



## **SOME CHARACTERISTICS OF THE EMERGENCE OF CIVIL LAW OBLIGATIONS**

Rajabov Sherzodbek Ravshanbekovich  
Employee of the Ministry of Justice, Master of Law,  
Tashkent City, Uzbekistan  
E-mail: sh.r.rajabov84@gmail.com

### **Annotation**

This article analyzes the emergence of obligations, their legal basis and importance from a scientific and practical point of view. Also, the importance of obligations in civil-legal relations was analyzed and proposals and considerations aimed at eliminating problems and shortcomings related to the field were put forward.

**Keywords:** obligation, duty, creditor, debtor, joint debtor, contract, transaction, evidence, monetary obligation.

## **НЕКОТОРЫЕ ОСОБЕННОСТИ ВОЗНИКНОВЕНИЯ ГРАЖДАНСКО- ПРАВОВЫХ ОБЯЗАННОСТЕЙ**

Раджабов Шерзодбек Равшанбекович  
Сотрудник Министерство юстиции, магистр права,  
г.Ташкент, Узбекистан  
Электронная почта: sh.r.rajabov84@gmail.com

### **АННОТАЦИЯ**

В данной статье анализируется возникновение обязательств, их правовая основа и значение с научной и практической точки зрения. Также было проанализировано значение обязательств в гражданско-правовых отношениях и выдвинуты предложения и замечания, направленные на устранение проблем и недостатков, относящихся к сфере.

**Ключевые слова:** обязательство, обязанность, кредитор, должник, солидарный должник, договор, сделка, доказательства, денежное обязательство.

### **INTRODUCTION**

The process of implementing judicial reforms in our country has not lost its relevance in relation to other legal fields. Because the function of the state in the field of ensuring





the execution of the judicial power and the decisions issued by them serves the security of the society and the state, ensuring the peace of the population, strengthening the economy and ensuring the reputation of the state in the international arena.

Article 1 of the Universal Declaration of Human Rights stipulates that "all people are born free and equal in their dignity and rights" [1] it is possible to understand the independent exercise of their rights without hindrance, the freedom of citizens to engage in civil-legal relations.

Various social relations are regulated through civil law, aimed at regulating civil legal relations.

According to Article 1 of the Civil Code of the Republic of Uzbekistan, Civil legislation recognizes the equality of the participants in the relations regulated by them, the inviolability of property, the freedom of contract, and the arbitrary interference of any person in private affairs. It is based on the need to ensure that civil rights are not compromised, that civil rights are exercised without hindrance, that violated rights are restored, and that they are protected through court.

Citizens (individuals) and legal entities have their civil rights according to their will and exercise these rights in their own interests. They are free to determine their rights and obligations on the basis of the contract and determine any terms of the contract that do not conflict with the law.

It is known that in our daily life we enter into various relationships, and the most common relationships are civil-legal relationships. In such relations, along with certain rights, obligations also arise. Especially today, in the conditions based on the market economy, obligations in relation to contractual and other damage related to the realization of goods, work and services are of great importance.

Obligations have legal and non-legal meanings depending on their legal status.

The law of obligation is a set of civil-legal norms that regulate social relations related to the transfer of property, the performance of works, the provision of services or the payment of money, or the refraining from certain actions[2]. We can see that fulfillment of obligations is expressed in a broad sense as "fulfilment of duties". Because, according to the legal nature, obligations are related to the implementation of a certain action, and it means that the obligee must fulfill his obligation.

Obligation law as a set of norms of civil law regulates property relations, and due to this, obligation takes the form of legal relations[3]. By the way, obligations are directly related to property relations and arise as a result of actions in the form of property. However, obligations can be expressed not only in relation to property, but also in the non-performance of a certain non-property action.





## LITERATURE ANALYSIS AND METHODS

In legal literature, the problem of legal relations is studied in depth and comprehensively from the theoretical and historical point of view as one of the main, real forms of the existence and activity of law, therefore, discussions on the current category of legal relations constantly arise in legal science. It is related to legal relations and various aspects of its essence, structural elements, legal norms.

In the legal literature, the right of obligation is mainly understood as a guarantee of the fulfillment of the terms of the contract. Obligation law in a broad sense is a civil legal relationship between legal subjects.

Obligation law is one of the leading sub-fields of civil law, and it consists of relevant institutions and auxiliary institutions according to the characteristics of property relations regulated by its norms. This situation is related to the regulation of the provision of the needs of individuals and legal entities in many aspects of social life through the norms of the law of obligations [4].

According to the nature of civil law, most of the obligations consist of property relations, such as the transfer of property, giving it to a counterparty for use, giving him money as payment for a debt or in the form of a loan, performing construction works, various rendering of services (transportation, storage, settlement), etc. consists of However, the content of the obligation may consist of the right to demand and undertake the performance of any legal actions, if they are in accordance with the law and do not belong to the field of moral relations [5]. One of the important aspects of the obligations covers the relations that appear in the performance of property relations based on the contract, law and moral norms.

Also, in some sources, another important aspect of obligations is emphasized, and there are opinions that obligations can arise not only as a result of civil-legal relations, but also as a result of administrative-legal relations.

It can be seen from the above that the obligations arising between the debtor and the creditor as a result of civil-legal relations are related to the performance of certain works, transfer of money or other objects, and arising as a result of damage.

Methods such as generalization, deduction, deduction, systematic approach, comparative-legal analysis, study of practical materials were used in the preparation of the scientific article.

