

## ARBITRATION COURT DECISION AND PROBLEMS OF DISPUTES ARISING FROM IT

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### ANNOTATION

Today, in addition to the competent courts, arbitration and arbitration courts face various problems when considering a number of cases on civil and economic disputes in the manner of alternative dispute resolution. This article discusses the role of arbitration and arbitration courts, their types with an analysis of foreign experience. Also, in the course of studying the legal acts of foreign countries, the role of national arbitrations and arbitration courts in alternative dispute resolution and their types was discussed, and proposals and recommendations for our national legislation are being developed.

**Keywords:** arbitration court, arbitrator, institutional, provisional, normative legal act, law, code.

There are many ways to resolve conflicts in the world. The arbitration court is a non-governmental body that resolves disputes arising from civil legal relations, including economic disputes between business entities. The arbitration court resolves disputes through the laws and regulations of the Republic of Uzbekistan. Arbitration is one of the most effective ways to resolve disputes. Currently, its legal basis has been created. Arbitration courts are not legal entities. The peculiarity of the arbitration court is that its decisions are supported by the power and authority of the state through the issuance of writs of execution by the state courts that grant the arbitration court official judicial powers<sup>1</sup>. As a difference between the independent arbitration courts and the courts of the state system, first of all, it is necessary to emphasize the freedom of the participants in the arbitration court to choose procedural and material legal norms. That is, it covers concepts such as the free choice of the judge conducting the trial, the composition of the court, the place and time of the court, and the language of the proceedings<sup>2</sup>. From the date of the entry into force of the law "On Arbitration Courts" in our country, the activity of arbitration courts along with the state (civil, economic) court has been established, and a new important stage of judicial and legal reforms has begun.

PF dated June 14, 2005 of the head of state "On measures to further improve the system of legal protection of business entities" in order to democratize and renew the society, reform and modernize the country, and further liberalize the judicial and legal system. Decree No. 3619 instructs the drafting of the Law on Arbitration Courts, and establishes the establishment of arbitration courts by business entities and their associations in our country. The Law of the Republic of Uzbekistan "On Arbitration Courts", developed on the basis of this decree, was adopted on October 16, 2006 and entered into force on January 1, 2007. With the adoption of this law, the judicial legal system in our country has entered a new stage. Many opportunities are being created for the development of entrepreneurship in our country, and naturally, the number of disputes is also increasing. Disputes are inevitable in the business world. Whether it's a contract dispute, sales negotiation, territorial dispute, conflict with a customer,

<sup>1</sup> Hakberdiev A. A. ARBITRATION COURT: SOME ISSUES OF LAW PROTECTION //World Bulletin of Management and Law. – 2021. – T. 4. – C. 9-12.

<sup>2</sup> KHAKBERDIEV A. HISTORY AND LEGAL CHARACTERISTICS OF THE ARBITRAL TRIBUNAL //International Journal of Early Childhood. – 2022. – T. 14. – №. 02. – C. 2080-2090.

supplier, business partner or employee. Often, the most expensive and time-consuming part of resolving a dispute is the time it takes to resolve it rather than doing business<sup>3</sup>. When disputes arise, due to the increasing pressure on the courts as a result of the demographic growth of the population, the possibility of quick resolution of disputes is disappearing. For example, in developed countries, in Italy, the period for hearing a dispute takes from 150 to 195 weeks, depending on the ease or complexity of the case, and if the complexity of the case is referred to revision, this period can be doubled again, which is due to the arbitration courts. causes a number of burdens to entrepreneurs, who are the main category of applicants<sup>4</sup>.

In countries with developed arbitration courts, 80-85% of debt disputes between citizens and economic entities are considered and resolved in arbitration courts<sup>5</sup>. The main purpose of the law is to organize arbitration courts in our republic and to regulate relations in the sphere of their activity.

The arbitration court is a non-governmental body that resolves disputes arising from civil legal relations, including economic disputes arising between business entities. The arbitration court resolves disputes based on the legislation of the Republic of Uzbekistan.

In today's era of globalization, the demographic growth of the population has accelerated and their legal awareness is growing, so the number of applications received by the judicial authorities is also increasing, which affects the speed and quality of handling disputes<sup>6</sup>. Arbitral tribunals are non-governmental bodies that try to solve problems of the population quickly and efficiently. The arbitration court has several advantages, for example: economy, speedy consideration of disputes, independent selection of arbitrators and the possibility of independently determining the procedure for resolving the dispute, creating conditions for reaching an agreement and maintaining cooperative relations; non-disclosure of arbitration proceedings; existence of a mechanism for mandatory execution of the arbitration court's decision. We can see the work of arbitration courts through a small example:

The cases of 15 arbitration courts organized under the Chamber of Commerce and Industry of the Republic of Uzbekistan and its sub-regional departments from 2007 to 2017: the amount of the claim is 411.3 billion soums, 48.8 million US dollars and 195,025 euros a total of 8689 cases were recorded. 1,730 cases with a total claim amount of 38.1 billion soums were considered by the Arbitration Court under the Sirdarya regional administration of the chamber<sup>7</sup>. In 2014, a total of 3,100 lawsuits worth 209.7 billion soums were received by the arbitration courts of UzHSA and its subsystems, and 4,400 lawsuits worth 211.7 billion soums were considered during this period. and content resolved. These numbers show that the role of arbitration courts is increasing year by year, especially in cases aimed at protecting the rights of entrepreneurs<sup>8</sup>.

