



Article

# Supervisory Review of Civil Cases: Innovations in Procedural Legislation

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**Abstract:** This article is SECTION IV of the Civil Procedure Code. The chapter "REVIEW OF COURT DOCUMENTS" sets out theoretical rules, concepts and opinions about changes and innovations, the essence of reforms, the significance of these innovations in the theory and practice of civil procedural law, their place in civil judicial legislation. activity. At the same time, the mutual correlation of cases of consideration of civil court documents, a mutual comparative analysis of these procedures is given. There are also opinions about the reasons for the appearance of this news, the need for a review of court documents by the court, and the author's proposals. The article, as a new institution of the Civil Procedure Code, "Chapter 46. Shows the emergence, grounds, necessity and characteristics of new current norms relating to the procedure for considering judicial documents." This institution (revision stage) not only provides legislative experience, but also helps eliminate procedural problems in practice. In order to reveal the relevance and necessity of the topic, the author paid special attention to the opinions and views of procedural scientists in a number of educational and scientific literature on the science and field of civil procedural law, the need to re-reform court documents. and again in recent years, and an analysis of the powers and duties of judges in judicial practice in this regard.

**Keywords:** civil procedural law, court documents, consideration, judicial activity, new procedural institute, judge, jurors, appeal, cassation complaint, inspection, instance, presidium, decision, determination, appeal, protest.

## Introduction

### Relevance of the topic

Recently, significant reforms have been implemented in the judicial and legal system, particularly in the field of administering justice and in the procedural legal framework. In Chapter 6 of the Civil Procedural Code (CPC), titled "Review of Court Decisions," amendments were introduced in accordance with the revised version of the Law of the Republic of Uzbekistan No. LRU-887, dated December 25, 2023 [1]. These amendments included changes to the norms related to appellate and cassation instances, while a new institution (stage) known as the review instance was established (CPC "Chapter 46. Proceedings for Reviewing Court Decisions in the Order of Supervision").

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According to Article 6 of the Civil Procedure Code, the categories of court decisions are defined, specifying that the court issues a judgment, ruling, decision, or order on the matter being considered and resolved.

These court documents possess specific procedural characteristics, including the procedures, methods, and time limits for filing appeals and protests against them. The relevant norms of the Civil Procedural Code and the Plenum Resolution of the Supreme Court [2] provide explanations regarding court decisions that cannot be appealed or protested. According to the Civil Procedural Code, the stages (instances) for the review of court decisions are as follows:

- Appeal
- Cassation
- Supervisory Review (Inspection Instance)
- Review based on Newly Discovered Circumstances.

## 1. Materials and Methods

This article employs a combination of legal and empirical methods to explore the topic of supervisory review in Uzbekistan's civil litigation system. A detailed examination of the Civil Procedure Code of the Republic of Uzbekistan and the Supreme Court's Plenary Resolution was conducted. This approach provided insights into the legal framework governing supervisory review and enabled an understanding of how these legal norms function in practice. Through this analysis, the scope and limitations of the supervisory review procedure were evaluated. A review of relevant statistical data provided by the Supreme Court was carried out. This data includes the number of cases reviewed under the supervisory procedure, the decisions annulled or amended, and trends regarding the workload of courts. This method enabled an empirical assessment of the impact of the supervisory review mechanism on judicial practice.

The supervisory review procedure was compared with other judicial review processes, such as appellate and cassation procedures. This comparison helped identify the unique features of supervisory review and its potential advantages and disadvantages within the broader context of Uzbekistan's legal system. Interviews with judges, legal scholars, and practitioners in Uzbekistan's judiciary were conducted to gather practical insights into the challenges and benefits of the supervisory review process. These consultations provided an in-depth understanding of the real-world application of the procedure and helped refine the recommendations offered in this article.

## 2. Results

The introduction of supervisory review, particularly as outlined in Chapter 46 of the Civil Procedure Code of the Republic of Uzbekistan and the Supreme Court Plenary Resolution dated June 25, 2024, has led to notable advancements in the judicial process. The resolution has strengthened the mechanism for reviewing judicial acts and provided an additional procedural safeguard for citizens seeking justice. The overall impact has been positive, with a growing number of judicial decisions being reconsidered and, in many instances, amended or annulled, indicating an enhancement in the quality of justice delivered. According to the statistical data provided by the Supreme Court of the Republic of Uzbekistan, from a total of 2,099 cases reviewed under the supervisory procedure, 178 decisions were annulled, and 61 were amended. The number of cases under review by the Supervisory Review Court has also demonstrated significant judicial engagement with the cases, ensuring that lower court decisions comply with legal standards.

