

Civil Rights Violations: Structural Causes and Societal Impacts

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Abstract

This research article analyzes the phenomenon of civil rights violations, the systemic and structural causes of their occurrence, and the multifaceted impact of these violations on societal development. The study comprehensively examines the institutional and socioeconomic factors behind civil rights violations, providing a scientific justification for their leading role in legal inequality, social instability, and declining trust in public institutions. The article also offers research and practical proposals and recommendations for legal and institutional reforms aimed at mitigating the consequences of civil rights violations and preventing them.

Keywords: Civil rights, rights violations, structural causes, societal impacts, institutional factors, legal inequality, social justice, legal protection.

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1. Introduction

Today, in the context of developing market relations and the process of reforming civil legislation, there is a need for a clearer explanation of the essence of the legal phenomenon of abuse of subjective civil rights from the perspective of civil law. In our opinion, the most appropriate basis for explaining this phenomenon is the theory of the implementation and protection of subjective civil rights. As is well known, civil law norms define the necessary boundaries for the implementation of subjective rights. Participants in legal relations act freely within these established boundaries, pursuing their private law interests. Moreover, such legal boundaries serve as a certain guarantee of the protection of subjective civil rights. That is, these boundaries protect certain personal rights from violation by other participants [1].

An integral feature of any subjective right is the existence of certain limitations related to both the content and the manner of its exercise. The absence of external and internal restrictions on the exercise of a subjective civil right transforms objective law into chaos. Consequently, the legal essence of abuse of rights is directly linked to the theoretical concept of subjective civil rights in the objective sense. Where there is a subjective right of citizenship, there is always the possibility of its abuse.

Therefore, the freedom of a subject to exercise their subjective right cannot be unlimited [2]. Despite the fact that civil law regulation of social relations is fundamentally discretionary, such freedom must be limited by the subjective interests of other participants in property transactions through mandatory legal norms. It should be emphasized that the limits of the exercise of civil rights have become the subject of frequent debate.

According to E.A. Sukhanov, "the limits of the exercise of subjective civil rights are the statutory limits on the exercise of powers by authorized persons that shape the content of these rights." According to V.P. Griбанov, the limits of the exercise of civil rights are the fight against the abuse of civil rights [3].

A.A. Malinovsky emphasizes that "subjective limits of law" mean legal indicators that determine the boundaries of the behavior of an authorized subject and mainly describe the subjective aspects of the application of law [4].

However, N.A. Durnovo distances himself from such positions and identifies the following criteria for determining the limits of the exercise of subjective rights: 1) moral norms; 2) rationality and honesty; 3) the purposefulness of the right being exercised; 4) the interests of the authorized person and the interests of other persons [5].

Ensuring the exercise of civil rights is an important criterion and integral feature of a democratic and legal state, as well as a necessary condition for the country's socioeconomic development. The exercise of rights, including the exercise of civil rights, the right to judicial protection of rights and freedoms, and the right to appeal to court, is guaranteed by the Constitution and laws of the Republic of Uzbekistan.

At the same time, any right, including subjective civil rights, must be exercised within the framework and limits established by law. Therefore, the exercise of civil rights must not harm the environment, must not violate the rights and legally protected interests of citizens, legal entities, and the state, must not infringe on the rights, freedoms, honor, and dignity of others, must not infringe on the integrity of the historical, spiritual, and cultural heritage of the people of Uzbekistan, etc.

The most general prohibition on the abuse of subjective civil rights is enshrined in Article 20 of the Constitution of the Republic of Uzbekistan, which states that the exercise of a citizen's rights and freedoms must not violate the rights and freedoms of others. This constitutional norm is most generally expressed by the legislator regarding the exercise of subjective civil rights. Based on this constitutional limit, civil legislation in Article 9 of the Civil Code defines this in a more imperative (stricter) form, prohibiting actions by individuals exercising civil rights aimed at causing harm to another person, the abuse of rights in other forms, and

the exercise of rights in a manner contrary to their purpose.

