



LEGAL NATURE OF EVIDENCE IN ECONOMIC AND CIVIL COURT PROCEEDINGS

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Abstract

In economic and civil court cases, the parties try to resolve the civil or economic court case in their favor by presenting evidence that substantiates their claims and objections based on the principle of adversarial and equal. In economic and civil court cases, the decision of the court is integrally dependent on the evidence presented by the parties and the action aimed at proving them.

There is no doubt that proof and evidence is an institution of civil, criminal, administrative, economic procedural law.

According to legal scholar M.Treushnikov, examination and evaluation of evidence in economic (arbitration) court proceedings is one of the most important stages of making a legal and reasonable decision. The relevance, acceptability, and credibility of the evidence will affect the evaluation of the evidence. The information we consider in evaluating the evidence is important in determining the value of the evidence. The most important thing is that the evaluation of evidence leads to the fair adoption of decisions and decisions of economic (arbitration) courts.

According to Sh.Shorakhmetov, proof is an activity aimed at determining whether the facts necessary for solving the civil case of the parties, the court and other persons who are the subjects of civil proceedings are present or not.

According to the Civil Procedure Code of the Republic of Uzbekistan, each party is obliged to prove the circumstances on which it bases its claims and objections.

The court determines what circumstances are important for the case, which of the parties should prove them, and even if the parties have not presented these circumstances as evidence, they will be put to trial.

Evidence is presented by the parties and other persons participating in the case. It is established that the court may offer them to submit additional evidence.

According to the legal encyclopedia of Uzbekistan, evidence - information obtained in the order provided by legal documents is evidence in the case, on the basis of which it is determined whether there are circumstances justifying the demands and objections of the persons participating in the case, as well as other circumstances that are important for the correct resolution of the case. Such information is





determined by written and physical evidence, experts' conclusions, testimony of witnesses, explanations of persons participating in the case.

Civil Procedure Code of the Republic of Uzbekistan

Article 71 defines the evidence, according to which it is stated that any factual information and other circumstances that are important for the correct resolution of the case, which are the basis for the court to determine the existence or non-existence of the circumstances justifying the demands and objections of the parties, are evidences in a civil case.

M.K. Treushnikov mentions that the phrase "evidence" can be understood in two different ways: First, if the evidence is any factual information and information obtained as a result of testimony; secondly, physical evidence, written evidence, explanations of the parties. In the first case, the evidence has the nature of information, and the evidence has a procedural form and contains factual information.

Legal scientist V.Yarkov says that the evaluation of evidence in the economic process is partially different from the civil process. He mentioned that the preference of written and physical evidence over oral evidence is due to the pressing features of economic affairs. As economic disputes usually arise between legal entities, there are many cases of submission of written and physical evidence by the parties in judicial practice, but in economic court cases, it does not mean that the court does not evaluate the testimony of witnesses.

Evidence is classified differently by legal scholars in terms of procedural theory.

Legal scholar M. Mamasiddikov classifies evidence as follows: depending on the source: personal and physical; depending on the origin: primary and derivative; depending on the organic connection between the evidence and the proven fact: straight and crooked;

There are also 3 types (widespread) - personal, written and material. Another way of such classification is to divide into personal, material (items and documents) and mixed (expert opinion) types. The basis of mixed separation is that they have their own independent nature and two sources of evidence (personal and physical) are separated by the court. The source of information is, on the one hand, the expert who examines it, and on the other, the objects.

Economic procedural code of the Republic of Uzbekistan Article 75 states that documents, contracts, references, practical correspondence containing information about cases important for the case, including other documents and materials obtained by facsimile, electronic or other means of communication, or other means that allow determining the reliability of the document, are written evidence.





Physical evidence - can be in the form of any material objects. Only they should be presented to the court by the persons participating in the case or requested by the court itself.

They can be organic and inorganic depending on the type of origin: inorganic items include damaged furniture, clothes, organic items include food, fruits, etc.

Physical evidence is different from written evidence. In physical evidence, information is in the form of specific signs (for example, damage, damage). Written evidence in a document - this information is traced using traditional symbols (numbers, letters, etc.).

According to procedural law, physical evidence also has no pre-established legal force for the court. Material evidence is also examined and evaluated by the courts as a result of court hearings or sending court orders.

After the court decision enters into legal force, the material evidence shall be returned to the persons from whom it was taken, or shall be returned to those persons who the court has found to have the right to these materials.

According to Economic procedural code of the Republic of Uzbekistan Article 77, objects that can serve as a means of determining circumstances important for the case with their external appearance, internal properties and content, location or other signs are physical evidence.

Articles related to the use of modern information technologies in conducting economic and civil court cases have been added to the Economic Procedural Code of the Republic of Uzbekistan, Civil Procedural Codes. In our opinion, it would be appropriate to reclassify the scope of evidence based on the needs of the times. In particular, it would be appropriate to include the concepts of electronic evidence in the theory of economic procedural and civil procedural law together with economic procedural and civil procedural legislation.

Electronic evidence is structurally different from other evidence, especially physical and written evidence.

According to M. Gorelov, electronic evidence provides information about facts in the form of digital, audio and video recordings.

In our view, when classifying evidence according to its form, it would be appropriate to divide it into categories such as oral, written, physical and electronic evidence.

Electronic evidence is fundamentally different from other evidence in that it is created, stored, processed and transmitted in special technical and information communication means.



Therefore, we believe that it is necessary to include norms on electronic evidence in our economic procedural and civil procedural legislation and to theoretically study them in the theory of economic procedural and civil procedural law.

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