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## Research Article

# PAYMENT FOR MORAL DAMAGE IN COURT ORDER SOME ASPECTS OF COLLECTION

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## ABSTRACT

The development of market relations in our country, the rapid development of the processes of democratization of society presupposes the creation of a legal system aimed at reliably protecting the rights and legitimate interests of the individual. After all, in accordance with the second part of Article 13 of the new Constitution of the Republic of Uzbekistan, democracy in the Republic of Uzbekistan is based on universal principles, according to which a person, his life, freedom, honor, dignity and other integral rights are of high value. This constitutional norm itself indicates that the issue of protecting the rights of citizens is of urgent importance. It is from the important rights of citizens enshrined in the Constitution of the Republic of Uzbekistan that the recovery of moral damage, a relatively new civil-legal tool for protecting the personal and non-personal rights of citizens, is considered.

## KEYWORDS

Moral damage, norms regarding, our independence, Republic of Uzbekistan.

## INTRODUCTION

In the Civil Code of the Republic of Uzbekistan, new legal norms for the recovery of moral damage were introduced, in which the general rules for the compensation of moral damage, norms regarding the method and amount of compensation for damages were expressed. At the same time, the responsibility for compensation for moral damage as a new type of

civil-legal liability-as a new type of Lik - is a new norm introduced into civil law after gaining our independence, it will be noted once again that the implementation of this institution arose primarily due to the need to additionally guarantee the rights and freedoms of citizens established in the

In the legal norm for compensation for moral damage, which was expressed for the first time in the legislation of independent Uzbekistan, it was recognized that moral damage consists of physical and spiritual suffering inflicted on the victim (article 1022 of the CC). Also, legal norms aimed at compensation for moral harm have been expressed in a number of laws that have come into force at different times.

It should be noted that for the first time in the legislation of independent Uzbekistan, the legal norm for compensation for moral damage is expressed in the Labor Code of the Republic of Uzbekistan, which was introduced on April 1, 1996 in accordance with Resolution No. 162 of the Supreme Assembly of the Republic of Uzbekistan dated December 21, 1995. In particular, according to Article 6 of the code in question, it was strengthened that a person who considers himself discriminated against in the field of Labor can apply to court with a petition to eliminate discrimination and pay for material and moral damage to himself. Also, according to the sixth-seventh part of Article 174 of the Labor Code, the amount of compensation for moral damage is determined by the court, taking into account the assessment of the actions of the employer, but this amount cannot be less than the average monthly salary of the employee. Instead of restoring to work, the court may charge an additional compensation (except as provided for in the fourth part of this article) in his favor at the request of the employee, not less than a three-month salary. At this point, it can be said from the above norms that the Labor Code of our country provides for somewhat more perfect and progressive norms than other legislation regarding the procedure and amount of payment for moral damage.

At the same time, the legal literature notes that the introduction of compensation for moral damage into

the ranks of losses due to the violation of the labor rights of employees in the labor legislation of our country made it possible to additionally guarantee the rights of employees. Most employees, while demanding the restoration of labor rights from the court, also promote the requirement to collect payment for moral damage caused to them. Now the courts are also referring directly to the norms of civil law in order to resolve the issue of charging a fee for moral damage caused by violation of the personal non-personal rights of the employee. This assumes an in-depth study of the issues of applying civil law norms for labor-related legal relations, a comparative analysis of Labor and civil law norms related to compensation for moral damage, and the identification and elimination of mutual inconsistencies between them.

It should be noted that the norms of material law regulating moral damage also have their influence on the processual form aimed at protecting this right. This leads to the emergence of specific procedural features of judicial review of cases for the recovery of moral harm. The analysis of judicial practice shows that cases for the recovery of moral damage, which are considered an important means of protecting the rights of citizens, are becoming more and more numerous within the civil cases being carried out in the courts. As one of the main reasons for this, it is also worth noting that the legislation providing for the recovery of moral damage is developing, that in the current market economy citizens have a good understanding of their rights, in particular the rights to recover moral damage, that the state duty is not high when applying to court for claims for the recovery of moral damage.

One of the other important factors that indicate the increasing number of cases in which demands for the recovery of moral damage are being made in the courts

is manifested in the fact that in connection with the possibility of moral damage caused by violation of the rights and legal interests of a citizen of any appearance, the requirement to additionally recover moral damage at the time of For example, when applying for a job resulting from a legal relationship to work, with demands such as recovery, recovery of damage to health, the plaintiff will certainly additionally promote the recovery of moral damage. Therefore, there is no separate statistics of cases related to the recovery of moral damage by the Supreme Court of our country. However, even so, judging by the data, the number of cases in the category in which additional requirements for the recovery of moral damage were advanced is increasing. For example, in 2022, the total number of cases with a single labor dispute was 11,113, an increase of 6,083 compared to 2021. In the 1st half of 2023, however, the number of disputed cases in this category was 5,854 (up from 3,892 in the corresponding period of 2022).

