



## ISSUES OF REGISTRATION OF POWERS OF A REPRESENTATIVE IN THE CIVIL PROCEDURE LEGISLATION OF THE REPUBLIC OF UZBEKISTAN

Mamadiev Abror Abdurakhmon ugli <sup>1</sup>

<sup>1</sup> Master's student of TSUL

<https://doi.org/10.5281/zenodo.4742191>

### ARTICLE INFO

Received: 20<sup>th</sup> April 2021  
Accepted: 25<sup>th</sup> April 2021  
Online: 30<sup>th</sup> April 2021

### KEY WORDS

power of attorney, attorney, decision, attorney's certificate, legal representative (5).

### ABSTRACT

*This article analyzes the issues of formalization of the powers of representatives in civil procedural law, the confirmation of their powers in court and the scope of documents required for the confirmation of powers. The basics of the documents confirming the powers of the representative in the procedural and substantive legislation were discussed, and suggestions and recommendations were made to improve the registration of representative activities in the legislation.*

The inability of the parties to civil proceedings to participate directly in the case or the need for qualified legal assistance from a representative requires that the activity be carried out through a representative. As long as they operate through the institution of representation in civil proceedings, the law requires that their activities be properly documented and that a representative be involved. In this case, the relevant procedure is a procedure that is mandatory for all persons engaged in representative activities, established by law.

When applying to the court in civil cases, whether they are a legal representative or a contractual representative, they must submit to the court the documents confirming the authority of the representative in the form of a statement of claim, application, complaint.

Since the lists of documents to be attached are regulated on the basis of legislative norms, the court does not have the right to request other documents from them in the process of viewing the work materials. One of these documents is the power of attorney:

According to Article 68 of the Code of Civil Procedure of the Republic of Uzbekistan, the powers of the representative must be specified in the power of attorney issued and executed in accordance with the law [1]. From this norm we must not conclude that the power of attorney alone is a document confirming the authority of the representative. A power of attorney is a general requirement for all contractual representatives. Depending on who issues them and to whom they are issued, we can see that the order of registration and the form of documents confirming the authority will change.

Articles 134, 139-141 of the Civil Code of the Republic of Uzbekistan specify the procedure for issuing and issuing a power of attorney.

Power of attorney issued by citizens is certified by notaries or other officials authorized to perform notarial acts [2].

Full or partial refusal of the contract representative from the requested claims, change of their basis or subject matter, increase or decrease in the amount, recognition of the



plaintiff's claims, consent, conclusion of an agreement or mediation agreement on the implementation of the media procedure, transfer of authority to another person (power of attorney to another person), complaint against a court document, the authority to receive the collected property or money must be specifically specified in the power of attorney issued by the representative in each specific case.

Representatives of public administration bodies, officials shall act on the basis of a power of attorney signed by the head of the relevant body or official.

The power of attorney issued on behalf of the organization is signed by the head of the organization and the signature is confirmed by the seal of the organization (if any).

The heads of the organizations shall submit to the court documents confirming their official positions or powers [3].

The issue of the commissioning of representatives shall be resolved by the judge during the preparation of the case for trial, which shall be specified in the ruling issued in accordance with Article 204 of the Code of Civil Procedure of the Republic of Uzbekistan. If the request to hire a representative is made at the court session, the issue shall be resolved by issuing a ruling, which shall be recorded in the minutes after hearing the opinion of other persons involved in the case.

Separately from the appeal (Cassation) can not be appealed, since it does not prevent the person from taking part in the court as a representative (refusal to participate) on the grounds that he did not interfere with the further movement of the case.

Documents authorizing the employment of legal representatives include:

documents confirming the fact of birth of the child from the relevant parents, adoption; decisions on the appointment of a guardian or trustee, custodian of the inherited property.

In order to allow certain representatives to work under the contract, the law requires the court to provide other documents in addition to the power of attorney, including:

for relatives of the principal - documents confirming the relationship between the principal and the representative;

for the head of a legal entity - a document confirming his position.

In order for a lawyer to start working, it is enough to present a lawyer's certificate and an order issued by the bar association, which gives the lawyer the right to defend the interests of the person seeking legal assistance in court[4].

In summary, the civil procedure legislation regulates the rules of registration of representative activities and the scope of documents confirming the powers in a more positive way. Only in the case of the participation of a lawyer in the case, it is considered expedient to cancel the issue of submitting to the court the warrant issued to him by the bar associations. The reason is that lawyers present a power of attorney to participate as a representative, along with a lawyer's certificate, when they participate in civil proceedings. The power of attorney also contains the names of the persons specified in the order, and the status of the notarized power of attorney is also increased through the introduction of this operation.



## References:

1. Code of Civil Procedure of the Republic of Uzbekistan.
2. Civil Code of the Republic of Uzbekistan.
3. Law of the Republic of Uzbekistan “On Joint Stock Companies and Protection of Shareholders’ Rights”. (New edition). Law of the Republic of Uzbekistan “On Limited Liability and Additional Liability Companies”. Law of the Republic of Uzbekistan “On Private Enterprise”.
4. Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan dated May 14, 2010 “On the application by courts of the rules of civil procedure legislation on representation”.