Based on this, it can be concluded that defining the limits of the exercise of civil rights is one of the key issues in civil law, requiring scientific understanding and improvement. Therefore, it is necessary to create a clear system that defines the fundamental and necessary guidelines for the legal implementation of subjective civil rights, taking into account the optional nature of the regulation of civil law relations in scientific literature.

A special group of restrictions on the exercise of civil rights consists of restrictions on the purposefulness of the exercise of civil rights, which limit the exercise of civil rights within the framework of their purpose. That is, civil rights must be exercised in accordance with a clearly defined purpose established by law or agreement. For example, Article 9 of the Civil Code of the Republic of Uzbekistan prohibits actions by citizens and legal entities aimed at exercising rights in a manner contrary to their purpose. According to civil law, subjective rights cannot be exercised in a manner contrary to the principle of fairness, that is, abused.

Furthermore, the Law of the Republic of Uzbekistan "On Competition" of January 6, 2012, prohibits actions by business entities and individuals that could lead to or restrict competition; that is, the use of civil rights to restrict competition is not permitted.

According to Article 607 of the Civil Code of the Republic of Uzbekistan, the tenant is obligated to use the premises for their intended purpose in accordance with the lease agreement. Therefore, if the premises are used for other purposes, such as for industrial production, this means the right is being exercised in a manner contrary to its specific purpose. Civil rights are not protected by law if they are exercised in a manner contrary to their intended purpose. Similar requirements for the exercise of civil rights in accordance with their purpose are established by Articles 511 (charity), 541 (transfer of property to the tenant), 569 (contracts concluded with third parties on the use of a vehicle), and Article 575 (rights to a land plot on which a building or structure is located when it is leased).

The limits of the exercise of property rights and other material rights deserve special attention. According to Article 54 of the Constitution, the use of property must not harm the environment or violate the rights and legally protected interests of citizens, legal entities, and the state.

This requirement implies the interdependence of the rights of various entities and that the exercise of the rights of one entity does not violate the legally protected rights of others. For example, the limits of the exercise of property rights and material rights are set out in Articles 176, 178, and 189 of the Civil Code. In accordance with Article 189 of the Criminal Procedure Code, legal acts may establish the procedure and conditions for the acquisition of wild fruits, nuts, mushrooms, berries, as well as other flora, fauna, and inanimate nature that can be collected. Limits on the implementation of certain actions are also specified in doctrinal and legal sources. Article 13 of the Civil Code of the Republic of Uzbekistan states that an individual is obligated to protect their civil rights, and that the methods used to protect their civil rights must be proportionate to the violation of the right and must not go beyond the actions necessary to prevent the violation. Furthermore, according to Article 987 of the Civil Code, damages caused in self-defense are not covered unless they exceed established limits.

An analysis of civil law norms shows that the limits of the exercise of civil rights determine not only the limits of their exercise but also the content of these rights; they indicate methods of exercising civil rights that cannot be used [6]; they encourage the lawful behavior of the authorized person and prevent violations of the law [7].

In addition to the above requirements, the limits of civil rights are determined by other aspects. Thus, when exercising certain civil rights, subjects must act reasonably, honestly, and fairly (Articles 45, 360, 383, 456, 584, and 1022 of the Civil Code) and comply with other norms accepted by society (Articles 195 and 1022 of the Civil Code). Certainly, violating moral norms does not entail negative legal consequences for participants in civil relations, since any other interpretation of the law would deny the existing distinctions between legal and moral norms. The essence of the requirements for reasonable, fair, honest, and humane action is that these requirements obligate subjects, as well as law enforcement agencies, to take moral norms into account in their activities. As a result, moral norms, the requirements of reasonableness and fairness, and the purpose of law influence the formation of the boundaries of civil rights.

In the practice of Uzbek courts, cases of violation of rights and denial of their protection are rare, but they do occur. The court found A.'s actions to be a violation of civil rights and dismissed the claim [8].

