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Ijtimoiy-gumanitar fanlarning dolzarb muammolari

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2025

SCIENCEPROBLEMS.UZ

**IJTIMOIIY-GUMANITAR FANLARNING
DOLZARB MUAMMOLARI**

№ 2 (5) – 2025

**АКТУАЛЬНЫЕ ПРОБЛЕМЫ СОЦИАЛЬНО-
ГУМАНИТАРНЫХ НАУК**

ACTUAL PROBLEMS OF HUMANITIES AND SOCIAL SCIENCES

TOSHKENT-2025

BOSH MUHARRIR:

Isanova Feruza Tulqinovna

TAHRIR HAY'ATI:

07.00.00- TARIX FANLARI:

Yuldashev Anvar Ergashevich – tarix fanlari doktori, siyosiy fanlar nomzodi, professor, O'zbekiston Respublikasi Prezidenti huzuridagi Davlat boshqaruvi akademiyasi;

Mavlanov Uktam Maxmasabirovich – tarix fanlari doktori, professor, O'zbekiston Respublikasi Prezidenti huzuridagi Davlat boshqaruvi akademiyasi;

Xazratkulov Abror – tarix fanlari doktori, dotsent, O'zbekiston davlat jahon tillari universiteti.

Tursunov Ravshan Normuratovich – tarix fanlari doktori, O'zbekiston Milliy Universiteti;

Xolikulov Axmadjon Boymahmatovich – tarix fanlari doktori, O'zbekiston Milliy Universiteti;

Gabrielyan Sofya Ivanovna – tarix fanlari doktori, dotsent, O'zbekiston Milliy Universiteti.

Saidov Sarvar Atabullo o'g'li – katta ilmiy xodim, Imom Termiziy xalqaro ilmiy-tadqiqot markazi, ilmiy tadqiqotlar bo'limi.

08.00.00- IQTISODIYOT FANLARI:

Karlibayeva Raya Xojabayevna – iqtisodiyot fanlari doktori, professor, Toshkent davlat iqtisodiyot universiteti;

Nasirxodjayeva Dilafruz Sabitxanovna – iqtisodiyot fanlari doktori, professor, Toshkent davlat iqtisodiyot universiteti;

Ostonokulov Azamat Abdukarimovich – iqtisodiyot fanlari doktori, professor, Toshkent moliya instituti;

Arabov Nurali Uralovich – iqtisodiyot fanlari doktori, professor, Samarqand davlat universiteti;

Xudoyqulov Sadirdin Karimovich – iqtisodiyot fanlari doktori, dotsent, Toshkent davlat iqtisodiyot universiteti;

Azizov Sherzod O'ktamovich – iqtisodiyot fanlari doktori, dotsent, O'zbekiston Respublikasi Bojxona instituti;

Xojayev Azizxon Saidaloxonovich – iqtisodiyot fanlari doktori, dotsent, Farg'ona politexnika instituti

Xolov Aktam Xatamovich – iqtisodiyot fanlari bo'yicha falsafa doktori (PhD), dotsent, O'zbekiston Respublikasi Prezidenti huzuridagi Davlat boshqaruvi akademiyasi;

Shadiyeva Dildora Xamidovna – iqtisodiyot fanlari bo'yicha falsafa doktori (PhD), dotsent v.b, Toshkent moliya instituti;

Shakarov Qulmat Ashirovich – iqtisodiyot fanlari

nomzodi, dotsent, Toshkent axborot texnologiyalari universiteti

09.00.00- FALSAFA FANLARI:

Hakimov Nazar Hakimovich – falsafa fanlari doktori, professor, Toshkent davlat iqtisodiyot universiteti;

Yaxshilikov Jo'raboy – falsafa fanlari doktori, professor, Samarqand davlat universiteti;

G'aybullayev Otabek Muhammadiyevich – falsafa fanlari doktori, professor, Samarqand davlat chet tillar instituti;

Saidova Kamola Uskanbayevna – falsafa fanlari doktori, "Tashkent International University of Education" xalqaro universiteti;

Hoshimxonov Mo'min – falsafa fanlari doktori, dotsent, Jizzax pedagogika instituti;

O'roqova Oysuluv Jamoliddinovna – falsafa fanlari doktori, dotsent, Andijon davlat tibbiyot instituti, Ijtimoiy-gumanitar fanlar kafedrasini mudiri;

Nosirxodjayeva Gulnora Abdukaxxarovna – falsafa fanlari nomzodi, dotsent, Toshkent davlat yuridik universiteti;

Turdiyev Bexruz Sobirovich – falsafa fanlari bo'yicha falsafa doktori (PhD), dotsent, Buxoro davlat universiteti.

