

SPECIFIC CHARACTERISTICS OF THE PARTICIPATION OF FOREIGN BUSINESS ENTITIES AS PARTIES IN ECONOMIC COURTS

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Abstract. This article discusses the participation of foreign entities as parties in the economic courts of the Republic of Uzbekistan, their legal status in the newly adopted Economic Procedural Code and its differences from the Economic Procedural Code, as well as issues of legal regulation of their activities. In the Code of Economic Procedure, the provision on consideration by economic courts of cases involving foreign persons has been strengthened. Also, a number of new rules have been introduced into the EPC aimed at eliminating existing problems in the regulation of cases involving foreign persons.

Keywords:... economic courts, business entities, economic proceedings, international legislation

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Introduction. The main goal of the reforms implemented in the judicial system in our country today is to strengthen the rule of law and legality, to reliably protect human rights and interests, to further democratize and liberalize society, and to increase the role and importance of the judiciary in protecting the rights and legitimate interests of citizens. In the recent past, a number of regulatory legal documents aimed at radical reform and improvement of the judicial system were adopted, which opened a new era in the development of this field and became its legal basis.

The Decree of the President of the Republic of Uzbekistan dated February 7, 2017 "On the Strategy of Actions for the Further Development of the Republic of Uzbekistan" [1] provides for the expansion of guarantees of reliable protection of the rights and freedoms of citizens, the level of their access to justice, and the further improvement of the system of increasing the efficiency and quality of court proceedings. strengthened as the most important directions of the reforms implemented in the field of law.

The adoption of the Decree of the President of the Republic of Uzbekistan "On measures to fundamentally improve the structure of the judicial system of the Republic of Uzbekistan and increase the efficiency of its activity" [2] was an important step in the implementation of the stated tasks and raised the state policy in this field to a qualitatively new level. In fact, today, special importance is attached to increasing the role of judicial bodies in solving the issue of protecting

the legal rights of private owners and entrepreneurs, as well as foreign entrepreneurs, and strengthening the guarantees of their activities.

In particular, at a time when attracting foreign investments and foreign capital is gaining strategic importance, improving the mechanisms for resolving disputes with foreign business entities is one of the most urgent issues. All this made the adoption of the Code of Economic Procedure a necessity.

"On Approval of the Economic Procedural Code of the Republic of Uzbekistan" developed by the Supreme Court of the Republic of Uzbekistan through the right of legislative initiative, approved at the thirteenth plenary session of the Senate of the Oliy Majlis of the Republic of Uzbekistan on December 20, 2017, announced in the press on January 25, 2018 and coming into force on April 1 of this year. The new code was approved by the Law.

Methods. Various research methods were used to collect data such as comparative and descriptive methods. Since the research is an analysis of the Uzbek national legislation, it was compiled on the basis of descriptions and definitions of the topic by various scientists, and their comparison with each other.

Discussion and results. The mechanisms for protecting the violated or conflicting rights or interests protected by law of enterprises, institutions, organizations and citizens, as well as foreign business entities in the field of economy are further improved, while the norms in the Code are developed based on in-depth analysis and advanced foreign practice in accordance with the requirements of the time. therefore, it plays an important role in the economic development of our country.

Subjects of foreign business activity in the legislation of the Republic of Uzbekistan appear in the form of "foreign persons", "foreign investors", "foreign organizations", "foreign citizens", "non-residents", "foreign legal entities". In general, it should be noted that all of these can participate as parties in economic courts.

The legal status of foreign persons in the economic courts of the Republic of Uzbekistan is determined by the principle of "Equality before the Law and the Court" of the Code of Economic Procedure, that is, the resolution of disputes in the Court is independent of the form of ownership of legal entities, where they are located, to whom they obey, and citizens' gender, race, nationality, language. , regardless of religion, social origin, belief, personal and social status, as well as other circumstances, is carried out on the basis of equality before the law and the court.

This norm stipulates that foreign business entities have the same rights and perform the same obligations as Uzbek entrepreneurs in the process of handling economic disputes. In addition, Article 245 of the Criminal Code stipulates that foreign persons can apply to economic courts in order to protect their violated or

disputed rights and interests protected by law in the economic sphere, and that they can use the same procedural rights and undertake procedural obligations as legal entities and citizens of the Republic of Uzbekistan.

Thus, it should be emphasized that the procedural legal status of foreign business entities in our country is determined based on the national regime. Thus, in cases involving foreign persons, the norms of the IPK are applied, unless otherwise provided by the legislation of the Republic of Uzbekistan. This will prevent a number of problems related to the application of the law.

The Code of Economic Procedure provides that foreign persons may also participate as parties to the dispute. That is, the Economic Procedural Code stipulates that economic courts will hear relevant cases involving foreign legal entities, international organizations, foreign citizens, stateless persons engaged in business activities[3].

It means that economic courts have the authority to hear disputes involving foreign legal entities. Therefore, according to the legislation of the economic procedure of the Republic of Uzbekistan, foreign business entities can participate in economic courts as parties. Also, new norms have been introduced in the economic courts regarding the admissibility of cases involving foreign legal entities. The difference between the Economic Procedural Code and the Economic Procedural Code is reflected in this norm once again.

