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CONSIDERATION OF THE CASE IN COURT IN MEDIATION ORDER

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Abstract
The concept of mediation, derived from the Latin word "mediare", refers to, means "mediation". Therefore, in international circulation mediation in the sense of "mediation", " intervention for the purpose of reconciliation applied, and in legal adabièts, the concepts of mediation and mediation are the same meaning acquires. The article focuses on the concept of mediation and its tasks pass.

Keywords: mediation, functions of mediation, purpose of mediation, court, law, dispute, decree, negotiation.

Introduction

In the history of the development of the law Vavilon, Ancient Greece and Ancient Rome the use of mediation has been noted. Starting with the Justinian code in Roman law (6th century BC) mediation to resolve controversies tan retrieved. Mediation technology was mainly used in trade. The Romans called the specialists who solve the controversy by the word "medium – -" mediator represented. Intermediaries were treated with special respect. Them in line with the Gentiles and priests. In modern concepts mediation in the second half of the 20th century in the United States, Australia and the United Kingdom began to develop. Mediators in Europe are involved in resolving family debates made.

Article 33 of the UN charter establishes mediation (mediation) dispute resolution recognized as a tool. Also 2008 of the European Parliament and council directive 52 of the year to the concept of mediation in civil and commercial disputes a definition is given as follows: "the right initiated by the parties is appointed by the court regardless of whether or not it is defined by national legislation, two or more in order to reach an agreement on the settlement of the dispute by the parties involved is the process of applying to a third party".

The purpose of mediation is to Independent the disputes of the conflicting parties, from helping to find an opportunity to solve on mutually beneficial terms consisting of, equality of the parties, neutrality to its basic principles, includes mediator bias, privacy, etc. Mediation from negotiations its success consists not only in resolving the disagreements of the parties will and desire to achieve, but also to the experience and skill of the mediator related. In general, mediation is the third neutral to debate legal technology for regulation with the participation of the party. This line it has certain conditions and principles of its own.

For example:

equal rights of the parties;

discretion;

mutual respect;

confidentiality;

process transparency;
mediator bias.
Mediation is in extrajudicial order, considering the controversy in judicial order in the process of exit, before the court leaves the hall to make a decision. If it's When going about the arbitration court, the form will be the same. In mediation the fact of participation is not considered proof of guilt.
The need that arose in society in relation to mediation is a new profession in the last century- led to the formation of mediators. Mediators are not proofs, and the requirements of the parties do not assess the legality, but rather their main task – to understand each other between the parties, on acceptable terms for the parties solving a problem consists of assisting in the search and solution of their problems. Mediation is the voluntary nature of the parties, which does not have binding force confidential process. He is the sole choice of the parties in dispute neutral third-party mediated contractual which from foreign relations settlement of the resulting dispute on a legal basis by mutual compromise – reconciliation it is . A neutral third person is a mediator.
Relations based on the market economy are developing in our country that is, the emergence of various conflicts between the subjects of market relations it is considered a natural state. Practice also comes from family legal relationships the emerging conflict shows that there are no fewer cases. This is how it is disputed the parties decided to take the traditional path in order to find a solution to the issue, namely they have to go to court. Currently developed foreign countries in the legal system to resolve the dispute in an alternative way, without taking it to court the focused mediation reconciliation procedure is of particular importance. The introduction and implementation of truly market mechanisms in Uzbekistan increasing the necessary legal regulation of each sector of market relations requires the creation of a floor.
First of all, separate to the concept of mediation to mention, this word, which has become familiar to many, is in Latin derived from the word "mediare", meaning " for the purpose of mediation, agreement interference".Mediation is the understanding of one and the conclusion of a transaction that eliminates a conflict situation free of parties with the participation of an impartial person - mediator (mediator) in order to achieve it is an alternative way of resolving a dispute by entering into a negotiation. For the first time at first. The use of mediation has been recorded in Vavilon, Ancient Greece and Ancient Rome.In Roman law, mediation for the settlement of controversies was recognized, starting with the Justinian code (6th century BC). Intermediaries were treated with special respect. They were lined up with priests. Mediation technology was mainly used in trade.
Now the Institute of mediation is an integral part of the legal reality of many states is part of. Mediation in modern concepts is the second of the 20th century half began to develop in the United States, Australia and the United Kingdom.Current to the further development of mediation and its widespread spread around the world. The American model had a tremendous impact. Dispute resolution in most countries of the world one alternative way to do mediation is by law as regulated, the main part of the dispute is resolved through negotiations without a lawsuit are coming. conflicting individuals choose the mediator themselves and mediation they voluntarily enter the process.