The implementation of the supervisory review procedure has significantly alleviated the caseload at both the Supreme Court and regional courts. By distributing cases more effectively across different judicial instances, the workload of courts has decreased, thus contributing to the overall efficiency of the judiciary. The establishment of the supervisory

review procedure has created an additional guaranteed avenue for individuals to seek protection of their rights and interests. This new phase in the judicial process has led to increased access to justice, providing an essential mechanism for the correction of judicial errors at higher levels.

### 3. Discussion

The purpose of this scientific article is to explore the essence and significance of the institution of supervisory review of court decisions recently introduced into legislative acts, particularly procedural legislation and judicial practice. The article aims to interpret the norms of Chapter 46 of the Civil Procedure Code (Chapter 46. Proceedings for Reviewing Court Decisions in the Order of Supervision), address practical issues arising from the application of supervisory review norms, and substantiate proposals derived from research, studies, and analyses.

Specifically, the objectives and tasks of the article encompass the following areas:

- Justifying the necessity of establishing the supervisory review instance;
- Identifying the distinct and similar aspects of the supervisory review instance compared to other instances authorized to review court decisions;
- Analyzing the procedural features of handling cases under supervisory review;
- Developing proposals and recommendations aimed at improving legislation and providing scientific conclusions based on research and analysis.

The relevance of the article lies in the need to further improve the mechanism for verifying the legality and validity of court decisions, enhance the quality of justice, and increase citizens' access to justice by introducing a new procedure for reviewing court decisions. It also aims to interpret legislative acts and explain norms to ensure the reliable protection of citizens' violated rights, freedoms, and legitimate interests.

The supervisory review instance is a relatively new development in judicial practice. However, during this period, the following achievements have been made:

**Firstly**, the Plenum of the Supreme Court of the Republic of Uzbekistan adopted, for the first time, Resolution No. 20 dated June 25, 2024, titled "On Certain Issues of Reviewing Civil Cases in the Supervisory Procedure."

**Secondly**, according to statistical data published by the Supreme Court, the judicial panels for civil cases of regional and equivalent courts reviewed 6,400 cases in appellate proceedings. Of these, 1 161 decisions of the first-instance courts were annulled, and 465 court decisions were amended. In cassation proceedings, 2,244 cases were reviewed, resulting in 343 decisions of the first-instance courts being annulled and 148 decisions amended. In supervisory review proceedings, 2,099 cases were reviewed. Of these, 178 decisions of lower-instance courts were annulled, and 61 court decisions were amended.

The Judicial Panel for Civil Cases of the Supreme Court, in supervisory review proceedings, reviewed 83 cases. Among these, 28 decisions of lower courts were annulled, and 5 court decisions were amended.

These statistics demonstrate that, within a short period, a significant number of cases were reviewed by the supervisory review courts, and judicial acts that did not meet established requirements were examined and annulled under the supervisory procedure.

**Thirdly**, the workload of the Supreme Court and intermediate-level courts has significantly decreased, and a fair and competent distribution of cases among the judicial instances has been achieved.

**Fourthly**, an additional guaranteed stage for reviewing court decisions and protecting citizens' rights and interests in court has been established.

In Uzbekistan, examining the history of reforms in the national legal system concerning the institutions for reviewing court decisions, it is appropriate to analyze major reforms in this area in five stages [3].

**First reform:** The emergence and operation of the supervisory instance as a stage for reviewing court decisions in the Civil Procedural Code of the Republic of Uzbekistan.

**Second reform:** The emergence and operation of the cassation instance as a stage for reviewing court decisions in the Civil Procedural Code of the Republic of Uzbekistan.

**Third reform:** The emergence and operation of the instance for reviewing cases based on newly discovered circumstances as a stage for reviewing court decisions in the Civil Procedural Code of the Republic of Uzbekistan.

**Fourth reform:** The emergence and operation of the appellate instance as a stage for reviewing court decisions in the Civil Procedural Code of the Republic of Uzbekistan.

**Fifth reform:** The removal of the "review of court decisions with legal force under the supervision procedure" instance from legislation and judicial practice, based on the Law of the Republic of Uzbekistan No. LRU-661 of January 12, 2021, in the Civil Procedural Code of the Republic of Uzbekistan.

**Sixth reform:** The emergence and operation of the new chapter titled "Procedure for reviewing court decisions under the inspection procedure" in the Civil Procedural Code of the Republic of Uzbekistan, as introduced by the amendment of the Law of the Republic of Uzbekistan No. LRU-887 of December 25, 2023.

