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# The Concept Of Relevance In Civil And Economic Procedural Law And Its Relationship With Other Legal Categories

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**Abstract:** *This article discusses the concept of relevance in civil and commercial procedural law and analyzes its relationship with such legal categories as competence, jurisdiction and jurisdiction, which are semantically close to each other. The author's jurisdiction is to determine which public authority or official or non-governmental body (arbitration court, mediator) is authorized by law to consider and resolve claims or other legal issues arising from the legal relationship, and to determine the competence, jurisdiction and judicial institutions. it is concluded that it is an interdisciplinary procedural institution that differs in its legal nature and essence.*

**Keywords:** *relevance, jurisdiction, competence, legal category, civil procedure, economic process, civil case, economic case, dispute, court, arbitration court, mediation.*

## 1. INTRODUCTION

A guarantee is a set of tools, methods and conditions that help the state to ensure the implementation of the rights and freedoms of citizens enshrined in the Constitution and laws. The main aim of the guarantee is to ensure the fulfillment of obligations related to the elimination of obstacles to the exercise of the rights and freedoms of citizens. In the constitutions of most states, everyone is guaranteed judicial protection of his rights, freedoms and legitimate interests. The legal basis of this constitutional guarantee is reflected in substantive legislation, as well as effective procedural mechanisms for its implementation in procedural legislation. According to it, any interested person has the right to apply to a civil, economic or administrative court to protect his violated or disputed right or interest protected by law. In this case, the issue of determining the competent court in accordance with the rules of applicability is relevant. Because appealing to a competent court guarantees the protection of the rights and freedoms of each person, the interests protected by law, the realization of the right of individuals to judicial protection through timely consideration of cases by courts and the adoption of lawful, reasonable and fair decisions. Article 8 of the Universal Declaration of Human Rights also states that "Everyone has the right to an effective remedy

by the competent national courts in the event of a violation of his fundamental rights enshrined in the Constitution or the law.”

Turning to the institution of jurisdiction when determining the competent court, it is first necessary to understand its legal nature. Relevance is one of the main institutions of the theory of civil and commercial procedural law.

In the legal literature, the concept of relevance is usually understood in broad (general) and narrow (specific) meanings. In a broad sense, relevance is interpreted as a mechanism that ensures the normal functioning of the state through the distribution of state functions between various bodies, and depending on the functions performed by a specific state body, official or public organization, they determine the ownership of any object (work). That is, in a broad sense, the notion of relevance characterizes the general aspect of this institution by limiting the consideration and resolution of specific claims between public administration bodies, the judiciary and other bodies.

The narrow (special) understanding of the institution of jurisdiction is widespread in the field of procedural law, especially in the theory of civil procedural law. That is why some proceduralists acknowledge that the institution of jurisdiction is formed precisely in civil procedural law. In particular, M.V. Borovsky notes that the concept of jurisdiction was developed mainly in the field of civil procedure [2], M.M. Mamasiddikov acknowledges that jurisdiction as an interdisciplinary institution has a strong place in the system of civil procedural law. In this context, the scientific category of civil procedural law, which is understood in the narrow sense as the content of the subjective law and the composition of the persons involved in the case, the task of consideration and resolution of civil cases is assigned by law to certain state bodies, public organizations or other competent authorities believes that [3].

In the theory of civil and economic procedural law there is no clear definition, a single approach, views on the concept of relevance. In our opinion, based on the above definitions of the concept of relevance, in order to properly understand its essence, it is necessary to distinguish it by legal categories such as competence, jurisdiction and jurisdiction, which are semantically close to each other.

## **2. MAIN PART**

In the legal literature, there are different definitions of the concept of relevance. In particular, S.I. Knyazkin, I.A. Yurlov define the concept of belonging as belonging to the jurisdiction of specific jurisdictional bodies: civil courts, arbitration courts, notaries, other bodies and organizations [4].

Some scholars acknowledge that the jurisdiction is vested in the competence of certain bodies to resolve the dispute (case). In particular, in the opinion of Yu.A. Borzenko, jurisdiction refers to the fact that a legal dispute or other legal case falls within the competence of a particular body [5]. S.V. Nikitina considers jurisdiction to be the competence (jurisdiction) to consider certain categories of cases by arbitral tribunals [6]. V.V. Efimova clarifies the concepts of relevance and subject matter competence and recognizes them as a set of cases considered and resolved in the system of arbitration courts by federal law [7].

According to P.V. Bakharev, relevance refers to the definition of a link in the judicial system, which should consider certain categories of cases in accordance with the law [8]. In our opinion, to join this opinion of P.V. Bakharev is somewhat controversial. This is due to the fact that the institution of jurisprudence also determines in which judicial branch the case is considered by the judicial authority.

