



# The Peerian Journal

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## Resolution Of Civil Disputes: Reconciliation Procedures

**Esanova Zamira Normurotovna**

Professor of the Department of Civil Procedural and Economic Procedural Law, TSUL

**Abstract:** in this article, the role of conciliation procedures in the resolution of civil cases, the classification of conciliation procedures, procedural features, the procedural consequences of using this procedure, including the role of mediation as a conciliation procedure, the methods of achieving mediation, the stages of mediation, and the requirements for a mediation agreement are discussed in this article. -comments, suggestions are included.

**Key words:** civil case, settlement agreement, mediation, mediated agreement, conciliation methods, termination of proceedings, leaving the claim pending, court costs, procedural period, savings, ruling, mediator.

**Introduction.** In our society, the forms of property and property are increasing day by day, the range of property relations is expanding, the interest of individuals and legal entities in business activities is increasing, and the more people are aware of civil rights and obligations and their consequences, the more disputes related to property and property rights and obligations arise. will increase. In the theory and practice of national jurisprudence, if there is a need to reduce, prevent, study and eliminate the causes of disputes, to take measures to resolve disputes before the court, if there is a need for jurisdiction and jurisdiction, according to the legal procedures, the procedure and methods of resolving them in the courts are determined.

The use of conciliation procedures, the implementation of the most appropriate and efficient, useful and effective methods are considered important tools in resolving disputes before the court and even during the trial. Because according to the rules of our national traditions, the elimination of disputes, disagreements and conflicts has been considered the work and task of every person, family, neighborhood, society, state, specific body or organization.

Chapter 17 of the Civil Procedure Code is called "Conciliation Procedures" (Articles 166-169), and according to it, it is established to conclude a settlement agreement or mediation agreement in civil cases. Currently, the role of the conciliation institution in the resolution of conflicts on a global scale is expanding.

In particular, in connection with the adoption of the New Civil Procedural Code in the legislative practice of our republic, the adoption of the Law of the Republic of Uzbekistan "On Mediation" and the introduction of changes and additions to a number of material and procedural legal documents related to the procedures of mediation agreement, in connection with the adoption of this law training of mediators, organization of mediation service, settlement of arising disputes on the basis of mediation agreement, implementation of mediation procedures in the practice of court and other bodies, use of mediation before court, during court proceedings, as well as in ensuring the execution of documents of court and other bodies, in addition to this conducting new scientific research, preparing new scientific developments and communicating them to the general



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population, informing citizens about the benefits of the mediation institute, and most importantly, looking for opportunities to resolve disputes before the court shows the relevance of the topic.

Also, in the decision PQ-4754 of the President of the Republic of Uzbekistan dated June 17, 2020 "On measures to further improve the mechanisms of alternative dispute resolution", the creation of alternative dispute resolution mechanisms in the legal society is evaluated as an effective means of achieving the restoration of the violated rights of individuals and legal entities.

Now, starting from August 1, 2020, as an experiment, in the structures of customs, land resources, geodesy, cartography and state cadastre, the non-budgetary Pension Fund under the Ministry of Finance and the ministers of Namangan, Bukhara and Tashkent regions on the settlement of disputes between individuals and legal entities and state bodies. appeal boards, the Mediation Center based on mutual association of professional mediators engaged in alternative dispute resolution; the Center for Alternative Dispute Resolution is operating based on the cooperation of professional mediators, arbitration courts and international arbitration.

1 The name of Chapter 17 was changed by the Law of the Republic of Uzbekistan dated March 20, 2019 No. ORQ-531. //National database of legal documents, 21.03.2019, No. 03/19/531/2799.

2 REGULATION on the appeal board for pre-trial settlement of disputes between individuals and legal entities and state bodies

In accordance with the Code of Economic Procedure and the Code of Civil Procedure of the Republic of Uzbekistan, during the preparation of the case for trial, the judge determines the possibility of the parties to conclude a settlement agreement or the possibility of alternative methods of dispute resolution and explains their legal consequences.

According to Law No. ORQ-531 dated March 20, 2019, norms related to the institution of mediation and mediation agreement were included in the Civil Procedure Code of the Republic of Uzbekistan. Accordingly, articles 69, 70, 116, 118, 122, 195, 166 of the Criminal Code reflect the term mediation procedure and mediation agreement.

In recent years (in the last 20 years) in the world, the role and importance of the institution of mediation in resolving and eliminating disputes and the scope of legal regulation are becoming more and more important. As proof of this, almost all countries (developed and developing), including the CIS member states, are adopting special laws regulating the field of mediation (in particular, other normative legal documents) and numerous scientific studies contributing to the development of the field. In these studies, the ideas that the institution of mediation can be introduced and effective results can be achieved in all areas of law (civil, economic, administrative, criminal cases) and scientifically based conclusions are reached. In particular, in Uzbekistan, a number of scientific developments were prepared in order to use the institution of mediation and to promote it widely, and even in 2010, a new jurisprudence 12.00.04 - civil procedural law; economic procedural law; arbitration process and mediation specialty was created.

