PROSPECTS FOR ALTERNATIVE HALTING INTERNATIONAL DISPUTES

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Annotation: this scientific paper also cites information on alternative methods of alternative halting international disputes and mediation.

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If from time immemorial a dispute arose in any family, seed, neighborhood, the older, all respected members of that seed or neighborhood tried to call the conflicting parties to the dishonest and reform among them, to peacefully resolve the dispute, and this practice has survived to this day.

Consistent work is carried out in the country to improve the communication of state bodies with the population, ensure reliable protection of citizens' rights and freedoms, and introduce modern mechanisms for solving their problems.

At the same time, the current stage of reforms in this area assumes the creation of a unified system of pre-trial consideration of disputes in state bodies, the transformation of mediation, arbitration courts and international arbitrations into effective alternative institutions that resolve disputes that will gain the trust of citizens and entrepreneurs.[1] Alternative Dispute Resolution is a system of all methods, tools, from confidentiality, in which only parties participate (negotiations), to decision-making, which has the characteristics of an open court session, which is mandatory for decision-making. Alternative Dispute Resolution is a form of private settlement between parties. At the same time, it serves the purposes of implementing justice, ensuring procedural guarantees of the protection of the rights and interests of the parties, and increasing the effectiveness of solving complex legal situations in court. In our country, too, great attention is paid to alternative methods of conflict resolution. In particular, Annex 1 of the decree of the president of the Republic of Uzbekistan №. 60 of January 28, 2022 PD-15 aims to create the necessary organizational and legal conditions for the widespread use of alternative methods of conflict resolution, further expanding the scope of application of the Institute of reconciliation. "Alternative Dispute Resolution" consists of a variety of words, and it is very important to understand each word separately in order to clearly understand or identify these words. First of all, referring to the concept of an alternative, in the literature it is given the following definition: “an alternative is a choice in which it is possible to choose or have one of two or more possibilities”. That is, it is the existence of mechanisms for resolving disputes in addition to the official trial. Another important word in alternative dispute resolution is conflict. Psychologists, lawyers, diplomats and civil servants deal with conflicts in their work. The conflict causes and continues to

[1] Resolution of the president of the Republic of Uzbekistan, PD-4754 of 17.06.2020. https://lex.uz/docs/4859436

conflict. English legal scholars Folberg and Taylor also gave the same definition for the dispute. In their opinion, a dispute is a situation between individuals who are declared or manifest. If someone is not recognized in the form of a discrepancy or a controversial claim against him, the dispute may not turn into a dispute.

From this it is not difficult to find out that mediation procedures are not a completely new concept for the inhabitants of our country. However, the task of creating the legal basis for the use of mediation in dispute resolution did not find its solution until the coming years. On June 12, 2018, the law on Mediation was passed by the Oliy Majlis of the Republic of Uzbekistan and approved by the Senate on June 28 of the same year. This law came into force on January 1, 2019. The scope of the application of mediation in the Republic of Uzbekistan is clearly defined by the law "on Mediation". According to Section 3 of the act, mediation procedures apply to the following:

- to disputes arising from civil legal relations;
-to disputes arising in connection with the implementation of entrepreneurial activity;
- single labor disputes;
- to disputes arising from family legal relations.

Mediation is distinguished by a number of its advantages over other methods of conflict resolution, in particular the judicial resolution of disputes. First, the mediation of disputes is carried out on a much shorter period compared to the judicial procedure. The problem of the multiplicity of the deadline for considering disputes in judicial order does not apply only to Uzbekistan. For example, in Italy it takes an average of 3 years to hear a case in lower standing courts. If the court decision is appealed, this period will extend to 10 years. In the United Kingdom, 73% of plaintiffs complain that the English judicial system remains from the urf as well as inefficiencies. It takes at least 161 weeks for a case to be heard by courts in the city of London, and 195 weeks by courts outside the city. Section 23 of the Mediation Act establishes that the mediator and parties must take all possible measures to complete the mediation procedure within no more than thirty days, and if necessary, the duration of the mediation procedure can be extended to thirty days with mutual consent of the parties. This article defines the longest periods of mediation. International experience shows that in most cases, the duration of the implementation of mediation is one working day, sometimes several hours. In particular, as of 30 November 2018, more than 90% of cases at the Singapore Mediation Centre that have resulted in the formation of a mediative agreement between the parties have been resolved in one working day.

