деган ном билан юритилади. 1999 йил 17 июнда аъзо давлатларнинг Вазирликлар даражасидаги 3-конференциясида унга қўшимча Лондон протоколи қабул қилинди ва 2005 йил 4 августда кучга кирди. Протокол 36 та давлат томонидан имзоланган ва 24 та давлат унинг иштирокчиси ҳисобланади.

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АРБИТРАЖ СУДИНИНГ ЮРИСДИКЦИЯСИ: ҳозирги юриспруденция ва амалдаги муаммолар

Аннотация*:* арбитраж трибунаси узоқ вақтдан бери ўз ваколатини мустақил қўллаш имкониятига эга. Уни ажратиб турувчи "ваколатли ваколат" арбитраж судларида жуда машҳур.Универсал арбитраж судида вакалолатларни тартибга солиш ва тақдим этиш бугунги кунда кенг tarqalgan.Ushbu икки функция суд ваколатлари ўртасида низо ва тушунмовчилик келиб чиқишининг олдини олади. The Global Cavity of Commerce халқаро арбитраж тизимида вужудга келган тўсқинликлар ва тушунмовчиликларни ҳал etadi.Taqsimlash ва танлаш тамойиллари жаҳон амалиётида бизнес воситачилиги манфаатларини ҳимоя қилишнинг кенг тарқалган усулларидан биридир.

Калит сўзлар: арбитраж суди, Халқаро арбитраж, "Ваколатли-ваколат", TIAC, ICSID, UNCITRAL Модель қонуни, Singapore халқаро арбитраж маркази (SIAC), Хитой халқаро иқтисодий ва савдо арбитражи қўмитаси (CIEATAC), Халқаро савдо палатаси (ICC) ва Лондон халқаро арбитраж суди (LIAC)), “лекс арбитри”, Нью-Йорк конвенцияси.

Аннотация: трибунал имеет возможность выбирать свою собственную власть, которая является давно приобретенной властью совета. Регулирование различимости и предписание компетентности-умения - очень заметные идеи в универсальном арбитраже. Ожидается, что эти два предложения сохранят стратегическую дистанцию от какого-либо другого юридического сопротивления, которое может создать беспорядок в рамках арбитража. Global Cavity of Commerce предоставила Арбитражному суду место председателя арбитража для обсуждения проблем, возникающих в системе международного арбитража. Руководящие принципы отличимости и пригодности - это обычный аппарат, который в мировой практике посредничества в бизнесе был принят равным, чтобы культивировать интересы и последовательный поиск ключевых игроков.

Ключевые слова: арбитражный суд, международный арбитраж, компетенция-компетенция, TIAC, ICSID, Типовой закон ЮНСИТРАЛ, Сингапурский международный арбитражный центр (SIAC), Китайский международный экономический и коммерческий арбитражный комитет (CIETAC), Международная торговая палата (ICC) и Лондонский международный арбитражный суд (LIAC), lex Arbitri, Нью-Йоркский договор.

Abstract: the Tribunal has the ability to choose its own power, which is the council's far-acquired power. Distinguishableness regulation and competence-skill precept are very notable ideas in universal arbitration. The two proposition are expected to maintain a strategic distance from some other sort of legal impedance that may create disarray inside the arbitration framework. The Global Cavity of Commerce provided the Arbitral Court with a chair of arbitration to discuss the problems posed within the system of international arbitration. The guidelines of distinguishableness and fitness are customary apparatus that have been precept in global business mediation prac-

tices to peer that the interests and consistent quest for its key gamers are cultivated.

Keywords: arbitral tribunal, international arbitration, competence-competence, TIAC, ICSID, UNCITRAL Model law, Singapore International Arbitration Center (SIAC), China International Economic and Commercial Arbitration Committee (CIETAC), International Chamber of Commerce (ICC) and London International Arbitration court (LIAC), lex arbitri, New York treaty.

Global arbitration has developed the favored system of solving disagreements among many business associates in nearly all features of global trade, market, and investment. The determination of an argument by gives the meaning of global arbitration provides the parties with a chance to find resolution for their rows in a strictly confidential, intimate fee and period proficient method before an impartial trial of one's selection. Nevertheless, if one of the was to identify the only most crucial benefit of arbitral proceeding above process as signifies of agreeing cross boarder business arguments, it's the grade of inevitability that the revelries' treaty to judge will be appreciated and the final consequence of the arbitral proceeding, the arbitral reward, realized and imposed practically ubiquitously all around the globe. This's the impeccable success of the 1958 New York Treaty on the acknowledgement and implementation of overseas arbitral rewards.

