



## **Global Conference on Multidisciplinary Research and Innovation**

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### **CIVIL-LEGAL FOUNDATIONS OF INSURANCE RELATIONS IN ROAD TRANSPORT LOGISTICS**

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#### **Annotation**

This article provides a comprehensive study of the civil-legal foundations of insurance relations in road transport logistics. The institutions of cargo and carrier liability insurance, the legal nature of insurance and recourse claims, and the interrelation between insurance contracts and transport contracts are thoroughly analyzed. Based on the experience of Germany and China, the article proposes, as a scientific novelty, the substantiation of insurance mechanisms as an effective legal instrument for managing logistics risks. Specific legislative proposals aimed at improving the current legislation of Uzbekistan have been developed. Conclusions are drawn from a comparative analysis of international standards and the national legal system.

**Keywords:** road transport logistics, insurance relations, cargo insurance, carrier liability, recourse claim, insurance contract, transport contract, logistics risks, legal regulation, Uzbekistan legislation.



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### **ГРАЖДАНСКО-ПРАВОВЫЕ ОСНОВЫ СТРАХОВЫХ ОТНОШЕНИЙ В ЛОГИСТИКЕ ДОРОЖНОГО ТРАНСПОРТА**

#### **Аннотация**

В данной статье представлено всестороннее изучение гражданско-правовых основ страховых отношений в автомобильно-транспортной логистике. Подробно анализируются институты страхования ответственности грузов и перевозчиков, правовая природа страховых и регрессных требований, а также взаимосвязь между договорами страхования и договорами перевозки. Основываясь на опыте Германии и Китая, в статье предлагается обосновать механизмы страхования как эффективный правовой инструмент управления логистическими рисками в качестве научной новизны. Разработаны конкретные законодательные предложения, направленные на совершенствование действующего законодательства Узбекистана. Выводы делаются на основе сравнительного анализа международных стандартов и национальной правовой системы.

**Ключевые слова:** автотранспортная логистика, страховые отношения, страхование грузов, ответственность перевозчика, регрессный иск, договор страхования, договор перевозки, логистические риски, правовое регулирование, законодательство Узбекистана.

In the modern economy, motor transport logistics is the main artery of goods turnover. With the expansion of global trade, the increasing complexity of supply chains, and the development of the digital economy, logistical risks have also risen to a qualitatively new level. The loss of cargo, damage to vehicles, damage



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to third parties, and other unforeseen events pose a serious threat to the financial stability of the participants in transport relations.

In these conditions, the institution of insurance has increased its significance not only as a financial instrument, but also as a legal guarantee mechanism. However, according to some legal scholars, a comprehensive, systematic legal framework regulating insurance relations in motor transport logistics in Uzbekistan has not yet been fully formed. Gaps in current legislation and non-compliance of regulatory mechanisms with international standards create practical problems.

The main goal of this article is a comprehensive study of the civil law framework of insurance relations in motor transport logistics, analysis of the experience of foreign countries, and development of scientifically based recommendations for improving the legislation of Uzbekistan. The research used comparative-legal, system-analytical, and formal-logical methods.

The total volume of cargo transported by road in Uzbekistan in 2022 amounted to 1.2 billion tons (Statistics Committee of Uzbekistan, 2023). Nevertheless, the share of cargo insured in accordance with international standards was 23%, which is sharply different from the 87% figure in EU countries (Insurance Europe, 2023). This gap is related to legal, institutional, and cognitive factors, raising the following research questions:

Firstly, how are the civil law mechanisms for ensuring the liability of cargo and carriers in motor transport logistics structured, and to what extent are they regulated in the civil legislation of Uzbekistan? Secondly, what is the legal nature of insurance and recourse claims, and how are they implemented in transport relations? Thirdly, what legal problems does the relationship between insurance contracts and transport contracts create? Fourthly, what lessons does the experience of foreign countries teach Uzbekistan?



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In the Netherlands, there is a developed carrier liability insurance system called the "Amsterdam-Rotterdam" model, in which carrier companies are included in the special "TT Club" (Through Transport Mutual Insurance Association) system and receive insurance premium benefits if they assume full responsibility. This model can be an attractive alternative for transport companies in Uzbekistan.

In insurance law, subrogation and recourse claims are often confused, but these two institutions differ in their legal nature. Subrogation - the insurer's assumption of the insured's claim after compensation for damages. Regress is an independent right of claim against a third party who has directly caused economic damage.

The Civil Code of Uzbekistan establishes the institution of subrogation: "The right of the insured (beneficiary) to file a claim against the person who caused this damage passes to the insurer who paid the insurance indemnity to the insured (beneficiary)." However, this article lacks a sufficient legal basis for complex multilateral relations in transport logistics.

