



LEGAL ISSUES REPRESENTATION IN COURT ON ECONOMIC CASES

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| ABSTRACT | KEYWORDS |
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| This article discusses the issues of participation of representatives in the economic process, formalization of the powers of the representative, the powers of the persons participating in the case and their representatives, as well as the rights, duties and responsibilities of representatives. | Representation, powers, proxies, employees of a legal entity, power of attorney, persons who cannot be representatives. |

Introduction

Representation in economic litigation shows its effectiveness in resolving problematic situations. The affairs of legal entities in court are conducted by their bodies, acting within the powers granted to them by legislation or constituent documents, and their representatives¹. Citizens have the right to conduct their affairs in court in person and (or) through representatives. Personal participation in a citizen’s case does not deprive him of the right to have a representative in the case. The rights and legally protected interests of incapacitated or partially capable persons are protected in court by their legal representatives (parents, adoptive parents, guardians, trustees). Legal representatives may entrust the conduct of the case in court to another representative chosen by them². If this is not directly provided for in the law, contractual (voluntary) representatives may be:

- 1) lawyers;
- 2) employees of legal entities - on the affairs of these legal entities³;
- 3) authorized representatives of non-profit organizations - on affairs of members of these organizations;

¹ Рыбкина К. В. Представительство в арбитражном и гражданском процессе //Актуальные проблемы гуманитарных и естественных наук. – 2018. – №. 1-2. – С. 28-33.

² Халатов С. А. Представительство в гражданском и арбитражном процессе. – Общество с ограниченной ответственностью Юридическое издательство Норма, 2002.

³ Ibratova F., Xodjaeva D. IQTISODIY SUD ISHLARINI YURITISHDA TAFTISH TARTIBIDA QAYTA KO'RISH: NAZARIYA VA AMALIYOT //Theoretical aspects in the formation of pedagogical sciences. – 2024. – T. 3. – №. 3. – С. 93-102.

- 4) authorized representatives of non-profit organizations who are granted by law the right to protect the rights and interests of other persons⁴;
- 5) one of the procedural accomplices on behalf of other accomplices;
- 6) other persons admitted by the court at the request of persons participating in the case.

Only lawyers can engage in professional activities in conducting cases in court as a representative.

The rights, freedoms and legitimate interests of incapacitated citizens or those who do not have full legal capacity are protected in court by their parents, adoptive parents, guardians, trustees or other persons to whom this right is granted by law⁵. In a case in which a citizen recognized as missing in the prescribed manner must participate, the person to whom the property of the missing person has been transferred to trust management acts as his representative. Legal representatives perform on behalf of the persons they represent all procedural actions, the right to perform which belongs to the represented persons, with the restrictions provided by law. Legal representatives may entrust the conduct of a case in court to another person chosen by them as a representative⁶.

The authority of the representative to conduct the case in court must be indicated in the power of attorney issued and executed in accordance with the law. A power of attorney on behalf of a legal entity must be signed by its head or another person authorized to do so by its constituent documents and certified by the seal of this legal entity (if there is a seal)⁷. The powers of a lawyer are certified in the manner prescribed by law. A person acting as a contractual representative (with the exception of a lawyer), in addition to a power of attorney, submits to the court a document confirming the status of a contractual representative.

Powers of attorney issued by citizens can be notarized either by: the organization in which the principal works or studies, a homeowners' association, a housing, housing construction or other specialized consumer cooperative that manages an apartment building, a management organization at the principal's place of residence, the administration the social protection institution in which the principal is located, as well as the inpatient medical institution in which the principal is undergoing treatment, by the commander (chief) of the relevant military unit, formation, institution, military educational institution, if powers of attorney are issued by military personnel, employees of this unit, formation, institution, military educational institution or members of their families, the head of the corresponding place of deprivation of liberty, if powers of attorney are issued by persons in prison⁸. A power of attorney on behalf of an organization is issued signed by its head or another person authorized to do so by its constituent documents, sealed with the seal of this organization. Legal representatives present to the court documents certifying their status and powers⁹. The right of a

⁴ Андреев В. К. Представительство. Доверенность //Нотариус. – 2013. – №. 3. – С. 20-25.

⁵ Ibratova F., Jumanazarova M. VASIYATNOMALARNI NOTARIAL TASDIQLASH SHARTLARI VA AHAMIYATI //Science and innovation in the education system. – 2023. – Т. 2. – №. 12. – С. 91-100.

⁶ Yul'chibaevich X. D. et al. AQSH VA ROSSIYA HUQUQLARIDA YURIDIK SHAXSLARNING ISHCHANLIK OBRO'SINI HIMOYA QILISH //SCIENTIFIC ASPECTS AND TRENDS IN THE FIELD OF SCIENTIFIC RESEARCH. – 2023. – Т. 1. – №. 10. – С. 249-257.

⁷ Ibratova F., Raxmatova F. FUQAROLARNING HUQUQ VA MANFAATLARINI HIMOYA QILISHDA BITIMLARNI HAQIQIY EMAS DEB TOPISH TO'G'RISIDAGI ISHLARNI O'ZIGA XOS XUSUSIYATI //Theoretical aspects in the formation of pedagogical sciences. – 2023. – Т. 2. – №. 19. – С. 114-120.

