Radiance, an international journal of multidisciplinary research

ISSN: 2347-6052 Vol. 6 No. 10 (2026) Published November 3, 2026

PROCEDURAL AND LEGAL FRAMEWORK FOR THE RECOGNITION AND ENFORCEMENT OF FOREIGN COURT JUDGMENTS AND ARBITRAL AWARDS IN THE REPUBLIC OF UZBEKISTAN: THEORETICAL AND PRACTICAL ISSUES

Ibratova Feruza
Professor at Tashkent State University of Law, Doctor of Law (DSc)
Tukhtamuratov Jamshid
Student at Tashkent State University of Law

Abstract

This article examines the theoretical and practical aspects of the recognition and enforcement of foreign court judgments and arbitral awards in the Republic of Uzbekistan. It analyzes national procedural legislation, international treaties governing the cross-border enforcement of judicial acts, as well as the specific features of the allocation of jurisdiction between courts of general jurisdiction and economic courts. Particular attention is paid to the grounds for refusal to recognize and enforce foreign decisions, issues concerning compliance with procedural guarantees of the parties, and the relationship between public policy and the principle of finality of judicial decisions. Based on the research conducted, proposals are formulated for improving legislation and judicial practice in the Republic of Uzbekistan.

Keywords: foreign court judgment, arbitral award, recognition, enforcement, international civil procedure, economic court, international treaty, public policy, New York Convention, Republic of Uzbekistan.

In the context of the development of international economic cooperation, the expansion of foreign trade relations, the increase in cross-border capital flows, and the intensification of entrepreneurial activity, the importance of mechanisms for the recognition and enforcement of decisions rendered by courts and arbitral tribunals of foreign states is growing[1]. The effectiveness of justice in modern conditions is determined not only by the ability to resolve a dispute before a competent authority but

[1] Тажибоев М. М. Вопросы исполнения судебных решений в Республике Узбекистан: проблемы и предложения //Евразийская адвокатура. – 2020. – №. 3 (46). – С. 110-113.

https://creativecommons.org/licenses/by/4.0/

Radiance, an international journal of multidisciplinary research
ISSN: 2347-6052 Vol. 6 No. 10 (2026) Published November 3, 2026

also by the actual capacity to ensure the enforcement of the decision beyond the borders of the state in which it was rendered.

A foreign court judgment or arbitral award does not, as a general rule, have direct enforceability within the territory of another state. In order to implement the obligations contained therein, it is necessary to comply with the established procedure for recognition and enforcement, which is based on the national legislation and international obligations of the respective state.

For the Republic of Uzbekistan, this issue is of particular relevance in light of the ongoing development of the national judicial system, the improvement of the legal regulation of entrepreneurial activities, and the strengthening of international cooperation in the field of justice[2].

The recognition and enforcement of foreign court judgments and arbitral awards constitute an independent institution of international civil and economic procedural law, ensuring interaction between national legal systems in the context of cross-border legal relations.

From a theoretical perspective, it is necessary to distinguish between two interrelated but non-identical concepts: the recognition of a foreign decision and its enforcement[3].

Recognition of a foreign court judgment refers to the legal acknowledgment by a state of the legal effects of a decision rendered by a competent authority of another state. Recognition may be necessary, for example, to confirm the existence of a legal relationship established by a court, the legal status of an individual, or the existence of certain legal facts.

Enforcement of a foreign decision involves enabling the implementation of such a decision through the application of compulsory enforcement mechanisms provided for by national legislation[4]. This procedure is of particular importance in cases where the decision imposes an obligation on the debtor to pay monetary sums, transfer property, perform certain actions, or refrain from performing them.

[2] Ерпылева Н. Ю., Максимов Д. М. Признание и приведение в исполнение иностранных судебных решений: национальное и региональное измерение //Право. Журнал высшей школы экономики. – 2017. – №. 2. – С. 200-222.

[3] Ерпылева Н. Ю., Максимов Д. М. Признание и приведение в исполнение иностранных судебных решений: национальное и региональное измерение //Право. Журнал высшей школы экономики. – 2017. – №. 2. – С. 200-222.

