



Regarding Fire Incident of Facilities in Uzbekistan Problems in Insurance

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Abstract: The article highlights the problems of insuring objects in the event of emergency situations related to fire, receiving insurance premiums if the insured's property is at risk, and suggestions for solving them.

Keywords: fire, insurance, property insurance, civil-legal relations arising in the field of insurance, insurer, beneficiary or insured person, insurance surveyor, adjuster, insurance activity, insurance event, state fire control body.

INTRODUCTION

It is known that fire safety problems exist in all countries of the world. If we pay attention to the analysis of fires, the number of fires in our country is decreasing every year. However, the large amount of material damage caused by fires, and the fact that these cases mainly fall on the share of business entities, does not leave us worried.

With the wide opening of business activities in the Republic of Uzbekistan, the influx of investors into the Republic of Uzbekistan is growing significantly. Special attention is paid to the development of production and social infrastructure in the regions of the Republic of Uzbekistan in order to rapidly develop the economy and improve the well-being of our people.

As mentioned above, in attracting investments in the Republic of Uzbekistan, priority is given to the mobilization of internal resources. This means that investors need to use their financial resources - company profits, depreciation allowances, cash reserves, etc. in order to establish a new production or further expand the existing production capacities. Because full mobilization of internal resources, on the one hand, ensures economical and rational use of existing economic resources, and on the other hand, increases the efficiency of investments.

Nowadays, almost all business entities are established through foreign investment or taking loans from banks. In order to conduct this type of activity, business entities are 100 percent insured against fire.

What is insurance itself? Insurance is a relationship related to the protection of the interests of individuals and legal entities related to the organization and use of targeted funds for the compensation of damages, compensations and other payments in the event of a specific event. Insurance activity is the activity of professional participants of the insurance market related to the implementation of insurance and reinsurance. It should not be forgotten that the insurance organization provides its services to customers in return for payment of an appropriate fee - insurance premium. The insurer establishes a target money fund from the insurance premiums received from customers, and these fund funds only cover the losses caused by the insured events. According to the property insurance contract, the risk of loss (destruction), shortage or damage of certain property; risk of civil liability - liability for obligations arising from damage to life, health or property of other persons, and in cases provided for by law, as well as risk of liability under contracts; business risk - the risks of the entrepreneur's counterparties breaching their obligations or not being able to receive the expected income from business activities due to changes in the conditions of this activity due to circumstances beyond the control of the entrepreneur can be insured. . An insurance event under a property insurance contract means an event provided for in the contract and as a result of which the insurer's obligation to pay insurance compensation arises. Due to the possibility of occurrence of the insured event, the insured event includes the fact of a causal connection between the occurrence of damage and the occurrence of the event and damage, as well as damage caused by the occurrence of the insured event (damage or reduction of the insured property, its loss or destruction, etc.)) is considered to have occurred with.

As the market economy system develops, the need for indicators of all spheres of society's activity, especially for economic relations, which is one of the important elements of the economy, increases. Insurance is a mechanism that ensures protection of property interests of citizens, organizations and the state from various natural, technical and various risks without requiring funds from the budget. Natural disasters, accidents, and other extraordinary events occur independently of human consciousness. From a scientific point of view, it can be seen that every property owner is interested in being compensated for damages caused by partial damage or total loss of his property. Since ancient times, in order to compensate for the damage done among the citizens, the idea of uniting the properties belonging to the property owners and dividing the damage among the members of the association was born. The more participants of this association, the smaller the share of funds allocated for the compensation to be paid to the injured party. It is known from history that each property owner was forced to keep assets equal to his working capital in reserve in order to compensate for possible losses. For this reason, there was a desire to unite benevolent individuals in an association in order to jointly compensate for the damage. Property insurance provides protection of the interests of any type of owner (citizens, enterprises, state) against the risks of loss or damage to property. In accordance with the Code, property insurance includes liability for liabilities arising from damage to the life, health or property of another person, as well as the risk of not receiving the expected income from business activities.

Legal relations arising in the field of insurance are part of civil-legal relations. Such relations regulate the legal status of the participants in civil transactions, property rights and other material rights, contractual obligations, as well as property and personal non-property relations.

Civil-legal relations in the field of insurance are manifested in the following directions:

- civil-legal relations formed between citizens and insurance organizations;
- interactions between insurance organizations;
- civil-legal relations between citizens and special state bodies;
- civil-legal relations arising between insurance organizations and a specially authorized state body.

