plenum of the Supreme Court are legally binding and have a significant impact on lower courts. Decisions are considered part of court jurisprudence and are often cited as authority in subsequent court cases. However, it should be noted that these decisions are not binding for the legislative or executive branches of government. Plenum decisions are published in the official bulletin. The importance of these decisions is recognized in the German Constitution, which states that they "clarify the issues related to the application of laws and ensure the uniformity of judicial practice." But such rules do not indicate that the legal status of the decisions of the court plenum is clearly indicated.

In the Russian Federation, the decisions of the Plenum of the Supreme Court are binding for lower courts and other state bodies, and they are published in the official bulletin. The Constitution of the Federation recognizes the importance of these decisions and states that "Decisions of the Plenum help clarify issues related to the application of normative legal documents and ensure the uniformity of judicial practice." But the legal status of the decisions of the Plenum is not specified separately. Since the Russian Federation belongs to the continental, i.e. Romano-Germanic legal system, the main source of law and legal relations is a direct legal document, that is, the decisions of the Plenum are not recognized. And in the Russian Federation, the president of the court is not an official source of law. [8] In the Russian legal system, the decisions of the Constitutional Court and the decisions of the Plenum of the Supreme Court of Arbitration play a key role in providing the right direction to the lower courts in terms of ensuring legality. [9]

England is a country belonging to the Anglo-Saxon legal family. In England, the presiding judge is based on legal principles. They are recognized in terms of the principle of legality. [10] Plenum resolutions are not a recognized legal concept in the UK. However, binding precedent plays a similar role in UK law. When a higher court issues a decision on a legal issue, the decision is binding on all lower courts. This means that lower courts must follow the legal framework set forth in the precedent decision when reviewing similar cases on a case-by-case basis. In the UK, binding precedent is set by decisions of the Supreme Court (formerly the House of Lords) and the Court of Appeal. Decisions of lower courts are not binding on other courts. It should be noted that the UK legal system is based on the common law, which means that it relies heavily on court decisions and interpretation of statutes. Thus, court decisions and precedent play an important role in shaping UK law.

We can also look at the status of court plenary decisions in the legal system of the Republic of Kazakhstan. Decisions of the court plenum in the republic are binding and have legal force. They are included in regulatory legal documents such as the "Code of Laws" and are used by judges and lawyers

as a reference during court proceedings. These decisions are also published in official, legal publications and presented to the public. Decisions of the court plenum are an important part of the legal sphere of Kazakhstan. That is, the legal status of court plenary decisions in Kazakhstan is clearly defined in its legislation. Such aspects in a certain sense contribute to the prevention of problems arising in the application of legislation.

Above, information about the role of plenum decisions in different countries, their specific aspects and differences was given. Information about the role of plenum decisions in the Republic of Uzbekistan was also listed. Taking this into account, one of the aspects that we should pay attention to is that there are certain problems in applying the decisions of the court plenum in Uzbekistan. One of them, in some cases, plenum decisions may be incompatible with other legal documents. When inconsistencies and conflicts are identified, it can be difficult to determine which one should be used and which one is superior. In addition, plenary decisions are often based on interpretations of existing law rather than new legislative action, so they can be modified by interpretation or replaced by new laws and court decisions.

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