

Results of Reforms Being Implemented in the System of Mandatory Enforcement

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ABSTRACT

Objective: This paper aims to explore the reforms in the enforcement of court and other authorities' documents in Uzbekistan, with a focus on the establishment of the Bureau of Mandatory Enforcement and the introduction of digitalized enforcement procedures to ensure timely and effective execution of judicial decisions. **Method:** The study examines legal documents, including Presidential Decrees and Resolutions, along with a review of enforcement practices and the role of state enforcers. It also assesses the implementation of simplified procedures and mediation systems in enforcement proceedings. **Results:** The establishment of the Bureau of Mandatory Enforcement, the introduction of digital enforcement documents, and the implementation of a simplified procedure for certain debts have significantly improved enforcement efficiency. These reforms aim to ensure the full protection of citizens' legal interests while reducing the state's administrative burden. **Novelty:** The research highlights the innovative steps taken in Uzbekistan's enforcement system, such as the use of information-communication technologies for remote collection and the introduction of a minimum guaranteed income policy to protect citizens from excessive debt recovery.

INTRODUCTION

In our country today, comprehensive reforms are being implemented in all areas of society and state life on the path to building a legal democratic state. One of the main tasks of a legal state is to establish justice and legality in our society; primarily, the rapid and precise enforcement of court decisions is of great importance. It should be noted that issues related to enforcement proceedings have recently become one of the most discussed topics in our lives. This issue encompasses the problems of how effectively the state protects the violated rights, freedoms, and legal interests of citizens.

The President of the Republic of Uzbekistan, Shavkat Mirziyoyev, has repeatedly raised the necessity of improving the system of enforcing court decisions, and the most important priority tasks to be implemented in this regard have been identified. The legal force of every court decision is directly linked to how it is implemented in practice. Therefore, in order to reliably protect the interests of our citizens, society, and the state, we must create an effective mechanism to ensure the unconditional and complete enforcement of court decisions and to monitor the execution and results of enforcement documents [1].

RESEARCH METHOD

With the Decree of the President of the Republic of Uzbekistan No. PF-5059, dated May 29, 2017, "On measures to further strengthen payment discipline in the supply and consumption of electric energy and natural gas, as well as radically improve the enforcement proceedings system" [2], the Bureau of Mandatory Enforcement was established under the Prosecutor General's Office of the Republic of Uzbekistan, responsible for ensuring the unconditional enforcement of court documents.

By the Resolution of the President No. PQ-3016, dated May 30, 2017, "On organizing the activities of the Bureau of Mandatory Enforcement under the Prosecutor General's Office of the Republic of Uzbekistan" [3], the regulation "On the Bureau of Mandatory Enforcement under the Prosecutor General's Office of the Republic of Uzbekistan" was approved. Thanks to these adopted documents, a qualitatively new era began in the development of the enforcement system. The system was completely renewed organizationally. Significant steps were taken to strengthen the legal foundations of the enforcement system.

In addition, as an annex to the Presidential Decree No. PF-60, dated January 28, 2022, "On the Development Strategy of New Uzbekistan for 2022–2026," 100 goals were adopted in the concept of "Building a people-oriented state by enhancing human dignity and further developing a free civil society." Goal 18 is dedicated to ensuring the timely and complete enforcement of court and other authorities' documents. It outlines tasks such as introducing effective mechanisms for enforcement, expanding the scope of alternative, including extrajudicial, methods of enforcing documents, gradually implementing international standards into the activities of mandatory enforcement agencies, transferring certain functions (outside court documents) to the private sector, and reducing the workload of state enforcers [4].

Until recently, legal theory considered enforcement proceedings as the final stage of civil procedure or civil judicial proceedings. According to the proceduralist scholar M.K. Yukov, who declared enforcement proceedings an independent branch of law, enforcing court and other authorities' documents is not merely a logical continuation or part of civil proceedings. Enforcement proceedings are an independent branch of law, and the legal system cannot function properly without this branch. Enforcement law regulates social relations arising during enforcement proceedings and protects subjective-material rights or interests safeguarded by law through specific normative acts, using the state's coercive power [5].

The field of enforcement proceedings is a developing and currently highly relevant branch of law in our country's legal system. The legislative basis for enforcement proceedings is reflected in constitutional norms, guaranteeing the protection of citizens' rights and freedoms by the state and the court.