In addition, since the institute of jurisdiction is an interdisciplinary procedural institution, the concepts of the relevance of civil cases and the relevance of economic cases are formed in the theory of civil and economic procedural law. In particular, the process scientist Sh.Sh. Shorakhmetov notes that the subordination of economic and civil cases means that the task of considering and resolving such cases is assigned by law to a specific state body or public organization [9]. In our opinion, in defining the concept of relevance, it should be taken into account that it is an interdisciplinary procedural institution. This is because most of the definitions are developed in the theory of civil procedural law, which does not allow for its widespread application in other areas of procedural law, including economic procedural law, or leads to its uniform application.

I.L.Burova also notes that in her research work “Relevance of cases to arbitration courts” has not developed a generally accepted definition of the concept of relevance in legal science, and based on the scientific definitions of the concept of relevance in the legal literature, divides the views of procedural scholars into five groups. According to him, when it comes to relevance:

Firstly, the substantive competence of law enforcement agencies to consider and resolve legal disputes and other legal issues;

Secondly, the jurisdiction of state bodies and public bodies in the field of dispute resolution and resolution;

Thirdly, the scope of cases (legal disputes and other legal issues), the resolution of which falls within the competence of a particular jurisdiction body by law);

Fourth, the relevance of legal and other significant legal claims that need to be resolved through government intervention in the jurisdiction of various jurisdictions;

Fifth, the nature of the case, which is subject to the jurisdiction of a particular jurisdiction to be reviewed and resolved by law [10]

These definitions make it necessary to define the relationship between the concept of relevance and the concepts of competence, jurisdiction and jurisdiction.

### **3. RESULTS AND DISCUSSIONS**

Competence in the legal dictionary (from the Latin *competere*, *competentio* - to achieve, conform, fit) - is interpreted as a set of legally defined powers, rights and obligations of a particular state body or official operating in the system of state mechanisms [11, 250]. Yu.K.Osipov recognizes competence as the scope of powers of state bodies, officials, public organizations established by law and at the same time their obligations [12]. Analyzing the concepts of competence and relevance, E.V. Norkina noted that the legal category of “competence” should be used to determine the scope of authority of the relevant jurisdictional or non-jurisdictional body, official, and in this case, the relevant jurisdictional

or non-jurisdictional body. Emphasizes the need to refer to the legal category of “relevance” [13,8].

That is, while competence is a broader concept than the concept of jurisdiction, it defines the scope of authority of a public body, while jurisdiction defines the scope of work that falls within the competence of a public body. However, some procedural scholars recognize the type of subject competence as relevant concepts, and it can be seen that they have been used in the legal literature as exactly the same concepts [14]. According to I.L. Burova, this approach is based on the classification of the powers of the judiciary into functional and subjective types in the theory of civil procedural law. In this case, if the functional powers of the judicial system are understood as various procedural actions that can be taken in the course of court or other proceedings, the right to consider disputes or other cases related to a certain right is the subjective authority of the judicial power [10]. Because competence, including subject-specific competence, is the scope of the objects to which those powers are directed, if the relevant authority has the scope of authority [15]. Hence, the difference between them is explained in terms of the authorized subject and the authorized object. Therefore, when using the term of relevance, in order to fully express the essence of its content, it is necessary to specify the object to which it is directed, ie “claimed claim”, “dispute” or “case” - civil case, economic case, administrative case.

In addition, the use of terms such as “relevance of claims”, “relevance of economic disputes”, “relevance of civil cases”, “relevance of economic cases”, “relevance of administrative cases” in the legislation and legal literature not only correctly understands and applies the concept of relevance, but also allows it to be distinguished from the concept of competence. This is because, as noted above, competence, unlike jurisdiction, is applied as “competent authority”, “competent court” or “judicial competence” because it has indicated the subject.

Another legal category that should be distinguished by relevance is jurisdiction. Jurisdiction (lat. Jurisdictio - court, jus - law, dico - speech) is a set of powers established by the relevant state bodies on the basis of law and other normative legal acts, within which the resolution of legal disputes and relations, offenses, the application of legal sanctions against offenders. Jurisdiction is exercised by courts (civil, criminal, administrative, economic), various inspections (tax, traffic, fire safety, etc.) within the statutory framework, and is also used by the administration of the organization in resolving offenses [11, 566].

E.V. Norkina defines the legal category of “jurisdiction” as a special category that characterizes the legal status of state bodies and states that it should be used by the legislature and law enforcement in the same sense. In turn, the category of “jurisdiction” is considered by the legislator to emphasize the limitation of the competence of various jurisdictional and non-jurisdictional bodies [13, 8].

Procedural specialist I.L. Burova interprets jurisdiction as the scope of powers granted to competent authorities or officials (or a specific authority or official) to carry out law enforcement activities to resolve legal issues within their competence, and gives the following main elements of jurisdiction:

- 1) a system of competent bodies and persons (a specific person or body) authorized to carry out law enforcement activities to resolve legal issues);

- 2) a set of subject, functional and territorial powers of the jurisdiction to resolve legal issues;
- 3) jurisdictional activities of competent authorities to resolve legal issues, including law enforcement practices;
- 4) legal issues within the competence of these bodies and individuals, which are authorized to resolve by the relevant bodies and individuals [19].

