

HEARING A CASE IN COURT IN MEDIATION ORDER

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Abstract

This article examines the norms of collisions and measures to eliminate them in our national legislation.

Keywords: normative legal act, collision in law, legal norm, citizenship law, defect.

Introduction

In the process of Democratic updates carried out in our country study the causes of the occurrence of defects in regulatory legal acts and to eliminate them, in turn, bring to life complex measures in this area it assumes implementation.

Prevention, detection and elimination of defects of regulatory legal acts the success of making activities is largely determined by the creator of the norm depending on the examination of the causes of the origin of the defects, because of a certain by understanding the mechanisms of the origin of the phenomenon, we can influence this phenomenon we get.

Analysis of the content of collisions as a defect in regulatory legal acts first of all, the essence of this concept is inherent in determining it analyzing the signs, it aims to study their relevance and differences according to. Collisions between regulatory and legal acts and to understand the cause, nature of contradictions, as well as for scientific analysis such as "legal collisions" and "legal conflict" formed in jurisprudence it is necessary to understand the meaning and meaning of the concepts.

"Collisio"(Latin for collisio-to "conflict") is the name of the opposing forces, meaning the confluence of actions, interests and views. A word in other words, collision is conflict, conflict.

It should be noted that some of the terms used in scientific circulation are legal the content does not always coincide with their etymological meaning. Because, legal that the language differs to some extent from the generally accepted literary and treatment language can. Therefore, the term "collision" is conditional in nature, as the right in his theory, it is mainly used in the literal sense.

In modern legal Science, the only one on this phenomenon of law is the non-existence of the approach is accompanied by other cases of legal existence, collisions in law and in legislation also greatly limit the possibility of differentiation. Consequently, the phenomenon of law from other phenomena of social reality (social order, "natural law", on freedom and Justice of individual persons subjective views) without having strict criteria for differentiation, this classification of collisions is not possible. In turn, the right to the emergence of new

approaches to the essence was later described as "in law bthe fact that the views on the content of the concept of"collisions" also lead to a change can.

Since the legislation is a complex, multidisciplinary structure, it contains various defects, imbalance, inconsistency, inconsistent rules, competing norms and institutions, collisions may exist. In recent years the legislation of our country is in the direction of deciding market relations developing and growing rapidly in quantity. Our laws are developing intensely, that is, they have been changed and replenished more and more often and are being readmitted in a new edition. Correction of a large part of legal norms based on the requirements of the period, coordination of new life realities, adaptation to international standards, improving efficiency, batartibization and systematization are the same necessity.

Description of the content and essence of legal collisions law and law it should not be based on contrasting each other in a strict way. Because, such the situation is incorrect the position of the right as an important regulatory regulator in society not to evaluate and, as a result, to reduce legal collisions may cause Expansion[1].

Law, which is considered its main base category in law there are no single approaches to describing the phenomenon. In such conditions as a "defect" in regulatory legal acts, the studied "in law definitions between the concepts of" collysia "and" collysia in law" identification is quite difficult. Because, of the concept of" legal collisions the scope of the content includes only collisions between regulatory legal acts whether to include (contradictions) or all that fall within the scope of the concept of law the question of whether it is necessary to introduce conflicts between events remains open. So, on the concept of law, a unified approach in the science of law considering that it is not formed, the separation of collisions in law and legislation today we see that it is not desirable.

In turn, the collisions that are defects in regulatory legal acts, they are it should be distinguished from the competition between. Competition between regulatory legal acts by definition, two and more norms of law are of a kind without contradicting each other or even more clearly and in full volume different sides of the related social relations is understood to regulate[2]. Competing norms are two that are not mutually dependent, but differ only in different degrees of accuracy and size, it is understood that three or more norms regulate a kind of social relationship. These are generally different levels of law, with different legal powers are the norms adopted by the bodies of creativity. Of legal norms competition is actually normal. However, in contrast to the differences in norms being a negative condition, it often leads to unpleasant consequences. Conflicting norms they cannot agree, they are mutually exclusive[3].

