

## **Legal Definition of Sides In Economical Procedural Law Republic of Uzbekistan**

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**Summary:** In this article, the author's description of the types of parties in the economic process and their legal analysis. Economic rights and obligations of the parties to the proceeding, to participate in the consideration of the relevant parties to the conflict, the parties represented in the legal status of two types namely, financial, legal, and procedural and legal aspects are studied.

**Key words:** economic procedure, procedural law, procedural commitment, plaintiff, responsible, the legal status.

All over the world to solve economic disputes on a specific system. At the same time, to solve economic disputes by special courts or specialized organizations. Also today, to resolve disputes without trial should be resolved through mediation and arbitration courts are developing.

Foreign laws and economic and business disputes arise as a result of the implementation of the different approaches. In general, these issues are usually two ways, through the establishment of special criminal courts or in such disputes by the courts of general jurisdiction shall be resolved by the reviewing authority.

USA, Great Britain, Germany, France, in countries such as the system of courts of general jurisdiction to resolve disputes related to commercial activity. In addition, a special agreement between the parties in the mediation and arbitration courts based on common practice of considering this type of conflict.

Studying the experience of developed countries, as well as its economic development aspects, based on the resolution of economic disputes synthesis went the way of the work of the courts. At the same time, these courts as the main object of the various types of economic disputes

between business entities, respectively. In this regard, the existence of a specialized court system, economic disputes by qualified judges; special attention would be reviewed in a timely and fair. In this regard, on November 20, 1991, the arbitration court's order and disputes on the Law of the Republic of Uzbekistan. This law, regardless of their form of ownership, the businesses is able to ensure the protection of the legitimate rights and interests to serve as a legal basis for an independent judicial body first. Later, these courts are called courts and their legal status in the Constitution, the Law on the Courts, the Economic Procedure Code strengthened.

Specializing in consideration of the disputes that currently separate court system. According to Article 111 of the Constitution of the Republic of Uzbekistan based on different forms of ownership of enterprises, institutions and organizations, as well as business,

economics and management to resolve disputes arising from the Supreme Court and other courts within their authority.

It should be noted that the existence of economic disputes that certain parties of their rights and legitimate interests of any breach by the other party. As a result, as a violation of his right hand to defend their rights. For this purpose, the economic court, the court of arbitration or mediation process. In this respect, the parties, the courts determine their species classification is important.

Subjective rights and legal obligations not only to protect the legitimate rights and interests of individuals, but the other person on his behalf, to protect the rights and legitimate interests of the parties to the conflict. This procedure stipulated by the law. For example, a member of the Chamber of Commerce and Industry of Uzbekistan in their accounts of business entities in order to protect the legitimate rights and

interests of business apply to the courts the right to appeal to the interest of the business entity.

Republic of Uzbekistan "On the Chamber of Commerce and Industry", according to Article 4 of the law of December 3, 2004, as one of the main tasks of the chamber as well as the rights and legitimate interests of rights, including the state and economic management bodies, as well as court and the protection of the territorial departments of the Chamber of Commerce and industry and its economic courts with a claim for the benefit of entrepreneurs.

Thus, in accordance with Article 34 of the IPC, the parties and third parties, prosecutors, public authorities and other bodies should carry out their powers, as well as on the determination of the applicants, and legal facts that are important to citizens and organizations and persons and other persons interested in the bankruptcy case considered.

To familiarize themselves with the work of the persons participating

in the case, including downloads, copying, refused to make statements, present evidence, participate in the examination of the facts, questions, petitions, statements, the economic court in oral and written explanations, the case all issues that may arise during their arguments, to present the conclusions of the objections to the petitions arguments of other persons participating in the case, court documents claim (protest) of this Code shall have the right to use other procedural rights. The manner envisaged by the procedural rights of the persons involved in their own right and they are obliged to use the procedural rights of all conscientious.

Public authorities and other bodies in the cases provided for in the laws of the state and society in order to protect the rights and interests protected by the law to submit a claim. These bodies have the right to conclude an agreement of the claimant filed a claim in addition to all rights and obligations. The bodies of the claims plaintiff the right to

demand to see the dispute. Public authority or other authority in order to protect the rights of the claimant leave had not filed an application to reject the claim of the claimant (Article 44 of the BPC).

