



## Methods of Using the Principles of the Legal Society

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**Abstract:** In this article, the importance of the principles of civil law, such as justice, honesty, honesty, rationality, in the application of law and judicial practice is scientifically analyzed. Issues of development of methodological bases of application of these principles, systematization of scientifically based approaches on their content and essence have been researched. Although the civil procedural law stipulates the evaluation of court decisions according to the criterion of fairness, it is critically analyzed that this requirement remains an abstract category. By comparing the ratio between legality and justice, it is justified that they are separate categories. Scientific ideas and solutions for the active and effective application of the principles of civil law in practice are offered.

**Key words:** the principles of civil law, the principle of justice, the principle of honesty, the principle of reasonableness, the principle of legality, the practice of law enforcement, court practice, criteria for evaluating court decisions.

## Huquqiy Jamiyat Tamoyillaridan Foydalanish Usullari

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**Annotatsiya:** Mazkur maqolada fuqarolik huquqining adolat, insoflilik, halollik, oqilonalik kabi tamoyillarini huquqni qo'llash va sud amaliyotidagi ahamiyati ilmiy tahlil etilgan. Ushbu tamoyillarni qo'llashning metodologik asoslarini ishlab chiqish, ularni mazmuni va mohiyati bo'yicha ilmiy asoslantirilgan yondashuvlarni tizimlashtirish masalalari tadqiq etilgan. Garchi fuqarolik protsessual qonunlarda sud qarorlarini adolatliligi mezonini bo'yicha baholash belgilab qo'yilgan bo'lsa ham, biroq ushbu talab mavhum kategoriya bo'lib qolayotganligi tanqidiy tahlil etiladi. Qonuniylik va adolatlilik o'rtasidagi nisbat taqqoslanib ular alohida kategoriyalar ekanligi asoslantiriladi. Fuqarolik huquqi tamoyillarini amaliyotda faol va samarali qo'llash bo'yicha ilmiy g'oyalar va yechimlar taklif etiladi.

**Kalit so'zlar:** fuqarolik huquqi tamoyillari, adolat tamoyili, insoflilik tamoyili, oqilonalik tamoyili, qonuniylik tamoyili, huquqni qo'llash amaliyoti, sud amaliyoti, sud qarorlarini baholash mezonlari.



Law enforcement and jurisprudence is a complex and extensive process. A feature common to both processes is that they are related to the interpretation and application of certain legal norms. Hundreds of laws and tens of thousands of legal documents apply in the national legal system of our country. However, in spite of this, all of them cannot clearly, clearly, and perfectly determine all possible behaviors and rules of behavior of a person. Man is a social subject, it would be absurd to try to define all the processes that occur in his social life in advance in legal algorithms. Law regulates the most necessary social relations. If we take the field of civil law that regulates property relations, we recognize that there are more dispositive norms that give subjects freedom, independence, and initiative than imperative norms that give strict instructions. Taking into account that the concept, essence, and content of legal principles have been the subject of many scientific studies [1], [2], we focus on the features of applying the principles in protecting the legal interests of women and children.

Usually, both law enforcement and judicial practice are based primarily on statutes. The concept of laws is used here in a broad sense. Participants of law enforcement and judicial practice require each other to comply with the requirements of the law, without deviation. It is natural to ask whether the content of the law in a broad sense covers the content of civil law, family law, whether there are opportunities to apply the law and directly use these principles in judicial practice. Some interpret the functions of civil law principles in a narrow sense. According to this, legal principles are primarily a program for the civil law-making process, that is, newly adopted laws should not contradict these principles. In the case of the direct application of the principles, based on the content of Article 5 of the FC, in the absence of laws regulating social relations and similar laws, the rights and duties of the parties are determined in accordance with the general principles and content of civil legislation (similarity of law) and the principles of honesty, reasonableness and justice. At the same time, in some cases, there are direct references to principles in civil laws. For example, part 1 of Article 187 of the FC states about honest ownership.