Thus, in addition to the opinion of the above scholars, it can be noted that the jurisdiction and jurisdiction of individual institutions differ from each other in their essence and legal nature. It is also necessary to distinguish the concept of relevance from the concept of jurisdiction. Both institutes are independent institutes of the procedural field. In the legal dictionary, jurisdiction is defined as the distribution of all cases related to the courts between the links of the judicial system [11, 429]. While the proceduralists M.A. Vikut and I.M. Zeytsev interpret jurisprudence as an exact concept with subject competence [16], V.V. Molchanov and M.K. Treushnikov believe that jurisdiction is the first in one or another court of the judicial system for cases. Believes that she determines the consideration by the example of [17]. According to E.V. Norkina, the institution of jurisprudence reflects the essence of the private subinstitute of the interdisciplinary complex of the institution of jurisdiction, and the concept of "jurisdiction" is reflected in the narrow specialization of the general legal category of "jurisdiction" [13, 9]. According to O. Akyulov, the judiciary is an institution that determines the powers of a particular court in an economic process to resolve economic disputes in the first instance [18].

V.M. Zhuikov considered it logical to use the institution of justice to limit the competence of various judicial bodies, given that in any court case, the interests protected by law are protected in court on the basis of statements by interested parties [19]. However, in our opinion, we cannot agree with the opinion of V.M. Zhuikov, since jurisdiction and jurisdiction are separate institutions of a procedural institution, and both institutions play a role in determining which bodies will resolve disputes (cases). In particular, jurisdiction determines which court or body has jurisdiction to resolve a dispute, and in the event that a dispute belongs to a court, jurisdiction determines which court (lower, middle, or upper) is responsible for resolving the dispute. The procedural scholar F.R. Hajiyeva also interprets relevance and jurisdiction - the competence of a particular court - as components of the general concept. It is from this point of view that a competent court should be understood as a court that is simultaneously competent to consider cases belonging to this court and falling under its jurisdiction [20].

In our opinion, the institutions of jurisdiction and jurisdiction differ from each other in their legal nature. These differences can be identified based on the analysis of the norms of civil and commercial procedural law. In particular, the results of the analysis of the legal consequences of non-compliance with the rules of jurisdiction and jurisdiction may show the following differences:

*Firstly*, if the court finds at the stage of initiating the case that the dispute does not apply to the court, it will refuse to accept the statement of claim for proceedings. If it is determined that the dispute does not fall within the jurisdiction of that court, it shall return the statement of claim;

*secondly*, if after the initiation of the case it is established that the case does not apply to the court, the proceedings on the case are terminated. In the event of termination of the proceedings, it is not allowed to reapply to the court on a dispute between the same persons, on the same subject and on the same grounds.

Unlike jurisdiction, a case accepted by a court in its own proceedings in accordance with the rules of jurisdiction must be considered by the court itself, even if it subsequently falls under the jurisdiction of another court. If it is known during the trial that the case was accepted in violation of the rules of jurisdiction, the court shall transfer the case to another court;

*thirdly*, if the court decides to consider the case in violation of the rules of applicability, this decision will be annulled by a higher court on the grounds of violation or misapplication of substantive and (or) procedural law. In addition, it has been strengthened that disputes between the courts over jurisdiction should not be allowed. In this case, only a higher court may issue a special ruling in order to identify and eliminate violations of the law, and then to prevent violations of this law in judicial proceedings;

*fourthly*, the state duty is refunded in case of the court's refusal to accept the application due to the ineffectiveness of the case or the termination of the proceedings. In case of non-compliance with the rules of jurisdiction, the state duty is not refundable.

In foreign countries, there is no institution of special jurisdiction, but this institution is represented by competent, jurisdictional or judicial authorities. Hillel Y. Levin, Joseph W. Glannon [21]. from his works it is clear that he was used together with the institution of justice.

#### **4. CONCLUSION**

Based on the analysis, the following conclusions were made:

*Firstly*, the fact that the claims can be considered and resolved by bodies other than the judiciary confirms the relevance of the institution of jurisdiction;

*Secondly*, relevance - the task of considering and resolving claims or other legal issues arising from legal relations is determined by the legislation to which a state body or an official or non-state body (arbitration court, mediator) is authorized, as well as its competence, jurisdiction and judicial institutions - it is an interdisciplinary procedural institution, differing in nature and essence;

*Thirdly*, relevance is characterized by the object to which it is directed – “dispute”, “case”, in legal literature and procedural law such terms as “significance of a case (dispute)”, “relevance of an economic case”, “relevance of civil cases ”, “ the importance of administrative cases ”. It is advisable to apply;

*Fourthly*, the differentiation of the concept of belonging with such legal categories as competence, jurisdiction and jurisdiction serves to prevent problems that may arise in law enforcement practice, to create an effective mechanism for protecting the rights and legitimate interests of citizens and legal entities.

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