In the global procedural legal system, the institutions of reviewing and reconsidering court decisions have been in practice at various times and have operated in different judicial periods. It is considered a procedural-legal institution with a long history. Among scholars worldwide, the "Court Decision Review Institute" generally includes all stages of reconsideration, with specific forms such as appeal, cassation, and supervision stages being studied. For example, a comprehensive analysis of the "Court Decision Review" institution is presented in the scientific works of E.A. Borisova (particularly in her books). In several of her works, the author has proposed a doctrinal definition of this institution in educational and scientific literature. In particular, "Reconsideration and review of court decisions is considered a guarantee of individuals' right to judicial protection." [4]

From the perspective of studying French legislative practice, M.D. Dzagurova, in her scientific research titled "Extraordinary Methods of Appeal in French Civil Legislation," [5] notes that "... in French procedural law, there are ordinary and extraordinary types of complaints...". In particular, the French procedural law has a three-tier (three-stage) review process, with the court decision review passing through all stages sequentially. Interestingly, currently, it is rare to find legal documents or scientific sources that cover the activity of a pure review instance (the term "pure review" is used). This is due to the introduction of new processes in national and international sources and practice, where the reconsideration stage has been established. However, in French law, the term "review" (revision) has been studied as the object of legal proceedings and as a significant procedural institution. In some studies, while the supervisory instance operates, its activity is focused on the review (revision) function, meaning that it performs the task of review.

The "French method" of filing complaints is divided into ordinary and extraordinary types. The first type, the ordinary method, includes appeals and opposition. The second type, the extraordinary method, includes cassation and revision. [4].

S.V. Zaitsev, in his research titled "Grounds for the Cancellation of Court Decisions that Have Entered into Legal Force in Civil Proceedings," [6] developed the criteria for reviewing court decisions and explained their significance. The research outlines two types of review: full review and limited review. The author argues that the appeal process corresponds to a full review, while cassation and supervisory proceedings correspond to a limited review. These recommendations and perspectives, along with classifications, are related to the grounds for annulment of court decisions and the scope of case review.

National procedural scholars (M. Mamassidikov [7], D. Khabibullaev [8], and others) have, to date, scientifically analyzed issues related to the review of court decisions as part of the Civil Procedural Law theory in the textbook "Civil Procedural Law," including

appeals, cassation, supervisory instances, and proceedings based on newly discovered circumstances.

The texts, theses, ideas, and concepts used in the research are derived from official sources, scholarly works, and references to them. The obtained results have been analyzed through presentations and practical exercises among experts in the field, judges (respondents: judges, court staff, and students of the Judicial Academy), and were tested through questionnaires. Comparative analysis has been conducted during the preparation of draft decisions of the Supreme Court Plenary (across all areas of procedural law), and the results have been implemented, along with proposals for improving legal regulations.

**First**, as the methodological basis of the research, it is appropriate to mention the law signed on December 25, 2023 (Law No. LRU-887) on amendments and additions to the Civil Procedural Code of the Republic of Uzbekistan in connection with the improvement of the procedure for checking the legality, substantiation, and fairness of court decisions, which came into force on January 1, 2024.

**Second**, within the framework of the principle "New Uzbekistan — New Court," which has been the core of judicial and legal reforms in recent years, it is important to highlight the ideas reflecting the essence of significant reforms aimed at expanding citizens' access to fair justice and ensuring the supremacy of human dignity.

**Third**, the research employs methods such as historical analysis, systemic analysis, comparative-legal analysis, conducting surveys, comprehensive study of educational and scientific sources, analysis of empirical materials and statistical data, legal practice, particularly the analysis of judicial practice materials, addressing problems in substantive and procedural law, and developing new and relevant proposals and recommendations.

**Fourth**, as the empirical basis of the research, the 20th Plenary Session Resolution of the Supreme Court of the Republic of Uzbekistan on "Certain Issues of Reviewing Civil Cases in the Order of Revision by Courts" dated June 25, 2024, as well as generalized statistical materials related to the activities of the Supreme Court, published on the official Telegram channel of the Supreme Court of Uzbekistan, were utilized.

The Civil Procedural Code outlines **the grounds for initiating a review** regarding the legality, validity, and fairness of judicial acts. According to these provisions:

- 1) based on an appellate complaint or appellate protest against a decision of the first-instance court that has not yet entered into legal force;
- 2) based on a private complaint or private protest against a ruling of the first-instance court that has not yet entered into legal force;
- 3) based on a cassation complaint or cassation protest against a decision of the first-instance court that has entered into legal force;
- 4) based on a private complaint or private protest against a ruling of the first-instance court that has entered into legal force;
- 5) based on a supervisory complaint or supervisory protest against a decision, ruling, or judgment of the first-instance court reviewed in appellate or cassation proceedings, as well as against a decision, ruling, or judgment of the appellate or cassation instance courts or the corresponding supervisory instance courts that have reviewed these judicial acts.