[4] Карелина С. А. ПРАВОВЫЕ ПРОБЛЕМЫ ПРИЗНАНИЯ И ПРИВЕДЕНИЯ В ИСПОЛНЕНИЕ ИНОСТРАННЫХ СУДЕБНЫХ РЕШЕНИЙ ПО ДЕЛАМ О БАНКРОТСТВЕ //Вестник Московского университета. Серия 11. Право. – 2025. – №. 4. – С. 7-22.

https://creativecommons.org/licenses/by/4.0/

Radiance, an international journal of multidisciplinary research
ISSN: 2347-6052 Vol. 6 No. 10 (2026) Published November 3, 2026

In legal scholarship, the recognition and enforcement of foreign decisions are regarded as manifestations of international cooperation between states in the field of justice, based on the principles of mutual respect for legal systems, procedural good faith, legal certainty, and the protection of the rights of participants in civil transactions[5].

At the same time, the recognition of a foreign decision does not entail the automatic extension to the territory of the Republic of Uzbekistan of the entire range of legal effects provided for under the legislation of the state in which the decision was rendered. The national court verifies compliance with the conditions for recognition and enforcement established by the applicable international treaty and domestic legislation, without replacing the foreign court or reconsidering the merits of the dispute resolved by it.

Thus, this legal institution is characterized by a combination of an international legal basis, national procedural regulation, and judicial review aimed at ensuring compliance with the fundamental principles of justice[6].

The legal regulation of the recognition and enforcement of foreign court judgments and arbitral awards in the Republic of Uzbekistan is based on a combination of international treaties and national legislation.

Pursuant to Article 364 of the Civil Procedure Code of the Republic of Uzbekistan, decisions of foreign courts and foreign arbitral tribunals (arbitrations) are recognized and enforced where this is provided for by international treaties of the Republic of Uzbekistan. This provision establishes the treaty-based framework for the recognition of foreign decisions and determines the significance of the state's international obligations in this area.

Among international legal instruments, particular importance is attached to the 1958 Convention on the Recognition and Enforcement of Foreign Arbitral Awards (the New York Convention). Its provisions are aimed at ensuring the recognition of arbitration agreements and foreign arbitral awards, as well as establishing uniform minimum requirements for the procedure for their enforcement.

The New York Convention establishes the obligation of Contracting States to recognize and enforce foreign arbitral awards in accordance with the conditions stipulated therein, while also providing an exhaustive list of grounds for refusal. Its significance lies in

[5] Слепченко Е. В. Гражданское судопроизводство: общая характеристика и тенденции развития //Вестник гражданского процесса. – 2012. – №. 2. – С. 41-75.
[6] Данельян А. А. Международно-правовой режим иностранных инвестиций //дис.… д-ра юрид. наук. – 2016. – Т. 12. – №. 10.

https://creativecommons.org/licenses/by/4.0/

Radiance, an international journal of multidisciplinary research

ISSN: 2347-6052 Vol. 6 No. 10 (2026) Published November 3, 2026

establishing an international standard aimed at limiting excessive judicial interference in the activities of international commercial arbitration[7].

International treaties on legal assistance and legal relations in civil and economic matters also play an important role, particularly the 1993 Minsk Convention, the 1992 Kyiv Agreement, and bilateral treaties concluded by the Republic of Uzbekistan with foreign states. The application of a particular international treaty depends on its subject matter, the range of participating states, and the nature of the decision submitted for recognition and enforcement[8].

Accordingly, international legal regulation requires the applicable treaty basis to be determined in each individual case. The court must establish not only the existence of the relevant international treaty but also its applicability to the legal relationship in dispute, the type of decision concerned, the parties involved, and the applicable procedural requirements.

The principal legislative acts governing the procedure for the recognition and enforcement of foreign court judgments and arbitral awards are the Civil Procedure Code of the Republic of Uzbekistan (CPC) and the Economic Procedure Code of the Republic of Uzbekistan (EPC).

The Civil Procedure Code of the Republic of Uzbekistan provides for the relevant proceedings in Chapter 42, comprising Articles 364–372. These provisions regulate the grounds for recognition and enforcement, the procedure for applying to the court, the requirements applicable to the application and accompanying documents, the procedure for judicial consideration, and the grounds for refusal.

