



Recognition And Enforcement Of Foreign Court Decisions In The Republic Of Uzbekistan

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Abstract

This article provides a detailed analysis of the theoretical and practical aspects of the recognition and enforcement of foreign judgments in the Republic of Uzbekistan. Particular attention is paid to the legal nature of this institution, its place and role in the system of private international law, as well as the interaction of national legislation and international treaties. The procedural aspects of the recognition of foreign judicial decisions are examined, including document requirements, the procedure for filing an application, and the jurisdiction of judicial bodies.

Keywords: recognition of judgments, foreign courts, enforcement of judgments, private international law, Uzbekistan, judicial practice.

In the context of globalization and the rapid development of international economic and civil law relations, the importance of the institution of recognition and enforcement of foreign court decisions is growing significantly. Deepening cross-border cooperation, growing international trade, and increasing foreign investment and migration processes objectively require the development of effective legal mechanisms to protect the rights of entities participating in international legal relations¹. For the Republic of Uzbekistan, this issue is particularly relevant due to the expansion of foreign economic relations,

1 Муратова О. В., Щукин А. И. Проблемы признания и приведения в исполнение решений иностранных судов и иностранных арбитражных (третейских) решений // Журнал зарубежного законодательства и сравнительного правоведения. – 2019. – №. 2. – С. 140-145.



economic liberalization, and consistent integration into the global community. In recent years, the country has been implementing large-scale reforms of the judicial system aimed at increasing trust in the judiciary, ensuring the rule of law, and creating a favorable investment climate². In this context, the institution of recognition and enforcement of foreign court decisions acquires strategic importance as a tool for ensuring legal certainty and stability in civil circulation³. The recognition and enforcement of foreign judgments is an important element of international civil litigation and aims to protect the rights and legitimate interests of parties to cross-border legal relations. This institution eliminates the need for re-examination of the merits of a dispute, reduces legal costs, and ensures the prompt restoration of violated rights⁴.

From a theoretical perspective, recognition of a foreign judgment means granting it legal force in the territory of another state, while enforcement involves the use of state coercive measures to implement the provisions contained therein. These procedures are based on the principles of international comity, reciprocity, and respect for state sovereignty.

The norms of private international law, as well as the provisions of international treaties concluded by the Republic of Uzbekistan, play a special role in regulating these issues. The existence of a treaty framework significantly simplifies the procedure for recognizing and enforcing judgments, promotes the unification of law enforcement practices, and strengthens international legal cooperation. However, despite the existence of a regulatory framework, certain problems remain in law enforcement practice related to the interpretation of individual rules, the application of the principle of reciprocity, and the definition of public policy⁵. This necessitates a comprehensive scientific study of this institution, identifying existing gaps, and developing proposals to address them.

² Хабриева Т. Я. Международное сотрудничество в области признания и исполнения иностранных судебных решений //Журнал российского права. – 2006. – №. 8 (116). – С. 4-6.

³ Бородаев В. Е., Жумабаева М. Е. О признании и исполнении решений иностранных судов в рамках Евразийского экономического сообщества //Вестник Института законодательства и правовой информации Республики Казахстан. – 2014. – №. 3 (35). – С. 137-143.

⁴ Ибратова Ф. и др. ПРАВОВЫЕ ВОПРОСЫ СУДЕБНЫХ СИСТЕМ ЗАРУБЕЖНЫХ СТРАН ЯПОНИИ, ФИНЛЯНДИИ И ГЕРМАНИИ (СРАВНЕНИЕ С СУДЕБНОЙ СИСТЕМОЙ РЕСПУБЛИКИ УЗБЕКИСТАН) //International journal of professional science. – 2022. – №. 10. – С. 20-26.

⁵ Федин Д. П. Проблема признания и исполнения решений иностранных судов //Форум молодых ученых. – 2023. – №. 1 (77). – С. 218-222.



Thus, the relevance of this research topic stems from both the theoretical significance of the institution of recognition and enforcement of foreign judgments and the practical need to improve national legislation and judicial practice in the Republic of Uzbekistan in the context of globalization⁶.

Recognition of a foreign court decision means granting it legal force in the territory of another state without the need for a retrial on the merits. In other words, the competent court of the recognizing state presumes the legality and validity of the foreign court's decision, limiting itself to verifying compliance with the conditions established by law. Enforcement, on the other hand, involves the use of coercive measures to implement the decision, including the use of enforcement proceedings. Academic literature emphasizes that recognition and enforcement are independent, yet closely interrelated, institutions. Recognition may occur without subsequent enforcement if the decision does not require coercive action (for example, declaratory or declaratory decisions related to the recognition of a right, fact, or status). В то же время исполнение невозможно без предварительного признания, поскольку именно признание придает решению юридическую силу на территории другого государства⁷. It should be noted that in today's environment, the distinction between recognition and enforcement is not only theoretical but also practical, as it determines the choice of procedural form of rights protection and the scope of judicial review. In some cases, legislation provides for simplified recognition procedures without initiating enforcement proceedings, which facilitates the acceleration of civil transactions.

