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# Comparative analysis of economic procedural law of the Republic of Uzbekistan and the United States of America

**Feruza Bobakulovna Ibratova**

Professor, Tashkent State Law University

**Amirbek Azizovich Akhmedov**

Student, Tashkent State Law University

## Abstract

This article provides a comprehensive comparative legal study of the institutions of economic procedural law in the Republic of Uzbekistan and civil procedure in the United States. The author analyzes differences in approaches to proof, the role of the court, the stages of the process, and the mechanisms for enforcing judicial decisions. Particular attention is paid to the specifics of insolvency (bankruptcy) cases, drawing on innovations in Uzbek legislation and classical institutions of American law.

**Keywords:** Economic process, proof, legal costs, adversarial proceedings.

In the context of globalization of the world economy and the expansion of cross-border commercial relations, issues of effective justice in business are acquiring strategic importance. The Republic of Uzbekistan, embarking on a path of large-scale legal reforms, enshrined in 2018 a new version of the Economic Procedural Code aimed at creating a transparent and predictable environment for doing business. At the same time, the legal system of the United States of America, based on common law principles and the Federal Rules of Civil Procedure (FRCP), represents one of the most developed models of judicial resolution of commercial disputes in the world<sup>1</sup>.

<sup>1</sup> Federal Rules of Civil Procedure/ <https://www.law.cornell.edu/rules/frcp/>



The current stage of development of global economic relations dictates the need for continuous improvement of national legal systems<sup>2</sup>. Procedural law is not simply a set of formal rules, but a foundation that determines the investment attractiveness of a jurisdiction and the level of protection of property rights.

The evolution of Uzbek legislation, marked by the adoption of the Economic Procedural Code, demonstrates a decisive shift toward a rehabilitative approach to justice. At the same time, the American system, based on the Federal Rules of Civil Procedure (FRCP), continues to refine discovery mechanisms, seeking to balance procedural integrity with cost-effectiveness.

The relevance of this study is due to the need to identify optimal mechanisms for protecting the rights of business entities, as well as adapting successful foreign experience to the national legal realities of Uzbekistan, especially in terms of considering bankruptcy cases of individuals and legal entities<sup>3</sup>.

**Conceptual differences between legal systems and the structure of judicial proceedings.** The fundamental difference between the systems under consideration lies in their belonging to different legal families. Uzbekistan belongs to the Romano-Germanic legal family, with a clear division between substantive and procedural law, where codified acts play a key role. The United States represents the Common Law system, where procedural rules are often inseparable from substantive ones, and judicial precedent serves as a source of law.

In Uzbekistan, economic courts are a separate system that considers disputes between business entities, as well as insolvency cases<sup>4</sup>. In the United States, there are no "economic courts" in the continental sense. Commercial disputes are heard in civil courts of general jurisdiction, governed by the Federal Civil Procedure Code (FRCP) at the federal level.

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2 Babakulovna I. F., Yashinbek I. Legal issues of the participation of the prosecutor in the economic process: a comparative analysis with the legislation of the Republic of Uzbekistan and the Russian Federation. – 2023.

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The discrepancy between the systems lies in the distribution of initiative between the court and the parties. In the Republic of Uzbekistan, the economic process retains significant elements of judicial control<sup>5</sup>. According to Article 69 of the Economic Procedural Code of the Republic of Uzbekistan, if the court deems the available evidence insufficient, it has the right to request the parties to submit additional materials to establish the objective circumstances of the case. This demonstrates that the goal of the process is to achieve material truth, with the court acting as an active guarantor of the completeness of the facts.

In contrast, the American model is based on the principle of "pure" adversarial proceedings. The court in the US acts as a passive arbitrator, ensuring procedural parity but not participating in the collection of evidence. The concept of "procedural truth" prevails here, with a decision being made solely on the basis of the facts presented by the parties in a highly competitive environment.

