

ADVOCACY AND ENFORCEMENT OF CIVIL COURT DECISIONS

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ABSTRACT

This article examines the participation of the lawyer in the execution of the decisions of the Civil Court and also provides information about the powers of the lawyer, the deadlines for the submission of executive documents for execution, the actions to be taken by the lawyer in case the deadline for submitting the executive document for execution is missed.

Keywords: execution of court decisions, lawyer, collector, debtor, executive documents, authority, law, parties, court.

Introduction: According to part 1 of Article 16 of the Civil Procedure Code of the Republic of Uzbekistan, the legally binding decision, ruling and decision of the court are binding for all state organs, organizations, officials and citizens, and are enforced throughout the territory of the Republic of Uzbekistan should be done.

Issues of execution of court documents are regulated by the Law of the Republic of Uzbekistan "On Execution of Court Documents and Documents of Other Organs". This law regulates the requirements for executive documents, the consequences of non-compliance with them, the initiation of executive proceedings, the procedure for implementation of executive actions and other issues related to the execution of court decisions and documents of other organs.

On the basis of the mentioned law and in order to ensure its implementation, the Cabinet of Ministers of the Republic of Uzbekistan may adopt the necessary normative legal documents in the matter of executive proceedings. Mandatory execution of executive documents is entrusted to the bailiffs of the Department of Execution of Court Decisions, Material-Technical and Financial Support of Courts under the Ministry of Justice of the Republic of Uzbekistan.

Execution of court documents is carried out within the framework of enforcement proceedings. The debtor and the creditor are parties to the enforcement proceedings. Parties in enforcement proceedings are subjects of relations arising from material obligations. The parties in enforcement proceedings are: the debtor and the debtor.

Parties are the main persons participating in enforcement proceedings. Enforcement proceedings cannot exist without the debtor and the creditor. Each party has its own rights and obligations. Several debt collectors or debtors may participate in enforcement proceedings at the same time. Each of them independently participates in enforcement proceedings against the other party or may delegate participation in enforcement actions to one of their partners.

A claimant - is a person who has the right to demand the execution of court documents or documents of other organs, that is a natural or legal person to whose benefit or interest a document of execution is issued. The debt collector has the right to receive the enforcement document at his discretion and submit it for execution independently, or at his request, the court or other body can send the enforcement document to the relevant enforcement body for enforcement. In the absolute majority of cases, the former claimant becomes a collector if his right to claim or legal interest is confirmed by a court decision or a decision of another competent organ. But there may also be cases where the former defendant becomes a debt collector. For instance, by the court's decision, the satisfaction of the claim may be rejected and court costs may be collected from the plaintiff in favor of the defendant. In such a case, the former defendant becomes the receiver.

The debtor - is a natural or legal person who is charged with the obligation to give money or other property to the receiver, or to perform certain actions or refrain from performing them, as provided for in the executive document. In the execution proceedings, the debtor is the person who is entrusted with the obligation, and the legal relations with his participation, the principles of respect for the dignity of the citizen and the inviolability of the minimum amount of property necessary for the normal life of the debtor citizen and his family members are observed. In this case, imperative methods of regulation are used.

The debtor does not have the right to waive enforcement against the debtor. Without executing the execution document, the debtor may be held administratively or criminally responsible, depending on the circumstances of the case.

A person acquires the procedural status of a debt collector or debtor not immediately after the issuance of the document (decision) that is the basis of enforcement, but after the initiation of enforcement proceedings.

Citizens can participate in enforcement proceedings on their own or through their representatives, including a lawyer. A citizen's personal participation in enforcement proceedings does not deprive him of the right to use a lawyer's assistance. If, according to the execution document, the debtor is charged with obligations that can only be executed by him personally, as well as in cases where the nature of the execution

document requires the personal participation of the debt collector, the debtor or the debt collector acts through his representative in their execution. It has not right to do. At the stage of execution of court decisions, a lawyer participating as a representative of the trustee has the rights and obligations used by the parties in enforcement proceedings. A lawyer participating in enforcement proceedings usually has the right to perform all actions related to enforcement proceedings on behalf of his principal.