In addition, it should not be forgotten that the principles of law have their influence in this regard through the social consciousness of the participants of law enforcement and judicial practice. Legal consciousness, legal culture, and legal values are formed in the social consciousness of the participants of law enforcement practice. Consequently, these components form a set of certain subjective factors that influence the behavior, behavior, and understanding and interpretation of laws of the participants of the legal relationship. The practice of law enforcement includes the process of applying the principles of honesty, reasonableness and justice of civil law in public authorities, self-government bodies, notary offices, mediation and arbitration agreements. The most important thing is that the participants of the process, especially the persons applying the law, that is, the authorized employees of the state authorities, notary, mediator, arbitrator, judge, should fully understand the essence and content of the principles. However, the concepts and essence of the principles are not clearly defined in the laws. For example, the principle of honesty of civil rights. Honesty is an evaluative concept, that is, it depends on the perspective from which the evaluator evaluates. Therefore, in some cases, ironically, it can be said that there is a certain soul in the words that each person



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has his own truth.

First of all, it should be noted that the Uzbek equivalent of the category of honesty in the Uzbek and Russian texts of the Civil Code is expressed differently. If it is called honesty in part 2 of Article 5 of the FC, then in Article 229 it is expressed as honesty. From the Russian texts, both norms use the phrase "dobrosovestnost". At this point, it is necessary to determine the ratio of the concept of honest or fair. In a certain sense, I must admit that honesty and integrity are compatible with each other. However, it can be considered that the concept of honest is more precise, broader and more compatible with the regime of legal expression than honesty. Honesty and purity are also spiritual categories. Honesty is a control and moral assessment of a person's behavior in a certain society. Integrity is a sense of moral responsibility of a conscientious person or a certain community for their behavior towards society or other people. Honesty - (Arabic: permissible, permissible, legal basis, correctness, conscientiousness) - a concept that means a spiritual and moral standard that requires being free from treachery, dishonesty, not deceiving someone, being correct, pure and clean. To live honestly and cleanly consists in not betraying the rights of others even in the slightest. The existence of integrity is conditioned by truthfulness and self-sacrifice. Honesty is one of the spiritual and moral qualities that express the unity of a person's inner and outer world, matching his words with his actions, and an open heart and sincere attitude towards the people around him.

It can be seen that the categories of honesty and integrity differ in content as moral categories. For this reason, it was not correct from the point of view of legal technique to call the same phrase in the Russian text with the phrase "honesty" in the Uzbek text of the FC.

It would be appropriate to adapt the Uzbek text of the FC to the Russian text of the FC and express "dobrosovestnost" as honesty in any case. Honesty is an ideal positive state. In fairness, the ideal level of positivity is not always manifested. In honesty, it is possible to benefit others by wronging oneself, but in honesty, while wronging others is excluded, wronging oneself is not considered acceptable. It would be appropriate to proceed from the perspective of fairness in the practice of law enforcement. For example, in the application of Article 187 of the Civil Code, the owner of real estate loses legal ties to the property due to his will or other reasons. After the expiration of the three-year claim period and the fifteen-year claim period, the bona fide possessor can legally acquire ownership rights to this property if he complies with the conditions specified in Article 187, i.e., he obtained it on a bona fide basis, treating it openly and continuously as his own property. From the point of view of honesty, this property should be returned to the original owner, but from the point of view of honesty and religion, the law prioritizes the interests of the honest owner in terms of treating the property as his own, improving it, beautifying it, and paying taxes.

It is natural to ask to what extent the application of legal principles can have a positive effect on the realization and protection of property rights and legal interests of women and children. From the point of view of civil law, all subjects have equal rights and opportunities. This general rule, however, also includes the legal status of the weaker party in the legal doctrine. In many cases, the law establishes certain benefits for the weaker party, through these benefits, the factual situation of the parties is equalized. For example, the creditor is the weaker party compared to the debtor. For this reason, Article 333 of the Criminal Code establishes the



