

Judicial Consideration of Disputes in the International Private Legal System

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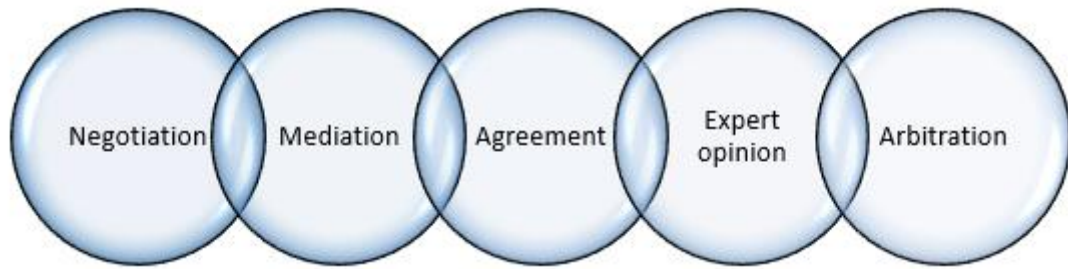
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Abstract: This article reviews and analyzes judicial consideration of disputes in the international private legal system. The features of alternative methods of resolving economic disputes in Uzbekistan relating to private international law will also be revealed. The experience of Uzbekistan in resolving economic disputes complicated by a foreign element will be studied.

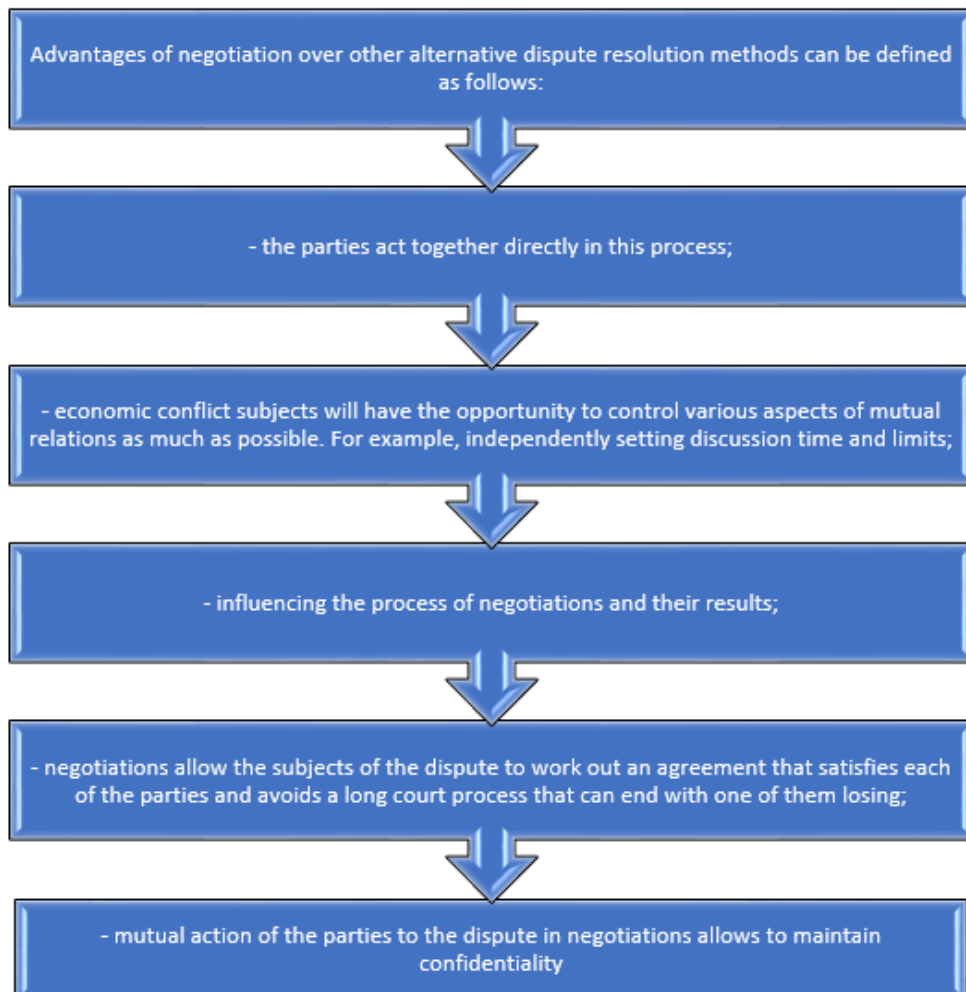
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With the establishment of relations between the subjects of international law, disputes may arise between them. One such conflict is economic conflict. Economic disputes are disputes arising from civil or other legal relations related to the implementation of economic activities by individual entrepreneurs or legal entities¹. When economic disputes are complicated by a foreign element, they require regulation by private international law. Therefore, in order for an economic dispute to be resolved on the basis of international private law, the subjects or one of them must be a foreign citizen or a foreign legal entity, or the disputed object must be located abroad, or the situation or event that caused the dispute must have occurred abroad. Economic disputes arising between the state and a foreign legal entity are resolved on the basis of international private law norms, even if the state is on one side. Any dispute that arises requires an alternative solution for the parties. In addition, the 1969 Vienna Convention on International Treaties states that treaty disputes, like other international disputes, should be settled only by peaceful means and in accordance with the principles of justice and international law [2]. There are several ways to resolve economic disputes in private international law. In this case, subjects can choose a method convenient for them to resolve the dispute. In private international law, economic disputes are regulated on the basis of international conventions, national legislation, and international agreements. In Uzbekistan, economic disputes arising from complicated relations with foreign elements are resolved on the basis of international private law norms, international agreements and national legislation.

