



SOME PECULIARITIES OF PROCEDURAL ACTIVITY OF ECONOMIC, ADMINISTRATIVE AND CIVIL COURTS

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Annotation: This article discusses and summarizes the procedural features of administrative, civil and economic courts. In addition, their differences from each other are analysed.

Key words: administrative court, civil court, economic court, cases, relevance, jurisdiction, proving.

The legal system is a complex network of courts and laws designed to ensure that justice is served in a fair and impartial manner. Three of the most important types of courts are civil courts, administrative courts, and economic courts. While these courts may seem similar at first glance, there are significant differences between them that affect the way they operate and the types of cases they hear.

Let us start with the relevance of the cases and jurisdiction of the courts.

The concept of relevance is usually understood in legal literature in broad (general) and narrow (special) meaning. In a broad sense, applicability is interpreted as a mechanism that ensures its normal operation by distributing state functions among various bodies, and is determined by the relevance of any object (works) in their operation in accordance with the functions performed by a specific state body, official or public organization¹.

Scientist M.M.Mamasiddikov recognizes relevance in a broad sense as an interdisciplinary institution that serves as a mechanism that determines the resolution of legal cases arising according to the law and statutory legal documents between one or another state authority or citizens' self-government bodies².

Understanding the institution of relevance in a narrow sense is widespread in the field of procedural law. Considers relevance in the narrow sense as a scientific category related to the science of civil procedural law, based on the content of subjective law and the nature of the composition of persons participating in the case, the task of hearing and solving civil cases is assigned to certain state bodies, public organizations or other authorized bodies by legal acts³.

¹ Осипов Ю.К. Подедомственность юридических дел: Автореф. дис. ... д-ра юрид. наук. – Свердловск, 1974. – С. 7 (Osipov Yu.K. Relevance of legal cases: Abstract of the thesis. dis. ... Dr. jurid. Sciences. - Sverdlovsk, 1974. - P. 7)

² Мамасиддиқов М.М. Фуқаролик процессуал ҳуқуқи. Умумий қисм / Олий ўқув юрти талабалари учун дарслик. Масъул муҳаррир ю.ф.д., проф. О.Оқюлов. – Тошкент.: ТДЮИ нашриёти. 2010. – Б. 252; 255.(Mamasiddiqov M.M. Civil procedural law. General section / Textbook for university students. Responsible editor doctor of law., prof. O.Oqyulov. - Tashkent.: TSU Publishing House. 2010. - B. 252; 255.)

³ Мамасиддиқов М.М. Фуқаролик процессуал ҳуқуқи. Умумий қисм / Олий ўқув юрти талабалари учун дарслик. Масъул муҳаррир ю.ф.д., проф. О.Оқюлов. – Тошкент.: ТДЮИ нашриёти. 2010. – Б. 252; 255.(Mamasiddiqov M.M. Civil procedural law. General section / Textbook for university students. Responsible editor doctor of law., prof. O.Oqyulov. - Tashkent.: TSU Publishing House. 2010. - B. 252; 255.)

S.I. Knyazkin, I.A. Yurlov defines the concept of relevance as the applicability of specific jurisdictional bodies: state courts, arbitration courts, notaries, other bodies and organizations to the conduct of civil, administrative, economic cases that need to be resolved.

As we can see, there are different views on the concept of relevance in the theory of procedural law. But there are some common aspects. To summarize briefly of this concepts we can say that the meaning of relevance is the consideration of specific requirements between public administration bodies, courts and other bodies and to solve.

Civil courts are responsible for hearing cases related to private disputes between individuals or organizations. According to the Civil procedure code of the Republic of Uzbekistan this type of courts shall have jurisdiction over the following cases:

1) On disputes arising from civil, family, labor, housing, land, and other legal relations, if at least one of the parties is a citizen, except in cases where the resolution of such disputes is referred by law to the jurisdiction of other courts or other bodies;

2) On special proceedings, listed in Article 293 of this Code;

3) On cases specified in Chapter 18 of this Code and resolved under the writ proceedings;

4) On contesting the decisions of arbitration courts and on issuing writs of execution for enforcement of decisions of arbitration courts;

5) On recognition and enforcement of decisions of foreign courts and foreign arbitration courts (tribunals).

6) On contesting the decisions of enterprises, institutions, organizations, public associations and actions (inaction) of their officials not arising from administrative and other public legal relations.

All in all these cases typically involve issues such as breach of contract, personal injury, property disputes, and family law matters. The goal of civil courts is to provide a forum for parties to resolve their disputes in a fair and impartial manner.

