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The Concept Of Private Property Law And Methods Of Its Protection

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ABSTRACT

The article analyzes the concept of private property and methods of its protection by the author. Theoretical views of theorists in the field of property and private property were also addressed and compared. In addition, the article provides an analysis of legislation in the field and suggestions for their development.

KEYWORDS

property rights, private property rights, property relations, ownership, natural resources, protection of property rights, court, possession, use, disposal.

INTRODUCTION

The economic basis of a society is based on existing property relations. For this reason, property has not only legal meaning but also economic meaning. Wealth, created in a unique way by nature, created by human labor, has always been property.

Depending on whether one owns property or not, the position of people in society is more precisely the socio-economic status. Without

property relations, economic relations, the process of production has no meaning. Ownership is an integral unit of responsibility and interests. For property to be real, the economic interest of the owner is his vital need as the owner of wealth, and his actions reveal the economic motivation of his behavior.

The formation of market relations in our country requires the development of property

relations, a radical overhaul of property relations. A socially privileged position based on the alienation of a person from property is abolished. Article 58 of the Constitution of the Republic of Uzbekistan stipulates that market relations are the basis of the country's economy in various forms of property.

The results of natural wealth and human labor are not assimilated by individuals in some cases, but are intertwined or intertwined. Consequently, property denotes the attitude over people and their communities in the assimilation of things of nature, relations of social production. Property can also be described as the product of social relations, which will be in the field of acquisition, use and disposal of means of production and products produced.

Property law is the sum of norms that strengthen, regulate and protect the belonging of material favors (wealth) to specific individuals; one of the main procedures of civil law.

According to the Civil Code of the Republic of Uzbekistan, the right to property consists in the right of a person to own, use and dispose of self-owned property at his own discretion and for the purposes of his own interests, as well as to demand the elimination of his property right and any violation by anyone. The basis of the economy of Uzbekistan is property of various forms. The state guarantees equal rights of all forms of property and babbaravar Protection[1].

In fact, the history of property rights, concepts of ownership, dates back to very long periods. Property, ownership has not lost its relevance attractiveness at all times. It is possible to

observe that society, the state is wounded, every person living in it lives, striving to become property, rich.

Everyone knows that the right to own property is absolute of the owner right. But it does not mean that his authority is unlimited. His the limits can only be established when using this Right[2].

On the basis of the law "on property in the Republic of Uzbekistan", a road was opened to private ownership, which was considered an economic resource for the establishment of market relations. In the development of private ownership, the law "on deregulation and privatization" became important. According to this law, the rule of state property in the time of the Soviets was abolished, an opportunity was created for the establishment of private property. In the current Civil Code of the Republic of Uzbekistan, property was destroyed in the past on the basis of division of socialist society into classes (State, collective-cooperative, personal) forms and inequality established depending on what form, by whom it belongs to. In the time of the shrovet, the rights of property owners were constantly limited in the relevant rules, as well as in practice. Now it is considered tort that the property belonging to the owner should be seized for various reasons and in different ways by government agencies and officials, creating obstacles to the free use of property. Property rights are indefinite. The owner has the right to use his property forever, dispose of it at the right time. As a logical continuation of this Rule, Article 166 of the FC defines the inviolability of property and its protection by law[3].

The limitations and limits of the right to own property are manifested in the existence of the rights of other persons to this property. Their domination of the property belonging to him in the relationship of the owner with other persons does not lead to restrictions only. There are limits even in the rule of the owner himself. Western lawyers were based on the theory of “social task” to support the mass restriction of the right to absolute ownership of property[4].

The process of modernization and reforming our country, democratization and renewal of society as an important factor of development continues consistently in today's globalisation period. The ongoing reforms and software measures are giving positive results in all sectors of the national economy.

The main purpose of the reforms is primarily aimed at protecting the personal, social, economic and political rights and freedoms of people.

The Constitution of the Republic of Uzbekistan, which is the legal, economic and spiritual basis for the implementation of reforms. The fact that even in Article 36 each person has the right to own, Article 44 provides that each person is guaranteed the right to defend his rights and freedoms through the court, to appeal to the court over the wrongful actions of state bodies, officials, public associations[5]. And this is an encyclopedic reverence of desire, such as the desire for a decent way of life inherent in a person, the enjoyment of the result of one's own abilities and efforts as an owner. The Civil Code of the Republic of Uzbekistan, as well as the adoption of laws “on the protection of private property and guarantees of property rights” and “on

ownership in the Republic of Uzbekistan” have played a historical role in ensuring and guaranteeing the protection of property rights.

The fact that in the Civil Code it is established as the main tasks to ensure the inviolability and protection of property through the court, and in the Criminal Code to protect property from encroachments among the most important objects is a clear confirmation of the existence of a solid legal basis for the protection of property.

Adopted by the president of our country Shavkat Mirziyoyev. In the strategy of action on five priority areas of development of the Republic of Uzbekistan in 2017-2021, strengthening the guarantees of implementation of citizens' rights to private property is defined as one of the important tasks.

The essence of such measures aimed at the protection of property, the purpose of which is aimed at ensuring the guarantee of property rights and improving the legal framework in this regard, but also at the formation of the ability of citizens to better know and protect their rights as owners.

