



DISTINCTIVE FEATURES OF THE ENFORCEMENT OF ECONOMIC COURT DECISIONS

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Annotation: *This article analyzes the legal and practical aspects of enforcing economic court decisions. It examines the current system of enforcement, its effectiveness, and the challenges faced in practice. The article also provides proposals and recommendations aimed at improving the enforcement mechanism.*

Keywords: *Economic court, enforcement process, court decision, enforcement document, legal framework, business entities, efficiency.*

The system of enforcing economic court decisions is considered one of the key directions of the state's legal policy. The timely and full implementation of court decisions ensures the rule of law in economic relations and protects the rights and legitimate interests of business entities. The efficiency of the enforcement process directly influences the stability of the investment climate in the country. Therefore, studying the legal framework, practical challenges, and solutions in the enforcement of economic court decisions is of great importance today.

It is well known that the reform of the judicial and legal system, including the development of civil procedural legislation as one of its integral components, has become an essential part of the ongoing reform process. Indeed, the Civil Procedure Code of the Republic of Uzbekistan plays a special role in protecting the rights and freedoms of citizens, guaranteeing their right to access to justice, and safeguarding them through judicial mechanisms. The Code establishes the rules and procedures for judicial proceedings, ensuring that the rights and legitimate interests of the parties involved in the process are protected in strict compliance with these procedural norms.

It should be emphasized that during the years of independence, a number of measures have been taken to further improve the Civil Procedure Code of the Republic of Uzbekistan. In particular, the legislative activities aimed at improving this Code are of great importance, as they are primarily directed toward affirming the principles that human life, liberty, dignity, and honor are the highest values, as well as ensuring the rule of law, strengthening the authority of the judiciary as a key guarantee for the effective protection of human rights, freedoms, and legitimate interests, and guaranteeing the true independence of the courts.

From 1992 until June 1, 2017, the courts dealing with economic disputes in Uzbekistan were known as Economic (Commercial) Courts ("Khojalik sudlari"). Starting from June 1, 2017, these courts were renamed as Economic Courts, and the

Economic Procedural Code was adopted, which defined the procedural rules for hearing cases in these courts. The Code introduced new procedural legal norms governing court proceedings, and business entities as well as citizens applying to the economic courts are required to comply fully with these rules.

The ability of citizens, state bodies, organizations, and particularly business entities to legally defend their violated rights requires certain knowledge and practical skills. Achieving this leads to the saving of their most valuable resources — time and money — and helps to eliminate unnecessary complications.

As noted by S.Q. Qodirov, “The timely enforcement of a decision made by a court plays a decisive role in strengthening citizens’ trust in justice and enhancing the authority of the judiciary.”[5].

According to our Basic Law – the Constitution – ensuring human rights and freedoms is defined as the supreme goal of the State. The State is obligated to guarantee the rights and freedoms of individuals and citizens established by the Constitution and laws.

Indeed, significant progress has been achieved in consolidating and reliably protecting the rights of individuals and citizens as enshrined in the Constitution and legislation. In particular, comprehensive measures are being implemented to guarantee the realization of constitutional rights and freedoms, ensure the independence of the judiciary, enhance the efficiency of justice, and strengthen the trust and respect of the population toward judicial bodies.

As is known, judicial acts adopted by the courts are binding and must be executed throughout the entire territory of the Republic of Uzbekistan. Ensuring the execution of judicial acts within the legally established time limits is extremely important, since the timely enforcement of court decisions serves to strengthen public trust in justice and enhance the authority of the judiciary.

In accordance with Article 15 of the Economic Procedural Code of the Republic of Uzbekistan (hereinafter referred to as the EPC), judicial acts that have entered into legal force are binding on all state bodies, self-government bodies of citizens, other organizations, public associations, enterprises, institutions, officials, and citizens, and must be executed throughout the entire territory of the Republic of Uzbekistan.

Under Article 192 of the EPC, a decision enters into legal force one month after its adoption if it has not been appealed or protested in accordance with appellate procedures. If an appeal (or protest) is filed, the decision enters into legal force from the date on which the appellate court adopts its ruling, provided that the initial decision has not been annulled.

Thus, the main condition for the enforcement of a judgment is that it has entered into legal force and has not been annulled.

Moreover, unless otherwise provided by the Code, enforcement of a judicial act is carried out on the basis of a writ of execution issued by the court.



According to Article 335 of the EPC, a writ of execution is a document issued by the court confirming the claimant's right to compulsory enforcement of a judicial act.

As stated in Article 336 of the EPC, one writ of execution is issued for each judicial act, except in cases otherwise provided by the Code. If enforcement must be carried out in different locations or in favor of several claimants, the court, upon request of the claimants, may issue several writs of execution indicating the place of enforcement or the portion of the judicial act subject to enforcement under each writ. The writ of execution is issued by the court that rendered the judicial act. Within five days after the judicial act enters into legal force, the writ of execution must be issued to the claimant or, at his or her request, sent to the state enforcement officer for execution. To recover funds to the state budget, the writ of execution must be sent to the state enforcement officer at the debtor's location within five days after the judicial act enters into legal force. The content of the writ must comply with the requirements established by the EPC.

Furthermore, according to Article 338 of the EPC, a judicial act may be submitted for enforcement within three years from the date it enters into legal force, or, in cases where enforcement has been deferred or allowed in installments, from the date such period expires. If the enforcement of the judicial act has been suspended, the suspension period is not included in the time limit for submitting the writ of execution for enforcement.

Another noteworthy aspect is that, according to the EPC, no state duty is charged for considering applications related to the enforcement of judicial acts. The interested party — typically the claimant — only needs to submit an application along with the necessary documents.

In conclusion, It should be noted that the broad-scale judicial and legal reforms being carried out in our country are primarily aimed, first and foremost, at expanding the scope of lawful protection of citizens' rights and freedoms via the courts; improving the procedural order of judicial proceedings; increasing access to fair justice; and adapting the legislative foundations of the court system to the requirements of a democratic state governed by the rule of law. In civil proceedings, the appellate procedure is considered an important means of realizing the citizens' constitutional right to judicial protection. Moreover, from the perspective of human rights protection, and also in regard to correcting errors and shortcomings by the lower courts in the consideration and resolution of civil cases, the institute of appellate review plays a foundational role. By re-examining the decisions and rulings of the courts of first instance for legality and reasonableness, and by remedying the mistakes and gaps committed by them, the appellate process ensures proper administration of justice and helps strengthen legality in civil legal relations.





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