



FEATURES OF CONSIDERATION AND RESOLUTION OF TAX DISPUTES IN THE LEGISLATION OF FOREIGN COUNTRIES.

Yuldoshbekov Avazbek Alisher ugli,
PhD researcher of TSUL

Article history:	Abstract:
Received: October 6 th 2023 Accepted: November 6 th 2023 Published: December 11 th 2023	The author of this article describes the theoretical and practical aspects of legal mechanisms for alternative dispute resolution. In this scientific work was carried out a systematic analysis of the norms of alternative resolution of tax disputes established by the Tax Code and other regulatory legal acts of the Republic of Uzbekistan, was conducted a comparative study of foreign experience in this area, were analyzed existing problems, were developed recommendations for their solution and were given proposals for improving legislation in the analyzed area. At the same time, has been analyzed the works, that carried out in our country on the alternative resolution of tax disputes, as well as on the prevention, identification and elimination of possible disputes in the tax area. Separately noted, that today the sphere of tax consulting in the country is being formed systematically and in stages. Also, author of this article analyzed the large-scale systematic work carried out to create a fair, transparent tax system for taxpayers and bring the system of alternative dispute resolution in line with international standards, as well as to strengthen the protection of the rights and legitimate interests of taxpayers.
Keywords: tax authorities, taxpayer, tax dispute, tax consultation, organization of tax consultants, register of tax consultants, disagreements.	

It is known that, by studying the features of the tax systems of foreign countries, paying attention to their positive and negative aspects, taking into account their disadvantages and advantages, the independent Republic of Uzbekistan, which has become an equal member of the economic and political integration of developing countries, by improving the financial and budgetary system, The taxation system serves the further development of our country.

In the tax legislation of developed foreign countries, the pre-trial mechanism for resolving tax disputes and an alternative method of resolving disputes are widely used.

We will cover this issue by studying and researching the tax system and legislative practice of a number of developed foreign countries, in particular Germany, the USA, Great Britain, Japan, Russia, China and Korea.

Dispute resolution in accordance with German law. There are 2 stages: pre-trial and trial. The pre-trial (administrative) stage of dispute resolution is carried out by the tax authorities and always precedes the filing of a complaint in court. In Germany, the pre-trial procedure for resolving tax disputes is reflected in the seventh part of the Regulations "On Taxes and Fees". This section describes the process for filing a complaint with the court. This section describes the process for filing a complaint with the court. This

Regulation provides that the taxpayer must first contact the tax authority, and then, at the next stage, go to court[1].

The judicial stage of dispute resolution is carried out by specialized courts using a two-stage system. At the first stage, it is heard by regional financial courts, and at the next stage - by the highest federal financial courts. The German Federal Financial Court, in accordance with the Financial Courts Act, defines a tax dispute as any action related to the regulation of taxes or the application of tax laws by financial authorities, including actions of the federal financial authorities, as well as the restriction or prohibition of the movement of goods across the borders of the federal financial authorities of Berlin[2].

In the legislation of the Russian Federation, there is a mandatory procedure for resolving tax disputes in court, similar to the experience of foreign countries. According to it, a higher tax authority considers the taxpayer's complaint and makes a decision on it, and the taxpayer can go to court only if he is not satisfied with this decision. Since January 1, 2014, a mandatory pre-trial procedure has been established for the consideration of complaints about all tax disputes, in particular, about non-regulatory documents of tax authorities and unlawful actions of their officials[3]. The applicant or his authorized representative must submit the application to the tax



authorities in writing. In Russia, tax disputes are considered administratively, unlike the German system, by arbitration courts and courts of general jurisdiction.

As part of the arbitration courts at the level of the constituent entities of the Federation, when considering disputes involving legal entities and individual entrepreneurs, there is a special tax panel consisting of a group of judges specializing in cases related to the collection of taxes.

Great Britain. If a dispute arises between the taxpayer and the Inland Revenue Commissioner, the matter is referred to the Commissioner or the Tax Tribunal. The tax tribunal is essentially an extra-judicial body and replaces appeals in the courts of general jurisdiction. The Commissioners of Internal Revenue are the agency that resolves tax disputes by applying the law. There are two types of commissioners (general and special), both of which are independent of the Internal Revenue Service.

