
The Perspectives of the Establishment of Multi-Door Courthouse Centers in the Republic of Uzbekistan and Online Dispute Resolution is Another Step on the Way to Justice

Nurullaev Farrukh Umidzhonovich

*1th year student of the faculty of Master's and Correspondence Education
of the Tashkent State University of Law*

Abstract: This article analyzes the basic concepts of multi-door courthouse centers and its brief history, scientific and legal views of several scientists from different countries about these centers and its elements. Moreover, it is also researched the prospects of establishing multi-door courthouses in Uzbekistan as a type of conflict resolution. In addition, this article examines the main features of online pre-trial dispute resolution, its introduction in order to develop the judicial system in Uzbekistan. The analysis shows the establishment of multi-door courthouse centers in Uzbekistan, independent of the courts, as well as legal and other opportunities for online dispute resolution.

Keywords: multi-door courthouse, mediation, ADR, conciliation, ODR, intake staff or screening officers, mini-trials, mediation-arbitration.

Introduction

Large-scale measures are being taken in Uzbekistan to democratize and liberalize the judicial system, ensure the independence of the judiciary, protect the rights, freedoms and legitimate interests of citizens. Uzbekistan has chosen its own development strategy in the judiciary, and these strategies are producing the expected results.

In recent years, effective mechanisms and methods for pre-trial dispute resolution have been developed in continental Europe, the United States and developed Asian countries. In particular, the establishment of multi-door court centers among them is characterized by fast, efficient and cost-effective dispute resolution. All types of alternative pre-trial dispute resolution operate in such centers, allowing the parties to the dispute to resolve the dispute in the form of their choice on a voluntary basis. In addition, the creation of these centers will lead to a decrease in the number of applications to the courts, which will significantly reduce the time for resolving disputes and increase the efficiency and legitimacy of dispute resolution. The prospects for the development of online forms of pre-trial dispute resolution and their potential in relation to the traditional judicial system are also widely discussed.

Materials and Methods

This research has been conducted using literature review and publication research, comparative analysis and empirical study, and other techniques, including historical, qualitative, and quantitative research. The consequent thesis relies on data from the reports and reviews of WJP, the World Bank, the global economy, and other international organizations, as well as other specific research.

Results

The research ultimate goal is to develop a mechanism for establishing multi-door courthouse centers as an alternative method of pre-trial dispute resolution. At the same time, the rule of law serves to ensure the stability of the judiciary, which is an important branch of government, aimed at reliably protecting the rights and legitimate interests of citizens and entrepreneurs. It is also provided an opportunity for non-governmental organizations resolving advanced online disputes to model our national courts.

The achieved results would be use as teaching materials for master and bachelor degree students. The results of the research can be used to establish multi-door courthouse centers in Uzbekistan.

Discussion

The Multi-Door Court is an interdisciplinary dispute resolution center. This institution means that certain disputes are compatible with types of pre-trial dispute resolution through mechanisms acceptable to individuals. As the number of advocacy options and dispute resolution mechanisms increase, choosing the appropriate type of alternative dispute resolution (ADR) poses a number of challenges. Multi-door court centers are important as a solution to this problem. [1] That is, those who come to the center to resolve a dispute are invited to choose the right ADR mechanism based on the nature of the dispute. All types of ADR provide services to individuals "under one roof". In particular, the purpose of the "multi-door courts" program in the United States is to develop programs that provide easy and fair resolution of disputes between individuals, in building a network of judiciary systems that reduce or eliminate citizen frustration; and in addressing shortcomings in national judiciary services, improving as well as creating more capacity for conflict resolution. [2] The center has an authorized person who performs one of the main functions, which divides disputes into the necessary mechanisms, called "intake staff or screening officers." [3]

The Multi-Door Court is an alternative dispute resolution center, an institutional organization that strives to effectively resolve disputes, is independent or affiliated with national courts, and can choose any type of dispute resolution. For example, this center may have the following types of ADR: Arbitration, Conciliation, Mediation, Preliminary Neutral Evaluation, Mediation-Arbitration, Mini-Courts, Dispute Resolution Conference, Special Magistrates, and Jury Trials (summary jury trials). [3]

The multi-door courthouse concept was developed in 1976 by Frank Sander, a professor at Harvard Law School. According to Frank Sander, in order to resolve disputes before the court, the parties must know in advance which type of ADR will be resolved quickly, efficiently, affordably and in the interests of the parties, and choose the type of ADR that they prefer. [4] He argued that a just decision should not be made exclusively by national courts, but that "one door from a multi-door courtroom" should give the parties a choice in resolving the dispute. [5]

One of the most important alternative mechanisms for resolving civil, housing, family, tax, and even some administrative and criminal disputes is conciliation or mediation. In this case, the parties to the conflict are looking for ways to resolve it with the help of a neutral third party (conciliator/mediator). In some legal literature, there is still debate about the appropriateness of distinguishing between the terms "mediation" and "conciliation", and many scholars believe that these procedures are identical. [6] These two types of ADRs have a special place in multi-door court centres. Many disputes are resolved through these mechanisms.

