

SCIENCE
PROBLEMS.UZ

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Актуальные проблемы социальных и гуманитарных наук

Ijtimoiy-gumanitar fanlarning dolzarb muammolari

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2025

SCIENCEPROBLEMS.UZ

IJTIMOIIY-GUMANITAR FANLARNING DOLZARB MUAMMOLARI

№ 8 (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 siyosati va boshqaruvi akademiyasi;

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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;

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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 siyosati va boshqaruvi akademiyasi;

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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;

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Turdiyev Bexruz Sobirovich – falsafa fanlari doktori (DSc), Professor, 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;

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

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

Asadov Shavkat G'aybullayevich – yuridik fanlar doktori, dotsent, O'zbekiston Respublikasi Prezidenti huzuridagi Davlat siyosati va 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, professor, Toshkent davlat yuridik universiteti;

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kengashi huzuridagi Sudyalari oliy maktabi;

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

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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 Urunbayevich – 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 kafedrasini 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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MUNDARIJA

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Article / Original Paper

OBSTACLES IN ENFORCING ICA AWARDS IN UZBEKISTAN

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Abstract. This article analyses the main obstacles to the enforcement of International Commercial Arbitration (ICA) awards in Uzbekistan. Although arbitration is a developing institution in the country, procedural gaps, inconsistent legislation, lack of electronic classification, and limited international cooperation hinder the effectiveness of enforcement. Special attention is given to the ambiguity surrounding the concept of public policy (PP), which poses risks of subjective interpretation by national courts. The study suggests reforms for unified procedures, clearer legal definitions, and more structured data collection to strengthen ICA enforcement mechanisms.

Keywords: ICA awards, enforcement, Uzbekistan, arbitration, public policy, international treaties, judicial cooperation, legal uncertainty.

O'ZBEKISTONDA XALQARO TIJORAT ARBITRAJ (XTA) QARORLARINI IJRO ETISHDAGI TO'SIQLAR

Juraeva Asal

O'qituvchi

Ma'muriy va moliya huquqi kafedrası

Toshkent davlat yuridik universiteti

Annotatsiya. Mazkur maqolada O'zbekistonda Xalqaro tijorat arbitraj (XTA) qarorlarini ijro etishdagi asosiy to'siqlar tahlil qilinadi. Garchi arbitraj institutlari rivojlanib borayotgan bo'lsa-da, protsessual qonunchilikdagi bo'shliqlar, yagona tartibning yo'qligi, elektron tizimlarda noto'g'ri tasniflash va xalqaro hamkorlikning cheklanganligi XTA qarorlarini samarali ijro etishga to'sqinlik qilmoqda. Ayniqsa, "jamoat tartibi" (public policy) tushunchasining aniq belgilanmagani milliy sudlar tomonidan subyektiv talqin qilinish xavfini tug'diradi. Muallif XTA qarorlarini ijro etish tizimini mustahkamlash uchun yagona tartib, aniq huquqiy ta'riflar va tizimli ma'lumot to'plash zarurligini ta'kidlaydi.

Kalit so'zlar: XTA qarorlari, ijro etish, O'zbekiston, arbitraj, jamoat tartibi, xalqaro shartnomalar, sudlar hamkorligi, huquqiy noaniqlik.

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ICA is a new institution in Uzbekistan. Although, there were arbitration courts within the national level but they were just mere competitors to the state economic courts. There has not been such an international practice dealing with international commercial disputes in the country.[1] Compared to other CIS countries, ICA is one the youngest and rapidly progressing alternative dispute settlement system in Uzbekistan. In spite of constant progress of arbitration, interrelated systematic problems exist within the enforcement phase of ICA awards.[2] First, there is no unified procedure and regulations for the recognition and enforcement of ICA awards. Local bureaucracies can be the next big problem for the

enforcement of ICA awards in country. Following problems are inappropriateness of collecting information about this category of cases, ambiguous content of the state PP and the low level of interaction of state courts on issues of enforcement of awards constitute the biggest challenges for the further development of arbitration and Uzbekistan as a whole.[3]

1) Nonexistence of the clear procedure

One of the key problems is the lack of detailed information on the procedure for the enforcement of ICA awards in a simplified and understandable form.[4] The order of process should be exclusively presented in the procedural legislation of Uzbekistan. National legislation is presented 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 ICA awards applications for the recognition and enforcement are sent to various bodies, including the Supreme Court of Uzbekistan, Ministry of Justice, Ministry of Foreign Affairs, General prosecutor's office or the Bureau of Compulsory Enforcement under the General Prosecutor's Office of Uzbekistan. These circumstances force the indicated departments to redirect or clarify the procedure for the enforcement of ICA awards which leads to an increase in the time length and reduce the confidence in judicial system of the country.[5]

Information system implemented in civil courts which allow to fill applications in electronic form, do not contain such type of appeal as "for recognition and enforcement of a foreign court decisions or arbitral award".[6] A similar system implemented in economic courts, although it contains this type of appeal but classifies it as "a claim proceeding" which is misleading in terms of the procedure for considering such applications.