In the process of covering this article, logical, historical, consistency and objectivity methods of scientific knowledge were widely used. In this article, arbitration courts and their role in solving business and civil disputes today are discussed. The Law of the President of the Republic of Uzbekistan,

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<sup>3</sup> Štefánik L., Khakberdiev A., Davronov D. CLASSIFICATION AND TYPES OF ARBITRATION COURTS //Norwegian Journal of Development of the International Science. – 2022. – №. 79-2. – С. 19-25.

<sup>4</sup> Хакбердиев А. А. НИЗОЛАРНИ МУҚОБИЛ ТАРТИБДА ҲАЛ ҚИЛИШДА ҲАКАМЛИК ВА АРБИТРАЖ СУДИНИНГ ЎРНИ ВА УЛАРНИНГ ТУРЛАРИ //ЖУРНАЛ ПРАВОВЫХ ИССЛЕДОВАНИЙ. – 2022. – Т. 7. – №. 4.

<sup>5</sup> Hakberdiev A. A. CHALLENGES OF ARBITRATION IN REFORMING CIVIL AND ECONOMIC PROCEDURAL PROCESSES //Archive of Conferences. – 2021. – С. 159-162

<sup>6</sup> Yu P., Khakberdiev A. ABOUT PSYCHOLOGICAL FEATURES CONDUCTING AN INTERROGATION //Norwegian Journal of Development of the International Science. – 2021. – №. 60-3. – С. 6-9.

<sup>7</sup> Hakamlik sudlari faoliyatini takomillashirish, Sirdaryo 2017

<sup>8</sup> ХАКБЕРДИЕВ А. А. Об инсценировке мошенничества в сфере страхования //Право и правосудие в современном мире: актуальные проблемы уголовного, уголовно процессуального, международного и экологического права. – 2020. – С. 311-315.

adopted on October 16, 2006 and entered into force on January 1, 2007, and "Measures to further improve the system of legal protection of business entities" Decree PF 3619 of June 14, 2005 "on" was designated as a methodological source. Sh.M. Mirziyoyev's works were widely used. At the same time, scientific works and experiences of such legal scholars as Khudoykina T.V., Saifeddinova A.F., Krsova V.G., and Ponasyuk, candidate of legal sciences, Andrey Mihaylovich were widely used.

As mentioned earlier, the decision of the arbitration courts is directed to mandatory execution and is characterized by this. After the investigation of the dispute, the arbitration court makes a decision by the majority of the arbitrators who are part of the arbitration court. At the same time, it is possible to dispute the decision of the arbitration court, and this is done in several ways:

In accordance with the Law of the Republic of Uzbekistan on "Regulation of Arbitration Courts", a party to arbitration may submit an application to the competent court within thirty days from the date of receipt of the decision of the arbitration court, requesting the annulment of this decision. may have a dispute with the decision of the arbitration court. the filing of an application to cancel the decision of the arbitration court suspends the proceedings on the execution of the decision of the arbitration court until the proceedings on the dispute are completed by the competent authority<sup>9</sup>.

In this case, entrepreneurs or citizens who are dissatisfied with the decision of the arbitration court or are not satisfied <sup>10</sup>. Because the decision of the arbitration court is directed to direct execution. The decision of any court, including the arbitration court, is a separately provided legal force, without it it remains only a recommendation, its implementation depends on the wishes of the participants in the legal relationship. In the process theory, it is common to distinguish the components that make up the legal force of a decision, for example: binding, exclusivity, enforcement. In this case, the parties who are dissatisfied with the decision of the arbitration court can try to cancel the decision by applying to the competent court within 30 days. It should be emphasized here that the 30-day period is considered short because one of the disputing parties is not familiar with the court's decision, or due to the delay in the delivery of the arbitration court's decision, the period for applying to the competent court is short. Extending this period to 45 days, taking into account the positive circumstances, will have a good effect. The competent court does not have the right to verify the circumstances identified by the arbitration court or to reconsider the content of the arbitration court's decision while considering the application for annulment of the arbitration court's decision<sup>11</sup>. That is, when canceling the decision of the arbitration court, it can be canceled only if it was issued against the law, but the competent courts do not have the authority to discuss the decision of the arbitration court in substance, therefore, the competent court can only review the spelling mistakes of the decision (orphoepic). can return a decision only if there are errors<sup>12</sup>.

