



PROCEDURAL DOCUMENTS ON REPRESENTATION AT THE STAGES OF EMPLOYMENT

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Annotation: in this article, the author analyzes the types, nature and procedure of drawing up procedural documents by the representative at the stage of initiating civil cases. On the basis of the analyzes conducted by the author, a proposal to introduce changes and additions to the current legislation of the Republic of Uzbekistan was put forward.

Key words: application, claim, application, representative, warrant, power of attorney.

An important direction of the judicial reforms implemented in our country, in turn, is to strengthen the theoretical knowledge of students and young people in a practical way, to form practical skills of students, to train highly qualified and competitive legal personnel capable of meeting modern international standards. , training in the correct and high-quality preparation of procedural documents. In this study, based on the priority tasks defined in the development strategy of New Uzbekistan in 2022-2026, attention is focused on some aspects of the procedural documents drawn up by the representative at the stage of initiating a civil case. Several opinions have been expressed in legal literature about procedural documents. For example, in the opinion of legal scholar Sh.Sh. Shorahmetov, the court performs a number of logically related procedural actions in the implementation of justice in civil cases. Such actions are expressed in the form of applications, lawsuits, complaints, objections (protests), court decisions, decisions and rulings in accordance with the requirements established by law.¹

According to S.A. Maripova, when initiating a civil case, the court issues a ruling on accepting the statement of claim for proceedings and initiating a civil case.² Before addressing the issue of procedural documents on issues of representation, it is necessary to understand the content of the concept "stage of initiating civil proceedings". One of the manifestations of the right to judicial protection is the right to go to court, exercised by a citizen by submitting an application to the justice authority. The possibility of protecting a violated right or legally protected interest of a person directly depends on the regulated procedure for accepting an application for court proceedings. What is important here is how to ensure the applicant's access to justice. Before the proceedings are initiated, the person applies to the court with a statement of claim, which sets out the essence of the violation of the right requiring judicial protection, which initiates the court's activities to check this application for the existence of the right to file a claim, compliance with the conditions for its implementation and the rules

¹ Shorakhmetov Sh.Sh. Fukarolik ishlarini sudga kirishga oid procedural huzhat namunalariga sharx. –T.:TDYUI. 2005. - B.3

² Maripova S.A. Procedural acts in civil cases. –T.:TGUI. 2011. –B.32

for filing a claim. court. If the result of consideration of the application for its admissibility is positive, the court begins to work to resolve the legal conflict.³

One of the signs of the stage of initiating a civil case is a certain circle of bodies and persons participating in it. The main role in resolving a dispute, of course, belongs to the court; it is the court that initiates proceedings in a civil case. Other entities can only initiate its activities, therefore it is legally correct to speak of "initiation of civil cases by a representative in the interests of the principal. Based on the analysis and opinions of the above-mentioned legal scholars, a number of procedural documents should be drawn up at the time of initiating a civil case. In our opinion, based on the norms established in the Civil Procedure Code of the Republic of Uzbekistan (hereinafter referred to as the Civil Procedure Code of the Republic of Uzbekistan), procedural documents at the stage of initiating a civil case can be classified as follows depending on the participants in the process.

Procedural documents (petition or application provided for in Articles 188 and 189 of the Civil Procedural Code of the Republic of Uzbekistan, counterclaim provided for in Article 199 of the Civil Procedural Code of the Republic of Uzbekistan, application for issuing a court decision The order provided for in Article 172 of the Civil Procedural Code of the Republic of Uzbekistan, the application of the judge, prosecutor, expert, specialist, translator and the secretary of the court session on objections is based on Article 23 of the Civil Procedural Code of the Republic of Uzbekistan. of Uzbekistan, an application to change the basis or subject of the specified claims, to impose additional requirements, to increase or decrease the amount of claims provided for in Article 44 of the Civil Procedure Code of the Republic of Uzbekistan, an application to provide evidence provided for in Article 77 of the Civil Procedure Code of the Republic of Uzbekistan, an application to annul decisions of arbitration courts based on Article 350 of the Civil Procedure Code of the Republic of Uzbekistan, application for issuance of writs of execution for compulsory execution. Application for reconsideration of court documents on newly opened cases provided for in Article 355 of the Civil Procedure Code of the Republic of Uzbekistan, decisions of arbitration courts, provided for in Article 441 of the Civil Procedure Code of the Republic of Uzbekistan. Recovery of court costs under Art. Article 133 of the Civil Procedural Code of the Republic of Uzbekistan, application to summon a witness. Article 82 of the Civil Procedure Code of the Republic of Uzbekistan, application for the appointment of an expert. Article 95 of the Code of Civil Procedure of the Republic of Uzbekistan, application to demand written evidence. Article 85 of the Civil Procedure Code of the Republic of Uzbekistan, etc.), persons participating in the case (parties, third parties, their representatives, applicants and other interested persons in separate proceedings heard in court, the prosecutor, other persons' rights and state bodies, organizations and some citizens participating in the case to protect their interests protected by law) and presented to the court by him.

The written procedural form provides for the documentation of the procedural actions taken by the subjects. N.M. Kostrova⁴ said that at the stage of litigation, the application to the court is made by filing a claim or application, and the form of application to the court is

³ Formation of the subject of further scientific activity of T.I. Evstifeeva is proposed as the goal of the stage of initiating graphic proceedings. See: Russian Civil Procedure: Textbook Ed. M.A. Vikut. — 2nd ed., revised and supplemented. M.: Yurist, 2016. P.237-238 (author of the chapter - T.I. Evstifeeva).