In court, the parties cannot choose a judge, while in court they are obliged to apply only by place of residence; if the task of the court mediation when it comes to determining which of the parties is right or guilty to achieve the agreement of the parties and resolve the dispute with the help of the mediator aimed at discussing various homogeneous solutions to do; in court to fulfill it even in their fate, where the parties in dispute are dissatisfied with the court decision compulsion. In mediation, all decisions are made only by mutual agreement of the parties it is accepted and they voluntarily undertake to fulfill it;mediation is conducted in a confidential manner in relation to the trial, and each part wants may refuse to continue it in time, and in court vice versa,negotiations cannot be completed at any time, the process will also be transparent;the volume of work of the courts is so high that the consideration of cases is several months and it will last longer, while the mediation process will last even in the very short term can be completed; mediation is more cost-effective in all respects than litigation is. Mediation is an alternative to litigation, with a number of cases involving it has differences: in mediation, the parties are free to address all issues as they wish they will discuss; the trial will take place within the framework of procedural laws, the decision it is accepted only on the basis of the law, and in mediation the decision is made by the parties themselves accept. Mediation is theoretically inexpensive and quick to resolve disputes the form is also an informal alternative to the trial. Mediation disputes other methods of resolution, in particular from resolving disputes in judicial order, include its own it is distinguished by a number of advantages. Including an alternative dispute resolution as a procedure, the participants in the conflict will be given options for resolving disputes it has such advantages as giving the right to mark independently. At the same time,the parties to the dispute are financial criteria, competitiveness, market prices and given their business reputation, they can agree on a beneficial solution based on their commercial needs. Mediator and judges the difference between which determines the claims of the parties and their rights specific standards to be used to analyze factors or in the absence of rules. Another advantage of mediation is its confidentiality, as well as any solution that suits the parties themselves of the intermediary it is the right to help with development. Mediation agreement disputed it is drawn up with the mutual consent of the parties. On the resolution of the dispute in this way the band is the most convenient and simple option for resolving a dispute in the negotiation process. Negotiations using mediation at the stage of the conflict,also the parties to the dispute to other processes of dispute resolution, are can also be used when entering Judicial Procedures. Activity according to the indications, the resolution of disputes by the method of mediation of all disputes successful in stages.

Mediation in intellectual property disputes, particularly the dispute of the parties itself or the facts stated in the dispute or intellectual property it will be relevant if he keeps his rights secret or in case of extreme importance. Today in our country, mainly mediation, arbitration and appeal the council is becoming a means of resolving pre-trial disputes.

Mediation occurs in legal systems of other developed states, such as,It has long been known in England, Australia, USA, Canada and others.In the Russian Federation, it began to gain popularity from the XXI century. At the same time.The Institute of mediation also entered the Republic of Uzbekistan. Lawyer according to scientists, mediation, common in modern conditions and it is important as a method of conflict resolution. Our legal with the adoption of

the mediation law of the Institute of mediation in our system is regulated. This law was passed on July 3, 2018. "Mediation the purpose of the law"on " alternative methods of conflict regulation creation of legal conditions for development, work that falls into the judicial system consists in reducing the size.

The law on mediation began to apply from January 1, 2019.In this regard, the reality of "mediation" into the social consciousness of our society, New the absorption of the fundamental essence of the institute, its importance, dignity and explaining the advantages to the general public, commenting on an extremely urgent issue turned. The reason for this relevance, on the one hand, many foreign ones on the world scale the use of mediation with high efficiency in the practice of states, on the second hand, the revival of the value and traditions of our people, historically formed, but now his need lies in the fact that he is on the agenda. Accordingly, the theory of the mediation Institute - legal framework, legal and socio-spiritual nature, content, principles, structure, specifics and signs, complex observation of classification (models) of both theoretical and practical significance profession.[3]

Civil legal relations with this law, including Entrepreneurship disputes arising in connection with the implementation of its activities, as well as disputes arising from individual labor disputes and family legal relations,mediation of parties unless otherwise provided by law in relation to the relationship with the application, based on the wishes of the parties,in extrajudicial procedure, in the process of hearing the dispute in judicial procedure, receiving court documents until the court enters another separate room to make, as well as court documents and execution of documents of other organs y e application of mediation procedure in the dental process it has been established that it is possible.Mediation of third parties not involved in public interest and mediation law as well as lawful interests, which may or may not apply to does not apply to disputes.

