



APPLICATION OF SOME ALTERNATIVE DISPUTE RESOLUTION METHODS IN UZBEKISTAN

Asal Khayrulina

Lecturer, Tashkent State University of Law

Tashkent, Uzbekistan

asalkhayrulina@gmail.com

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ANNOTATION

The article is devoted to alternative methods of dispute resolution in the Republic of Uzbekistan. The author examines the use of alternative methods of dispute resolution in Uzbekistan and their features. The author also studied the current legislation of the Republic of Uzbekistan on mediation and its current state, indicated the problems associated with the application of the mediation procedure and developed ways to solve them.

Keywords: Alternative Dispute Resolution (ADR), conflict, arbitration court, arbitration, conversation, intermediary, mediation, mediator, mediation participants, privacy policy, mediation agreement

Often, the conflict between the parties ultimately gives rise to hostility, fear, hatred, based on this, people can avoid it. But if this is not possible, then the dispute needs to be resolved.

There are two ways to resolve disputes: judicial and out-of-court settlement.

The court applies the law, like any system of social norms, aims to reduce the conflict in society, using, of course, its own specific methods. However, the court closes the chain of legal norms and institutions working with a conflict, since is the last resort. He powerfully liquidates a legal dispute, sometimes transferring a social conflict to a new, not always positive level.

But the judicial model cannot be universal, however much it is unified. It can be said that the judicial system itself contributed to the emergence of the need for out-of-court dispute resolution and in the emergence of alternative methods of dispute resolution.

One of the key factors in the development of alternative methods of resolving disputes is the insufficient efficiency of the judicial system in considering certain categories of cases, which may be associated with the overload of courts, the length of the proceedings and other shortcomings inherent in the court.





Alternative methods of dispute resolution (ADR) should be understood as methods and means of resolving legal disputes arising primarily from civil, as well as other types of legal relations, from the position of mutual benefit of the parties on the basis of laws and without the participation of state bodies in resolving the dispute.

A number of alternative dispute resolution methods usually include:

- *arbitration*
- *negotiation*
- *mediation*

Among the ADR in the Republic of Uzbekistan, arbitration proceedings have developed.

The essence of arbitration is that both parties rely on the resolution of the dispute by third parties chosen by them and recognize their decisions as binding. In turn, the arbitration court, when considering and resolving disputes, eliminates the arisen dispute between its participants, and thereby protects the violated rights. Consideration and settlement of disputes by arbitration courts is an alternative to proceedings in state courts. Of course, the advantages of arbitration are the free choice of the judge by the parties, saving time, as well as money associated with the consideration of the case.

However, in contrast to the projected results that took place when the Law "On Arbitration Courts" was adopted in 2006, the current situation leaves much to be desired. The population of the country, represented by individuals and legal entities, does not often resort to arbitration due to a number of reasons: unknown court costs and expenses, as well as arbitration fees, low popularity among the population about arbitration due to lack of information.

Negotiation is the main form of human communication for conflict resolution. In the event of a legal dispute, negotiations, even in view of our mentality, are the first step in resolving it.

It should be noted that it is practically impossible to negotiate when the parties show aggression, hostility to each other and do not want to be at the negotiating table, that is, they are at the stage of escalating the conflict. In this case, the mediation procedure can help.

The experience of the world community shows that one of the most effective means of alternative methods of dispute resolution is mediation. In the course of this procedure, the parties to the dispute independently develop a solution acceptable to both parties, and, accordingly, strive for its implementation.





The process of implementing mediation into the legislation of the Republic of Uzbekistan took many years, so the Law "On Mediation" was adopted only in 2018 on July 3

The legislation of the Republic of Uzbekistan defines mediation as a way of resolving a dispute that has arisen with the assistance of a mediator on the basis of the voluntary consent of the parties in order to achieve a mutually acceptable solution.

I would also like to dwell on the advantages and disadvantages of mediation in relation to other alternative methods of dispute resolution.

In arbitration proceedings, although the disputing parties are free to choose an arbitrator, this does not contribute to the joint development of a decision. As a result, the losing side remains dissatisfied, which can lead to an escalation of the conflict. In mediation, on the contrary, the parties themselves seek and develop a way out and come to an agreement that is acceptable to all participants.

During negotiations, as mentioned above, the parties experience aggression, hostility to each other and do not want to be at the negotiating table, that is, they can be in a strong negative emotional confrontation. During the mediation procedure, the mediator can ventilate the negativity of the parties, which will lead to the resolution of the conflict, the development and conclusion of a mutually acceptable solution.

Among the disadvantages of mediation can be called the inability to fulfill the agreement reached by the parties, the use by one of the parties of the information obtained during the mediation procedure to further exacerbate the conflict. Difficulties also arise in ensuring confidentiality, i.e. fulfillment by the mediator of the obligation to preserve it, the right to conceal information, including from the competent authorities.

Despite the expiration of three years, mediation in our country has not received its wide distribution, as well as arbitration proceedings.

Mediation is a new means of legal technologies for the settlement of disputes, the adopted legislation "On Mediation" in 2018 is being improved and supplemented with new development prospects. In some countries, mediation is used in the resolution of criminal cases, administrative, housing and land disputes.

Although mediation is aimed at unloading the courts, the system demonstrates to the public its disinterest in the implementation of mediation, there are no statistics on the resolution of disputes through mediation, there are cases when





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judges do not distinguish between the legal consequences of a mediation agreement and an amicable agreement. Of course, the legislation in the field of mediation requires improvement, expansion of legal application, the formation of a high-quality and effective legal model of mediation procedure.