CPC According to Article 48, public authorities, organizations and individual citizens the rights of other persons in the cases provided for by law for the protection of the interests protected by the law and the right to apply to the court. they CPC As envisaged by Article 34 of the procedural rights, as well as the rights of other persons protected by the law and the requirements of the procedures for the protection of the interests of full or partial refusal to support them, they did not have the right to give explanations requirements. Bodies, organizations and citizens in the other person's rights and the protection of the interests protected by the law to the court that a person by the applicant CPC To comply with the requirements of Article 104 are not

deprived of the right to request a review of the contents of the case.

So, on its own behalf but for the protection of the rights and interests of other persons to the claims of the people all of the procedural rights and obligations. However, with the exception of amicable and court costs. In some cases, it is the responsibility of these costs entrepreneurial activity of state bodies of their rights and legitimate interests of the applicant in order to claim them. For example, the business activities of the farm, which is the subject of a claim through the courts with the Departments of Justice penalized if they pay the state duty. Or at least, as a business entity which is a member of the Chamber of Commerce and Industry of Uzbekistan cases, they also submitted claims on behalf of the state fee have been paid. So, we have two types of parties: the procedural and material legal sense of the parties.

Procedural sense of the parties, the economic part of the court proceedings, he says, they are

considered to be the subject of conflicting economic and legal context, that is not the owner of the conflicting rights or interests, however, directly so on its behalf, as provided by the law, but to protect the rights and interests of other persons, conflicting economic and legal protection of the rights of the rights and interests. The list of persons entitled to participate in the procedural sense of procedural law directly. In particular, the prosecutor, state administration bodies, local self-administration bodies, organizations and procedures can be considered as a plaintiff and defendant.

Material and as a party in the legal sense of the conflicting economic and legal relationship to the actual or estimated entities (contracts, civil, economic, business) is understood. Their subjective rights and to address the court in the case where the financial and legal interests protected by law. Economic and legal sense, but the conflict is estimated to have the right or obligation of the

parties, financial and legal sense of the party, in turn, may be a related party (for example, the owner with illegal possession of another person shall have the right to demand materials). In some cases, the non-party (for example, that the person responsible for causing losses to compensate the source of the risk weight of responsibility).

Economic Procedure Code, only the respondent an opportunity to participate in the legal relationship to change. In other words, the claimant's freedom depends on the will of the case, may be responsible for its consent. According to Article 38 of the BPC, the court by a person who is not entitled to claim or suit detects the provision of a person does not need to respond to the court's decision, with the consent of the claimant relating to the original claimant or the respondent, the claimant or respondent be replaced the way it works. Non-party candidates but may be replaced with the initiative of the Economic Court of the other party

does not agree to be replaced by this being in conflict with the requirements for independent work the applicant has the right to participate as a third party, and the court shall inform the person about it. The request is appropriate to switch between related parties require the approval of the exchange or the solicitation of plaintiffs.

If the plaintiff respondent does not agree to replace with another person, with the consent of the claimant in court as the person responsible for the second. The affected party does not change the court ruling. After the party is not involved in modifying the case anew.

Agricultural proceedings related parties exchange practical significance. Because, as a result, not only to determine the participants in the proceedings of certain economic relations, but also the procedural consequences arising from it. Party purely legal concept, which lies at the basis of its financial and legal character that this party rights through

the adoption of a decision by the court considered to be the legitimate interests of the owner or legal obligations. Consequently, the plaintiff does not belong to the economic process between the parties procedure face-to-face struggle is always defeated. Because the material is not entitled to legal protection. Not responsible, these discussions is expected to achieve the result that the claimant's subjective rights or legitimate interests of the impugned does not assume the obligation and this could be the winner of the proceeding.

Based on the above, it can be said that the defendants involved in the economic process is not related to the claimant's material is not available in the legal sense of the right to protection. However, the plaintiff, unlike the claimant was not involved in the responsibility of the relevant circumstances of the proceedings, financial and legal terms can make the protection of their rights.

In this case, the plaintiff and the respondent do not belong to is called upon to participate in the discussion of the extent of the right to be a reasonable question. In this respect, if the other person does not belong to the claimant and respondent substitution is not possible to accept any decision of the court, even if it will be necessary to pay attention to the issues of improvement of legislation in this area.