The introduction of a dispute resolution mechanism in arbitration is a particular important in our country to ensure the protection of the rights and legitimate interests of business entities, improve the business environment and increase the country's investment attractiveness. To create a very favorable investment climate in Uzbekistan, comprehensive measures are being taken to liberalize the economy, create favorable legal conditions for investors, especially foreign investors, as well as strengthen international economic ties. According to statistics, the total investment in the first six months of 2019 amounted to 101 trillion sums. The share of foreign investments amounted to USD 5.6 billion. $ 2.1 billion is guaranteed by the state, and the remaining $ 3.5 billion is direct investment. This is 4.3 times more than last year. Last year, $ 2.8 billion was spent. Currently, foreign investors are investing more in construction, textiles, pharmaceuticals, food processing, electrical engineering and metallurgy. Until 2018, the oil and gas direction prevailed. Now his rate has dropped from 73 to 35 percent. This means that investments are starting to flow into other sectors as well.

On November 6, 2018, President Shavkat Mirziyoyev signed a decree on the establishment of the Tashkent International Arbitration Center (TIAC) at the Chamber of Commerce and Industry of Uzbekistan. The Center, as a non-governmental non-profit organization, conducts arbitration disputes between business entities registered in different countries, including foreign investors, in disputes arising from contractual and other civil law relations on investments, intellectual property and block chain technologies, provides advice to local and foreign businesses on how to prevent investment disputes, including if one of the parties is the state.

In our country, consistent work is underway to improve the dialogue between state structures and the population, to ensure reliable protection of the rights and freedoms of citizens and to introduce modern mechanisms for solving their problems. At the same time, the current stage of reforms in this area requires the creation of a unified system of pre-trial dispute resolution in state bodies, the transformation of mediation, arbitration and international arbitration into effective alternative dispute resolution institutions that have won the trust of citizens and entrepreneurs.

Starting the viewpoint of the lawful sequences adjusting worldwide arbitral proceeding in the interior of their limits, global arbitral proceeding establishes, among other things, a possibly not inconsequential affluence producing source. Consequently, the vast major part of permitted sequences attempt in order to keep the efficiency of worldwide adjudication to confirm and inspire the attraction of arbitral conflict as a substitute process of argument determination. One of the basic concepts of learning international regulation is the need to use the international legitimate sites as they are used in their republic of origin. In other words, respect the structure of bases in the overseas world. This is a legal theory which applies to all lawful orders. Nevertheless, one faces many difficulties in its application; first and primarily, in gaining correct information about the value of different sources of law in the operation of the international legal system. Consequently, the corresponding weight of specific legitimate orders can only be calculated with reasonable certainty. For most cases, ascertaining such hierarchy structure, one must rely on secondary legal sources.

Since there are major differences in the categorization and hierarchy of legal sources, especially among civil and common law judicial systems, these variations will be taken into account in this analysis. Much of the discrepancies turn round the interpretation of doctrinal documents and official rulings, which can be categorized as monitors: legal precedents in England should be considered as (principal) legal sources. They will rank directly after procedural law, in the hierarchy of legitimate orders. This will also focus on how English law should be interpreted, i.e. the layout of the section in question must follow the precedent line as stipulated by English courts. In comparison, legal precedents in Germany and Switzerland may be used as a secondary system of authority to support in the clarification of main legal foundations. In general, the developed and highest court of law decisions in the judicial system of the lawful order (i.e. the Federal Court of Justice and the Federal Supreme Court) will be given considerable attention. And from the other side of the coin, works of legal experts will be used as a secondary legal foundation for interpreting principal bases and precedents. Academic writing would be weighted more heavily in Germany and Switzerland than it will be in Britain.

Within the summary of the origins of legislation the comparatively least troublesome source tends to be procedural legislation. The number of issues here relate to its definition, rather than to the role of this system of authority in the chain of command of lawful bases.

In general, international foundations shall be viewed in the similar method as they are viewed in their nation of birth. In a nutshell, one of the big difficulties in this respect is to define the precise quantity among concrete and purposeful approaches to constitutional law. Although the strict tactic to legislative explanation is prevalent in English law and an English court looks beyond the language of the statute to characterize its significance in very specific situations, a purposeful approach to legislative intent prevails in countries with the lawful tradition with civil law.

