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LEGAL PRINCIPLES OF REGULATION OF MEETING DECISIONS AND RELATED ISSUES

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ABSTRACT

This article analyzes both the practical and theoretical aspects of the formation of civil law relations as a result of the decisions of the meeting and the need to adopt regulations governing them. In addition, the article defines the legal nature of the decision of the meeting as a legal fact, a comprehensive study and analysis of various decisions of the meeting, the study of the legal consequences of invalidity of the decisions of the meeting, the elements and conditions of the decision. Also, in the article, the gap in the legislation regulating the adoption of meeting decisions and the legal consequences they cause in citizens' self-governing bodies was also discussed in detail, and the author gave his suggestions.

KEYWORDS

Meeting resolution, decisions of the Plenum of the Supreme Court, legal fact, corporate legal relations.

INTRODUCTION

In our country, in law enforcement agencies, state and administrative bodies, local governments, self-governing bodies, enterprises and organizations, organize work, organize the implementation of assigned tasks and consider important issues related to the field at its meetings and make appropriate decisions on the issues considered is important.

Article 82 of the Constitution of the Republic of Uzbekistan clearly stipulates that decisions of the Legislative Chamber and the Senate of the Oliy Majlis of the Republic of Uzbekistan shall be adopted by a majority vote of the total number of members of the Legislative Chamber or the Senate. In particular, the Legislative Chamber and the Senate of the Oliy Majlis of the Republic of Uzbekistan make decisions on issues within their jurisdiction .

V.C. Mikhaylov said that it is not entirely clear which organization's body the general meeting is, because the concept of "management body" means that it belongs to a certain organization and it is formed to carry out the legal activities of a certain organization.

In the same way, the Plenum of the Supreme Court of the Republic of Uzbekistan, which is the executive body of the Supreme Court of the Republic of Uzbekistan, works in the composition of the judges of the Supreme Court of the Republic of Uzbekistan, the chairpersons of the Court of the Republic of Uzbekistan and the Administrative Court of the Republic of Uzbekistan.

THE MAIN FINDINGS AND RESULTS

The chairman of the Constitutional Court of the Republic of Uzbekistan, the chairman of the Supreme Council of Judges, the Prosecutor General, the Minister of Justice, the chairman of the Chamber of Advocates, judges, as well as the members of the scientific advisory council of the Supreme Court of the Republic of Uzbekistan can participate in the sessions of the Plenum of the Supreme Court of the Republic of Uzbekistan.

The Plenum of the Supreme Court of the Republic of Uzbekistan is convened as necessary, but at least once every four months.

The Plenum of the Supreme Court of the Republic of Uzbekistan is competent if at least two-thirds of the members of the Plenum are present.

Plenum of the Supreme Court of the Republic of Uzbekistan:

- examines materials summarizing judicial practice and provides explanations on issues of application of legislation;
- considers the issue of introducing draft laws developed as part of the legislative initiative to the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan;
- Appeal to the Constitutional Court by the Chairman of the Supreme Court regarding the issue of official interpretation of the Constitution and laws, as well as an appeal to the Constitutional Court regarding the issues introduced by the courts on the conformity of normative legal documents to the Constitution of the Republic of Uzbekistan to be applied in a specific case reviews its submission for inclusion;
- approves the composition of the scientific advisory council under the Supreme Court of the Republic of Uzbekistan according to the presentation of the Chairman of the Supreme Court;
- approves the composition of the Presidium of the Supreme Court, the composition of judicial panels, as well as the secretary of the Plenum of the Supreme Court according to the submissions of the Chairman of the Supreme Court;
- hears information on the work of the Supreme Court, as well as reports on the activity of the judicial panels;
- listens to the reports of the presidents of the Military Court, the Court of the Republic of Uzbekistan, regional and Tashkent city courts, the administrative court of the Republic of Uzbekistan, regional and Tashkent administrative courts on the practice of applying legislation, as well as the implementation of the explanations of the Plenum of the Supreme Court of the Republic of Uzbekistan on the application of legislation;

- approves the head of the staff of the Supreme Court based on the presentation of the Chairman of the Supreme Court and listens to his reports on the activities of the Supreme Court of the Republic of Uzbekistan;
- The Supreme Court approves the composition of the editorial board of the press body;
- Approves the regulations of the Plenum and Presidium of the Supreme Court of the Republic of Uzbekistan.

The Plenum of the Supreme Court makes decisions on issues within its jurisdiction.

The decision of the Plenum of the Supreme Court is adopted by open voting with the majority of the members of the Plenum of the Supreme Court of the Republic of Uzbekistan participating in the meeting.

In particular, in Article 19 of the Law of the Republic of Uzbekistan "On the Prosecutor's Office", a commission is formed in the General Prosecutor's Office of the Republic of Uzbekistan under the chairmanship of the Prosecutor General, his first deputy, deputies, prosecutor of the Republic of Uzbekistan, and other employees of the prosecutor's office. The composition of the committee is approved by the President of the Republic of Uzbekistan.

