

## **Compensation for damage caused by an acute source of danger – as a separate type of delict**

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**Abstract.** One of the socio-economic problems in Uzbekistan is traffic accidents, which is the most striking example of the negative consequences of the source of increased risk. At the same time, the study and analysis of the processual characteristics of the consideration of cases on compensation for damage caused by a loving source of risk is of great theoretical and practical importance, since it makes it possible to correctly apply the norms of material and processual law when considering cases in this category and serves to improve the quality. The article covers the same issues.

**Key words:** *court, law, subject, civil code, source of infatuation*

### **Introduction**

Of particular importance in the context of bringing the national legal system closer to international standards is the comprehensive scientific study and the legal justification of the procedural features of the consideration of disputes related to the compensation of damages caused by an excess source of risk. Improving theoretical provisions on the main aspects of such compensation for damage (subject of liability, conditions for the emergence of liability legal relations, correct determination of the subject of proof and the amount of compensation, grounds for exemption from the obligation to compensate for damage, etc.) expands the practical possibilities of civil-legal protection of the rights and interests of victims and the This indicates an increase in the relevance of the topic both scientifically and theoretically and practically.

Traditionally, in civil science, harm by a lover's source of danger is a delict obligation, that is, an obligation that arises as a result of harm. These are non-legal relations arising from violations of the property (non-property) rights of the victim, therefore, the person responsible for the damage caused is obliged to cover it, the victim or the victim is entitled to a full degree of compensation for the damage in the event of death, and the other person in the event of the death of the A distinctive feature of the compensation for damage caused by an excess source of risk is that such compensation is carried out in accordance with the principle of "objective responsibility". That is, it is not established that there is a fault of the owner of a lover's source of danger to compensate for the aforementioned damage. A sign of the emergence of such obligations is the mechanism of harm, since harm is associated not with any actions, but with a source of imminent danger.

In solving practical problems, the parties to the dispute, third parties, their representatives, judges face problems of law enforcement. Therefore, the initial stage in the study of this problem will have to consider theoretical issues, that is, the general characteristics of the "common source of danger" in civil law.

Much attention is paid by civilists to the study of the definition of "the source of acute danger", since such a legal category was first established on the territory of martaa Uzbekistan at the beginning of the 20th century, in the 1922 grazhdanik code of the Uzbek SSR. Therefore,

analyzing some scientific work, we can conclude that scientists have considered this category through the prism of some theories:

- "activity theory" considers the essence and concept of "excess risk source" in relation to behavior in terms of the combination of human activity with the activity of a more dangerous source;
- "object theory" determines that objects of the material world, which are in a certain quantitative and qualitative state, can pose a danger to the environment. Thus, a lover's source of danger is obvious objects, objects, equipment that are in the process of exploitation, which, due to the fact that it is outside the full control of a person, pose a lover's danger to the environment (this opinion is in contrast to the "theory of activity");
- the "theory of the properties of objects and forces of nature" does not introduce a real change in objects and things of the material world, unless the activity of the owner of a favorite source of danger is associated with material objects, and not in the properties of objects themselves, but in their properties or Forces of nature (this opinion is close to "object theory"). But it should be borne in mind that there is no owner of the forces of nature, therefore they do not belong to any subject of civil law, and therefore the damage caused by the power of nature is not covered in accordance with Article 999 of the CC;
- "the theory of objects in motion", according to which only objects that are being exploited can pose a love risk to the tevarak-atvrof. That is, when objects of the material world manifest dangerous properties inherent in them (for example, a train in motion, working, etc.) can become a source of excess risk (an idea that represents an intermediate state between "Activity Theory" and "object theory";
- "two-way Theory" ("mixed theory"), which defines the concept of "a common source of danger" through the signs of "activity" and "object" theories, in particular: the use of objects of the material world with certain harmful properties increases the likelihood of damage to the surrounding citizens (their property) and the property of organizations (the most common today) as a result.

Consequently, at the legislative level it is a "theory of activity" that surpasses other scientific theories according to the CSD definition contained in Section 999 (1) of the CC. However, the Legislature did not fully express the content of the concept of CSD, since the nature of the creation of such a resource as a lover of danger was only named, but was not described in any way. This actually leads to tautology: a lover's source of danger is an activity that increases the risk. Thus, the acute risk is indicated as the main feature of the source of increased risk, but its definition is not given in the norm.

Considering a doctrinal approach to the definition of CSD, it is necessary to analyze the procedural procedure for resolving disputes about damages caused by CSD (by stages) and its specifics.

Article 130 of the Constitution establishes rules by which Justice is exercised only by the courts, and gives reason to argue that the judicial form of protection of these rights is fundamental and widespread. However, the system of protection of civil rights, freedoms and interests is formed at the expense of the jurisdictional bodies of dispute resolution and due to the possibility of exercising the right to pre-trial resolution of a dispute using alternative forms of protection.

Before the adoption of the Civil Code (1996 year), the concept of a lover's source of danger was not defined in the norms of material law, but subsequently arose as a result of judicial practice.

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