Civil-legal relations between citizens and insurance organizations are based on the relevant contractual provisions. In this, on the one hand, the duties and obligations of the insurance organization towards the citizen, and on the other hand, the citizen towards the insurance organization appear. That is, according to the concluded contract, the citizen must pay the insurance premium on time. When an insurance event occurs, the insurance organization must pay the insurance coverage (amount) to the citizen under the terms and conditions specified in the insurance contract. It can be seen that the contract, as a civil-legal document, regulates the legal relationship between the parties.

Civil-legal relations between insurance organizations are formed within the framework of concluded contracts related to insurance money and reinsurance. According to the current legislation, an insurance organization may participate in the insurance pool or enter into contractual relations with other insurance organizations or specialized reinsurance organizations in order to ensure financial stability and, consequently, to fulfill its obligations to the insured.

Civil-legal relations between citizens and special state bodies are related to the protection of the legal interests of citizens who are insured persons of the specially authorized state body. In practice, there are cases when the insurance organization may unjustifiably refuse to compensate the insured for the damage caused by the insured event. In this case, the insured applies to a specially authorized state body for the purpose of legal protection of his interests.

Legal relations arising in the field of insurance are part of civil-legal relations. Such relations regulate the legal status of the participants in civil transactions, property rights and other material rights, contractual obligations, as well as property and personal non-property relations. Civil-legal relations are reflected in the Civil Code of the Republic of Uzbekistan (hereinafter referred to as the Code) and the Law "On Insurance Activities" (hereinafter referred to as the Law). A specially authorized state body supervises the activities of insurance organizations in accordance with the law. If necessary, in order to protect the interests of the insured, he has the right to revoke the license that gives him the right to carry out insurance activities.

Insurance is carried out by the "Insurance Surveyor" in accordance with Article 24 of the Law of the Republic of Uzbekistan "On Insurance Activities" dated November 23, 2021 LRU-730. Property interests associated with the risk of loss or destruction, shortage or damage to property are the objects of property insurance.

This system is working effectively in our Republic. But in some cases, if the insured's property is in danger for certain reasons, that is, if it burns due to a fire, some problems arise in receiving the insurance premium. In particular, according to Articles 20 and 21 of the above-mentioned Law, after the occurrence of an insurance situation, "adjusters" should go to the scene of the accident, inspect the object and determine the premium. Adjusters are those who inspect and check the insured object after the occurrence of the insured event on the behalf of the insurer, the insured and other customers, analyze the facts of the insured event and risk situations, determine the causes of damage to the insured object and the existence of an insured event, in the event of an insured event - insurance to determine the level of damage and the amount of damage caused by the accident, to determine the amount of insurance compensation (insurance payment) to be paid, drawing up a conclusion on an insurance event is a legal entity or an individual with professional knowledge and skills, who has the appropriate specialists in their state, providing services. Also, the insurance surveyor is responsible for inspecting and inspecting the insurance (reinsurance) object before the conclusion of the insurance (reinsurance) contract, analyzing all the facts and risk situations before the conclusion of the insurance (reinsurance) contract, determining the level of risk and drawing a conclusion on the inspected insurance object. a legal entity that provides services, has relevant specialists in its state, or has professional knowledge and skills.

Article 931 of the Civil Code of the Republic of Uzbekistan provides the information to be provided by the insured when concluding an insurance contract. When concluding an insurance contract, the insured must notify the insurer of the circumstances that are important for determining the probability of the occurrence of the insured event and the amount of expected loss due to its occurrence (insurance risk), in the standard form of the insurance contract (policy), to the insured that the circumstances specified in advance by the insurer in the provided insurance rules or in a written request are considered important, if the insurance contract was concluded without the policyholder's answers to any of the policyholder's questions, the insurer cannot subsequently demand the cancellation of the contract or its declaration as invalid based on the fact that the relevant circumstances were not disclosed by the policyholder, if the policyholder informed the insurer of the specified circumstances after the conclusion of the insurance contract if it is found that he gave false information, the insurer has the right to demand that the contract be declared invalid and that the consequences provided for in the second part of Article 123 of this Code be applied, it is established that the insurer cannot claim the invalidity of the contract if the circumstances not mentioned by the policyholder have passed.

