THE COURTS

Sud Hokimiyati

Article 101

1. Judicial power shall be vested in courts composed of judges.

2. The courts shall be composed of the Supreme Court, which is the highest court of the State, and other courts at specified levels.

3. Qualifications for judges shall be determined by law.

O'ZBEK TARJIMASI:

101-moddasi

1. Sud hukmronligi hakamlar tarkibidan iborat sudlarga beriladi.

2. Sudlar Koreya Respublikasining eng yuqori sudi bo'lgan Oliy Suddan va belgilangan darajalarda boshqa sudlardan tashkil topadi.

3. Sudyalar uchun talablar qonun bilan belgilangan bo'ladi.

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Article 102

1. Departments may be established in the Supreme Court.

2. There shall be Supreme Court Justices at the Supreme Court: except that, judges other than Supreme Court Justices may be assigned to the Supreme Court as prescribed by law.

3. The organization of the Supreme Court and lower courts shall be determined by law.

O'ZBEK TARJIMASI:

102-moddasi

1. Oliy Sudda bo'limlar tashkil etilishi mumkin.

2. Oliy Sudda Oliy Sud Hakamlari bo'ladi: ammo, Oliy Sud Hakamlari bo'lmagan sudyalar ham qonun bilan belgilangan tarzda Oliy Sudga tayinlanishi mumkin.

3. Oliy Sud va pastki sudlarning tashkiloti qonun bilan belgilangan bo'ladi.

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Article 103

Judges shall rule independently according to their conscience and in conformity with the Constitution and law.

O'ZBEK TARJIMASI:

103-moddasi

Sudyalar mustaqil ravishda, o'zlarining vijdonlariga asoslanib va Konstitutsiya va qonunlarga muvofiq hukm chiqarar ekan.

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Article 104

1. The Chief Justice of the Supreme Court shall be appointed by the President with the consent of the National Assembly.

2. The Supreme Court Justices shall be appointed by the President on the recommendation of the Chief Justice and with the consent of the National Assembly.

3. Judges other than the Chief Justice and the Supreme Court Justices shall be appointed by the Chief Justice with the consent of the Conference of Supreme Court Justices.

O'ZBEK TARJIMASI:

104-moddasi

1. Oliy Sudning Bosh sudyasi Prezident tomonidan Milliy Assambleyaning roziligi bilan tayinlanadi.

2. Oliy Sud Hakamlari Prezident tomonidan Bosh sudyaning tavsiyasiga binoan va Milliy Assambleyaning roziligi bilan tayinlanadi.

3. Bosh sudya va Oliy Sud Hakamlari bo'lmagan sudyalar Bosh sudya tomonidan Oliy Sud Hakamlari Konferensiyasining roziligi bilan tayinlanadi.

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Article 105

1. The term of office of the Chief Justice shall be six years and he shall not be reappointed.

2. The term of office of the Justices of the Supreme Court shall be six years and they may be reappointed as prescribed by law.

3. The term of office of judges other than the Chief Justice and Justices of the Supreme Court shall be ten years, and they may be reappointed as prescribed by law.

4. The retirement age of judges shall be determined by law.

O'ZBEK TARJIMASI:

105-moddasi

1. Bosh sudyaning vakolat muddati oltita yil bo'lib, u qayta tayinlanmaydi.

2. Oliy Sud Hakamlari uchun vakolat muddati oltita yil bo'lib, ular qonun bilan belgilangan tarzda qayta tayinlanishi mumkin.

3. Bosh sudya va Oliy Sud Hakamlari bo'lmagan sudyalar uchun vakolat muddati o'n yil bo'lib, ular qonun bilan belgilangan tarzda qayta tayinlanishi mumkin.

4. Sudyalarning nafaqaga chiqish yoshi qonun bilan belgilangan bo'ladi.

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Article 106

1. No judge shall be removed from office except by impeachment or a sentence of imprisonment or heavier punishment, nor shall he be suspended from office, have his salary reduced or suffer any other unfavorable treatment except by disciplinary action.

2. If a judge is unable to perform his duties due to serious mental or physical impairment, he may be retired from office as prescribed by law.