At the moment, the purpose of reconciling the parties in the courts, introducing the institution of mediation into the mandatory execution process, and resolving cases by peaceful procedural means is actually aimed at the practical application of the principles of peace, impartiality, speed, efficiency and reconciliation. The main trend of the activity of civil and other courts today is aimed at the above goals.



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In most of the legal literature, the results of conciliation (reconciliation) of the parties in resolving conflicting issues (problems) are seen in procedural actions such as a settlement agreement, a mediation agreement, the claimant's withdrawal from the claim, the defendant's recognition of the claim. Such resolution of the issue (problem) does not create any difficulty in ensuring the execution of the court decision (judgment), and there is no need to apply measures to ensure enforcement. In scientific studies, it is emphasized that mediation is a method of resolving disputes between disputing parties by independent, impartial (neutral) third parties (mediators) mutually beneficial to both parties (arriving at a mutually acceptable decision).

As stated in Article 4 of the Law, mediation is a method of resolving the dispute with the help of a mediator based on their voluntary consent in order to reach a mutually acceptable decision.

Scientific developments and the Law indicate the following types of mediation, in particular, out-of-court (vnesudebnaya), pre-court (dosudebnaya), in-court (sudebnaya), post-court (poslesudebnaya) types of mediation. Mediation cannot be resorted to per se, the Law contains conditions for its application, according to which,

First, mediation is used based on the wishes of the parties;

Secondly, mediation can be used out of court, in the process of considering a dispute in court, until the court enters a separate room (consulting room) to receive a court document, as well as in the process of executing court documents and documents of other bodies.

Thirdly, mediation can be used even during the arbitration process before the decision of the arbitration court.

Fourthly, if mediation is used in the process of execution of court documents and documents of other bodies, the participation of a mediator who performs his activities on a professional basis is required. In the decision of the President of the Republic of Uzbekistan dated March 12, 2019 "On measures to further increase the efficiency of the execution of court documents and documents of other bodies" No. PQ-4236 implementation of the mediation procedure in the process of compulsory execution of court documents and documents of other bodies is considered a basis for suspending the execution proceedings for a period of not more than fifteen days at the request of the debt collector; failure to reach an agreement between the parties on the subject of enforcement, as well as the refusal of one of the parties to continue mediation or the expiration of the period for its implementation are grounds for resuming enforcement proceedings. In this case, it is not allowed to repeat the mediation procedure; in cases where an agreement on the subject of enforcement is formalized between the parties at any stage of the enforcement proceedings, the state bailiff terminates the enforcement proceedings; it is forbidden to intervene in the process of implementation of the mediation procedure by the state executive and representatives of other state bodies.

Analyses and studies show that now, in the activities of the mandatory enforcement bureau, most of the alimony-related cases that are collected are terminated according to the application of the parties (debtor and collector). The main thing is that the family relations of the parties (spouses) are being restored, periodical payments and family disputes are being put to an end. It is said about the prohibition of the intervention of the state executive and representatives of other state bodies: "In the cases provided by the law, the competent state body can postpone the discussion of the case and set a deadline for the implementation of the mediation procedure. During the implementation of the mediation procedure, the direct intervention of the state body is prohibited." Mediation in



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execution does not replace the activity of the state executive, but is considered an additional possibility. However, in the process of execution of court decisions in the practice of compulsory execution, the parties can mainly state their claims to the state executive, but the authority to solve their issues and problems (except for the powers granted to the state executive) is not given to the state executive. For example, "The father who pays alimony, I will restore my family, I will live with my children", "The debtor who has been ordered to demolish a certain part of his house, we have come to an agreement with my neighbor, it will be possible for my neighbor to enter and leave from the other side", "The father who pays alimony according to the court decision, I came with my wife, I took custody of my older child, my wife has a younger son, I should reduce the amount of alimony or be exempted from paying alimony because we both have children under our care". In such cases, the state executive explains to them that they can go to court or that there are mediation procedures in the legislation, which they can use (whether they want to or not).

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

1. Currently, civil procedural law; economic procedural law; the number of personnel with scientific potential in the arbitration process and mediation specialization is small, but they are branches of science in need of development in practice, improvement of the practice of handling civil and economic cases in court practice, cases that should be listed in the field of arbitration courts and mediation, and the scope of scientific research that should be studied, in the future establishment of modern scientific schools and a number of new scientific directions in the field of civil procedural law, economic procedural law, arbitration process and mediation is of urgent importance.

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