International Journal of Scientific Trends- (IJST)
ISSN: 2980-4299
Volume 5, Issue 5, May - 2026
Website: https://scientifictrends.org/index.php/ijst
Open Access, Peer Reviewed, Scientific Journal

Specific Features of Introducing the Class Action Institution in the Economic Courts of Uzbekistan

Asqar Mamaraimov
Independent Researcher at the Academy of Justice of the Republic of Uzbekistan,
Judge of the Surkhandarya Regional Court

Abstract
In certain cases, for example, claims filed with a court by farms or in their interests are brought against the same defendant, namely an agricultural cluster, on the same grounds, while only the subject matter of the claim, i.e., the amount of money sought to be recovered, differs, and in some cases the number of claims may reach 200–300 depending on the number of farms operating in a district. In such circumstances, forming and conducting a separate case for each statement of claim not only increases the courts' workload but also requires substantial resources. In this context, it can be observed that some foreign states effectively use, in economic proceedings, the procedural institution of filing claims as a group, i.e., class action proceedings.

Keywords: Class action, same defendant, filing a claim as a group, subject matter of the claim, interests of a group of persons, reduction of the court workload, co-plaintiffs, class action proceedings.

Introduction

In recent years, the reforms being implemented in the judicial and legal sphere in the Republic of Uzbekistan have been aimed at improving access to justice for individuals, legal entities, and business entities, and at ensuring reliable protection of the right to be defended by an independent and impartial court.

In particular, the reforms aimed at improving economic proceedings are fundamentally focused on simplifying the procedure for applying to the court and conducting cases, ensuring comprehensive convenience for the parties, and ensuring the timely and lawful adjudication of economic cases by the courts.

As relations connected with economic and entrepreneurial activity are developing rapidly in society, the number of applications to economic courts and the number of cases considered by those courts are also increasing significantly from year to year.

According to statistical data, the economic courts of the Republic considered 271,748 economic cases at first instance in 2023 and 436,086 in 2024, while in 2025 this figure amounted to 690,749.[1]

The significant increase in the number of economic cases considered on the merits by the courts gives rise to the need to improve the procedure for applying to the court in order to reduce the courts' workload and to introduce into national legislation new procedural institutions that ensure comprehensive and lawful consideration of cases.

At present, farms constitute the majority of business entities that apply to economic courts with statements of claim or in whose interests statements of claim are filed. Before the institution of agricultural clusters was introduced into our national legislation and into social relations in the agricultural sector, disputes arising from contractual and legal relations between farms and supplier and service organizations constituted a significant share of the cases considered on the merits by economic courts. Disputes arising from futures contracts concluded between farms and agricultural clusters, other contracts of a civil-law nature, as well as other types of disputes, continue to be considered by the courts in large numbers. In statements of claim of this type filed directly by farms or in their interests, the defendant is the same, namely an agricultural cluster, and the grounds of the claim are also the same; only the subject matter of the claim, i.e., the amount of money sought to be recovered, differs, while in some cases the number of statements of claim may reach 200–300 depending on the number of farms operating in a district. A separate case is instituted in respect of each such statement of claim, the materials of the economic case are formed, and the cases are automatically distributed among judges through the "Adolat" Information Systems Complex of the Supreme Court of the Republic of Uzbekistan.

Cases of similar content may also be encountered where legal entities and individuals that are participants in a joint-stock company or a limited liability company file claims against that company, as well as where claims are filed with a court to protect the rights of an indefinite group of consumers.

To continue our analysis with a practical example, the Council of Farmers, Dekhkan Farms and Owners of Household Plots of Surkhandarya Region filed statements of claim with the Kumkurgan Interdistrict Economic Court in the interests of a total of 129 farms in Bandikhan District against the defendant, "Bandixon Textile Cluster" Limited Liability Company, seeking recovery of a total of UZS 25,602,038,328 in principal debt and penalties that had not been paid by the defendant for raw cotton delivered under futures contracts for the cultivation and supply of raw cotton concluded between the parties.

In these economic cases, the defendant, the grounds of the claim, the circumstances of the case, and the content of the contracts concluded between the parties are the same; only the plaintiffs and the subject matter of the claim, i.e., the amounts sought to be recovered, differ from one another.

