

THE LEGAL BASIS OF CONTRACTS IN THE LEGISLATION OF UZBEKISTAN

Shamsiddin Xursanov Allamurod o'g'li

Student of Tashkent state university of law

+998 93 766 16 30 shamsiddincouncil@gmail.com

Annotatsiya: Bugungi kunda davlatimizda xalqimizning huquqiy madaniyatini yanada yuksaltirishga qaratilgan keng huquqiy chora-tadbirlar amalga oshirilmoqda. Shuningdek, davlatimizga chet el investitsiyasining kirib kelishi hamda tadbirkorlik faoliyatiga keng yo'l ochilishi ham qaysidir ma'noda ushbu faoliyatning qonuniy asoslarini o'rganishni taqozo etmoqda. Bu asoslarning eng muhimini shartnomalar huquqi tashkil etadi. Ayni shu sababli ushbu maqola ham shartnomalar huquqini qisqacha yoritib beradi.

Kalit so'zlar: chet el investitsiyasi, shartnomalar huquqi, ikki tomonlama, ko'p tomonlama,

Annotation: Today, a wide range of legal measures aimed at improving the legal culture of our people are being implemented in our country. In addition, the entry of foreign investment into our country and the opening of a wide path to entrepreneurial activity also require studying the legal basis of this activity in a certain sense. The most important of these foundations is the law of contracts. For this reason, this article also briefly covers the law of contracts.

Key words: legal measures, foreign investment, entrepreneurial activity, legal basis.

First of all, in order to understand contracts and their place in our lives, we need to analyze them both theoretically and legally.

In the theoretical analysis, we certainly rely on the theoretical knowledge of scientists who have worked in the field of civil law. In particular, Professor Okyulov makes the following point in his books on civil law: "A contract is a mutual agreement between two or more persons aimed at defining, changing or canceling the civil rights and duties"²⁷. In addition, we can see the discussion of foreign scientists with different definitions of contracts. For example, Jill Poole in his book "Casebook on Contract law" emphasized that a contract is an agreement that is legally enforceable²⁸.

Therefore, it is possible to understand that contracts are mutual agreements based on freewillness, since they create legal consequences for individuals.

Contracts are divided into different groups based on different criteria. For example, depending on the distribution of rights and obligations between individuals;

- unilateral (loan, gift contracts)
- bilateral (contract of sale)
- multilateral (franchise and lease contract)

²⁷Civil law: Textbook. Part I/ The team of authors. Prof. O. Okyulov's general under the editorship. -T.: TSUL publishing house, 2016. -290 page.

²⁸ Published in the United States of America by Oxford University Press 198 Madison Avenue, New York, NY 10016, United States of America. 66 p.

Also, contracts are divided into the following types depending on the time and content of their creation, that is;

- real (deposit, loan, gift contracts)
- consensual (contracts of sales, product delivery contracts are possible examples)²⁹

Professor Mukhamedov also noted in his book that there are types of contracts, such as paid and free contracts, as well as public contracts (a contract concluded by one organization on the basis of the same conditions as all others)³⁰.

I believe that the reason why contracts are divided into such types is to clearly define the rights and obligations of the participants and prevent various confusions in the process.

Although contracts are theoretically divided into many types, the fact that the legal documents applicable to them are brought into a consolidated form makes it easier and more convenient to provide legal evaluation of contracts, which can be considered a positive aspect of the legislation.

The legal bases of contracts are reflected in the Civil Code of the Republic of Uzbekistan. That is, in Article 353 of the Civil Code, it is noted that contracts are evaluated as an agreement that establishes, changes and cancels the rights and obligations of the persons who conclude them.

In contrast to the above theoretically analyzed types of contracts, it will be possible to see some more types of contracts in the legislation. In particular, Article 354 of the Civil Code mentions the type of mixed contract that has elements of different contracts.

In our legislation, the conclusion of a contract is free, and it is strictly forbidden to force it to be concluded. This norm is also strengthened in the Civil Code. Also, this code contains several basic criteria for concluding a contract.

According to the Civil Code of the Republic of Uzbekistan, the following examples can be given. In order to conclude a contract, the first party must send an offer to the second party and the second party must accept the offer. According to this basis, one party is called the offeror and the other party is called the acceptor.

The demand for the form of the contract can be cited as the next basis. In general, in the legislation of the Republic of Uzbekistan, it is possible to conclude a contract in any form, only the subject of the contract and the wishes of the parties can be seen that some norms are established. That is, if one of the parties wants to conclude the contract in writing, the other party must accept it, or if the contract needs to be notarized and it needs to be registered with the state, after these requirements are met, the form of the contract is followed and the contract is structured.

We know that written contracts are mainly concluded between legal entities. These contracts are named differently depending on the purpose of the activity, such as, a product supply contract, a household service contract. However, in our legislation, it is possible to

²⁹Civil law: Textbook. Part I/ The team of authors. Prof. O. Okyulov's general under the editorship. -T.: TSUL publishing house, 2016. -

³⁰Fundamentals of jurisprudence: textbook/ O'. H. Mukhamedov. - T.: MIA Academy of the Republic of Uzbekistan, 2020. 179 page.

combine these types of contracts under one common name. This name is called a business contract.

For this type of contracts, there is a law "On the contractual and legal framework of economic entities", which is second to the Civil Code of the Republic of Uzbekistan. Article 3 of this law states that "a business contract is an agreement in business activity where one party undertakes to provide goods, perform work, and provide services, and the other party undertakes to accept them and pay the specified fee."

This law stipulates that the subjects of this contract must conclude the contract in writing. Also, this law provides norms on ways to resolve disputes arising from this type of contracts. For example, in a situation where a dispute has arisen, one party must send a written request to the other before applying to the court.

In conclusion, it can be said that contracts are one of the most important instruments of regulation and influence in today's economic and political world and have become an integral part of our lives. For this reason, legislation in this area requires perfection. I think that perfection develops people's skills of precision and responsibility in fulfilling their rights and duties.

REFERENCES:

I Basic bibliography

1. Civil law: Textbook. Part I/ The team of authors. Prof. O. Okyulov's general under the editorship. -T.: TSUL publishing house, 2016. -316p
2. Fundamentals of jurisprudence: textbook/ O'. H. Mukhamedov. - T.: MIA Academy of the Republic of Uzbekistan, 2020. 400p.
3. Published in the United States of America by Oxford University Press 198 Madison Avenue, New York, NY 10016, United States of America. 594p

II Normative legal documents

1. Civil Code of the Republic of Uzbekistan. Official publication. Ministry of Justice of the Republic of Uzbekistan, national legal information center "Adolat", - T.: 2022. 600 b
Official site: <https://www.lex.uz/docs/-111189#-155454>
2. Law of the Republic of Uzbekistan "On the contractual and legal basis of the activity of economic entities".
Official site: <https://lex.uz/ru/docs/-18942>