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THE SPECIFICITIES OF BUSINESS LAW BETWEEN CHINA AND UZBEKISTAN

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Abstract: This article is devoted to the analysis of aspects of the business law between the Republic of Uzbekistan and China.

Keywords: business law, economic area, international relations, bankruptcy, legislations.

Introduction

For the last years there were cardinal changes in all spheres of society life in Chinese and Uzbek countries. At the present time both countries have started economic reforms and transformation to the market economy and business development leads to the basic renewal both Chinese and Uzbek legislation, that regulating relations in the economy area.

The transition from the command economy to the market one objectively causes high interest to the law, intensification of legislation role in the regulation of business relations. There were established new law concepts and institutions, such as commercial business, licensing, bankruptcy and etc.

A businessman plays a basic role in the market and being as axis of any economy, that based not on state-monopoly, but on competitive principles. A businessman produces goods and realizes to the consumer, organizing trade turnover, various services to the citizens and other businessmen, builds roads, houses, plants and even cities, mobilizes financial and fond markets, intensifies intellectual resources of society for science development and innovative technologies in all areas of production, actively participates in realization of target programs of national and international profiles, and at last a businessman supports a government, paying taxes.

The government should organize favorable conditions for activity of the businessmen, support legislative position, and provide state defense and maintenance.

A great experience of business law development has been got in China and Uzbekistan, but there is a difference in history

and traditions of both countries, in social-economic and political development therefore it is necessary to study a difference in the legislations of business law in China and Uzbekistan. The actuality of such way is meant by interest of both countries in cooperation and application of their achievements.

There were not found specific literature works about comparative-legislative research of business law in the People's Republic of China (PRC) and the Republic of Uzbekistan. Some original sources, devoted to the research of legislative management of business law in China and Uzbekistan just in short words concern to our questions.

Therefore, a theme choice of this article is caused not only by motivation, but also impossibility to find out research data in these issues beforehand. It's necessary to highlight Chinese and Uzbek legislations, regulating law position of the businessmen and make comparison on which basis to conclude and suggest improvements of the business law legislations in China and Uzbekistan.

The object of the research is entrepreneurship, concepts and legal forms of business, conditions of legitimation and realization of business activity, it's termination, in particular on the reasons of bankruptcy.

The subject of the research is comparison of the Chinese and Uzbek legislations, regulating business law of the businessmen, practice of realization, various scientific views of the business law in both countries.

The aim of the research is study of Chinese and Uzbek business law, revealing of Chinese and Uzbek establishment ways of legal position of

entrepreneur, comparison and writing out conclusions and proposals on improvement of the business law in China and Uzbekistan.

For realization of the given aim, we worked out following problems:

- Review of the entrepreneurship history and it's legislation in the People's Republic of China and the Republic of Uzbekistan; research of specificities and comparison of business and it's legislations in China and Uzbekistan.
- On the basis of the comparison of the business law in China and Uzbekistan we work out conclusions and proposals on improvement of legislation, regulating relations between businessmen and practice of application.

The methodological basis of our research work are general scientific methods of study of common phenomena with application of specific and private scientific methods: historical, systemic-structural analysis, comparative jurisprudence, formal-law, structural-functional and etc. The theoretical base of our research work include scientific and legislative literature of Chinese and Uzbek constitutions, codes and works of civilians, representatives of general theory of law, constitutional law and labor law. The empiric base of our research work consists of court's practice in China and Uzbekistan, statistical data, materials of the newspapers and journals (mass media news).

On the basis of the research of the Chinese and Uzbek legislations, regulating business law, we have come to the following conclusions and proposals for enhancement of legal positions of businessmen in China and Uzbekistan:

- conclusion about similarity of ways to regulation of business law in both countries, based on the unity principle, therefore we propose Uzbekistan to apply special standard about individual business, as in China, because these special laws can help to individual businessmen on the stage of establishment and development of individual business. Also, we propose China to include a way of business

activity regulation of citizen such as in Uzbekistan, based on the principle of normative economy. The Uzbek legislation has not added the specific rules of business activity of citizen regulation in the Civil Code of the Republic of Uzbekistan, but included the general rule about that business activity of citizen that realized without corporation (incorporated person) has the same rules of Civil Code of the Republic of Uzbekistan, that regulate activity of corporations, such as commercial organizations, if it work in limits of law, other legislative acts or quasi-contracts.

- conclusion about systematization of legal forms of business law in China, that is specific by a significant originality in accordance to other world economic systems. It is explained that business has international specificity and its national forms should not be specific and original, that interfere world trade, service and works. Also, we propose to differ such terms as individual businessman and private enterprise and enterprise with capital of one person. We suggest making such differentiation not on sign of number of the hired staff, but a volume of private property, volume of production realization, trade turnover, profitability and other complex economic indicators. The legislations of many world economies allow to realization of one-person-companies as "homo legalis", but Chinese one-person-companies have not such privilege therefore there are many problems in registration, activity, taxation and etc.
- conclusion about necessity of unification of Chinese legislation about state registration of businessmen and licensing of their activity, to adopt unite law about licensing. It helps to enhance a level of management of appropriate relations, strengthens warrants of businessmen's laws, shortens administrative barrier in realization of business activity.

- conclusion about legal position of Chinese contract farming in villages is utterly indefinite, even their activity is in fact directed on systematic profitability. Therefore, we propose to China to add contract farming to the individual business as in Uzbek legislation for the citizens, that have business without state registration as individual entrepreneurs². If the Chinese contract farming in the village represents a family-labor farming same as in Uzbekistan, so the head of this farming should pass state registration as individual entrepreneur⁸. If the head has not passed the registration as usual practice in China so the contract farming in village should be in regimen, same as in Uzbekistan rules about contracts and obligations about business and entrepreneurship.
- conclusion about bankruptcy institution is immanently concern to the market economy both in China and Uzbekistan. But in difference of Uzbekistan, China has not still legislation about bankruptcy of businessmen. This specificity essentially enhances credit risks of market economy participants and has not advantages of bankruptcy intuition for conscientious citizens, that have material problems due to objective reasons, for example releasing from debts and possibility to start new economic life again. With account of the planned level of Chinese economy development, intensity of business realization in China, we propose to include institution of bankruptcy of citizens, that have individual business

Conclusion

The pivotal economic reforms in the in-t People's Republic of China and the Republic of Uzbekistan in the last years cause necessity in new legislation, forming these reforms, including business law. The general tendencies of law development in China and Uzbekistan, directed on transition from command methods of management in society, including economic

sphere, to the legal methods of management of social relations might be observed. But we should notice the fact, that social-economic development of China and Uzbekistan, state of jurisprudence have essential national and traditional differences, including mentalist approach

The given research about business law in China and Uzbekistan in details shows the differences in economic development that in times are leveled and the offered conclusions and suggestions on improvement of business law in both countries are enhanced the cooperation and make the important partners in global market economy.

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