



# ЮРИСТ АХБОРОТНОМАСИ

ВЕСТНИК ЮРИСТА \* LAWYER HERALD

ҲУҚУҚИЙ, ИЖТИМОИЙ, ИЛМИЙ-АМАЛИЙ ЖУРНАЛ



CYBERLENINKA



НАУЧНАЯ ЭЛЕКТРОННАЯ  
БИБЛИОТЕКА  
LIBRARY.RU



ISSN 2181-9416

Doi Journal 10.26739/2181-9416

# ЮРИСТ АХБОРОТНОМАСИ

1 СОН, 1 ЖИЛД

---

## ВЕСТНИК ЮРИСТА

НОМЕР 1, ВЫПУСК 1

---

## LAWYER HERALD

VOLUME 1, ISSUE 1



TOSHKENT-2020

**ЮРИСТ АХБОРОТНОМАСИ**  
**ҳуқуқий, ижтимоий, илмий-амалий журнали**  
№1 (2020) DOI <http://dx.doi.org/10.26739/2181-9416-2020-1>

**Бош муҳаррир:**  
**Раҳматов Анвар Исламович**

Адлия вазирлиги қошидаги  
Юристлар малакасини ошириш  
маркази директори

**Бош муҳаррир ўринбосари:**  
**Отажонов Абдоржон Анварович**

Адлия вазирлиги қошидаги  
Юристлар малакасини ошириш  
маркази директори ўринбосари,  
юридик фанлар доктори, профессор

**ЮРИСТ АХБОРОТНОМАСИ ЖУРНАЛИ**  
**ҳуқуқий, ижтимоий, илмий-амалий журнали**  
**ТАҲРИР ҲАЙЪАТИ:**

**Одилқориев Ҳожимурод Тўхтамуродович**

*Юристлар малакасини ошириш маркази кафедра  
мудири, юридик фанлар доктори, профессор*

**Окюлов Омонбой**

*Юристлар малакасини ошириш маркази  
профессори, юридик фанлар доктори,  
профессор, Ўзбекистон Республикасида  
хизмат кўрсатган юрист*

**Саидова Лола Абдувахитовна**

*Юристлар малакасини ошириш маркази кафедра  
мудири, юридик фанлар доктори*

**Тошев Бобокул Норқобиллович**

*Юристлар малакасини ошириш маркази кафедра  
мудири, юридик фанлар доктори*

**Аюбов Улугбек Тулаганович**

*Юристлар малакасини ошириш маркази доценти,  
Ўзбекистон Республикасида хизмат кўрсатган  
юрист, юридик фанлар номзоди, доцент*

**Мамасиддиқов Музаффаржон Мусаҷонович**

*Бош Прокуратура Академияси Марказ бошлиғи,  
юридик фанлар доктори, профессор*

**Отаҳонов Фозилжон Хайдарович**

*Ўзбекистон Республикаси Савдо-саноат палатаси  
ҳузуридаги Халқаро тижорат арбитраж (ҳакамлик)  
суди раиси, юридик фанлар доктори (DSc), доцент*

**Исроилов Боходир Ибрагимович**

*Юристлар малакасини ошириш маркази  
кафедраси мудири, иқтисод фанлар доктори,  
профессор*

**Масъул Котиб:**

**Раҳманов Шухрат Наимович**

*Юристлар малакасини ошириш маркази доценти,  
юридик фанлар номзоди*

**Саҳифаловчи:** Шаҳрам Файзиев

**Контакт редакцији журнали:**  
100001, город Ташкент, улица Катта Дархон, 6.  
WEB: [yuristjournal.uz](http://yuristjournal.uz)  
E-mail: [info@yuristjournal.uz](mailto:info@yuristjournal.uz)  
[yuristjournal@gmail.com](mailto:yuristjournal@gmail.com)  
Телефон: (+99898) 0000341

**Contact Editorial Staff**  
100001, Katta Darhon str. 6, Tashkent, Uzbekistan  
WEB: [yuristjournal.uz](http://yuristjournal.uz)  
E-mail: [info@yuristjournal.uz](mailto:info@yuristjournal.uz)  
[yuristjournal@gmail.com](mailto:yuristjournal@gmail.com)  
Telephone: (+99898) 0000341