Multi-door courthouses have been used in several developed countries and have had a significant positive impact on the judiciary. In particular, in the late 1990s, in the Republic of

Israel, this concept was established based on the requirements of its domestic judicial system. [7] The initiator of the creation of this mechanism was the Chairman of the Supreme Court of Israel, the Honorable Judge Aharon Barak, who supported the introduction of alternative dispute resolution methods in the country, such as national courts: arbitration and mediation. According to him, "the introduction of these alternative methods should be used not for the purposes of the state, but for the result." [8]

These methods were initially widely used by the Israeli population, but the mediators' inexperience in resolving disputes diminished ADR's credibility. The main reason for this is that initially mediator training centers were opened in the country, and mediators were trained in short-term training courses. Most of the mediators who completed the course had no experience in conflict resolution. Thus, mediation unprofessionalism has led to the fact that the population practically does not use mediation. [9]

At the same time, this trend began in the Republic of Uzbekistan. According to the Decree of the President of the Republic of Uzbekistan dated November 17, 2020 "On measures to further improve the mechanisms for alternative dispute resolution", the creation of the Tashkent Mediation Center, the training of professional mediators that the organization of 72-hour courses and the role of mediators can be performed by non-professional mediators who meet certain requirements. Based on the Israeli experience, professional mediators with extensive experience in Uzbekistan should be subject to certain requirements established by the internal regulations of multi-door courthouse centers, for example, qualification requirements for ICSID arbitrators [10].

Today, for developed countries, a multi-door court is not a new concept that is part of the judicial system. But there are also countries that are not interested in using alternative methods of pre-trial settlement of disputes. In Malaysia, in particular, national courts are widely used to resolve disputes. Zakiyy Norman and Kamal Khalili Hassan noted that the Malaysian judiciary should have support mechanisms closely linked to the judiciary, rather than institutions that resolve disputes separate from the court. [11] For example, the Victorian Legislative Reform Commission (VLRC) proposes other forms of ADR judicial mechanisms such as: (a) an initial neutral assessment; b) assessment of the conflict; (c) small litigation/presentation of a case; (d) appointment of special experts: (e) court-related arbitration; [12] Similarly, in the United States, the U.S. District Court for Northern California has introduced a number of ADR mechanisms, such as conciliation, initial neutral assessment, non-binding arbitration, and conciliation conferences. For example, paragraphs 3-5 of the local ADR rules [13] state that "each attorney and client" confirms that they read a handbook entitled "Dispute Resolution Procedures in Northern California" and considered ADR options. [11]

In this regard, in order to ensure the rule of law in Uzbekistan in a fast, efficient and convenient way for citizens, it is advisable to introduce ADR mechanisms related to the judiciary.

Today, the increase in the volume of cases in the national courts of Uzbekistan automatically leads to overwork of judges, loss of time and maximum use of resources. In particular, in 2021, the number of cases considered by economic courts in the first instance was 175,443 [16], and in civil courts - 518,087 [17]. Compared to 2020, these numbers have almost doubled. Thus, an increase in the number of cases in national courts may adversely affect the quality of their proceedings and the fairness of their decisions. According to the World Justice Project (WJP) 2021 index, Uzbekistan has a rule of law index of 0.49 points [18], ranking 85th out of 139 countries, and a civil rights index of 0.50 points [19], 78 out of 139 countries. The index of accessibility, impartiality and effectiveness of alternative dispute

resolution mechanisms was 0.63 points (0.67 points in 2020), 84th out of 139 countries (55th out of 128 countries in 2020). The performance of this index can also be adversely affected by the fact that only national courts are considered the dominant dispute resolution mechanism.

Online dispute resolution (ODR) is a form of online dispute resolution that uses alternative dispute resolution (ADR) methods. [14] In this case, traditional ADR mechanisms are used by parties online. A key element of alternative dispute resolution - the presence of a third party in the negotiation process - remains unchanged. The parties can also indirectly implement all claims and evidence related to the dispute and make an online decision (WIPO) at the end of the process. [14]

Over the past decade, the demand for ODR in countries has increased. The main factors behind this are that ODR is cheaper, faster and more convenient than ADR. That is, if an individual spends less on ODR than traditional ADR, much faster in terms of time, the parties will need to participate directly in order to use the ADR mechanisms, while in ODR, individuals can participate indirectly through technical means. Unlike the traditional court system, there is a separate ODR platform through which parties to a dispute can register and resolve disputes. Its priority is also recognized as the resolution of conflicts, which is inseparable from the main labor practices of individuals. Carolina Mania stated that the mechanism is expected to be widely used as the "wave of the future" for future globalization. [15]

Uzbekistan is currently working on the development of IT technologies. In the field of digitalization of the judicial system, in accordance with the Decree of the President of the Republic of Uzbekistan dated September 3, 2020 "On measures to digitalize the activities of the judiciary" on the basis of existing information systems, the Supreme Court, and it is also planned to create a single complex of information systems "Adolat" based on a new software platform, taking into account modern technologies. Thanks to this platform, litigation in national courts has accelerated, and citizens and businesses have begun to use the platform widely. Thus, the digitalization of the national judicial system and the online provision of its services allowed citizens and businesses to liberalize their appeal to the courts to protect their rights and interests, expanded access to justice in general, ensure openness and transparency in the judicial system. The introduction of this trend of digitalization in the ways of pre-trial settlement of disputes and their legal consolidation is relevant.

Conclusion

Summarizing the above, I would like to propose the creation of a multi-door court center in the regional centers of the Republic of Uzbekistan and the city of Tashkent, as well as setting up a platform for online dispute resolution services.

First of all, these two projects will help individuals and legal entities of the Republic of Uzbekistan, especially local and foreign investors, to restore their violated rights in a fast, efficient, convenient and affordable way. **Secondly**, a separate institutional structure is being created that can compete with national courts and perform their functions. **Thirdly**, in international rankings, especially in the WJP, the state's judicial system can occupy high positions. **Fourth**, the rule of law and the separation of rights in Uzbekistan will begin to work in unison, which will increase public confidence in the judiciary.

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