

**THE THEORETICAL VALUE OF THE PRINCIPLES  
OF GOOD FAITH AND REASONABLENESS  
IN THE CIVIL CODE OF THE REPUBLIC OF BELARUS**

**Tang Fang,**  
Mogilev State A. Kuleshov University  
(Mogilev, Belarus)

*Focusing on the principles of good faith and reasonableness, this paper explores their connotations, positioning, and pivotal theoretical value in optimizing Belarus's private law system.*

The Civil Code of the Republic of Belarus is the cornerstone of the country's private law, governing civil relations from contracts to property rights [1-2]. Among its core norms, the principle of good faith and principle of reasonableness act as "general clauses"—not passive terms, but active pillars shaping the code's

theoretical framework. In Belarusian civil law, good faith is a binding obligation: civil subjects must act sincerely, transparently, and respect others' rights. Unlike abstract morality, it has concrete legal force—For example, holds parties liable for concealing key facts during contract negotiations. Reasonableness refers to an objective standard: conduct must align with social practices and trade customs. Courts use it to judge, say, if a seller's delivery delay (due to unforeseen logistics) is excusable.

Rooted in the continental legal tradition (with Soviet civil law influences), these principles are universal guiding norms. They transcend specific rules, applying across all civil fields: interpreting ambiguous clauses, filling loopholes (e.g., regulating digital transactions), and curbing right abuse (e.g., blocking a neighbor's access). This makes them the “cohesive force” of Belarus's civil law, linking scattered rules into a consistent framework.

Laws are static, but civil relations evolve—such as Belarus's growing digital economy, which brings new scenarios like online contracts. Specific code rules often fail to cover these, but good faith and reasonableness offer flexibility. For e-commerce, good faith requires platforms to disclose product defects; reasonableness defines liability for delayed shipments. These principles act as “adjustable buffers,” avoiding legal vacuums and keeping the law relevant.

Belarusian legal theory stresses civil law is not just technical rules, but a carrier of morality. Good faith and reasonableness integrate values like honesty and fairness into law, preventing “legalized immorality.” Courts may invalidate a contract if one party exploits the other's lack of legal knowledge (breaching good faith) or reject excessive damage claims (violating reasonableness). This maintains public trust and strengthens the law's legitimacy.

The Civil Code covers contracts, property, torts, and more—without unifying principles, these areas could fragment. Good faith and reasonableness solve this: good faith governs contract formation, performance, and termination; reasonableness standardizes liability in torts and property disputes. For example, the same “reasonableness” judges negligence in car accidents and product liability. This consistency boosts predictability, simplifying legal application for judges and citizens.

The principles of good faith and reasonableness in Belarus's Civil Code have irreplaceable theoretical value: they fix static law's rigidity by adapting to dynamic social changes, embed morality into the legal framework to reflect public values like fairness, and unify civil law fields to avoid conflicting rulings. By bridging law and real-world complexity—such as digital transactions or cross-border disputes—they optimize Belarus's civil law theory and lay the groundwork for orderly, predictable civil relations. As Belarus modernizes its legal system, deepening research on these principles will strengthen civil law's scientific rigor,

better protect citizens' legitimate rights, and robustly support the sustainable development of its market economy.

### **List of sources used**

1. Civil Code of the Republic of Belarus. – URL: <https://pravo.by/document/?guid=3871&p0=hk9800218> (date of access: 30.10.2025).
2. New pre-contractual liability regime in the Civil Code of the Republic of Belarus. – URL: <https://pravo.by/novosti/analitika/2023/december/76298> (date of access: 30.10.2025).