

Simplified Proceedings: The Practice of Procedural Law in Uzbekistan

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ABSTRACT: This article discusses the legal documents and norms relating to proceedings in a simplified manner according to the Civil Procedure Code of the Republic of Uzbekistan, the emergence of this type of proceedings, the reasons and purpose, features of production, theoretical and practical aspects. analyzed. Scientific comments, suggestions and recommendations for improving the type of work were also given. In this regard, a scientific discussion was started from the point of view of civil scientists and proceduralists and its analytical results were presented.

KEYWORD: conduct of court proceedings, conduct of proceedings in a simplified manner, procedural feature, size of the claim, special procedural rules, procedural term, procedural order, court decision.

Actuality theme. Chapter 25¹ (Articles 279¹-279⁵) of the Civil Procedural Code of the Republic of Uzbekistan "Proceeding in a Simplified Procedure" was introduced by the Law of September 16, 2021.

The inclusion of this type of proceedings in the procedural legislation has the following goals:¹ -

- proven foreign practice;
- reduction of excessive burdens in court practice;
- save the time of court and trial participants;
- prevention of excessive expenses;
- relying on the value of the claim when categorizing cases;
- proceedings taking into account the will of the plaintiff and the defendant;
- consideration of the case in court according to the priority of the general rules of litigation;
- considers the case without holding a court hearing, without summoning the parties and without hearing their explanations.²

¹ Esanova Z. N. PROSPECTS FOR THE IMPROVEMENT OF CIVIL JUSTICE: THE INTERPRETATION OF NEW PROCEDURAL INSTITUTIONS //Юриспруденция: актуальные вопросы теории и практики. – 2022. – С. 21-24.

Proceedings in a simplified procedure are based on the general and special rules of proceedings in the procedure of claims, proceedings in absentia, proceedings in the order of order, thereby showing similar aspects and preserving the specific features of the proceedings. But there are some differences that indicate that these proceedings are separate and independent from each other.

In scientific research and procedural literature³, "Is it a type of work?" or "A form of business?" There are controversial opinions and views.

The procedural features of the simplified procedure are described as follows:

- According to the general rules of litigation, it will be considered by the court, taking into account the specific features.⁴
- Article 2792 of the Civil Procedural Code specifies the scope of "Cases to be considered in the simplified procedure", including the value of the claim is set within a limited range (amount) (for legal entities, from twenty times the amount of the basic calculation, for individual entrepreneurs, from ten times, and for individuals, from five times does not exceed);
- based on the petition of the plaintiff, the case is conducted based on the consent of the defendant.
- the case considered in the simplified procedure is considered individually by the judge within twenty days from the date of issuing the ruling on accepting the application and initiating the case⁵.
- the time period for consideration of the case in the simplified procedure will not be extended.
- the decision on the case considered in the simplified procedure is adopted by the court according to the general rules provided for in Chapter 23 of the Civil Procedural Code, taking into account the specific features defined in this chapter.
- the decision on the case considered in the simplified procedure, if no appeal (protest) has been filed, enters into legal force ten days after its acceptance.
- in the case of filing an appeal (protest), the decision, if it has not been canceled, enters into legal force from the date of adoption of the decision of the court of appeal.
- the decision on the case considered in the simplified procedure can be reviewed repeatedly in the appeal and cassation procedure, including in the court of the cassation instance, as well as in newly opened cases, based on the provisions provided for in Section IV of the Civil Procedural Code";
- the decision on the case considered in the simplified procedure must be executed by the court on the basis of the writ of execution issued according to the provisions of Section V of the Civil Procedural Code.

² Esanova Z.N. Fuqarolik protsessual qonunchiligini rivojlanish tendensiyalari: yangi protsessual institutlar. Monografiya. – Toshkent: TDYU, 2022. – b. 102.

³ Esanova Z.N. The Court proceedings connected with the decision of arbitration: in the example of civil cases.// *Academicia: an international multidisciplinary research journal* №2 2021. P.1428-1454.; Esanova Z. N. PROSPECTS FOR THE IMPROVEMENT OF CIVIL JUSTICE: THE INTERPRETATION OF NEW PROCEDURAL INSTITUTIONS //Юриспруденция: актуальные вопросы теории и практики. – 2022. – С. 21-24.

⁴ Esanova Z. PARTICIPANTS OF EXECUTIVE PRODUCTION: THEORETICAL RULES AND ANALYTICAL RESULTS //Review of law sciences. – 2020. – T. 4. – №. 2. – С. 33-38.

⁵ Esanova Z. RIGHT TO APPLY TO COURT //Eurasian Journal of Academic Research. – 2023. – T. 3. – №. 1 Part 2. – С. 149-152.

If the circumstances (the following) are defined in the Civil Procedural Code (Article 279²) during the consideration of the case in the procedure of simplified proceedings, the court shall issue a ruling on the consideration of the case according to the general rules of the proceedings:

- 1) if consideration of the case in a simplified procedure may lead to the disclosure of a state secret, commercial secret or other secret protected by law;
- 2) if it is necessary to determine additional circumstances or check additional evidence, as well as inspect and check the evidence where it is located, appoint an expert or hear testimony of witnesses;
- 3) if the stated demand is related to other demands, including third parties, or if the rights and legally protected interests of third parties may be violated by the court document adopted in this case;
- 4) if a counterclaim, which should not be considered according to the provisions of this chapter, was filed during the consideration of the case in the simplified procedure.

In the event that several interrelated claims are made, one of which applies to the requirements specified in Article 279² of the Civil Procedural Code, and the others do not, all claims must be considered according to the established general rules of litigation.

The ruling on the transfer of the case to the general rules of litigation shall indicate the grounds for the transfer to the general procedure. After the decision is issued, the hearing of the case starts from the beginning.

Provide requirements for filing a claim in a case considered in a simplified procedure in Article 279³ of the Civil Procedural Code.

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