

## UNIFICATION OF SIMPLIFIED PROCEEDINGS IN CIVIL AND ECONOMIC PROCEDURAL LAW

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### Abstract

The article examines simplified proceedings in civil and economic procedural law of Uzbekistan, focusing on reforms introduced in 2019 (Economic Procedural Code) and 2021 (Civil Procedural Code). Key differences between the codes are analyzed: while the EPC explicitly excludes corporate disputes and legal sanctions from simplified procedures, the CPC lacks such limitations. The author emphasizes disparities in claim thresholds (e.g., 10x vs 5x base calculation amount for individual entrepreneurs) and procedural deadlines (15-day response time under EPC vs undefined terms in CPC), arguing for legislative unification to ensure consistency. The study concludes that harmonizing these norms would enhance legal predictability, reduce litigation costs, and strengthen trust in the judicial system, particularly for SMEs and entrepreneurs.

**Keywords:** Simplified proceedings, civil procedural code, economic procedural code, unification, claim value, base calculation amount, legal entities, individual entrepreneurs, individuals, court process, procedural rules, legislative consistency, judicial practice, legal trust.

### Introduction

Simplified procedure is a special procedural mechanism that allows courts to consider specific and less controversial cases in a short time, while simplifying procedural forms and procedures. The main purpose of this procedure is to simplify the judicial process, facilitate access to legal protection for citizens and entrepreneurs, as well as increase the efficiency of the judicial system. As part of the legal reforms being implemented under the leadership of the President of the Republic of Uzbekistan Sh. Mirziyoyev, in order to create a favorable environment, especially in the field of entrepreneurship and investment, simplified procedure is being widely introduced. The purpose of this study is to analyze the current state of simplified procedure in civil and economic procedural law, identify differences between them and propose ways to bring it into a single system (unification).

### METHODS

The Law “On Amendments and Addenda to Certain Legislative Acts of the Republic of Uzbekistan in Connection with the Adoption of Additional Measures to Improve the Business Environment in the Country” was signed [1]. This law was adopted by the Legislative Chamber on February 22, 2019, and approved by the Senate on February 28 of this year. According to it, a separate chapter on simplified proceedings was introduced into the Economic Procedural Code [2]. Following the effectiveness of the law in practice, in 2021 the Law “On Amendments and



Addenda to Certain Legislative Acts of the Republic of Uzbekistan in Connection with the Creation of More Favorable Conditions for Appealing to Court and the Introduction of Simplified Proceedings in Civil Proceedings” [3] was adopted, and a special chapter on simplified proceedings was also added to the Civil Procedural Code [4]. As a result, the issues of court visitors were resolved quickly and efficiently during the admission process in civil and economic courts, if these cases fall within the category of cases considered under the simplified procedure.

Many legal scholars have also conducted research on the Germanization of economic and civil litigation. In particular, according to Borisov, procedural legislation should be uniform and should exist in the form of a Code of Civil Procedure, which, among other things, includes special rules for the consideration of economic disputes [5]. The Arbitration Procedure Code of the Russian Federation defines simplified proceedings as follows: The expeditious nature of simplified proceedings in modern arbitration proceedings is manifested in the absence of court hearings for the consideration of cases and the resolution of applications (claims), the limited examination of evidence (the statements of the participants in the case, the testimony of witnesses, the expert opinions of specialists are not heard, and forensic examinations are not conducted) [6]. According to S.A. Shadiyeva, it is necessary to apply a single law, but this should not lead to the abuse of the process by automatically “unifying” the FPC [4] and the IPK [2]. As a result of applying a single law, legal norms should be developed that are consistent with the essence and spirit of the law and regulate similar social relations in the same way [7].