Differences also emerge at the dispute initiation stage. In Uzbekistan, the process begins with the filing of a statement of claim, where the judge personally verifies compliance with the pre-trial (claim) procedure, if provided for by law.<sup>6</sup>. In US federal courts, the process is initiated by filing a complaint (Complaint) under Article 3 FRCP. The US has a "notice pleading" system, which allows for less detailed documents to be submitted at the outset, while Uzbekistan has strict application deadlines (5-10 days).

**Discovery: American Specifics and Uzbek Equivalents.** One of the most striking characteristics of the American process is the discovery phase, which has no direct equivalent in Uzbekistan. According to Article 26 of the FRCP, the parties are obligated to disclose information relevant to the subject of the dispute prior to the start of the trial.

In the United States, litigants are required to provide, without special request (Initial Disclosures), contact information for individuals possessing relevant information and copies of all documents in their possession. This mechanism is aimed at preventing surprises in court and encouraging amicable settlements.

5 Babakulovna I. F., Bahodirovna A. K. Ibratova FB, Abdullaeva Kh. B. Third parties in economic proceedings: theory and practice //Editorial team. – 2016. – №. 12. – C. 7-11.

6 Esenbekova F. T., Okyulov O., Ruzinazarov S. Ibratova FB Features of the approval of the world agreement by the economic court: practice and theory //Editorial team. – 2019. – T. 10. – №. 39. – C. 90.



Particular attention is paid to expert opinions: the expert is required to submit a written report with a full statement of opinions, a list of publications over the past 10 years, and information about compensation.

In Uzbekistan, the case preparation stage (Article 162 of the EPC) is entirely controlled by the judge. Although parties are obligated to prove the circumstances they rely on, the system lacks tools such as deposition (extrajudicial questioning under oath) or written questionnaires. Evidentiary completeness in the Republic of Uzbekistan is ensured through vertical interaction, where the court, at the request of a party, requests documents from third parties<sup>7</sup>. Recent updates in the US (2025) further detail this process, requiring parties to discuss methods for processing privileged information and electronic data at an early stage.

In the Economic Procedure Code of the Republic of Uzbekistan, the institution of evidence disclosure is more limited<sup>8</sup>. Parties are required to disclose evidence they rely on before trial, but enforcement mechanisms for pre-trial disclosure are significantly less developed in the opposing party than in the United States.

**Alternative dispute resolution (ADR) and mandatory mediation.** The development of alternative dispute resolution mechanisms is a priority for both countries. In the United States, federal courts are required by the ADR Act of 1998 to<sup>9</sup> provide participants with at least one form of out-of-court resolution (mediation, arbitration, or early neutral assessment). In some districts, such as the Western District of Pennsylvania, participation in ADR is mandatory at the initial stage of a claim<sup>10</sup>.

Uzbekistan is also actively institutionalizing mediation. The 2018 Law of the Republic of Uzbekistan "On Mediation" established clear deadlines: judicial mediation must be completed within 30 days, with the possibility of an additional

7 Набиев А. У. У. Цифровое правосудие в нынешних условиях Республики Узбекистан //StudNet. – 2021. – Т. 4. – №. 4.

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9 THE ALTERNATIVE DISPUTE RESOLUTION ACT OF 1998: IMPLEMENTING A NEW PARADIGM OF JUSTICE/ CAROLINE HARRIS CROWNE/ 23 стр./ <https://nyulawreview.org/wp-content/uploads/2018/08/NYULawReview-76-6-Crowne.pdf>

10 <https://pittsburgh-litigation-lawyer.com/mediation-in-pittsburgh-pa-is-it-mandatory/>



30-day extension. A key step was the adoption of Law No. ZRU-1089<sup>11</sup> (October 2025), which introduced a mechanism for the enforcement of mediation agreements. Now, if the agreement is not fulfilled voluntarily, the party can apply to the economic court for a writ of execution without initiating a new trial, provided the application is filed within six months<sup>12</sup>. This significantly increases business confidence in out-of-court methods of conflict resolution.