Общественно-правовой и научно-практический журнал  
**ВЕСТНИК ЮРИСТА**

№1 (2020) DOI <http://dx.doi.org/10.26739/2181-9416-2020-1>

**Главный редактор:**

**Рахматов Анвар Исламович**

Директор Центра повышения квалификации юристов при Министерстве юстиции

**Заместитель главного редактора:**

**Отажонов Абдоржон Анварович**

Первый заместитель директора Центра повышения квалификации юристов при Министерстве юстиции, доктор юридических наук, профессор

**РЕДАКЦИОННАЯ КОЛЛЕГИЯ:**

**Общественно-правового и научно-практического журнала  
ВЕСТНИК ЮРИСТА**

**Адилкариев Хожимурод Тўхтамуродович**

*Заведующий кафедрой Центра повышения квалификации юристов, доктор юридических наук, профессор*

**Окюлов Омонбой**

*Профессор Центра повышения квалификации юристов, доктор юридических наук, профессор, Заслуженный юрист Республики Узбекистан*

**Саидова Лола Абдувахитовна**

*Заведующая кафедрой Центра повышения квалификации юристов, доктор юридических наук*

**Тошев Бобокул Норқобилович**

*Заведующий кафедрой Центра повышения квалификации юристов, доктор юридических наук*

**Исроиллов Боходир Ибрагимович**

*Заведующий кафедрой Центра повышения квалификации юристов, доктор экономических наук, профессор*

**Аюбов Улугбек Тулаганович**

*Доцент Центра повышения квалификации юристов, Заслуженный юрист Республики Узбекистан, кандидат юридических наук, доцент*

**Мамасиддиқов Музаффаржон Мусажонович**

*Начальник Центра Академии Генеральной Прокуратуры, доктор юридических наук, профессор*

**Отахонов Фозилжон Хайдарович**

*Председатель Международного коммерческого арбитражного суда при Торгово-промышленной палате, доктор юридических наук, доцент*

**Ответственный секретарь:**

**Рахманов Шухрат Наимович**

*Доцент Центра повышения квалификации юристов, кандидат юридических наук*

**Верстка:** Шахрам Файзиев

**Контакт редакции журнала:**

100001, город Ташкент, улица Катта Дархон, 6.  
WEB: [yuristjournal.uz](http://yuristjournal.uz)  
E-mail: [info@yuristjournal.uz](mailto:info@yuristjournal.uz)  
[yuristjournal@gmail.com](mailto:yuristjournal@gmail.com)  
Телефон: (+99898) 0000341

**Contact Editorial Staff**

100001, Katta Darhon str. 6, Tashkent, Uzbekistan  
WEB: [yuristjournal.uz](http://yuristjournal.uz)  
E-mail: [info@yuristjournal.uz](mailto:info@yuristjournal.uz)  
[yuristjournal@gmail.com](mailto:yuristjournal@gmail.com)  
Telephone: (+99898) 0000341

**Public, legal and scientific-practical journal of  
LAWYER HERALD**

№1 (2020) DOI <http://dx.doi.org/10.26739/2181-9416-2020-1>

**Chief Editor:  
Rakhmatov Anvar**

Director of the Lawyers' Training Center  
under the Ministry of Justice

**Deputy Chief Editor:  
Otajonov Abrorjon**

First Deputy Director of the Lawyers' Training  
Center under the Ministry of Justice, Doctor of  
Law Sciences, Professor

**EDITORIAL BOARD**

**Public, legal and scientific-practical journal of  
LAWYER HERALD**

**Adilkariyev Khojimurat**

*Head of the Department at the Lawyers' Training  
Center, Doctor of Law Sciences, Professor*

**Oqyulov Omonboy**

*Professor at the Lawyers' Training Center, Doctor of  
Law Sciences, Professor, Honored Lawyer of the  
Republic of Uzbekistan*

**Saidova Lola**

*Head of the Department at the Lawyers' Training  
Center, Doctor of Law Sciences*

**Toshev Bobokul**

*Head of the Department at the Lawyers' Training  
Center, Doctor of Law Sciences*

**Israilov Bokhodir**

*Head of the Department at the Lawyers' Training  
Center, Doctor of Economics, Professor*

**Ayubov Ulugbek**

*Senior Lecturer at the Lawyers' Training Center,  
Candidate of Juridical Sciences, Associate  
Professor, Honored Lawyer of the Republic of  
Uzbekistan*

**Mamasiddikov Muzaffarjon**

*Head of the Center of the Academy of the General  
Prosecutor's Office, Doctor of Law Sciences, Professor*

