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Проблемные аспекты защиты прав потребителей в Российской Федерации

Аннотация. В данной статье рассматриваются проблемы, связанные с защитой прав потребителей в нашей стране. Автор рассматривает нормативно-правовую базу, регулирующую основные аспекты деятельности по защите прав потребителей, и мнения ученых-юристов. В исследовании также анализируются статистические данные, указывающие на уровень проблем, связанных с защитой прав этих субъектов, и историю появления этого комплекса мер.

Ключевые слова: защита прав потребителей, законодательство, реализация прав, вопросы регулирования.

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Problem aspects of consumer rights protection in the Russian Federation

Abstract. This article examines the problems associated with the protection of consumer rights within our country. The author examines the regulatory framework governing the main aspects of consumer rights protection activities and

the views of legal scholars. The study also analyzes statistical data indicating the level of problems associated with the protection of the rights of these entities and the history of the emergence of this set of measures.

Keywords: consumer rights protection, legislation, implementation of rights, regulatory issues.

Consumer protection is an important and relevant topic within the domestic legal concept, which is becoming increasingly important every year.

According to statistics, in 2023, about a million lawsuits were filed on the protection of certain consumer rights. About 70% of all lawsuits filed by consumers in court against violating companies ultimately ended in victory [4]. Such figures indicate the relevance of this topic.

For a full understanding of the system under study, let us turn to the history of its emergence.

Thus, in the USSR, laws protecting consumer rights first appeared, starting in the 1930s during the formation of the new country. Perhaps one of the first steps in this direction was the law on consumer protection, introduced in the 1970s, which provided for compensation for damage caused by manufacturers and compensation for low-quality goods. In the early 1990s, with the changes in the economy and market and the increase in the number of manufacturers, there was a need to strengthen the protection of consumer rights, which included the development of product quality standards, the introduction of mandatory quality certificates and the creation of specialized institutions such as the State Committee for Product Quality Control. It was during this period that the active use of legal protection mechanisms began, such as claims for damages, the return of defective goods, and product quality testing. These actions were then regulated by a draft law. As Y.A. Noskova notes: «In this draft law, the majority was devoted to the problems of ensuring the quality of goods and services, and the rules for protecting consumer interests were contained in only one section. The draft law was discussed for a long time and was ultimately rejected due to the fact that most of the provisions could not be implemented in

practice» [3, p. 79]. As for the modern period, in 1992 a separate codified act was adopted devoted to the protection of consumer rights, the provisions of which are being modified and supplemented to this day. In the conditions of the market economy, in recent decades, attention has been focused on improving the quality of service and satisfying consumer needs. Due to the transition to the digital economy project, new technologies have been introduced, such as online stores, electronic platforms and mobile applications.

In the circles of legal scholars, there is often a discussion related to the lack of need for the existence of the Law of the Russian Federation of February 7, 1992 No. 2300-1 «On the Protection of Consumer Rights», since the Civil Code of the country regulates in sufficient detail the methods of protecting their rights [1].

In our opinion, a codified act devoted to aspects of the rights of these persons is necessary within the framework of the domestic legal system, since the Civil Code of the Russian Federation covers only general provisions, types of claims and other elements, while the Law «On the Protection of Consumer Rights» regulates details concerning the legal status of buyers, manufacturers, sellers and other persons.

Despite the legal regulation of consumer rights protection, at present there are still problems that require close attention from both the state and regulatory competent authorities.

The first problem in this study should be noted as insufficient awareness of consumer rights. Thus, many consumers do not have full information about their rights and mechanisms for their protection, which leads to the fact that they cannot effectively defend their interests. Consumer rights education remains low and many do not know where to turn if their rights are violated.

In our opinion, to solve this problem it is necessary to cover some aspects of consumer protection, for example, by conducting educational events or reflecting information in the media.

The next problem that S.V. Levoshin focuses on: «Despite the fact that Article 40 of the Law of the Russian Federation «On the Protection of Consumer Rights» provides for the need for state control and supervision over compliance with the law

regulating relations in the field of consumer protection, there is no single comprehensive system for ensuring control and supervision» [2, p. 254].

We agree with the author's opinion and note that the implementation mechanisms sometimes really turn out to be ineffective. For example, legal proceedings can drag on, and not all buyers have the knowledge to resolve conflicts through the courts. Consumers face difficulties in accessing legal mechanisms, which forces them to turn to lawyers or use alternative ways to resolve existing contradictions.

In the event of a violation of consumer rights, the company is often not held properly accountable. As practice shows, sellers and service providers try to draw up a contract with the consumer in such a way as to protect their interests to a greater extent. Fines and penalties are not always sufficient to prevent violations, which can contribute to further abuses.

In some cases, court decisions on compensation for damages may not be executed by the guilty parties, which may be due to the lack of enforcement mechanisms or other important factors.

Rospotrebnadzor sees one of the methods for strengthening consumer protection in amending the Code of Administrative Offenses of the Russian Federation in terms of defining additional administrative offenses related to non-compliance with mandatory requirements of consumer protection legislation.

Summing up the presented study, we concluded that consumer protection in the Russian Federation remains a pressing issue that requires a comprehensive approach.

As part of the research, we identified the following problems in this area:

- insufficient awareness of consumer rights;
- lack of a comprehensive system for ensuring control and supervision over the implementation of consumer rights;
- difficulties with the execution of court decisions;
- lack of a pre-trial regulation mechanism;
- low level of responsibility of manufacturers and other business entities.

In our opinion, to solve existing problems, a set of measures is needed, such as improving legislation, increasing the responsibility of sellers and manufacturers for the quality of their products. It is also, of course, important to work with consumers to increase their awareness of their rights and ways to protect them. We believe that in the long term, the combination of these actions will help create a safer and fairer consumer environment in our country.

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