The scope and effectiveness of the work carried out to raise the legal culture of citizens, in particular, legal literacy in property relations, is increasing day by day.

In the law “on property in the Republic of Uzbekistan” there is a separate section on Guarantee and protection of property rights. It sets out that the protection of property rights is carried out by the court[6].

We can also see that the restoration and protection of the right to private property,

which is violated in the law “on the protection of private property and guarantees of the rights of property owners” through the court, has increased to the level of state guarantee and has been emphasized in particular on the issue of the protection of private property rights. At the same time, this law also provides for methods of protection of the right to private property, and among these methods, the protection of the right to private property by the owner himself.[7]

In addition, on August 13, 2019, the adoption of the decree of the president of the Republic of Uzbekistan № PF-5780 “on additional measures to radically improve the system of protection of private property and guaranteeing the rights of property owners, organization of works for the support of entrepreneurial initiatives, as well as on expansion of opportunities for entrepreneurs to use financial But, without looking at the adoption of many normative legal acts and the implementation of responsibility measures to protect the rights of private property, we are witnessing the active activity of the media, even in recent times, in cases of violation of property rights of the owners by state bodies and any persons. The most important aspect of this decree is that the governors of the Council of Ministers of the Republic of Karakalpakstan, regions, Tashkent City, districts and cities were prohibited from:

- Sponsorship of entrepreneurs in addition to their activities, including compulsory involvement in charitable assistance, improvement of territories, landscaping, iron-tersak and maculatura collection[8];
- Engage entrepreneurs in seasonal work in agriculture (planting and harvesting) and other activities related to the orientation of

labor resources, money resources and other material resources;

- Conduct meetings and other activities with the participation of entrepreneurs in a mandatory procedure, including under the threat of using administrative and other measures against them.

But so far, without looking at the amendments and amendments to the legislation and the amendments and amendments to the measures, we are still often faced with cases of violation of the private property of the owners. At this time, it should not be forgotten that the state care for the comprehensive development of the right to private property does not give people the right to engage in illegal activities under the pretext of multiplying private property.

Since the implementation of property law occurs in harmony with the mutual conflict of interests, its consequences do not exclude the possibility of occurrence of disputable cases. In this case, the protection of the rights of honest and fair participants of property relations is largely due to their strict adherence to the norms of the law regulating this process.

In fact, in the life of society, the main role is played by relations that are of a property character between individuals, that is, in relation to the possession of property, its use and its promotion, to whom such relations are of course with Goh every day, whether it be in this or that form. Naturally, when entering into such a relationship, sometimes misunderstanding, quarrels and various conflicts arise between the participants.

When the reasons for the occurrence of these disputes are studied, they are, in most cases,

related to the property issues of the participants in the relationship the fact that they do not know the legislation Well, that the contractual obligations their indifference to the execution seems to have arisen due to the fact that they do not fully understand the rights and duties set forth in the law or in the contract.

In particular, the privatization, sale, lease of real estate, since relations are a relatively complex process, such as making a donation, leaving someone as an inheritance, taking a mortgage, separating a joint common property taqsimlash or its share from it, citizens or legal entities make more mistakes and shortcomings in this area.

Applications to the courts for disputes of the same category in the review, too, specific procedures in the relevant legislation, proessional behavior is established that if the parties do not know them sufficiently, they can face certain difficulties in protecting their property rights in court.

However, no matter how complicated it may be, knowing the requirements of the law and compliance is an obligation of the participants of this process, first of all, serves the interests of these persons, protects their rights.

In addition, as a result of the economic, legal reforms and updates carried out in our country, including a number of legislative acts on improvement of property relations, further strengthening of the contractual discipline are adopted, relevant amendments and additions to the current legislation are introduced.

Also, circumstances such as the contract and its content, the procedure for the conclusion of contracts of a property nature, their

modification or cancellation, conditions that must be considered when notifying or registering a state, non-fulfillment of Obligations or the determination of responsibility for non-compliance to the extent necessary, as one of the important grounds for the occurrence of property rights, are.

According to Article 164 of the Civil Code of the Republic of Uzbekistan, the right of ownership is the person's own will to own property owned by him to use it to own with and in the interests of its own disposal is also a phrase from the right to demand the elimination of his property right, by whom, without prejudice to any violations.

In the abstract, it should be noted that today a number of normative legal acts have been adopted on the protection of property, in particular, private property and ensuring the guaranteed inviolability of property rights in the Constitution, and in these legal acts the protection of private property is guaranteed. The fact is that the existing laws and legislative acts that are in force today do not prevent in any way from privatization or, in other words, the introduction of the right to private property. In property relations, private property has its own peculiarity, in Bunda private property is distinguished from other properties, both in terms of its legal nature and value.

In short, the Constitution and the current legislation fully reflect the norms related to the inviolability of private property and the mechanism for ensuring legal protection, which, in turn, serve as a guarantee for effective protection of the rights of owners and owners of private property.

However, the content of these normative legal acts in practice to bring the essence to the attention of the population is the fact that it is quietly carried out, and enough problematic issues due to the fact that promotion is not carried out it is happening. If we want to build a modern, civilized society if desired, an effective system of protection of property rights and we will have to create a worthy class of owners. Without them the legal state, Democratic Institutions and market economy are stable it is impossible to operate.

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