presumption of guilt for the debtor. That is, the debtor who fails to fulfill his obligations is considered guilty until he proves his innocence. Even when the duty to bear the risk is distributed in the obligations, the legislator imposes the duty to bear the risk on the entity that is factually superior. In addition, it should not be forgotten that religious values are part of our spiritual values. For example, the Holy Qur'an emphasizes the issue of justice. In it, "Yo ayyuhallaziyna amanuv, kuvnuv qawwamina bil qisti shuhadoa lillahi wa lav ala anfusikum avil validaini wal aqrabiyn" that is, O believers, be fair in everything, let your testimony be impartial for the sake of Allah, justice even if it means harming yourself or your parents or your relatives. The famous scholar Alikhontora Soguni writes about the instruction not to deviate from the path [4]. The first President of the Republic of Azerbaijan emphasized this situation in his work "Spirituality - an inexorable force". In the religious values, there are values such as do not respect the rights of orphans and women, be kind to orphans and women in the Holy Qur'an and Hadith Sharif. It is no secret that these values are expressed in many places in our laws, especially in the Family Code. Indirectly, if not directly, these values are embodied in the principles of justice, reasonableness and honesty of civil law. Through these principles, it is possible to cite certain examples, although few, in judicial practice regarding the protection of property rights and interests of the weak, that is, women and children.

N. A woman with two minor children in 1995. rents his yard to a person named After 10 years, the lessor intends to go abroad for permanent residence. N. learned about it. offers to sell the yard to him. In January 2005, they signed a written contract for the purchase and sale of an apartment for seven thousand dollars. In November 2005, A. receives a payment of six thousand dollars. N. begins major repairs in the yard. In January 2006, he receives the remaining thousand dollars and promises to notarize the documents later. Meanwhile, A. Since December 2005, another V. begins negotiations on the sale of real estate with a person named V. goes to see the yard, N. lives there. meets with, witnesses capital repairs, and learns that the main part of the payment for the yard has been paid. However, despite this, A. with V. In February 2006, a contract for the sale of a residence will be drawn up, notarized and registered. In March A. goes abroad. After that V. N. applies to the court for eviction. Based on the formal requirements of the law, the position of V. seems to have priority (Article 84 of the Civil Code, according to which the right to own real estate and other material rights, the creation, transfer, limitation or cancellation of these rights must be registered with the state, and the Civil Code Article 112 - Consequences of non-compliance with the requirement of notarization of the transaction), in this case N. with A. written agreement between A. with V. which of the notarized, state-registered contracts concluded between Initially, based on the requirements of Article 83 and Article 112 of the FC, the court of first instance A. and N. invalidates a simple written contract between A. finds the contract between V. and V. to be valid and makes a decision to forcibly evict N. from the house. A. with N. The right of N. to file a lawsuit against A. regarding the consequences of the contract between A. and the demand for compensation for the damage caused due to the invalidity of the contract is explained. In subsequent instances, the case is sent back to the first instance for reconsideration with a certain formal basis. Then it can be said that a special miracle will happen and justice will be celebrated. The court that reviewed the case A. with V. rejects the demand for a claim under the contract concluded



between In this case, the court follows the requirements of Article 9 of the FC. Clause 3 of Article 9 of the FC states that the exercise of civil rights shall not violate the rights and interests of other persons protected by law, and the participants of civil legal relations shall act honestly, rationally and fairly. V. A. before concluding a contract with N. that he lives with his children, A. he knew that he had signed a sales contract with the company, that the main part of the payment had been made, and he even saw that capital repair works were being carried out in the yard. Therefore, A. realized that the real estate sale contract he concluded with N. was against N.'s interests. Here, V.'s actions show signs of dishonesty in a certain way. Part 2 of Article 9 of the Civil Code stipulates that citizens and legal entities must respect the moral principles and moral norms of society while exercising their rights, and entrepreneurs must also observe the rules of business ethics. In V.'s actions, it is obvious that he disregards the moral principles of the society, the values of honesty, justice, and religion. V. A. N. of A. when concluding a contract with the contract with you is just a simple piece of paper, we will sign the contract with you through state registration and notarize it in full compliance with the requirements of the law, and you will have legal ownership of the house. He believed in his words that he would easily evict this woman and her children in court. He only thought of his own interests selfishly. Part 4 of Article 9 of the FC stipulates that actions aimed at harming another person, abusing the right in other forms, and exercising the right contrary to its purpose are not allowed. It is true that V. has the right to enter into agreements and contracts and receive property on the basis of his legal capacity and legal capacity. Out of dozens of opportunities to exercise this right, it is N. concluded a contract against the interests of That is, he abused the exercise of his right. His action to exercise his right was contrary to the legitimate interest of others. In this case, the court rightly V. found that he acted contrary to the requirements specified in Article 9, Part 6 of the FC, that is, V. implementation of civil rights by N. violation of the rights of V. disregarding the moral principles and moral rules of the society, abuse of their rights belonged to V., A. the implementation of the real estate sale agreement concluded with

