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Research Article

CIVIL LAW REGULATION OF THE PROVISION OF LEGAL SERVICES TO BUSINESS ENTITIES

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Aziz Palvanov

Independent researcher, Tashkent State University of Law, Tashkent, Uzbekistan

ABSTRACT

Reforms are a multifaceted and lengthy process, the most important areas of which are the creation of perfect legislation, ensuring its unconditional implementation, improving the legal culture of the population and officials, a clear definition of the rights and obligations of citizens, state authorities and administration. An important role in this process is played by the activities of state authorities and administration, as well as legal services of economic entities. Legal service of these bodies and economic entities - from the process of preparation, legal expertise, adoption of draft regulatory legal acts to ensuring their implementation; conclusion, amendment, termination and execution of business contracts; ensuring the safety of property by legal means; compliance with labor legislation and strengthening labor discipline; protection of the rights and legitimate interests of the relevant authorities and business entities in courts and other organizations; takes an active part in legal education.

As you know, the role and importance of the legal service in the formation of the rule of law and civil society is increasing. Therefore, a scientific and practical analysis of issues related to the concept and essence of the legal service, the improvement of the foundations of the legal regulation of its activities, as well as the legal foundations and specifics of the activities of the legal service in foreign countries is required. In addition, there is a need to study the system, legal status and main activities of the legal service based on a new approach. Therefore, along with a systematic study of the legal service system in the Republic of Uzbekistan, its legal status, the main activities of public authorities, economic management and legal services of economic entities, there is a need to develop sound conclusions, proposals and recommendations from the point of view of legal science and practice.



KEYWORDS

Legal service, legal status, lawyer, contract, law, business entity, right, obligation, legal protection, document.

INTRODUCTION

The emerging economic system and an increasing number of business entities in it require the protection of their rights and interests through the legal regulation of relations between them. Legal regulation, in turn, is aimed at strengthening the participation of entities carrying out business activities on the basis of entrepreneurship in market relations. In a market economy, the freedom of contracts is of particular importance, and in the regulation of directly existing economic relations, contracts occupy a paramount place. Contracts are a particularly important tool in the legal support of economic and economic turnover between business entities. By concluding an agreement, economic entities establish among themselves economic activities for the purchase and sale of goods, ordering and performing works and services, and providing production with raw materials.

The main purpose of concluding any contract is to achieve the goal pursued by its conclusion, that is, its execution. The performance of the contract is based on certain principles, and non-observance or deviation from these principles and non-fulfilment of the terms of the contract are qualified as a breach of the contract. Violation of the contract entails a break in the chain of economic and economic ties between economic entities and, in itself, distrust in relations between counterparties (counterparties-partners under the agreement). Moreover, the violation of economic agreements creates negative consequences both for the country's economy and can cause a

decrease in the growth rates of the gross national product in the country. Therefore, a special place in ensuring contractual discipline and shaping the contractual culture of economic entities is occupied by the establishment of legal liability and the formation of appropriate legal mechanisms for its application.

Ensuring the fulfillment of contractual obligations - contributes to the establishment of interaction between all enterprises, organizations, business entities involved in economic production, and, ultimately, the effective functioning of this industry.

Material and procedural-legal factors that contribute to ensuring the fulfillment of the obligations specified in the contract, contribute to the proper functioning of contractual relations in general, including the system of economic contracts, and the protection of the property interests of the parties to the contract. Based on this, we can say that pointing out the importance of the system of economic contracts in ensuring the fulfillment of contractual obligations in economic production is one of the main tasks of jurisprudence. Indeed, in a market economy, economic contracts remain the main means of regulating relations between various economic entities.

Legal scholars and practitioners have different approaches to determining the main activities of the legal service of business entities. In particular, A. In the special part of the textbook "Legal Service in the Russian Federation", written by Chashin, the following eight areas are highlighted that are directly involved in



the legal service: 1) contract company; 2) representation in court cases and in court; 3) provision of legal assistance to public organizations of the enterprise; 4) analysis of applications and statements of claim; 5) activities of the legal service to ensure[1]

L. Lebedev divides the main tasks and functions of practicing lawyers into two subgroups: legal support of internal and external relations of the organization and the work of a corporate lawyer in contractual legal cases and litigation[2].