Scholars have different approaches to alternative dispute resolution in private international law. According to N. O. Nurmamatov and K. Matkarimov, "resolving disputes by alternative methods" is the use of the most effective non-state (private) method of resolving a dispute to achieve the necessary legal result and (or) resolving a legal dispute that is not prohibited by law [3]. M.T. Sharipova analyzes the concepts of "conflict" and "conflict" and comes to a conclusion. According to this scientist, the combination of the words "alternative conflict resolution" includes a whole set of conflict resolution mechanisms, which in many cases can replace traditional methods of conflict resolution due to their high efficiency and flexibility [4]. Alternative ways to resolve economic disputes in private international law are:

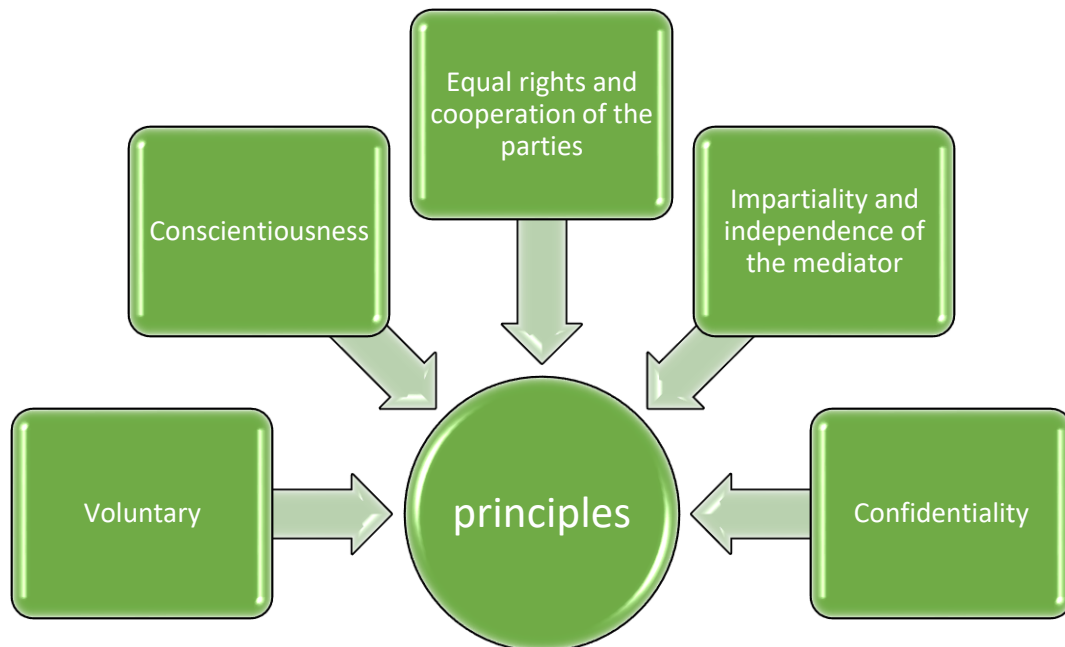


In order to resolve economic disputes, the parties in most cases choose arbitration courts or mediation. In some cases, they can negotiate, reach an acceptable agreement for the parties, or resolve the dispute based on an expert opinion. Negotiation is communication between the parties (negotiators) to achieve their goals and a common solution, in which each of the parties has equal opportunities to control the situation and solve the problem. Negotiations are one of the simplest, most common, effective and inexpensive means of resolving disputes, including in the economic sphere, because they do not cause additional costs, they do not pose risks for the parties and are aimed at discussing the resolution of the dispute. Negotiations are carried out in several stages. First stage, preparation for negotiations. At this stage, the parties state their requirements for conducting negotiations or address how to conduct negotiations in connection with the dispute. The second stage is the negotiation process. This stage involves the parties sharing their proposals and reaching a consensus on how to resolve the dispute. The third stage is the conclusion of the negotiations and the analysis of its results. At this stage, the parties conclude negotiations and resolve the dispute with a solution that satisfies all of them. The representatives of the parties will meet, study the situation in which the dispute arose, and make their proposals for solving the problem. Negotiation is similar to mediation, but the mediation process is conducted by specially trained licensed mediators [5].



As we can see, negotiation as an alternative method of solving economic disputes related to private international law provides many conveniences for the parties to find a solution to the dispute.