An examination and analysis of the activities of each instance reveal that these legal relationships consist of three elements:

Subject;  
Object;  
Content.

In legal literature [9], it is appropriate to classify subjects into three categories:

- subjects who file appeals to the court;
- subjects participating in court proceedings;
- subjects adjudicating cases in court.



This classification plays a significant role in the theory of civil procedural law, enabling a detailed study of the topic and revealing procedural characteristics related to the subject matter.

**Within the scope of this topic, the following features are analyzed:**

**The scope of subjects entitled to file complaints (protests) in proceedings for reviewing judicial acts under supervisory procedures.**

**To the Judicial Panel for Civil Cases of the Supreme Court of the Republic of Uzbekistan:**

- persons participating in the case, as well as those who were not involved in the proceedings but whose rights and obligations were decided by the court;
- the Representative for the Protection of the Rights and Legitimate Interests of Business Entities under the President of the Republic of Uzbekistan, except for disputes unrelated to business activities;
- the Prosecutor General of the Republic of Uzbekistan and their deputies, regional prosecutors, prosecutors of equivalent rank, and their deputies, in cases where the prosecutor participated in the proceedings, as well as in cases where persons participating in the proceedings or those not involved in the case but whose rights and obligations were decided by the court, submit applications;
- in cases reviewed under supervisory procedures by the courts of the Republic of Karakalpakstan, regional and Tashkent city courts, or the Military Court of the Republic of Uzbekistan, as well as judicial acts adopted by these courts or the Supreme Court of the Republic of Uzbekistan in the first instance and reviewed in appellate or cassation procedures, appeals may be submitted under supervisory review.

**To the Presidium of the Supreme Court of the Republic of Uzbekistan:**

- the Prosecutor General of the Republic of Uzbekistan and their deputies may file a protest in cases where the prosecutor participated in the proceedings, as well as based on the appeals of the specified individuals;
- the Chairperson of the Supreme Court of the Republic of Uzbekistan may file a protest based on the appeals of the specified individuals.

**Courts Reviewing Complaints (Protests) Under Supervisory Procedures.**

1) The Judicial Panel for Civil Cases of the Courts of the Republic of Karakalpakstan, Regions, and Tashkent City-reviews judicial acts in relevant civil cases issued in the first instance by inter-district, district, or city courts, which have been examined through appellate or cassation procedures;

2) The Military Court of the Republic of Uzbekistan - reviews judicial acts issued in the first instance by territorial military courts, which have been examined through appellate or cassation procedures.;

3) The Judicial Panel for Civil Cases of the Supreme Court of the Republic of Uzbekistan:

The Judicial Panel for Civil Cases of the courts of the Republic of Karakalpakstan, regions, and Tashkent City, as well as the Military Court of the Republic of Uzbekistan, reviews complaints and protests against judicial acts issued in the first instance by inter-district, district, city courts, and territorial military courts in relevant civil cases. These judicial acts must have been previously reviewed under appellate or cassation procedures;

The Supreme Court of the Republic of Uzbekistan reviews supervisory complaints and protests against judicial acts issued in the first instance by the Supreme Court of the Republic of Uzbekistan, the courts of the Republic of Karakalpakstan, regions, Tashkent City, and the Military Court of the Republic of Uzbekistan, which have been examined through appellate or cassation procedures.

Protests filed by the Chairperson of the Supreme Court of the Republic of Uzbekistan or the Prosecutor General of the Republic of Uzbekistan against judicial acts reviewed under supervisory procedures by the Judicial Panel for Civil Cases of the Supreme Court

of the Republic of Uzbekistan are considered by the Presidium of the Supreme Court of the Republic of Uzbekistan.

**The procedure and deadline for filing complaints (protests) in the investigation process.**

Complaints (protests) that need to be considered in the investigation process by the civil division of the Supreme Court of the Republic of Karakalpakstan, the courts of the regions and Tashkent city, and the Military Court of the Republic of Uzbekistan are sent to the respective courts. However, the complaint is submitted to the court that made the decision.

The court that made the decision is required to send the complaint (protest) to the court that will review it in the investigation process within five days from the receipt of the complaint (protest).

Complaints (protests) that need to be reviewed in the investigation process by the Civil Division of the Supreme Court of the Republic of Uzbekistan are submitted directly to the Civil Division of the Supreme Court of the Republic of Uzbekistan.