Secondly, when mediation procedures are used, all information relating to work is kept a secret. Only the parties and their representatives as well as the mediator can be informed of the dispute between them and the facts relating to it, and they are obligated by law not to disclose this information. In particular, Article 6 of the law of the Republic of Uzbekistan "on Mediation"states that mediation participants are not entitled to disclose information that has become known to them during the mediation process without the written consent of the mediation party, its legal successor or representative, mediation participants cannot be questioned as witnesses about cases that have become known to them during the mediation process,, Article 25 states that when applying mediation, the mediator has no right to make transparent statements on the nature of the dispute without the consent of the parties, Article 27 states that if the mediator received information from one of the parties relating to mediation, he can disclose this information only to the other party with the consent of the

party who provided it. The principle of confidentiality is especially important in conflicts arising from family conflicts as well as relations related to entrepreneurial activity. Because the disclosure of the fact that any business entity is in conflict with another business entity or client can negatively affect the reputation of this business entity, lead to the loss of trust in it from potential customers and partners, refraining from entering into a contractual relationship with it. Resolving a dispute in a mediation manner will serve as reliable protection against such negative consequences.

Thirdly, in disputes resolved by mediation, an acceptable agreement is reached for both parties. The decision in favor of one party in the case of disputes under judicial procedure serves to the detriment of the other party. As a result, the vision of a case can stretch for months, even years, with appeals, Cassation, control procedures. In the application of mediation, parties can voluntarily determine ways and methods of resolving a dispute by forming a mediative agreement, terms of fulfillment of obligations established by the agreement, and the consequences of non-fulfillment of these obligations. In particular, Article 29 of the law "on Mediation" establishes a mediative agreement in written form, a mediative agreement has binding force on the parties who have established it, in the event that the parties reach a mutually acceptable decision on the terms and deadlines of the conflict or fulfillment of obligations arising from the results of the implementation of the mediation procedure, it is established that parties have the right to sue for the protection of their rights if the mediative agreement is not met, the consequences of the non-fulfillment of the mediative agreement can be determined by the parties in this agreement itself.

The widespread use of mediation in dispute resolution would not be of benefit to the courts either. The disproportionate volume of work is a common problem for courts of all states. In particular, there are 2,147 cases per judge in India. The total number of cases to be considered is 31,280,000. The review of these cases by Indian courts may be completed by 2330. In the people's Republic of China, there were over 200,000 cases in judicial proceedings in 2012. In South Africa, 128,000 lawsuits were filed with the courts during 2004-2005, of which 62% were settled between that period. In Germany, however, cases heard by 4,771 lower-ranking judges are heard by only 1,416 higher-ranking judges in appellate order. Mediation of disputes leads to a significant decrease in the volume of work of the courts. This is also proven by international experience. In particular, the mediation centres of Delhi and Bangalore handled 39,969 cases over a two-month period at the time of its establishment, while the Dubai mediation centre handled 1/3 of cases in judicial proceedings over a month using mediation procedures. It can be seen from this that the use of mediation has positive implications not only for the parties in dispute, but also for the courts.

Another element of alternative methods of conflict resolution is the concept of “resolution”. This concept is defined in the legal literature as follows,-” solving-trying to find solutions or solutions to problems, conflicts between parties." "Settlement" is a complex process that arises by finding the best way to reach an agreement between the parties. In general terms, an alternative dispute resolution mechanism is the process of resolving various disputes that can be resolved before or during a trial. English scholars Kerley, Hames and Sukis, in their book “civil courts”, briefly define alternative settlement of these disputes as ways to solve legal problems beyond a court decision. U.S. scholars write that” Alternative Dispute Resolution-allowing legal disputes to be resolved in the interests of the party beyond legal proceedings, lowering the cost of a traditional legal process, or preventing legal disputes that can lead to