L. The main activities of the legal service of the economic entity may include: a) work to ensure the legality and economic security of the enterprise; b) contract work; d) work related to the recovery of losses by employees; d) claims and lawsuits[3].

In our opinion, the main areas of activity of the legal service of economic entities include: a) participation in the preparation, conclusion of business contracts and control over their execution; b) role in the organization of claim work and protection of the rights and legitimate interests of business entities; c) organization of work on legal support of the safety of property; d) role in compliance with labor legislation and strengthening labor discipline. After all, legal services for business entities can also be carried out by the relevant lawyer structures directly on a contractual basis. At the same time, relations between the parties are carried out on the basis of a contract for the provision of legal services, which is one of the types of paid services. In accordance with Art. 703 of the Civil Code between an economic entity and a lawyer structure, an agreement is concluded for the provision of legal services for a fee (for example, legal assessment of contracts concluded by an economic entity, conclusion and issuance of an opinion on the relevant case, etc.).

In this regard, the activities of the legal service can be divided into four main areas: first, these areas are inherent in the activities of the legal service of all business entities; secondly, they do not duplicate, but, on the contrary, complement each other, that is, they are complex, harmonious and consistent; thirdly, they are systematized based on the tasks and functions of the legal service, determined by the current legislation.

[4]The Law of the Republic of Uzbekistan “On the contractual and legal framework for the activities of economic entities” and a number of other legal acts clearly establish the participation of the legal service in the conclusion, amendment, termination and enforcement of contracts. At the same time, it should be noted that in no country the function of the legal service in this area has been reflected at the legislative level.

Usually a local document (Regulations, instructions, etc.) on the organization of contractual and legal work in an economic entity is developed by the legal service[5][6]. This document provides for: the procedure and terms for the transfer of documents related to the conclusion, amendment and termination of the contract to structural divisions (to the relevant specialists); distribution of responsibilities of the relevant structural units, officials and specialists responsible for the execution of the contract; the procedure for developing draft contracts, as well as the procedure for agreeing on the terms of the contract with the relevant departments and services; duties of divisions, services and officials to resolve disputes with counterparties in the process of concluding, amending and terminating contracts; the procedure for accounting and storage of contracts and other contractual documents; the procedure for bringing the terms of the contract to the structural subdivisions of the economic entity in order to ensure



the fulfillment of the contract; the procedure for monitoring the fulfillment of contractual obligations; analysis of contract work and the procedure for making proposals for their improvement; the procedure for applying material incentives and measures of economic responsibility to structural divisions of an economic entity in order to strengthen contractual discipline.

Of no small importance is the activity of the legal service for the legal examination of contracts. Because without a thorough legal examination of contracts concluded between business entities, ensuring their proper execution is a difficult task. Business contracts in the amount of more than two hundred minimum wages established by law are concluded only after a written conclusion of the legal service. In the conclusion, as a rule, it is indicated: what legislation regulates the relations specified in the business contract; whether the terms of the business contract comply with the requirements of the law; whether the norm of responsibility of the parties and the procedure for resolving disputes do not comply with the requirements of the law[7].

Proper organization of paperwork on applications is important for improving the production, economic and financial situation of economic entities. For disputes arising from economic relations between economic entities, in cases provided for by law or an agreement, the plaintiff may bring a claim to the Economic Court only after the defendant complies with the procedure for pre-trial resolution of the dispute (sending an application).

Application actions carried out by employees of the legal service include[8]: a) collecting information and documents necessary for registering an application, writing and processing an application and sending it to the relevant business entities; b) consideration of

appeals received by the business entity, consideration of the necessary documents on them, giving an opinion on the full or partial satisfaction or rejection of the application, processing the response and sending it; c) generalization and analysis of information on sent and received appeals, making proposals and determining measures to prevent violations of production, economic, financial, accounting, labor discipline.

In modern world practice, the principle of free agreement between the client and the lawyer on the amount of remuneration prevails. Minimum rates for lawyer services are widely used to prevent unfair price competition and protect the reputation of the bar. The most common is the hourly method of payment for lawyers' services ("hourly rate"), in which the universal means of determining the cost of any type of legal assistance is the time spent on its implementation. However, in the US, this system is in crisis. The endless devotion of lawyers to work "by the hour" and the simulation of work will lead to the degradation of the legal profession: "the quantity of a lawyer's work will matter more than his quality, while his ordinary work will matter more than creative work"[9].