Arbitral award If the arbitral party applying for annulment of the arbitral award must submit several documents<sup>13</sup> and if these evidences are reliable, the competent court shall be obliged to annul the decision, these evidences are as follows:

- when it is proven that the arbitration agreement is invalid on the grounds provided for by law

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<sup>9</sup> O'zbekiston Respublikasi "Hakamlik sudlari to'g'risidagi" gi qonun 2006 yil Toshkent ...O'zbekiston nashriyoti

<sup>10</sup> Хакбердиев А. А. Понятие криминальной инсценировки, его элементы, методы обнаружения и расследования //review of law sciences. – 2020. – №. 1. – С. 167-174.

<sup>11</sup> Hakamlik sudlari faoliyatini takomillashirish, Sirdaryo 2017

<sup>12</sup> Abdusaidovich H. A., Bakhodirovna K. A. An analysis of investigation related to the ethicalities of robberies, thefts on motors vehicles in Uzbekistann //Asian Journal of Multidimensional Research (AJMR). – 2020. – T. 9. – №. 4. – С. 265-271.

<sup>13</sup> Хакбердиев А. А. Об инсценировке в сфере страхования //теоретические аспекты юриспруденции и вопросы правоприменения. – 2020. – С. 46-51.

- 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 findings of the arbitral tribunal on matters covered by the arbitration agreement can be separated from its findings on matters not covered by such agreement, the part of the arbitral award that contains only findings on matters not covered by the arbitration agreement can be cancelled.

- in addition, the decision of the arbitration court may be annulled if it does not follow the requirements of honesty, reasonableness and justice in determining the rights and obligations of the parties. In this case, the judges of the arbitration court should make a decision based on the principle of honesty and impartiality, if the principle of impartiality is not fulfilled, the attitude towards the arbitration court will change and the parties submitting the application should submit their disputes to the competent courts even if it requires a lot of time and expense. they prefer. In this case, entering arbitration courts into a single register and selecting them randomly will be effective. During the adoption of the decision of the arbitration court, the disputing parties should be given equal opportunities to express their views freely. How is this done? The disputing parties are connected to the single register of arbitration courts and give them information about their problems and get information about arbitration courts in their area. and the parties may avail themselves of the services of experienced and qualified arbitrators appropriate to the nature of their dispute. At the same time, through this connection, it is possible to electronically sign an agreement with the arbitration court and receive information about prices, which saves time and money of entrepreneurs and arbitration courts.

- in addition, the arbitration court must choose the judge of the arbitration court in the agreement, if this is not done, the decision of the arbitration court judge may be canceled in the following cases: there is a legally binding decision of the court on the fact that the legal capacity is limited or declared incompetent a person who has not been convicted of a crime, a person who has not been convicted of a crime, a person whose employment in the competent state bodies has been terminated for committing acts incompatible with his professional activity, a person who cannot be a judge of an arbitration court in accordance with the law. I would like to emphasize that it is necessary to check the arbitration judges and implement a unified control over them, because in these cases, for example, a citizen with a conviction or a conviction that has not been removed will be automatically entered into the unified register before becoming a judge of the arbitration court and performing judicial activities. should be banned. This work should be carried out in cooperation with the Association of Arbitration Courts of the Republic of Uzbekistan and the Ministry of Justice.

- formation of the composition of the arbitration judges should be specified in the arbitration agreement, if the parties are not satisfied with the composition of the judges specified in the arbitration agreement, they will apply within 15 working days, and if it is not resolved, the case will be sent to the competent court.

- if the dispute considered by the arbitration court is not the subject of arbitration in accordance with the law, the competent court may annul the decision of the arbitration court.

Arbitration courts should consider disputes, such as real estate disputes, at the place where the property is located, bankruptcy and economic disputes at the debtor's place of residence. it is considered so in foreign experience, in our country, in order to impartially and fully understand the

dispute, it is better to accept the claim at the place where the dispute originated, and they will have a full picture<sup>14</sup>.

It is very necessary for the parties to participate in the process, for example, according to the legislation of the Russian Federation, it is necessary for the parties to participate in the arbitration court proceedings, because in cases where they do not participate, they cannot complain about the ruling or decision made by the court, taking into account the fact that the parties must participate in person or as a representative, in the form of a video conference must be provided.

In the event of the above circumstances, the competent court shall cancel the decision of the arbitration court, and the parties may apply to the arbitration court anew.

In short, arbitration courts are a non-governmental body that can bring a new perspective and relief to the judicial system in our country. The ability to properly use arbitration courts will have a good effect, because in the current environment of business development, there is a great need for a body that can quickly and easily solve their problems. In order to properly use arbitration courts, it is necessary to further strengthen their control and relations with state courts, and through this, arbitration courts should perform the task of filtering disputes in society.

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