## DISCUSSION AND RESULTS

According to Article 234 of the Civil Code of the Republic of Uzbekistan, an obligation is a civil legal relationship, based on which one person (debtor) undertakes a certain action in favor of another person (creditor), such as: transfer of property, performance





of work, is obliged to provide services, pay money, etc., or refrain from certain actions, while the creditor has the right to demand the debtor to fulfill his obligations. Obligations arise from the contract, as a result of damage and other grounds specified in this Code.

It can be seen that obligations arise as a result of contractual and other relations between two persons. In this, the creditor and the debtor participate as parties, the debtor performs a certain action, and the creditor has the right to claim. The important point is that in the emergence of obligations, not only the debtor performs a certain action in favor of the creditor and the creditor's right to demand, but also the debtor's rights exist.

In order for the obligation to arise, there must be separate legal facts or legal actions (for example, for the export or import of certain products, in addition to concluding a contract with a foreign or domestic counter-agent, it is also required to obtain an appropriate permit)[6]. Legal facts and actions arise as a result of contract or damage. In this case, obligations may arise as a result of contracts.

A court decision aimed at defining civil rights and obligations can be a special basis for the emergence of an obligation [7]. It occurs as a result of the creditor's filing of a claim on the obligation to pay against the debtor who has not fulfilled his obligations as a result of the contract and other transactions.

In particular, according to Article 10 of the Civil Code of the Republic of Uzbekistan, civil rights are protected by a court, an economic court or an arbitration court, depending on which court the cases are referred to, as determined by procedural legislation or a contract.

Also, in accordance with Article 3 of the Civil Procedure Code of the Republic of Uzbekistan, any interested person may file civil cases in accordance with the procedure established in the legislation on the conduct of civil court cases to protect the violated or contested rights or interests protected by law. has the right to appeal to the court (court).

If there are several methods of securing the right of obligation under civil law, all these methods lead to legal consequences as a result of the debtor's voluntary non-fulfillment of his obligations [8].

The civil legislation stipulates that the obligations arising between the parties must be fulfilled voluntarily, honestly and in good faith, and failure to comply with this may lead to certain legal consequences. In such cases, the legislation defines the methods of fulfilling obligations, in particular, according to Article 259 of the Civil Code of the Republic of Uzbekistan, the fulfillment of the obligation can be carried out by lien,





pledge, retention of the debtor's property, surety, guarantee, zakat and other methods provided for by law or contract. can be provided.

It should be noted that "the moral law itself finds its expression in the obligation, recognizes the possibility of non-compliance with it, recognizes the concept of good along with the concept of evil" [9]. Such considerations led to the opinion that, according to individual researchers, the abuse of rights often has the character of violating moral norms.

At the same time, high legal culture and respect for laws of the participants of civil-legal relations is also important in fulfilling obligations.

In particular, the President of our country, Shavkat Mirziyoyev Miromonovich, in his speech dedicated to the 24th anniversary of the adoption of the Constitution of the Republic of Uzbekistan (December 7, 2016) said, "In order to ensure the rule of law, it is important to raise legal culture and educate citizens in the spirit of respect for the law." It is not for nothing that they emphasized that [10].

## CONCLUSIONS AND SUGGESTIONS

It can be seen from the above analysis that the set of civil-legal relations arising as a result of the debtor's right to perform a certain action in favor of the creditor and the creditor's right to demand it is an obligation.

Also, obligations arise from the contract or as a result of damage, fulfilling the terms of the contract and compensation for damage caused as a result of damage. Obligations in the broadest sense are the need to fulfill a duty that arose as a result of a contract and damage.

## The List of Used Literature

1. Inson huquqlari umumjahon deklaratsiyasi. Birlashgan Millatlar Tashkiloti Bosh Assambleyasining Rezolyutsiya 217 A (III) bilan 1948-yil 10-dekabrda qabul va e'lon qilingan.
2. Fuqarolik huquqi: Darslik. I qism/ Mualliflar jamoasi –T.: TDYU nashriyoti, 2016. -312 bet.
3. Rahmonqulov H.A. majburiyat huquqi (Umumiy qoidalar). Huquqshunoslik ixtisosi bo'yicha oliy o'quv yurtlari "Xususiy huquq" yonalishi magistratura talabalari uchun. -T.: TDYI nashriyoti, 2009. -316 bet.
4. Rahmonqulov H.A. majburiyat huquqi (Umumiy qoidalar). Huquqshunoslik ixtisosi bo'yicha oliy o'quv yurtlari "Xususiy huquq" yonalishi magistratura talabalari uchun. -T.: TDYI nashriyoti, 2009. -316 bet.





5. O'zbekiston Respublikasi Fuqarolik kodeksiga sharh. 1-jild (birinchi qism) Adliya vazirligi. – T.: «Vektor-Press», 2010. – 816 b. – (Professional (malakali) sharhlar).
6. O'zbekiston Respublikasi Fuqarolik kodeksiga sharh. 1-jild (birinchi qism) Adliya vazirligi. – T.: «Vektor-Press», 2010. – 816 b. – (Professional (malakali) sharhlar).
7. O'zbekiston Respublikasi Fuqarolik kodeksiga sharh. 1-jild (birinchi qism) Adliya vazirligi. – T.: «Vektor-Press», 2010. – 816 b. – (Professional (malakali) sharhlar).
8. Odilqoriyev X.T. Davlat va huquq nazariyasi. Darslik. – Toshkent. «Adolat», 2018. – 528 b
9. Шеллинг Ф.В.И. Философские письма о догматизме и критицизме // Собр. соч.: В 2 т. М.Мысль, 1987. Т.1. С. 73.
10. Mirziyoyev Sh. Qonun ustuvorligi va inson manfaatlarini ta'minlash – yurt taraqqiyoti va xalq farovonligining garovi.– T., 2017. – 10-bet.