**Otaxonov Foziljon**

*Chairman of the International Commercial  
Arbitration Court at the Chamber of Commerce  
Doctor of the Science of Law, Associate Professor*

**Executive Editor:  
Rakhmanov Shukhrat**

*Senior Lecturer at the Lawyers' Training Center,  
Candidate of Juridical Sciences*

**Pagemaker:** Shakhram Fayziev

**Контакт редакции журнала:**

100001, город Ташкент, улица Катта Дархон, 6.  
WEB: [yuristjournal.uz](http://yuristjournal.uz)  
E-mail: [info@yuristjournal.uz](mailto:info@yuristjournal.uz)  
[yuristjournal@gmail.com](mailto:yuristjournal@gmail.com)  
Телефон: (+99898) 0000341

**Contact Editorial Staff**

100001, Katta Darhon str. 6, Tashkent, Uzbekistan  
WEB: [yuristjournal.uz](http://yuristjournal.uz)  
E-mail: [info@yuristjournal.uz](mailto:info@yuristjournal.uz)  
[yuristjournal@gmail.com](mailto:yuristjournal@gmail.com)  
Telephone: (+99898) 0000341

**ДАВЛАТ ВА ҲУҚУҚ НАЗАРИЯСИ ВА ТАРИХИ. ҲУҚУҚИЙ  
ТАЪЛИМОТЛАР ТАРИХИ**

**1.ОДИЛҚОРИЕВ Хожимурод Тўхтамурадович**  
ТОЖДОР ВИРУС ПАНДЕМИЯСИ ШАРОИТИДА ДАВЛАТ ВА  
ҲУҚУҚ ФУНКЦИЯЛАРИНИНГ НАМОЁН БЎЛИШ  
ХУСУСИЯТЛАРИ.....9

**КОНСТИТУЦИЯВИЙ ҲУҚУҚ. МАЪМУРИЙ ҲУҚУҚ. МОЛИЯ  
ВА БОЖХОНА ҲУҚУҚИ**

**1.ИСМАЙЛОВ Баходир Исламович**  
РОЛЬ МЕЖДУНАРОДНЫХ РЕЙТИНГОВ И СИСТЕМ ОЦЕНКИ  
В ПОВЫШЕНИИ ЭФФЕКТИВНОСТИ ГОСУДАРСТВЕННОГО  
УПРАВЛЕНИЯ.....19

**2.ЮЛДАШЕВ Джахонгир Хайитович**  
"ЎЗБЕКИСТОН РЕСПУБЛИКАСИНИНГ ФУҚАРОЛИГИ  
ТЎҒРИСИДА"ГИ ҚОНУННИНГ ЎЗБЕКИСТОН  
ФУҚАРОЛИГИНИ ОЛИШ АСОСЛАРИ ВА ШАРТЛАРИНИ  
БЕЛГИЛОВЧИ АЙРИМ НОРМАЛАРИ ТАҲЛИЛИ.....26

**ФУҚАРОЛИК ҲУҚУҚИ. ТАДБИРКОРЛИК ҲУҚУҚИ. ОИЛА  
ҲУҚУҚИ. ХАЛҚАРО ХУСУСИЙ ҲУҚУҚ**

**1.ҲАМРОҚУЛОВ Баходир Мамашарифович**  
ИТАЛИЯ ВА БЕЛЬГИЯДА МАЪНАВИЙ ЗИЁННИ  
ҚОПЛАШҚОНУНЧИЛИГИ ВА СУД АМАЛИЁТИ.....32

**2.ОЧИЛОВ Бехзод Эргашович**  
ВНЕДРЕНИЕ ЭФФЕКТИВНЫХ ДОГОВОРНЫХ ФОРМ  
ПРИВЛЕЧЕНИЯ ИНВЕСТИЦИЙ В ДОБЫВАЮЩИЕ  
ОТРАСЛИ ЭКОНОМИКИ РЕСПУБЛИКИ  
УЗБЕКИСТАНА.....39

**ФУҚАРОЛИК ПРОЦЕССУАЛ ҲУҚУҚИ. ИҚТИСОДИЙ  
ПРОЦЕССУАЛ ҲУҚУҚИ. ҲАКАМЛИК ЖАРАЁНИ ВА  
МЕДИАЦИЯ**

**1.САИДОВ Мақсудбек Норбоевич**  
КОРПОРАТИВ НИЗОЛАР БЎЙИЧА ИШНИ СУД  
МУҲОКАМАСИГА ТАЙЁРЛАШНИНГ АЙРИМ  
МАСАЛАЛАРИ.....49