In this situation, it can be observed that some foreign states effectively use, in economic proceedings, the procedural institution of filing claims as a group, i.e., class action proceedings.

[1] Collection of Statistical Data on the Activities of Economic Courts in 2024 and 2025 Prepared by the Department for Systematic Analysis of Judicial Statistics of the Supreme Court of the Republic of Uzbekistan // Tashkent, Supreme Court of the Republic of Uzbekistan, 2024–2025.

V. V. Yarkov states that a class action is a procedural institution that makes it possible to protect the interests of a group of persons who are unknown at the time proceedings are instituted.[2]

According to G. O. Abolonin, a class action is a written application to a court made on behalf of a large group of persons, containing a claim for the recovery of a sum of money and based on a common demand for restoration of a violated right.[3]

According to N. M. Korshunov, a "class action" is a claim brought by persons having identical claims, whose circle is not determined at the time the application is filed but may be established by notifying all interested persons.[4]

Based on the above, a class action may be regarded as a procedural document submitted to a court for the purpose of protecting the interests of a specific group of persons having the same subject matter and grounds of dispute and a common claim.

Article 44 of the Economic Procedural Code of the Republic of Uzbekistan, entitled "Participation of Several Plaintiffs and Defendants in a Case," provides that a claim may be filed jointly by several plaintiffs (co-plaintiffs) or against several defendants (co-defendants), that each plaintiff and defendant participates independently in the court proceedings in relation to the other party, and that persons participating jointly in the proceedings may entrust the conduct of the case to one of the co-participants.[5]

However, although current judicial practice includes cases in which one plaintiff files a claim against several defendants, the practice of several plaintiffs filing a claim against one defendant is almost never encountered.

The institution of consolidating cases into a single proceeding, established by Article 158 of the Economic Procedural Code of the Republic of Uzbekistan, provides that a court of first instance may consolidate several similar cases involving the same persons into a single proceeding; nevertheless, even in this situation, the filing of a claim by several plaintiffs against one defendant is not regulated from a procedural-law perspective.

In this regard, if we examine the procedural legislation of certain foreign states, the emergence of the procedural institution of collective recourse originated in Great Britain in the seventeenth century and was developed by the Courts of Equity[6]. In that country, a representative action combining the features of joinder and representation was initially used to protect the rights of a group of persons. At present, England has both representative and class actions for the protection of the rights of a group of persons. Class actions are regulated by a special section (Rules 19.10–19.15) of the Civil Procedure Rules 1998, and the section devoted to group claims is entitled "Group Litigation"[7].

In France, class actions may be brought in matters relating to consumer protection, protection of labor rights, protection of personal data, environmental protection, and antitrust legislation.

[2] Yarkov V.V. New Forms of Claim-Based Protection in Civil Procedure (Class and Derivative Actions) // State and Law. 1999. No. 9.
[3] Abolonin G.O. Class Actions in Russian Arbitrazh Procedural Legislation: Prospects for Development // Arbitrazh and Civil Procedure. 2011. No. 3. pp. 43–47.
[4] Civil Procedure: Textbook / Ed. by N.M. Korshunov. Moscow, 2015. 928 p.
[5] Economic Procedural Code of the Republic of Uzbekistan. Tashkent: Ministry of Justice. Adolat, 2022.
[6] Vafin Ya. Specific Features of Civil Proceedings on Class Actions in England // Arbitrazh and Civil Procedure. 2019. No. 8. p. 26.
[7] The Civil Procedure Rules 1998 // https://www.legislation.gov.uk/uksi/1998/3132/contents/made

In Germany, the class action institution is used only for considering cases concerning the protection of investors' rights in the securities market, consumer protection, and environmental protection. In Spain, Sweden, Belgium, and Brazil, the scope of class actions is limited to consumer protection matters and issues related to antitrust legislation.[8]

Chapter 28.2 of the Arbitrazh Procedural Code of the Russian Federation, entitled "Consideration of Cases on the Protection of the Rights and Legitimate Interests of a Group of Persons," sets out in detail the legal grounds for applying to a court for the protection of the rights and legitimate interests of a group of persons; the requirements concerning the form and content of statements of claim in this category; the rights of plaintiffs; the procedure for conducting proceedings in such cases, preparing them for trial, and considering them on the merits; as well as the requirements applicable to the judgment to be rendered.[9]

