



PARTICIPATION OF A LAWYER IN THE STAGE OF EXECUTION OF ECONOMIC COURT DOCUMENTS

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The execution of court documents is aimed at the practical protection of the rights and legal interests of legal entities and individuals. Therefore, the protection of rights means its implementation in practice and in necessary cases. Therefore, within the framework of the economic process, the lawyer represents the interests of the person under protection (trustee) and participates not only in the consideration and resolution of economic disputes by the court, but also in the execution of accepted court documents.

The parties to the enforcement case are the debtor and the debtor. The debtor is the person in whose favor the execution takes place, the debtor is the person who is obliged to do certain actions or to refrain from doing them according to the execution document. A lawyer can protect the interests of both the debt collector and the debtor at this stage.

Compulsory execution of various documents in economic court cases is mainly carried out by state officials. A lawyer is required to study the powers of the state executive in enforcement work.

It should be noted that not all court documents are directly executed by state officials.

Enforcement is carried out by the state enforcement officers of the district (city) departments of the regional departments of the enforcement bureau, where the debtor is located, lives or conducts economic activity, or operates in the district where his property is located and decision of the economic court is carried out on the basis of the writ of execution issued by the economic court that made this ruling and decision. The court order will have the force of an executive document. The most important reason for issuing a writ of execution is the entry into legal force of a court document.

The legal document of the economic court is binding and enforceable. As a result, the parties and other persons will have to act in accordance with the received court document. It is mandatory for all state bodies, self-government bodies of citizens, organizations, officials and citizens in the territory of the Republic of Uzbekistan without exception.

During the participation in this stage, the lawyer should know the procedure for issuing the writ of execution specified in the Code of Economic Procedure, as well as the content of the writ of execution.

Submission of the writ of execution for execution extends the period of submission of the writ of execution to the executor by six months. This means that the writ of execution sent to the enforcement authority (bank, other credit institution or state bailiff) within six months can be executed without any time limits; secondly, when the execution document is returned to the collector without execution or partially executed, it can be presented to the executor again within six months from the date of its return.



A writ of execution that has expired will not be accepted either by the bank or by the state bailiff.

If the debt collector's lawyer misses the deadline for submitting the writ of execution for execution, he can apply to the economic court to restore the missed deadline.

The recovery of the performance period can be carried out by the economic court, which has accepted the court document, for good reasons.

In case of loss of execution sheet, it is allowed to submit its duplicate. It is carried out by the economic court based on the application of the debtor.

The lawyer must monitor the situation during the entire execution process, search the debtor's property, monitor all his transactions, the transfer of his property. If during the execution of the enforcement document, the debtor's place of residence, place of work or residence changes, or it is found that the debtor's property, which may be subject to recovery, does not exist in the previous place of residence, or it is not sufficient to satisfy the requirements of the collector, the state executor shall issue the enforcement document to this together with a copy of the document, sends it to the state executor of the debtor's new place of residence, workplace, residence, or new location of the debtor's property, notifying both the debt collector and the court that issued the enforcement document about it.

Executes the writ of execution in the case of postponement or partial implementation of the execution of the court document, suspension of the execution of the court document, etc. he must know the features of presentation and use them effectively in the interests of the person under his protection (trustee).

The law gives the debt collector, the debtor and the state bailiff the right to submit an application to postpone the execution of the court document or to implement it in parts, to change the method and order of its execution. The state bailiff has such a right to the court documents of the economic court where he is conducting enforcement proceedings.

They can not independently postpone the execution or provide partial execution or change the method and order of execution of the court decision. In the presence of circumstances that make execution difficult or impossible (natural disaster, non-availability of assigned property, illness of the debtor, etc.), the state bailiff draws up a document about it and, attaching relevant documents confirming this situation, asks the judge to postpone or divide the execution lib to resolve the issue of implementation or changing the method and order of execution.

The economic court, on its own initiative, cannot provide for the postponement of the execution or partial implementation, cannot change the method and order of the execution.

Postponing execution or partial execution, changing the method and order of execution will be considered at a court session. The debtor and the debtor must be notified of the time and place of its holding , but their absence does not prevent the consideration of the application. If the application is submitted by a court bailiff or the economic court deems his participation necessary, the state bailiff will be notified.

When familiarizing with the rules of enforcement, one should not ignore the fact that enforcement is not limited to focusing on the debtor's property and funds. The execution of



court documents that oblige the debtor to perform certain actions or deliver specified items to the receiver has great specificity.

The lawyer should pay attention to the issues of liability of the debtor and officials for non-execution of court documents. The problem of guaranteeing legality in executive work is considered important. For a lawyer, issues related to the protection of the rights of debt collectors, debtors and other persons in the execution of court and other documents, the possibility to appeal and object to the actions of the state executive are important for the lawyer.

The debtor's lawyer should use a procedural mechanism such as the return of execution when there are grounds. The return of execution, as a procedural institution, represents the restoration of the defendant's rights violated by the later execution of the annulled decision through the court. It is carried out when the following conditions exist:

- 1) when the execution of the court is executed;
- 2) when it is cancelled;
- 3) a new decision is issued, according to which the claim is rejected (in whole or in part), or when a ruling is issued on the cancellation of the proceedings in the case or the dismissal of the claim.

For this, the lawyer should know that the economic court will issue a writ of execution for the return of collected funds, property or its value according to the application of the organization or citizen. A document confirming the execution of a previously accepted court document is attached to the application.

In the procedure of return of enforcement, all the things (money, property) recovered from the plaintiff in favor of the canceled decision will be returned to the defendant. In cases of vacating the building, they will be handed over to the defendant again.

LIST OF REFERENCES:

1. Economic procedure Code of the Republic of Uzbekistan.
2. The Law of the Republic of Uzbekistan "On Advocacy".
3. The Civil Code of the Republic of Uzbekistan.
4. "Advocacy" textbook. Tashkent State University of Law. Tashkent-2016. "TDYuUnashriyoti", 2016.