Pursuant to the Civil Procedure Code, an application for the recognition and enforcement of a foreign decision shall be submitted by the creditor to the court at the place of residence or location of the debtor. If the debtor's place of residence or location is unknown, the application may be submitted to the court at the location of the debtor's property. The general time limit for submitting a foreign decision for compulsory

[7] Карелина С. А. ПРАВОВЫЕ ПРОБЛЕМЫ ПРИЗНАНИЯ И ПРИВЕДЕНИЯ В ИСПОЛНЕНИЕ ИНОСТРАННЫХ СУДЕБНЫХ РЕШЕНИЙ ПО ДЕЛАМ О БАНКРОТСТВЕ //Вестник Московского университета. Серия 11. Право. – 2025. – №. 4. – С. 7-22.

[8] Эргашев И. Ш. ХАЛҚАРО АРБИТРАЖ СУДИ ҚАРОРЛАРИНИ ИЖРО ЭТИШ ВА ТАН ОЛИШ БЎЙИЧА МИЛЛИЙ ҚОНУНЧИЛИГИМИЗ ТАҲЛИЛИ //Сборник материалов международной научно-практической конференции «Приоритеты внешней политики Республики Узбекистан в современных условиях: экономика, право, политика»(на узбекском, русском и английском языках)–387 с. – 2021. – С. 289.

https://creativecommons.org/licenses/by/4.0/

Radiance, an international journal of multidisciplinary research

ISSN: 2347-6052 Vol. 6 No. 10 (2026) Published November 3, 2026

enforcement is three years from the date on which the decision becomes final and binding, unless otherwise provided for by an international treaty9.

In the field of economic legal relations, a similar mechanism is provided for by the Economic Procedure Code of the Republic of Uzbekistan, in particular Chapter 33. Pursuant to Article 248 of the Economic Procedure Code, foreign court judgments and arbitral awards in disputes arising in the economic sphere are recognized and enforced by economic courts where an appropriate basis exists under international law and domestic legislation.

Thus, the division of jurisdiction between courts of general civil jurisdiction and economic courts is determined primarily by the nature of the legal relationship in dispute. Where a foreign decision concerns civil, family, or other legal relations falling within the jurisdiction of civil courts, the relevant procedure established by the Civil Procedure Code shall apply. Where, however, the decision concerns disputes arising in the economic sphere, the procedure provided for by the Economic Procedure Code shall apply.

It should be emphasized that, in the context of these proceedings, the national court is not entitled to review the foreign decision on its merits[10]. Judicial review is limited to verifying compliance with the statutory conditions for recognition and enforcement, thereby ensuring respect for the principle of finality of judgments and the jurisdiction of the foreign judicial authority.

The procedure for the recognition and enforcement of a foreign decision comprises several successive stages, each of which has independent legal significance.

The proceedings are initiated by an interested party—the creditor in whose favour the relevant decision was rendered. The application must contain information about the court that rendered the decision, the parties to the dispute, the nature of the decision, and the request for its recognition and enforcement.

Depending on the applicable international treaty and the provisions of the relevant procedural code, the following documents shall be attached to the application:

– a duly certified copy of the foreign court judgment or arbitral award;

[9] Пирматов О. ФУҚАРОЛИК СУДИ ИШЛАРИ ЮРИТИШНИ РАҚАМЛАШТИРИШГА ҚИСҚАЧА ТАВСИФ //YURISPRUDENSIYA. – 2021. – Т. 1. – №. 1. – С. 39-46.

[10] Урванцева Л. М. РЕШЕНИЯ МЕЖДУНАРОДНЫХ КОММЕРЧЕСКИХ АРБИТРАЖЕЙ: ОСОБЕННОСТИ ИСПОЛЬЗОВАНИЯ НА ТЕРРИТОРИИ РОССИЙСКОЙ ФЕДЕРАЦИИ //Вестник науки и творчества. – 2026. – №. 1 (112). – С. 31-35.

https://creativecommons.org/licenses/by/4.0/

Radiance, an international journal of multidisciplinary research
ISSN: 2347-6052 Vol. 6 No. 10 (2026) Published November 3, 2026

– a document confirming that the decision has become final and binding, unless this is evident from its contents;
– evidence of full or partial enforcement of the decision, where it has previously been enforced;
– documents confirming that the party which did not participate in the proceedings was duly and timely notified;
– a power of attorney or other document confirming the authority of the representative;
– documents confirming compliance with the requirements concerning payment of the state duty and other prescribed expenses;
– a duly certified translation of the necessary documents into the state language, unless otherwise provided for by the relevant international treaty[11].