litigation". Chairman of the Supreme Arbitration Court of the Russian Federation V.F.
In his speech, Yakovlev"directly stressed the need to introduce alternative methods of conflict resolution, to apply the rules of reconciliation more broadly in the court itself, to simplify the procedure for hearing small and relatively simple cases". "Alternative Dispute Resolution refers to procedures in which disputes are brought to a unanimous (decision)out of court with or without the participation of a third party". In some legal literature, however, " Alternative Dispute Resolution is used in two different ways. Firstly, it is understood that the parties agree to terminate the case without a decision of the court, and secondly, the methods that the parties voluntarily choose for the purpose of solving their problems in addition to the official trial." The term alternative dispute resolution methods is used to refer to various mechanisms of dispute resolution, in which the parties to a dispute avoid referring to other legal mechanisms of dispute resolution, ranging from negotiation of a dispute to litigation. In many cases, due to its high efficiency and flexibility, it means that there are a number of mechanisms by which traditional methods can be replaced. Alternative Dispute Resolution is primarily aimed at ending disputes based on a legal dispute. This article covers the main place of small business and business in todays market economy. Including scientifically analyzed the development of small business and business, and the legal basis, at this time financially support small business and business, the latter is amended and the rules for this branch of national legislation are added. It is the superiority of this goal that determines most of the main differences between alternative procedures and judicial proceedings. Alternative methods of conflict resolution are a process that has historically formed, and for the first time in the United States, the term "Alternative Dispute Resolution" began to be used to refer to flexible and informal conflict resolution procedures that arose in contrast to complex and laborious formal justice. The American Bar Association gives the following definition of the concept on its website: "dispute resolution is a term denoting the number of processes that can be used to resolve a dispute, dispute, or lawsuit" American jurist professor Frank E.A. Sander writes that " beginning in the late 1960s, American Society witnessed such an event. Interest in alternative forms of conflict resolution has increased. Alternative Dispute Resolution has helped civil rights come to fruition. In the Civil Rights Act of 1964, Congress established the Justice Department's Public Relations Service to assist courts in resolving unresolved racial and collective disputes. The Ford Foundation established the National Center for Conflict Resolution and the mediation and Conflict Resolution Institute to study conflict resolution mechanisms". At the 1976 Foundation Conference, " leading jurist, lawyer, justice system parties protested the increase and delay in legal costs. The Working Group on the results of the conference was supported by professor Frank Sander's views on the court, which included the dispute resolution Center". In 1998, Congress passed the Alternative Dispute Resolution Act. In Russia, too, there is a growing interest in ways to resolve disputes out of court. In Russia, alternative dispute resolution as a separate concept appeared in the mid - 1990s. Russian jurist Elena A. Vinogradova believes that" interest in non-judicial dispute resolution procedures is manifested primarily in informal jurisdiction, legislative trends aimed at the development of alternative forms, and in the study of the experience of other countries where business improvement is well developed and successfully applied "received the term"Alternative Dispute Resolution", which has not yet been known to Russian legislation. The use of this term by Russian jurisprudence does not indicate blind imitation of foreign terminology. Rather, it shows the interdependence of different legal systems in the

modern world. The concept of Alternative Dispute Resolution is now widely used in Russian legal theory and practice, and is similar to the previous practice of “extrajudicial forms” of dispute resolution. The long-standing need of Russian society to create an alternative sphere is manifested in the emergence of such practices. Alternative dispute resolution as a separate field within the framework of the” judicial reform “component was included in the” legal reform " project, implemented in the Russian Federation in 1996-2004. The law of the Russian Federation of July 27, 2010 No. 193 “on an alternative procedure for resolving disputes with the participation of an intermediary (mediation procedure)” was adopted. The adoption of the Federal law “on the alternative procedure for resolving disputes involving intermediaries (mediation procedure)”, which entered into force on January 1, 2011, created legal conditions for the development of alternative methods of conflict resolution in the Russian Federation.

References:

1.Resolution of the president of the Republic of Uzbekistan, PD-4754 of 17.06.2020. https://lex.uz/docs/4859436
2.Альтернативное разрешение Споров По материалам Юлия Шешуряка, ligazakon.ua [Электронный ресурс] - Режим доступа: http://vestnikao.com.ua/publ/3-1-0-147, бесплатно. - Загл. с экрана. - Написать. рус.
3.Uniform Mediation Act. https://www.uniformlaws.org.
4.TOLIBJONOVICH, M. T., & OGLI, G. O. R. (2020). Lombard Microcredit Organization Its Concept and Its Importance Today. JournalNX, 6(10), 109-111.