The President of the Republic of Uzbekistan, Sh. Mirziyoev, in his appeal to the Oliy Majlis, said that every person who steps on the threshold of the court should be fully convinced that justice is ruling in Uzbekistan. Otherwise, as the great German philosopher Emmanuel Kant said, "When justice is lost, there is nothing left to determine the value of life." We must never forget this fact. Judges in Uzbekistan should be tireless defenders of laws, strong pillars of justice.

In the mass media, a winged expression "courts are the bastion of justice" appeared. It is natural to ask how the meaning and essence of justice is interpreted, whether it is expressed in laws. The Criminal Code contains the principle of justice (Article 8). Part 4 of Article 455 of the Criminal Code defines the essence of justice of the court verdict.

Article 373 of the Civil Procedural Code of the Republic of Uzbekistan defines the grounds for reviewing court decisions. In this case, checking whether the court document is legal, reasonable and fair is established as the basis for re-examination of the court document. The criteria for the legality and justification of a court document are expressed in Section 4, Chapter 43 of the Criminal Code. However, the criteria for determining the fairness of a court document



are not embodied in it. The Civil Code and a number of other laws also stipulate the requirement to be fair. However, what it represents remains abstract. Since justice is the main criterion for justice, it can be considered as a specific scientific problem why its essence and content are not disclosed in both material laws and procedural laws. In many cases, there are widespread opinions that the law is the criterion of justice, that compliance with the law, strict fulfillment of its requirements is a guarantee of ensuring justice. It can be said that this conclusion is justified in a certain sense. However, in spite of this, legality and justice have not always been accepted as identical concepts. In many fundamental laws, the principle of legality and the principle of justice are defined as separate principles. It is natural that a question arises at this point: if the nature and content of justice is not clearly defined in the laws, then what values should the participants in the practice of applying the law, the courts, be based on the criteria of justice. How the category of justice is interpreted in scientific literature. It is natural to ask how the civil legal doctrine determines its essence.

There are different views on justice in the science of civilization. According to D. Ryabykh, justice is a procedure that is the basis for the well-being of the individual and the society. This procedure is based on the principles of legal equality, social commonality, observance of human rights and freedoms [6]. G. Pashkova interprets justice as equalization, coordination, proportionality, for example, equality in taking measures in different legal systems (equality of citizens before the law), equality in distribution (taking into account all circumstances of a person in the distribution of material and other benefits) [7]. O. Myagkova evaluates the principle of justice as a balance of interests expressed as proportionality and equal measure.

In contractual legal relations, the proportionality of the rights and obligations of the parties, the balancing of their competing interests is interpreted as the embodiment of justice. E. Antsiferova shows that justice is a universally accepted and mandatory normative system, as a logical assessment of behavior in accordance with the criteria established by law. T. Maiboroda defines the legal approach to justice as a system of requirements, rights and benefits formed in the social consciousness of an individual or a social community, which reflects the assessment of the legal compliance of the participants' behavior and the reality. Justice should be considered from an objective and subjective point of view. Justice from an objective point of view reflects the theoretical model of a fair state in accordance with a certain stage of the development of the system of social relations. The subjective assessment of justice is the assessment of individuals, strata and groups. According to its meaning, justice performs different functions. It can appear as a principle, as a goal, as a measure of behavior. He notes the growing interest in the concept of justice in the practice of law enforcement and the emergence of a stable practice of the courts in this regard, and at the same time emphasizes that the fact that the legislator has not defined the nature and criteria of justice creates difficulties in its practical application.

A. Konavalov calls justice in the civil law to the participants of the civil transaction to take into account other persons and social interests in the implementation of their rights and obligations, to refrain from abuse of rights, to observe equality in the status of the participants of the civil transaction and, if necessary, to assume higher obligations than required by law. interprets as a morally based aspiration, action. Civil legal justice is functionally focused on the full provision



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of the subject of civil law, on the proper fulfillment of obligations, on ensuring the protection of vulnerable participants in civil proceedings.

