

## ACKNOWLEDGMENT OF RIGHTS AS A METHOD OF PROTECTING CIVIL RIGHTS

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**Abstract** This article examines the concept of acknowledgment of rights, particularly as a method of protecting civil rights. Due to its implementation within the procedural framework of litigation, acknowledgment becomes the essence of claims regarding the recognition of rights through legal analysis.

**Keywords:** acknowledgment, rights, legal proceedings, civil case, method, form, claim, civil law, protection

The current stage of Uzbekistan's development is characterized by extensive legal reforms, economic liberalization, and the development of foreign economic and investment activities as well as international cooperation. As globalization advances and the country's position in regional and international communities strengthens, the need arises for developing and refining mechanisms for legal cooperation and ensuring principles of mutual legal assistance. In this process, the recognition and enforcement of foreign court decisions play a significant role. As an important direction of international legal cooperation, this issue serves to foster mutual trust and ensure legal protection among states.

To explore acknowledgment as a method of protecting civil rights, it is necessary to address the definition of its "legal nature." The term "legal nature" refers to the fundamental and essential characteristics of a legal phenomenon, providing insights into its legal roots.

Understanding the legal essence of acknowledgment as a civil rights protection method involves clarifying its structural characteristics, providing a comprehensive legal description, and distinguishing it from other protection methods. Acknowledgment as a method of civil rights protection can be examined from two perspectives: the substantive demand for acknowledgment addressed to a party in a disputed legal relationship, and the procedural claim filed with the court.

Before filing a claim for the acknowledgment of rights, the authorized individual develops a substantive legal demand to clarify the existence of disputed legal relations. Since

acknowledgment as a protection method is implemented within litigation procedures, this demand becomes the essence of the acknowledgment claim. Thus, the concepts of "demand for acknowledgment" and "acknowledgment claim" can be considered substantively equivalent.

Each method of protecting civil rights is implemented in a specific form. From a theoretical standpoint, it is essential to distinguish between the terms "form" and "method." The form of legal protection refers to an organized set of coordinated measures for safeguarding subjective civil rights.

**Definition of "Method":** Derived from the Arabic word meaning "fundamental principles or rules," a method refers to a manner, order, or approach used to accomplish something.

**Definition of "Form":** Also derived from Arabic, the word refers to external appearance, manifestation, or expression.

Although these concepts are similar in meaning, they are not interchangeable. Within the framework of one form (e.g., filing a court claim), an interested party may employ various methods to protect their rights. For instance, a creditor can simultaneously request the court to compel the debtor to fulfill a contract in its original form and claim compensation for damages, thereby utilizing two methods of civil rights protection within a single form.

Noted civil law scholar A.A. Dobrovolsky highlighted the distinction between judicial and non-judicial forms of protection.

### **Forms of Civil Rights Protection**

Civil rights protection can be carried out in the following ways:

1. **Judicial Methods:** Applied by courts or, in some cases, other competent state bodies, involving a formal request for protection through acknowledgment of rights, restoration of pre-violation status, cessation of illegal actions, etc.

2. **Self-Help Methods:** Independently applied by participants in legal relationships, such as unilateral termination of obligations as stipulated by law or contract.

### *Protection vs. Safeguarding of Rights*

Numerous legal scholars have debated the distinction between "protection" and "safeguarding." Linguistically, "safeguard" means to guard or watch over, while "protect" implies defending against threats or hostile actions. Based on these definitions, protection can be seen as a specific aspect of safeguarding, activated when negative impacts threaten subjective civil rights. This aligns with the views of A.P. Sergeev and O.S. Ioffe.

V.P. Volozhanin identifies two aspects of civil rights protection—substantive and procedural—noting that neither civil nor procedural doctrine uses specific terminology to distinguish between protection in these areas. Consequently, protection encompasses measures to eliminate obstacles in exercising subjective rights and the activities of authorized bodies in implementing these measures.

S.S. Alekseev asserts that the presence of sanctions is a defining feature of protective legal norms. However, sanctions are not always present in the norms used by judicial bodies to resolve civil disputes.

Safeguarding civil rights can be both dependent on the behavior of participants in civil transactions and preventive in nature, including measures compelling parties to eliminate the consequences of rights violations.

Unlike safeguarding, protection is applied to violated or disputed civil rights. It lacks preventive effects and represents a response to negative impacts on subjective rights or legally protected interests.

A.P. Sergeev views safeguarding as a broader concept encompassing protection, which includes measures necessary for restoring or recognizing violated rights.

#### Conclusion

The findings suggest that civil rights protection is a legal activity conducted in a prescribed form by public authorities or aggrieved individuals. It arises due to negative impacts on subjective rights and aims to achieve legal redress and acknowledgment. Understanding the distinction between protection and safeguarding is crucial for fostering effective legal frameworks in civil law.

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