A lawyer participating in enforcement proceedings:

- getting acquainted with the materials of the execution case, obtaining extracts and copies from them;
- providing additional materials; filing motions;
- participation in implementation of executive actions;
- giving verbal and written explanations during the implementation of executive actions;
- to express one's reasons and opinions regarding all issues that arise during the implementation of executive actions;
- to express objections to the requests, arguments and opinions of other persons participating in the implementation of the enforcement action,
- the court has the right to appeal against actions (inaction) of the executor.

The powers of attorney to perform the following actions must be specifically specified in the power of attorney issued by the person acting as a representative:

- submission of the execution document for execution and its recall;
- waiver of collection;
- transfer of powers to another person (entrustment);
- filing a complaint against the bailiff's actions (inaction) and rejecting it;
- receiving seized property (including money);
- conclusion of an agreement.

A lawyer participating in enforcement proceedings as a representative has the right to receive a writ of execution from the court and submit it for execution, if he is authorized to do so. The writ of execution is issued after the decision enters into legal force. The law clearly defines the deadlines for the execution of executive documents.

Execution documents can be submitted for execution in the following terms:

- 1) writs of execution issued on the basis of court documents of courts of general jurisdiction - within three years, and court documents of commercial courts - within six months;
- 2) writs of execution issued on the basis of court documents on compulsory execution of decisions of the arbitration court - within six months;
- 3) execution letters of notaries - within three years;

4) certificates of labor dispute commissions - within three months;

5) decisions of organs (officials) authorized to consider cases in an administrative manner - within three months.

The deadlines for submitting other executive documents for execution are specified in the legal documents that determine the conditions and procedure for issuing relevant executive documents.

The indicated periods are as follows:

1) when the writs of execution issued on the basis of court documents (with the exception of court orders) are handed over for execution - from the day when the court document entered into legal force or the end of the period set for delaying its execution or partial execution, or from the date of handing over the execution document for execution "from the day of issuing the decision on restoring the missed deadline, and in cases where the court document must be executed immediately - from the morning of the day of the document's issuance;

2) when court orders are submitted for execution - after ten days have passed from the date of their issuance;

3) when executive documents of decisions of organs (officials) authorized to consider cases in an administrative manner are handed over for execution - from the day the decision was issued.

The terms of execution of writs of execution issued on the basis of court documents, letters of execution of notaries, certificates of labor dispute commissions, issued on the basis of court documents on the compulsory execution of decisions of the arbitration court, unless otherwise specified by law, are counted from the morning of the day of their issuance.

Enforcement documents on court documents on the collection of periodic payments (regarding the collection of alimony, compensation for damage caused by health damage, and similar cases) during the entire period of collection of payments retains its strength. This procedure also applies to notarized agreements on the payment of alimony. In such cases, the deadlines for the execution of executive documents are considered separately for each payment.

In case of missing the deadline for submitting the executive document for execution, the lawyer has the right to apply for the recovery of the missed deadline to the court that accepted the relevant document or to the court in the area where this document is executed. . In this case, the lawyer should take into account that only the execution period of the writ of execution or court order can be restored by the court. The missed deadlines for other executive documents will not be restored.

If the decision to be executed is not clear, the lawyer has the right to appeal to the court that issued the decision, asking for an explanation of this decision. When there are circumstances complicating the execution of a court decision, a lawyer may apply to the court asking to postpone the execution of the decision or to allow its execution in parts, to change the method and order of its execution. A lawyer can apply to the bailiff with a request to postpone enforcement actions. In necessary cases, the lawyer may apply to the court or bailiff, requesting suspension of enforcement proceedings.

The issue of suspension of enforcement proceedings is decided by the court or bailiff, as appropriate, in accordance with Articles 34-36 of the Law "On Execution of Court Documents and Documents of Other Organs". In the event of grounds for termination of enforcement proceedings provided for in Article 37 of the Law "On Execution of Court Documents and Documents of Other Organs", the lawyer must apply to the court with a motion to terminate the enforcement proceedings.

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