The legal nature of this institution is based on the principles of international comity, reciprocity, and respect for state sovereignty. The principle of international comity presupposes respectful attitudes among states toward each other's judicial decisions, while the principle of reciprocity is expressed in a

6 Ибратова Ф. Б., Эгамбердиев Д. О. У. СРАВНИТЕЛЬНО-ПРАВОВОЙ АНАЛИЗ ПРАКТИКИ ЗАРУБЕЖНЫХ СТРАН ПО ИНТЕГРИРОВАНИЮ СОВРЕМЕННЫХ ТЕХНОЛОГИЙ В ДЕЯТЕЛЬНОСТЬ ЭКОНОМИЧЕСКИХ СУДОВ //International journal of professional science. – 2023. – №. 3. – С. 5-10.

7 Винтер Е. В. Основания отказа в признании и исполнении решений иностранных судов //Московский журнал международного права. – 2006. – №. 4. – С. 166-180.



state's willingness to recognize foreign decisions, provided that the other state takes a similar approach⁸.

In turn, the principle of sovereignty limits the automatic recognition of foreign judgments, granting national courts the right to verify their compliance with the fundamental principles of the state's legal order.

Thus, the institution of recognition and enforcement of foreign judgments is a complex legal mechanism that lies at the intersection of national and international law and ensures a balance between the effectiveness of justice and the protection of state sovereignty.

In the Republic of Uzbekistan, the procedure for recognizing and enforcing foreign court decisions is regulated by a system of regulations, including civil and economic procedural legislation, as well as international treaties to which the state is a party.

These sources form a comprehensive legal framework defining the conditions, procedures, and limits for recognizing foreign judicial decisions. In accordance with current legislation, foreign court decisions are recognized and enforced in Uzbekistan in cases where this is provided for by international treaties or is implemented on the basis of reciprocity. Bilateral legal assistance agreements, which generally provide for more simplified and effective procedures for the recognition and enforcement of court decisions, are of significant importance in this regard⁹.

The recognition and enforcement procedure begins with the filing of an application by the interested party with the competent court of the Republic of Uzbekistan. The application must be accompanied by duly executed documents, including a certified copy of the court decision, confirmation of its entry into legal force, evidence of proper notification of the parties of the court proceedings, and a translation of the documents into the state language. When reviewing the application, the court verifies compliance with all procedural requirements, as well as the presence or absence of obstacles to recognition. If the decision is

8 Гинтов Д. В. Частное право: принцип взаимности как основание для признания и исполнения решений иностранных судов //Проблемы экономики и юридической практики. – 2014. – №. 6. – С. 86-87.

9 Feruza I., Madina A., Asal R. LEGAL ISSUES OF JUDICIAL PROTECTION IN THE ECONOMIC COURT IN UZBEKISTAN //International journal of professional science. – 2022. – №. 4. – С. 5-10.



positive, an enforcement document is issued, which is subject to enforcement in the prescribed manner through enforcement authorities. However, the legislation of the Republic of Uzbekistan provides for a number of grounds under which the court has the right to refuse recognition and enforcement of a foreign court decision¹⁰. Such grounds include, in particular, the failure of the decision to enter into legal force, improper notice of the trial to the party, the exclusive jurisdiction of national courts, the existence of a previous decision of an Uzbek court on the same case, and the inconsistency of the recognition of the decision with the principles of public order.

The category of public order occupies a special place in this institution, as it serves as a mechanism for protecting the fundamental principles of the national legal system. The application of this category allows courts to refuse recognition of foreign decisions that may violate the constitutional foundations, sovereignty, or fundamental legal values of the state¹¹.

Despite the existence of a well-established regulatory framework, a number of specific problems remain in law enforcement practice. First and foremost, there is a lack of uniformity among courts in interpreting and applying the rules governing the recognition of foreign judgments, leading to varying outcomes in similar cases. Furthermore, the practical application of the principle of reciprocity poses significant difficulties, as there are no clear criteria or mechanisms for establishing mutual recognition of judgments between states. There is also a lack of detail in procedural rules, particularly regarding the list of required documents, legalization requirements, and application review timeframes, which creates legal uncertainty and hinders access to judicial protection¹².

Promising development areas include the need to further harmonize national legislation with international legal standards, expand the Republic of Uzbekistan's participation in international conventions, and develop mechanisms for international judicial cooperation. Addressing these issues will improve the

10 РУТЕРГЛЕН Д., СТЕРН Д. Е. Суверенитет, территориальность и исполнение решений иностранных судов //Вестник гражданского процесса. – 2014. – № 3. – С. 132-157.

11 Ibratova F. V. Corporate dispute as a subject of litigation consideration //Экономика, право и инновации в мире глобальных трансформаций. – 2023. – С. 5-9.

12 Лупиш К. С. Признание и приведение в исполнение решений иностранных судов по делам о банкротстве //Право. Общество. Государство. – 2019. – С. 105-108.



effectiveness of the recognition and enforcement of foreign judgments and ensure more reliable protection of the rights of parties to cross-border legal relations.

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