



LEGAL CLASSIFICATION OF CIVIL LITIGATION IN THE ACTIVITIES OF A LAWYER

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Article history:		Abstract:
Received:	28 th May 2024	This article covers the objective legal framework of the concepts of the lawyer – as a contractual (voluntary) representative, the lawyer's activity in preparing to take a vote of confidence and attend court as a representative, the participation of a lawyer at the stage of initiating a case and preparing a court hearing, the participation of a lawyer in proceedings .
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The activities of a lawyer who becomes a representative in a civil court case are characterized by many features related to the organizational and legal and procedural-legal status of a lawyer.

Features of legal status are reflected in:

- 1) carries out civil procedural activities as a professional lawyer with sufficient knowledge and experience;
- 2) clearly knows the representative functions in its civil process and in a particular civil case;
- 3) will have a wide range of measures, tools and methods specified in the law for the performance of their professional duties and professional obligations;
- 4) the party must carry out its procedural activities on time and efficiently, on the orders of third parties in civil work.



In accordance with the provisions of Civil Procedure legislation, the rights and obligations of the representative are established based on the mass-legal role he performs.

The powers of a lawyer participating in a civil court case as a representative of a vote of confidence are regulated by procedural legislation. At the same time, the law also emphasized the regulation of the rights and obligations of the lawyer, that is, the most important aspects of his legal status.

The representative has the right to carry out all procedural actions according to Article 69 of the FPK of the Republic of Uzbekistan on behalf of the person he represents. However, in the power of attorney:

- signing a representative's statement of claim, presenting it in court, raising it to the arbitration court for consideration of the dispute,
- enter a counterclaim,
- complete or partial waiver of claim requirements,

- reduce their amount,
- recognition of the claim,
- change the subject or basis of the claim,
- conclusion of a peace agreement,
- transfer of authority to another person (knowing trust again),
- appeal of the court decision,
- submission of the execution document for collection,
- the powers of the representative, such as the rights to receive the given property or money, must be specified.



When you are convinced that the assignment of the person under the protection (the person who expresses confidence) is of a legal nature, the lawyer will take charge of the proceedings in court. At this stage, the lawyer performs the following legal actions in order to prepare for a court hearing: conducts an interview with a creditor, determines his wishes and requirements, works studies the circumstances, gives a legal assessment of the problem, opens the paths leading to the solution of a legal dispute, determines the tactics of proceedings in court.

A necessary and initial element of the process of providing legal assistance is the formation of a statement of claim. The claim is a request for a fair trial, addressed to the court, the content of which is organized by the request of the interested person (plaintiff) to the probable offender (defendant).

The code of Civil Procedure of the Republic of Uzbekistan establishes the basic requirements for the form of the statement of claim, as well as for the case of refusal to accept the claim and its return.

In the case of Civil Affairs, a tool for the protection of subjective rights and interests protected by law is an application, the form and content of which is determined by articles 188-190 of the FPK of the Republic of Uzbekistan.

The preparation of the lawyer – representative for participation in the case is carried out in the court of First Instance, at the stage of preparing the case for a court hearing, and is subject to the general tasks of this stage of the court case: practical cases of significance are determined for the correct solution of the case; the law to rely on is determined and The lawyer-defendant representative determines the plaintiff's claims and the applicable grounds for these claims; provides the plaintiff or his representative and the court with refusals in written form in relation to the claims of the claim; evidence justifying the refusal to the plaintiff or his representative and to the court in relation to the claim submits; submits a petition to the judge to collect evidence that he himself cannot independently obtain without the help of the court

3. Participation of a lawyer at the stage of initiating a case and preparing him for a hearing

In the process of preparing the case for a hearing, the lawyer – representative explains to the trustee the procedure for the court appearance of the case, the procedural rights and obligations of the person under the protection (the person expressing confidence). In addition, in the course of conduct in court, as well as comment, the court and other persons participating in the case make certain recommendations on what to say when answering questions, studying the relevant judicial practice.

During the preparation for proceedings, the lawyer-representative draws up a set of documents, that is, documents, copies of them, an extract and other materials necessary for proceedings.



During this period, the lawyer-representative collects data, requests references, descriptions and other documents from state authorities and customs authorities, public authorities in places, organizations and public associations; conducts surveys with their consent from individuals who are likely to have job information.

In addition, it collects items and documents that can later be recognized by the court as material and other evidence; determines who should be called to the court as a witness; whether there is a need to conduct an examination, attract experts to work.

- The size of the rights and obligations of a lawyer at the stage of a civil case hearing, on the one hand, the relevant scope of the hearing on the part, on the other hand, it will depend on the transfer of certain rights of the creditor to it.

- Thus, the representative of the court has no right to carry out actions that are not his competence, but he must act in the interests of the creditor absolutely on the basis of the law.

- Due to the fact that the purpose of the lawyer is to provide legal assistance to the creditor within the framework of this stage, the lawyer helps to decide the task of the court case as if it were to properly and timely consider the civil case.

- After the publication of the composition of the court, in accordance with the FPK of the Republic of Uzbekistan, the lawyer has the right to refuse a judge, prosecutor, clerk of the court session, expert, specialist, translator.

- * * petition to exclude from the process written and material evidence presented in non-employment;

- * * request for broadcast (display) by reading separate evidence;

- * * a petition for the trapping of written and material evidence, audio or video recordings into the work.

- books must be reasonable and based, and must comply with the requirements of the creditor on the case. They are decided by the court after the opinions of the parties involved in the case are heard.

The speech of the parties in court consists of speeches by the persons participating in the case, their representatives. First the plaintiff and his representative, then the defendant and his representative make an exit.

In his speech, the lawyer must state his legal position in the case, which is agreed with the confidence maker, analyze and evaluate the evidence studied by the court. He argued that, in his opinion, which cases of the case can be considered proven, which cases have their own confirmation The facts determined by the decision of the court in one civil case, which entered into legal force, cannot be proved again in the discussion of other civil cases in which the same persons are involved.





• The issuance by the court of a decision on the satisfaction of the claim does not mean its automatic application to life. A citizen who is reinstated to work due to illegal dismissal may have a positive Court decision in his hands, but if the head of the enterprise refuses to comply with the court decision, it will remain unrealistic, and the violated right and legal interests of an illegally dismissed citizen will remain unrecoverable.

• The effectiveness and practical power of court decisions is determined by its current implementation in the final account. Therefore, lawyers charged with ensuring the execution of a court decision by contract must pay great attention to the fact that the execution of the court decision is correct and timely.

5. Participation of a lawyer at the stage of execution of court documents:

- on the acceptance of the executive document (provocation of the Executive case);
- on postponement or part-holding of execution, as well as on changing the method and procedure of execution (in cases where there are obstacles to committing execution actions);
- on the return of the executive document (the right of the representative of the collector when the performance is not fully or partially fulfilled);
- on postponing enforcement actions (the right of the representative of the Collector);

In addition, the lawyer has the right to apply to the court or to another body that issued an executive document with a petition:

- on the resumption of the execution sheet or court order when the deadline for submission to the execution has expired.
- on the postponement or the implementation of the execution in parts, as well as on the change in the method and order of execution (in the presence of circumstances that prevent the execution of execution actions);

Appeal to the relevant court can :

- over the decision of the state executive to initiate executive work;
- over the action of the state executive who returned the executive document;
- over the decision of the state executive to postpone enforcement actions;
- over the decision of the state executive to refuse to search for the debtor or his property and charge the costs for the search;
- over the judgment of the court on the suspension or cancellation of the action (in Cassation procedure).





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