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Research Article

COURT OF ARBITRATION TYPES

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ABSTRACT

This article briefly highlights the types of arbitration courts, their features, and the activity of the HKIAC and SIAC, which are actively developing at present.

KEYWORDS

Arbitration court, institutional arbitration courts, ad hoc arbitration courts, HKIAC, SIAC.

INTRODUCTION

Although several normative legal documents have been adopted in Uzbekistan today in arbitration courts and arbitration, many positive

things have been done, but using alternative methods in resolving disputes has not lost its relevance. According to Article 5 of the Law of the

Republic of Uzbekistan, "On Arbitration Courts", we can establish 2 different arbitration courts in the Republic of Uzbekistan:

permanent arbitration courts;

ad hoc arbitration courts.

The distinctive features of a permanent arbitration court established by national legislation are:

- A permanent arbitration court is established by a legal entity;
- A permanent arbitration court operates under the legal entity that established it;
- Based on the name of the permanent arbitration court, its activity is on a permanent basis;
- Permanent arbitration courts are registered by the Ministry of Justice of the Republic of Karakalpakstan, regional, and Tashkent justice departments.

The specific features of the ad hoc arbitration court, defined in national legislation, are as follows:

- The temporary arbitration court is established by the parties to the arbitration agreement (Article 7 of the Law);
- Based on the name of the temporary arbitration court, after the dispute is considered, this court terminates its activity (Article 7 of the Law);
- The procedure for establishing a temporary arbitration court is determined by the parties

to the arbitration agreement (Article 7 of the Law);

- Temporary arbitration courts are taken into account by the Ministry of Justice of the Republic of Karakalpakstan, regional and Tashkent justice departments (Article 8 of the Law).

As can be seen from this definition, permanently operating arbitration courts do not have the status of a legal entity.

According to the information received from the Open Data Portal of the Republic of Uzbekistan, today 252 permanent arbitration courts are registered and operating in our country². In particular, in Andijan region - 19, in Bukhara region - 15, in Jizzakh region - 12, in Navoi region - 16, in Namangan region - 14, in Samarkand region - 23, in Syrdarya region - 5, in Surkhandarya region - 21. 21 in the Tashkent region, 41 in Tashkent city, 21 in the Fergana region, 16 in Khorezm region, 14 in the Kashkadarya region and 14 in the Republic of Karakalpakstan.

In fact, both forms of the arbitration court perform the same task. They resolve disputes arising from civil legal relations, including economic disputes arising between business entities.

We also know permanent arbitration courts as "institutional arbitration institutions".

There are a lot of institutional arbitration institutions in the world, among which it is appropriate to briefly dwell on the activities of 2

famous arbitration institutions that are rapidly developing today.

A group of business people and professionals established Hong Kong International Arbitration Centre (HKIAC) in 1985 in Hong Kong, China to meet the need for dispute resolution services in Asia. When HKIAC was established, it was financially supported by the Hong Kong business community and the Hong Kong government. Today, HKIAC is financially independent and free from any pressure or control³.

HKIAC is incorporated under the laws of Hong Kong, is a company limited by guarantee and operates as a non-profit organization.

HKIAC is one of the world's leading organizations for arbitration, mediation and domain name dispute resolution⁴.

HKIAC received a total of 514 disputes in 2021, of which 277 were referred to arbitration (in 2015, 271 out of a total of 520 disputes were referred to arbitration - the value of disputes was 6.2 billion US dollars⁵, in 2016, 262 of a total of 460 disputes were referred to arbitration - the value of disputes was approx. 2.5 billion USD⁶, in 2017, 297 of the total 532 disputes referred to arbitration - the value of disputes is approximately 5 billion USD⁷, in 2018, 265 of the total 520 disputes referred to arbitration - the value of disputes is approximately 6.3 billion USD⁸, in 2019 the total 308 out of 503 disputes are related to arbitration - the value of disputes is about 4.7 billion US dollars⁹, in 2020, 318 out of 483 disputes are related to arbitration - the value of disputes is about 8.8 billion US dollars¹⁰)

respectively, the total value of these arbitration cases is 54, 6 billion Hong Kong dollars (about 7 billion US dollars)¹¹.

Disputes arising in 2021 are international trade and trade of goods (24.2%), corporate (19.5%), maritime (17%), banking and finance (16.2%), construction (9.4%) , professional services (5.8%), intellectual property (4%), energy (1.4%), insurance (1.1%), labor (1.1%) and other sectors.

Singapore International Arbitration Center (SIAC) was established in Singapore in 1991.

SIAC is an independent, not-for-profit organization that operates globally.

The experienced international team available at SIAC includes more than 500 expert arbitrators representing more than 40 jurisdictions.

SIAC has offices in several countries, notably India (opened in Mumbai in 2013, opened in Gujarat in 2017), the USA (opened in New York in 2020), the Republic of Korea (opened in Seoul) and China (opened in Shanghai in 2016).

In 2021, SIAC received 469 applications with a total value of 6.54 billion US dollars¹² (in 2015 – 27113, in 2016 – 34314, in 2017 – 45215, in 2018 – 40216, in 2019 – 47917, in 2020 in the year - 108018), they are in trade - 143 (30%), in the commercial field - 111 (24%), in the corporate field - 66 (14%), in sea and sea cargo transportation - 50 (11%) , in construction and engineering - 41 (9%), in other fields - 58 (12%).



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