According to Article 38 of the prior art, the non-party candidates but may be replaced with the initiative of the Economic Court of the other party does not agree to be replaced by this being in conflict with the requirements for independent work the applicant has the right to participate as a third party and that the court shall inform the person. If the plaintiff respondent does not agree to replace with another person, with the consent of the claimant in court as the person responsible for the second. This is a business process to determine the boundary between the

participation of two of the defendants, they should follow. For their part in the majority of the side of the plaintiff or defendant in the case does not override the rights and obligations of the other rights and obligations.

Article 38 of the IPC, "do not have the right to submit claims to the Economic Court does not need to respond to a claim by a person or entity has been detected ...". That is what this stage is determined by the court in detail. This is the case not only in the session of the court case, but can be determined in the stage of preparation of the case.

According to M.S.Shakaryan that the first court session may be replaced by a responsible<sup>1</sup>.

If see logical than the respondent will not be able to change the court proceedings before embarking. Because, subject to the consent of the claimant in accordance with the requirements of Article 38 of

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<sup>1</sup> Commentary on the Code of Arbitration Procedure of the Russian Federation (itemized) / Ed. Ed. MS Shakaryan. - M.: TK Welby, Publishing House "Prospekt", 2003. - S. 116 (bean muallifi - MS Shakaryan).

the IPC. This is not a question. The process of economic change non-proceedings have been initiated, the respondent on the basis of any legal mechanism?

In my view, the first business process with the participation of the clauses. Non-agricultural proceedings have been initiated, the plaintiff respondent appealed to the court to request replacement. In this appeal, however, the court is responsible for the non-appear determined to replace him after discovering that the claimant's consent. Agree, your ruling on the respondent and the respondent involved, the case for a new start. After that, according to the third part of Article 38 of the IPC if the plaintiff respondent does not agree to replace with another person, with the consent of the claimant in court as the person responsible for the second. Given the consent, business process saw the participation of the two responsible.

It can also be the case, the plaintiff respondent to replace the second defendant agreed to participate

in the study. In this case, N.Morozov APK an amendment to Article 150 of the Russian Federation, non-agricultural proceeding against the respondent must be<sup>2</sup>. The author's idea is somewhat controversial. Because, under Article 86 of the IPC refers to the termination of the proceedings and this is counted as a dismissal of the proceedings.

E.A.Treshcheva, not concerning the process of solving the case respondent dispositive principle and are trying to process it considers to be caused by the expulsion of forced to participate<sup>3</sup>. Indeed, the economic procedural legislation does not provide the parties are forced to replace. It will be available only in the economic process is the main party that may with the consent of the claimant.

We believe that in such cases the court will continue to review the content of the case and the content of the claim (logically, the challenge to

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<sup>2</sup> Morozov N. Defendant: what if clearly wrong ?. // Arbitration and civil procedure. 2006. №2.

<sup>3</sup> Treshcheva E.A. The subjects of the arbitration process. Dissertation on science . -M .: 2009. -243 b.



the satisfaction of the lawsuit) in accordance with the purpose of the decision.

Non-legal literature and the respective rights and obligations of the parties procedural rights and obligations of each exception <sup>4</sup>, indicated that. In this respect, one is required to clarify the concept. Non-authorized party does not belong to what is the difference between the person and the person is not legally able to?

We believe that these concepts are close to each other. Because, according to Article 82 of the BPC, the loss of ability to treat civilian forced to suspend the court proceedings. Based on the concept of a party that does not belong to the material lies in the legal character and, therefore, if the procedure has legal capacity and the right to request the court to protect the rights, not to think about the party. In addition, the considered case, the business process side, mention is not authorized

because of his authority comes from the state registration.

None of the sides in the legal sense are not authorized in accordance with the legislation that is being hidden behind the claim that the claimant or the respondent, the procedural rights and procedural obligations can not be counted as a business process side.

In contrast to the related party is not authorized parties may be responsible for the economic work of the claimant, because of the economic procedural legal capacity. However, if the person entitled to the procedural aspects of power and such a person is not the subject of the alleged forced to disputes or legal relationship, then the party that is not related to the claimant or the respondent status, however. This means that the person is not authorized and does not belong to the same legal consequences of their status. Because the parties participating in the mandatory claim in court cases, the claimant or the respondent authority is not the

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<sup>4</sup> Osokina GL Russian civil procedure course. Overview: Textbook. Tomsk: 2002, p.153.

appropriate court to reject the initiation of proceedings or dismissal of the proceedings. Such a rule can not be used against the party. If the party does not belong to the work involved, the parties' related party due to the absence of economic refusal to start proceedings or proceedings is considered illegal.