10.00.00- FILOLOGIYA FANLARI:

Axmedov Oybek Saporbayevich – filologiya fanlari doktori, professor, O'zbekiston davlat jahon tillari universiteti;

Ko'chimov Shuxrat Norqizilovich – filologiya fanlari doktori, dotsent, Toshkent davlat yuridik universiteti;

Hasanov Shavkat Ahadovich – filologiya fanlari doktori, professor, Samarqand davlat universiteti;

Baxronova Dilrabo Keldiyorovna – filologiya fanlari doktori, professor, O'zbekiston davlat jahon tillari universiteti;

Mirsanov G'aybullo Qulmurodovich – filologiya fanlari doktori, professor, Samarqand davlat chet tillar instituti;

Salaxutdinova Musharraf Isamutdinovna – filologiya fanlari nomzodi, dotsent, Samarqand davlat universiteti;

Kuchkarov Raxman Urmanovich – filologiya fanlari nomzodi, dotsent v/b, Toshkent davlat yuridik universiteti;

Yunusov Mansur Abdullayevich – filologiya fanlari nomzodi, O'zbekiston Respublikasi Prezidenti huzuridagi Davlat boshqaruvi akademiyasi;

Saidov Ulugbek Aripovich – filologiya fanlari nomzodi, dotsent, O'zbekiston Respublikasi Prezidenti huzuridagi Davlat boshqaruvi akademiyasi.

12.00.00- YURIDIK FANLAR:

Axmedshayeva Mavlyuda Axatovna – yuridik fanlar doktori, professor, Toshkent davlat yuridik universiteti;

Muxitdinova Firyuza Abdurashidovna – yuridik fanlar doktori, professor, Toshkent davlat yuridik universiteti;

Esanova Zamira Normurotovna – yuridik fanlar doktori, professor, O'zbekiston Respublikasida xizmat ko'rsatgan yurist, Toshkent davlat yuridik universiteti;

Hamroqulov Bahodir Mamasharifovich – yuridik fanlar doktori, professor v.b., Jahon iqtisodiyoti va diplomatiya universiteti;

Zulfiqorov Sherzod Xurramovich – yuridik fanlar doktori, professor, O'zbekiston Respublikasi Jamoat xavfsizligi universiteti;

Xayitov Xushvaqt Saparbayevich – yuridik fanlar doktori, professor, O'zbekiston Respublikasi Prezidenti huzuridagi Davlat boshqaruvi akademiyasi;

Asadov Shavkat G'aybullayevich – yuridik fanlar doktori, dotsent, O'zbekiston Respublikasi Prezidenti huzuridagi Davlat boshqaruvi akademiyasi;

Ergashev Ikrom Abdurasulovich – yuridik fanlari doktori, professor, Toshkent davlat yuridik universiteti;

Utemuratov Maxmut Ajimuratovich – yuridik fanlar nomzodi, professor, Toshkent davlat yuridik universiteti;

Saydullayev Shaxzod Alixanovich – yuridik fanlar nomzodi, professor, Toshkent davlat yuridik universiteti;

Hakimov Komil Baxtiyarovich – yuridik fanlar doktori, dotsent, Toshkent davlat yuridik universiteti;

Yusupov Sardorbek Baxodirovich – yuridik fanlar doktori, dotsent, Toshkent davlat yuridik universiteti;

Amirov Zafar Aktamovich – yuridik fanlar doktori (PhD), O'zbekiston Respublikasi Sudyalari oliy kengashi huzuridagi Sudyalari oliy maktabi;

Jo'rayev Sherzod Yuldashevich – yuridik fanlar nomzodi, dotsent, Toshkent davlat yuridik universiteti;

Babadjanov Atabek Davronbekovich – yuridik fanlar nomzodi, dotsent, Toshkent davlat yuridik universiteti;

Normatov Bekzod Akrom o'g'li — yuridik fanlar bo'yicha falsafa doktori, Toshkent davlat yuridik universiteti;