Disputes in economic courts are very similar to civil disputes. This kind of courts have jurisdiction over:

1) cases on disputes, arising in the economic sphere from civil, administrative and other legal relations between legal persons and citizens engaged in entrepreneurial activities without forming a legal person and having the status of an individual entrepreneur, acquired in the manner prescribed by law, as well as citizens who are parties in the consideration of cases on corporate disputes (hereinafter — citizens);

2) cases on establishment of the facts having legal meaning for arising, changing or termination of the rights of legal persons and individual entrepreneurs in economic sphere (hereinafter — on establishment of the facts having legal meaning);

3) bankruptcy cases;

4) cases related to arbitration proceedings;

5) cases on corporate disputes, specified in article 30 of this Code, with the exception of labor disputes;

5¹) cases on investment disputes specified in Article 301 of this Code;

5²) competition-related cases specified in Article 302 of this Code;

6) cases on recognition and enforcement of foreign court judgments and arbitral awards.

The court also has jurisdiction over cases on disputes with participation of citizens, who have lost the status of an individual entrepreneur, in cases where the relevant claims arise from their previous business activities.

When it comes to administrative courts, the cases are fundamentally different from civil and economic courts. The courts shall adjudicate cases arising from administrative and other public legal relations which means courts are only entitled to resolving disputes arose between government and citizens. According to the article 27 of Code of the Republic of Uzbekistan On Administrative Proceedings, the disputes to be considered by the courts are specified as follows:

- 1) on challenging departmental normative legal acts;
- 2) on challenging decisions, actions (inaction) of government bodies, other organizations authorized to carry out administrative and legal activities (hereinafter referred to as administrative bodies), self-government bodies of citizens and their officials which do not comply with the legislation and violate the rights and interests of citizens or legal entities protected by law;
- 3) on challenging the actions (decisions) of election commissions;
- 4) on challenging the refusal to perform a notarial act, registration of civil status records or actions (inaction) of a notary or an official of the civil status register;
- 5) on appealing against the refusal of state registration or evasion of state registration within the prescribed period;
- 6) on investment disputes specified in article 27¹ of this Code;
- 7) on the competition specified in article 27² of this Code⁴.

Generally, Administrative courts are responsible for hearing cases related to administrative law, which includes disputes between citizens and government agencies, as well as cases involving regulatory bodies, licensing, and permits.

If we discuss the jurisdiction, Cases determined by the legislation to be considered and resolved by administrative courts should be considered either in courts of first instance, in intermediate courts, or in the Supreme Court according to certain criteria. This is called the rules of jurisdiction in the field of court procedural law⁵.

According to Presidential Decree No. 6034 of 2020, inter-district administrative courts were established instead of district and city administrative and economic courts. Therefore, according to the general rule, the applicant can apply to inter-district administrative and economic courts. However, in civil courts, the plaintiff will have to apply to district courts. Nevertheless, it does not mean that administrative and economic courts is alike in jurisdiction. Because in economic court process claims to legal persons shall be presented to the court at the place of their state registration, when an application (complaint) of a citizen or legal entity shall be submitted to the court at the location of the administrative body or at the place of work of the official whose decisions, actions (inaction) are appealed in administrative court process.

Another distinct feature of civil courts is the requirement for parties to prove their case by a preponderance of the evidence. This means that they must show that it is more likely than not that their version of events is true. Civil courts also allow for discovery, which is the

⁴ <https://lex.uz/docs/5695786>

⁵ Javlon Zoilboyev. (2023). MA'MURIY ISHLARNING SUDLOVGA TEGISHLILIGI. Innovations in Technology and Science Education, 2(7), 596–603. Retrieved from <https://iunoscience.com/index.php/itsec/article/view/401>

process of gathering evidence from the other party through depositions, requests for documents, and other means. And this process is alike to economic court process. But in administrative courts the obligation to prove is vested in administrative bodies not for both parties equally.

One of the key features of administrative courts is the requirement for administrative agencies to follow a specific process when making decisions. This process typically involves giving notice to affected parties, providing an opportunity for those parties to comment or provide evidence, and issuing a written decision that explains the agency's reasoning. If a party is dissatisfied with the decision, they may then file a petition for review with the administrative court.

Finally yet importantly civil, administrative, and economic courts may seem similar in some ways; there are significant differences between them. One of the biggest differences is the types of cases they hear. Civil courts hear cases related to private disputes between individuals or organizations, while administrative courts hear cases related to administrative law, and economic courts hear cases related to civil and economic law.

Another difference is the burden of proof required in each type of court. Civil and economic courts require a preponderance of the evidence, while Administrative courts typically require a lower burden of proof than either civil or economic courts.

Finally, each type of court has its own unique rules of evidence and procedure. Civil and economic courts allow for discovery, while administrative courts may allow hearsay evidence or written statements.

In conclusion, civil, administrative, and economic courts are all important parts of the legal system, but they serve different purposes and operate in different ways. Understanding these differences is essential for anyone who may be involved in a legal dispute or who wants to learn more about how the legal system works.

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