The key features of the principle of prohibition of abuse of rights, as one way of demonstrating the imperative nature of civil law norms, are as follows:

- 1) actions of participants in legal relations within the limits established by civil law;
- 2) actions of participants in legal relations that contradict their own will and interests;
- 3) establishing external and internal boundaries for the application of subjective civil law.

This issue is considered traditional for many countries that have adopted the principle of fairness and prohibition of abuse of rights [9].

The Uzbek legislature also prohibited the abuse of rights (discussed above).

The law requires honest conduct in its application and defense. Therefore, it makes no sense to consider a violation of the principle of honesty (good faith) in the application and defense of the law and abuse of rights as distinct legal phenomena. In other words, there is no point in seeking any intrinsic meaning to the doctrine of abuse of rights. Because abuse of rights is the unfair exercise and defense of rights. Thus, abuse of rights is a manifestation of the principle of fairness (good faith) [10].

The more diverse and dynamic social life and economic turnover, the deeper the understanding of legal issues, and the greater the involvement of the courts in legal creativity, the more vigorously will prohibitions on the abuse of rights be applied. The doctrine of abuse of power can be applied in legal practice only in the most extreme cases, when a sense of justice opposes the application of formal law, when the violation of the interests of society or individuals reaches such a degree that conscience cannot reconcile the result achieved by the exercise of formal power.

Methodological aspects. In some cases, the method of objective-teleological interpretation of law can be used as a means of preventing abuse of rights. For example, if the abuse of rights consists of the unlawful use of a specific right granted by law, the court, relying on the perspective of legal policy and the objective goals of positive law in modern conditions, may apply an objective-teleological reduction (hypothetical-restrictive interpretation) of legal norms.

In cases where a certain right derives from a legal

provision, and the court finds that the exercise of that right is unfair, but the law simply fails to provide an appropriate exception, the court may interpret the legal provision granting that right restrictively, stripping the person's questionable conduct of its formal legality. Many instances of court application of the abuse of rights doctrine can be resolved in this way. Some scholars consider this solution preferable, as they believe the very idea of abuse of rights is an oxymoron: the law cannot be abused, and if any law is used for negative purposes and becomes a means of achieving injustice, this means we misunderstand the possible limits of the law's application—these limits must be narrowed through the interpretation of the relevant provisions [11]. This approach may be a perfectly acceptable alternative.

Failure to protect a right is the primary sanction for abuse of rights (Article 9 of the Criminal Code); the court deems the action illegal and refuses to recognize its legal force. As noted above, in this case, dishonesty and illegality are not mutually exclusive. Abuse of rights is an attempt to use a right in a manner prohibited by law, that is, to exceed the legal framework.

Let us now consider a relatively common case of the unlawful exercise of property rights. Property rights, by their absolute nature, allow for the independent exercise of rights by an authorized person in their own interests. Specifically, the content of property rights implies the owner's right to perform any actions that do not contradict the law and do not violate the rights and legally protected interests of others. Since the law cannot fully describe the interests of others that may be violated by owners in the exercise of their rights, it is difficult to overestimate the role of the prohibition of abuse and the requirement of honest behavior in this area. The powers of owners cannot be exercised without regard for the general principles of civil law. Despite the fact that property rights represent absolute legal relations arising between owners and other persons, the likelihood of encountering abuse of rights is higher among those who come into contact with owners, primarily neighbors and owners of common property.

What are the consequences of abuse of rights?

If an abuse of rights results in a violation of another person's rights and damage, that person has the right to demand compensation for these damages. As already emphasized, abuse of rights is always considered illegal. The law prohibits bad faith behavior. Because bad faith behavior violates this prohibition and is therefore

considered illegal. Illegality is one of the conditions for protecting the rights of the victim through compensation.

The peculiarity of this illegal form is that the content of the required standard of conduct cannot be understood and applied by the courts until the relevant standard is determined by the courts during dispute resolution, until a complete legal position is established (until the grounds for self-determination or correction of this position are identified).

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