Mediation is a universal technology of alternative resolution of disputes between two or more parties with the participation of a third party - mediator, which helps to develop a certain agreement on the dispute, the process of decision-making by the parties on the resolution of the dispute and its resolution fully controls the conditions of making [2]. The mediation process should be based on the following principles:



One of the alternative ways to resolve disputes is for the parties to enter into a settlement agreement. It is one of the most acceptable means of resolving conflicts for participants in private international law. The reason for this is that the terms of settlement of the dispute in the settlement agreement are determined by the parties themselves, based on their interests and capabilities, during negotiations, which helps to maintain a stable and favorable relationship between them. A settlement agreement is drawn up when the parties reach an agreement. In this case, first, the parties provide a procedure for resolving the dispute and a solution to the dispute. Proposals will be considered one by one in order to reach an agreement. At the first stage of reaching an agreement, the parties make their proposals, and at the second stage, the acceptance or rejection of these proposals is considered. Acceptance of the offer must be in writing, which will serve as proof of acceptance of the offer [3]. The parties may enter into a settlement agreement at one of the court stages or out of court. Another alternative method of resolving economic disputes related to private international law is an expert opinion. Parties in need of expert services may contact the ICC International Center of Expertise and request the appointment of an expert in a specific area of interest. The center, established in 1976, carries out its activities in accordance with the ICC expertise regulations. The center deals with technical, financial, legal and other issues that require special knowledge. The parties may, in their contracts, agree that they may refer to, or subsequently use, the rules used in the center for the purpose of examination. In resolving an economic dispute, the parties may contact the Center for an Expert and request the appointment of an expert to provide an analysis of an issue, often in the form of a written report or recommendation. The selection of an expert by the Center is binding on the parties who need to turn to such an expert for assistance in amicable settlement of disputes or in the determination of certain facts. Therefore, as an alternative way to resolve the dispute, the parties can use the expert's opinion in order to find out the basis of the dispute and to resolve it.