Arbitration has evolved very significantly since the era when, even in the first decades afterwards the approval of the New York Treaty, it was entirely the national law's captive. Today it has gained a very marked freedom from domestic legal systems, and unwanted interferences from

local law are probably more the exception than the rule. Whilst one can expect that the situation will further evolve as an ever-greater number of states adhere to a more arbitration-friendly culture, it is unrealistic to expect that the influence of national law can recede entirely. Complete autonomy from national law will continue to operate only for arbitrations under the auspices of ICSID.

This should not necessarily be a reason for apprehension, even if one believes that global marketable negotiation should be a means for the deal of disagreements completely alternative to national court systems and is a system that must remain as detached as possible from national law. Indeed, in the majority of cases there are effective tools to keep the influence of national law within reasonable and acceptable limits. For the parties, the key to achieving this goal is a sensible appointment of the seat of the negotiation that gives them desired degree of autonomy and affords them a proficient and arbitration – responsive system, which perfectly grants them entire liberty they require, though simultaneously being accessible to make available the essential bolster and misunderstanding when necessary. If the arbitration only has connections with nations which contribute to a substantial idea of arbitration, some issues are to be predictable.

In a broader and systematic perspective, it is to be hoped that states will adopt an extra nuanced method to the power of national regulation on settlement and on the responsibility of the lex arbitri. In the interest of furthering arbitration, states should avoid blindly deferring to the decisions of foreign states, including the government of the seat, in matters of arbitration. Those decisions should be taken into consideration and possibly recognized only insofar as they comport with truly pro-arbitration and generally accepted standards. When this is not the case, states should exercise their own control over awards at the enforcement stage, without paying respect to the choices of overseas courts of law.

One of the main goals is to improve the system for protecting the rights and legitimate interests of individuals and legal entities, expanding alternative options for resolving disputes, as well as dramatically increasing the role of international arbitration, mediation and arbitration courts in optimizing the workload of courts.

In accordance with the Economic Procedure Code and the Civil Procedure Code of the Republic of Uzbekistan, the judge determines the possibility of concluding a settlement agreement or an alternative solution to the dispute and explains their legal consequences. It is known from world practice that the creation of alternative mechanisms for resolving disputes in the legal community is considered as an effective means of achieving the restoration of violated rights of individuals and legal entities.

There are a number of systemic problems that do not allow enterprises to effectively protect the rights and interests of foreign investors, to further improve the business environment and increase the investment attractiveness of Uzbekistan. Lack of a regulatory framework governing international arbitration in Uzbekistan, which leads to an increase in the costs of foreign investors and local businesses, who are forced to resort to international arbitration; Current legislation, including the Law of the Republic of Uzbekistan "On Arbitration Courts", limits the parties' ability to consider investment disputes in accordance with international arbitration standards with the involvement of foreign arbitrators and the application of foreign law; The lack of clear legal mechanisms for the implementation of international arbitration decisions in Uzbekistan negatively affects the confidence of foreign investors in the country's judicial system, which reduces the country's investment attractiveness; training and retraining of local arbitrators and other specialists in the field of international arbitration is not established.

International arbitration has become an acceptable way to resolve international disputes between business partners in almost all areas of international trade, commerce and investment. In 2019, 479 disputes were settled by the Singapore International Arbitration Center (SIAC) under the Singapore Arbitration Law, 1,200 disputes were settled by the China International Economic and Commercial Arbitration Committee (CIETAC), 875 disputes by the International Chamber of Commerce (ICC) and London Court of International Arbitration (In the LCIA court) 450 disputes were resolved in accordance with the UNCITRAL Model Law. In this regard, one of the problems in almost every jurisdiction is to find an acceptable balance between the interests of efficiency and legality of arbitration proceedings. The arbitration system is consensual in nature, the jurisdiction of the court to consider a specific dispute can also be transferred if arbitration jurisdiction can be established. Thus, the courts, as a starting point, should be empowered to rule on their jurisdiction, including any circumstances that may preclude it (i.e. the existence, validity and applicability of the arbitration agreement). However, most court decisions today also recognize the right of judges to make decisions in their jurisdiction. This increases tensions between jurisdictions to determine if an arbitration agreement exists, as well as the ability of arbitrators to determine their own jurisdictions.

Our national legislation contains a number of laws on the protection of entrepreneurship, in particular, the Constitution of the Republic of Uzbekistan, the Economic Procedure Code, "Special Economic Zones", "On investment and investment activities", "On public-private partnership", "On guarantees of freedom of entrepreneurship", “Law of Audit”, etc.

