

CERTAIN CURRENT CIVIL PROCEDURE LAW INSTITUTIONS

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Abstract: *In this article, conclusions have been drawn regarding the New Uzbekistan reforms, the tasks assigned to the civil courts, innovations in the handling of civil court cases, the emergence and implementation of new and modern procedural institutions, problems in this regard, solutions proposed, theoretical rules, and practical and scientific significance.*

Keywords: *civil procedural law, judicial activity, judge, procedural institutions, mediation, principles, litigation, development trends, simplification, videoconferencing, conducting court proceedings.*

It is crucial to describe the new procedural institutions and their significance in both theory and practice, as well as the recent modifications made to the Civil Procedure Code.

Understanding the tenets of genuine equality and the parties' disagreement during the legal process is crucial. The practical application of the principle of adversariality in the courtroom over the years has contributed to the determination of the truth in the case, as has the equality of the parties (plaintiff, defendant, third party, their representatives, and other participants in the proceedings) and their place and status as a subject of proof during the court session. Exists a genuine equity mechanism? It is reasonable to wonder if the Civil Procedure Code contains any concept or principle of equality. However, in order to guarantee the case's impartiality and justice, legal, reasonable, and fair court documents must be issued. Additionally, the principle of equality of the process's participants—that they not abuse their status and collaborate equally with one another—must be further strengthened. Once more, this principle was identified as the primary objective in order to provide possibilities and circumstances. This is the main idea behind the justice concept.

It is imperative to radically improve the degree of access to justice for individuals and corporations by progressively digitizing the legal system and getting rid of red tape and bureaucratic roadblocks. Although digitization is not a simple process, there are some aspects that are thought to be significant, such as applying to court, allocating cases, estimating the workload of judges, allocating cases between instances, issuing court documents, reviewing cases via video



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conference, promptly reviewing and resolving applications and motions, the process for sending court documents to the parties, and the court's efforts to compile statistics.

Establishing the organizational and legal frameworks required for the widespread use of alternative dispute resolution techniques, thereby broadening the institution of reconciliation's purview, is regarded as one of the most cutting-edge procedural structures.

Chapter 17 of the Civil Procedure Code is devoted to "Conciliation Procedures", which provides norms on the possibility of concluding a settlement agreement through the court, using mediation procedures. Alternative dispute resolution methods include not only the mediation method, but also the settlement of disputes before the court through arbitration courts. Currently, the role of the mediation institution in resolving disputes on a global scale is expanding. Specifically, in relation to the enactment of the Law of the Republic of Uzbekistan "On Mediation" into our nation's legislative practice, mediator training, mediation service organization, arising dispute resolution based on mediation agreement, introduction of the use of mediation procedures in the practice of courts and other bodies, mediation before the court, in the court process, as well as in the enforcement of the court and other bodies' documents, it is important to carry out new scientific research, prepare new scientific developments and disseminate them to the general public, and educate the public about the benefits of the mediation institute.

The civil procedural laws underwent modifications and additions in the ensuing years, including the practice of video conference proceedings, simplified proceedings, the removal of the institution of court document revision in the control procedure, and the creation of numerous new chapters and institutions. The "...implementation of the tasks set by the social protection policy aimed at enhancing human dignity" is the stated goal of all these measures.

The Law of September 16, 2021, created Chapter 25 (Articles 2791-2795) of the Civil Procedure Code of the Republic of Uzbekistan, titled "Simplified proceedings".¹

The purpose of introducing this type of proceeding is

- established overseas practice;
- spare the parties to the trial and the court time;
- avoiding exorbitant costs;
- lessening of the workload in judicial procedures;
- classifying instances according to the claim's worth;
- procedures that consider the wishes of both the defendant and the plaintiff;
- the case is evaluated in court using the standard procedures for litigation;
- Evaluates the matter without scheduling a hearing, notifying the parties, and not listening to their justifications.

¹ 25-боб Ўзбекистон Республикасининг 2021 йил 16 сентябрдаги ЎРҚ-716-сонли Қонунига асосан киритилган — Қонунчилик маълумотлари миллий базаси, 17.09.2021 й., 03/21/716/0877-сон)



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The general and particular regulations governing procedures in the procedure of claims, proceedings in absentia, and proceedings in the order procedure apply to proceedings in a streamlined procedure, indicating similarities between them. Nonetheless, a few distinctions also suggest that these processes are distinct from one another.