The fact that civil cases, in which there are requirements for the recovery of moral damage in judicial practice, form different manifestations, and the regulation of this issue by various legislative acts, in turn raises a number of problems that need to be solved in the theory of civil procedural law, including in law enforcement practice.

While the recovery of moral damage is provided for by various norms of material law, but it is decided by consideration in the form of a lawsuit in the manner of civil litigation. Determination of the composition of the subjects involved in cases for the recovery of moral damage, considered the subject of a court hearing, proof of the relevance of these claims to the court and jurisdiction, determination of the amount of payment for moral damage and resolution of the issue of

evidence, requirements for court decisions, all this entails determining the specific prosessual characteristics of

At this point, separately dwell on the issue of determining the amount of payment for moral damage and forms of its compensation, shun notes that while the collection of payments for moral damage is considered a civil-legal means of protecting the personal and non-personal rights of citizens, it has long been impossible to recover moral damage in a socialistic society. And this was tried to justify by a simple circumstance, that is, by the fact that the identity of a Soviet citizen is so high that it cannot be measured by any money. For this reason, for a long time, legal norms for the recovery of moral damage have not been reflected in civil law. Some legal literature also expressed negative views on charging moral damages. In Particular, V.Smironov and A.While Sobchak shows in his works that spiritual harm cannot be aimed at material recovery, because of the economic content, M.Markova, on the other hand, puts forward the idea that the moral damage suffered by the person and his loved ones as a result of the crime cannot be compensated financially.

Consequently, professor I.I.Nasriev, too, the norms regarding compensation for moral damage were introduced into civil law after the independence of our country, until which the law did not provide for the recovery of moral damage, which was tried to justify by a simple circumstance, that the person of a citizen was considered so "high" that it was not at all possible to assess the moral damage.

It should be noted that most scientists, as supporters of charging a fee for moral damage, carried out scientific and scientific research on the issue of determining its amount and forms of compensation. B., who conducted a number of research on the



problem of charging payment for moral damage. Khamrokulov's firicha held that any unlawful act (inaction) committed against a citizen could result in moral damage to him. If moral damage is said to be caused by the encroachment of a citizen only on personal non-personal rights and other intangible benefits, then the issue of compensation for moral damage caused by aggression against a citizen's material benefits is overlooked. Therefore, the issue of compensating for moral damage should also be applied as a result of damage to the property of a citizen.

Another scholar is A.M. Belyakova writes that if mental suffering cannot be assessed in money, then in order to facilitate the life of the victim, it is possible to recover other funds from the victim, and through this some limited simple daily needs of him are provided in connection with the event that led to injury to the victim. G.K. Matveev argues that nomulky does not recognize the property assessment of damage and does not need to set criteria for determining moral damage.

Obviously, the imperfect rights of a person are the invaluable wealth of a person. Moreover, spiritual damage to a person is inevitable in its essence, and it is impossible to compensate for it, to bring it to its former state. Therefore, assessing moral damage in money is an extremely complex process. But even so, the compensation of moral damage in money or other material form can provide a citizen with spiritual comfort, serve to satisfy some of his limited simple everyday needs. To do this, first of all, it will be necessary to determine the criteria that determine the amount of moral damage. It is worth saying that in a number of research works on this problem, an attempt was made to determine the criteria for assessing moral damage. The criteria for assessing moral harm, Hatto,

have long been treated with special attention. Indeed, a penny was levied for insulting a person, and when determining the amount of this penny, attention was paid to: (a) wealth; (B) the degree of insult; (C) the particular relationship of the insulter with the victim.

After the provisions of the Civil Code of 1922 for compensation for damage to a person were established, various ideas began to appear on the consideration of property damage to personal non-personal rights, if it was associated with deprivation of wages or other material costs associated with damage to the life and health of a citizen.

Other non-property rights that do not cause property damage are explained by the fact that for cases of violation, sums of money cannot be levied, and this is due to human mental experiences, and individual non-property rights of a person cannot be compensated by charging damages.

N.S. Malin believes that when determining the amount of moral damage caused by violation of personal non-property rights, it will be necessary to pay attention to mainly objective and subjective criteria. N. in the same place. S. While Malin, as a subjective criterion, shows the effect of moral damage to personal non-property rights on the victim, his individual views and subjective characteristics, the objective criterion indicates that personal non-property rights consist of moral damage to social status and non-property rights.

