

## Some Issues of Speeding Up the Trial, on the Example of Foreign Countries

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**Annotation:** The article covers certain issues necessary to timely and fully protect the violated and disputed rights, freedoms and legitimate interests of citizens, including the application of law directly applied by the courts, applicable to all areas of law, compliance with the principle of legal certainty in ensuring the rule of law.

**Keywords:** civil process, civil procedural law, judicial process, process acceleration, procedural deadlines, reasonable duration, delay cases, legal certainty, competition, acceleration, immediacy, continuity principles and foreign experience.

The only reason for speeding up the case is not to be considered for a long time or to delay the consideration of the case brought [1]. The priority of the court is to comprehensively and fully study the circumstances of a particular case, as well as to correctly assess the participants and their arguments. The court has not fully studied the materials of the case, cannot issue a court document on the case unless the parties provide the necessary evidence. In such cases, the expiration of the trial period is not due to inaction of the court, but rather to the nature of the dispute, its arguments and the fact that the parties did not carry out the necessary procedural actions in a timely manner [2]. Accordingly, the actions of the judge aimed at collecting evidence, studying them in every possible way, determining the actual circumstances of the case cannot be assessed as delaying and violating the procedural deadlines for the consideration of the case. Procedural deadlines, therefore, require effectiveness in protecting the violated or disputed rights, freedoms and legitimate interests of the subjects as one of the main means of speeding up the judicial process, in the timely consideration and resolution of their disputes. It can be seen that compliance with the deadlines guarantees a quick and effective review of civil cases, positively affects the quality and outcome of the court case. At this point, it can also be another important step in accelerating the judicial process by mentioning simplified procedures that remain relevant day by day in the context of the increasing workload of the courts and expanding the list of cases within such a framework. Another of the issues that should be resolved in order to speed up the consideration of the case is the concept of a "reasonable term". In our opinion, it is necessary to clarify the concept of a reasonable period (unknown time) when charging for lost time, in compensating for the costs associated with paying for the help of the representative.

The interested party has the right to appeal to the court with a claim for compensation for violation of the right to conduct court proceedings within a reasonable period of time or for violation of the right to execute a court document within a reasonable period of time. For violation of the deadlines established by law, a person cannot sue for compensation. So, according to the rules of official logic, the period established by law is not reasonable. It seems that legislation should move away from the definition given to the concept of "reasonable" and define two types of future terms: the term established by law and the term appointed by the court. In turn, the period established by law must be reasonable. And in case of violation of legal deadlines, a person must have the right to receive compensation [3]. In Article 136 of the Code of Civil Procedure of the Republic of Uzbekistan, the decision of the settlement was made in favor of which party, the court will charge the same party in reasonable amounts the costs of paying for the assistance of the representative from the second party, if the

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decision of the settlement provided free assistance to the party in, it is established that a party who has dishonestly made an unreasonable claim or disputed a claim, or who regularly opposes the right and timely consideration and resolution of a case, may impose a duty of remuneration in favor of the second party for the time lost in practice, and this is levied by the court in reasonable amounts. On this basis, it is proposed to clearly define the concept of a reasonable period (articles 136, 137) established in the code of Civil Procedure of the Republic of Uzbekistan as procedural terms (terms established by law or appointed by the court). Another important factor in accelerating the judicial process is the granting of the right to appeal to the president of the court with a petition to speed up the process to the persons involved in the case. According to the experience of foreign countries studied, the following procedure for applying with an application to speed up the consideration of the case is established: [4].

application for the name of the chairman of the court to expedite the consideration of the case;

the chairman of the court will consider an application for acceleration without calling the parties within 5 days from the date of such an application;

on the results of consideration of the application, the chairman of the court issues a reasoned ruling;

on speeding up the review of the case;

on the refusal to accelerate the consideration of the case;

the materials of the considered petition are attached to the work on which they were issued, copies of the finding are sent to the participants in the process;

the ruling on speeding up the review of the case or refusing to speed up the review of the case cannot be appealed.