Rahmatov Elyor Jumaboyevich — yuridik fanlar nomzodi, Toshkent davlat yuridik universiteti;

13.00.00- PEDAGOGIKA FANLARI:

Xashimova Dildarxon Urinboyevna – pedagogika fanlari doktori, professor, Toshkent davlat yuridik universiteti;

Ibragimova Gulnora Xavazmatovna – pedagogika fanlari doktori, professor, Toshkent davlat iqtisodiyot universiteti;

Zakirova Feruza Maxmudovna – pedagogika fanlari doktori, Toshkent axborot texnologiyalari universiteti huzuridagi pedagogik kadrlarni qayta tayyorlash va ularning malakasini oshirish tarmoq markazi;

Kayumova Nasiba Ashurovna – pedagogika fanlari doktori, professor, Qarshi davlat universiteti;

Taylanova Shoxida Zayniyevna – pedagogika fanlari doktori, dotsent;

Jumaniyozova Muhayyo Tojiyevna – pedagogika fanlari doktori, dotsent, O'zbekiston davlat jahon tillari universiteti;

Ibraximov Sanjar Urinbayevich – pedagogika fanlari doktori, Iqtisodiyot va pedagogika universiteti;

Javliyeva Shaxnoza Baxodirovna – pedagogika fanlari bo'yicha falsafa doktori (PhD), Samarqand davlat universiteti;

Bobomurotova Latofat Elmurodovna — pedagogika fanlari bo'yicha falsafa doktori (PhD), Samarqand davlat universiteti.

19.00.00- PSIXOLOGIYA FANLARI:

Karimova Vasila Mamanosirovna – psixologiya fanlari doktori, professor, Nizomiy nomidagi Toshkent davlat pedagogika universiteti;

Hayitov Oybek Eshboyevich – Jismoniy tarbiya va sport bo'yicha mutaxassislarni qayta tayyorlash va malakasini oshirish instituti, psixologiya fanlari doktori, professor

Umarova Navbahor Shokirovna– psixologiya fanlari doktori, dotsent, Nizomiy nomidagi Toshkent davlat pedagogika universiteti, Amaliy psixologiyasi kafedrasi mudiri;

Atabayeva Nargis Batirovna – psixologiya fanlari doktori, dotsent, Nizomiy nomidagi Toshkent davlat pedagogika universiteti;

Shamshetova Anjim Karamaddinovna – psixologiya fanlari doktori, dotsent, O'zbekiston davlat jahon tillari universiteti;

Qodirov Obid Safarovich – psixologiya fanlari doktori (PhD), Samarkand viloyat IIB Tibbiyot bo'limi psixologik xizmat boshlig'i.

22.00.00- SOTSILOGIYA FANLARI:

Latipova Nodira Muxtarjanovna – sotsiologiya fanlari doktori, professor, O'zbekiston milliy universiteti kafedra mudiri;

Seitov Azamat Po'latovich – sotsiologiya fanlari doktori, professor, O'zbekiston milliy universiteti;

Sodiqova Shohida Marxaboyevna – sotsiologiya fanlari doktori, professor, O'zbekiston xalqaro islom akademiyasi.

23.00.00- SIYOSIY FANLAR

Nazarov Nasriddin Ataqulovich –siyosiy fanlar doktori, falsafa fanlari doktori, professor, Toshkent arxitektura qurilish instituti;

Bo'tayev Usmonjon Xayrullayevich –siyosiy fanlar doktori, dotsent, O'zbekiston milliy universiteti kafedra mudiri.

OAK Ro'yxati

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EXECUTION OF INTERNATIONAL COMMERCIAL ARBITRAL AWARDS

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Abstract. In the ICA, a party, for whose interest an award is rendered, wants to enforce the award as soon as possible. If the losing party do not enforce the award voluntary then succeeded party have to address to state court to get enforcing order. In the following section types of available execution mechanism are discussed.

Keywords: arbitration, arbitral awards, enforcement.

XALQARO TIJORAT ARBITRAJLARI QARORLARINI IJRO ETISH

Jurayeva Asal

TDYU o'qituvchisi

Annotatsiya. ICAda manfaati uchun qaror berilgan tomon imkon qadar qarorni tezroq amalga oshirishni xohlaydi. Agar yutqazgan tomon qarorni ixtiyoriy ravishda ijro etmasa, unda g'olib tomon ijro qarorini olish uchun davlat sudiga murojaat qilishi kerak. Mazkur maqolada ijro mexanizmining turlari ko'rib chiqiladi.