In what cases the economic courts can consider the disputes involving foreign persons, it is confirmed in IPK. In particular, according to Article 239 of the IPK, economic courts of the Republic of Uzbekistan have the right to hear cases involving foreign persons in the following cases:

- if the defendant resides or resides in the territory of the Republic of Uzbekistan, or if the defendant has property in the territory of the Republic of Uzbekistan;
- if the branch or representative office of a foreign person is located in the territory of the Republic of Uzbekistan;
- if the dispute arises from a contract that must be performed or has been performed in the territory of the Republic of Uzbekistan;
- the claim arose due to damage to property by a foreign person or due to another situation that occurred in the territory of the Republic of Uzbekistan, or if the damage occurred in the territory of the Republic of Uzbekistan;
- if the dispute arose from unjust enrichment in the territory of the Republic of Uzbekistan;
- if the claimant in the business reputation protection case resides in the Republic of Uzbekistan;
- if the dispute arose from relations related to the circulation of securities issued in the territory of the Republic of Uzbekistan;

□ if the applicant in the case of determination of a fact of legal importance indicates the existence of this fact in the territory of the Republic of Uzbekistan;

□ if the dispute arose from relations related to the state registration of names and other objects in the territory of the Republic of Uzbekistan and the provision of services on the Internet global information network;

□ if there is an agreement on this between a legal entity or a citizen of the Republic of Uzbekistan and a foreigner.

The presence of one of these grounds means that economic courts can consider disputes involving foreign persons. At this point, it should be noted that this norm differs from the grounds for hearing the case specified in Article 223 of the Criminal Code. In this regard, it is important to regulate relations related to the circulation of securities, determination of the fact of legal importance, intellectual property and the provision of services in the Internet global information network.

In today's fast-paced social environment, the regulation of disputes related to the Internet or the stock market is of urgent importance. In addition, it is necessary to pay attention to another aspect. According to it, the parties themselves determine which court will consider the dispute that may arise in the process of concluding the contract.

The norm providing for this provision is defined in IPK. In particular, Article 241 of the IPK defines the form of the agreement called "Agreement on determining the competences of the economic courts of the Republic of Uzbekistan in cases involving foreign persons". In this case, if a dispute arises between them, the parties to the contract will make a separate agreement[4] on which court will consider the dispute.

In this agreement, the designation of economic courts as the competent judicial body in the consideration of the case means that they will have absolute powers in the consideration of the case. In the following cases, the economic courts will have exclusive powers to hear cases involving foreign persons:

□ Cases related to disputes regarding state-owned property of the Republic of Uzbekistan, including cases related to expropriation of property and privatization of state property and compulsory confiscation of property for state needs;

□ cases on disputes the subject of which is immovable property, if such property is located on the territory of the Republic of Uzbekistan, or on disputes regarding the rights to such property.

It is worth noting that court cases involving foreign business entities belong only to economic courts. Because this norm is a novelty for economic procedural legislation, such a norm did not exist in the previous code.

There are a number of specific features of the participation of foreign entities as parties in the case. A number of problems may arise when foreign legal entities participate as parties in the case.

Including problems related to procedural deadlines. It would not be wrong to say that with the adoption of IPK, this problem has been solved to some extent. Because the volume of cases considered by the economic courts is very large, and according to Article 125 of the Criminal Code of the Republic of Uzbekistan, a one-month time limit has been set for considering cases in court. In some cases, the term of consideration of the case may be extended by the chairman of the economic court for a period not exceeding one month.

This period is not enough to consider disputes related to large-scale foreign economic activity. Article 244 of the Criminal Code stipulates that in cases where one of the parties is a foreigner, unless otherwise stipulated in international agreements, the period of consideration of the case should be extended for a period of no more than six months. Of course, this is aimed at eliminating the above-mentioned problem as much as possible. If the foreign legal entity has a representative office or branch, as well as a representative in the Republic of Uzbekistan, general terms are established.

That is, considering that handling cases involving foreign persons requires relatively high skills and knowledge, handling of such cases is assigned to regional level courts.

Chapters defining the procedure for consideration of cases on recognition and enforcement of decisions of foreign courts and arbitrations, as well as cases on restoration of lost court cases and enforcement proceedings were introduced, that is, there were no norms on the conduct of cases on restoration of lost court cases and enforcement proceedings in the Criminal Code. In the implemented code, this gap in the legislation was filled and the procedural order of conducting such cases was determined.

Norms regarding the wider use of modern information and communication technologies in solving cases were established, including audio and video recording of the court session in order to ensure the implementation of paragraph 26 of the Program approved by the Decree of the President of the Republic of Uzbekistan No. PF-4848 of October 5, 2016.

Audio and video recording of court sessions will now be expanded. The widespread implementation of such a modern method ensures that court hearings are conducted in full accordance with the requirements of the law. Also, it is possible to introduce the persons who participated in it with the audio or video recording of the court session.

Conclusion. It should be said that it is not possible to record the case in audio and video recording at the same time in every court. Therefore, this possibility,

which is included in the legislation, will be widely promoted after being equipped with the appropriate technical means. Nevertheless, this innovation will definitely come in handy and serve to increase confidence in conducting business involving foreign business entities. Because this method has been used in foreign countries for a long time.

A new chapter has entered into force on the procedure for the recognition and enforcement of decisions of foreign courts and arbitrations. There was no regulation of this type of relationship in the Criminal Code, and it was carried out on the basis of general rules of court proceedings. The existence of the New York Convention of 1958, which regulates these relations at the international level, and the inclusion of such a chapter in the IPK indicates the unification of the norms regulating these relations. It will also stimulate the development of cooperation and relations between countries in this field.

These types of issues are regulated by other legislation or not regulated at all. In the IPK, the requirements for documents belonging to a foreign country state that when presenting documents in a foreign language to the Economic Court of the Republic of Uzbekistan, a duly certified translation of them in the state language or the language in which economic court proceedings are conducted must be added to these documents, and only when the documents have consular legalization by the Economic Courts of the Republic of Uzbekistan. or if they are apostilled, they are set to be accepted.

In conclusion, it can be said that the adoption of the new Economic Procedural Code has strengthened the legal reforms being carried out in our country at the legal level, and will certainly ensure the reliable protection of the rights and legal interests of foreign business entities through the court, and will also play an important role in the economic development of our country.

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