If a taxpayer believes that the Revenue has misjudged their tax liability, they can ask any Member of Parliament to refer their case to the Ombudsman. The claim period for tax disputes is 30 days from the date of determination of income in the notification. After this point, the assessment information in the notice is usually final and cannot be changed again. Accordingly, the tax due must be paid to the Collector within the time specified in the notice. The claim period can only be extended if the taxpayer, within 30 days, provides and proves the reasons why the appeal was not filed.

If the Inspector is not satisfied for the reasons stated, the appeal, after the expiration of the limitation period, is referred to the Members of the Commission for consideration. Their decisions on this matter are final. For certain types of taxes, in accordance with their regulatory framework, for each day of overdue amount in the event of non-payment of tax by the taxpayer, a certain percentage is paid. In such a case, interest is usually calculated from the date of the accounting period in which the tax becomes due until the period in which it actually becomes due. However, if an appeal is filed, interest may accrue until the final tax return is certified. It is unique in each case.

In most cases, the appeal can be withdrawn. The inspector will be informed about this in advance in writing. Bordue, if the appeal is filed on the basis of an incorrect assessment of income, in this case you will have to prove to the inspector that the assessment was carried out incorrectly. Within thirty days from the date of receipt of the taxpayer's letter, the inspector notifies the taxpayer in writing of his dissatisfaction, expressing his point of view. After this, the appeal will be considered in the prescribed manner.

If the taxpayer has filed an appeal with the Commissioners General, two rules apply. First, if the taxpayer is in private business or in private practice, the appeal will be heard by the appropriate Commissioner's office at his registered office. According to the second rule, if the taxpayer works as an employee, the appeal case is heard in the district unit where his place of work is located (it is also possible to hear in the district unit where his place of residence is located).

In the experience of developed countries, alternative methods of pre-trial settlement of tax disputes are also widely used.

Alternative Dispute Resolution (ADR) is a method of resolving disputes out of court, amicably between the parties.

Despite some opposition, in recent years the use of alternative dispute resolution methods has been widely used in the legal systems of the United States, Europe, Australia and Asian countries.

- The growth of alternative dispute resolution is due to the following factors:
- Widespread use of traditional courts;
- economic efficiency in resolving disputes in court;
- confidential nature of the procedure;
- the parties choose persons who will resolve the dispute as they wish.

There are several types of alternative dispute resolution: negotiation, facilitated negotiation or facilitation, conciliation, mediation, arbitration, independent determination (judgment), mini-trial, fact-finding, dispute panels, private litigation, early neutral assessment, preliminary -judicial consultation on dispute resolution (world conference), simplified jury trial (simplified jury trial) and others.

Mediation is a process in which the parties choose a neutral third party who has absolutely no interest in the nature of the dispute. This person helps the parties reach a mutual agreement on the dispute. In this case, the parties have full control over the decision-making process to resolve the dispute and its settlement.

Globally, conflict resolution through mediation is one of the greatest discoveries in human history[4].

The mediation process is based on the principles of discretion, confidentiality, mutual respect, neutrality, impartiality, openness and equality.

Today, the Institute of Mediation successfully operates in many countries around the world. These countries include the USA, Germany, Great Britain, the Netherlands, Austria, Australia, Japan, China, Hungary, Korea, India.

USA. The inclusion of ICT in the Civil Justice Reform Act in 1990 ushered in the widespread use of alternative methods in the US judicial system. These measures included the creation of special advisory



committees in each of the federal judicial districts dedicated to alternative dispute resolution.

In US legal practice, most disputes are resolved in court; a judge can overturn the decision and recommend that the parties seek mediation. About 95% of tax disputes are resolved based on a settlement agreement[5]. In this country, any serious negotiations in the sphere of economics, politics and business cannot be done without a mediator. Mediation issues are covered in the Quarterly Journal of Mediation. There is also a National Institute for Dispute Resolution. Existing public and private mediation institutions are providing training in new mediation techniques. The American Arbitration Association has great influence in implementing rules for domestic dispute resolution, arbitration, and mediation.