Mediation refers to other methods of conflict resolution, notably dispute litigation it is distinguished from solving in order by a number of its advantages. First, the mediation of disputes is much shorter than the judicial procedure it is carried out on deadlines. Section 23 of the Mediation Act states mediators and parties mediation procedure no more than thirty days must take all possible measures to be completed in the term, if necessary, the duration of the implementation of the mediation procedure the possibility of extension for up to thirty days with mutual consent of the parties marked. Second, when mediation procedures are applied, the case applies to all information is kept completely secret. From the dispute in the middle and the facts related to it only the parties and their representatives and the mediator can be informed and they are obligated by law not to disclose this information. The principle of confidentiality is particularly concerned with family conflicts as well as entrepreneurial activity important in the disputes arising from the relationship is yega. Nizani mediation solution is a reliable protection against such negative consequences serves. Thirdly, in disputes resolved by mediation, both an acceptable agreement is also reached for the party.[2]

A decision in favor of one party in the case of disputes under judicial procedure serves to the detriment of the second party. When applying mediation, the parties are optional ways and methods of resolving a dispute by concluding a mediative agreement, the terms of fulfillment of the obligations established by the agreement as well as these failure to fulfill obligations can also

determine the consequences. In particular,Section 29 of the Mediation Act defines mediation procedure as disputes or obligations arising from the parties on the results of implementation in the event of a mutually acceptable decision on the terms and deadlines of execution,the structure of a mediative agreement between the parties in written form, the mediative agreement it having binding force for the parties that have formed, this agreement is provided for in it voluntary execution by the parties in the prescribed manner as well as in the deadlines,in the event that the mediative agreement is not fulfilled, the parties agree that their rights are protected the right to appeal to the court to ask, that the mediative agreement is not fulfilled the consequences will be determined by the parties in this agreement itself it is established that it is possible.[4]
The law provides for mediation participants and their rights and obligations clearly marked. In particular, parties and mediator mediation participants being, both individuals and legal entities can be participants. Voluntary selection of the mediator of the parties and its abandonment, in mediation personally held the rights to participate through their representatives, referring to the agreement of the parties obliged to fulfill the prescribed procedures and deadlines.
At this point, perform a good deed of peaceful settlement of disputes attention to the need for an increasing person to have certain rights and obligations we want to focus. The document clearly defines the rights and obligations of the mediator set. It is able to make good use of these rights and fully fulfill its obligations only individuals who fulfill can gain respect and attention as mediators.
Mediation is applied on the basis of the wishes of the parties. He is out of court in order, in the process of seeing the dispute in court order, the court for the acceptance of the court document it can be applied to a separate room until it enters the consultation room. Mediation application agreement is a clause in the contract that is part of it it is drawn up in writing in style or in the form of a separate agreement. Parties to the agreement all or certain of origin or possible origin between disputes must be resolved through the implementation of mediation procedures it is darcor that there is a rule about.
Direct intervention of the state body during the implementation of the procedure prohibited. In the course of the court hearing, during the implementation of the mediation procedure in view of the dispute in the competent state body, the parties the meditative agreement reached is the relevant case of which the court or the competent state body if standing in the proceedings, immediately to the same court or to an authorized state body will be sent. If the dispute was resolved by agreement in mediation procedure, paid state duty must be returned.
In the event of a dispute with the participation of a state body, the state body shal mediate should take action on application. From the date of the conclusion of the agreement, the procedure begins. Based on this law, the parties are concerned with the dispute over the results of the implementation of the mediation procedure mediative in written form between the parties in case of achieving a mutually acceptable decision an agreement is made. The mediative agreement has binding force for the parties that conclude it the parties shall, in accordance with the procedure provided for by this Agreement and within the terms is performed voluntarily by. In the event of a dispute with the participation of a state body, the state body shall mediate should take action on application. From the date of the conclusion of the agreement, the procedure begins. Based on this law, the parties are concerned with the dispute over the results of the implementation of

the mediation procedure mediative in written form between the parties in case of achieving a mutually acceptable decision an agreement is made. The mediative agreement has binding force for the parties that conclude it the parties shall, in accordance with the procedure provided for by this Agreement and within the terms is performed voluntarily by.