**СУД ҲОКИМИЯТИ. ПРОКУРОР НАЗОРАТИ. ҲУҚУҚНИ  
МУҲОФАЗА ҚИЛИШ ФАОЛИЯТИНИ ТАШКИЛ ЭТИШ**

**1. ОТАЖОНОВ Аброржон Анварович**  
ИЧКИ ИШЛАР ОРГАНЛАРИ ФАОЛИЯТИ УСТИДАН  
ЖАМОАТЧИЛИК НАЗОРАТИНИ АМАЛГА ОШИРИШНИНГ  
ОБЪЕКТИ ВА СУБЪЕКТЛАРИ.....57

**ЖИНОЯТ ҲУҚУҚИ, ҲУҚУҚБУЗАРЛИКЛАРНИНГ ОЛДИНИ  
ОЛИШ. КРИМИНОЛОГИЯ. ЖИНОЯТ-ИЖРОИЯ ҲУҚУҚИ**

**1. РАСУЛЕВ Абдулазиз Каримович**  
ПРОТИВОДЕЙСТВИЕ КИБЕРПРЕСТУПНОСТИ:  
СОВРЕМЕННЫЕ ПОДХОДЫ ПО ПОДГОТОВКЕ КАДРОВ.....68

**2. ҚАЛАНДАРОВ Мақсуд Махмудович**  
ЎҚОТАР ҚУРОЛ, ЎҚ-ДОРИЛАР, ПОРТЛОВЧИ МОДДАЛАР  
ЁКИ ПОРТЛАТИШ ҚУРИЛМАЛАРИНИ ФАЙРИҚОНУНИЙ  
МУОМАЛАСИ УЧУН ЖИНОИЙ ЖАВОБГАРЛИКНИНГ  
ҲОЗИРГИ ҲОЛАТИ.....73

**3. ТАДЖИБАЕВА Дилдора Абдурахимовна**  
ПЕНИТЕНЦИАР МУАССАСАЛАР МАҲКУМЛАР  
ЖИНОЯТЧИЛИГИ ПРОФИЛАКТИКАСИНИ  
ТАККОМИЛЛАШТИРИШГА ОИД АМАЛИЁТДА УЧРАЁТГАН  
МУАММОЛАР.....82

**ЖИНОЯТ ПРОЦЕССИ. КРИМИНАЛИСТИКА, ТЕЗКОР-  
ҚИДИРУВ ҲУҚУҚ ВА СУД ЭКСПЕРТИЗАСИ**

**1. NE'MATOV Jasur Aminjonovich, SIDIKOVA Feruza Khayrullaevna**  
PURPOSE AND FEATURES OF METHODOLOGY FOR  
INTERROGATION IN CRIMINAL PROCEEDINGS.....95

**2. МУМИНОВ Бехзод Абдувахобович**  
ЖИНОЯТ ПРОЦЕССИДА ИШНИ СУДГА ҚАДАР ЮРИТИШ  
УСТИДАН СУД НАЗОРАТИНИНГ ХАЛҚАРО  
ТАЖРИБАСИ.....104

**ХАЛҚАРО ҲУҚУҚ ВА ИНСОН ҲУҚУҚЛАРИ**

**1. РАХМАНОВ Шухрат Наимович**  
СОВРЕМЕННЫЕ ПРОБЛЕМЫ ПРИМЕНЕНИЯ ПРИВИЛЕГИЙ  
И ИММУНИТЕТОВ: НА ПРИМЕРЕ ПРЕДСТАВИТЕЛЬСТВ  
ГОСУДАРСТВ ПРИ МЕЖДУНАРОДНЫХ  
ОРГАНИЗАЦИЯХ.....111

<b>2.КАЮМОВ Фаррух Толибжонович</b> ПРАВОВАЯ РЕГЛАМЕНТАЦИЯ МЕЖДУНАРОДНОЙ СПОРТИВНОЙ ДЕЯТЕЛЬНОСТИ.....	121
---	-----

