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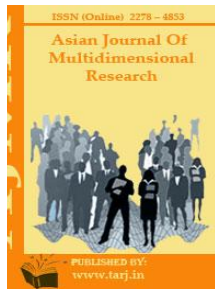
ISSN (Online) : 2278 - 4853

# Asian Journal of Multidimensional Research



*Published by :*  
**www.tarj.in**

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**DOI: 10.5958/2278-4853.2021.00129.4**

## **SPECIFIC ASPECTS OF THE WORK OF THE COURTS ON THE PREVENTION OF LABOR DISPUTES**

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### **ABSTRACT**

*This article discusses specific aspects of the work of courts in the prevention of labor disputes. The author discussed labor norms in the Labor Code. However, the decision of the Plenum of the Supreme Court of the Republic of Uzbekistan "On the application of laws governing the termination of employment contracts by the courts" dated April 17, 1998 No. 12 it would be expedient if the explanations were given by the enterprise itself. The fact that dismissal of employees can be carried out only in the manner prescribed by law is also the most important guarantee of the right of citizens to work. Violation of this procedure, in turn, was considered a violation of the employee's right to work, and the possibility of protecting these rights of the employee in court was expanded.*

**KEYWORDS:** *Employee, Employer, Unemployment, Labor Relations, Labor Law, Labor Disputes*

### **INTRODUCTION**

Today, the principle that the highest value is man, his life, freedom, dignity and other inalienable rights is enshrined in the Constitution. In the past, that is, in a totalitarian system, due to the absence of the principle of separation of powers, the court was fully aware of the negative consequences that the ruling party could face under legal pressure.

One of the most important achievements of independence was the consolidation in the Constitution of the principle of separation of powers into legislative, executive and judicial branches.

The adoption of a number of laws defining the basis for the establishment and functioning of the judiciary in the Republic of Uzbekistan can undoubtedly be one of the significant achievements in the democratization of society.[1]

The Universal Declaration of Human Rights, enshrined in international human rights treaties, enshrines the right of everyone to work, to choose their work voluntarily [2], to have fair and favorable working conditions, and to be protected from unemployment in the 1992 Constitution of the Republic of Uzbekistan.[1] The fact that dismissal of employees can be carried out only in the manner prescribed by law is also the most important guarantee of the right of citizens to work. Violation of this procedure, in turn, was considered a violation of the employee's right to work, and the possibility of protecting these rights of the employee in court was expanded. In particular, in accordance with Article 44 of our Constitution, everyone is guaranteed the protection of their rights and freedoms through the courts. Therefore, one of the main tasks of the courts in the current era of market relations is the correct implementation of labor legislation, quality and timely resolution of labor disputes, ensuring human rights in the field of labor relations and preventing their violation.

In recent years, our country has formed a real judicial system, which is an important component of the rule of law. The independence of the judiciary plays a special role in this process. The Address of President Shavkat Miromonovich Mirziyoyev to the Oliy Majlis has become a document of historical significance, which will serve to further deepen the reforms in this area. It identified a number of measures and tasks aimed at further democratization of the judicial system.[3]

It should be noted that the main part of the claims of those who apply to the courts are satisfied. It should also be noted that the main part of the claims in disputes arising from labor relations is satisfied by the courts.

Chapter 15 of the Labor Code of the Republic of Uzbekistan deals with "Labor Disputes" and Article 259 states: Individual labor disputes are labor laws and other normative acts between an employer and an employee. Disagreements arising from the application of the terms of employment provided for in the employment contract. In such cases, the employee representative bodies may be involved in the dispute representing the employee's interests[4].

"According to statistics, in 2019, the civil courts of the republic considered 4,233 cases of labor disputes, of which 1,964 were for reinstatement, 1,279 for recovery of wages, 196 for compensation of damage caused to the employer by employees and 700 for other disputes. associated with. During the year, 775 employees were reinstated on the basis of a court decision, and 873 employees were paid.

Also, in 2019, the Supreme Court reviewed a total of 242 civil cases related to labor disputes, overturned 22 court decisions in civil cases, satisfied the plaintiffs' claims, ie citizens were reinstated in their previous positions and paid for non-working days."[5]

Apparently, most of the labor disputes seen in court are related to reinstatement claims. Therefore, the grounds and procedure for termination of the employment contract remain a topical issue.

The bodies dealing with labor disputes are as follows.

1. Labor Dispute Commissions.
2. District (city courts)

The following disputes are considered only by the court:

- there is no labor dispute commission at the workplace;

- if the dispute is about the resumption of employment, change of time and grounds for termination of the employment contract;
- in the case of payment for the time spent on mandatory prog or low-paid work;
- on compensation of damage caused by the employee to the employer or by the employer to the employee;
- illegal refusal of employment;
- the dispute arose on an issue resolved in consultation with the employer and the trade union committee.

Bodies that have considered labor disputes must immediately enforce the decision:

1. On re-employment of the employee.
2. Returning an employee to another job.
3. Change the grounds for termination of the employment contract.
4. Payment of wages for a period not exceeding three months.

It will be necessary to fight to eliminate the causes of labor disputes. It should be noted that in recent years, appropriate measures are being taken in all areas to study the factors that lead to violations of labor legislation, to eliminate them, as well as to strengthen labor legislation, strengthen control over its implementation. In particular, the strengthening of the judiciary in this area, the further development of advocacy work on the study and application of labor laws by the courts is becoming a requirement of the times. Judicial authorities use specific procedural tools to prevent violations of the law in labor relations.

In particular, an in-depth investigation of the causes of labor disputes and the issuance of a special ruling to the relevant employers or officials to take measures to eliminate them (Article 19 of the CPC). However, the case law shows that it is unsatisfactory for the courts to issue a special ruling on the elimination of violations of the law against officials who have grossly violated labor legislation.

As an important procedural manifestation of the advocacy work carried out by the courts as a measure to eliminate the causes of labor disputes, it is important to consider labor disputes in mobile courts. It should be noted that the above procedural means of advocacy is carried out only by the courts. Consequently, resolving labor disputes in the employee's workplace, with public participation, is an important measure that is effective and enhances the effectiveness of the trial. Many legal scholars have also commented on the positive aspects of resolving labor disputes in mobile courts.

Indeed, the resolution of labor cases in mobile courts is an important form of improving the legal culture and education of citizens and officials, and helps to strengthen the rule of law and order.

It should be noted that the mobile court session is not reflected in the civil procedure legislation. This is one of the unique traditions in the civil process. However, the decision of the Plenum of the Supreme Court of the Republic of Uzbekistan "On the application of laws governing the termination of employment contracts by the courts" dated April 17, 1998 No. 12 it would be expedient if the explanations were given by the enterprise itself.

It is recognized that the untimely receipt of appropriate responses to court orders is an important factor in the violation of the deadlines for the preparation of labor cases for trial. In most cases, the courts will have to take procedural steps to gather evidence that is relevant to the case while accepting the employee's claim and initiating the case. In turn, it is not possible to resolve the case from the content without gathering this evidence. To this end, court orders will be sent and their defendants will have to wait for some time. As a result, there are cases of prolongation of the preparation of cases for trial.

If court orders were sent in order to prepare cases arising from labor relations in a timely manner, it would be expedient for the CPC to reflect the relevant provision on the suspension of the time for preparing a case for trial until a response is received.

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