

SUMMARY

Key Words: consumer, contract of sale, protection of rights

Subject matter: Legal problems of protecting the rights of citizens under sales contracts

Author: Akusheva Atlana Khabadinovna

Supervisor: candidate of legal Sciences, associate professor O.A. Perepadya

The supervising organization: aw Office of Khaiganov V.Sh.

The relevance of the research topic: lies in the fact that in recent years the volume of cases considered by the courts on the protection of the rights of citizens-consumers has increased and due to this, interest in this area is growing. After Russia switched to a market economy, the relevance of the problem of effective regulation of market relations in the conditions of freedom of activity of subjects for the production of goods, works, services began to grow. This is also explained by the fact that in recent years the volume of cases pending by the courts on the protection of consumer rights violated due to non-performance or improper performance of the contract of sale has been increasing. The normative legal regulation of the protection of the rights of citizens-consumers is based on regulatory documents, one of which is the Civil Code of the Russian Federation, in which certain provisions are concentrated. Legal regulation of consumer protection is also carried out by other regulatory documents, including, first of all, the Federal Law "On Protection of Consumer Rights", the Code of Administrative Offenses of the Russian Federation, as well as numerous by-laws adopted in the field of trade relations.

The purpose of the work: to study the concepts, forms and methods of protecting the rights of citizens under sales contracts, and to identify the most pressing problems that arise in the framework of law enforcement practice.

Objectives: to characterize the contract of retail sale and the legitimate interest of the citizen-consumer; disclose the general provisions of the contract of sale and possible ways to protect the rights of citizens under contracts of sale; to consider what is the consumer's legitimate interest in sales contracts and how it may be violated; to study the features of protecting the rights of citizens under individual contracts of sale: under a contract for the retail sale of food, under a contract for retail sale with a remote method, etc .; identify relevant aspects of the implementation and protection of the rights and legitimate interests of citizens under a contract of sale; analyze relevant aspects of the exercise of a citizen's right to self-defense under a sales contract; identify the problems of protecting consumer rights in the sale of goods and suggest possible solutions.

Theoretical and practical significance of the research results. The paper substantively substantiates and formulates a number of theoretical provisions, conclusions and legislative proposals for improving civil law regulation of the implementation and protection of citizens' rights under sales contracts.

The practical significance of this work is that the conclusions formulated in it can be used in the educational process when teaching such disciplines as civil law, consumer law, civil process, administrative law.

Results of the study:

1. The rules governing the contract of sale are mainly binding and are primarily aimed at ensuring the interests of consumers. These standards are imperative. To protect the interests of the "weak side" - the consumer, there are not only the norms of the Civil Code of the Russian Federation, but also the legislation on the protection of consumer rights.

2. The protection of citizens' rights under sales contracts is carried out in various ways. Under the method of protection of civil rights is understood materially legal measures of a coercive nature established by law, through which the restoration or recognition of violated or contested rights is made and the impact on the offender. We can distinguish such methods of protection as restoring the situation that existed before the violation of the law, damages and recovering forfeit, etc.

3. The legitimate interest of a citizen-consumer is a legally envisaged desire to timely purchase safe goods and services in the proper assortment and quality from reliable businessmen at competitive prices, as well as to receive reliable information about them.
4. Violation of the contract of sale by the seller or contractor allows the consumer to apply in the prescribed manner both general civil sanctions (damages, etc.) and special ones provided for in the legislation on consumer protection, for example, a legal penalty.
5. The conclusion of a contract of sale by remote means does not deprive a consumer citizen of using any way to protect his violated rights.
6. Self-defense of the rights of buyers is a civil-law way of protecting consumers' rights, which consists in committing both actual and legal actions that are aimed at protecting property rights and interests of buyers. These include - compensation for damages, recovery of forfeit and termination of legal relations.
7. We highlighted as urgent problems: the unscrupulous fulfillment by manufacturers (sellers) of the obligation to provide appropriate information to the citizen-consumer; an important problem that consumers face when defending their rights is compensation for non-pecuniary damage, which lies in determining the amount of non-pecuniary damage, and another important problem is the lack of education of citizens in the field of their consumer rights.

Recommendations:

- Strengthen consumer education;
- classify these rights;
- bring the system of normative acts in line with the basic law on the protection of consumer rights, without filling in the gaps with by-laws;
- improvement of the law in considering the concept of "necessary information" for the consumer and the mandatory provision of its organization;
- the solution to the problem of regulating the mechanism in the "seller-consumer" relationship, where the entrepreneur remains in the most favorable conditions, should increase the protection of the rights and legitimate interests of the citizen, and not all participants in the civil turnover;
- the imperfection of the provision on the protection and the right to compensation for non-pecuniary damage leads in some cases to a refusal of a statement of claim by a judge, although the presentation of claims is of a property nature. A citizen is burdened with proving the fact and the size of the moral damage inflicted. In this regard, it is necessary to introduce into the law a clear definition of the jurisdiction of the category of these cases and their attitude to magistrates.