The Strategy of Actions in five priority areas of development of the Republic of Uzbekistan for 2017-2021 also includes the reform of the judicial system, the introduction of modern information technologies, ensuring reliable protection of the rights and freedoms of citizens in the judicial system, law enforcement and regulatory bodies. is aimed at ensuring unhindered access to justice, increasing the efficiency of processing court documents and other documents, reducing state participation in the economy in order to achieve a sustainable economy and sustainable income, protecting private property rights and strengthening its priority, encouraging small business and private entrepreneurship. Tasks, such as the continuation of institutional and structural reforms, increasing its competitiveness through the modernization and diversification of key sectors of the national economy, ensuring the rule of law and justice throughout the country is an unconditional process of the judiciary. Due to the fact that the coronavirus pandemic has caused a number of inconveniences for the continuation of business and investment activities, now enterprises and participants in international investment activities or ordinary citizens can conclude electronic contracts, negotiate electronically, organize electronic tenders and, of course, ensure justice - one of the priorities. Consequently, in the process of pre-trial dispute resolution, the Arbitration and Mediation Centers must recognize the agreements concluded by the parties based on electronic negotiations on arbitration and mediation, clearly defining which program or electronic signature of the parties. It is

also necessary to introduce into the legislation online arbitration to make it easier for the parties in the event of a global pandemic emergency and in the future. And, of course, the draft law on international commercial arbitration should include the acceptance of each document in electronic form as evidence, based on the experience of the USA, UK, United Arab Emirates and Singapore.

At the same time, there are a number of systemic problems that do not allow business to effectively protect the rights and interests of foreign investors, to further improve the business environment and increase the investment attractiveness of Uzbekistan. In particular:

first, the lack of a legal framework regulating international arbitration in Uzbekistan leads to an increase in the costs of foreign investors and local enterprises, which are forced to resort to international arbitration in foreign countries to resolve disputes;

secondly, the current legislation, including the Law of the Republic of Uzbekistan "On Arbitration Courts", limits the ability of the parties to consider investment disputes in accordance with international arbitration standards with the involvement of foreign arbitrators and the application of foreign law;

thirdly, the lack of clear legal mechanisms for the implementation of international arbitration decisions in Uzbekistan negatively affects the confidence of foreign investors in the country's judicial system, thereby reducing the country's investment attractiveness;

fourthly, there is a lack of training and retraining of local arbitrators and other specialists in the field of international arbitration.

The study examined the experience of countries with developed legal systems based on different legal systems, in particular, the UNCITRAL model laws adopted by Germany, Great Britain, Japan, Singapore, the CIS countries, Kazakhstan and the United Nations.

International arbitration has become an acceptable way of resolving disputes between business partners in almost all areas of international trade, commerce and investment. International Arbitration Dispute Resolution allows the parties to resolve their disputes in a personal, confidential, economic and time-saving manner in a neutral court of their choice. However, if someone identifies arbitration as the most important priority of arbitration as a means of resolving disputes, it is necessary to determine the degree of confidence of the parties that the arbitration agreement will be respected and that it will be the result of the arbitration.

In this regard, one of the problems in almost every jurisdiction is to find an acceptable balance between the interests of efficiency and legality of arbitration proceedings. The arbitration system is consensual in nature, the jurisdiction of the court to consider a specific dispute can also be transferred if arbitration jurisdiction can be established. Thus, the courts, as a starting point, should be empowered to rule on their jurisdiction, including any circumstances that may preclude it (i.e. the existence, validity and applicability of the arbitration agreement). However, most court decisions today also recognize the right of judges to make decisions in their jurisdiction. This increases tensions between jurisdictions to determine if an arbitration agreement exists, as well as the ability of arbitrators to determine their own jurisdictions.

Under article 16 of the UNCITRAL Model Law on International Commercial Arbitration of 1985, the powers of the Arbitral Tribunal to decide matters within its jurisdiction are as follows:

(1) The arbitral tribunal may rule on any matter within its jurisdiction, including:

Objections to the existence or validity of an arbitration agreement, to this end, an arbitration clause that forms part of a contract should be treated as an agreement independent of the other terms of the contract. The decision of the arbitral tribunal on the invalidity of the contract does not invalidate the ipso arbitration charter.

Pursuant to section 30 of the United Kingdom Arbitration Act 1996, the Court's jurisdiction is as follows:

(1) Unless the parties have agreed otherwise, the arbitral tribunal may decide within its jurisdiction, namely:

(a) Whether an arbitration agreement exists or not;

(b) Whether the court is properly organized

(c) What is involved in the arbitration in accordance with the arbitration agreement.