### **ЮРИДИК ХИЗМАТ, АДВОКАТУРА, НОТАРИАТ**

<b>1.ДАВЛЯТОВ Валишер Хакимжанович</b> АДВОКАТЛИК ТУЗИЛМАЛАРИНИНГ ШАКЛИ СИФАТИДА АДВОКАТЛАР ҲАЙЪАТИ ВА АДВОКАТЛИК ФИРМАСИ ҲУҚУҚИЙ МАҚОМИНИНГ ЎЗИГА ХОС ХУСУСИЯТЛАРИ.....	126
--	-----

### **ҲУҚУҚИЙ АМАЛИЁТ ВА ХОРИЖИЙ ТАЖРИБА**

<b>1.ВАКНРАМОВА Mokhinur Bakhramovna</b> ARBITRATION AND LITIGATION IN THE UAE: ADVANTAGES OF ARBITRATION IN COMPARISON TO LITIGATION.....	134
--	-----



# ЮРИСТ АХБОРОТНОМАСИ ВЕСТНИК ЮРИСТА LAWYER HERALD

## ҲУҚУҚИЙ АМАЛИЁТ ВА ХОРИЖИЙ ТАЖРИБА

**BAKHRAMOVA Mokhinur,**

Lecturer at Intellectual Property Department of Tashkent State University of Law  
E-mail: moot.arbitrations@tsul.uz

### ARBITRATION AND LITIGATION IN THE UAE: ADVANTAGES OF ARBITRATION IN COMPARISON TO LITIGATION

**For citation** (иқтибос келтириш учун, для цитирования): BAKHRAMOVA M. ARBITRATION AND LITIGATION IN THE UAE: ADVANTAGES OF ARBITRATION IN COMPARISON TO LITIGATION // Юрист ахборотномаси - Вестник юриста - Lawyer herald. № 1 (2020), P.134-139.



№1 (2020) DOI <http://dx.doi.org/10.26739/2181-9416-2020-1-16>

#### ANNOTATION

World economy and business are changing thanks to high growth economy in emerging markets and disagreements are settling by the international arbitration tribunals. The majority number of international company's of UAE: is signing legal contracts with the clause to solve the disputes by the arbitration. In this article, a thorough analyses to what extent is arbitration more advantageous than litigation will be evaluated in more details: First, principles and practices of litigation and arbitration; second, the governing litigation and arbitration by federal and Emirati courts, then, comprehensive account of the principles arbitration and litigation under the Dubai International Financial Centre (DIFC) and Abu Dhabi Global Market (ADGM) Laws; next, before we draw a conclusion, comparative analyses of arbitration and litigation will be done.

**Keywords and expressions:** Litigation, arbitration, UAE Constitution, Abu Dhabi Global Market (ADGM) Laws, Dubai International Financial Centre (DIFC) laws, Islamic Sharia, the governing litigation and arbitration by federal and Emirati courts, Onshore and Offshore zones, Civil Procedure Law, alternative dispute resolution, Arbitral Tribunal, enforcement.

## БАА ДА АРБИТРАЖ ВА СУД ТИЗИМИ: АРБИТРАЖНИНГ СУД МУҲОКАМАСИДАН УСТУНЛИГИ ЖИҲАТЛАРИ

**БАҲРАМОВА Моҳинур Баҳрамовна,**

Тошкент давлат юридик университети  
Интеллектуал мулк кафедраси ўқитувчиси

## АННОТАЦИЯ

Мақолада жаҳон иқтисодиёти ва бизнес ривожланаётган бозорлар юқори ўсиш иқтисодиётига ўтаётганлиги туфайли ўзгариб бориши оқибатида БААдаги халқаро йирик компаниялар томонидан низоларни халқаро арбитраж судларида кўриб чиқилиши масалалари ҳамда унинг фойдали томонлари ва афзалликлари кўриб чиқилган. Суд ва арбитраж принциплари ва амалиёти ҳамда федерал ва Амирлик судлари томонидан бошқариладиган суд ва арбитраж, шуниндек Дубай халқаро молия маркази (DIFC) ва Абу-Даби глобал маркет (ADGM) қонунларига биноан арбитраж ва суд ишлари тамойиллари таҳлил қилинади.

**Калит сўз ва иборалар:** Суд тизими, арбитраж, БАА Конституцияси, Дубай халқаро молия маркази (DIFC) ва Абу-Даби глобал маркет (ADGM) қонунлари, Исломи шариат, федерал ва Амирлик судлари томонидан бошқариладиган суд ва ҳакамлик, оншор ва оффшор зоналар, фуқаролик процессуал қонуни, низоларни альтернатив ҳал қилиш, арбитраж трибунали, ижро.