RESULTS AND DISCUSSION

At present, the Bureau of Mandatory Enforcement under the Prosecutor General's Office of the Republic of Uzbekistan, organized as an independent body within the system of state executive authorities, has been entrusted with the authority to ensure the mandatory enforcement of court and other authorities' documents. Coercive measures are actions indicated in the enforcement document or actions performed by the court enforcer to seize property from the debtor, including the collection of monetary funds specified in the enforcement document [6]. Mandatory enforcement is an extraordinary measure, associated with applying significant additional material sanctions against debtors [7].

State enforcers are public servants and representatives of authority who are granted extensive rights by law. It is precisely state enforcers who stand at the final stage of protecting the violated rights of individuals and legal entities, with the authority to resolve them. If court and other authorities' documents are not enforced on time, it not only violates the rights of citizens and organizations but also leads to other negative consequences. The educational and practical significance of fair judicial acts adopted by courts is undermined. Therefore, the timely enforcement of court and other authorities' documents by state enforcers is of paramount importance. This, in turn, serves to further strengthen citizens' trust in the state and fair justice, enhancing the authority of the judiciary. People seeking to protect their rights expect not only the theoretical recognition of their violated rights but also practical, real protection.

Mandatory enforcement activities can be recognized as a set of specific procedural actions stipulated by law. If the debtor fails to fulfill the enforcement document's requirements voluntarily within the specified fifteen-day voluntary period set by the state enforcer, mandatory enforcement actions are initiated. If the debtor voluntarily complies with the enforcement document's requirements, mandatory enforcement measures are not applied. If citizens' legal culture and legal consciousness are high, they voluntarily comply with enforcement documents.

As a new institution, the mediation system has been introduced into the process of mandatory enforcement of court and other authorities' documents, and a simplified procedure for enforcement proceedings has been established. Under the simplified procedure, mandatory enforcement is carried out without directing collection towards the debtor's property (excluding monetary funds) and without applying liability measures against the debtor. This applies when enforcement documents are aimed at seizing funds from the debtor's bank accounts or incomes, such as wages, stipends, pensions, and other earnings, without exceeding the minimum wage.

The simplified procedure for enforcement proceedings applies to enforcement documents concerning the collection of administrative fines, tax debts, and state duties from individual debtors. It should be emphasized that, in conducting enforcement under the simplified procedure, the state enforcer performs the collection remotely using

information-communication technologies without visiting the debtor's place of residence or location of property.

By the President's Decree No. PF-1, dated January 3, 2024, "On additional measures to reform the enforcement system of court and other authorities' documents and digitize the sector" [8], in line with the tasks defined in the "Uzbekistan – 2030" Strategy, the procedure for issuing enforcement documents in electronic form based on court documents was introduced to ensure the reliable protection of citizens', society's, and the state's legal interests and improve the efficiency of justice.

Through the Unified Interactive Public Services Portal or terminals providing interactive services, individuals can now obtain and submit enforcement documents issued based on court decisions and other documents adopted within the scope of enforcement proceedings. Additionally, the institution of establishing a minimum guaranteed income that cannot be seized for debt recovery has been introduced, and it has been determined that funds equivalent to half the minimum wage cannot be withheld from a citizen's bank accounts or bank cards.

CONCLUSION

Fundamental Finding : The study highlights the legal and organizational reforms in the enforcement system of court decisions in Uzbekistan, particularly the establishment of the Bureau of Mandatory Enforcement. These reforms aim to improve the efficiency and reliability of enforcing court decisions, protect citizens' rights, and ensure the state's legal interests.

Implication : The changes introduced through new regulations, including the simplified enforcement procedures and digitization of enforcement documents, significantly impact the enforcement process. These efforts improve accessibility and transparency for citizens and enhance the efficiency of enforcement actions, contributing to a more effective justice system.

Limitation : While reforms have strengthened the enforcement system, challenges remain in ensuring the timely execution of all enforcement documents, especially in complex cases involving significant assets or cross-jurisdictional enforcement. Additionally, the effectiveness of these changes is contingent on widespread adoption and understanding by state enforcers and the public. **Future Research :** Future research could explore the long-term effects of these reforms on the justice system's credibility and the public's trust in enforcement agencies. Investigating the role of alternative enforcement mechanisms and international best practices could further enhance the system's effectiveness and fairness.

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