

PROCEEDING IN THE CIVIL COURTS OF THE REPUBLIC OF UZBEKISTAN ON ISSUING A WRIT OF EXECUTION FOR COMPULSORY EXECUTION OF THE ARBITRATION DECISION

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ABSTRACT

In this article, in the Civil Courts of the Republic of Uzbekistan, the proceedings on the issuance of a writ of execution for the mandatory execution of the decision of the Arbitration Court are analyzed through the norms of the existing legal documents in the Republic of Uzbekistan and the information cited in the scientific literature. and it is explained by what methods and means these cases are regulated in our country. Also, the views of a number of legal scholars were highlighted, and some problems existing in this system in our country were discussed.

Keywords: Civil Courts, Arbitration Courts, Civil Court Disputes, Arbitration Discussions, Decisions, Application for issuance of writ of execution for mandatory execution of the Arbitration Court's decision.

O'ZBEKISTON RESPUBLIKASI FUQAROLIK SUDLARIDA HAKAMLIK SUDINING HAL QILUV QARORINI MAJBURIY IJRO ETISH UCHUN IJRO VARAQASI BERISH TO'G'RISIDAGI ISHLARNI YURITISH

ANNOTATSIYA

Ushbu maqolada O'zbekiston Respublikasi Fuqarolik sudlarida Hakamlik sudining hal qiluv qarorini majburiy ijro etish uchun ijro varaqasi berish to'g'risidagi ishlarni yuritish haqida O'zbekiston Respublikasida mavjud qonunchilik hujjatlaridagi normalar va ilmiy adabiyotlarda keltirib o'tilgan ma'lumotlar orqali tahlil qilingan bo'lib, mamlakatimizda mazkur ishlar qanday usul va vositalar bilan tartibga solingani bayon etilgan. Shuningdek, bir qator huquqshunos olimlarning qarashlari yoritilgan holda, yurtimizda ushbu tizimda mavjud ayrim muammolar xususida so'z yuritilgan.

Kalit so'zlar: Fuqarolik sudlari, Hakamlik sudlari, fuqarolik ishlari bo'yicha sudga taalluqli nizo, hakamlik muhokamasi, hal qiluv qarori, Hakamlik sudining hal qiluv qarorini majburiy ijro etish uchun ijro varaqasi berish to'g'risida ariza.

ПРОИЗВОДСТВО В ГРАЖДАНСКИХ СУДАХ РЕСПУБЛИКИ УЗБЕКИСТАН О ВЫДАЧЕ ИСПОЛНИТЕЛЬНОГО ПРОЕКТА НА ПРИНУДИТЕЛЬНОЕ ИСПОЛНЕНИЕ АРБИТРАЖНОГО РЕШЕНИЯ

АННОТАЦИЯ

В данной статье в судах по гражданским делам Республики Узбекистан производство по выдаче исполнительного листа на принудительное исполнение решения Арбитражного суда анализируется через нормы действующих правовых документов в Республике Узбекистан. и сведения, приведенные в научной литературе, и указано, какими методами и средствами эти дела регулируются в нашей стране. Также были освещены взгляды ряда ученых-правоведов, обсуждены некоторые проблемы, существующие в этой системе в нашей стране.

Ключевые слова: Гражданские суды, Арбитражные суды, Гражданские судебные споры, Арбитражные споры, Решения, Заявление о выдаче исполнительного листа на принудительное исполнение решения Арбитражного суда.

INTRODUCTION

For the first time in our country, economic disputes between business entities are considered by commercial courts as well as by arbitration courts. on" was defined in the Decree. Later, the Law of the Republic of Uzbekistan "On Arbitration Courts", which regulates relations in the sphere of the organization and operation of arbitration courts, was adopted by the Legislative Chamber of the Oliy Majlis, approved by the Senate and entered into force in 2007¹.

DISCUSSION

The cases related to the decision of the arbitration court include:

- ✓ on annulment of decisions of arbitration courts;
- ✓ includes cases on applications to issue writs of execution for compulsory execution of decisions of arbitration courts².

Courts consider the cases listed in Article 346 of the Criminal Procedure Code in accordance with the general rules of civil court proceedings with the exceptions and additions specified in Chapters 38-40 of the Criminal Procedure Code.

The issue of issuing a writ of execution for the compulsory execution of the decision of the arbitration court shall be considered by the court on civil cases, upon

¹ Mamasiddiqov M .M . va boshq. Fuqarolik protsessual huquqi. Yuridik kollejlari uchun o 'quv qo'llanma. T.: «ILM ZIYO», 2012. - 336 b.