The economic interests of procedural legal entity and may differ according to the nature of its existence. 1) conflicting legal relationship of subjective material participating as an interested party (parties, the subject of the dispute requires an independent third party); 2) the subjective aspects of the material but as a person who is interested in participation are procedural benefit of destitute persons (not participating in the independent third party to protect the interests of the state and society, the representatives of the parties and third parties; 3) to promote the implementation of justice in personal

and social interests we look out persons<sup>5</sup>.

In this respect, the author focuses on explaining the existence of a material or procedural concerned. However, it should be noted that the parties to classify this or that interest, whether it is immaterial whether the procedures that will serve the interests of the party. In some cases, the participant side, but without such a benefit aimed at protecting the rights and legitimate interests of its members. In particular, the members of the Chamber of Commerce and Industry of Uzbekistan in order to protect the legitimate rights and interests of the commercial courts as a party, but will appeal to the business entity's interest. It is designed for specific business entities is explained by the expansion of preferential and favourable conditions.

It should be noted, on the basis of the requirements of modern economic procedural legislation, as

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<sup>5</sup> Bondarev E.E. Implementation of administrative rights of the parties in the arbitration process (at first instance). Diss.na the competitor. Ouch. step. cand. jurid. Sciences. -Samara, 2003. 24 p.

well as wide-ranging opportunities for business entities, in order to ensure the proper and legal use consistently being improved. In recent years, the Economic Procedure Code categories of work as a form of legal proceedings on cases of application of the measures 20<sup>3</sup>-chapter (April 21, 2011), corporate disputes 20<sup>4</sup>-chapter (August 20, 2015) and, significantly expanded the scope of the parties the opportunity to be a full and consistent. At the same time, on application of measures of legal proceedings as a party according to 155<sup>11</sup>- BPC, applications for legal action shall have the right to appeal to the government to control the commercial courts. The tax authorities, licensing, the Prosecutor's Office, the State Committee for Nature Protection, the customs authorities and others to participate. In this case, contact the authority of the state and the interests of society to protect agriculture as a party in proceedings.

According to article 155<sup>19</sup>BPC, court makes the following corporate disputes:

1) The establishment of a legal entity, in connection with the reorganization and liquidation of the conflict;

2) agricultural societies and companies authorized fund (authorized capital) of shares, the proportion of the members of the cooperative equity member, uploads them and set them in connection with the implementation of the rights arising from conflict, economic societies and companies authorized fund (authorized capital) of shares, shares, including the members of the cooperative shares inherit property or common property, except for disputes arising in connection with the property;

3) A legal entity participants (founders, members), (hereinafter referred to as the participants of a legal entity) is a legal entity created by the agreement invalid and (or) the consequences of such agreements can

not dispute the claims of the application;

4) issue of securities, including government agencies and other bodies, their officials, actions (inaction), with the conflict on the decisions of the management bodies of the issuer, securities transactions in the process of placement of the securities issue (additional) results reports (notices) on disputes related to the conflict;

5) The nominal holder of securities of rights to shares and other securities, placement of securities and (or) the manner prescribed by law, in connection with the rights and obligations related to the implementation by the nominal holder of securities disputes arising from the activities;

6) On the call a general meeting of the participants of the legal entity;

7) The decisions of the management bodies of the legal entity to the conflict. The court, on the other

legislation to resolve corporate disputes.

Today the established practice of courts of corporate disputes. In particular, during the months of January-December 2015, considered the work of corporate relations of the total, 264, and 165 of them are satisfied<sup>6</sup>.

Based on the above-mentioned situation, to say that the other categories of citizens that corporate disputes, though the conflict not to participate as a party in the legal relations, corporate shareholder disputes, shareholder, as an interested party to participate in the economic process as a full party. This is one of the unique features of the civil economic process is not possible.

Concluded that the economic process as the parties associated with the category of one of the criteria for classifying economic process. As you know, the economic process claims, command layout view, a distinction

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<sup>6</sup> Supreme Economic Court of the Republic of Uzbekistan. National courts work carried out during the year 2015 statistical data. Ownership .: 2016.

between categories of works. At the same time, ambitious work as plaintiff and defendant, and orders on procedural matters were recovered and the borrower, the individual categories of cases the applicant is responsible and involved. This is based on the type of work place identified by the parties. That is, the side of the plaintiff, the applicant is responsible for the side, and the borrower is responsible for collecting, etc. will participate.