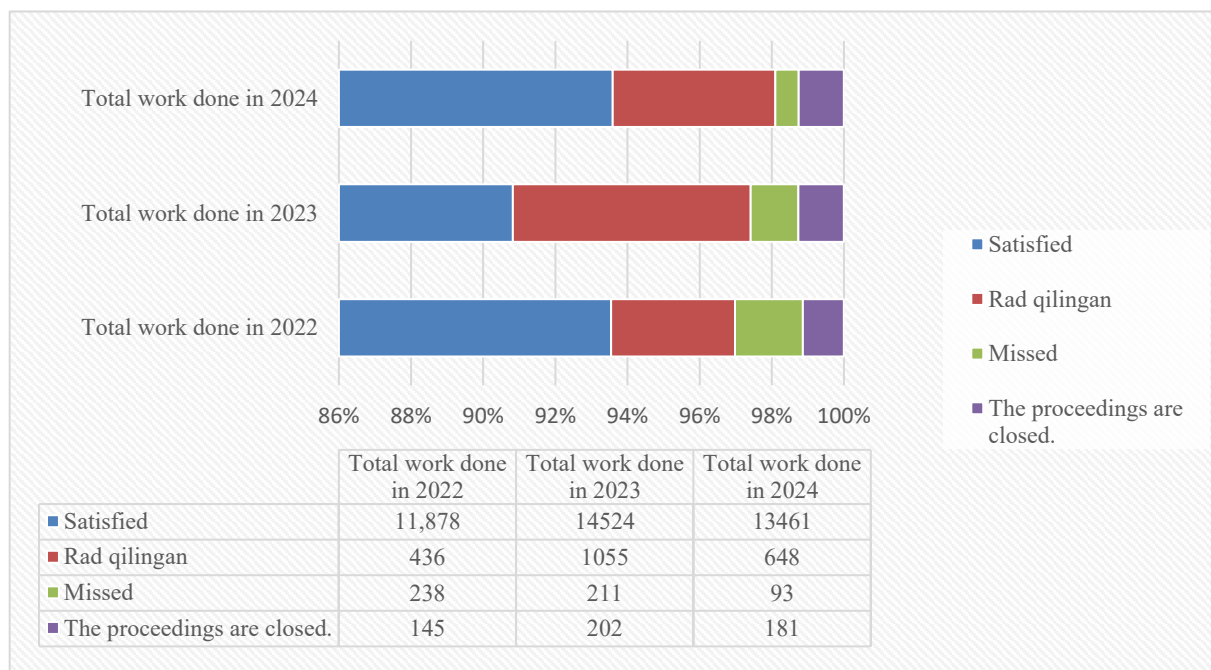
## RESULTS AND DISCUSSION

The main purpose of Chapter 23<sup>1</sup> (Simplified Procedure), introduced in 2019 into the Code of Economic Procedure, is to expedite the consideration of cases with a certain amount of claim in court. According to the Code, if the value of the claim does not exceed twenty times the base calculation amount for legal entities and five times the base calculation amount for individual entrepreneurs, cases on claims should be considered in a simplified procedure [8].

This change, introduced in the Economic Procedural Code of the Republic of Uzbekistan, in particular, the simplified procedure, significantly simplified the judicial process for entrepreneurs and other legal entities, making a significant contribution to improving the business environment. This change allowed entrepreneurs not only to save time and money, but also to obtain prompt and fair court decisions. The simplified procedure made it possible to consider cases 2-3 times faster than usual. The simplification of procedural actions reduced court costs, lawyer services, and time spent on legal proceedings.

According to statistics, in 2024, 14,383 cases were heard by economic courts under a simplified procedure [9].





Based on the effectiveness of the amendments to the Code of Civil Procedure, the Code of Civil Procedure was supplemented with Chapter 25<sup>1</sup>, entitled “Simplified Procedure”. According to it, according to Article 279<sup>2</sup> of the Code of Civil Procedure, if the value of the claim does not exceed twenty times the base calculation amount for legal entities, ten times for individual entrepreneurs, and five times for individuals, cases on claims should be considered in a simplified procedure [10].

This procedure in the Civil and Economic Procedure Code is mainly used in cases such as small-scale financial disputes, claims for debt repayment, payments, unpaid wages. In such cases, the Court considers the case under the simplified procedure without holding a court hearing, without summoning the parties and without hearing their explanations. In addition, some procedural actions (for example, explanatory notes, providing additional evidence) may be limited. The simplified procedure was introduced in order to save time and resources, as well as to make it easier for citizens to apply to the court. However, this procedure is used only for clear and non-contentious cases, while complex disputes are considered according to the general procedure.