Particular importance is attached to compliance with the requirements governing the certification and translation of documents. Failure of the submitted materials to meet the prescribed procedural requirements may result in the application being returned without consideration on the merits, thereby prolonging the process of protecting violated rights.

The court considers the application at a court hearing, with notice being given to the persons participating in the case. Pursuant to Article 369 of the Civil Procedure Code of the Republic of Uzbekistan, the application shall be considered within a period not exceeding one month from the date of its receipt, unless otherwise provided for by an international treaty.

In the course of its consideration, the court examines the evidence submitted and determines whether the grounds for recognition and enforcement of the decision, as provided for by law, exist[12].

At the same time, the court must not re-examine the circumstances of the original dispute, assess the correctness of the foreign court's application of substantive law, or modify the content of the decision rendered. This approach is consistent with the principle prohibiting the review of a foreign decision on its merits (prohibition of revision au fond).

The outcome of the proceedings is a judicial act resolving the issue of whether the foreign decision should be recognized and enforced or whether the relevant application

[11] Ренц И. Г., Ярков В. В. Защита экономических интересов российских лиц в условиях национализации юрисдикции //European and Asian Law Review. – 2026. – Т. 9. – №. 2. – С. 113-122.
[12] Марышева Н. И., Щукин А. И. Иностранное судебное решение как объект признания и приведения в исполнение в России //Право. Журнал высшей школы экономики. – 2020. – №. 2. – С. 45-83.

https://creativecommons.org/licenses/by/4.0/

Radiance, an international journal of multidisciplinary research
ISSN: 2347-6052 Vol. 6 No. 10 (2026) Published November 3, 2026

should be dismissed. If the application is granted, the creditor becomes entitled to apply for the compulsory enforcement mechanisms provided for under national legislation.

It should be noted that not all foreign court judgments require the application of compulsory enforcement measures. In certain cases, an interested party applies to the court solely to obtain recognition of the legal effects of a foreign decision within the territory of the Republic of Uzbekistan.

This issue is relevant to decisions determining a person's legal status, establishing certain legal facts, or resolving matters unrelated to the recovery of monetary sums or the transfer of property[13].

Article 370 of the Civil Procedure Code of the Republic of Uzbekistan provides for the grounds on which a court may refuse, in whole or in part, to recognize and enforce a foreign court judgment or arbitral award. The principal grounds include the following:

1. The decision has not become final and binding under the laws of the state in whose territory it was rendered.
2. The party against whom the decision was rendered was not duly and timely notified of the time and place of the hearing or was deprived of the opportunity to present its arguments.
3. The case falls within the exclusive jurisdiction of the courts of the Republic of Uzbekistan.
4. There is a final and binding judgment of a court of the Republic of Uzbekistan in a dispute between the same parties, concerning the same subject matter and based on the same grounds.
5. Similar proceedings are pending before a court of the Republic of Uzbekistan, having been initiated before the commencement of proceedings in the foreign court.
6. The statutory time limit for submitting the foreign decision for compulsory enforcement has expired and has not been reinstated.
7. Evidence has been submitted establishing that the case was considered by an incompetent foreign court.
8. The foreign decision has been set aside by a competent authority of the state in which it was rendered.
9. Enforcement of the decision would be contrary to the sovereignty, security, or fundamental principles of the legislation of the Republic of Uzbekistan.

[13] Кайсин Д. В., Безрученков М. В. Международное частное право //Вестник международного коммерческого арбитража. – 2016. – №. 2. – С. 162.

https://creativecommons.org/licenses/by/4.0/

Radiance, an international journal of multidisciplinary research

ISSN: 2347-6052 Vol. 6 No. 10 (2026) Published November 3, 2026

The public policy exception is of particular importance. It enables a national court to prevent the recognition and enforcement of foreign decisions whose effects are incompatible with the fundamental legal principles of the state.

At the same time, the application of the public policy exception should remain exceptional in nature. An excessively broad interpretation of this exception may result in unjustified refusals to enforce foreign decisions and a breach of the international obligations of the Republic of Uzbekistan.