The commissions established in the Prosecutor General's Office of the Republic of Uzbekistan, the Prosecutor's Office of the Republic of Uzbekistan, regional prosecutor's offices, Tashkent city prosecutor's offices and similar prosecutor's offices are advisory bodies, and at the meetings of the commission, they deal with the legality and crime situation, the activities of prosecutor's offices, the execution of orders and instructions of the Prosecutor

General, the selection and placement of personnel. and other issues, listens to the reports of the heads of the structural divisions of the prosecutor's office and other employees.

Based on the board's decisions, the relevant prosecutors can issue orders.

Also, in joint-stock companies, the general meeting, the supervisory board and the executive body are the governing bodies of the company according to the Law "On protection of the rights of joint-stock companies and shareholders" It is defined in Article 57.

Among the legal facts available in our jurisprudence, meeting decisions are one of the least studied. Naturally, the reason for this is the lack of a concrete legal definition of the decisions of the meeting, the lack of sufficient norms regulating it. Meetings, decisions of meetings are considered as factors of civil-legal importance.

Summarizing the existing scientific views, it can be noted that the decision to meet in corporate legal relations is always a legal fact. The corporate nature itself implies the following decisions made within the framework of legal relations:

- on establishing or reorganizing a legal entity;
- making a decision on approval of the annual report in the joint-stock company;
- appointment of the general director and others are included.

Article 58 of the Law "On Joint Stock Companies and Protection of Shareholders' Rights" stipulates that the general meeting of shareholders is the highest management body of the company.

"The society must hold a general meeting of shareholders every year. The annual general meeting of shareholders shall be held within the terms established by the company's charter, but no later than six months after the end of the financial year. At the annual general meeting of shareholders, on the possibility of extending the term of the contract concluded with the company's supervisory board and audit commission (inspector), the executive body of the company based on sole leadership, the members of the collegial executive body (hereinafter referred to as management), and the trustee issues will be resolved".

Decisions on issues put to the vote at the general meeting of shareholders are adopted by the general meeting of shareholders by a three-fourths majority vote of the shareholders who are the owners of voting shares participating in the general meeting of shareholders.

The procedure for decision-making by the general meeting of shareholders on the procedure for conducting the general meeting of shareholders shall be established in the charter of the company or in other documents approved by the decision of the general meeting of shareholders.

The Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan dated 24.12.2019 No. 24 "On the judicial practice of considering appeals against the decisions, actions (inaction) of administrative bodies and their officials" was adopted.

1. According to Article 44 of the Constitution of the Republic of Uzbekistan, Article 4 of the Code of Administrative Court Proceedings of the Republic of Uzbekistan, an interested person, and in the cases

provided for by law, the prosecutor, as well as certain citizens and state bodies authorized to protect the rights and interests of other persons, may challenge the decision of the administrative body. invalid and with an application (complaint) to declare the action (inaction) of its official as illegal, provided that this decision, due to the action (inaction) of his:

rights and interests protected by law are violated;

an obstacle was created in the realization of rights, freedoms and realization of legal interests;

any obligation imposed on him in violation of the law;

he has the right to apply to the court if he believes that another obstacle has been created to carry out his activities in this or that field.

2. It should be explained to the courts that the decisions of the state bodies, the verification of which is under the exclusive authority of the Constitutional Court of the Republic of Uzbekistan, as well as the decisions, actions (inaction) against which a different procedure for filing an appeal to the court is provided for in the legal documents, will not be considered in the manner established in Chapter 23 of the Criminal Code of the Republic of Uzbekistan.

In particular, the decisions, actions (inaction) of the officials of the administrative bodies related to the proceedings of the criminal case or the case of the administrative offense shall be appealed in accordance with the procedure established by the Code of Criminal Procedure of the Republic of Uzbekistan and the Code of Administrative Responsibility of the Republic of Uzbekistan.

3. Courts should provide that complaints against decisions, actions (inaction) of administrative bodies related to the following shall be considered in accordance with the procedure provided for in Chapter 23 of the Criminal Code of Uzbekistan:

agreement and permission to place, design, construct, reconstruct, commission, use and demolish buildings, structures and other objects;

refusal of state registration of public associations, including political parties, religious organizations, as well as evasion of such registration by a state body within the specified period;

refusal of state registration of a mass media or refusal of a state body to register it within the specified period, finding the mass media registration certificate invalid, suspending or stopping the release of a mass media;

implementation of citizens' right to information.

Explanations of the Plenum of the Supreme Court of the Republic of Uzbekistan on issues of application of legislation are mandatory for courts, state bodies and other bodies, enterprises, institutions, organizations and officials applying the legislation to which this explanation was given (Article 25 of the Law of the Republic of Uzbekistan on Courts).

The analysis of statistical data allows us to conclude that there is a constant number of corporate disputes and cases challenging the decisions of management bodies, which are considered every year. This situation indicates the instability of civil-legal relations and the need to develop rules for balancing the interests of the participants in civil transactions, which also serves the socio-political stability of the legal state.

