YURIDIK KONFLIKT: TUSHUNCHASI VA BARTARAF ETISH METODLARI

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Annotatsiya: *mazkur maqolada huquqiy nizolarning jamiyat hayotidagi mazmuni va ahamiyati ko’rib chiqiladi. Tanlangan mavzu huquqiy munosabatlarning dinamik o’zgarishi, amaldagi qonunchilik normalarida bo’shliqlar va ziddiyatlar mavjudligi sababli dolzarbdir. Har qanday mojaro hal qilishni talab qiladi va yechim tez va samarali bo’lishi kerak.*

Kalit so’zlar: *konflikt, huquqiy konflikt, huquqiy konflikt.*

ЮРИДИЧЕСКИЙ КОНФЛИКТ: ПОНЯТИЕ И МЕТОДЫ РАЗРЕШЕНИЯ

Аннотация: *в статье рассмотрено содержание и значение юридического конфликта в жизни общества. Выбранная тема актуальна в связи с динамичным изменением правовых отношений, наличием пробелов и коллизий в нормах действующего законодательства. Любой конфликт требует разрешения, а решение должно быть быстрым и эффективным.*

Ключевые слова: *конфликт, юридический конфликт, правовой конфликт.*

LEGAL CONFLICT: CONCEPT AND METHODS OF ELIMINATION

Abstract: *the article examines the content and significance of legal conflict in the life of society. The chosen topic is relevant due to the dynamic changes in legal relations, the presence of gaps and conflicts in the norms of current legislation. Any conflict requires resolution, and the solution must be quick and effective.*

Key words: *conflict, legal conflict, legal conflict.*

The development of society is a complex evolutionary process, an integral part of which is contradictions, and the latter, as a consequence, are the cause of conflicts. Conflict is considered as a form of social development that gives people the opportunity to gain experience not only of a negative, but also of a positive nature. The ability to recognize the nature of a conflict, the ability to manage it, and also master the mechanisms of conflict resolution form the importance of this issue. It is impossible to have conflict without entering into a relationship. Conflict is a social phenomenon, a way of interaction between people when their opposing opinions, positions and interests collide, a confrontation between two or more parties that are interdependent but pursuing their own goals. There are different types of conflicts. This article will look at legal conflicts and how to resolve them. Legal conflictology is aimed at studying and generalizing the features that characterize conflict from the perspective of modern law. According to V.V. Kasyanov, “a

legal conflict is a secondary formation, which is based on ordinary social, political, family, economic, ideological and other conflicts, i.e. an ordinary social conflict becomes legal, when the parties in any way violate existing legal norms". T. V. Khudoikina identifies two understandings of the term "legal conflict": 1) narrow (purely legal), associated directly with the legal relationship of the parties based on the confrontation of subjects of law with conflicting interests, formed in connection with the emergence, implementation, application, or interpretation of law; 2) broad (mixed) - a social conflict in which at least one element has a legal characteristic and is possibly resolved on a legal basis. Legal conflict occurs when adopted laws do not reveal the existing economic and social situation of the population, which leads to the inadmissibility of some people to adhere to current legal norms.

A legal conflict takes place in the form of legal discussion, opposition of different views and legal argumentation. In this understanding, it is special in contrast to other "practical" types of social conflicts. Different types and levels of courts (district, arbitration, Supreme, etc.) are the place for resolving a legal conflict. A plaintiff, defendant, judges, assessors, and witnesses take part in a legal conflict. It is provided by a large amount of analytical and paperwork and demonstrates the rivalry in logic, resourcefulness, etc. of the opposing sides. In the form of a court decision, a legal conflict is resolved, in which one of the parties is found guilty of violating the law, and the other is found innocent and right.

Resolution of legal conflicts is of great relevance both in legal science and practical activities. Traditionally, the main role in this matter is played by the state through its bodies, primarily the court, whose most important goal is to resolve legal conflicts. G.V. Bryzhinskaya and A.S. Palatkina believe that the impact and development of a legal conflict is influenced by all sorts of factors: economic, political, social, psychological, legal, etc. The most significant factor of them in the development of a legal conflict is the psychological factor, which has not only an impact on the conflict, but also acts as its main cause.

There are various methods of resolving a legal conflict, the most alternative are: mediation, negotiations, arbitration.

In the international arena, the rules of mediation have been defined at both the state and commercial levels. The law on mediation states that it was developed in order to create legal conditions for the use in the Russian Federation of an alternative dispute resolution process with the participation of an independent person - a mediator - as a mediator, to promote the development of partnership business relations and the formation of business ethics, and the harmonization of social relations. There are also combined forms of alternative conflict resolution: ombudsman (human rights defender), dispute resolution with the help of retired judges. The most productive form of conflict resolution is the use of negotiations. There are different methods of negotiation, among which the method of principled negotiations, created by a group of Harvard scientists led by Phisher and Yuri, is notable. It "consists of solving problems on the basis of their qualitative properties, that is, based on the essence of the matter, and not just agreeing on what each side can agree on or not. This method provides that you strive to find mutual benefit wherever possible, and

where your interests do not coincide, you need to achieve a result that would be proven by some fair standards, regardless of the choice of each of the parties." All negotiations must be well prepared; the more severe the conflict, the more successfully it will be resolved with thoughtful organization of negotiations. The negotiation process usually begins with a discussion of the procedure for working together. The parties must then verify each other's credentials. The negotiation style is chosen taking into account the intensity of the conflict, its type, the balance of power of the parties, and their goals. It can change during negotiations depending on the circumstances and can be hard, soft, commercial or cooperative.

ARBITRATION PROCEEDINGS HAVE TWO TYPES:

1) Arbitration proceedings with a binding decision. A closed adversarial process in which the opposing parties select an independent person or group of independent persons to hear the case and make a final decision that is binding on the parties. This process may not be as formal as a trial. The parties are free to determine the procedure and decide whether any formal rules of evidence will apply. If the arbitration proceedings proceeded without fraud or any other defect, then binding arbitration decisions are necessarily subject to judicial review by the courts and are not subject to appeal review.

2) Arbitration with non-binding award. The process is the same as arbitration with a decision binding on the parties, but the decision of an independent party is only advisory. The parties may agree in advance to use a consultative decision as a tool in resolving their conflict through negotiations or other means.

Each state should take measures aimed at ensuring a reduction in conflict and increasing lawfulness in behavior. The growth of conflict potential can be stopped by eliminating factors that complicate the legal establishment, legal implementation, and law enforcement processes. Stabilizing legal factors are of great importance in preventive work. The most important of them are: increasing the role of the law, taking into account public interests in lawmaking, achieving the principle of consensus in the legal process.

It is necessary not only to recognize and analyze conflicts, but also to manage them. Legal and conflict knowledge helps to better understand conflict legal activities and find the right solutions in difficult situations.

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3. Jeutner draws on the classical account of deontic logic proposed by von Wright in order to depict certain conflicting norm constellations while also acknowledging its limits for jurisprudential reasoning (at 35). Cf. von Wright, 'Deontic Logic', 60 *Mind* 1, at 1; for international law, *cf.* Vranes, 'The Definition of "Norm Conflict" in International Law and Legal Theory', 17 *European Journal of International Law* (2006) 395.

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