---

## АРБИТРАЖ И СУДЕБНАЯ СИСТЕМА В ОАЭ: АСПЕКТЫ ПРЕИМУЩЕСТВ АРБИТРАЖА ОТ СУДЕБНОГО РАЗБИРАТЕЛЬСТВА

**БАХРАМОВА Мохинур Бахрамовна,**

Преподаватель кафедры Интеллектуальная собственность  
Ташкентского государственного юридического университета,  
E-mail: moot.arbitrations@tsul.uz

## АННОТАЦИЯ

Мировая экономика и бизнес меняются благодаря развитию экономической деятельности в формирующихся рынках, а споры разрешаются международными арбитражными судами. В статье анализируется оценка арбитража в отличие от судебного разбирательства: во-первых, принципов и практики судебного разбирательства и арбитража; во-вторых, рассмотрение судебных и арбитражных разбирательств федеральными и эмиратскими судами, а также комплексное изложение принципов арбитражного и судебного разбирательств в соответствии с законодательствами Дубайского международного финансового центра (DIFC) и Абу-Дабийского глобального маркета (ADGM).

**Ключевые слова и выражения:** судебный процесс, арбитраж, Конституция ОАЭ, законы Абу-Даби глобал маркет (ADGM), законы Международного финансового центра Дубая (DIFC), исламский шариат, регулирующие судебные и арбитражные разбирательства в федеральных и эмиратских судах, оншорные и оффшорные зоны, гражданский процесс, альтернативное разрешение споров, Арбитражный суд, правоприменение.

---

## INTRODUCTION

Today, because of developing commerce and trade there are occurring various types of disputes between companies. The arbitration became strong and widely used as a tool for conflict resolution. It is difficult to say the exact percentage of international disputes but some commentators have suggested more than 90 percent of disputes are governing by arbitration clauses.

Sharp globalization and enhancement of business effected on drafting different international contracts, which settled by arbitration law. In turn, the existence and

effectiveness of international arbitration are targeted at facilitating cross-border trade and investment.

#### SYSTEM OF LITIGATION WITHIN FREE ZONE AREAS AND THE DEGREE OF INTERACTION WITH, AND GOVERNANCE BY, FEDERAL AND EMIRATI COURTS

Litigation is the action of putting the dispute before a court or tribunal, which is regulated by the Civil Procedure Law of the country. The UAE's legal system is a civil law system. The primary source of law in the UAE is the UAE Constitution. The Constitution of the UAE ensures that an official religion of the country is Islam and the Islamic Sharia is the main source of legislation.

When a person has a dispute with someone and it not cannot solved by themselves they could go to the court and start a lawsuit. The started process is called litigation where all the issues will be solved according to the Federal laws. After beginning the lawsuit, the parties will get legal names as a plaintiff and a defendant. The claimant may summon the civil suit to the civil plaintiff and make a suit against the defendant by presenting a copy of the appeal and complaint. Notice shall be served upon a party's request or a court order by the process server or in any other way prescribed by the Law. The Court may authorize the plaintiff or his attorney to serve the notice. According to the article 4, the UAE Civil Procedure Law, the language of courts is Arabic, all proceedings in the UAE's courts, whether federal or not, are conducted in Arabic. Pleadings are made in Arabic and evidences are submitted in Arabic. If an original document exists in another language, a translation into Arabic of that document, made by a Ministry of Justice translator must be provided. The complaint must indicate the injuries suffered by the defendant and request money damages or equitable relief. The notification paper shall include all the required information according to the Article 7, UAE Civil Procedure Law.

As a federation, the United Arab Emirates is governed by a constitution that regulates, among other things, the issuing of legislative powers among the federation (country capital is Abu Dhabi) and the individual emirates. Under the UAE Constitution, federal laws have the advantage over individual laws. However, "emirates are permitted to enact private laws. Individual emirates can also legislate on matters where the federation has not yet implemented its legitimate powers. Federal laws, with exception of property law, generally govern civil and commercial transactions [1, P.56].

"United Arab Emirates" legal system is based on civil law principles and the Islamic Sharia law. Such as:

- The Constitution;
- Federal laws and regulations;
- Emirate laws and regulations;
- Islamic Sharia;

The Dubai International Financial Centre (DIFC) and the London Court of International Arbitration (LCIA).

