

**ЗАЩИТА ПРАВ ПОТРЕБИТЕЛЕЙ СТРАХОВЫХ УСЛУГ**

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**Abstract.** This work is aimed at studying the protection of the rights of consumers of insurance services, which is of interest for research in the direction of “Jurisprudence”. Relevance of the topic. The legal framework in the field of legislation to protect the rights of consumers of insurance services determines a special and central place due to the specifics of this industry. In particular, the subject composition of legal relations is determined by specific features. Legislation in this area is aimed at regulating it.

**Keywords:** insurance service, consumer, protection, legal relations, rights.

Features are determined by the presence of such a subject as the consumer. For the first time, the concept began to be interpreted in 1992 in the Law of the Russian Federation “On the Protection of Consumer Rights”. This law interprets the consumer as a citizen who is endowed with the ability and has the intention to order or purchase goods, work, and services. He intends to use them for:

- personal,
- family,
- domestic and other purposes [4].

These goals emphasize the aspect that they should not be related to the conduct of business activities. In modern Russian society, consumers are not widely informed

about their rights. These rights appear from the moment of purchase or acquisition of the insurance product. Often the consumer is legally illiterate, because he is not a professional participant in the above relations.

In the scientific literature, the topic of consumer rights protection was subject to development by such scientists as A. A. Railyan, A. Yu. Kabalkin, V.I. Vitryansky and others. This topic is widely reflected in the works of domestic and foreign scientists. Theoretical views on the mechanism for implementing consumer rights protection in the insurance sector are reflected in the works of such authors as: Agafonova N.N., Alekhina A.A., Arabey E.A. etc. As for the historical assessment, the works of such authors as Chebysheva T.N., Usacheva E.A., Railyan A.A., Makarova Yu.Ya., Ignatovich N.M. and others are devoted to the problems of the formation of the institute.

Thus, it is the theoretical aspect that is covered quite widely in the literature. However, in this area there is a lack of practical application of developments in judicial protection. Only a few works by domestic authors such as O.V. Zhuravleva, V.P. Gribanova, G.R. Gafarova, G.E. Vaskovsky E.V. reflect this problem. The object of the study is the legal relations arising in the field of protecting the rights of consumers of insurance services.

The practical significance of the work is determined by the important need to use as an example the study of the institution of protection of the rights of consumers of insurance services, analysis of improving the application of legislative norms. The work can be used as a practical part in teaching lectures to students majoring in jurisprudence.

The following were used as the methodological basis of the study:

- systems approach. Used in studying the system of judicial protection of rights;
- method of generalization and comparison, analysis and synthesis, method of logical analysis of theoretical and practical material. Used in studying legislation.

The scientific novelty of this study lies in the fact that in the process of studying the institution of protecting the rights of consumers of insurance services, modern proposals for improving legislation and judicial practice were developed. Degree of development of the topic: this topic has been the object of attention of a significant number of scientific organizations and institutions. However, the rapid development of the social situation and the force majeure circumstances included in it constantly encourages us to look for new effective solutions where traditional views and algorithms lose their inherent effectiveness.

The problem at the heart of the work: further, increasingly in-depth study of the protection of the rights of consumers of insurance services. A consumer of insurance services is a citizen who expresses a desire to order or purchase insurance services. Along with this, a citizen who is currently doing so is also considered a consumer of insurance services.

This means that this hypothetical citizen is now ordering, purchasing or already using insurance services previously ordered by him (or for him) and paid for. At the same time, he becomes a consumer of insurance services either for personal purposes, or for family or household needs.

A circumstance of fundamental importance in this case is the fact that the commission of such manipulations by a given citizen is in no way connected with the implementation of his entrepreneurial activity [4].

The consumer of insurance services has both general rights presented in the text of the Law of the Russian Federation dated 02/07/1992 N 2300-1 (as amended on 03/18/2019) "On the Protection of Consumer Rights", discussed in this paragraph, and

special rights provided for by special legislation in the insurance industry, which will be paid attention to in the second chapter of this study [2].