O'ZBEK TARJIMASI:

106-moddasi

1. Hech qanday sudya o'z lavozimidan faqat impeachment yoki qamoq jazosiga yoki undan og'ir jazo berish bilan chetlatilishi mumkin, yoki u o'z lavozimidan vaqtincha chetlatilishi, maoshi kamaytirilishi yoki boshqa noqulay munosabatlarga duchor bo'lishi mumkin emas, faqat intizomiy chora ko'rish orqali.

2. Agar sudya o'z vazifalarini jiddiy ruhiy yoki jismoniy nogironlik sababli bajara olmasa, u qonun bilan belgilangan tarzda pensiyaga chiqishi mumkin.

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Article 107

1. When the constitutionality of a law is at issue in a trial, the court shall request a decision of the Constitutional Court, and shall judge according to the decision thereof.

2. The Supreme Court shall have the power to make a final review of the constitutionality or legality of administrative decrees, regulations or actions, when their constitutionality or legality is at issue in a trial.

3. Administrative appeals may be conducted as a procedure prior to a judicial trial. The procedure of administrative appeals shall be determined by law and shall be in conformity with the principles of judicial procedures.

O'ZBEK TARJIMASI:

107-moddasi

1. Agar biror qonunning konstitutsiyaviyligi sud jarayonida muhokama qilinsa, sud Konstitutsiya sudidan qaror olishni talab qiladi va o'sha qarorga muvofiq hukm chiqaradi.

2. Oliy Sud, agar biror huquqiy tartibotning yoki ma'muriy qarorlarning konstitutsiyaviyligi yoki qonuniyligi sudda muhokama qilinsa, oxirgi qaror chiqarmoqda vakolatlarga ega.

3. Ma'muriy apellyatsiyalar sud jarayonidan oldin bajariladigan protsedura sifatida amalga oshirilishi mumkin. Ma'muriy apellyatsiyalar protsedurasi qonun bilan belgilangan va sud protseduralarining tamoyillariga muvofiq bo'lishi kerak.

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Article 108

The Supreme Court may establish, within the scope of law, regulations pertaining to judicial proceedings and internal discipline and regulations on administrative matters of the court.

O'ZBEK TARJIMASI:

108-moddasi

Oliy Sud, qonun doirasida, sud ishlarini yuritish va ichki intizom hamda sudning ma'muriy ishlariga oid nizomlarni belgilashi mumkin.

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Article 109

Trials and decisions of the courts shall be open to the public: provided that, when there is a danger that such trials may undermine national security or disturb public safety and order, or harm public morals, trials may be closed to the public by court decision.

O'ZBEK TARJIMASI:

109-moddasi

Sud jarayonlari va qarorlari ommaga ochiq bo'ladi: ammo, agar bunday sud jarayonlari milliy xavfsizlikni buzish, jamoat xavfsizligini va tartibini buzish yoki jamoat axloqiga zarar yetkazish xavfini tug'dirsa, sud qarori bilan sud jarayonlari ommaviy ravishda yopilishi mumkin.

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Article 110

1. Courts-martial may be established as special courts to exercise jurisdiction over military trials.

2. The Supreme Court shall have the final appellate jurisdiction over courts-martial.

3. The organization and authority of courts-martial, and the qualifications of their judges shall be determined by law.

4. Military trials under extraordinary martial law may not be appealed in cases of crimes of soldiers and military employees; military espionage; and crimes as defined by law in regard to sentinels, sentry posts, supply of harmful foods and beverages, and prisoners of war, except in the case of a death sentence.

O'ZBEK TARJIMASI:

110-moddasi

1. Harbiy sudlar harbiy ishlarni ko'rish uchun maxsus sudlar sifatida tashkil etilishi mumkin.

2. Oliy Sud, harbiy sudlar bo'yicha oxirgi apellyatsiya vakolatiga ega bo'ladi.

3. Harbiy sudlarning tashkiloti va vakolatlari, hamda sudyalarning malakasi qonun bilan belgilanishi kerak.

4. Harbiy holat ostidagi harbiy sudlar, askar va harbiy xizmatchilarning jinoyatlari, harbiy josuslik, va qonunda belgilangan boshqa jinoyatlar bo'yicha apellyatsiyaga berilmasligi mumkin, faqat o'lim jazosiga tegishli holatlar bundan mustasno.