

THE CONCEPT OF REPRESENTATION. AUTHORITY AND ITS TYPES

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Abstract: *This article examines the concept of representation and authority, its types. The relations in the representative institute are based on the ideas of humanity, mutual assistance, equal participation of all in civil relations. Representation is a complex legal institution that includes civil, family, economic and administrative legal relations.*

Key words: *an advocate, authority, civil, law, physical and legal persons, public representation, contractual representation .*

There are times when individuals do not have the opportunity to directly exercise their rights and obligations. In such cases, they are helped by the concepts of the institution of representation in civil law. Both citizens and legal entities need the services of representatives. Therefore, the task of the representative institution, which is mainly created by a power of attorney, a law, a court decision or a document of a state organ, is to directly create, change and cancel the civil rights and obligations of the authority. Article 54 of the Constitution of the Republic of Uzbekistan stipulates that ensuring human rights and freedoms is the highest goal of the state, and that the rights and freedoms of individuals are guaranteed by the state. Because one of the most important duties of the legislator is to protect the rights and freedoms of individuals and guarantee their inviolability.

•In the conditions of current market relations, the role of the representative institution in exercising the rights and duties of individuals and protecting their legal interests can be seen in the following cases:

- ensures timely implementation of rights and obligations of subjects in society; helps individuals to realize their rights and obligations;
- prevents violation of legal rights and freedoms of individuals;
- it is important in the development of society by ensuring the stability of mutual legal relations between subjects and performing other tasks.

Representation is not an institution that emerged yesterday or today, but has developed in a certain way in all periods of human development, especially in ancient Egypt, China, Greece and Rome, it was widely used in trade and craft activities. In ancient Rome, representation mainly took the form of an assignment contract. In this case, one party (mandant) had to give an assignment and the other party (mandatory) had to undertake the execution of the assignment as their representative. Both legal actions and

factual services are recognized as the subject of representation. Representation was further improved by the 18th-19th centuries and brought to the present legal form with some changes. The word representation itself (eng. representation) is a relationship in which one person acts on behalf of another person on the basis of the authority they have, by creating (changing, terminating) direct rights for him/her.

According to Academician H. Rahmonkhulov, the institution of representation was very well developed as a result of the complexity of legal relations in the 19th and 20th centuries. Professor I.B.Zokirov believes that the essence of representation is that the agreements concluded based on it create, change and cancel certain rights and obligations only for the person giving authority. According to him, the representative personally does not have any rights and obligations regarding the transactions. It is not allowed to conclude transactions related to a person's identity, as well as those provided for by law, through a representative. For example, obligations related to entering into a marriage contract, collecting or paying alimony. Representation means that one person performs legal actions on behalf of another person. According to Article 129 of the Civil Code of the Republic of Uzbekistan, an agreement concluded by one person (representative) on behalf of another person (authorizer) with authority based on a power of attorney, law, court decision, or a document of a delegated state organ imposes civil rights and obligations on the person giving the authority. creates, changes and cancels directly.

The relations in the representative institute are based on the ideas of humanity, mutual assistance, equal participation of all in civil relations. Representation is a complex legal institution that includes civil, family, economic and administrative legal relations. Powers in representation are clearly defined by legal documents and contracts.

- The creation and cancellation of representation depends on various objective and subjective legal facts;
- the representative institution is the legal basis of legal assistance to individuals in the implementation of their civil rights and obligations.

Representation is carried out between the following persons on the grounds provided for by law:

- representation of an individual against an individual or a legal entity;
- representation of a legal entity against an individual or a legal entity;
- representation of the state against an individual or a legal entity.

It is of great importance in the essence of the representation, its implementation method, form, its division into types and the determination of the legal status of the subjects of representation. Therefore, one of the most important aspects of the representative institution is that its subjects are considered to be the authority - it can be any person, and at the same time it can be the state. A representative can only be a person with legal capacity. Except for the persons who are forbidden to be representatives in the legislation. We can point out the specific features of the representation as follows:

- 1.the subjects of representative relations can be any person;

- 2.more than three parties are involved in relations arising from representation;
- 3.the relations of the representative institution are based on the ideas of humanity, mutual assistance, ensuring equal participation of all in civil relations;
- 4.representation can be performed both for a fee and for free;
- 5.representation includes civil, family, economic, administrative legal relations;
- 6.the powers that are the basis for the existence of a representative institution are clearly defined by legal documents and contracts;
- 7.the creation and cancellation of representation depends on various objective and subjective legal facts;
- 8.the representative institution is the legal basis of legal assistance to individuals in the implementation of their civil rights and obligations.

Based on the principles established by the law, the authorizing officer gives certain authority to the representative, and the representative, acting within the scope of this authority, creates rights and obligations not only in relation to the authorizing officer, but also for third parties. One of the most important elements of representative relations, as in any relationship, is the rights and obligations of the parties. The rights and obligations arising from representative relations are divided into two:

- 1.rights and obligations between the authorizer and the representative;
- 2.rights and obligations arising in relation to third parties.

At the same time, the rights and obligations in representative relations are different depending on the types of representation, and the essence of rights and obligations in representative relations is clarified based on the same criteria, i.e., to whom the rights and obligations arise, to which type of representation they belong. The rights and obligations of the principal and the representative are of particular importance in representative relations. Their content is determined based on the types of representation. According to the authority he has, the representative creates, changes and cancels certain rights and obligations towards the representative. Therefore, authority is understood as the right of a representative to perform certain legal actions on behalf of another person and thereby create legal consequences for him. The powers of the representative may be based on the law, a court decision, a document of the delegated state organs, or a power of attorney. There are the following types of representation:

- General representation - based on general power of attorney. A representative acting on the basis of general powers shall have the right to perform all legal actions on behalf of the principal in certain relations, except for the cases established by law.
- Special representation - the representative can perform only the actions specified in the power of attorney or contract, that is, the powers of the representative are somewhat limited.
- Public representation - representation of public associations aimed at protecting the interests of their members.

- Representation based on an administrative act - in accordance with this type of representation, the representative appointed in the administrative procedure undertakes to act on behalf of the authorized person.

- Contractual representation - the establishment of representation is determined by mutual agreement based on the will and desire of the parties.

- Legal representation is a representation arising from the powers granted to the representative on the basis of regulatory documents, regardless of the will of the person giving the authority.

At the same time, a temporary representative should be appointed due to the "suspension of legal capacity" of a person in a state of coma or lethargic sleep (lying in an unconscious state for a long time), which is also recognized as a form of legal representation.

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