That being said, These proposed criteria are not mandatory for the courts that are considering the case. According to the Civil Code of the Republic of Uzbekistan, the amount of compensation for moral damage is determined by the court depending on the nature of the physical and moral suffering inflicted by the victim, as well as the degree of guilt of the victim in cases where the guilt is based on compensation. Also,

in the process of determining the amount of moral damage, the court should also take into account the nature of physical and spiritual suffering, the actual circumstances of moral damage and the personal characteristics of the victim.

N.O.Egorov, speaking about compensation for the moral damage caused by the humiliation of honor and dignity of a citizen, states that it is inevitable to have problems with determining its amount, indicating that in this case it is necessary to take into account the following:

- a) the tone of the offense;
- b) subjective assessment of his honor and dignity by this citizen.

The second criterion advanced by N.O. Egorov on determining the amount of compensation for moral damage, that is, the subjective assessment of his honor and dignity by a citizen, is in our opinion controversial. Because first, honor and dignity is an assessment given to any person by other persons. If dignity is self-assessment, that is, the knowledge of an individual's own abilities, place and social position in society, then Honor is considered to be an assessment of this subject by society, which in turn is a social assessment of a citizen as a person.

B.It is necessary to develop a system of compensation amounts to be levied in order to ensure the uniformity of judicial practice in relation to compensation for moral damage, to develop and approve two applications to the corresponding decision of the plenum of the Supreme Court, in the first application, the amounts of compensation paid for moral damage caused by damage to the life and health, the second appendix describes the need for a system of

compensation amounts to be paid for moral damage caused by illegal criminal prosecution.

Speaking about the specific proessional characteristics of work on the recovery of moral damage, it would be appropriate, first of all, to emphasize that this category of work comes from various legal relations, in particular, civil, labor, mass legal relations. In this regard, it is natural to ask the question of whether the procedural procedure for the recovery of moral harm in theory and practice is the same or whether a separate procedure is intended based on the nature of the legal monastery-bat. This assumes an analysis of the issues concerning the relevance of cases on the recovery of spiritual harm.

As noted in the legal literature, relevance is understood to mean that the task of viewing and resolving civil cases is assigned by law to a specific public body or public organization.

M.Mamasiddikov believes that belonging is a scientific category of the science of civil procedural law, which is understood by legislation to be the responsibility of certain public bodies, public organizations or other competent bodies to see and decide civil cases, based on the content of subjective law and the nature of the composition of the persons involved in the case.

An analysis of our national legislation shows that cases for the recovery of moral damage are considered to apply only to courts. For example, in paragraph 4 of Article 558 of the Labor Code of the Republic of Uzbekistan, labor disputes about the compensation of moral damage caused by the employer to the employee are considered directly in court. Also, according to Article 22 of the law of the Republic of Uzbekistan "on the protection of Consumer Rights", adopted on April 26, 1996, the person who caused it for moral damage caused to it due to violation of the rights

of the consumer, basharti must pay a fee if he is guilty. The amount of remuneration paid for moral damage is determined by the court. In accordance with Article 5 of the law of the Republic of Uzbekistan "on the protection of journalistic activities" of April 24, 1997, the journalist has the right to demand through the court the compensation of moral damage and material damage caused by the media to distort the content of his message presented during the implementation of activities in his profession.

As we know, according to the first part of Article 302 of the Criminal Procedure Code of the Republic of Uzbekistan "property and other consequences of rehabilitation", a rehabilitated person is illegally detained, illegally detained or placed under house arrest as a precaution, and the validity of his passport (movement document) is illegally suspended, he has the right to demand the recovery of property damage caused to him as a result of illegal exclusion from his duties or illegal placement in a medical institution due to involvement in the case as a defendant, as well as the elimination of the consequences of moral damage.

In accordance with Article 57 of the Criminal Procedure Code, the victim, that is, the person who has suffered moral damage due to the crime, has the right to initiate a civil lawsuit about compensation for moral damage in the course of criminal proceedings.

If the claim of moral damages in the event of a criminal case has not been made or resolved, such a claim under Article 38 of the FPK can be seen in civil proceedings.

The right of the rehabilitated to collect moral damage should be provided for its occurrence after the issuance of an acquittal sentence or the termination of a criminal case (articles 302, 303, 306, 309 and 310 of the CPC). The claim to recover the moral damage

inflicted on the rehabilitated is seen in the civil proceedings (article 1021 of CC).

Thus, cases for the recovery of moral damage are disputes that apply to the court, and the legislation does not provide for any special procedure other than the judicial procedure aimed at the recovery of moral damage. Due to the fact that a party (plaintiff) is a natural person, of course, in cases involving the recovery of moral damage, cases in this category apply to civil cases. After all, according to Article 26 of the FPK of the Republic of Uzbekistan, cases on disputes arising from civil, family, labor, housing, land and other relations, if at least one of the parties is a citizen, then the law concerns the court on civil cases, except when the resolution of such disputes is transferred to other courts or other bodies.

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