The use of information and communication technology in court operations may now be broadly implemented. Electronic relationships can also be established within this system, and most crucially, the legal foundation for the digitization of court operations can be strengthened and defined. Under the recent reforms in Uzbekistan, the practice of holding court proceedings remotely is growing in order to improve the comfort level of both the populace and court operations. In this profession, it is crucial to use information and communication technologies correctly and effectively. In the midst of the epidemic, this approach has particularly produced more advantageous prospects, and even court proceedings from nearby and distant locations have significantly aided in the resolution of cases. With this approach, it was feasible to safeguard public health throughout the epidemic and promptly and efficiently address the people's issues. When it came to solving cases remotely, it was thought to be an essential tool for hearing the case, helping with the hearing, carrying out court orders, presenting the claim, presenting the evidence, getting the parties to explain, obtaining witness statements, and utilizing other relevant forms of proof. The use of information and communication technology in Uzbekistan is still the subject of little scientific study; in particular, while practical relationships around video conferencing are being improved, there have been few scientific advancements in this area.

It means a court session in the video conference mode distance hearing refers to the process of utilizing real-time communications technology to provide interactive engagement between the court presiding over the case and the court providing support in order to exchange audio and visual information. The court that is hearing the case is the same court that is handling the pertinent matter. The court(s) of the Republic of Uzbekistan that offer the necessary technical and other prerequisites for conducting a court session via videoconference and are situated outside the court hearing the case are the court(s) that facilitate the holding of the session via videoconference. It is important to note that the involvement of parties to the case and other participants in the economic litigation procedures in the video conference mode of the court session is their right, not their responsibility.

What facilities does this procedural tool provide?

- There will be a broad adoption of contemporary technology in court operations;
- A system was developed with the purpose of harmonizing with current needs and international standards.
- It is up to the subjects to apply in court.
- There will be a successful digitization of judicial activities.
- Providing transparency, openness, and openness in judicial proceedings;
- Information sharing among ministries and agencies is accomplished;

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- Preserves time;
- Overspending is avoided;
- Strengthens public oversight of court operations;
- Remote appeals to the courts are feasible;
- The court hearing will be held virtually under facilitated settings;
- Enhances collaboration across courts in several areas;
- It results in the judicial processes being simpler;
- It is assured that court assignments can be sent to other courts or that the implementation of these acts is limited;
 - It is not possible to attend the court hearing;

In order to further improve civil procedural legislation and practice in the context of the new Uzbekistan reforms, the following comments are made:

1. Civil procedural law, economic procedural law, the arbitration process, and mediation are areas of science that require development in practice. These areas include cases that should be listed in the field of arbitration courts and mediation, improving the practice of handling civil and economic cases in court, and the scope of scientific research that should be studied in order to establish modern scientific schools in the future. Finally, there is an urgent need to explore new scientific directions in the fields of civil procedural law, economic procedural law, arbitration process, and mediation.

2. New judicial actions under civil procedural law legislation and practice, such as "Enterprises, institutions, organizations, public associations" and "Proceedings related to the recognition and enforcement of decisions of foreign courts and arbitration courts (arbitrations)" As stated in Chapter 23 of the Civil Code, it is imperative that scientific research and advances connected to administrative and other public legal relations, as well as the handling of dispute cases involving the acts or inaction of their officials, be prepared and presented to the public.

3. The practice of holding court proceedings remotely is growing under the new reforms in Uzbekistan in an effort to improve the comfort level of both the populace and court operations. In this profession, it is crucial to apply information and communication technologies correctly and effectively. The Civil Procedure Code indicates that it is introduced in regard to all cases, but only instances examined in closed form are excluded. However, it is unclear which cases fall into the group of cases considered in the video conference mode. This mode of proceeding is permissible, for instance, in family disputes where one of the parties is not within the applicable jurisdiction, is in a remote location, is receiving medical attention in a hospital, is serving in the armed forces, or is located in a correctional facility.

4. The range of topics specified in scientific research programs is expanded to include topics like "Conceptual issues of introducing information and communication technologies to the activity of courts," "Digitalization of judicial activities: material and procedural aspects," and



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"Court activity and automation system." This ensures that research is conducted effectively and produces technical results.

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