**The basic calculation amount for the cost of the claim for simplified proceedings should be as follows:**

Participants in the case	According to the Code of Civil Procedure	According to the Code of Economic Procedure
Regarding legal entities	<b>20 times the base calculation amount</b>	<b>20 times the base calculation amount</b>
Regarding individual entrepreneurs	<b>10 times the base calculation amount</b>	<b>5 times the base calculation amount</b>
Regarding individuals	<b>5 times the base calculation amount</b>	-

A closer analysis of the differences in the civil and economic procedural codes regarding simplified procedure clearly shows the need for their unification. In particular, the discrepancy between the standards for the assessment of claims in Article 279<sup>2</sup> of the Civil Procedure Code and Article 203<sup>2</sup> of the Economic Procedure Code, or more precisely, the standards applied to individual entrepreneurs (10 times the BCA in the CPC and 5 times the BCA in the EPK) appears in practice as a factor that disrupts consistency. This situation, on the one hand, makes the legal position of individual entrepreneurs unclear, and on the other hand, leads to the emergence of different approaches in judicial practice.

If, during the consideration of a case under simplified procedure, the following circumstances are established, the court shall issue a ruling on the consideration of the case under the general rules of litigation:

**According to Article 279<sup>2</sup> of the Code of Civil Procedure:**

- 1) if the consideration of the case in a simplified procedure may lead to the disclosure of a state secret, commercial secret or other secret protected by law;
- 2) if it is necessary to establish additional circumstances or verify additional evidence, as well as to examine and verify evidence on the spot, to appoint an expert examination or to hear the testimony of witnesses;
- 3) if the claim is related to other claims, including those relating to third parties, or if the judicial act adopted in this case may violate the rights and legally protected interests of third parties;
- 4) if during the consideration of the case in a simplified procedure a counterclaim was filed that is not subject to consideration in accordance with the rules established by this Chapter.

**According to Article 203<sup>2</sup> of the Code of Economic Procedure:**

- 1) if the consideration of the case in a simplified procedure may lead to the disclosure of a state secret, commercial secret or other secret protected by law;
- 2) if it is necessary to establish additional circumstances or verify additional evidence, as well as to examine and verify evidence on the spot, to order an examination or to hear the testimony of witnesses;
- 3) if the claim is related to other claims, including those relating to third parties, or if the judicial act adopted in this case may violate the rights and legally protected interests of third parties.

Both legal acts specify an unlimited list of cases that can be considered in a simplified procedure, and stipulate that any case can be resolved in this procedure by agreement of the parties. However, it is noteworthy that the Economic Procedure Code clearly specifies cases in which the simplified procedure cannot be applied, in particular, cases related to corporate conflicts and the application of legal measures are excluded from this procedure. The Civil Procedure Code does not impose such clear restrictions. Therefore, it is necessary to establish a clear and understandable regulatory procedure for cases that cannot be considered in a simplified



procedure in the Civil Procedure Code.

The differences are not limited to the above, there are also some differences in terms of time. In particular, according to Part 2 of Article 203<sup>4</sup> of the Code of Economic Procedure on this issue, “the defendant has the right to submit his written opinion on the claim to the court within fifteen days from the date of the ruling on the acceptance of the claim for processing and the initiation of the case, attaching the documents and evidence on which he is based.” Although this 15-day period is specified in the Code of Economic Procedure, the Code of Civil Procedure does not clearly define this period, which causes various uncertainties in practice. As a result, the unification of simplified procedural norms in the Civil and Economic Procedure Codes not only ensures consistency in legislation.

## CONCLUSION

The above analysis shows that it is necessary to unify the simplified procedures in the CPC and the EPC on the basis of a single rule. This will increase the efficiency of the judicial system, improve the level of protection of the rights of citizens and entrepreneurs, and also strengthen legal confidence in Uzbekistan. The following measures can be taken for this: setting a single standard for individual entrepreneurs (for example, 10 times the BCA), clarifying the deadlines (introducing a standard period of 15 days for the defendant), expanding the list of cases not covered by the simplified procedure. The simplified procedure is an important part of the reforms in the judicial system of Uzbekistan, which will improve the judicial environment and increase the effectiveness of protecting the rights of citizens. Therefore, bringing the simplified procedures in both codes to a single standard should be the next important stage of judicial reform.

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