There are many Financial Free zones in United Arab Emirates, but the majority numbers of zones are situated in Dubai. The most popular Free zones are:

- DIFC - Dubai International Financial Centre;
- JAFZ - Jebel Ali Free Zone;
- DMCC - Dubai Multi Commodities Centre;
- DAFZ - Dubai Airport Free Zone;
- DCC - Dubai Creative Clusters, otherwise known as TECOM and which includes Dubai Internet City, Dubai Media City;
- KIZAD - Khalifa Industrial Zone Abu Dhabi;

Masdar City;

Within most of the free zones, we typically see two main types of free zone limited liability companies:

Free Zone Establishment;

Free Zone Company [2, P. 66-67].

The FRZ (free zone) established in the Emirate shall have a sovereign lawful personality and enjoy full legal capacity and financial and administrative independence. It shall be affiliated with the Government and called Abu Dhabi Global Market [3, P.78]. The goals of the Global Market is the promotion of the Emirates as a global financial center, develop the Emirates economy, and to create an attractive environment for financial investments and contribution to the international financial services industry.

UAE "onshore" courts: Court of First Instance; Court of Appeal; Court of Cassation.

Dubai International Financial Centre (DIFC) courts: Court of First Instance; Court of Appeal.

Abu Dhabi Global Market (ADGM) courts: Court of First Instance; Court of Appeal.

Arbitration;

Courts of another jurisdiction.

Different laws and rules were adopted to solve the international and domestic arbitration disputes such as AAA Commercial Arbitration Rules (01.01.1991), International Arbitration Rules (01.03.1991), ICC Rules of Conciliation and Arbitration (01.01.1988), Rules of London Court of International Arbitration(01.01.1985), UNCITRAL Arbitration Rules, U.S. Arbitration Act, U.K. Arbitration Acts 1950, 1975, 1979 (28.07.1950), UNCITRAL Model Law on International Arbitration (21.06.1985), UN Convention on the Recognition and Enforcement of Foreign Arbitral Awards (10.06.1958), Inter-American Convention on International Commercial Arbitration (30.01.1975) and others.

"The arbitration really has a long history. As it has been determined, there are examples in Romans and even before". It is known from the past of arbitration, that The United States and the United Kingdom pioneered arbitration to resolve disputes. President William Howard Taft was a great defender. The USA in 1911 signed arbitration conventions with France and Britain.

If the business parties have a dispute with each other and they could go to the UAE "onshore" courts, the disputes will be solved by the Civil law and the judges do not decide the dispute according to the previous dispute (like in a common law system, the law is not binding). In addition, parties could go to the Dubai International Financial Centre (DIFC) courts where all the proceedings will be followed by The Dubai International Financial Centre Court Law [4, P.28]. The Dubai International Financial Centre courts were formed in 2004 and have jurisdiction over various civil and commercial matters. The courts set up in the Dubai International Financial Centre according to the Judicial Authority Law, that is the Court of First Instance and the Court of Appeal, should be recognized as a Dubai International Financial Centre court.

Before process starts parties should draft text of the Rules of Court and they should obey the rules by the end of the trial process. The Dubai International Financial Centre Court has the authority to make decisions and provide with guidelines as to the control of any proceedings in front of the Dubai International Financial Centre Court that it realize suitable.

The Dubai International Financial Centre (DIFC) Courts could provide the attendance of witnesses and production of any documents, which are needed to solve the dispute. The evidences could be in oral, video link, telephone and affidavit forms. After the hearings are finished, the judges deliver the judgment and the judgments shall be written

down and published to the public.

Subject matter to another the Dubai International Financial Centre (DIFC) Law, "a proceeding should not be started more than 6 years after the date of the incidents that show increase to the judicial proceedings" [5, P.1].

If a party or the both parties are, disagree with the decision they could appeal the Dubai International Financial Centre (DIFC) Court statement according to Article 52 of the Dubai International Financial Centre (DIFC) Law.