⁴ See: Kostrova N.M. The right to apply to court for judicial protection in civil proceedings. Author's abstract. day... cand. legal Sci. Saratov, 2020. P. 4

determined by the type of civil litigation. It seems that it is necessary to distinguish between the procedural means of applying to the court, its form and content. The instrument is always a document that expresses the essence of the stated claim, and its nature determines the type of court case and the form of appeal. Thus, the statement of claim serves as a form, i.e. the procedural shell of the claim as a substantive legal claim based on the norm of civil law.

Civil cases are initiated in court by filing a written application. Also, according to the amendment made to the Civil Procedure Code of the Republic of Uzbekistan by Law No. 388 of June 9, 2015, civil cases can be initiated in court by filing an application in electronic form through the information system.

The content of the claim is based on the requirements stipulated in Article 189 of the Civil Procedure Code of the Republic of Uzbekistan. The statement of claim must reflect all the requirements of Art. Article 189 of the Code of Civil Procedure of the Republic of Uzbekistan, details, without which the court cannot accept it and begin to consider it. The name of the court, the name of the claimant, his place of residence (if the claimant is an organization, then its location) must be indicated in the claim. And when the application is submitted by a representative, his name and address are indicated. There are many problematic issues in the drafting of a claim by a representative in this matter. In particular, if a foreign citizen is in Uzbekistan for a temporary trip, and at this time his representative (if the representative participates in the court for his interests) will have to apply to the civil court for civil cases. Is, then the question arises as to how it should be displayed. the plaintiff's address in the lawsuit remains open. Also, in judicial practice, there are many problematic issues regarding which address to send the court notice.

If we refer to the experience of foreign countries regarding the details of the claimant and his representative, we will see that this issue is more fully resolved. In particular, Art. Article 131 of the Civil Procedure Code of the Russian Federation, one of the information that must be indicated in the claim is the place of residence of the claimant and one of the identifiers (insurance number of the personal personal account, taxpayer identification number, series). and ID number, driver's license series and number). Also, in the statement of claim, the plaintiff or his representative must indicate the address for sending court summons and other court notices. Positive experience serves to eliminate the above-mentioned shortcomings in our procedural legislation and to eliminate existing problems in judicial practice.

In the statement of claim, it is necessary to name the defendant, his place of residence (if the defendant is an organization, its location). Without this data, it is impossible to decide who is the parties to the claim. If several plaintiffs and several defendants are involved in the dispute, then their names and addresses are indicated. In practice, it often happens that the location of the defendant is unknown, then the address of the last known place of residence is indicated (Article 34 of the Code of Civil Procedure of the Republic of Uzbekistan).

In practice, there are cases when the plaintiff does not know the address of the defendant, then in this case the question arises of what should the plaintiff or his representative do and remains open. On this issue, it is worth studying the procedural legislation of foreign countries, in particular the Civil Procedure Code of the Russian Federation. In Art. 131 of this code provides that if the plaintiff does not know the date and place of birth of the defendant, one of the defendant's identifiers, this is indicated in the statement of claim, and such information, upon request of the court, is provided by the

authorities of the Pension and Social Insurance Fund of the Russian Federation, and (or) tax authorities and (or) internal affairs authorities. In these cases, the period for accepting the statement of claim for court proceedings is calculated from the day the court receives such information. Similarly, in Art. 189 of the Code of Civil Procedure of the Republic of Uzbekistan should provide for a rule that if the plaintiff does not know the date and place of birth of the defendant, one of the defendant's identifiers, this is indicated in the statement of claim, and such information, at the request of the court, is provided by government services or internal affairs bodies. This rule helps to eliminate the difficulties associated with entering information about the address of the defendant by the plaintiff or his representative into the statement of claim, and to prevent the return of the statement of claim by the court.

According to clause 4, part 1, art. 189 of the Code of Civil Procedure REP, the application must indicate which rights, freedoms or legitimate interests of the plaintiff have been violated or a threat of their violation has been created and what his demands are. The subject of the claim is formulated here.

The statement of claim must specify the circumstances on which the claimant bases his claims (that is, the circumstances included in the basis of the claim). These are law-making, law-changing and law-absolving facts. They show the existence of the right and its violation at the same time. These include: conclusion of a contract and non-fulfillment of contractual obligations, damage to the plaintiff's person or his property, etc.

Evidence supporting these circumstances must also be provided. In this case, the application must indicate the names and surnames of witnesses and persons who have written or physical evidence, their addresses, etc., as well as a list of attached documents.

If the said claim is to be evaluated, then the cost of the claim and the calculation of the amounts collected and disputed will be shown.

In addition, the Civil Procedure Code of the Republic of Uzbekistan requires information on compliance with the pre-trial procedure for contacting the defendant, if it is established by law or provided for by the agreement of the parties. In the application, you can provide the phone numbers, fax numbers, e-mail addresses of the plaintiff, the defendant, other information relevant to the case, as well as state pleadings. For example, taking evidence, conducting an examination, sending letters of appeal to the court to collect evidence in another region (examination of a witness).

The Civil Procedure Code of the Republic of Uzbekistan does not require the claimant's claim to be legally qualified, i.e. mandatory reference to substantive law. However, in practice, it has also been developed that an application filed by a lawyer or legal adviser must contain a reference to the law.

References:

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4. See: Kostrova N.M. The right to go to court for one's own defense in civil proceedings. Author's abstract. day... cand. walk science Saratov, 2020. P. 4