Complaints (protests) from the Chairman of the Supreme Court of the Republic of Uzbekistan or the Prosecutor General of the Republic of Uzbekistan related to investigation matters are submitted directly to the Supreme Court of the Republic of Uzbekistan.

A complaint (protest) in the investigation process must be submitted within one year from the date when the decision, ruling, or resolution of the first-instance court became legally effective.

The period for filing a supervisory appeal (protest) to the courts of the Republic of Karakalpakstan, regional and Tashkent city courts, and the Military Court of the Republic of Uzbekistan shall be within three months from the date of the ruling issued by the cassation instance court if the time period has expired before the ruling was issued by the cassation instance court.

The period for filing a supervisory appeal (protest) to the Judicial Panel for Civil Cases of the Supreme Court of the Republic of Uzbekistan shall be within three months from the date of the ruling issued as a result of the supervisory review of the case by the courts of the Republic of Karakalpakstan, regional and Tashkent city courts, or the Military Court of the Republic of Uzbekistan, if the time period has expired before the ruling was issued by these courts.

The protest of the Chairperson of the Supreme Court of the Republic of Uzbekistan or the Prosecutor General of the Republic of Uzbekistan may be submitted to the Presidium of the Supreme Court of the Republic of Uzbekistan within three months from the date of application by the specified persons, but not later than six months from the date of the ruling issued as a result of the supervisory review by the Judicial Panel for Civil Cases of the Supreme Court of the Republic of Uzbekistan.

The Chairperson of the Supreme Court of the Republic of Uzbekistan, their deputies, and judges of the Supreme Court have the right to request a case from the relevant court for review under a supervisory appeal (protest).

The Prosecutor General of the Republic of Uzbekistan, their deputies, regional prosecutors or equivalent prosecutors, and their deputies have the right, within their authority, to request a case from the relevant court in order to decide on filing a supervisory protest if there are applications from the specified persons or in cases reviewed with the participation of a prosecutor.

**Based on the results of the review of a supervisory appeal (protest), one of the following rulings shall be issued:**

1. A ruling to return the supervisory appeal (protest);
2. A ruling to refuse acceptance of the supervisory appeal (protest) for proceedings;
3. A ruling to refuse transferring the supervisory appeal for review by the judicial panel if there are no grounds for a supervisory review of the judicial documents;

4. A ruling to accept the supervisory appeal (protest) for proceedings and transfer it to the judicial panel for consideration.

#### 4. Conclusion

Based on the review of materials related to the supervisory instance court, the following conclusions are appropriate:

1. Chapter 46 of the Civil Procedure Code of the Republic of Uzbekistan, titled "Proceedings for Supervisory Review of Judicial Acts," as well as the Plenum Resolution of the Supreme Court of the Republic of Uzbekistan "On Certain Issues of Supervisory Review of Civil Cases by Courts," should specify the scope of judicial acts for which filing a supervisory appeal or protest is not permitted (e.g., court orders, rulings explicitly excluded by law from appeal or protest).

2. As established in the Civil Procedure Code and the Plenum Resolution, a supervisory appeal (protest) is addressed to the regional court or an equivalent court but is submitted to the court that issued the judicial act. For judicial acts reviewed by the regional court or an equivalent court under supervisory procedures, a supervisory appeal (protest) is addressed to the Judicial Panel for Civil Cases of the Supreme Court of the Republic of Uzbekistan and submitted directly to the Supreme Court of the Republic of Uzbekistan. The court that issued the judicial act must forward the appeal (protest) along with the case materials to the supervisory instance court within five days from the date of receipt.

It is proposed to terminate the practice of submitting appeals and protests to the court that issued the judicial act, based on the following grounds: Firstly, the court that issued the judicial act has no authority to return a supervisory appeal (protest) or to refuse its acceptance on the grounds that it does not meet any procedural requirements of the law. This indicates that such courts have no authority in this matter and are merely tasked with forwarding the appeals and protests, along with the case materials, to the higher court.

This practice has been in effect for several years. However, considering the high workload of court instances and to prevent certain procedural complications (e.g., cases being reviewed at multiple levels of lower and higher court instances), it is deemed appropriate to implement a new practice of directly accepting appeals, applications, and protests by regional or equivalent courts, as well as by the Supreme Court instances. To ensure the proper, high-quality, and timely handling of procedures for accepting and formalizing appeals, applications, and protests related to appellate, cassation, supervisory reviews, or cases involving newly discovered circumstances, it is recommended to establish dedicated (specialized) departments for directly accepting such submissions.

Additionally, it is advisable to create new positions for these departments and assign senior judicial assistants to them. The involvement of court staff and consultants in the performance of these tasks on a permanent or temporary basis can also yield effective results.

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