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## SPECIFIC ASPECTS OF THE VALIDITY OF THE STATUTE OF LIMITATIONS IN CIVIL LAW

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### ABSTRACT

*This article discusses the specifics of the validity of a statute of limitations in civil law. The author explains that the duration of treatment is a certain period of time during which procedural actions can be performed. Terms of exercise of subjective civil rights and fulfillment of obligations are determined by the relevant legal norms regulating certain types of property and personal-non-property relations. The same norms also define the time limits on which protective measures can sometimes be applied in the event of a violation of subjective civil rights. Such periods are called statute of limitations in civil law.*

**KEYWORDS:** *Civil law, statute of limitations, procedural actions, substantive law.*

### INTRODUCTION

While the path we have taken at the current stage of development of our society and the profound changes that have taken place in the life of our society can be proved, the direction, goals and tasks facing the economy today have changed radically.

The head of our state Sh.M.Mirziyoev noted: "Justice is a solid foundation of statehood. The judiciary plays a key role in ensuring justice and the rule of law.

From this perspective, we still have a lot of work to do in this regard.

First of all, the principle of "one court - one instance", which will be introduced from the New Year, should be the main criterion in ensuring the fairness, legality and stability of court decisions.”[1]

Reforms in the country are being carried out consistently, with a clear purpose, and many laws aimed at guaranteeing the rights of citizens have been adopted and are being implemented in practice.

Like other institutions of civil law, the institution of "time limits and statute of limitations" plays an important role in the legal regulation of new relations in economic life. It is through these terms that the cases of "accuracy", "time", "proper performance of obligations", "attention to the rights of the subjects", "delay in the performance of actions" are taken into account in civil law and are necessary for each ongoing civil relationship. is one of the conditions. At the same time, timeframes play an important role in the interdependence of the subject and the object, determining the maximum and "minimum" period of validity of the rights and obligations of the person in relation to the object. Therefore, through the acquisition of the statute of limitations is divided into knowledge and skills about the periods associated with the emergence, change, termination and protection of civil rights and duties.

Terms of exercise of subjective civil rights and fulfillment of obligations are determined by the relevant legal norms regulating certain types of property and personal-non-property relations. The same norms also define the time limits on which protective measures can sometimes be applied in the event of a violation of subjective civil rights. Such periods are called statute of limitations in civil law.

First of all, “claim” is originally an Arabic word that means a claim made by a court or otherwise to protect one's rights.[2,3]

In Mukhtasar, the literal meaning of the word claim is to demand. According to the Shari'a, a claim is to inform a judge in the presence of a judge or on the eve of a judgment that he has a right over him. The plaintiff is such a person that he is not compelled to make a claim. The respondent is such a person that he is forced to answer. [4]

A statute of limitations is a period of time during which a person can defend his infringed right by filing a lawsuit.

There are two sides to any civil suit:

First, the substantive aspect - in which, first of all, the plaintiff is required to have a specific substantive claim against the defendant, for example, the delivery of an item, payment, service, compensation for damages;

Second, the procedural legal side - in this case, the content of the dispute between the parties and the protection of the violated or disputed right is requested to the court.[3]

Professor Sh.Sh.Shorakhmetov in his work states that procedural time limits are defined by the terms established by law or appointed by the court for consideration and resolution of civil cases in court.[3]

E. Egamberdiev defines procedural deadlines as follows: procedural deadlines are the time established by law or established by the court for the execution of procedural actions to be

performed or to be performed.[5] It is obvious that the views expressed by legal scholars of our country on the definition of procedural terms are almost the same. Even procedural scholars living and working in the CIS member states do not express significantly different views on this issue. For example, in the opinion of A.A. Vlasov, procedural deadlines are the part of the time established by law or appointed by the court to perform procedural actions.[6]

It should be noted that the term "term" is widely used in the field of material law (citizenship, family, labor, housing, etc.). It is therefore advisable to identify and specify specific aspects of procedural timeframes.