Drawing on the experience of the foreign states discussed above, the reforms currently being implemented in the field and the requirements of the present time call for improvement of our national economic procedural legislation through the introduction of this institution, including the addition to the Economic Procedural Code of the Republic of Uzbekistan of a new chapter entitled "Proceedings in Cases on the Protection of the Rights and Legitimate Interests of a Group of Persons," and the legal consolidation therein of rules concerning the right to apply to a court for the protection of the rights and legitimate interests of a group of persons, the statement of claim and the requirements applicable to it, preparation of cases for court consideration, the procedure for consideration, the procedure for allocation of court costs in the case and the court's judgment.

Based on the above, in order to introduce effective mechanisms for judicial protection of the rights and legitimate interests of a group of persons at first instance in economic courts, reduce the courts' workload, and establish uniform judicial practice in the consideration of cases, it is considered expedient to supplement the Economic Procedural Code of the Republic of Uzbekistan with Chapter 23^3 entitled "Proceedings in Cases on the Protection of the Rights and Legitimate Interests of a Group of Persons," with the following content, and to regulate therein the following key concepts and procedural rules:

► persons entitled to apply to an economic court for the protection of the rights and legitimate interests of a group of persons;

► the form and content of a statement of claim (application) for the protection of the rights and legitimate interests of a group of persons;

► the procedure for conducting proceedings in cases concerning the protection of the rights and legitimate interests of a group of persons;

► the rights of a person who has joined a claim for the protection of the rights and legitimate interests of a group of persons;

► preparation for trial of a case concerning the protection of the rights and legitimate interests of a group of persons;

► replacement of the person conducting the case in the interests of the group members;

► the procedure for considering cases concerning the protection of the rights and legitimate interests of a group of persons;

[8] Maleshin D.Ya. The Civil Procedure System of Russia. Moscow: Statut, 2011. 496 p.
[9] Arbitrazh Procedural Code of the Russian Federation.https://www.consultant.ru/document/cons doc LAW_37800

► allocation of court costs in cases concerning the protection of the rights and legitimate interests of a group of persons;

► the judgment in a case concerning the protection of the rights and legitimate interests of a group of persons.

The introduction of these amendments into procedural legislation will contribute to the establishment in courts of effective mechanisms for judicial protection of the rights and legitimate interests of groups of individuals and legal entities, the reduction of court workloads, the elimination of the practice whereby judges consider numerous cases of the same category, the high-quality and prompt consideration of cases, and the formation of uniform judicial practice.

References:

1. Yarkov V.V. New Forms of Claim-Based Protection in Civil Procedure (Class and Derivative Actions) // State and Law. 1999. No. 9.;
2. Abolonin G.O. Class Actions in Russian Arbitrazh Procedural Legislation: Prospects for Development // Arbitrazh and Civil Procedure. 2011. No. 3. pp. 43–47.;
3. Civil Procedure: Textbook / Ed. by N.M. Korshunov. Moscow, 2015. 928 p.;
4. Vafin Ya. Specific Features of Civil Proceedings on Class Actions in England // Arbitrazh and Civil Procedure. 2019. No. 8. p. 26.;
5. Maleshin D.Ya. The Civil Procedure System of Russia. Moscow: Statut, 2011. 496 p.
6.The Civil Procedure Rules 1998 // https://www.legislation.gov.uk/uksi/1998/3132 /contents/made
7. Economic Procedural Code of the Republic of Uzbekistan. Tashkent: Ministry of Justice, “Adolat” National Legal Information Center, 2024.;
8.Arbitrazh Procedural Code of the Russian Federation.https:// www.consultant.ru/document/cons doc LAW_37800;
9. Collection of Statistical Data on the Activities of Economic Courts in 2024 and 2025 Prepared by the Department for Systematic Analysis of Judicial Statistics of the Supreme Court of the Republic of Uzbekistan // Tashkent, Supreme Court of the Republic of Uzbekistan, 2024–2025.https://stat.sud.uz/economical.