

Eureka Journal of Education & Learning Technologies (EJELT)

ISSN 2760-4918 (Online)

Volume 2, Issue 2, February 2026



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<https://eurekaopenaccess.com/index.php/2>

MEDIATION AGREEMENT

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Abstract

A mediation agreement is essentially a way to quickly and clearly resolve disputes arising in a legal relationship at the request of both parties. In this case, mediation agreement is mainly used in civil and economic legal relations. That is, the convenience of simplifying the work of the court and not wasting time should not be overlooked. The parties using this method should reach a mutually acceptable solution with the mediator without going to court. This type of agreement is voluntary. Here, the responsibility of the mediators is significant, as their duty is to resolve the issue peacefully and irrevocably. The legislation and concepts of the French state regarding the mediation agreement.

Keywords: Mediation, mediation agreement, mediator, principles, Ministry of Justice, register, vocational education, participants in mediation and their rights and obligations, requirements for the mediator and their responsibilities, suspension and reinstatement of the mediator's activities, on mediation in France.

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Introduction

In civil legal relations, disputes are primarily resolved by the court. However, it is possible to resolve these disputes before the court. That is, the parties are individuals or legal entities, and both parties must agree to this. After agreement, it can be resolved through conciliation without a court decision. Two types of reconciliation are used in practice. The first, based on the agreement, involves pre-trial proceedings, court proceedings, and document execution. can also be used in the process. Secondly, a mediation agreement can be applied until the judge enters the courtroom. In this article, we will familiarize ourselves with the general concepts of mediation agreement. We will discuss the reasons for applying this type of agreement, its purpose, and the opportunities it creates for legal relations.

A mediation agreement is primarily used to resolve disputes peacefully, quickly, and clearly. This area is primarily regulated by the Civil Procedure Code of the Republic of Uzbekistan and the Law on Mediation Agreements. On June 28, 2018, the Law "On Mediation Agreements" was adopted by the Senate of the Republic of Uzbekistan. The purpose of the adopted law is to regulate and develop the field of mediation. Now, regarding the mediation agreement, it is mainly carried out by the mediator by mutual agreement of the parties. Regarding the mediator, they are a person who resolves disputes between parties peacefully. There are specific requirements for becoming a mediator. In this case, they must have a higher education degree, have completed a mediation course approved by the Ministry of Justice of the Republic of Uzbekistan, and have passed a professional exam in this field. They must also be registered with the Ministry of Justice and become citizens of the Republic of Uzbekistan. However, individuals holding the status of a lawyer and notary are not required to take professional exams[1]. A list of individuals unable to work as medical professionals is provided. Here:

Persons with limited or incapacitated personality;

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- Persons in public service, except for those engaged in scientific work, teachers, and notaries;

Individuals who have been convicted or whose convictions have not been expunged cannot work as mediators.

To become a mediator, they must complete special courses conducted by the Ministry of Justice of the Republic of Uzbekistan, and upon completion, individuals who wish to work as mediators must take professional exams. The exam questions will be conducted within the framework of the topics covered during the course. Individuals who have completed the course and passed the professional exam will be added to the mediator registry by the Ministry of Justice. If they fail the exam, the retake is carried out after three months[2].

The mediator register is mainly maintained by the Ministry of Justice of the Republic of Karakalpakstan, the departments of the Ministry of Justice of the regions and the city of Tashkent, and is published on their official websites. Persons qualified for mediation are included, and the following must be indicated in the mediator's register[3].

- mediator's last name, first name, and patronymic;
- Information about the location of the mediator for communication;
- about the specialist of a doctor;
- Information regarding the removal or reinstatement of the mediator from the registry;
- information about the language in which the mediator can perform must be entered into the registry, and through this registry, the parties can apply to the mediators as a result of their choice.