The following documents are submitted to the application for speeding up the consideration of the case recommended to be attached:

1. Information about the behavior of participants in the dispute;
2. Evidence of abuse of procedural rights of parties;
3. Issues of completeness and adequacy of the evidence contained in the case in order to form the internal confidence of the court in the nature of the dispute;
4. Request for the need to ensure the participation of the representative of the participant of the process in connection with the refusal to satisfy the petition for holding a hearing using video-conference-communication systems;
5. Request for the application of a judicial fine against the expert of interested parties in the event that the conclusion is not presented within the specified period;
6. Evidence on the legality of the judge's actions when it comes to demanding evidence;
7. Evidence that delaying a case will result in additional legal costs 8. In the case of the issuance of the final court document, the interested party can file a lawsuit with a petition to recover the costs of the court from the person responsible for the case. The following are also cited as grounds for rejecting an application to expedite the consideration of the case:
  - 1) When the application for acceleration is received, if the grounds for its consideration are sufficient [5];
  - 2) If the petition to expedite the consideration of the case is not satisfied [6];
  - 3) If the case did not last for a long time or the case of postponement of the trial was not determined [7];



- 4) If the fact of declaring a break in a court hearing does not cause a violation of the procedural term [8];
- 5) If postponing the trial did not deviate from the scope of the trial period [9];
- 6) Unless the applicant makes it clear which procedural action of the court requires acceleration from the president of the court [10];
- 7) If the principle of judicial independence is violated in assessing the procedural actions of the judge [11].

The applicant's interest in reducing the period of consideration of the case cannot be the basis for speeding up the case [12]. Also, the fact that the applicant does not agree with the procedural actions of the judge is not a reason to satisfy the application for speeding up the consideration of the case. The assessment of compliance with procedural criteria falls under the jurisdiction of the courts of high instance [13]. The chairman of the court has no right to appoint an examination, to carry out other actions aimed at interfering with the reliability or unreliability of evidence, the superiority of some evidence over others, what decision should be made by the court when considering a case, as well as the activities of the judge to carry out justice in a particular case. In addition, the measures that must be taken in order to speed up the consideration of the case cannot be aimed at the persons involved in the case, as well as those who are assisting in the implementation of justice [14]. The postponement of court hearings in the case is also related to the procedural behavior of the participants in some cases [15]. The chairman focuses on taking all possible measures aimed at accelerating the process [16]. The powers delegated to the chairman when considering applications to speed up the trial are measures of an organizational nature, and not procedural. In most cases, the courts refuse to satisfy applications for Acceleration. While rejections are sometimes associated with incorrect filing of applications, sometimes in difficult cases, the parties do not want to use qualified legal assistance. This leads to the postponement of many hearings and the postponement of the trial. In our opinion, in preventing cases related to the postponement of court hearings in a case, the courts must apply a law that applies directly to decision-making, applicable to all areas of law. That is, Courts are required to adhere to the principle of legal certainty. In civil procedure, the principle of legal certainty is important in ensuring the rule of law. To this end, taking into account the current state of Civil Procedure legislation of the Republic of Uzbekistan (months and years of proceedings, etc.), it is proposed to include in the system of principles necessary to timely and fully protect the violated and controversial rights, freedoms and legitimate interests of citizens a new "legal certainty", competitive principles, as well as one of the principles of "accelerating the conduct of

1. Another important rule in accelerating judicial proceedings is the opportunity for the judge to conduct all procedural documents electronically. This also means the opportunity for individuals involved to become familiar with work materials without leaving home. Expanding the use of Information Technology in civil proceedings, the use of information technology not only makes work cheaper, but also speeds up the process itself. Since the Internet and the opportunities associated with it have now become an integral part of everyday life for the majority of the population, this technological progress cannot be ignored. There is no doubt that the obligation to accept electronic procedural documents not only makes the process cheaper, but also speeds it up significantly. In addition, each person participating in the case can submit their procedural documents to the court in electronic form. The procedure for submitting such documents must be established by the Minister of Justice. In order for legal entities and individuals to use electronic technologies as actively as possible, the law must provide for a reduction in the payment rate of the procedural document filed in court using these technologies. In most European countries today, procedural documents are carried out electronically, and the judge is hardly present here (he, Of course, controls the process itself). The following suggestions will be put forward based on the feedback expressed above, the experience of foreign countries studied:
2. The Supreme Court of the Republic of Uzbekistan critically studied the activities of the courts in the cross-section of territories and adopted the Plenary decision of the Supreme Court on the



regulation of the approaches of judges in strict compliance with the procedural deadlines for civil cases;

3. To make a plenary decision of the Supreme Court on the right to appeal to interested parties with a petition and receive compensation in case of violation of the procedural deadlines;
4. The concept of a reasonable period (articles 136, 137), established in the code of Civil Procedure of the Republic of Uzbekistan, is proposed to clearly define the time period as procedural terms (terms established by law or appointed by the court);
5. To study the experience and judicial practice of foreign countries in creating the opportunity for the judge to conduct all procedural documents electronically; 3. It is proposed to include in the system of principles necessary to timely and fully protect the violated and controversial rights, freedoms and legitimate interests of citizens the principles of “legal clarity”, “competition”, and, alternatively, one of the principles of “acceleration of civil litigation” or “immediacy” or “irreversibility”.

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