In the field of international commercial arbitration, the grounds for refusal are also provided for in Article V of the New York Convention. These include the invalidity of the arbitration agreement, the absence of proper notice, the arbitral tribunal's exceeding the scope of its jurisdiction, violations of the procedure for constituting the arbitral tribunal or conducting the proceedings, the award not having become binding, its setting aside or suspension, as well as certain circumstances relating to the arbitrability of the dispute and public policy[14].

Accordingly, the national court should apply the grounds for refusal restrictively, taking into account the objectives of the international treaty, the principle of good faith, and the need to ensure legal certainty.

Despite the existence of an established legal framework, law enforcement practice in this area faces a number of challenges that require scholarly analysis and legislative resolution.

First, the ambiguity in determining the applicable international treaty. In the context of multiple bilateral and multilateral treaties, it is necessary to identify the specific legal instrument applicable to the decision concerned. Differences in the provisions of these treaties may affect the list of required documents, procedural time limits, and grounds for refusal[15].

Second, difficulties in establishing that a party has been duly notified. In international disputes, notification of the parties to the proceedings may be carried out through various communication channels, including postal services, electronic means, and international legal assistance mechanisms. The absence of a uniform approach to the assessment of such evidence creates a risk of procedural disputes.

[14] Шебанова Н. А. Признание и приведение в исполнение иностранных судебных решений в практике российских судов //Труды Института государства и права Российской академии наук. – 2017. – №. 1 (59). – С. 22-43.

[15] Молева Г. В., Лапаев И. С. Признание и исполнение иностранных судебных решений как средство повышения эффективности правосудия //Правовая политика и правовая жизнь. – 2015. – №. 3. – С. 150-152.

https://creativecommons.org/licenses/by/4.0/

Radiance, an international journal of multidisciplinary research

ISSN: 2347-6052 Vol. 6 No. 10 (2026) Published November 3, 2026

Third, problems relating to the translation and certification of documents. Requirements concerning translation, notarization, legalization, or apostille certification may constitute a significant obstacle for the creditor. In this regard, particular importance should be attached to determining the circumstances in which an international treaty exempts the applicant from complying with certain formalities[16].

Fourth, inconsistency in judicial practice. Different interpretations of the grounds for refusal, particularly the public policy exception, may result in inconsistent decisions on similar applications. This has an adverse effect on the predictability of judicial protection and on the confidence of foreign participants in civil transactions in the national judicial system.

Fifth, difficulties in cooperation between judicial authorities and enforcement authorities. Recognition of a foreign decision does not always guarantee its actual enforcement. The practical effectiveness of the mechanism depends on the availability of the debtor's assets, the timely adoption of enforcement measures, cooperation between the relevant authorities, and access to information concerning the debtor's financial and property status.

Sixth, the need to adapt procedural regulation to the digitalization of justice. The electronic filing of applications, the use of digital documents, electronic notification of the parties, and remote participation in court hearings can significantly simplify the procedure. However, the introduction of such mechanisms requires the establishment of legal criteria for document authenticity, the reliability of electronic evidence, and the protection of information security.

Thus, efforts to improve this legal institution should be aimed not only at formally simplifying procedural mechanisms but also at enhancing the practical effectiveness of the enforcement of foreign court judgments and arbitral awards.

REFERENCES

1. Тажибоев М. М. Вопросы исполнения судебных решений в Республике Узбекистан: проблемы и предложения //Евразийская адвокатура. – 2020. – №. 3 (46). – С. 110-113.

[16] Воронов А. Ф. О понятии признания и исполнения иностранных судебных решений //Актуальные проблемы международного частного права и международного гражданского процесса: Liber Amicorum в честь заслуженного деятеля науки Российской Федерации, доктора юридических наук НИ Марышевой. – 2020. – С. 127-144.