⁸ Глухова О. Ю., Назаров В. В. Перспективы развития профессионального представительства в арбитражном процессе России //Актуальные проблемы государства и права. – 2019. – Т. 3. – №. 11. – С. 385-390.

⁹ Пинчук С. А. Представительство в арбитражном процессе //Наука. Исследования. Практика. – 2020. – С. 202-204.

lawyer to speak in court as a representative is certified by a warrant issued by the relevant legal entity. The powers of the representative can also be determined in an oral statement recorded in the minutes of the court session, or in a written statement of the principal in court¹⁰.

The authority to conduct a case in court gives the representative the right to perform on behalf of the represented all procedural actions, except for signing a statement of claim, transferring the case to an arbitration court, complete or partial waiver of claims and recognition of the claim, changing the subject or basis of the claim, concluding a settlement agreement, agreements to conduct a mediation procedure or mediation agreement, transfer of powers to another person (assignment), appeal of a judicial act, signing an application for review of a judicial act that has entered into legal force due to newly discovered circumstances, demands for forced execution of a judicial act, receipt of awarded property or money¹¹. The powers of the representative to perform each of the actions specified in this article must be specifically provided for in the power of attorney issued by the represented person.

The representative has the right to perform all procedural actions on behalf of the person represented. Procedural actions, the rights to which must be specifically stipulated in the power of attorney issued by the represented person: signing a statement of claim, submitting it to court, submitting a dispute to an arbitration court, filing a counterclaim, full or partial waiver of claims, reducing their size, recognition claim, changing the subject or basis of the claim, concluding a settlement agreement, transferring powers to another person (assignment), appealing a court decision, presenting a writ of execution for collection, receiving awarded property or money¹².

The court is obliged to check the powers of the persons participating in the case and their representatives. The court decides the issue of recognizing the powers of the persons participating in the case and their representatives and admitting them to participate in the court hearing on the basis of an examination of the documents presented by these persons to the court¹³. Information about documents confirming the powers of these persons is entered into the minutes of the court session, and if necessary, copies thereof are attached to the case file.

If a person participating in the case or his representative fails to provide the necessary documents to confirm his authority or submits documents that do not comply with the requirements of the law, the court refuses to recognize the authority of the relevant person to participate in the case, as indicated in the minutes of the court session¹⁴.

Representatives in court cannot be persons who do not have full legal capacity or who are under guardianship or trusteeship. Representatives in court cannot be judges, investigators, prosecutors and court staff. This rule does not apply to cases where these persons act in legal

¹⁰ Babakulovna I. F., Yashinbek I. Legal issues of the participation of the prosecutor in the economic process: a comparative analysis with the legislation of the Republic of Uzbekistan and the Russian Federation. – 2023.

¹¹ Харченко М. А. ПРЕДСТАВИТЕЛЬСТВО В АРБИТРАЖНОМ ПРОЦЕССЕ //Состав редакционной коллегии и организационного комитета: Аймурзина БТ, доктор экономических наук Ахмедова НР, доктор искусствоведения Базарбаева СМ, доктор технических наук Битокова СХ, доктор филологических наук. – 2024.

¹² Панченко В. Ю., Шайхутдинов Е. М. Профессиональное юридическое представительство в гражданском и арбитражном процессе //Современное право. – 2013. – №. 4. – С. 102-102.

¹³ Ибратова Ф. Правовые вопросы медиация как альтернативный способ урегулирования споров //Слияние экономических и правовых идей: перспективы для инновационного роста. – 2023. – С. 5-14.

¹⁴ Богомолов М. В. Институт судебного представительства в современном гражданском и арбитражном процессе //Вестник Поволжского института управления. – 2013. – №. 2 (35). – С. 58-62.

proceedings as representatives of the relevant courts, prosecutors or as legal representatives¹⁵. Representatives in court cannot be persons who participated in the mediation procedure as a mediator in connection with the same dispute, except in cases provided for by law and by mutual consent to their participation. According to Russian procedural legislation, the court appoints a lawyer as a representative in the absence of a representative for the defendant, whose place of residence is unknown, as well as in other cases provided for by law¹⁶.

Representation is an institution in which the social significance of a person is expressed - to serve the interests of other people. Various points of view have been expressed in the literature explaining the nature of representation in the economic process; many extraordinary concepts have been proposed, but a common position on many issues does not exist today. The development of the economy, the emergence of new complex economic and business disputes, and the constant dynamics of legislation have necessitated in-depth research into judicial representation and provide grounds for further legal institutions. The goals of judicial representation are determined by the need to ensure full protection of the interests of citizens and organizations. In modern conditions, the importance of judicial representation increases every year. About representation in the economic process, we can say that its essence, its tasks and the presentation of the practice of its application are important in the chain of implementation of economic procedural law.

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¹⁵ Кихтенко В. В. ПРЕДСТАВИТЕЛЬСТВО В АРБИТРАЖНОМ ПРОЦЕССЕ //Инновационные подходы в современной науке. – 2019. – С. 454-456.

¹⁶ Варивода А. А., Шелестюков В. Н. ПРЕДСТАВИТЕЛЬСТВО В АРБИТРАЖНОМ ПРОЦЕССЕ //Научные исследования XXI века. – 2020. – №. 2. – С. 154-160.

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