² Mamasiddiqov M.M., Ro'zinazarov Sh.N., Masadikov Sh. Hakamlilik muhokamasi haqida nimalar bilish kerak? Amaliy qo'llanma. - T.: "infoCOM.UZ" MCHJ nashriyoti, 2010. - 146 b.

the application of the party to which the decision of the arbitration court was issued in favor of the parties to the arbitration proceedings. will be considered. The application for issuing a writ of execution for the compulsory execution of the decision of the arbitration court is a civil case in the place where the debtor lives or stays, or if the debtor's place of residence or stay is unknown, in the place where his property is located. will be brought to court¹.

The application for the issuance of a writ of execution for the compulsory execution of the decision of the arbitration court shall be submitted in written form, including in the form of an electronic document, and if the decision is adopted in favor of any of the parties to the arbitration, that party or its must be signed by the representative.

The following must be specified in the application for the issuance of a writ of execution for the compulsory execution of the decision of the arbitration court:

1. the name of the civil court to which the application is submitted;
2. name and composition of the arbitration court that made the decision, location;
3. Surname of the parties to the arbitration. Name. father's name (name), place of residence or residence (postal address), as well as, if the application is submitted by a representative, the representative's surname, first name, father's name and place of residence;
4. the date of adoption of the decision of the arbitration court;
5. the date when the party to the arbitration proceeding with the application received the decision of the arbitration court;
6. request to issue a writ of execution for compulsory execution of the decision of the arbitration court.

In the application for the issuance of a writ of execution for the compulsory execution of the decision of the arbitration court, telephone numbers, fax numbers, e-mail addresses and other information may be indicated².

The following shall be attached to the application for issuing a writ of execution for the compulsory execution of the decision of the arbitration court:

- 1) a certified copy of the decision of the arbitration court. A copy of the decision of the permanent arbitration court is approved by the chairman of this arbitration court, the signature of the arbitrator on the copy of the decision of the temporary arbitration court must be notarized;
- 2) duly certified copy of the arbitration agreement;

¹ O'zbekiston Respublikasining Fuqarolik protsessual kodeksi. Rasmiy nashr. O'zbekiston Respublikasi Adliya vazirligi. - Toshkent: Adolat. 2018. 354-modda.

² O'zbekiston Respublikasining Fuqarolik protsessual kodeksi. Rasmiy nashr. O'zbekiston Respublikasi Adliya vazirligi. - Toshkent: Adolat. 2018. 355-modda.

3) a document confirming that the state duty has been paid in the prescribed manner and amount.

The application for the issuance of a writ of execution for the mandatory execution of the decision of the arbitration court is submitted to the court along with copies depending on the number of debtors. An application sent in the form of an electronic document is excluded from this. If the application for the issuance of a writ of execution for the mandatory execution of the decision of the arbitration court is submitted by the representative of the party to the arbitration, a power of attorney or other document confirming the authority of the representative must be attached to it. An application for the issuance of a writ of execution for the mandatory execution of the decision of the arbitration court may be submitted no later than six months after the end of the period of voluntary execution of the decision of the arbitration court. If this period is missed due to the reasons found by the civil court to be justified, the missed period can be restored. If the application for the issuance of a writ of execution for the compulsory execution of the decision of the arbitration court is submitted in violation of the requirements provided for in Article 354 of the Criminal Procedure Code, as well as the provisions of this article, the court on civil cases, as provided for in Article 194 of the Criminal Procedure Code refuses to accept such an application according to the provisions laid down¹.

The application for the issuance of a writ of execution for the compulsory execution of the decision of the arbitration court shall be considered individually by the judge in accordance with the provisions of the Civil Code. The judge is at the request of the party to the arbitration of the case. the writ of execution may demand the requested case materials from the arbitration court according to the rules provided for the demand of evidence in the FPC. The civil court shall notify the parties of the arbitration proceedings of the time and place of the court session. The non-appearance of these persons, duly informed about the time and place of the court session, does not prevent the consideration of the case. When the court is considering the case at a court session, civil cases to justify the stated demands and objections of the existence or non-existence of the grounds provided for in Article 357 of the FPC for refusing to issue a writ of execution on the compulsory execution of the arbitration court's decision determines by examining the evidence presented to the court. The civil court does not have the right to review the facts found by the arbitration court during the hearing of the case or to reconsider the content of the decision of the arbitration court. If the application for annulment of the decision of the arbitration court is pending before the

¹MAMASIDDIQOV MUZAFFARJON MUSAJONOVICH, ESANOVA ZAMIRA NORMUROTOVNA, XABIBULLAYEV DAVLATJON YULCHIBOYEVICH, FUQAROLIK PROTSESSUAL HUQUQI (yuridik texnikumlar uchun darslik). T.: «Azmir Nashr Print» MCHJ, 2021. - 285 b.

civil court referred to in the third part of Article 349 of the Criminal Procedure Code, it is correct to issue a writ of execution for the compulsory execution of this decision. the court considering the application may postpone consideration of the application for the issuance of a writ of execution for the compulsory execution of the decision of the arbitration court at the request of the debtor¹.

