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The Concept and Expression in the Courts of the Revision of Judicial Acts that Have Entered into Force Due to Newly Discovered Circumstances

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Abstract: This article analyzes a specific important aspect of the consideration of cases by administrative courts operating in the Republic of Uzbekistan. The Institute for revising the decision decisions made by the administrative courts on cases that were reopened after they entered into legal force was analyzed. The article compare opinions and concepts of legal scholars working in the law sphere and analyzes norms given in the legislative acts, namely The code of Administrative court proceedings, The code of Civil Procedure and the code of Economy Procedure.

Keywords: Administrative Court, court document, newly opened cases, re-examination of the court document.

Ensuring effective protection of the rights and legitimate interests of citizens, further increasing trust and respect for the judicial activities of each person, strengthening the mechanism of strict observance of the procedural order by persons involved in the case during the consideration of cases in court, as well as proper awareness of the consequences of their procedural actions will ensure the possibility and working conditions of the court, and, in addition, ensure that the legality of court decisions is respected., In administrative proceedings, proceedings are allowed on newly discovered circumstances in order to ensure a reasonable and fair exclusion. It is the provision of the rule of law in relations with administrative bodies placed before administrative courts, the rights and legitimate interests of citizens, as well as enterprises, institutions, organizations (henceforth referred to in the text as legal entities[1]; protection of violated or disputed rights, freedoms and legitimate interests of citizens and legal entities in the field of administrative and other public legal relations[2]; in the field of administrative and other mass legal relations, the role of the institute of record keeping in newly discovered circumstances is invaluable for a comprehensive, fair and, if possible, lawful settlement of decisions that have entered into force, designed to strengthen the rule of law and contribute to the prevention of offenses and the formation of a respectful attitude towards the law and the court.

The Institute for proceedings on the revision of legal acts of the court in force on newly opened cases is not only an existing institute in administrative courts, but also sets out the criteria for proceedings, which are established in economic procedural law, civil procedural law, that is, the code of economic procedure and the code of Civil Procedure.

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[1] Code for administrative court proceedings. 25.01.2018//https://lex.uz/docs/-3527353#-3528616

[2] Zoilboev, J. (2022). Philosophical Views of Farabi and Biruni on Administrative Management and Modern Uzbekistan. Telematique, 3101-3109.

The theoretical aspects of proceeding on the re-examination of court documents that have entered into legal force on newly opened cases have been widely studied within the framework of the right to civil procedure. In particular, as noted in the legal literature, "the Institute for the re-examination of judicial decisions on newly opened cases is considered an independent stage of Civil Procedure, which, in our opinion, creates (repeatedly) conditions for re-examination on the content of civil cases in accordance with the grounds established by law.[3]

It also provides an opportunity to prevent and, if necessary, correct a "judicial error"that may occur in the future or previously allowed by the court". The purpose of the newly opened Case Review is to re-examine, as well as to revise, on the grounds established by law, decisions, judgments and decisions of settlement that have entered into legal force. This, of course, is the norms established in the code of Civil Procedure, and considering that the institution of administrative judicial proceedings is also separated from the civil courts, the above-mentioned feedback is considered to apply to administrative judicial proceedings.

The re-enactment of legal acts in force on newly opened cases is also of significance to the Institute's economic procedure legislation. Lawyer, doctor of Legal Sciences, professor Z.According to Esanova and others: "the stage of revising the documents of the Economic court that have entered into legal force on newly opened cases serves as a legal guarantee of the implementation of justice, to the legal, reasonable and fairness of court documents, as in the stages of proceedings in the appellate, Cassation, supervisory procedure"[4].

It can be seen from this that the institution of judicial review of newly discovered circumstances, which have entered into force even in economic procedural legislation, serves as an important process for the administration of justice.

In addition, the stage of revision of the documents of the court of first instance that entered into force, which considered the case on economic matters, differs from other instances, in particular appellate and cassation, in terms of their significance and procedure, the composition of special subjects, the special object of the case, the specific content of the case, the composition of the grounds for revision that entered into force the validity of a court document. When taken theoretically, as explained in the law of economic procedure, the newly opened cases are told legal facts that exist at the time of hearing the case and are important in solving it[5].

