

LIABILITY FOR BREACH OF OBLIGATIONS IN CIVIL LAW

Allamberganova Zamira Rasbergen qizi

3rd Grade Student of Karakalpak State University named after Berdaq, Faculty of Law

Nuratdinov Muxametdin Ibraxim ugli

1st Grade Student of Karakalpak State University named after Berdaq, Faculty of Law

ABSTRACT

In this article, the concept of liability for non-fulfillment of obligations, its importance, content and types of liability, the bases of liability, the opinions of scientists about it, the main conditions and issues in the application of liability are described.

Key words: Obligation, creditor, debtor, non-fulfillment of obligations, improper fulfillment of obligations, liability for breach of obligation, bases of liability.

INTRODUCTION

It is known that one of the most important principles of the life of our society is the rule of law. Its essence is that political, social, and first of all, economic relations are regulated only by law, and all its participants, without exception, are responsible for violating legal norms. One of the main features of the market mechanism is the strict observance of the law and contract discipline among economic entities based on their economic responsibility and complete economic independence. In the content of the law and contracts, in many cases, there are obligations imposed on citizens and legal entities.

If the obligation is not fulfilled or not fulfilled properly, for example, if the performance period is not observed or the quality of the subject of the obligation is not fulfilled in accordance with the terms of the obligation, the obligation is recognized as violated.

Violation of the obligation harms not only the creditor of the obligations, but also the debtor who allowed the obligation to not be fulfilled, as well as the civil society as a whole. Violation of the mandate leads to interruptions in the normal process of business activity, and the needs of citizens are not properly met. [1]

The principle of due fulfillment of obligations means the fulfillment of obligations to the extent that they fully meet the set requirements, smoothly and within the specified period. It is assumed that persons participating in legal relations are equally interested in the proper fulfillment of their obligations and help each other.

This principle ensures that the assigned obligations are fulfilled in accordance with the terms of obligations and requirements of legal documents, and in the absence of such conditions and requirements - in accordance with business practices or other requirements that are usually imposed.

In case of violation of the obligation, the person (citizen, enterprise and organization) who allowed it to be violated shall be held civilly liable. According to S.N. Bratus, such responsibility is the state (or society within the framework established by law) for the fulfillment of violated obligations, such as the fulfillment of any legal duties by the coercive power of the state.[2]

The interpretation of the concept of responsibility in this way has a somewhat general tone, and to a large extent corresponds to the nature of administrative, criminal liability, as well as the liability applied under the law for breach of contractual obligations, in relation to which the administrative-command system of management in the economic system can be considered as a consequence of using methods. In the conditions of the market economy, it is necessary to consider the civil liability of the parties to the contract as a situation of forcing each other to fulfill their obligations under the influence of the law and the penalties provided for in the contract. Sanctions established not only by law, but also by contract are carried out by imposing civil liability for breach of obligations.

If the creditor is damaged as a result of non-performance or improper performance of the obligation, the debtor is obliged to pay such damages. Article 324 of the Civil Code of the Republic of Uzbekistan stipulates that the debtor must compensate the creditor for the damage caused to the creditor due to non-fulfilment or improper fulfillment of the obligation. The concept of damage is regulated in part 2 of Article 14 of the Civil Code.[3]

Based on this, damage is the costs incurred or required to be incurred by the person whose rights have been violated, the loss or damage to his property (actual damage), as well as the costs that this person could have received in the normal course of civil behavior if his rights had not been violated, but failed to receive. income is understood as lost profit.[4]

According to the terms of legal responsibility, it is generally stated that there are four grounds for the liability of the debtor or the tortfeasor for breach of duty:

first, unlawful act or omission;

secondly, damage;

thirdly, there is a causal connection between the unlawful act or omission and the damage;

fourthly, the presence of the fault of the debtor or the person causing the damage.

Before assigning property liability to the debtor, that is, before recovering the damages caused to the creditor, the court must determine in each specific case whether these damages were caused by the debtor's violation of his obligations, that is, the damage suffered by the creditor due to the debtor's illegal actions or inaction. it is necessary to determine the causal connection between them. For example, if a railway transport company delivers damaged cargo to the consignee, the court will ask the creditor who caused the damage, whether it was the sending organization or the railway company, whether such damage was caused by the fault of the organization that sent the poor quality goods, by illegal actions. - it is necessary to determine whether there was no or illegal actions of the railway company that did not ensure that the cargo accepted for transportation was kept on the road. [5]

In conclusion, liability for failure to fulfill obligations is important in all areas of society. The legal, ethical, economic and social consequences of non-compliance are wide-ranging, each of which has a serious impact on the stability and development of community life.

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