Also, Article 953 of the Code contains the consequences of the occurrence of an insurance event due to the fault of the policyholder, the beneficiary or the insured person. It is stated that cases of reduction can be assumed. In practice, insurance companies try to avoid payment of insurance premiums on the grounds that this situation was caused by gross negligence, if the property catches fire due to a fire caused by the negligence of the policyholder or the beneficiary.

According to Article 333 of the Criminal Procedure Code of the Republic of Uzbekistan, the official of the body conducting the investigation before the investigation, the investigator, the investigator or the prosecutor issues a decision to refuse to open a criminal case, a citizen, enterprise, institution, organization, public association or official who reported the commission of a crime even if it is stipulated that the person will be informed about it, the "adjusters" ask the employees of the state body for the documents of the fire case, the certificate of the inspection of the scene of the accident, the expert's opinion about the cause of the fire and other documents, causing both entrepreneurs and the employees of the state body to go to excessive trouble.

If we pay attention to Article 929 of the Code, the important conditions of the insurance contract are defined, according to which, when concluding a property insurance contract, an event (insurance event) is carried out with the possibility of occurrence of an insured event between the policyholder and the insured regarding the specific property or other property interest that is the object of insurance. on the nature of, on the amount of insurance money, on the procedure for determining the amount of insurance compensation, if the contract stipulates that it can be paid in a small amount from the insurance money, on the amount of the insurance premium and the period (terms) of its payment and it is stipulated that agreement should be reached on the duration of the contract.

According to the agreement of the parties, other conditions may be included in the contract. If the insurance contract contains conditions that worsen the situation of the policyholder, the insured person, or the citizen who is considered a beneficiary, compared to the provisions established by the law, the relevant provisions of the law shall be applied instead of these conditions of the contract. Article 932 states the right of the insurer to assess the insurance risk, and when the property insurance contract is being concluded, the insurer has the right to inspect the insured property and, if necessary, to organize an assessment in order to determine its real value. It is determined that it is not mandatory for the entitled insured.

Article 951 of the Code establishes the procedure for notifying the insurer of the occurrence of an insured event. After becoming aware of property insurance, it is necessary to immediately inform the insurer or his representative. If the contract stipulates the notification period and (or) method, it should

be done within the stipulated period and in the manner specified in the contract. If the beneficiary intends to use the right to insurance compensation under the contract concluded in his favor, the same obligation shall be borne by the beneficiary. Non-fulfillment of the obligation provided for in this article gives the insurer the right to refuse to pay the insurance compensation, if it is not proven that the insurer knew about the occurrence of the insured event in time, or the fact that the insurer did not have information about it does not affect his obligation to pay the insurance compensation.

Also, in some cases, for years, insurance companies have been trying to avoid paying premiums by suing entrepreneurs. Below are examples of such cases:

1. On January 4, 2018, a fire occurred in the buildings belonging to Limited liability companys located on Gulzor street, Baitkurgan village, Qibray district, Tashkent region. As a result of the fire, Limited liability companys suffered material losses of 23,450,494,578 soums in total (Fig. 1);



**Figure 1. It is located in Kibrai district, Tashkent region
Fire in LLCs**

2. On May 7, 2018, a fire broke out in a warehouse belonging to Additional responsibility society located at 31 Farkhod Street, Uchtepa District, Tashkent City. As a result of the fire, the Additional responsibility societys suffered a total of 3,729,195,000 soums of material damage (Fig. 2);



**Figure 2. Located in Tashkent city, Uchtepa district
A fire at ARC**

3. On April 15, 2021, a fire occurred in the paralon production workshop located at 6 Saadi Street, Sergeli District, Tashkent City. 10,732,886,013 soums have been materially damaged by the joint venture as a result of the fire (Fig. 3);



**Figure 3. It is located in Sergeli district, Tashkent city
a fire in a joint venture**

Dozens of such examples can be continued.

To sum up, in order to avoid the above-mentioned red tape and hassles, and to improve the fire safety of facilities and strengthen preventive measures against fire in them, the "Insurance Surveyor" before signing the contract for the insurance of the facility, consults industry experts (those with knowledge and skills in the field of fire safety)), it is proposed to organize an inspection of the object, draw up a report on the assessment of the fire hazard level of the object based on the results of the inspection, and introduce the procedure for determining the insurance premium depending on the fire hazard level.

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