

## LEGAL STATUS OF THIRD PARTIES IN CIVIL PROCEEDINGS

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### Abstract

This article examines issues related to the participation of third parties in civil proceedings. It describes the legal status of third parties, how they can intervene in a case, and what rights and obligations they have. Special attention is given to the differences between third parties asserting independent claims in the dispute and those who do not. The article also discusses the procedural position of third parties and their role in civil proceedings. It emphasizes the importance of third-party participation in protecting their rights and interests in judicial proceedings.

**Keywords:** Third parties, civil proceedings, legal status, independent claims, procedural position, protection of rights and interests, participation in judicial proceedings.

### Introduction

The judicial and legal reforms being carried out in our republic play an important role in strengthening the rule of law, ensuring justice and developing society as a whole.

The relevance of the legal status of third parties in civil proceedings can hardly be overestimated. In civil society, where interaction between people is constantly increasing, the participation of third parties in the process is becoming more and more significant.

The civil process pursues the goal of resolving conflicts between the parties. However, third parties may have a direct interest in the outcome of these processes, even if they are not direct parties to the dispute. For example, these could be suppliers of goods or services, neighbors, community organizations, or others who may be affected by the outcome of the case. Third parties may have rights or obligations that must be taken into account within the framework of civil proceedings. Their interests may be protected or violated depending on the decisions made in the process. Therefore, the inclusion of third parties in the process is necessary to ensure the fairness and completeness of the case.

Current changes in legislation and judicial practice also take into account the role of third parties in civil proceedings. According to the Decree of the President of the Republic of Uzbekistan, dated 13.07.2018 No UP-5482 "On measures to further improve the judicial system and increase confidence in the judiciary", the implementation of the courts to provide the participants in the judicial process with explanations of the essence of the adopted judicial act after its promulgation and quarterly briefings by the chairmen of

regional courts and their deputies in order to inform the public and the media about the activities of the courts<sup>1</sup>.

Thus, the legal status of third parties in civil proceedings remains a relevant and important aspect of the judicial system, since it ensures the protection and consideration of the interests of all interested parties and contributes to the achievement of justice.

Depending on the nature of the substantive interest in the outcome of the case in the dispute between the plaintiff and the defendant, the procedural legislation distinguishes two categories of third parties. They can enter the process before the court decision is made and have the same rights and obligations as the plaintiff. If such persons join the case after the commencement of the trial, the case shall be reviewed from the outset. Article 49, in turn, deals with situations where third parties do not make independent claims in a dispute, but their rights or obligations may be affected by a court decision. In such cases, they can also intervene in the case before the court decision, on the side of the plaintiff or the defendant. They have the procedural rights and obligations of the parties, but cannot change the essence of the stated claims. If their claims are recognized, the court may assign the performance of the obligation to a third party. If a third party joined the case after the start of the trial, the case is re-examined.

The essence of these norms is to regulate the participation of third parties in the civil process, both those who put forward their own claims and those who join the case without them. This helps to ensure the fair participation of all stakeholders and the correct consideration of their interests in the court's decision.

According to D. Khabibullaev, third parties are divided into types based on the content, interests and legal consequences of these persons<sup>2</sup>. The parties to the case are third parties who have an interest in the outcome of the case and act in their defense. These persons can be both citizens and legal entities. Third parties can join the case only within the framework of the claim proceedings. Third parties filing independent claims regarding the subject of the dispute shall act to protect their rights on the disputed issue. For example, in the division of jointly acquired property between spouses, the third party filing independent claims may be the person asserting his ownership of this property.

However, the study of scientific literature and the practice of applying legislation shows that in some cases third parties are involved in the case without due justification<sup>3</sup>. The problem is how to exclude such persons from participation in the civil process. It should be noted that the third party can be excluded only after one of the parties files a motion to exclude him from the number of participants in the process. If we talk about the process of involving a third party as a participant, then he can file a petition on his own, or his participation can be

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<sup>1</sup> Decree of the President of the Republic of Uzbekistan, dated 13.07.2018 No UP-5482 "On measures to further improve the judicial system and increase confidence in the judiciary". National Legislation Database, 14.07.2018, No 06/18/5482/1506.

<sup>2</sup> Хабибуллаев Д. Фукаролик процессуал ҳуқуқи. Саволлар ва жавоблар. ТДҲИ, 2010. 280-б. 31-б.

<sup>3</sup> Miroshnichenko I.R. Some problematic issues of participation of third parties in civil proceedings. 2021. №6 (58). Pp. 193-197.

allowed at the request of one of the disputing parties or at the initiative of the court. However, the procedure for excluding a third party from an already initiated process is not regulated by law. Even if the court concludes that further participation of a third party is not required, it remains impossible to exclude him from the number of participants in the case. Third parties who put forward independent claims can join the case at any stage before the court decision is made. They file their own statement of claim, pay the state fee, bear costs and obligations, and also have the rights of the plaintiff, including the possibility of waiving claims or changing their amount. When initiating measures to secure the claim, the third party filing independent claims is responsible for the losses caused in accordance with the law.

Third parties filing independent claims can file a claim against both the plaintiff and the defendant. The claims of the plaintiff and the third party filing independent claims are mutually exclusive. If the third party putting forward independent claims has not joined the process, he does not lose the right to file his own statement of claim.