(2) Any such decision may be appealed or revised in accordance with the existing arbitration proceedings or the provisions of this section.

The adoption of the Law of the Republic of Uzbekistan "On International Commercial Arbitration" and the establishment of arbitration jurisdiction in it creates the following advantages for our legislation:

– Gathers practitioners of international arbitration courts and experienced and qualified arbitrators who are well versed in combining civil law procedures with elements of common law;

– A legal environment will be created that will help to resolve disputes successfully, striving for time and savings;

– By agreement of the parties, in addition to local law, the legal system chosen by agreement of the parties, as well as the law of a foreign state may be used in resolving disputes;

– Enforcement of decisions of arbitration courts in the territory of the Republic of Uzbekistan is carried out in the manner prescribed by the legislation, as well as international treaties of the Republic of Uzbekistan;

– Cost: Historically, arbitration has often seen disputes as a moderately cheaper method than litigation;

– Speed. With a few exceptions, arbitration tends to follow a more precise and defined time interval to resolve a dispute, and judges do not always face excessive workload and workload, which leads to faster final decisions;

– Justice: Arbitration judges are often selected by agreement of both parties, using a third party arbitration service or the method specified when access from both parties is permitted. This means that in many cases neither side controls who the arbitrator (or arbitrator) is;

– Conclusion. Often, it is very difficult to appeal arbitral awards, even if the judge has made gross errors. This can be a positive factor in ending the final discussion in one way or another and allows the parties to continue;

– Simplified Procedures: A typical trial process can involve many documents, multiple discussions, testimony, subpoenas, and other similar processes. Arbitration can destroy some or all of the time-consuming and costly litigation tools.

– Confidential: Arbitration proceedings are not held in public and records are not part of public records. In some cases, this can be very beneficial for the parties.

In conclusion, the Law on International Commercial Arbitration plays an important role in maintaining Uzbekistan's reputation as an international arbitration center in the region. The Law on International Arbitration is a harmonization of the UNCITRAL Model Law. The adoption of

this law will also coordinate Uzbekistan's efforts to develop a legal environment conducive to investor confidence.

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НЕКОТОРЫЕ ВОПРОСЫ СТАНОВЛЕНИЯ СИСТЕМЫ РЕГУЛИРОВАНИЯ МЕЖДУНАРОДНОГО РАЗДЕЛЕНИЯ ТРУДА

Аннотация: В статье рассматриваются общие вопросы международного разделения труда, формирование и развитие системы регулирования международного разделения труда с учетом развития международной торговли.

Ключевые слова: международная торговля, международное разделение труда, глобализация, торговля и инвестиции.

Abstract: The article examines general issues of the international division of labor, the formation and development of a system of regulation of the international division of labor, taking into account the development of international trade.

Keywords: international trade, international division of labor, globalization, trade and investment.

Аннотация: Мақолада халқаро меҳнат бўлинишининг умумий жиҳатлари кўриб чиқилган бўлиб, унда халқаро савдо муносабатлари ривожланишидан келиб чиқиб халқаро меҳнат бўлинишини тартибга солиш тизимининг шаклланиши ва ривожланиши таҳлил қилинган.

Калит сўзлар: халқаро савдо, халқаро меҳнат бўлиниши, глобализация, савдо ва инвестиция.

Международное разделение труда (далее – МРТ) является важным фактором развития международной экономики, находящийся в ее основе. Понятие МРТ можно проиллюстрировать таким образом, что человек, который достаточно хорошо владеет определенной квалификацией и способен профессионально выполнять свою работу, является гарантией качества и своевременности для какой-либо фирмы или компании. Это дает значительные преимущества перед организациями, в которых сотрудники вынуждены уделять внимание на множество процессов, происходящих вокруг одновременно. Также происходит и на международном уровне, где определенная страна может специализироваться на производстве конкретных товаров и услуг.

Сформированный на сегодняшний день мировой рынок обладает огромным количеством различных товаров и услуг, которые подтверждают наличие и влияние международного экономического разделения труда. Основополагающим механизмом, обусловливающим нарастающий разрыв в уровне и качестве жизни, является международное разделение труда.

Важным является рассмотрение каким образом формировалось международное разделения труда и его система регулирования. Начиная с XVI века международная экономика прошла несколько этапов разделения труда.

Первое международное разделение труда, охватывающее ранний период европейской колонизации, было основано на элементарном обмене между основными странами и вытеснении с экономической периферии. Из истории известно, что основными странами в Европе были центры военного и торгового контроля. Эти страны занимались сельскохозяйственным, мине-