2) Lack of unified procedural legislation

Existing differences in EPC and CPC of Uzbekistan do not contribute to the formation of unified judicial practice. One can note that applications for the enforcement of ICA awards are considered by second-tier courts in economic cases¹ while such applications are considered by first-tier level civil court.[7] Next difference is the established time period for considering such cases, in economic courts it is six months and one month in civil courts (from the date of receipt of an application).[8]

Significant difference that causes difficulties include the grounds for declining to enforce ICA awards provided in EPC and CPC of Uzbekistan. If Art. 370 of CPC combines in one article the grounds for refusing a "decision of a foreign court or arbitral award", EPC contains two separate articles providing basis for declining to recognize and enforce a decision of a foreign state court (Art. 255) and arbitral award (Art. 256). Moreover, international treaties of the Republic of Uzbekistan contain various grounds for refusing the enforcement of decisions of foreign state courts (such as Minsk Convention) and foreign arbitral awards (NYC).[9] It should be noted that if there is a conflict between international treaty and national laws, international treaties prevail (those Uzbekistan is a member).

Under Art. 328 of the Tax Code of Uzbekistan, applications for the enforcement of ICA awards are classified as objects of state duty collection. Confirmation of the payment and postage must be attached to the application, unless otherwise provided by an international treaty of Uzbekistan. Such reference places responsibility for determining the need to pay the state fee on interested parties.[10] At the same time, it is not possible to independently determine the amount of the state duty due to the lack of relevant norms in the rates of the state duty, as well as information on websites of authorized bodies.[11]

3) Inappropriateness of collecting information about this category of cases

As noted above, the information systems of civil courts that allow to fill applications to courts in electronic form do not contain such type of appeal as an “application for recognition and enforcement of an arbitral award”, and a similar system implemented in economic courts, although it contains this type of appeal but classifies it as “a claim proceeding”. [12] As a result, the bank of decisions of courts in civil cases posted on the website of Supreme Court of Uzbekistan does not allow to form a list of cases on this category. Consequently, an inappropriate classification of this type of application on recognition and enforcement, the bank of decisions of economic courts incorrectly indicate them as decisions or a ruling to terminate a case.¹ Considering that such information systems are aimed, among other things, at collecting complete and reliable information on the activities of state courts considering applications on recognition and enforcement, in the absence of such a category of applications or incorrect classification of such a category of cases lead to an incomplete collection of information. This situation results in the need for manual collection of information on these types of cases. [13]

In addition, if such category of applications will be separated as “an application for the recognition and enforcement of an arbitral award” and the list of documents that should be attached with an application will be clearly indicated, then it would be more convenient to fill such applications in state courts and it could be simple to categorize and collect such decisions of state courts in Uzbekistan.

4) Issues of interaction on recognition and enforcement

Art. 36 of the Law “On International Treaties of the Republic of Uzbekistan” requires monitoring the enforcement of courts decisions and arbitral awards on the territory of Uzbekistan and in other countries. The reciprocity principle requires similar monitoring in countries with which Uzbekistan does not have agreements governing the procedure for the enforcement of state court decisions and arbitral awards. The existence of an effective mechanism for interaction of the judicial system of Uzbekistan with other countries (primarily with CIS countries) can become the basis for a dialogue between judicial systems to improve legislation, thereby increase the reputation of Uzbekistan at the regional and international level. The absence or inefficiency of such a mechanism can negatively affect rights and interests of citizens and business entities of Uzbekistan in the enforcement of decisions of national courts and arbitral awards in abroad. [10]

5) Ambiguous content of the state PP

Art. 5 of NYC lists grounds for refusing to enforce an ICA award including the violation of PP of a country. However, in provisions of the current legislation of Uzbekistan, a clear definition of PP and the criteria by which a decision is considered contrary to it are not vividly defined. It should be noted that the number of refusals in recognition and enforcement is currently at a low level. Moreover, there is no such information that national courts declined the enforcement of an ICA award on this basis. [10] Nevertheless, the absence of a clear concept of “PP” in the legislative norms and criteria for determining contradiction with PP may further lead to different interpretations of the norms in judicial practice of Uzbekistan.

PP doctrine, being a substantial concept in many jurisdictions, is also among the evasive concepts given the contrary to practical application in the case law and complicated literature that is argued before many judges at different multinational levels. [14] As a notion, PP has a

vital impact on the execution of ICA awards in many adaptable ways. Following examples are the delicacy of this impact and can easily be observed at any stage of arbitration process:

At earlier stage, applicability of PP rules might be found imperative by arbitral tribunal because it might have considerable impact on their verdict.

- Secondly, if resulting award violates national PP rules, the concerned court of country which has authority over arbitration process, may deny supporting arbitration process or refuse validation of an arbitration agreement and award.

- Finally, in case of foreign award consideration, if there is contradiction with PP of concerned state, a national court may not recognize a foreign award under consideration.[15] This final stage has special significance because of critical nature of ICA awards. In case of misalignment with scope of state supervision, re-investigation for validation of an arbitrary award may be done by courts in line with conformity of mandatory rules. This can also endanger an award to be a subject to a broader scope of feasible basis for nullification or challenge.

Basic concept of PP and traditional categorization of PP rules into domestic and international rules are discussed in this chapter in detail.[16] Furthermore, applicability of various PP rules and detailed discussion about pros and cons of these rules is also provided.

The extent of PP is subject to a range of interpretations not only by courts of Uzbekistan but also by courts of various nations, as can be seen by below analysis. Whether it is possible to achieve a clear description of this term, in particular cases regarding to the enforcement of ICA awards and whether it is possible to find approval of the notion of international PP (hereinafter IPP) or not will be discussed below. Many matters are still need to be addressed in this regard. The following chapters will analyze the overall content of PP. By distinguishing the notion of foreign PP in national affairs and IPP, a difference will also be made between PP tests. This can be used in foreign treaties that would limit judicial interference to ICA awards to a minimum.

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