

The Role And Prospects Of The Mediation Institution In Pre-Trial Dispute Resolution In Uzbekistan

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Abstract: This article analyzes the role and development prospects of the mediation institution in pre-trial dispute resolution in Uzbekistan. It highlights the essence of mediation, its fundamental principles, and effectiveness indicators in international practice. The study also emphasizes that recent legal reforms and the improvement of the mediation institution play a crucial role in reducing court caseloads and effectively protecting the rights and interests of citizens and business entities.

Keywords: Mediation, pre-trial disputes, alternative dispute resolution, mediator, mediated agreement, civil disputes, efficient dispute resolution, legal framework, reduction of court caseload, citizens' rights, business entity interests, institutional development, legislative reforms, effective dispute management.

Introduction: The Concept of Mediation and International Experience

Worldwide, there are various methods of resolving disputes before they reach the court. The mediation institution is a prominent example of such mechanisms. Mediation is a method of resolving civil-law disputes in which the parties reach a mutually acceptable solution with the assistance of a neutral third party, based on their will and interests. When a dispute arises, the parties turn to a third party, known as a mediator.

The mediator acts as a reconciliatory subject, organizes the mediation process, manages the parties' interests during the dispute, and assists them in reaching a mutually acceptable resolution. Mediation is conducted based on the principles of confidentiality, voluntariness, cooperation and equality of the parties, as well as the independence and impartiality of the mediator.

Mediation is recognized as a tool for dispute resolution under Article 33 of the United Nations Charter. It is highly effective in resolving civil disputes. Mediation procedures are widely developed in both the Anglo-Saxon legal system and the Continental European countries. In the past decade, the European Union has increasingly used mediation as a means for participants in civil relations to protect their rights, freedoms, and interests.

Regarding effectiveness, in the United States, 95% of cases undergoing mediation do not reach the court. In Germany, over 90% of negotiations result in mutual agreements; in Lower Saxony, this figure reaches 97%. In the United Kingdom, 90–95% of disputes are resolved before court proceedings. Across Europe, the average effectiveness of mediation ranges from 40% to 80%.

Legal Basis and Reforms of the Mediation Institution in Uzbekistan

In Uzbekistan, the mediation institution is developing as an alternative mechanism for pre-trial dispute resolution. On July 3, 2018, the Law "On Mediation" was adopted, establishing the legal foundations of mediation. The Presidential Decree No. PQ-4754 of June 17, 2020, "On Measures to Further Improve Alternative Dispute Resolution Mechanisms," strengthened the protection of the rights and legitimate interests of individuals and legal entities, expanded alternative dispute resolution mechanisms, and enhanced the role of mediation, arbitration courts, and international arbitration in optimizing court workloads.

On October 20, 2025, the Law "On Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan to Improve the Mediation Institution in Alternative Dispute Resolution" was adopted. The

Ministry of Justice of the Republic of Uzbekistan was designated as the authorized state body in the field of mediation. Within its powers, the Ministry of Justice is authorized to adopt normative legal acts regulating mediation, approve codes of professional ethics for mediators, establish procedures for professional development, and approve mediator training programs.

The scope of mediation has been expanded, non-professional mediators have been removed, and mediators are now required to hold higher education. Mediators are also required to undergo professional development every three years, mediator qualification commissions have been established, and rules on the compulsory enforcement of mediated agreements have been introduced. These reforms elevated the mediation institution to a new stage. Currently, in cases where a mediated agreement is not fulfilled, the obligations under the agreement can be enforced compulsorily through court-issued writs of execution.

Court Caseloads, Development Prospects, and Strategic Goals

According to the World Justice Project's Rule of Law Index, Uzbekistan scored 0.50 in 2025, ranking 81st among 143 countries. The relatively low ranking may be partly due to the increasing workload in the courts. For instance, according to statistics, the total number of civil cases reviewed in courts increased from 194,598 in 2020 to 649,601 in 2025. Similarly, economic cases rose from 175,443 in 2020 to 690,734 in 2025. These figures indicate a growing court caseload, which complicates the provision of fair judicial proceedings.

According to Presidential Decree No. PF-21 of February 16, 2026, under the "Uzbekistan – 2030" strategy, it is planned that by 2030, 20% of disputes that can be resolved before trial should be settled through alternative mechanisms. Promoting the mediation institution plays a key role in achieving this goal. Parties involved in disputes can save time and costs by resolving conflicts through mediation before going to court, which also helps reduce the workload of the courts.

CONCLUSION

The analysis demonstrates that the mediation institution is an effective and modern mechanism for pre-trial dispute resolution, gaining increasing significance not only internationally but also in Uzbekistan. The experience of developed countries shows that a large proportion of disputes can be resolved before court proceedings through mediation.

In Uzbekistan, the 2018 Law "On Mediation" and subsequent normative-legal reforms strengthened the

legal and institutional foundations of the mediation institution. The designation of the Ministry of Justice as the authorized body, the qualification requirements for mediators, and the introduction of compulsory enforcement for mediated agreements have enhanced the professional and practical effectiveness of the sector.

Given the increasing caseload in courts, mediation serves as a viable and efficient alternative for dispute resolution. In this context, the goal set in the "Uzbekistan – 2030" strategy to increase the share of pre-trial resolved disputes underscores the need to further develop mediation.

Promoting the mediation institution, raising public legal awareness, and strengthening the professional training of mediators expand opportunities for fast, cost-effective, and mutually beneficial dispute resolution. This contributes to effective protection of the rights and interests of citizens and business entities, reduces court workloads, and strengthens the rule of law in society.

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