https://creativecommons.org/licenses/by/4.0/

Radiance, an international journal of multidisciplinary research

ISSN: 2347-6052 Vol. 6 No. 10 (2026) Published November 3, 2026

2. Ерпылева Н. Ю., Максимов Д. М. Признание и приведение в исполнение иностранных судебных решений: национальное и региональное измерение //Право. Журнал высшей школы экономики. – 2017. – №. 2. – С. 200-222.
3. Ерпылева Н. Ю., Максимов Д. М. Признание и приведение в исполнение иностранных судебных решений: национальное и региональное измерение //Право. Журнал высшей школы экономики. – 2017. – №. 2. – С. 200-222.
4. Карелина С. А. ПРАВОВЫЕ ПРОБЛЕМЫ ПРИЗНАНИЯ И ПРИВЕДЕНИЯ В ИСПОЛНЕНИЕ ИНОСТРАННЫХ СУДЕБНЫХ РЕШЕНИЙ ПО ДЕЛАМ О БАНКРОТСТВЕ //Вестник Московского университета. Серия 11. Право. – 2025. – №. 4. – С. 7-22.
5. Слепченко Е. В. Гражданское судопроизводство: общая характеристика и тенденции развития //Вестник гражданского процесса. – 2012. – №. 2. – С. 41-75.
6. Данельян А. А. Международно-правовой режим иностранных инвестиций //дис.… д-ра юрид. наук. – 2016. – Т. 12. – №. 10.
7. Карелина С. А. ПРАВОВЫЕ ПРОБЛЕМЫ ПРИЗНАНИЯ И ПРИВЕДЕНИЯ В ИСПОЛНЕНИЕ ИНОСТРАННЫХ СУДЕБНЫХ РЕШЕНИЙ ПО ДЕЛАМ О БАНКРОТСТВЕ //Вестник Московского университета. Серия 11. Право. – 2025. – №. 4. – С. 7-22.
8. Эргашев И. Ш. ХАЛҚАРО АРБИТРАЖ СУДИ ҚАРОРЛАРИНИ ИЖРО ЭТИШ ВА ТАН ОЛИШ БЎЙИЧА МИЛЛИЙ ҚОНУНЧИЛИГИМИЗ ТАҲЛИЛИ //Сборник материалов международной научно-практической конференции «Приоритеты внешней политики Республики Узбекистан в современных условиях: экономика, право, политика»(на узбекском, русском и английском языках)–387 с. – 2021. – С. 289.
9. Пирматов О. ФУҚАРОЛИК СУДИ ИШЛАРИ ЮРИТИШНИ РАҚАМЛАШТИРИШГА ҚИСҚАЧА ТАВСИФ //YURISPRUDENSIYA. – 2021. – Т. 1. – №. 1. – С. 39-46.
10. Урванцева Л. М. РЕШЕНИЯ МЕЖДУНАРОДНЫХ КОММЕРЧЕСКИХ АРБИТРАЖЕЙ: ОСОБЕННОСТИ ИСПОЛЬЗОВАНИЯ НА ТЕРРИТОРИИ РОССИЙСКОЙ ФЕДЕРАЦИИ //Вестник науки и творчества. – 2026. – №. 1 (112). – С. 31-35.
11. Ренц И. Г., Ярков В. В. Защита экономических интересов российских лиц в условиях национализации юрисдикции //European and Asian Law Review. – 2026. – Т. 9. – №. 2. – С. 113-122.

https://creativecommons.org/licenses/by/4.0/

Radiance, an international journal of multidisciplinary research

ISSN: 2347-6052 Vol. 6 No. 10 (2026) Published November 3, 2026

12. Марышева Н. И., Щукин А. И. Иностранное судебное решение как объект признания и приведения в исполнение в России //Право. Журнал высшей школы экономики. – 2020. – №. 2. – С. 45-83.
13. Кайсин Д. В., Безрученков М. В. Международное частное право //Вестник международного коммерческого арбитража. – 2016. – №. 2. – С. 162.
14. Шебанова Н. А. Признание и приведение в исполнение иностранных судебных решений в практике российских судов //Труды Института государства и права Российской академии наук. – 2017. – №. 1 (59). – С. 22-43.
15. Молева Г. В., Лапаев И. С. Признание и исполнение иностранных судебных решений как средство повышения эффективности правосудия //Правовая политика и правовая жизнь. – 2015. – №. 3. – С. 150-152.
16. Воронов А. Ф. О понятии признания и исполнения иностранных судебных решений //Актуальные проблемы международного частного права и международного гражданского процесса: Liber Amicorum в честь заслуженного деятеля науки Российской Федерации, доктора юридических наук НИ Марышевой. – 2020. – С. 127-144.

https://creativecommons.org/licenses/by/4.0/