It can be said that the point of view of this author fully expresses the essence of justice in a certain sense. At the same time, this essence of justice has methodological importance for material laws. In procedural laws, justice is required to be evaluated primarily in terms of the consequences of the execution of court documents. In this case, the violated rights should be restored, legal interests should be realized, damages and compensation should be proportionately recovered, and the measures taken should lead to justice. In the Holy Qur'an, it is repeatedly called to be fair in relationships between people. For example, in verse 58 of Surah Nisa, it is stated that when you judge between people, you are commanded to judge with justice [11, B.75]. In the 8th verse of Surah Moyida, O believers, be a witness to God, who follows the right path with justice! Don't let your hatred of a people lead you to injustice! Be fair! It is emphasized.

The principle of justice consists of a comprehensive and complex system of criteria according to its nature and content. It can be assessed as a haste to develop it at once and consolidate it in the procedural laws. Jurisprudence on the criteria of justice should be generalized and systematized. It is required to develop a description of how the characteristics of the application of the criteria of justice are manifested in different categories of cases. Theoreticians are also required to study this problem not only theoretically, but also based on the situation of law enforcement and judicial practice. It is desirable that the final results be consolidated in the draft decision of the Plenum of the Supreme Court and that they pass approval in judicial practice. If he acquits himself, then it would be appropriate to entrench him in the procedural laws.

As A. Kanavalov noted, one of the components of the principle of justice is the protection of the weak, the continuous and inevitable, systematic operation of the special legal protection system for them. A vulnerable subject, a vulnerable participant, is characterized by various characteristics, but in most cases, the system of vulnerable subjects inevitably includes women and minors. The legal protection system in force in our country is divided into general and special legal protection system. Any entity has the right to use the general legal protection system to protect their rights. The special legal protection system was created for subjects who have limited access to the general legal protection system or cannot use it effectively due to their physical condition, situational requirements and other factors. These may include persons under criminal prosecution, disabled persons, minors and, in certain cases, women. Article 18 of the Constitution of the Republic of Uzbekistan stipulates equal rights for citizens regardless of their characteristics. However, legal equality does not always mean factual equality. By nature, biological and physical characteristics characterize male and female capabilities differently. Women have a special position from the point of view of moral values, from the point of view of pregnancy, childbirth, breastfeeding, maintenance, creation of household conditions in the family and similar functions, but they cannot always be socially active like men. Of course, there are women in the society who have equal opportunities with men in all aspects, and even have a higher position than them. However, these are exceptions to the general rule rather than the general rule. In our country, on the basis of national values, on the



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lines of the average statistical portrait of a woman, devotion to the family and children, strictly connecting one's own happiness with the happiness and well-being of the family, putting the interests of children and spouse before social standards, and working selflessly in this field as a sign of fate chosen by many women. can be evaluated. Today, serious reforms are being implemented in our country to ensure gender equality.

The need and essence of protecting the rights of women and minors in relation to them in law enforcement and judicial practice is embodied in the above considerations. In the protection of property rights and legal interests, female participants can be considered as a weak party depending on the protection possibilities, depending on the actual situation, not always.

The weakness of a woman is primarily her financial dependence on her husband, the fact that he is the breadwinner and she is the consumer. Due to the fact that the husband is active in solving property issues and decisions are made by him, many properties are excluded from the regime of common joint property of the husband and wife and are outside the scope of the influence of the legal capabilities of the woman, residences, enterprises, business structures are placed in the priority areas of the man's capabilities. and it appears from the like. It should be noted that there are certain stages before a woman reaches the judicial system in the field of protection of her property rights and interests. Some women and brides, unable to reach this stage, commit suicide, kill their children, sell their children, leave them, and remain homeless. It is noteworthy that men who violate their property rights and interests, who attack them, rarely fall into such difficult situations.