A commission has been established to determine the mediator's professional level, which is mainly carried out by the departments of the Ministry of Justice of the Republic of Karakalpakstan, regions, and the city of Tashkent[4]. Deals with determining the professional level and monitoring the activities of mediators. This commission

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There are seven of them. A High Qualification Commission of Mediators has been established under the Ministry of Justice of the Republic of Uzbekistan to oversee any complaints or appeals against the decisions of this commission and to monitor violations of regulations. This commission will consist of nine people. The members of these two commissions are mainly composed of experienced individuals in the field of law.

The specific rights and obligations of mediators are outlined. As for their rights.

1. Conducting joint or individual meetings with the parties.
2. Has the right to claim expenses incurred for the implementation of mediation procedures.

Now, regarding their responsibilities.

1. To operate in accordance with the law and order.
2. Improve their qualifications every three years.
3. When applying the requirements of mediation, with the consent of the parties, the methods and means specified in the law must be used to resolve their disputed issues.
3. Submit statistical data in the required form to the designated authorized state body.

If individuals engaged in mediation activities primarily circumvent the rules and regulations, the qualification commission may apply the following disciplinary measures.

- warning;
- Suspend mediation for up to six months;

Disciplinary measures may be applied, such as removing a mediator from the Mediator Registry.

Suspension of the activities of mediators, in the event of criminal prosecution and involvement as a defendant, is carried out by a decision of the justice authority until the verdict enters into legal force. Furthermore, the mediator's activities may be suspended for up to six months at their own request or for up to six months in

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case of violation of procedures by the Qualification Commission. After the expiration of the statute of limitations and the acquittal comes into force, it is reinstated by the Justice Department upon the mediator's request[5].

Mediators may be removed from the register. Here;

- at the mediator's own request;
- when the mediator is brought to criminal responsibility;
- when declared dead;
- if the court finds it missing;
- Removed from the mediator's register upon employment in law enforcement agencies.

The application of mediation is mainly aimed at the prompt and impartial resolution of disputes in accordance with the legislation. This must be accompanied by mutual consent. However, the application of this method is considered a good way to reduce disputes in the judicial system and save time. That is, it is used to simplify the judicial system and prevent excessive workload of judges. There are specific principles in the application of mediation. It outlines principles such as confidentiality, voluntariness, partnership and equality of the parties, and the mediator's independence and impartiality[6]. It would not be an exaggeration to say that the principle primarily defines the path and strategy of the mediator's field. Because it can be said that the principle controls how these laws are applied. Principle of secrecy in the field of mediation it is prohibited to disclose information or secrets that have become known to participants during the activity without their written consent. Persons possessing any information cannot be questioned as witnesses. As for the principle of voluntariness, the parties may, with their consent, apply mediation and refrain from it at any stage of mediation. Furthermore, parties cannot be forced to reconcile. The second principle is the partnership and equality of the parties. It is indicated that the parties will jointly choose a mediator and act together in resolving the issue. Regarding equality, the mediator must serve equally on both sides and a common decision must be made.

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The independence of a mediator is that no one can interfere in their case while they are engaged in mediation legislation. It has been emphasized that it is impossible to provide more assistance to either side or to pursue any kind of benefit.

Conciliation procedures are also applied in other countries around the world. If we consider the legislation of the French state, we can see that the legislation of the Republic of Uzbekistan is largely similar there. The distinctive feature is that to apply mediation, the court must strive to reconcile the parties at every stage of the proceedings[7]. It was noted that the judge must submit a proposal to the parties at each stage. Another feature is that they can participate as mediators, professional medical professionals, and in some cases, in judges. As we can see, there isn't much difference from our country's legislation.

In summary, mediation legislation has been incorporated into legislation to regulate the field of reconciliation. This is used for quick, accurate, and comprehensive resolution of disputes. Primarily, judicial legislation was introduced to simplify the work of the judicial process and to avoid unnecessary time for the judicial system. The rights and obligations of persons participating in court proceedings in this area we believe it is necessary to include in the court proceedings the provision of additional information and recommendations regarding mediation when explaining obligations. Unaware individuals may participate as parties in court proceedings. Only those with legal knowledge can apply to mediators. Therefore, it would be appropriate to remind them of these matters when explaining their rights.

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