**The role of the court and the adversarial principle.** One of the key points of difference is the scope of the court's authority. In Uzbekistan's economic proceedings, the court retains an active element: the judge has the right to request evidence on his own initiative if the parties are unable to provide it, and directs the proceedings to establish the objective truth<sup>13</sup>. This brings the Uzbek system closer to inquisitorial principles, where the court is responsible for the quality of conflict resolution.

The American legal system is dominated by the principle of "pure adversarial proceedings." The judge acts as a passive arbitrator, ensuring compliance with procedural rules but not participating in the collection of evidence. The burden of proof and information gathering lies entirely with the parties.

**Legal costs and access to justice.** The system of distributing legal costs significantly influences the behavior of parties in economic proceedings. In Uzbekistan, legal costs are allocated to parties to the case proportionately to the amount of the satisfied claims, in accordance with Article 112 of the Economic Procedure Code of the Republic of Uzbekistan.

In the United States, the "American Rule" applies: each party bears its own legal costs, regardless of the outcome of the case, except in cases provided by law or contract<sup>14</sup>. This creates a unique dynamic: the cost of litigation (especially at

11ЗРУ-1089/ О внесении изменений и дополнений в некоторые законодательные акты Республики Узбекистан, направленных на совершенствование института медиации и альтернативного разрешения споров/ <https://lex.uz/ru/docs/7786846>

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13 МУХАМЕДЖАНОВ А. З. Судебно-правовая реформа и развитие конституционного правосудия в Республике Узбекистан //Государство и право. – 2018. – №. 2. – С. 84-92.

14 Ashwin Goel, Analysing Cost-Shifting Rules from a Law and Economics Lens/ <https://www.sconline.com/blog/post/2024/10/18/analysing-cost-shifting-rules-from-a-law-and-economics-lens/>



the discovery stage) often forces parties to settle without taking the case to trial, as a victory could be worth more than the amount claimed. However, as researchers note, the English rule can lead to higher costs in the actual trials that do reach the final stage, as parties tend to invest more in the quality of evidence, hoping for reimbursement.

**Digital Transformation: The "Digital Court" Concept.** The digitalization of justice in Uzbekistan received a new impetus with the adoption of Presidential Decree No. UP-140 of August 21, 2025. The program provides for the transition to a "Digital Court" format by 2027, which includes the use of artificial intelligence to predict case outcomes and automatically calculate legal costs<sup>15</sup>. Automatic generation of court decisions and writs of execution is being implemented, along with full remote access to case materials through the "Personal Account."

In the United States, digitalization has historically developed through the CM/ECF electronic case management system and the PACER public access system. The primary focus of American innovation today is shifting toward e-discovery—technologies for processing colossal volumes of electronic data. FRCP rules require parties to use a proportionate approach to ensure that the costs of searching for digital evidence do not exceed the value of the claim. Thus, while in Uzbekistan digitalization is aimed at automating court processes and ensuring transparency for citizens, in the United States it focuses on the effective management of evidence in private law disputes.

## Conclusion

A comparative analysis shows that the economic procedural laws of Uzbekistan and the United States are moving toward functional convergence. The introduction of institutions such as the compulsory enforcement of mediation agreements in Uzbekistan demonstrates the adoption of successful Western practices. At the same time, the continued active role of the court in Uzbekistan serves as an important counterweight to potential information asymmetries between business entities. The further evolution of both systems will be

<sup>15</sup> <https://toshkent.sud.uz/ru>



determined by the balance between the profound technological advancement of the process (through AI and e-discovery) and the preservation of fundamental guarantees of fair trial.

To further improve the EPC of the Republic of Uzbekistan, it seems advisable to study the American experience in terms of:

1. Expanding pre-trial information exchange mechanisms (similar to Discovery).
2. Developing remote forms of participation in proceedings and e-justice.
3. Strengthening mediation institutions as a mandatory stage before litigation in commercial disputes.

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