In such situations, the law enforcement practice and the court should accept women as a weak side, create certain conditions and opportunities for them in the legal field without violating impartiality and legality. One of the problems that plagues some women today is the relatively widespread prevalence of sharia marriages. For example, according to data, 2,467 children were born in non-official, sharia marriages in Fergana region alone during six months [12]. If we apply these numbers to the whole country, then it should be recognized that there are more than 25 thousand children born in sharia marriages throughout the country. If we go back at least ten years, hundreds of thousands of women have been living as husband and wife, giving birth to children in Sharia marriage. Our country is a secular state, it never equates sharia marriage with officially registered marriage in property matters. The status of a common-law marriage is within the scope of the Civil Code's influence on common property and joint activity norms. The rights guaranteed by the Family Code do not apply in this regard. Therefore, the courts cannot apply the norms of the Family Code in disputes regarding the property acquired during the sharia marriage, joint maintenance, sharia couple's entrepreneurship. However, what you are looking for will find an opportunity. Courts have the ability to use certain legal tools to protect the rights of the weaker party based on the essence of the principle of justice. Understanding rationality in a subjective sense is based on its universal essence. In this, the main attention is focused on a specific subject, his thinking, conscious thinking. According to L. Valasatova, the national importance and essence of rationality should be understood as the cognitive ability aimed at finding, defining, organizing and systematizing the internal and external relations of events and things, based on the stable activity of the human mind.





Rationality acts as an internal mechanism for the implementation of rights in a subjective sense. It also has a direct impact on the legal capacity of a person in civil law. The fact that the subject has not developed such a capacity (due to his age or mental illness) may indicate that he is not able to independently perform certain actions, understand their content and realize the responsibility arising from it. If the opposite is considered, legal capacity is considered a presumption of reasonableness in civil relations.

When evaluating the capabilities of a particular subject, it is necessary to proceed from the average level of statistical capabilities. In this, neither the capabilities of "superman" nor the capabilities of a weak person can be taken as a basis. On the other hand, when the subject makes a decision on certain issues, it is necessary to act rationally, making a decision in haste, not fully understanding its consequences, and overestimating one's capabilities often lead to civil legal disputes. In both contractual relations and delict relations, it is necessary to take into account the system of factors related to the duty of risk, the risks that may occur in connection with the process of these relations. The system of risk duty and risk factors is one of the necessary circumstances that should be taken into account by the participants of civil transactions today. A conclusion is presented that it is appropriate for the courts to refrain from making decisions based on the capabilities of the average statistical subject, as an exception to the general rule, when considering cases related to the protection of property interests of women and children. In cases where women are in arrears for utility bills, delaying the terms of paying utility bills and not applying fines should definitely be the subject of court proceedings. In the case of the application of interest and interest on loans, if the collection is directed against the property of women or children, based on the principle of reasonableness, the application of the principle of reasonableness by the court to reduce the amount of responsibility and extend the terms of execution of obligations can be a unique manifestation of the principle of reasonableness.

Tashkent City Mirzo Ulug'bek Interdistrict Civil Court Kh. with his stepson A. considering the civil case on determining the shares of inheritance between G. will consider a civil case on the distribution of the yard land worth 300 million soums inherited from According to G. with X. G. during marriage. In 2005, the husband and wife purchased their self-constructed buildings in Tashkent city based on the common funds of the husband and wife through a simple written contract. After the death of her husband, Kh. appeals to the court for the recognition of the right of ownership of this courtyard on the basis of Article 212 of the Criminal Code. In the meantime, due to Mirzo Ulug'bek's arbitrarily building against X. at the request of the district hokim, the court will issue a decision to hold him administratively responsible, and X. shall be subject to an administrative fine. Due to X.'s tireless efforts, in 2010, the court made a decision on recognition of property rights against G. on the arbitrarily constructed building. The son of G. demands that this yard be included in the inheritance mass and that half of it be given to him as an inheritance after it is included in the inheritance issue. X. stepson A. demands a reduction in his share in this inherited property, based on the fact that he took care of her husband G. during his illness, buried him, recognized ownership rights to this building with his own efforts, taxes until the case on the distribution of inherited property in 2015, shows that he has been paying utility bills and other mandatory payments, as well as that the house has been repaired



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several times and provides relevant evidence. Based on the requirements of articles 1155-1153-1114-1143 of the FC, the court finds X.'s share of the yard to be  $\frac{3}{4}$  and determines the share of his stepson to be  $\frac{4}{1}$ . In this case, the share of  $\frac{4}{2}$  part is defined as X.'s share of the joint property of the spouses, while the share of  $\frac{4}{1}$  part is X. As a result of applying to various court authorities, the property right recognition, repair costs, patient care and burial costs arise.

