

ADVOCATE AND EXECUTION OF THE COURT DOCUMENTS

Ochilboev Azizbek Bakhodirjon ugli

Master's degree Tashkent State University of Law Tashkent, Uzbekistan

Court documents of the economic court that have come into legal force in the entire territory of the Republic of Uzbekistan by all state organs, self-government organs of citizens, organizations, officials and citizens in the Code of Economic Procedure, "Execution of court documents and documents of other organs" shall be executed in accordance with the procedure established by the Law and other legal documents.

According to the norms of the legal documents, the parties, that is the collector and the debtor can participate in the enforcement proceedings independently or through their representatives. In most cases, the parties to enforcement proceedings use the services of advocates-representatives due to the need for legal assistance. Participation of an advocate-representative in enforcement proceedings does not deprive an individual who is a party to enforcement proceedings of the right to personally participate in enforcement proceedings. Involving an advocate-representative to participate in enforcement proceedings is carried out by concluding an agreement with him on participation in enforcement proceedings. The attorney-representative's powers to participate in enforcement proceedings are confirmed by a warrant issued by the attorney's office and a power of attorney issued by the person giving trust.

An advocate-representative who accepts an order to participate in enforcement proceedings must consider the following. In the process of participation in enforcement proceedings, the advocate-representative shall have the rights and obligations of the trustee he represents the party to enforcement proceedings. These rights and obligations include:

- getting acquainted with executive case materials, obtaining extracts and copies from them;
- providing additional materials, making requests;
- participation in the implementation of executive actions, giving verbal and written explanations during the execution actions;
- to express one's reasons and opinions regarding the issues that arise during the execution work;
- objecting to the requests, arguments and opinions of other persons participating in the enforcement proceedings;
- turn down;
- Appeal against actions (inaction) of the bailiff.

The powers of the attorney-representative must be confirmed by a power of attorney issued and formalized in accordance with the law. An advocate-representative participating in enforcement proceedings has the right to perform all actions related to enforcement proceedings on behalf of the person who represented him or her. Powers of attorney-representative to perform the following actions must be specifically indicated in the power of attorney issued by the person acting as representative:

- submission of the execution document for execution and its recall; - waiver of collection;
- transfer of powers to another person (entrustment);
- filing a complaint against the bailiff's actions (inaction) and rejecting it;
- receiving seized property (including money);
- Conclusion of an agreement.

An advocate-representative must check whether the execution document complies with the requirements of the law before taking part in the execution proceedings and submitting the execution document for execution. According to Article 212 of the Code of Economic Procedure, the following must be indicated in the writ of execution:

1. the name of the commercial court that issued the writ of execution;
2. the case for which the writ of execution was issued and its serial number;
3. the date of acceptance of the court document to be executed;
4. the name of the collector and the debtor, their addresses;
5. the summary part of the court document;
6. the date of legal effect of the court document;
7. the date of issuance of the writ of execution and its validity period.

If the commercial court has granted permission to postpone the execution of the court document or to execute it in parts until the writ of execution is issued, it will be indicated when the term of the writ of execution will begin to expire. The writing of execution is signed by the judge and it is confirmed with the seal of the commercial court. If the writing of execution does not meet the above-mentioned requirements, in order to prevent this document from being later returned by the bailiff, the advocate-representative should apply to the commercial court that issued the writ of execution with a request to correct the errors in the writ of execution.

When submitting the writ of execution for execution, the advocate-representative must comply with the deadlines for submitting this court document for execution. According to Article 213 of the Code of Criminal Procedure, the writ of execution shall be issued from the date of entry into legal force of the document of the commercial court, or from the date of the end of the period set for delaying execution or partial execution, or restoring the missed period for submitting the writ of execution for execution. can be submitted no later than six months from the date of issue.

If the execution of the court document is suspended, the period of suspension shall not be added to the six-month period during which the writ of execution is submitted for execution. In case of missing the deadlines for submitting the writ of execution for execution, the advocate must apply to the commercial court with an application to restore this deadline. If the deadline for submission of the writ of execution is missed due to the reasons deemed by the commercial court to be valid, the missed deadline can be restored. An application for restoration of the missed term shall be submitted to the commercial court that accepted the court document or to the commercial court at the place of execution.

The economic court has the right to postpone the execution of the court document or to execute it in parts, to change the method and order of execution, according to the application of the debt collector, debtor or attorney-representative or bailiff. While the economic court allows the debtor to execute the document with delay or in parts, it can take measures to ensure the execution of the court document in accordance with the procedure provided for in Chapter 7 of the Economic Procedural Code. Issues of delaying the execution of a court document or its partial execution, changing the method and order of its execution are considered at the session of the economic court, with notification of the delivery of the debt collector and the debtor.

However, their absence does not prevent consideration of the application. An application to postpone the execution of a court document or to execute it in parts, to change the method and order of execution shall be considered within twenty days from the date of its submission. A decision is issued based on the results of the review of the application, and it is sent to the debt collector and the debtor, as well as to the bailiff, if the execution of the court document is under the jurisdiction of the bailiff. If, after the execution of the document of the commercial court, the decision of the

commercial court, which was the basis for issuing this document, is changed or canceled, a new court document on the full or partial rejection of the claim if the case is accepted or the proceedings are terminated, or if the lawsuit is left pending, the attorney-representative shall return to the defendant everything collected in favor of the plaintiff according to the court document, the relevant part of which has been canceled or the relevant part has been changed, i.e., the return execution of the court document has the right to apply to the commercial court with an application for maintenance. The issue of return execution of the court document is resolved by the commercial court that accepted the new court document.

If in the decision to cancel or change the court document, there is no instruction on its return execution, the defendant has the right to file an appropriate application with the commercial court of the first instance. A ruling will be issued based on the results of consideration of the defendant's application for return execution of the court document. Upon the application of the organization, the citizen, the economic court shall issue a writing of execution on the return of recovered money, property or its value.

A document confirming the execution of a previously accepted court document is attached to the application. An advocate-representative participating in enforcement proceedings has the right to take other actions provided for by the law in order to protect the legal interests of his principal.

LIST OF REFERENCES:

1. Civil Procedure Code of the Republic of Uzbekistan.
2. Law of the Republic of Uzbekistan "On execution of court documents and documents of other organs". <https://lex.uz>
3. M.H.Rustambayev, U.A.Tuxtasheva. "Advocacy activity in the Republic of Uzbekistan". O'zbekiston Faylasuflari jamiyatining nashriyoti. Tashkent-2012. ISBN 978-9943-391-37-6
4. "Advocacy" textbook. Tashkent State University of Law. Tashkent-2016. TDYuUnashriyoti, 2016.
5. Code of the Economic Procedure of the Republic of Uzbekistan. <https://lex.uz>
6. Economic Procedural Code. <https://lex.uz>