Kalit so'zlar: arbitraj, arbitraj qarorlari, ijro etish.

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Since the Uzbek courts have only started to summarize the trends of applications for recognition and enforcement of arbitral awards (2007), the authors have little data about real and long-term trends. For instance, between 2007 and 2011, the Uzbek courts handled fifty cases (including foreign court decisions and arbitral awards), out of which Uzbek courts gave a writ of execution in forty-four cases, refused five cases and finalized one case.

The existing differences in the economic and civil procedure codes of the Republic of Uzbekistan do not contribute to the formation of uniform judicial practice. Among these differences, one can note different courts considering applications for the recognition and enforcement of decisions of a foreign court or arbitration (in economic courts, such applications are considered by second-tier courts, and in civil courts – by first-tier courts), different periods of consideration of such applications (in economic courts such applications are considered within six months, and in civil courts – within a month from the date of receipt of the application for the recognition and enforcement of the decision of a foreign court or arbitration).

The significant differences that cause difficulties include the grounds for refusing to recognize and enforce a decision of a foreign court or arbitration given in the economic and civil procedural codes of the Republic of Uzbekistan.

Voluntary execution of an arbitral award can be witnessed [1] when the parties continue their business ties or the arbitration is organised under the auspices of trade associations

where the losing party is a member. [2] The reason behind voluntary execution can be commercial pressure. [3]

Execution can be performed voluntarily where the parties belong to the similar social backgrounds and avoid to cause any harm to their business reputation. The parties might also fear of losing their benefits acquired by their membership to a particular organization under which the award was decided. [4] Besides, delaying the execution or not performing the final award at all may endanger prestige of an entity regarding to its financial wellbeing. The most effective way of ensuring the enforcement of unwilling party is the imposition of financial sanctions. If there are long-lasting business relationships between parties, the losing party will likely voluntarily execute an award, otherwise there a risk of non-enforcement. Another list of sanctions can be to preclude the defaulting party from the recourse to arbitration or particular trade association. For example, in the ICSID arbitration, the losing party state may jeopardize its right to receive further World Bank loans.

The pressure can also be imposed by the menace of detrimental publicity. This approach also used in the trade associations which has an authority to exclude non-complying party from relevant market or association. Therefore, appropriate trade association where a party belongs will be notified about its member's non-compliance to an award. As a result, the possible sanctions will be imposed to the party who is not voluntarily executing an award. [5] The publicity can be in either form *i.e.*, by posting non-executing party's name on the notice board of an association or chamber of commerce, circulating a letter among the members of an association or by publicising the information in any other suitable form. The eventual action against non-execution of an award on party's own choice, is the execution of the award by the means of state judicial mechanism. Moreover, it is also adequate to attach the assets of on losing party by arbitral award. Divesting the party from its property can send a strong message to non-executing party to enforce an award without any state court orders.

Withstand the enforcement of an award in the state of origin

The litigation continues when the arbitration is won by one party but at the same time another party is resisting the enforcement. In this case, the losing party might attempt to challenge an award in the state where it was rendered. The final award can be appealed before other arbitral tribunal or national court. [6] The former scenario can take place when the parties have consented in advance that the superior arbitral tribunal have jurisdiction to reconsider the case. This system of appeal is a remarkable attribute of the rules of trade associations.

The latter types of appeal considered before a national state court. There are both benefits and drawbacks to agree on appeal before state courts. The principal advantage of appeal before a state court is the opportunity to correct obviously violating provisions of the award. However, one of the disadvantages of this practice is the decision of a state court might replace the arbitral award. Next minus of the appeal before state court is the public hearing which is not line with privacy benefit of arbitration. More interestingly, the appeal in state court may hinder the enforcement of an award which endangers the ICA's attribute of fast resolution of disputes.

Nowadays, the parties of the ICA avoid state court proceedings, thus parties of an arbitration agreement exclude recourse to appeal in state court. [7] An interesting question here is whether the parties are entitled to include the right of appeal in their contract. Section

69 (1) of English Arbitration Act, [8] for instance, states that parties have the right to appeal before a state court any questions resulting from the award decided in the arbitral procedures. Nonetheless, the parties to an arbitration agreement have the power to consent on appeal before state judicial organ under the Section 69.