In Uzbekistan, mediation is widely used as an alternative method, both in court and out of court, to resolve disputes arising from complicated economic relations with foreign elements. Arbitration is another alternative method of resolving economic disputes related to private international law in Uzbekistan. International commercial arbitration in Uzbekistan (TIAC - Tashkent International Arbitration Center) operates under the Chamber of Commerce and Industry of the Republic of Uzbekistan. In the event of an economic dispute with a foreign individual or legal entity, the parties may apply to this arbitration court. The convenience of the arbitration court is that there are fewer steps compared to economic courts. In addition, the parties will be able to choose the number of arbitrators and the jurisdiction under which the dispute will be heard if there is an agreement. The fact that parties are given more freedom in arbitration courts and the process is not as long as in state courts is evidence of their convenience for disputing parties. It can be seen that in Uzbekistan, alternative methods of dispute resolution, mainly mediation and arbitration, are more developed than other methods. However, nowadays, negotiation and agreement methods are widely used to resolve economic disputes and other disputes related to international private law that have arisen between the parties. One of the alternative methods of dispute resolution, expert opinion, is not very popular in Uzbekistan, and individuals use this method less than other methods. However, this does not mean that the methods of resolving disputes arising from complicated economic relations with foreign elements in Uzbekistan are limited. If an economic dispute related to private international law arises in Uzbekistan, the parties may choose the most acceptable alternative methods of dispute resolution in accordance with international law and national legislation and resolve the dispute using this method.

In private international law, economic disputes can arise between the state, legal entities and individuals. The parties have the right to resolve the economic dispute in a manner acceptable to them. There are alternative ways to resolve economic disputes in international private law, which is widely used by many subjects. These are negotiation, mediation, conciliation, expert opinion and arbitration methods. If the contracting parties agree to consider and resolve the dispute in the courts of the state in which one of them is located, or in cases where the national legislation of a particular country stipulates that certain types of disputes can be resolved only in state courts, the dispute is in accordance with the procedural legislation of the relevant state will be considered. In other cases, the parties can resolve the dispute arising between them by choosing the method acceptable to them from the alternative methods of dispute resolution during the conclusion of the contract or later. Among the alternative methods of conflict resolution, negotiation, mediation and agreement methods are similar to each other, but their differences are that representatives of the parties participate in the negotiation, a mediator participates in resolving the economic dispute of the parties in mediation, and in the agreement, the parties themselves come to an agreement without a mediator and representatives. resolve the dispute. In the method of expert opinion, the parties can submit the economic dispute to the expert in order to find out where and why it arose or information that helps to resolve the dispute, and the expert opinion on this issue will help to resolve the dispute. In addition, arbitration is also an acceptable method. One of the advantages of arbitration courts is that the parties can choose which state law and international law norms to use in resolving the dispute. Alternative methods of resolving economic disputes in private international law have more advantages for the parties than the adjudication of the dispute in state courts. For example, convenience for the parties, the possibility of faster resolution of the dispute in court, the parties getting out of the dispute settlement without losses and many other advantages. A large number of alternative and other ways of resolving economic disputes, such as state courts, gives the parties the opportunity to choose the most convenient method for resolving the dispute. Despite the fact that alternative dispute resolution methods provide many conveniences for the parties to resolve the dispute that arose in the middle, most of their decisions do not impose obligations on the parties. If, in the contract being concluded between the parties, the obligation to execute the decision in the settlement of the dispute is imposed, it will be possible to avoid cases of avoidance of the obligation of the parties arising from the settlement of the dispute.

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