Third parties who do not put forward their own claims in the dispute are those who take part in the case on the side of the plaintiff or defendant due to the fact that the court's decision on this dispute may affect their legal status. Their interests coincide with the interests of the plaintiff or the defendant. Such third parties enter the process before the court begins to discuss the case for a decision. They can be involved in the process on their own initiative, at the request of other participants in the case or at the initiative of the court.

The absence of the involvement of a third party who does not make its own claims does not mean that the future court decision will not affect its legal status, for example, in the case of a claim within the framework of recourse. According to the procedural legislation, a person who has paid compensation for damage caused to another person (for example, to an employee in the performance of his duties, to a driver of a vehicle, etc.) has the right to a reverse claim (recourse) against this person in the amount of the amount paid, unless otherwise provided by law.

At the same time, a person who has suffered damage because of a court decision has the right to appeal this decision to a higher authority. Thus, a third party who was not involved in the process as a participant who does not put forward his own claims can appeal against a court decision that affects his rights and obligations.

However, the position of the third party, who puts forward his own claims regarding the disputed issue, resembles the position of the co-plaintiff in the process, so it is necessary to distinguish between these participants in the judicial process.

Co-plaintiffs are two or more plaintiffs who have similar claims against the defendant. The claims of co-plaintiffs are always aimed at the defendant and do not exclude each other. According to M. Mamasiddikov, the difference between co-plaintiffs and third parties is that they do not have a difference of interests<sup>4</sup>.

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<sup>4</sup> Фуқаролик процессуал ҳуқуқи. Умумий қисм. Мамасиддиқов М. 2012. 516-6.107-6.

The difference between third parties who put forward their own claims and co-plaintiffs is as follows:

a third-party claim may not be filed at the same time as the original claim, unlike in the case of co-plaintiffs;

the claim of the original plaintiff and the claim of the third party, which are aimed at the same disputed object, exclude each other;

Both third parties putting forward their own claims and co-plaintiffs claiming the same object of dispute are in conflict with each other (dispute between claimants).<sup>5</sup>

It follows from this that the claims of a co-plaintiff are always directed to the defendant within the framework of the initial claim, while the claims of a third party who puts forward his own claims can be addressed to both the plaintiff and the defendant at the same time. The claims of co-plaintiffs are always interrelated, while the claims of a third party and a co-plaintiff necessarily exclude each other, since the court satisfies the claims of only one of them in its decision.

A third party who does not make his own claims on the disputed issue (a third party with collateral participation) is a person who participates in the case on the side of the plaintiff or the defendant, since the decision on the case may affect his rights or obligations in relation to one of the parties<sup>6</sup>.

The following features are characteristic of third parties that do not put forward independent claims in dispute:

- the absence of own claims on the controversial issue.
- joining the case already initiated by the plaintiff and participating in it on the side of the plaintiff or the defendant.
- communication only with one of the participants in the process, on whose side the third party acts, since the court's decision in the case may affect his rights and obligations.
- protection of the third party's own interests, since his rights and obligations may be affected by the decision on the case.

A third party who does not make claims in dispute should be distinguished from the relevant defendant. The difference between these persons lies in their interests in the case. While the relevant defendant always confronts the plaintiff and is liable to him, the third party who does not put forward its own claims in the dispute is in substantive legal relations only with the defendant, and not with the plaintiff.

A third party who does not put forward his own claims in the dispute has limited rights in comparison with a third party who puts forward his own claims. This restriction is due to the fact that a third party without its own claims does not claim the object of the dispute and is not considered a potential participant in a substantive dispute.

However, both categories of persons are characterized by joining the process initiated by the parties. Third parties never act as initiators of a civil case, but only join it. At the same time, they are supposed participants in the substantive legal relationship, and also have a common

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<sup>5</sup> Civil Procedural Law / Ed. by M.S. Shakaryan. Moscow, 2004. - 584 p. 90-p.

<sup>6</sup> Civil Process / Ed. by M.K. Treushnikov. Moscow, 2007. - 320 p. 89-p.

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substantive interest associated with the binding nature of the court decision, as M.A. Gurvich notes<sup>7</sup>.

The norm presented in Article 49 of the Civil Procedure Code emphasizes the relevance of discussing the rights and obligations of third parties in civil proceedings. According to this rule, the recognition by a third party of the rights of violation of the plaintiff's rights may lead to the imposition of an obligation on the third party. It is also possible to conclude an amicable or mediation agreement between the plaintiff and a third party. However, the norm does not explicitly define the rights and obligations of third parties in such situations. It is therefore important to conduct further discussion and research on this topic in order to clarify the full range of rights and obligations of third parties in the context of civil proceedings.

Summing up the above, the following definition can be given: "Third parties are persons who join the civil process already initiated by the parties in order to protect their subjective rights or legally protected interests, since the decision on the case may affect their rights or obligations in relation to one of the parties."

It is advisable to supplement Part 5 of Article 49 of the Civil Code with the following provision: "At the same time, third parties who do not make independent claims regarding the subject of the dispute have the right to act as parties to the settlement agreement in cases where they acquire rights or are obliged under the terms of this agreement."

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<sup>7</sup> Gurvich M.A. General Obligation and Legal Force of the Judicial Decision // Proceedings of the VYUZI. Moscow, 1971. - VOL. XVII. - P. 186-187.