It is worth noting that the facts that underlie the hearing of a case in the case of newly opened cases will not be known to the applicant nor to the court hearing the case for objective reasons unrelated to the court, or there will be real negating provisions of being known. It follows that the sending of a court document issued on the results of the content review of the case received by the court, that is, the decision of the settlement, to the courts of First Instance for anew on the newly opened circumstances, is the dates of the organization of the court proceedings, relying on the circumstances and grounds for which the institute By newly opened cases, it is necessary to understand that the opened factual cases actually exist, but the case, which the court cannot take into account at the time of hearing the case, is unknown to the applicant and the court, or cannot be kanown, is known only after the acceptance of the court documents. If the factual circumstances arose after the adoption of the court document, this case cannot serve as a basis

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[3] Sh.Sh. Shorahmetov. 0 'zbekiston Respublikasining Fuqarolik protsessual kodeksiga sharhlar. T., «Adolat», 2001, 488—491-bet; Гражданский процесс. О собенная часть. М., «Норма», 2010, стр. 730—744; Гражданский процесс. Учебник. 3-е изд. Пер. и доп. (Под ред. М.К. Треушникова). М., «Городец», 2010, стр . 669—676; Г.В. С ахнова. К урс гр аж д а н ск о го п р о ц ес са : теоретические начала и основные институты. М ., «Волтере Клувер», стр. 5 7 8 -5 8 7 .

[4] Iqtisodiy protsessual huquq/Darslik.Mas'ul muharrir y.f.d Z.N.Esanova. Toshkent: TDYU, 2020. 455-b

[5] Iqtisodiy protsessual huquq/Darslik.Mas'ul muharrir y.f.d Z.N.Esanova. Toshkent: TDYU, 2020. 456-b

for revising the court document by virtue of newly opened cases, since it will contradict the content of Paragraph 1 of the first part of Article 327 of the code of economic procedure[6].

This institute is considered an important institution not only in the law of administrative and civil procedure, but also in the law of Criminal Procedure. Including the resumption of proceedings in connection with newly opened cases in criminal proceedings is an independent, simultaneous additional stage, similar to proceedings in the control procedure. With the help of this stage, errors, criminal abuses of the courts of first and high instance (appeal, cassation) are detected and eliminated[7]. That is, proceedings on newly opened cases are also considered one of the most important stages in Criminal Procedure Law, a means of ensuring the legitimacy and more effective implementation of judicial control and Justice. According to jurist Tajibaeva, persons who defend their interests in criminal proceedings, as well as defenders and representatives (accused, suspect, victim, civil plaintiff, civil defendant) are not passive objects of the activities of state bodies and officials, but are considered subjects of law with the appropriate rights and duties, and some characteristic behavior carried out by them leads to the fact that

In connection with newly discovered circumstances, in accordance with the reasons, grounds and procedure for resuming proceedings on newly discovered circumstances, the prosecutor, citizens' appeals, communications from officials of enterprises, institutions and organizations, public associations, information from the media, as well as information obtained during a direct investigation or judicial review have the right to initiate criminal proceedings in other criminal cases, newly discovered circumstances become a reason for initiating a correctional case.

In theory, the intitut in question is considered significant, and the reason is that it allows you to correct the shortcomings and mistakes made by the court. We can also see the presence of such an institution in administrative courts, even under the legislation of foreign countries, including the administration of administrative judicial proceedings of the Russian Federation. In particular, Article 37 of the Code of administrative judicial proceedings of the Russian Federation is aimed at considering exactly this category of cases. It is known as" proceedings for the revision of court documents that have entered into legal force under new or newly opened circumstances"[8].