1996 English Arbitration Act stipulates that a court may give effect to any such exclusion agreement, like Art. 26 (9) of the LCIA Rules. [9] Nevertheless, even a party waives his right to appeal, he is not prevented from appealing setting-aside proceedings to state court. Some jurisdictions including Switzerland might permit to waive all grounds to appeal against award before state courts. Under the Art. 192 (1) of the Swiss Federal Private International Law Act, [10] parties of an arbitration agreement who has not domicile, business establishment or residence in Switzerland, can rule out or confine the grounds for challenging proceedings. This right to exclude the appeal against an award can be incorporated into arbitration agreement or decided in separate agreement. This provision can also be found in the Art. 1717(4) of the Belgian Code Judiciaire. [11]

Application for the enforcement of an ICA award is considered by economic courts within six months from the date of its receipt by courts. After reviewing a case, economic courts issue a ruling on recognition and enforcement or on declining the recognition. Procedural legislation of Uzbekistan establishes grounds for declining the enforcement of an award. Along with other provisions that are listed in above chapters, EPC stipulates following grounds for refusal, if:

- 1) an object of a dispute cannot be the subject of arbitration under the legislation of Uzbekistan;
- 2) recognition and enforcement of an award contradicts or threatens PP of Uzbekistan;
- 3) the period of compulsory enforcement of an award has expired.

Ambiguous nature of PP gives a right to judges to broadly interpret it and they can decline the enforcement upon this basis. Art. 256 of EPC should be clearly interpreted by the Supreme Court of Uzbekistan. Since, uncertainty of that article could lead judges to reject recognition of ICA awards even they do not contradict to PP of Uzbekistan.

Setting aside an arbitral award

A party of an arbitration agreement who is not satisfied with the final award rendered can attempt to challenge its validity before a competent state court. [12] In general, it is regarded as procedural issue and the party who wants to challenge an award recourse to a state court requesting to challenge an award. The state court might take the following actions:

1. Verify the recognition order by granting its enforcement;
2. Set aside the award in whole or its parts;
3. Forward an award to arbitration again; [13]
4. Enforce an arbitral award by attaching assets of the failed party.

The losing party have to present grounded evidence, according to the laws of that relevant country of applicable law to an arbitral agreement, to challenge the award. The grounds of challenging of an award may differ depending on a country. It should be noted that due to increasing popularity of the ICA, the national laws are prone to set finite grounds to challenge an award. Some scholars have developed certain elements which help to identify prerequisites that is common in many jurisdictions. The factors challenging an arbitral award are grouped into three main classifications. The first group incorporates the factors, such as the

opportunity created to the parties to properly display their case, follow of the time frame, independence and impartiality of arbitrators, and the use of admissible evidence. [14]

The next category of the prerequisites is the procedural irregularities. It is important to notice that national courts could not review the substance of a case submitted to the ICA. This may bring the parties to initiate a case before a national court from the beginning which was primarily avoided by the parties. [15] The importance of challenging an award is to make a final award null and void. Successful challenge of an award will result in the non-enforcement of an award in the state where it was rendered and it will lose its legal effect as a binding on both parties. Besides, according to Art. V (1)(e) of the NYC [16] an award will not be effective in any other country which is the member of the NYC as the award was challenged in the state of its origin.

One of the key problems is the lack of detailed information on the procedure for the recognition and enforcement of decisions arbitration tribunals in a simplified and understandable form. This order is given exclusively in procedural legislation and international treaties of the Republic of Uzbekistan. National legislation is presented only in Russian and Uzbek languages, without translation in English.

As a result of the lack of such information on the procedure for recognizing and enforcing decisions of arbitration tribunals, applications for the recognition and enforcement of decisions of arbitration tribunals are sent to various bodies, including the Supreme Court of Uzbekistan, the Ministry of Justice, the Ministry of Foreign Affairs, the General prosecutor's office or the Bureau of Compulsory Enforcement under the General Prosecutor's Office of the Republic of Uzbekistan. This circumstance forces the indicated departments to redirect or clarify the procedure for the recognition and enforcement of decisions of foreign courts and arbitration tribunals, which leads to an increase in the timeframes for the recognition and enforcement of decisions of foreign courts and arbitration tribunals, reducing confidence in the judicial system.

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