In Germany, mediation is integrated into the justice system. For example, mediators work directly in court, which can significantly reduce the number of potential lawsuits. Today, mediation is widely used not only in family matters, but also in courts of general jurisdiction and administrative courts. Most German schools offer mediation as a full-time course. In the UK, the mediation process is very popular. There is even a special service - a hotline (hotline) where you can call any part of the country and describe the essence of the dispute. The advantage of red lines is that they offer a list of specialists who meet your requirements for a mediator. In the UK, a mandatory mediation process means that if a party rejects a court-suggested mediator, they must pay all legal costs, even if they win the case.

In the Netherlands, alternative resolution of tax disputes through the institution of mediation was introduced on April 1, 2005. VSD on the implementation of an experiment in four tax districts to resolve tax disputes through the mediation of the Ministry of Finance No. 2005-01109 was published in print with an official letter. Thanks to the mediation procedure, 80% of 75 disputes were successfully resolved within a year. If an unsuccessful decision is made through mediation, the parties' right to go to court is not deprived. Austria is one of the few countries in the world where the mediator profession is included in the list of positions[6]. In addition, Austria is the only country that passed a federal law on mediation in 2004.

China According to experts, 30% of disputes in China are resolved out of court. In this country, as well as in China, Hungary, Korea, if the parties reach an agreement in the form of mediation and if the arbitration courts also approve this agreement, then it will be necessary to formalize it in the appropriate manner.

In India, a settlement reached through mediation has the same force as an arbitration award.

In the Russian Federation, the institution of mediation began to emerge as a new non-state form of protecting the rights and interests of citizens. On July 27, 2010, the Federal Law of the Russian Federation "On alternative procedures for resolving disputes with the help of a mediator" was adopted, which came into force in January 2011. The law strengthened the dispute resolution procedure using the mediation model[7]. The goal of this model is to achieve a mutually beneficial agreement when resolving disputes[8].

The ongoing reforms of the tax system in Uzbekistan pose the urgent task of carefully analyzing and considering changes in the tax system of foreign countries. It should be noted that we are not talking about any changes in a particular country, but about the principles of development over a certain period of time. As a result of studying and researching the above issue, improving the mechanisms for pre-trial dispute resolution in the current tax legislation, i.e. a mandatory procedure for preliminary appeal to higher tax authorities if a dispute arises between the parties, as well as the possibility of reaching an agreement in the event of a conflict between the parties. We consider it appropriate to reflect this in legislation. This will protect the rights and legitimate interests of taxpayers and prevent an excessive volume of controversial issues in the courts.

REFERENCES

1. Taxation: problems of science and practice. Monograph / Under. ed. prof. Yu.B. Ivanova. M.: FLP Liburkina L.M., 2009; Закон о финансовых судах от 6 октября 1965 г. Finanzgerichtsordnung)
2. Pre-trial settlement of tax disputes <http://www.ist-profyt.ru/files/dyns.pdf> М.: Ститт А. Mediation®: a practical guide. Routledge Cavedish, 2004. P. XV.
3. <http://nalogoved.ru/art/737>
4. A general description of the concept of mediation is available in publications, in particular the Center for Conciliation Procedures: <http://www.mediation.org.ru/mediation/publications/index.htm>.
5. Mediation in Russia. Current status: analytical report on the eve of the conference in the European Parliament dedicated to the third anniversary of the entry into force of the EU Directive of 21.05.2008 "On certain aspects of mediation and civil and commercial disputes" on the topic "EU Mediation Directive: before and after. The impact of the Directive on the



development of mediation in the EU and neighboring countries" (electronic resource):
URL: www.mediacia.com; see also:
Shamlikashvili T.A. Mediation as a method of out-of-court dispute resolution. M., 2006. P. 9.

6. Boule L, Nesic M. Mediation: principles, process, practice. London; Dublin; Edinburgh, 2001.