Mediation voluntarily as an alternative to conflict resolution can be defined as a confidential procedure. Mediator disputed as a neutral person interacts with the parties to determine their positions, as well as the best way to resolve disputes with mutually beneficial terms of compromise helps to choose alternative methods. Mediator is clear only on the dispute it is necessary to develop the position and give the parties their own decision on the dispute presents his views as a recommendation. Their mission is, after a mutual agreement compromising solutions that may remain binding on the parties find. The mediation agreement is concluded with the mutual consent of the parties in dispute, and the most convenient and simple option.

In the United States, United Kingdom, Australia, mediation is legally defined as approved and successfully operated for more than half a century coming. And later in Germany, France, Belgium and other countries became widespread. In Germany, mediation is harmoniously integrated into the justice system.For example, mediators work directly with the courts and the occurrence of significantly reduces possible litigation. Many German law schools have introduced a permanent course in mediation. This the legislation of the States encourages mediation and in a number of countries mediation is a pre-trial mandatory procedure. Below we subtract methods of achieving alternative resolution of disputes let's see in the experiment.

An alternative dispute resolution system is the Indian population not a new situation for. ADR has been widespread in India since ancient times.History sources indicate that in the ancient centuries, a person made justice easier, cheaper and tried the procedure to make it convenient. Magatha empire established Panchayats have done; they are the first tool to consider things of a simple and petty nature was. The parties in dispute are about compliance with Panchayat rules had to sign a contract. Study the case and objectively accept their decision.It was the responsibility of the panchayat. The Gupta empire, on the other hand, had a separate separate judicial system had. At the lowest level of the judicial system, a village meeting or trade guild may refer to was. These are the resolution of disputes between the parties that appear before them were appointed councils for. Solve various issues that come to them there were separate councils appointed to make. If any of the people in a peaceful context, it was decided by the councils if they could not afford it.

Broad categorization of ADR under Indian law into two categories possible: options attached by the court (arbitration, mediation) and disputes public-based resolution mechanism (Lok - Justice).Mediation is an intermediary, an external person, neutral to a dispute, with the parties together is the process of finding a solution that is acceptable to all of them.The main purpose of mediation is to negotiate, talk to the parties and exploring options that a neutral third party can help with is to provide an opportunity to fully determine whether an agreement is possible. Application of mediation as ADR it began several centuries before the arrival of the English in India. At that time informal panchayats are respected elders of villages or Mahajans used to resolve disputes between parties appointed as intermediaries. To date, Panchas or Pancha Parmeshvars, as a neutral third party, informal group disputes by some tribes in India used in

solving. With the beginning of British colonial rule mediation can be recognized as a formal and legalized ADR mechanism by started. Mediation in India is the most popular and useful method. In India mediation is a contractual process. Participants usually sign a mediator mediation agreement, participants in the contract and mediator mediation before doing, then determines the procedure of what can and cannot do.
Mediation in India is carried out in the following three ways: compulsory mediation: in some cases, the courts mediate the case, even if the parties are not ready send. It refers to the rules of Civil Procedure and mediation caught.Judicial mediation: judicial-appointed mediation with the court sends the case only to the intermediary. This is the peaceful resolution of disputes it is a sign that it is developing. Mediation in the context of litigation disputes alternatively there will be other ways to solve. At the same time citizenship the code of procedure also provides for the mediator of all parties tries to find solutions that satisfy their interests. It is a long term the court helps to develop a peaceful and quick relationship rather than a process gives and thus prevents conflicts in society.
Private mediation: private mediation is usually performed by participants paid, at the same time, in the same place and the intermediary of their choice the process carried out by.Rules and procedure for regulating mediation in Saudi Arabia.It is determined by the Saudi Commercial Arbitration Center. Disputes mediation and arbitration is solved through. Saudi Commercial Arbitration Center-resolving disputes arising from civil and commercial relations through mediation and arbitration procedure it is a non-profit organization that carries out the making. Saudi Arabia Has ratified the Singapore Convention on mediation.

Conclusion

In place of the conclusion, another important aspect of mediation is to use it from books it is difficult to fully learn, for this it is practical, using theoretical knowledge it is also necessary to master the training. Because mediation is the process as it is it is possible to know only after seeing in practice. It is precisely the mediation methods that are complete training on mediation is of great importance for mastering, the important thing is practical training from communication techniques when conducting negotiations it is a great opportunity to explore the intricacies of Use and mediation.

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