

SOME ASPECTS OF THE LEGAL REGULATION OF INTERNATIONAL COMMERCIAL ARBITRATION IN THE REPUBLIC OF UZBEKISTAN

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Annotation. *This article analyzes some aspects of the legal regulation of international commercial arbitration in the Republic of Uzbekistan. In particular, the role of arbitration in resolving international commercial disputes, the possibility of using electronic means to resolve this type of dispute are highlighted. The issue of drafting a national law on international commercial arbitration was also analyzed. Suggestions and recommendations on improving the national legislation on the optimization of international trade dispute resolution and the active use of remote communication technologies in resolving arbitration disputes were also put forward.*

Keywords: *arbitration, international commercial arbitration, arbitrator, online arbitration, e-litigation, procedural requirements.*

НЕКОТОРЫЕ АСПЕКТЫ ПРАВОВОГО РЕГУЛИРОВАНИЯ МЕЖДУНАРОДНОГО КОММЕРЧЕСКОГО АРБИТРАЖА В РЕСПУБЛИКЕ УЗБЕКИСТАН

Аннотация. *В данной статье анализируются некоторые аспекты правового регулирования международного коммерческого арбитража в Республике Узбекистан. В частности, выделена роль арбитража в разрешении международных коммерческих споров, возможность использования электронных средств для разрешения данного вида спора. Также был проанализирован вопрос о разработке национального закона о международном коммерческом арбитраже. Также были выдвинуты предложения и рекомендации по совершенствованию национального законодательства по оптимизации разрешения внешнеторговых споров и активному использованию дистанционных коммуникационных технологий при разрешении арбитражных споров.*

Ключевые слова: *арбитраж, международный коммерческий арбитраж, арбитр, онлайн-арбитраж, электронное судебное разбирательство, процессуальные требования.*

INTRODUCTION

The implementation of economic activity is carried out by agreements between the subjects of market relations and during their implementation, disagreements often arise, the terms of contracts and agreements are violated, the accepted obligations are incorrectly fulfilled, which in turn violates the execution of agreements, leads to a decrease in business activity.

At the same time, international commercial arbitrations can help in resolving disputes (conflict situations). The judicial reform underway in the Republic of Uzbekistan envisages the development of alternative methods of resolving commercial disputes, including arbitration.

The development of an alternative system of independent international arbitration courts operating based on real democratic principles allows business entities to quickly and effectively solve legal problems in order to protect their rights and legal interests, and to create conditions for the normal functioning of the market economy.

MATERIALS AND METHODS

Therefore, the following:

- to create an effective dispute resolution mechanism within its jurisdiction, including a dispute resolution mechanism between foreign companies (foreign companies, companies with foreign investments, etc.) and domestic companies;
- to ensure the protection of rights and interests of legal entities and individuals, as well as individual entrepreneurs protected by law;
- to ensure the procedure, speed, economic efficiency and confidentiality of disputes within the jurisdiction of the international commercial arbitration court;
- despite mutual differences, it is necessary to externalize the international arbitration courts in order to preserve and further strengthen the business and partnerships of the disputing parties.

Arbitration is a form of alternative dispute resolution that resolves issues out of court. In arbitration, one or more persons (arbitrators, arbitrators or arbitral tribunal) resolve these persons make disputes and an arbitration award. The arbitration award is binding on the disputing parties and its execution is carried out by the courts. International arbitration is mainly used in the alternative resolution of disputes arising from trans-border economic transactions. The difference between arbitration and ordinary court proceedings is that the decisions made in it are recognized and enforced by many countries of the world. Also, arbitration is one of the aspects of neutral dispute resolution, convenient procedural aspects and confidentiality.

RESULTS

A number of articles are devoted to the procedure for determining the rules of arbitration proceedings, the place of arbitration proceedings and the language of its conduct. As proposed in these norms, the disputing parties may agree on the language and place of the arbitration proceedings at their own discretion, otherwise the language and place of the proceedings may be determined independently by the arbitrator.

In recent years, the arbitration court has become one of the most popular methods of resolving disputes in the field of international commerce and international trade. Any country is inevitably interested in the development of arbitration courts.

Many countries of the world want to optimize the procedure for resolving commercial disputes, including now all countries have new technological opportunities to use the latest advances in electronic document circulation.

The development and popularization of information technologies has a significant impact on the practice of active use of remote communication technologies by world arbitration institutions. This situation is related to the constant increase in the number of transactions carried out remotely, and there is a need to resolve disputes arising from them using electronic means without the direct influence of the parties. The new look of the court is an online system that allows you to use all the advantages of e-judgment in arbitration.

Online dispute resolution is the technology used to resolve disputes between parties, whether through dispute resolution, conciliation, or arbitration. There are three stages of online dispute resolution: negotiation between the parties (online negotiation), mediation (online mediation) and arbitration.

The concept of online arbitration has several meanings, but is often used to describe arbitration proceedings between the participants of the process using remote communication technologies.

Currently, many online platforms have been created for online dispute resolution. However, since transactions on the Internet are often made in small amounts, most of the existing online platforms are focused on resolving small disputes.

Most countries are parties to the New York Convention. Therefore, their laws governing the recognition and enforcement of foreign arbitral awards are based on the relevant provisions of the Convention.

The problem is that today, to a large extent, the requirements for the arbitration agreement, the decision of the arbitration court, as well as the online procedure are aimed at solving the dispute in the traditional form (offline). These standards do not take into account all the features that arise in the use of electronic devices. For the purposes of this work, there are three reasons that prevent the development of legal dispute resolution in the electronic information environment. The first relates to the arbitration agreement, the second class of legal barriers is procedural in nature, and finally, the barriers to online arbitration are related to the final decision.

DISCUSSION

Therefore, the use of electronic means for resolving disputes cannot be considered as a violation of procedural requirements. However, when considering a dispute using electronic means, all basic principles must be observed, the parties must be guaranteed the same procedural rights and opportunities as when using a traditional procedure (offline).

Another feature of the online dispute resolution procedure is that the interaction between the parties and the arbitrator takes place indirectly - through the online platform. It defines the specific features of the implementation of the main procedural guarantees and principles. The Internet Dispute Resolution Procedure is available to the parties must provide equal opportunities to participate, present their positions, arguments and objections in the case.

Because of online dispute resolution, the arbitration award is executed electronically. The parties are necessarily informed that its text can be sent to the parties by e-mail or posted on the website of the arbitration court. If the national legislation stipulates that the electronic form of the document is equal to the written form, and the electronic signature is equal to the handwritten signature, then the arbitration decision signed with an electronic signature can be executed without obstacles.

The risk of refusal to enforce an arbitral award arises only if the national legislation applicable to this award sets strict requirements for its form and there is no legislation on the use of electronic workflow and electronic signature.

Therefore, the Law "On International Commercial Arbitration" should provide for the procedure for reviewing and resolving disputes online, as well as recognizing and enforcing the decisions of the arbitration court of a foreign country on disputes in the field of international trade and international trade. In addition, we should adopt the draft Law in accordance with international standards. It is recommended to take a good look at the experiences of successful countries and cities such as the USA, Singapore, Hong Kong, France and Dubai in the adoption process.

CONCLUSION

In conclusion, it is recommended to use the experience of successful countries and cities such as the USA, Singapore, Hong Kong, France and Dubai to make changes Law on International Commercial Arbitration in accordance with international standards. Also, the Law

"On International Commercial Arbitration" should provide for the procedure for reviewing and resolving disputes online, as well as recognizing and enforcing the decisions issued by the arbitration court of a foreign country on disputes in the field of international trade and international trade.

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