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USAGE OF FOREIGN EXPERIENCES IN IMPLEMENTING OF MEDIATION IN UZBEKISTAN

With the mediation of the parties to the dispute, at their own discretion, they enter into a dispute settlement agreement with the participation of an individual (intermediary). In addition, mediation plays an important role in reducing the amount of work available in the courts, and therefore in the quality of justice. The mediation procedure is based on voluntariness, confidentiality, cooperation and equality of parties on the principles of impartiality and independence of the parties.

Thus, the goal of mediation is to help the parties to the conflict independently resolve their differences, fulfill their mutual interests and reach a mutually beneficial agreement on both sides. The mediation process is negotiation, and its success depends not only on the will and desire of the parties to resolve disputes, but also on the experience and skills of the mediator. In the last century, society's need for mediation led to the formation of a new profession. Intermediary mediators help in resolving disputes and conflicts between the parties. The mediator does not consider the evidence and does not assess the legitimacy of the parties; on the contrary, the main task of the mediator is to help the parties understand each other and find and resolve the possibility of solving the problem in their favorable and acceptable conditions.

It should be noted that there are many cases where mediation can be used. For example, the use of mediation is important in the following cases: a legitimate business dealer who is responsible for relations with him, self-respect, negotiation and continuity of cooperation; if there is no reason to believe that the other party is ready to use any suspicious means to achieve its goal; there is no other reason to believe that mediation is not acceptable to resolve a specific conflict; except in

cases where there is a serious need to establish legal proceedings and reach a counterclaim in court against the company. [1]

According to international statistical data, 35-40% of all disputed disputes are resolved through mediation, and about 85% of disputes resolved through mediation gave the expected result [2].

Article 33 of the Charter of the United Nations recognizes mediation as a means of resolving disputes [3]. The Directive of the European Parliament and of the Council of May 21, 2008 (52) (2008) addresses some aspects of mediation in civil and commercial fields and defines the concept of mediation as follows: "Two or more aspects of the conflict need to be agreed upon, in order to reach agreement on conflict resolution , by which a third party has sought help, whether organized, committed or proposed by the court or established by national law,

World experience shows that mediation is very effective in resolving civil and legal disputes. In particular, in the Anglo-Saxon legal system, the reconciliation process has developed, and mediation is common in European countries. In the last decade, the European Union has shown a tendency to resort to mediation as one of the opportunities to ensure the rights, freedoms and interests of social actors. In particular, in 2002 the European Commission prepared a Green Book on the alternative issue of civil and commercial disputes. Today, mediation is widely developed in countries such as the United States, New Zealand, Canada, Australia, Britain, France, Spain, Italy, Belgium, Austria and Germany.

International studies in the media have several performance indicators. For example, in the United States, 95 percent of the cases that were processed did not reach the end of the trial. The lighting in Germany is impressive. More than 90% of the negotiations ended with the agreement of the parties. In Lower Saxony, productivity is 97%. In the UK, up to 90-95% of the disputed cases are resolved during the trial. In Europe, the effectiveness of mediation is about 40-80%.

If there are no factors conducive to the use of mediation, it would be advisable if enterprises tried to use mediation regardless of the legal status of the dispute.

As a rule, state courts provide comprehensive support for the development of alternative methods of dispute resolution, since they provide for the normalization of the number of cases in state courts and the necessary conditions for the effective administration of justice.

This work to resolve conflicts is achieved through the opening of opportunities for joint and communicative communication through the concerted efforts of the parties to the conflict, which helps the parties to the conflict save time, money and emotional resources.

It is well known that during the trial certain expenses are expended for the time spent. Thus, we can see that mediation is more effective when comparing a dispute through a court, including a friendly agreement, with the criteria for mediation. First, it will take less time than the legal process, the decision to take a decision and the execution of the case. Even legal disputes usually consist of several claims and are sometimes examined in different courts. In this case, better results can be achieved through effective negotiations than the result. Secondly, the costs associated with the judicial fees paid to the trial are much higher than the fee of the intermediary. Third, if opponents are sometimes abused in the courtroom, the partnership will continue to be supported through mediation, and the parties will continue to cooperate.

Law firms seeking effective remedies can implement mediation processes in a set of proposals and provide unique services to their clients. It should be noted that effective methods of conflict resolution can lead to a significant increase in the incomes of firms, as they increase the number of clients. The effectiveness of legal aid is determined not by the number of absorbed cases, but by the number of conflicts that were effectively resolved for the client.

Law firms can not only encourage clients to mediate, but also help them in eliminating psychological barriers to mediation, adopting conflict resolution policies, etc.

International experience shows that the claim filed to France was initially submitted to the mandatory complaint department, and this dispute is resolved indefinitely by agreement. In the section of the Covenant, elected officials of both sides will participate in the work, which will coordinate their work on a contract basis. In this process, a simplified form of the settlement agreement is used, that is, parties to a friendly agreement are drawn up with an existing protocol, such as judicial decisions, after which witnesses do not participate, and the evidence in the case is not considered and not considered by the court. If the case is not resolved in the case, the case will be resolved in the court.

According to the Statute of Germany on judicial reform, the parties will not have to pay the trial if the parties reach a peace agreement in the court of first instance. In addition, Article 141 of the Arbitration Procedure Code of the Russian Federation provides that the federal budget will pay half of the state fee paid to the plaintiff if an amicable agreement is reached prior to the adoption of a court decision. These norms are important measures that facilitate the termination of proceedings under a friendly agreement. Consequently, a peaceful settlement of the case by agreeing the conflicting parties on a mutually beneficial basis before the commencement of the proceedings is crucial to the elimination of social problems that may arise in society, the rapid and effective resolution of cases and the prevention of court costs.

The development of alternative, informal, alternative forms of law enforcement activities plays an important role in reducing the workload of judges. They do not replace justice and do not deprive individuals of the right to judicial protection. On the contrary, individuals will be able to choose the formats for state and non-state dispute resolution, and the parties will decide which process is appropriate, depending on the type of disagreement.

It is not a secret that the methods of alternative dispute resolution have become more and more rooted in our country in recent years, especially as a way of resolving economic disputes with little or no compromise. This can be seen on the example of the Law "On Arbitration Courts". Currently, negotiations are the most important forms of alternative dispute resolution (mediation), mediation (arbitration), arbitral tribunal (independent, impartial, arbitration, (or through judges)).

More than 1,000 US corporations reported that 88 percent of them used the media in the past three years, 81 percent said that mediation was more favorable than judicial procedures, and 59 percent had the opportunity to maintain partnerships was established.

For example, in Belgium, the Court considers that the court must propose a settlement of the dispute through an alternative dispute settlement mechanism, and in Spain and Italy the judge must take all necessary measures to eliminate the reconciliation procedure. Under Greek law, the tribunal does not accept the claim if the parties did not apply the reconciliation procedure for the dispute.

Given that today in courts there is a large number of cases and the complexity of their solution, it is necessary to pay close attention to the question of ending the dispute by concluding a settlement agreement between the parties. In particular, it is important to establish specific procedures for taking steps to harmonize the parties in the process of preparing the case for trial and introducing incentive standards to conclude a settlement agreement between the parties at this stage.

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