Thus, Article 3 of the Law of the Russian Federation “On the Protection of Consumer Rights” declares “the right of consumers to education in the field of consumer protection. The right of consumers to education in the field of consumer protection is ensured by including relevant requirements in federal state educational standards and educational programs, as well as by organizing a system of information for consumers about their rights and the necessary actions to protect these rights” [1].

In turn, Article 7 declares “the consumer’s right to the safety of goods (work, services)”, and at the same time indicates the most likely “prospects and risks of arbitration disputes and disputes in a court of general jurisdiction. Situations related to Art. 7 [5].

1. The consumer has the right to ensure that the product (work, service), under normal conditions of its use, storage, transportation and disposal, is safe for the life, health of the consumer, the environment, and also does not cause harm to the consumer’s property. Requirements that must ensure the safety of goods (work, services) for the life and health of the consumer, the environment, as well as the prevention of harm to the consumer’s property, are mandatory and are established by law or in the manner established by it.

2. The manufacturer (performer) is obliged to ensure the safety of the product (work) during the established service life or shelf life of the product (work).

Damage caused to the life, health or property of a consumer due to failure to ensure the safety of goods (work) is subject to compensation in accordance with Article 14 of this Law [1].

3. If for the safety of using a product (work, service), its storage, transportation and disposal it is necessary to comply with special rules (hereinafter referred to as the rules), the manufacturer (performer) is obliged to indicate these rules in the accompanying documentation for the product (work, service), on the label, labeling or other means, and the seller (performer) is obliged to bring these rules to the attention of the consumer.

4. If mandatory requirements are established for goods (work, services) by law or in the manner established by it, ensuring their safety for the life, health of the consumer, the environment and preventing harm to the consumer’s property, the compliance of the goods (work, services) with these requirements is subject to mandatory confirmation in the manner prescribed by law and other legal acts [1].

It is not allowed to sell goods (perform work, provide services), including imported goods (work, services), without information about mandatory confirmation of its compliance with the requirements specified in paragraph 1 of this article.

5. If it is established that if the consumer complies with the established rules for the use, storage or transportation of goods (work), it causes or may cause harm to the life, health and property of the consumer, the environment, the manufacturer (executor, seller) is obliged to immediately suspend its production (sales) until the causes of harm are eliminated, and, if necessary, take measures to withdraw it from circulation and recall it from the consumer (consumers) [5].

Losses caused to the consumer in connection with the recall of goods (work, services) are subject to compensation by the manufacturer (performer) in full” [2].

Article 8 declares “the consumer’s right to information about the manufacturer (performer, seller) and goods (work, services). And, again, it means “the prospects and risks

of arbitration disputes and disputes in a court of general jurisdiction. Situations related to Art. 8.

1. The consumer has the right to demand the provision of necessary and reliable information about the manufacturer (performer, seller), his mode of operation and the goods (work, services) he sells.

2. The information specified in paragraph 1 of this article in a clear and accessible form is brought to the attention of consumers when concluding sales and purchase agreements and contracts for the performance of work (provision of services) in ways accepted in certain areas of consumer service, in Russian, and additionally, in at the discretion of the manufacturer (performer, seller), in the state languages of the constituent entities of the Russian Federation and the native languages of the peoples of the Russian Federation.

3. An authorized organization or an authorized individual entrepreneur, at the request of the consumer, is obliged to provide confirmation of their authority arising from the agreement they have concluded with the manufacturer (seller)” [3].

If the causes of harm cannot be eliminated, the manufacturer (performer) is obliged to remove such product (work, service) from production. If the manufacturer (performer) fails to fulfill this obligation, the authorized federal executive body takes measures to recall such goods (work, services) from the domestic market and (or) from the consumer or consumers in the manner established by the legislation of the Russian Federation

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