The Court of Civil Affairs shall issue a writ of execution for the compulsory execution of the decision of the arbitration court, if the decision of the arbitration court was taken against any of the parties to the arbitration. that side:

1) that the arbitration agreement is invalid according to the grounds provided for by law;

2) that the decision of the arbitration court was issued on a dispute that is not provided for in the arbitration agreement or does not correspond to its terms, or that it contains conclusions on issues that deviate from the scope of the arbitration agreement, if the decision of the arbitration court is covered by the arbitration agreement if the conclusions on the issues can be separated from the conclusions on the issues not covered by such an agreement, the court issues a writ of execution only for the part of the decision of the arbitration court that contains the conclusions on the issues covered by the arbitration agreement;

3) that the composition of the arbitration court or the arbitration proceedings are not in accordance with the provisions of Articles 14, 15, 16 and 25 of the Law of the Republic of Uzbekistan "On Arbitration Courts";

4) that the decision of the arbitration court was issued in violation of the requirements of the first and third parts of Article 10 of the Law of the Republic of Uzbekistan on Arbitration Courts;

5) if the decision of the arbitration court was taken against any of the parties to the arbitration, that party was not properly informed about the election (appointment) of the arbitrators or about the time and place of the arbitration court session, and therefore it that he failed to present his explanations to the arbitration court;

6) reject only in cases where evidence is presented proving that the decision of the arbitration court has not yet become binding for the parties to the arbitration or has been canceled or its execution has been suspended by a court or an economic court.

If the dispute considered by the arbitration court is not the subject of arbitration in accordance with the law, the civil court shall refuse to issue a writ of execution for the compulsory execution of the decision of the arbitration court².

¹ Mamasiddiqov M.M. Fuqarolik protsessual huquqi. Umumiy qism. Darslik. / Mas'ul muharrir: v.f.d., prof. O Okyulov. - Toshkent: TDYU. 2014. - 534 b

² Shoraxmetov Sh.Sh. O'zbekiston Respublikasining Fuqarolik protsessual kodeksiga sharhlar. - Toshkent: TDYU nashriyoti. 2010. - 960 b.

The court on civil cases issues a decision based on the results of consideration of the case on issuing a writ of execution for the compulsory execution of the decision of the arbitration court in accordance with the rules provided for making a decision in the Criminal Procedure Code. In the ruling of the arbitration court on civil cases on issuing a writ of execution for the compulsory execution of the decision of the arbitration court or on refusing to issue a writ of execution for the compulsory execution of the decision of the arbitration court, the following should also be indicated :

- 1) name and composition of the arbitration court that made the decision;
- 2) surname, first name, patronymic (name) of the arbitration parties;
- 3) information on the decision of the arbitration court;
- 4) an instruction to issue a writ of execution or refuse to issue a writ of execution for the compulsory execution of an arbitration court's decision.

Refusal to issue a writ of execution for the compulsory execution of the decision of the arbitration court allows the parties to the arbitration proceedings, if the opportunity to appeal to the arbitration court has not been lost, to apply to the arbitration court anew in accordance with the arbitration agreement or, in accordance with the provisions of the Civil Code, civil cases does not prevent him from applying to the court. If the issuance of a writ of execution for the compulsory execution of the decision of the arbitration court is due to the invalidity of the arbitration agreement or the fact that the decision was not provided for in the arbitration agreement, as well as it was issued on the basis of a dispute that does not correspond to its terms, or issues that are not covered by the arbitration agreement in case of the existence of suspensions, or if the dispute is rejected in full or in part by the civil court due to the fact that it cannot be the subject of arbitration, the parties to the arbitration shall, in accordance with the provisions of this Code, apply to the civil court in order to resolve such a dispute can apply to the court for cases. The decision of the court on civil cases to issue a writ of execution for the compulsory execution of the decision of the arbitration court must be executed immediately ¹.

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¹ O'zbekiston Respublikasining Fuqarolik protsessual kodeksi. Rasmiy nashr. O'zbekiston Respublikasi Adliya vazirligi. - Toshkent: Adolat. 2018. 358-modda.

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