



## OBLIGATIONS ARISING FROM DAMAGE IN CIVIL LAW AND THE PROCEDURE FOR THEIR COMPENSATION

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### Introduction

Obligations arising from damage (delictual obligations) are one of the key institutions of civil law, playing a central role in restoring violated rights and protecting the property and non-property interests of individuals [1]. With the development of market relations and increased economic activity in Uzbekistan, the number of damage-related cases is also growing, which in turn necessitates the fair resolution of such disputes, effective protection of victims' rights, and the improvement of relevant legislation [2]. The aim of this thesis is to analyze the legal nature of obligations arising from damage, the conditions for liability, types of damage, and legal mechanisms for compensation, based on the current Civil Code of the Republic of Uzbekistan, decisions of the Plenum of the Supreme Court, and scientific sources.

### 1. The concept of delictual obligations and the grounds for liability

Chapter 57 of the Civil Code of the Republic of Uzbekistan regulates obligations arising from damage. These obligations arise outside of contractual relations, as a result of unlawful actions (or inaction) by one person that cause harm to another person's individual or property rights, and are referred to in legal literature as "delictual obligations" [3]. According to Article 985 of the Civil Code, the inflicted damage, including lost profits (Article 14 of the Civil Code), must be compensated in full by the person who caused the damage.

For civil liability to arise for causing damage, as a general rule, the following four conditions must be met simultaneously:

1. the unlawfulness of the action (or inaction) of the person causing the damage;
2. the existence of actual damage (material or moral);
3. a causal link between the unlawful action (or inaction) and the damage;
4. the fault of the person who caused the damage (in the form of intent or negligence).

An important point is that, according to Part 4 of Article 985 of the Civil Code, the fault of the person causing the damage is presumed, meaning that they must prove their lack of fault, which facilitates the protection of the victim's rights.

Damage is classified into material and moral types. Material damage





includes actual loss (expenses incurred or to be incurred to restore the violated right, loss or damage to property) and lost profits (income that could have been obtained if the right had not been violated), as defined in Article 14 of the Civil Code [4].

Moral damage refers to physical or emotional suffering inflicted on a person (Article 1021 of the Civil Code). It arises from the violation of non-property rights such as life, health, honor, dignity, business reputation, personal inviolability, etc. [3]. According to Article 1021 of the Civil Code, moral damage is usually compensated when the person who caused the harm is at fault.

## **2. The procedure and scope of compensation for damage**

Article 985 of the Civil Code establishes the principle of “full compensation” for damage. Material damage may be compensated in kind (e.g., repairing the damaged item or providing an identical item) or in monetary form (paying the amount of the damage). Moral damage, however, is compensated only in monetary form [4]. The amount of damage must be proven by establishing the extent of actual loss and lost profits.

Special rules apply when compensating for damage to an employee’s life or health, and in this regard, Resolution No. 18 of the Plenum of the Supreme Court dated December 19, 2003, plays an important role.

The court may reduce the amount of liability if the victim’s own behavior or gross negligence contributed to the occurrence or increase of the damage (Article 999 of the Civil Code). However, the financial situation of the person who caused the damage generally cannot be a basis for reducing liability—except in cases involving harm to life or health (Article 1000 of the Civil Code). These provisions aim to strike a balance: on the one hand, ensuring fairness by considering the victim’s contribution to the damage, and on the other, not prioritizing the tortfeasor’s financial difficulties over the victim’s right to full compensation.

### **Conclusion**

The civil legislation of the Republic of Uzbekistan has a well-developed system for regulating obligations arising from damage (delicts). Chapter 57 of the Civil Code and other relevant provisions define the general (unlawfulness, damage, causal link, fault) and specific conditions of liability, cases of strict liability, types of material and moral damage, and the mechanisms for their compensation. The decisions of the Plenum of the Supreme Court [5] provide important guidance for the practical application of these norms. Special aspects of liability are envisaged for specific subjects such as state bodies, minors, owners of sources of





increased danger, and in cases involving defective goods.

At the same time, there are opportunities to further improve the legislation based on practical challenges [3] and academic proposals [3]. In particular, refining the criteria for assessing moral damage and reviewing liability measures for certain types of delicts could be timely. The continuous development of delict law contributes to the more reliable protection of the rights and legitimate interests of individuals and legal entities.

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