It is very popular to establish a fee for legal assistance depending on the value of the claim payable (the value of the disputed property, the amount of the disputed debt, etc.), regardless of the results of the work. The method called "conditional payment" differs significantly from this, which, although defined as a percentage or fraction of the amount in dispute, involves payment either as a result of a positive outcome of the assigned case or as part of the amount recovered. Performance based compensation (*di quita litis*) is illegal in England.

In Germany and France, it is not allowed to conclude an agreement on the payment of a payment only depending on the result (or in the form of a share of



the transferred property), but it is not forbidden to pay additional premiums to the main payment in cases where a decision is made in favor of the client. The United States is considered one of the few countries that allows pay agreements for successful performance, with the exception of certain categories of cases (marriage and family disputes, defense of the defendant in a criminal case)[10].

Ensuring compliance with labor legislation and strengthening labor discipline is one of the most important areas of legal work carried out by the legal service of an economic entity together with other structural divisions[11]. Because it is necessary to legally regulate labor relations,” says A. Titievskogo, which has a significant impact on the quality of all economic and other statutory activities of the enterprise”[12].

The main activity of the legal service of economic entities in this direction is: participation in the development of legal documents regulating the labor relations of an economic entity - a collective agreement, internal labor regulations, provisions on incentives and incentives; ensuring compliance with the legislation of draft orders and other legal documents relating to labor relations submitted for signature to the head of an economic entity; strengthening labor discipline, establishing the provision of legal assistance to the head of an economic entity and specialists in the proper application of the measures of responsibility provided for by law; organization and implementation of work on the orderly accounting of compliance with labor legislation and acts of a legal nature of an enterprise in an economic entity; legal advice to the trade union committee operating in the labor collective, the commission on labor disputes and other representative bodies of employees; promotion and

explanation of labor legislation to members of the labor collective.

Ensuring the legality of draft orders on labor relations submitted for signature to the head of an economic entity is one of the main tasks of the legal service. In carrying out this task, the legal service, first of all, determines: whether the head of an economic entity has the right to issue orders on this issue or whether the resolution of issues provided for by the project belongs to other bodies; whether this project requires coordination with the trade union committee or other representative body of workers; whether it is correctly guided by the law and other regulatory legal acts, etc.

In the process of verifying the compliance of the employment contract with the legislation of the legal service - compliance with its written form; The conditions of his maintenance: place of work (a business company or its division), work-specialty, qualifications of the employee, position, date of commencement of work, the term of the employment contract for a certain period, the amount of wages and other terms of employment considers that he is insured, and in the case of its proper execution, puts a visa on a copy of the employment contract stored in the business entity.

Employment is issued by order of the employer. When checking draft orders for employment, the legal service must determine whether the concluded employment contract is accepted as a basis for the draft order, whether it fully complies with its content, whether the probationary period does not exceed three months, and so on.

When considering a draft order to transfer an employee to another job, the legal service must make sure that: if the employee is transferred to another permanent job, i.e. is transferred to another specialty,



qualification, position, he agrees, is familiar with all the conditions of the new job; whether the relevant amendments have been made to the employment contract, whether the order has been issued in full compliance with the content of the amendments to the employment contract; if the transfer to another job is carried out temporarily, due to a production need or in connection with suspension from work, then the circumstances recognized as a production need, the period of transfer to another job, the exact amount of wages.

When checking orders to terminate an employment contract, the legal service pays attention to the legality and validity of the dismissal. To this end, it is necessary to check whether the procedure established by law was followed when dismissing an employee. In particular, whether the prior consent of the trade union committee or other representative body of employees for dismissal was obtained (in cases provided for by the collective agreement), whether the employee was warned in writing within the time limits established by law upon termination of the employment contract; whether additional guarantees established for certain categories of employees are taken into account; whether the relevant articles and paragraphs of the law are correctly indicated in the order.

Thus, the consistent improvement of the legal framework and practice of the activities of economic management bodies and the legal service of economic entities will help ensure the rule of law in their activities, improve financial performance, strengthen the protection of the rights and legitimate interests of employees, increase the responsibility of legal service employees for improving the efficiency of legal work in data subjects. The development of a system for the provision of legal services to business entities on a

contractual basis, a clear definition of the obligations of a legal service provider to protect the rights and interests of these entities, as well as the development of a standard form of a contract for the provision of legal services are also relevant.

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