For example, the general organization and functioning of legal entities the basics of strengthening in the Civil Code of the Republic of Uzbekistan however, it is more specific, aimed at regulating the relationship in this regard norms are established by the relevant regulatory legal acts (PA Protection of the rights of Joint-Stock Companies and shareholders of the Republic "on making," on private enterprise " and other laws). Such in cases, the norms of law really enter into competition and make this situation can be considered

natural. While collisions between regulatory and legal acts are, not only do not overlap the norms of law, but also collide them and their mutual denial.

To mention the following types of collisions in our national legislation can:

1. Collisions between laws and Under-Law documents. Basharti mazkur in the event of type defects, the issue is decided in favor of the law. Because, the law it has a high legal force and its superiority must be ensured (Uzbekistan Articles 15 and 16 of the Constitution of the Republic). Several laws on one topic (or other regulatory legal act) and if there is one they contradict each other if it remains, the provisions of the law (document) adopted later on in terms of duration will apply.
2. Collisions between the Constitution and other regulatory legal acts. Such legal disputes are resolved in favor of the Constitution, since the Constitution to the Supreme legal force in relation to all laws and other regulatory legal acts has. In the second part of Article 16 of the Constitution of the Republic of Uzbekistan as strengthened, "not a single law or other normative legal act It cannot violate the norms and rules of the Constitution".
3. The Republic of Karakalpakstan by the laws of the Republic of Uzbekistan collisions that can arise between laws. Karakalpakstan The Constitution of the Republic of Uzbekistan is contrary to the Constitution of the Republic of Uzbekistan cannot be (Article 74). Law of the Republic of Uzbekistan. It is also mandatory on the territory of the Republic of Karakalpakstan. Thus, Constitution Of The Republic Of Karakalpakstan Of The Republic Of Uzbekistan. The Constitution of the Republic of Karakalpakstan and the laws of the Republic of Uzbekistan. It is obliged to fully comply with the Constitution and laws of the Republic.
4. Norms of international law with the norms of national legislation of the country collisions between. As enshrined in the preamble of the Constitution of the Republic of Uzbekistan, the generally recognized provisions of international law in Uzbekistan the advantage is recognized[4].

On the concept of collisions between regulatory legal acts to this concept, summarizing the approaches cited above we believe that it is necessary to give a definition in a narrow and broad sense. By collisions between normative acts in a narrow sense, one can understand the contradictions between two and more normative acts. In a broad sense, however, collisions between regulatory legal acts mean that they are the same or similar regulatory legal acts regulating social relations, as well as the application of the right and by public authorities and officials conflict or discrepancies that arise in the process of exercising their powers it should be understood.

Of the concept of collision, which is a defect in regulatory legal acts judging by our analysis on the content and legal nature, this negative it will also be necessary to note the manifestation of the phenomenon in different manifestations. Consequently, in relation to the concept of collisions between regulatory and legal acts many aspects and variety of approaches classify them in a certain way causes the need. In addition, the law of collisions in legislation when revealing its nature, it is also overlooked that it manifests itself in different manifestations we should not leave aside.

In the process of Democratic updates carried out in our country study of the causes of the origin of collisions between regulatory and legal acts and to prevent them, in turn, take complex measures in this area it is necessary to bring to life. Between regulatory legal acts it is more beneficial to prevent collisions than to solve and end them, and it is desirable. In this respect, objective and subjective in our country determining the causes of the origin of collisions in legislation on the basis of factors is many in terms of conducting in-depth research on the problems in this regard and they depends on the implementation of the resulting theoretical developments into practice.

References

1. Ergashev M.M. Collisions in legislation and the mechanism of their resolution. –T.: TDYuI, 2013. – B.6.
2. Matuzov N. I. Ponyatije I prichini yuridicheskikh kollizi / / Teoria gosudarstva I prava. Matuzov N.I., Malco A.V. M.: Jurist', 2014. - S. 354.
3. Odilgoriev X. Theory of state and law. Textbook. - Tashkent: Justice, 2018. –B.445.
4. Khudoyberdiyev A.Q. Collisional issues in our national legislation / / legal problems of preventing conflicts and improving the mechanism of their solution. The Republic scientific and practical conference is complete.- Tashkent: TDYuI, 2013. – B.106-107.
5. Seydullaev Sh., Ergashev M. Legal conflict. Əlaqə:TDYU, 2018. – B.48