The German Law on Insurance Contracts (VVG) regulates subrogation in more detail and establishes specific rules for the application of subrogation in transport relations. In particular, this norm regulates the coordination of subrationally requirements between the carrier and cargo insurance, which prevents secondary litigation.

In the practice of Uzbekistan, regression requirements face the following problems. Firstly, the burden of proof: the burden of proving the carrier's guilt is often assigned to the insurance company, but a complete set of transport documents is not always available. Secondly, there is no standard methodology for determining the degree of guilt between insurance companies and transport enterprises. Thirdly, the relationship between the liability limit for CMR in international transportation and the legislation of Uzbekistan is not clearly defined.



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In the Russian Federation, the Law "On Roads and Road Activities," adopted in 2007, and the "Rules for Carriage of Goods by Road," developed in accordance with it, established specific mechanisms for the administrative and pre-trial regulation of recourse requirements. In particular, the deadline for the insurance company to file a recourse claim (the mandatory application period of 10 days) and the list of documents are clearly indicated. There is no such special procedure in Uzbekistan.

In the traditional legal approach, the institution of insurance is mainly considered as a mechanism for compensation for losses (ex post function). However, in modern logistics law, insurance mechanisms should be interpreted as an integral part of proactive risk management (ex-ante function). This paradigm shift is the main scientific novelty of the article.

The practical significance of this conceptual difference lies in the fact that the use of insurance mechanisms as an ex-ante tool creates a legal basis for standardizing logistics processes, introducing risk rating systems, and strengthening the system of contractual guarantees. In other words, the insurance company will become not only a compensation agency, but also a full-fledged participant in the logistics risk management system. Germany: model of systemic legal regulation. The German transport insurance system is among the most developed in the European Union. Three main features are characteristic of the German model. First, two-level regulation: federal legislation (VVG, HGB) sets the basic framework, while land-level regulations regulate private matters. Secondly, insurance companies specializing in the industry: specialized companies such as "Allianz Global Corporate & Specialty" operate exclusively in the field of transport and logistics, which ensures a high level of expertise. Thirdly, through the "ADACTA" **electronic platform, all documents are exchanged in real time.**



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In terms of shortcomings, the German model creates administrative barriers for small and medium-sized businesses due to an extremely complex regulatory system. Moreover, coordination obligations under EU law sometimes limit flexibility.

China: a model adapted for a developing market. China's transport insurance system has been developing rapidly since the early 2000s, with a number of innovative approaches. The "Logistics Insurance Standard," introduced by the China Insurance Regulatory Commission (CIRC) in 2015, defines 12 types of logistics insurance standards. Within the framework of the Belt and Road Initiative, a special package for international transportation "BRI Cargo Insurance" has been developed, which operates in more than 65 countries.

The advantage of the Chinese model is the formation of a competitive market with state support: under the umbrella of state guarantees, private insurance companies compete freely. The disadvantage is the fragmentation of the market and differences between regional standards. For Uzbekistan, the Chinese model in the context of BRI is an especially important example.

Based on the research results, the following legislative proposals were developed. First proposal: adoption of a special Law "On Insurance in Motor Transport Logistics." This law should regulate cargo insurance and carrier liability insurance as separate institutions, fully integrate the provisions of the CMR Convention into national law, recognize electronic insurance policies as equivalent to paper ones, and establish the procedural order of recourse claims.

Second proposal: Improvement of the Civil Code. It is advisable to add the principle of "proportional recourse" to this article, that is, to clearly define that the insurer can make a recourse claim only in the amount of paid insurance compensation.



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Third proposal: Implementation of the "Compulsory Carrier Liability Insurance" system. Based on the Russian OSAGO and Kazakhstan models, but taking into account the specifics of transport logistics, it is necessary to introduce minimum mandatory insurance for carriers. For this, a tariff calculation should be developed between the Ministry of Finance and the National Insurance Company of Uzbekistan (Uzbek invest).

Fourth proposal: Regional cooperation. Uzbekistan, together with Kazakhstan and China, can create a consortium of "Central Asian Logistics Insurance" (MALO - Middle Asia Logistics Insurance). This consortium can provide a single insurance package for goods passing through the Silk Road corridor and form a regional arbitration system.

Fifth proposal: Digital transformation. Special adaptation of the "E-Insurance" system for transport logistics, that is, the creation of a platform for simultaneous registration of a transport declaration and insurance policy through a single electronic system. This can be done by integrating into the "Single Window" system.

This study, having comprehensively studied the civil law basis of insurance relations in motor transport logistics, made a number of important conclusions. Theoretically, the interpretation of insurance mechanisms not as an ex-post compensation tool, but as an ex-ante risk management tool defines a new paradigm of logistics law. This paradigm shift requires a reassessment of the legal relationships between insurance contracts, transport contracts, and recourse relations.

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