

## SUMMARY

**Key Words:** good faith, principles of civil law, functions of the principle of good faith

**Subject matter:** Good faith in civil law

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**The relevance of the research topic** The consolidation of the principle of good faith in Russian civil law has led to the attention of the judicial system to it. However, a lack of clear understanding of the relevant legal matter leads to significant difficulties in applying the principle of good faith in judicial practice. The Russian legal literature has repeatedly emphasized the importance and necessity of relevant doctrinal research for the practical application of this principle, while such work in Russian legal science is still practically absent.

As a Novella, in civil law, good faith has been regarded as one of the limits of civil rights, consequently raises the question about the new manifestation of the principle of good faith, which applies both to the implementation of the rights and the duties of the subjects of civil law.

In addition, the studied category was considered, as a rule, as ignorance of the subject about the illegality of their behavior, which characterizes the category "good faith" in a subjective sense.

In this regard, it is important and relevant to study the concept of good faith in civil law as a principle aimed at establishing its meaning and determining its legal content in an objective sense.

These circumstances led to the choice of the subject of this study.

**The purpose of the work:** development on the basis of the achievements of the science of civil law of a holistic view of the implementation of one of the main principles of civil law - good faith in civil relations at the present stage.

**Objective:** - formulate the concept of the principle of good faith on the basis of a comprehensive study;

- define the functions performed by the principle of good faith as one of the fundamental principles of civil law;

- to reveal the features of the principle of good faith in certain types of civil relations;

- conduct a statistical and qualitative analysis of the application of the principle of good faith by Russian courts.

**The theoretical and practical significance of the research** it is shown in the obtained research results, which can be applied both in preparation for classes in the civil law cycle, and for further research on the designated subject.

**Results of the study:**

1. in the text of the civil code of the Russian Federation, the category of good faith is used in two meanings: as a requirement for the behavior of participants in civil legal relations (to act in good faith) and as an expectation of a certain attitude to what is happening (ignorance and inability to find out by available means about the illegality of ownership of someone else's property).

2. The etymology of the category of "good faith" confirms the presence of subjective and objective sides: subjectivity consists in the psychological determinants of the subject's behavior (knowledge about the presence of other actors with their own interests, projecting future behavior so that it led to the realization of their own interest and did not violate the interests of others); objectivity is the conduct of a person, aimed at the implementation of interest. The objective meaning of good faith in civil law is to restrict private law freedom. In this sense, conscientiousness "corrects free will to form a model of reference behavior, which is based on the idea of honesty, truthfulness, respect, courtesy and kindness, due respect for the fair interests of others, the permissible degree of egoism in legal behavior" in the second case, the concept of conscientiousness implies a certain "excusable" state of the person, close to the concept of innocence.

3. since it is impossible to give a legal definition of the concept of good faith as a General principle of civil law with the necessary accuracy, we can say that good faith as a moral and ethical category

in law implies building the behavior of subjects to implement their own interests, taking into account the interests of other persons.

4. The principle of good faith performs the following functions:

Concretizing-regulation of existing, arising rights and obligations.

Supplementary-the principle is applied when it implies that the parties to the legal relationship have certain obligations that are not explicitly specified in the terms of the contract or the law

Restrictive-if the exercise of a particular subjective right formally corresponds to the existing legislative regulation, but at the same time contradicts the principle of good faith, it is subject to restriction.

Corrective - designed to prevent such an imbalance and protect the interests of the debtor by correcting the resulting significant imbalance.

**Recommendations:**

1. if it is necessary to use the category of good faith in resolving a particular dispute arising from an inherited legal relationship, it should not be established whether the behavior of a participant in this legal relationship corresponds to any moral standard, but whether this participant knew about a certain circumstance of reality or not.

2. it seems appropriate to limit the understanding of good faith in corporate law: 1) as a requirement prohibiting intentional harm (for the purpose of obtaining benefits), - the use of an objective test (objective test); 2) only in cases where the norms of current legislation do not allow applying the law directly or when applying the analogy of the law, - carefully study the actual circumstances (subjective test), forming indicative decisions.

Such a law enforcement approach contributes to the development of corporate relations based on the principle of dispositivity, which is generally more typical for the development of these relations, as shown by the modern law enforcement trend and the doctrine of corporate law, rather than a rigid approach based on mandatory norms and excessive fiduciary requirements applied to corporate participants.