At the same time, the decisions of the meeting in civil law have been studied in one way or another as part of some issues of legal regulation, but they have not been systematically considered as an object of independent research. The purpose of studying the issues of civil-legal regulation of meeting decisions is to determine the legal essence of the meeting decision as a legal fact, to comprehensively study and analyze various decisions of the meetings, to study the legal consequences of invalidity of the decisions of the meetings, to determine the elements and conditions of the composition of the meeting decision. To achieve the set goal, the following tasks are required. In particular, theoretical analysis of the decision of the assembly as a legal fact, determination of its legal nature and composition; review options for its defects, determine consequences of defects and separate classification; to study the controversial issues of the invalidity of the decision of the meeting and the legal consequences of the protection of the rights of third parties from the point of view of the need to ensure the stability of civil transactions and to observe the principle of good faith; among them is the development of proposals for the improvement of legal documents.

Analyzing the characteristics of the meetings, it should be noted that the legislation provides for the following forms of decision-making by the general meeting:

- a meeting in which community members participate together to discuss the agenda and make decisions;
- voted issues;
- meetings held in absentia in the form of voting by exchanging documents through various types of communication, which ensure the correctness of

transmitted and received messages and their documentary confirmation, are included.

Voting at the meeting is directly determined by the interest of the civil society member in making a specific decision.

Authors such as A.V. Maifat, D.V. Lomakin, A.I. Kaminka consider the right to participate in the meeting from the point of view of including it in the element of legal capacity (in particular, the capacity of corporate law – the ability to be a participant in corporate legal relations) or considering it as a subjective right those who came out.

V.A. Belov analyzes the rights of the participants and their dependence on specific circumstances and legal facts, and concludes that in such a situation, corporate rights cannot be put in the form of legal relations, but can be invested in a legal form.

Different meanings of the concept of "meeting" actually reflect the same phenomenon – the way of performing the management function expressed in the activity of a legal entity body or in the activity of persons who exercise management without forming permanent management. Voting at the meeting is directly determined by the interest of the civil society member in making a specific decision. Also, if the participants of the meeting are people who are not interested in making a decision on the issue on the agenda, the following practical problem should be paid attention to. Paragraph 16 of the Decree of the President of the Republic of Uzbekistan No. 5938, adopted on February 18, 2020, "On measures to improve the social and spiritual environment in society, further support the neighborhood institution, and bring the system of work with family and women to a

new level" in the seventh paragraph "Deputies of the chairman of the citizens' meeting on family, women's and social-spiritual issues, and on improvement, real estate and entrepreneurship issues, as well as experts on family and women's issues are approved by the council of the citizens' meeting based on the presentation of the chairman of the citizens' meeting will be released" .

Citizens' self-government bodies independently dispose of their financial funds in bank accounts in accordance with the procedure established by law. The funds of citizens' self-government bodies cannot be withdrawn.

The Council of the Citizens' Assembly reports quarterly to the Citizens' Assembly on the use of financial resources.

However, it is not planned to allocate funds from the budget to citizens' self-government bodies in addition to the established estimate.

In addition, the issue of recovery of the damages caused by the procedure established by the labor legislation in the recourse procedure, that is, from the guilty persons, remains open, because the current Labor Code Article 188 states that "In all cases where an employee is illegally deprived of the opportunity to work, the employer is obliged to pay him the wages he has not received." Such an obligation, if the employment contract was illegally refused, the employment contract was illegally terminated, or the employee was illegally transferred to another job, and the decision of the body dealing with labor disputes was not implemented on time, the issuance of the employment record was delayed, in any way as a result of disseminating information that tarnishes the honor

of the employee, if this information is untrue, as well as if it was not obtained in other cases .

In the above-mentioned practical example, the plaintiff D.S. He was dismissed from his position by the decision of a meeting of 17 members of the Council working on a public basis. In this situation, the court's execution document indicates that the defendant is the of Furqat district, in such a situation, it is not possible to determine the scope of the defendants based on the execution document. For this reason, it remains unclear who should pay for the material and moral damage caused to the plaintiff.

Also, according to Article 14 of the Law of the Republic of Uzbekistan "On Self-Governing Bodies of Citizens", it is established that the Chairman of the Citizens' Assembly can make a proposal to the council on the appointment or dismissal of responsible employees in self-governing bodies of citizens.

Based on the above, we would like to propose the following,

Firstly, articles regulating the civil-law regulation of meeting decisions should be included in the Civil Code of the Republic of Uzbekistan;

Secondly, the issue of appointment and dismissal of the responsible employees in the citizens' self-governing bodies should be included in the powers of the chairman (elder) of the citizens' assembly, not by the decisions of the meeting of the members of the Council working on a public basis, but in accordance with Article 14 of the Law "On Citizens' Self-Government Bodies".

. Continuous media coverage of decisions of the meeting and its implementation, which are important for individuals and legal entities;

Thirdly, paying attention to proposals made by individuals and legal entities regarding the issues discussed at the meetings.

It can be seen from the above that the meeting and the decisions taken at the end of it are important legal documents.

CONCLUSION

In conclusion, we can say that, based on the fact that the resolutions of the meeting are an important civil-legal document and many legal relations may arise as a result of it, it is necessary to study the scientific research of many foreign scientists who have conducted research in this field and the existing norms of international law and introduce it into our national legislation. We believe that it is necessary to make proposals.

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