



THE IMPORTANCE OF THE PARTICIPATION OF LAWYERS IN RESOLVING ECONOMIC DISPUTES IN CENTRAL ASIAN COUNTRIES

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ABSTRACT

The issue of effective and fair resolution of economic disputes arising between economic entities in a market economy is one of the important tasks of the judicial and legal system. The institution of a lawyer providing professional legal assistance in this process is of particular importance. The participation of a lawyer in economic courts serves to protect the rights and legitimate interests of the parties, ensure the principles of adversarial and equality in court proceedings, and increase the legality and validity of court decisions. In Central Asian countries, the procedural status and powers of a lawyer in economic courts are regulated differently in accordance with national legislation, which requires a comparative legal analysis. The institution of a lawyer is an integral element of the rule of law and ensures the real implementation of the right to protection through a court. In economic courts, lawyers

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- 1) conducts legal analysis of complex contractual relationships;
- 2) collects and presents evidence;
- 3) appeals court decisions.

A lawyer performs several important functions in resolving economic disputes. First, a lawyer protects the rights and legitimate interests of business entities, analyzes the legality of contractual relationships, and identifies legal risks in advance. Second, in the processes of resolving judicial and extrajudicial disputes, a lawyer ensures the quality consideration of the

case by collecting evidence, formulating a legal position, and preparing procedural documents at a professional level. The effectiveness of the participation of lawyers in economic litigation in the countries of Central Asia is not the same between countries. In some countries, the specialization of lawyers in economic disputes is not sufficiently developed, and the role of lawyers in extrajudicial dispute resolution mechanisms (mediation, arbitration) is not fully disclosed. This situation negatively affects the level of legal protection of entrepreneurs. At the same time, in the context of globalization and regional economic integration, the number of cross-border economic disputes is increasing. In such disputes, the lawyer's knowledge of international law, investment law and arbitration norms is of particular importance. International legal standards (including the Basic Principles on the Role of Lawyers) stipulate the need for lawyers to be independent and act freely in the judicial process. In the countries of Central Asia, these principles have been implemented in national legislation to varying degrees.

In the countries of Central Asia, economic disputes arise mainly in connection with non-fulfillment of contractual obligations, property claims, investment disputes, and corporate disputes between business entities. These disputes arise as a result of the complexity of economic relations in a market economy and the insufficient adaptation of legal regulatory mechanisms. The participation of a lawyer is of great importance in ensuring legal certainty and procedural fairness in the process of resolving economic disputes. The participation of a lawyer is important not only at the stage of resolving disputes, but also in the process of preventing them. The professional approach of a lawyer in concluding, reviewing, and conducting legal expertise of contracts significantly reduces the number of economic disputes that may arise in the future. Insufficient use of legal advisory services in the countries of Central Asia is one of the factors contributing to the increase in economic disputes.

In the Republic of Uzbekistan, the participation of a lawyer in economic courts has a clear and thorough regulatory and legal basis. In particular, in accordance with Article 4 of the Law "On Advocacy", a lawyer has the right to provide legal assistance to individuals and legal entities in courts. This norm determines the general legal basis for the participation of a lawyer as a representative in economic disputes. While Article 59 of the Economic Procedural Code of the Republic of Uzbekistan enshrines the right of persons participating in a case to participate in court in person or through a representative, Article 60 recognizes a lawyer as a professional representative. These norms clearly define the status of a lawyer in economic courts and grant him broad procedural rights, such as drafting statements of claim, presenting evidence, participating in court sessions, and appealing against court decisions. The existence of economic courts in Uzbekistan as a separate judicial system creates institutionally favorable conditions for the activities of a lawyer, making it a relatively developed legal model in Central Asia.

In the Republic of Kazakhstan, economic disputes are considered by civil courts, not by separate economic courts. In this country, the participation of a lawyer in courts is regulated by the Civil Procedure Code of the Republic of Kazakhstan and the Law "On Advocacy and Legal Aid". In accordance with Article 54 of the Civil Procedure Code, in addition to lawyers, legal advisers and employees of legal entities may also participate in court as representatives. This situation relatively limits the role of a lawyer in economic

disputes compared to Uzbekistan, since a lawyer is not considered an exclusive professional representative in court. However, this approach expands the freedom of representation and creates certain advantages for business entities. At the same time, the uneven level of professional legal aid may negatively affect the quality and legal certainty of court proceedings.

In the Kyrgyz Republic, economic courts have not been formed as a separate institution, and economic disputes are considered by general civil courts. This process is carried out on the basis of the Code of Civil Procedure of the Kyrgyz Republic and the Law "On the Association of Lawyers and Advocacy". Article 50 of the Code of Civil Procedure generally defines the right of the parties to participate in court through a representative and does not distinguish a lawyer as a separate professional entity. As a result, the participation of a lawyer in economic disputes is not mandatory or of priority. This situation, in a comparative analysis, shows that the role of the lawyer institution in economic courts in Kyrgyzstan is relatively weak and may reduce the level of access to professional legal assistance.

In the Republic of Tajikistan, economic courts operate as separate judicial bodies, and the participation of a lawyer in these courts is regulated by the Code of Economic Procedure of the Republic of Tajikistan and the Law "On Advocacy and Advocacy". Articles 51–52 of the Code of Economic Procedure establish the right of the parties to participate through a representative and the status of a lawyer as a professional representative. Although the Tajik model is close to the Uzbek model in terms of regulation and law, in practice it is noted that the independence of the lawyer and his active participation in court proceedings are not sufficiently ensured. This reduces the real effectiveness of the lawyer's institution.

In Turkmenistan, however, the practice of law is carried out under strong state control. Economic disputes are considered on the basis of the Civil Procedure Code of the Republic of Turkmenistan and the Law "On the Bar". In practice, the participation of lawyers in economic courts is rare, which reduces the level of contentiousness of legal proceedings. As a result of a comparative analysis, Turkmenistan is considered the country with the most limited role of lawyers in economic courts among the Central Asian countries. There are a number of problems that limit the participation of lawyers in resolving economic disputes:

an insufficient number of lawyers specializing in economic law; legal and institutional weaknesses of out-of-court dispute resolution mechanisms; administrative and procedural obstacles affecting the activities of lawyers; insufficient development of regional legal integration. A general comparative legal analysis shows that the participation of lawyers in economic courts in the countries of Central Asia does not have a single legal model. While in Uzbekistan and Tajikistan the status of lawyers in economic courts is clearly defined in terms of regulations, freedom of representation prevails in Kazakhstan and Kyrgyzstan. In Turkmenistan, strict state control of the activities of lawyers significantly limits their role in economic courts. In this regard, strengthening the institution of lawyers, ensuring their independence and expanding their participation in economic courts remains one of the important areas for further improving the judicial system in the countries of Central Asia.

Based on the above, we make the following proposals regarding the participation of lawyers in resolving economic disputes:

First, it is advisable to develop a narrow specialization of lawyers in economic disputes in the countries of Central Asia and introduce special training programs.

Second, it is necessary to strengthen legal mechanisms that encourage the participation of lawyers in out-of-court dispute resolution systems (mediation and arbitration). **Third**, it is necessary to develop regional cooperation of lawyers in economic disputes and create platforms for exchanging experience.

Fourth, ensuring the remote and rapid participation of lawyers in court proceedings through the introduction of digital technologies will increase the efficiency of resolving economic disputes.

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