**The First Difference:** The main peculiarity of procedural deadlines is that these deadlines determine the time of the procedural actions. Procedural time dispute does not affect the substantive relationship. It is also necessary to determine the difference between the procedural deadlines and the statute of limitations. According to the legislation of our country, the expiration of the statute of limitations does not lead to the termination of the substantive right and does not deprive the person of the right to judicial protection. For example, according to Article 153 of the Civil Code, a claim for protection of a violated right is accepted for consideration in court regardless of the expiration of the statute of limitations. A statute of limitations is a period during which a person can defend his infringed right by filing a lawsuit.[7]

However, the expiration of the statute of limitations stated by the party to the dispute in the application will be the basis for the court to decide to dismiss the claim (Article 153, Part 3 of the Civil Code). The existence of this norm, in turn, raises the question of whether the statute of limitations can be included in the category of procedural time limits. In our opinion, no. Because the period of limitation in this case does not determine for the court any specific time elapsed or the time to take procedural action. The statute of limitations in this case is only the basis for the court to decide on the rejection of the claim. This shows that the term of the claim is almost indistinguishable from the other substantive claims of the defendant, which are the basis for the denial of satisfaction of the claim.

**The Second Difference:** Procedural time limits are set by law or set by the court (Article 126 of the CPC). Neither the persons involved in the case, nor the persons assisting in the administration of justice, shall have the right to change the procedural time limits through their agreement.

As stated in Article 10 of the Civil Code, civil rights are protected by a court or a jury, depending on which court the case belongs to, as defined by procedural laws and the contract.

It is known that in order to properly resolve the claim within the prescribed period, it is necessary to collect evidence in a civil case and thoroughly examine them. But if the dispute has been going on for a long time since the legal relationship arose, it will be much more difficult to gather evidence. Because some witnesses were absent (moved, died) during the trial, some may have forgotten or distorted the facts, the costs necessary for the case to be resolved properly, and so on. If the statute of limitations were not set by law, a person who entered into an agreement or violated any of someone's rights would always be at risk of being sued by another person for a long period of time.

In short, the establishment of statute of limitations greatly helps to protect the rights and interests of organizations and citizens, to strengthen civil relations.

In this regard, the study of the statute of limitations in civil law was of particular importance and led to the following conclusions:

In the regulation of property relations, it is important that the statute of limitations is determined by law. The establishment of the statute of limitations helps to strengthen civil relations, ensure timely collection of claims for debt collection, fulfillment of obligations, speed up settlements between organizations, ensure compliance with contract and financial discipline, strengthen economic accounting. The establishment of statute of limitations is also important for strengthening legal relations between citizens.

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The Civil Code of the Republic of Uzbekistan does not directly specify extended periods of limitation compared to the general limitation period. In the civil law of some states, for example, Article 181 of the Civil Code of the Russian Federation stipulates that when an agreement is declared invalid, its consequences can be claimed for up to ten years. It would be expedient if such rules were reflected in our legislation as well;

Article 163 of the FC does not explicitly limit the scope of claims for which the period of limitation is not claimed, which may be extended. Therefore, the scope of such requirements may be expanded by the norms established by other legislation. In addition, in some scientific literature, civilians have also expressed some of their views on the scope of the requirements for which the statute of limitations does not apply.

For example, in addition to the above, it is proposed to include in the list of claims that do not apply the statute of limitations claims for compensation for non-pecuniary damage arising from the employment relationship.[8] As society develops, such ideas also expand, and they lead to an expansion of the scope of claims for which a statute of limitations does not apply by subsequent inclusion in legislation.

## REFERENCES

1. Sh.M.Mirziyoev. Address of the President Shavkat Mirziyoyev to the Oliy Majlis and the people of Uzbekistan.29.12.2020. <https://president.uz/uz/lists/view/4056>
2. Annotated dictionary of the Uzbek language. Volume 1 Russian Language Publishing House. 1981. -215 b.
3. Shoraxmetov Sh.Sh. Civil procedural law of the Republic of Uzbekistan. Textbook. – Tashkent.: Justice. 2001 y, -150 b.

4. Brief (brief commentary on Sharia law). Tashkent. "Chulpon". 1994. -269 b.
5. Egamberdiev E. Procedural terms in civil proceedings // Life and law. -Tashkent, 1999. № 3, -32 p.
6. Vlasov A.A. Civil procedural law. Supreme Court Rossiyskoy Federatsii, Supreme Arbitration Court Rossiyskoy Federatsii, Rossiyskaya Akademiya pravosudiya. Uchebnik.-M.: 2003. -79 p.
7. Civil Code of the Republic of Uzbekistan. -Tashkent.: Adolat, 21.12.1995. <https://lex.uz/docs/111189>
8. Mamasiddiqov M.M. Civil procedural law. (General section). Textbook. -T.: TSU Publishing House. 2010. -B. 218.