According to the Abu Dhabi Global Market (ADGM) Law, "the Global Market Courts shall be of two degrees, first instance courts (formed of a single judge) and courts of appeal (formed of three judges). The Global Market's Courts shall have a Chief Justice appointed by a Board of Directors resolution which shall become effective upon the expiry of 15 days of notifying the Chairman of the Judicial Department of such resolution and receiving no objections thereto. The remuneration of the Chief Justice shall also be determined in this resolution. The judges of the Global Market Courts shall be nominated by resolutions which were released by the Board of Directors based on the proposal of the Chief Justice of the Global Market Courts. The management of the Global Market's Courts, and the procedures for the litigation and judgments and all forms of dispute resolution procedures shall be controlled by a regulation, which was issued by the Board of Directors. The Dubai International Financial Centre (DIFC) Court, on proposition by the parties to a judicial proceeding in front of the Dubai International Financial Centre court (DIFC), may remind any situation relating to the proceedings to an arbitrator.

#### COMPARATIVE ANALYSES OF ARBITRATION AND LITIGATION

The parties will often strive to settle arguments through arbitration tribunals because of its perceived potential priorities over litigation:

Unlike to judicial proceedings, where parties "choose the judge", arbitration authorizes the parties to select the trial. No one shall be prevented by cause of his citizenship from acting as an arbitrator, unless otherwise harmonized by the parties. The parties are independent to comply on a discipline for nominating the arbitrator or arbitrators.

Arbitration is often faster process than in a full-scale litigation in court. The arbitrator shall start as soon as possible to regulate the proofs of the incident by all proper methods. "Subsequently explore of the written submissions of the parties and of all papers believed upon, the arbitrator shall listen the parties jointly; and failing such a demand he may of his own sign conclude to hear the claimant and defendant. Time limit must be established within two months from the conferment of the document case to the tribunal.

Arbitral proceedings and an arbitral award are usually nonpublic, and can be made strictly confidential. Confidentiality is ensured in some established principles, and can be broadening (to recover witnesses and experts) by the parties' agreement to demand parties to be limited by a confidentiality agreement.

The enforcement of an arbitration award is generally easier than a federal court decision because of the provisions of the New York Convention 1958. The Convention is realized to have a pro-enforcement, and the majority number of courts will interpret permissible proofs are very narrow for non-enforcement, advanced to the enforcement of the numerous of awards. According to the New York Convention, article 3 requires countries to recognize arbitral awards as binding and to enforce them in accordance with national law, consistent with the provisions of the Convention.

In the number of legal systems have restricted avenues for appeal of an arbitral judgment and it evaluates as a priority since it limits period of the disagreement and related liabilities. The award of the arbitrators may not be contested by any manner of appeal the judgment approving the arbitrators award may be contested in any of the

appropriate manners of appeal notwithstanding the preceding paragraph, the award shall not be appealed if the arbitrators were authorized to reconcile the dispute or if the parties have expressly waived their rights to file an appeal or if the disputed amount was not in excess of AED 20 00. In contrast to arbitration, in litigation according to articles 158 and 159, the parties may appeal against the judgment of the first instance courts before the higher court of appeal. In addition, the time for appeal shall be thirty days, the unless otherwise provided by law as well as it shall be 10 days in summary cases.

#### CONCLUSION

As we mentioned there are many advantages for resolving the disputes by arbitration rules, such as the process is faster than the civil proceedings, parties could choose the judge or a suitable language for claimant and respondent. In addition, arbitral proceedings and an arbitral decision are nonpublic and can be made in secret. In particular, the New York Convention provides the enforcement process and it leads to enforce the vast majority of awards. In contrast to litigation, arbitration has limited avenues for appeal and it is evaluated as a benefit for the parties, because the time for any further disputes and related liabilities will be restricted.

#### Иқтибослар/Сноски/References

1. Doing business in the UAE // Available at: <https://www.lw.com/thoughtLeadership/LW-Doing-Business-in-the-UAE-3rd-Edition>.
2. Doing Business in the UAE A tax and legal guide // Available at: <https://www.pwc.de/internationale-maerkte/assets/doing-business-in-uae-2017.pdf>.
3. Article 2 of the Law № (4) of 2013 Concerning Abu Dhabi Global Market (ADGM) // Available at: <https://www.adgm.com/legal-framework/rules-and-regulations>.
4. The DIFC Law regulations // Available at: <https://www.difc.ae/business/laws-regulations/legal-database/>.
5. "Need for speed: Summary Proceedings under UAE Law". // Available at: <https://www.stalawfirm.com/en/blogs/view/need-for-speed-summary-proceedings-under-uae-law.html>.
6. Margaret L. Moses (2012), The Principles and Practice of International Commercial Arbitration, Cambridge University Press. P 3.