In this case, the costs of illness and burial of the testator are provided for in Article 1155 of the FC. Because the testator was a military man, he received hospital treatment and benefits. Funeral expenses are also included in the most necessary expenses. Both expenses did not significantly affect the increase of X.'s share. The court included actions to recognize property rights to the building as part of the costs specified in Article 1155 of the FC. The "expenses of possession, protection and management of heritage" in this norm include the expenses related to the recognition of property rights to the arbitrarily constructed building.

Consistent application of the principles of civil law, such as justice, fairness, and rationality, in the application of law and judicial practice serves to strengthen the foundations of law and order in society. However, in practice, it is difficult to say that a specific skill has been formed in the use of these principles. First of all, the meaning of the principles is established in the legal and legal culture of judges, lawyers, prosecutors and other jurists not in the form of clearly defined criteria and concepts, but in the form of certain abstract theoretical beliefs. Scientific devices that can be accepted as a methodological basis in this regard have not been fully developed in relevant scientific sources. In many cases, the law is the criterion of justice, and thinking is carried out in the frame of narrow imaginations that if you follow the law, if you follow it without deviation, you will ensure justice. Of course, in the adoption of laws, seven measures are cut to one, as far as possible, they are based on the criteria of justice and fairness. However, a specific provision in the law applies to thousands of situations in a marriage at the same time. In some cases, there are approaches to the application of the law, such as deriving from formal situations and applying them to certain patterns. On the surface, the law is applied correctly, but in practice, the fate of man and his interests are overlooked. In such cases, it is very important to harmonize the principles of justice, fairness, and reasonableness with the requirements of the law. In our opinion, it is necessary to understand the essence of principles and values such as justice, rationality, fairness, and honesty along with studying the essence and content of laws in legal educational institutions. It would be appropriate to form a target system of abstracts, writing essays, case studies and cases on justice, reasonableness, and honesty of legal education both at the level of special secondary education, at the bachelor's level, and at the master's level, including by the students of the Higher School of Judges. At the moment, it is necessary to develop a methodology for evaluating court documents not only from the point of view of legality and justification, but also from the point of view of fairness and wide introduction into practice. That's how justice, honesty, rationality turn from an abstract idea into a practical value that guides the application of law and judicial practice.



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**References:**

1. A. Mukhammadiev. Principles of civil law theoretical and practical problems. Tashkent. 2010. (A. Mukhammadiev. Principles of civil law are theoretical and practical problems. Tashkent. 2010)
2. H. Odilkoriev, Sh. Yakubov. National legal system and values. Tashkent. 2010. (Kh. Odilkoriev, Sh. Yakubov. National legal system and values. Tashkent. 2010)
3. S. Norgoziev. Basic standards of morality. Tashkent. East. 2019. (S. Norquziev. Basic principles of morality. Tashkent. Sharq. 2019)
4. Alikhantora Soguni. The history of Muhammad. Tashkent. East. 2007. (Alikhantora Soguni. History of Muhammad. Tashkent. East. 2007.)
5. Address of the President of the Republic of Uzbekistan Shavkat Mirziyoyev to the Oliy Majlis. 24.01.2020 // URL: <https://president.uz/uz/lists/view/3324>. (Text of President Shavkat Mirziyoyev's Address to the Oliy Majlis. 24.01.2020 // URL: <https://president.uz/en/lists/view/3324>.)
6. Ryabykh, D.I. The principle of fairness and justice. / D.I. Ryabykh // URL: <http://xn--7sbbaj7auwnffhk.xn--p1ai/article/28004> (Ryabykh, D.I. The principle of fairness in tax law. / D. I. Ryabykh // URL: <http://xn--7sbbaj7auwnffhk.xn--p1ai/article/28004>)