

PROBLEMS OF IMPROVING CONTRACTUAL RELATIONS IN THE REPUBLIC OF UZBEKISTAN

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Abstract: This thesis describes the process of implementation of normative legal acts in the Republic of Uzbekistan and its specific features. It also reveals a number of key aspects of ratification of international legal acts. In addition, a number of problems in the implementation of international documents into domestic legislation were highlighted.

Keywords: implementation, legislation, Legislative Chamber, ratification, private international law, international treaties, conciliation commission, Civil Code.

As for the process of implementing the generally recognized norms of private international law when implementing international treaty obligations in national legislation, this process includes several stages and actions:

Identification of problems related to private international law in the Republic of Uzbekistan and public relations that need to be resolved;

To identify in the national legislation the norms of international private law on the implementation of international treaty obligations that will be implemented;

Develop a proposal for the implementation of national legislation for the implementation of generally recognized norms of private international law for the implementation of international treaty obligations;

To study the positive experience of private international law and other countries;

Development of a draft regulatory document for the implementation of the proposed proposal into the legislation;

Submission of the developed normative legal act to the receiving body;

It covers a number of processes, such as the review of a draft normative document by the competent authority and, as a result, its acceptance or rejection.

It is known that the main norm of private international law in the Republic of Uzbekistan is the Civil Code. The Civil Code contains the most important conflict rules of private international law. However, if we compare our current code with the developing international private law, we can see that the code itself does not reflect relations that need significant regulation or need to be improved as a result of the development of social relations. The reasons for this are:

slow progress in improving the Civil Code, one of the main sources of private international law in the Republic of Uzbekistan, in accordance with changes in public relations;

Given the complexity of the implementation process, i.e. the fact that the main sources of private international law are formalized in the form of laws, it will take a long time to change them. However, the draft law on the necessary changes to Section VI of the Civil Code of the Uzbekistan went through several stages (draft development, submission to the Oliy Majlis by the subject of the legislative initiative, consideration by the Legislative Chamber in several readings) and then sent to the Senate and, if approved by the Senate, submitted for signature to the President. The extension of these processes for at least 6 months will also slow down the development of trade and economic relations between the two countries.

In addition, with the development of international trade relations in our country, with the emergence of various new mechanisms and entities in this area, since the adoption of the Civil Code (1995), Section VI has been amended only twice. However, if we compare this section with the current form of private international law, we can see that our national legislation is quite outdated, leaving open the questions of regulating new social relations.

At the same time, subjective factors, such as the lack of necessary experience among members of the Legislative Chamber in the field of private international law, trade and international investment, contribute to the development of private international law.

The Law of the Republic of Uzbekistan "On International Treaties of the Republic of Uzbekistan" is the main legislative act on accession, execution, suspension and withdrawal from international treaties.

In accordance with this Law, the Republic of Uzbekistan joins international treaties with or without ratification.

At the same time, before the conclusion or signing or ratification of international treaties in accordance with Article 11 of this Law, the text of a draft international treaty or multilateral international treaty, to which the Republic of Uzbekistan is a party, is subject to mandatory legal expertise. at the Ministry of Foreign Affairs. must be translated.

At the same time, in accordance with Article 13 of this Law, a proposal to conclude an international treaty on behalf of the Republic of Uzbekistan is submitted to the President of the Republic of Uzbekistan by the Ministry of Foreign Affairs of the Republic of Uzbekistan. Other state bodies submit to the President of the Republic of Uzbekistan jointly or in agreement with the Ministry of Foreign Affairs of the Republic of Uzbekistan a proposal to conclude an international treaty on behalf of the Republic of Uzbekistan on issues within its competence.

In accordance with the Constitution of the Republic of Uzbekistan, the ratification of an international treaty is carried out by the chambers of the Oliy Majlis of the Republic of Uzbekistan by adopting a law on the ratification of an international treaty.

Proposals for the ratification of international treaties signed in accordance with the resolutions of the President of the Republic of Uzbekistan are submitted by the President of the Republic of Uzbekistan to the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan.

Proposals for the ratification of international treaties signed in accordance with the resolutions of the Cabinet of Ministers of the Republic of Uzbekistan are submitted to the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan by the Cabinet of Ministers of the Republic of Uzbekistan.

Proposals for the ratification of international treaties are submitted by the Ministry of Foreign Affairs of the Republic of Uzbekistan independently or, in agreement with it, to the President of the Republic of Uzbekistan or the Republic of Uzbekistan, if the treaty is within the competence of other state bodies Submitted to the Cabinet of Ministers.

Article 18 of this Law establishes that such international treaties are subject to ratification if their implementation requires amendments to the current laws of the Republic of Uzbekistan or the adoption of new laws, as well as other rules than those provided for by the laws of the Republic of Uzbekistan. .

It is known that changing or updating conflict rules in private international law entails new consequences for individuals and legal entities and requires changes to various legislation.

Therefore, the introduction of amendments to the legislation arising from international treaties, their adaptation to international treaties, the Constitutional Law of the Republic of Uzbekistan "On the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan" and "According to the Constitutional Law" On the Senate of the Oliy Majlis of the Republic of Uzbekistan", the bill should be introduced to the Legislative Chamber by subjects of legislative initiative.

Also, the law adopted by the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan, no later than ten days from the date of its adoption, is sent to the Senate of the Oliy Majlis of the Republic of Uzbekistan.

The law, approved by the Senate of the Oliy Majlis of the Republic of Uzbekistan, is sent to the President of the Republic of Uzbekistan within ten days for signing and promulgation.

The President of the Republic of Uzbekistan within thirty days signs and promulgates the law.

In case of rejection by the Senate of the Oliy Majlis of the Republic of Uzbekistan, the law is returned to the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan.

In case of re-approval by the Legislative Chamber of the law rejected by the Senate of the Oliy Majlis of the Republic of Uzbekistan, by a two-thirds majority of the total number of deputies, the law is considered adopted

and signed by the Oliy Majlis of the Republic of Uzbekistan and sent by the Legislative Chamber to the President of the Republic of Uzbekistan for publication.

The Legislative Chamber and the Senate may create a conciliation commission on the basis of equality between the deputies of the Legislative Chamber and members of the Senate to resolve disputes over a law rejected by the Senate of the Oliy Majlis of the Republic of Uzbekistan. The law is considered in the usual way when the Houses adopt the proposals of the Conciliation Commission.

The President of the Republic of Uzbekistan has the right to return the law to the Oliy Majlis of the Republic of Uzbekistan with his objections.

If the previous version of the law is approved by a majority of at least two-thirds of the total number of deputies of the Legislative Chamber and the Senate of the Oliy Majlis of the Republic of Uzbekistan, respectively, the law is approved by the President. Republic of Uzbekistan must be signed and announced within 24 hours.

Therefore, when implementing the norms of private international law into national legislation, if this norm is included in the legislation, it is formalized in the manner described above.

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