A writ that has entered into legal force may be reconsidered by the court that accepts it, either in new or newly opened cases. A judicial review of new or newly opened cases in which an appellate, Cassation, or control instance has changed an appealed writ or adopted a new writ is carried out by a court that has changed the writ or adopted a new writ. In the event that the judicial verdict is entered into legal force, the conviction of a judge for the commission of a crime for which an illegal and (or) unjustified judicial document was adopted, a revision of the court document on newly opened cases is carried out by the court in which he is a judge, receiving this document. Without the presence of newly opened cases, it is impossible to revise the case on newly opened cases in the case where there is a basis for considering the case in Cassation or control order. An application for the re-examination of a legal entry into force on new or newly opened cases, the submission is submitted to the court receiving this court document by the persons involved in the case, as well as persons not involved in the administrative case, and the issue of their rights and obligations should not exceed three months in due time, from the date Court documents (decisions, definitions, decisions) that have entered into legal force can be revised in the presence of new or newly opened cases. Yarkov sees the importance of this stage of judicial proceedings as possible at the initiative of interested parties to its provocation and subsequent elimination of violations, without prior intervention and guidance from High Court instances. The actual content prescribed by the court nullifies all

[6] Code of economic procedure. National database of legislative data, 25.01.2018-y., 02/18/EPC/0623-n . // https://lex.uz/docs/-3523891#-3535193

[7] Mardanova Iroda Husniddin qizi. (2022). YANGI OCHILGAN HOLATLAR TUFAYLI JINOYAT ISHINI QAYTA BOSHLASH UCHUN ASOSLAR. https://doi.org/10.5281/zenodo.6463689

[8] https://minjust.gov.ru/ru/documents/7611/

previous procedural activities recorded in the court documents and leads to a resumption of the trial from the very beginning[9].

The newly opened judicial documentation Review Institute applies to forms of enforcement of the right to judicial protection (means of enforcement of the right to judicial protection1) and serves to correct a wrongfully resolved case.[10] This form of review is allowed because the court will make a completely different decision if it is aware that a particular case exists when considering a case. Such cases were not known for reasons that existed at the time of hearing the case, but did not depend on them either to the parties or to the court.

In conclusion, this institute is theoretically considered a very important stage. Because there are certain shortcomings in the decision of the resolution adopted by the courts of first instance, it is very important to revise the court document, which has entered into legal force under newly opened circumstances in ensuring the legal rights and interests of individuals and legal entities by finding and correcting these shortcomings.

References

1. Code for administrative court proceedings. 25.01.2018//https://lex.uz/docs/-3527353#-3528616
2. Sh.Sh. Shorahmetov. 0 ‘zbekiston Respublikasining Fuqarolik protsessual kodeksiga sharhlar. T., «Adolat», 2001, 488—491-bet;
3. Гражданский процесс. О собенная часть. М., «Норма», 2010, стр. 730—744; Гражданский процесс. Учебник. 3-е изд. Пер. и доп. (Под ред. М.К. Треушникова). М., «Городец», 2010, стр . 669—676; Г.В. С ахнова. К урс гр аж д а н ск о го п р о ц ес са : теоретические начала и основные институты. М ., «Волтере Клувер», стр. 5 7 8 -5 8 7 .
4. Iqtisodiy protsessual huquq/Darslik.Mas’ul muharrir y.f.d Z.N.Esanova. Toshkent: TDYU, 2020. 455-b
5. Zoilboev, J. (2022). Philosophical Views of Farabi and Biruni on Administrative Management and Modern Uzbekistan. Telematique, 3101-3109.
6. Code of economic procedure. National database of legislative data, 25.01.2018-y., 02/18/EPC/0623-n . // https://lex.uz/docs/-3523891#-3535193
7. Mardanova Iroda Husniddin qizi. (2022). YANGI OCHILGAN HOLATLAR TUFAYLI JINOYAT ISHINI QAYTA BOSHLASH UCHUN ASOSLAR. https://doi.org/10.5281/zenodo.6463689
8. https://minjust.gov.ru/ru/documents/7611/
9. См.: Ярков В. В. Юридические факты в цивилистическом процессе. М., 2012. С. 427
10. Хасанов Марат. Адвокат АП г. Москвы, партнер юридической группы «Парадигма»

[9] См.: Ярков В. В. Юридические факты в цивилистическом процессе. М., 2012. С. 427

[10] Хасанов Марат. Адвокат АП г. Москвы, партнер юридической группы «Парадигма»