



Research Article

CIVIL-LEGAL ASPECTS OF THE PROTECTION OF PRIVATE PROPERTY

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ABSTRACT

In this article, the author analyzes domestic and foreign regulations for the protection of private property and their main provisions. The article also draws attention to some theoretical sources made by the author in the field of protection of private property, while also focusing on the theoretical aspects of the protection of private property rights belonging to the owner.

KEYWORDS

Property right, private property, real estate, landowner, land, privatization, state and public needs.

INTRODUCTION

Private property has always occupied a special place in the life of society and the state. It is the property status of people, their activity as owners that is the main driving force behind the economic development of the

state. The owner of private property, as a full member of society, has always been a supporter of peace and stability, prosperity and harmony in the country, and as an owner, he was interested in the economic



development of the country. Therefore, from the first days of Uzbekistan's independence, a number of reforms have been carried out to strengthen the rights of private property, form a class of private owners, change the idea and consciousness of people about private property, ensure equality of private property with other forms of property. These reforms will ensure the transformation of private property into a real driving force of economic development countries to this day. In particular, a number of laws adopted in this regard in the first years of our independence served as a legal basis for the understanding, recognition and recognition of private property by the general public. In particular, the Law "On Property in the Republic of Uzbekistan" dated October 31, 1990 [1] for the first time recognized private property as a separate form of ownership, the Law on deregistration and privatization [2] aims to increase the amount of private property in practice and form a class of owners. The Constitution of the Republic of Uzbekistan, adopted on December 8, 1992, establishes that "everyone has the right to property" in Article 36, while Article 53 (2) states that "Private property, like other forms of property, is inviolable." and protected by the state. At the same time, the adoption of the Law on Privatization of State Housing Stock [3], adopted on May 7, 1993, laid the foundation for further expansion of the class of owners and allowed citizens to privatize their housing on a preferential basis. ...and created an opportunity for them to become private owners.

The Law of the Republic of Uzbekistan dated September 24, 2012 "On the protection of private property and guarantees of property rights" [4] and the Law of the President of the Republic of Uzbekistan dated May 15, 2015 "Reliable protection of private property, small business and private entrepreneurship" Adoption of the Resolution "On measures to remove obstacles to their rapid

development" [5] further strengthened the system of reliable protection of private property. Decree No. PF-4848 of October 5, 2016 "On additional measures to ensure the rapid development of entrepreneurial activity, comprehensive protection of private property and improvement of the quality of the business environment" [6] and Decree of the President of the Republic of Uzbekistan No. PF-4947 of February 7, 2017 "Five priority directions for the development of the Republic of Uzbekistan in 2017-2021 The adoption of the Action Strategy marked a new stage in the protection of private property.

Also by the President of the Republic of Uzbekistan dated August 13, 2019 "Additional measures to radically improve the system for protecting private property and strengthening guarantees of property rights, organizing work to support the entrepreneurial initiative, as well as by the Decree of the PF- No. 5780 "On expanding the access of business entities to financial resources and production infrastructure." In addition, the Decree of the Cabinet of Ministers of the Republic of Uzbekistan dated November 16, 2019 "On additional measures to ensure guarantees of the property rights of individuals and legal entities and improve the procedure for the withdrawal and compensation of land plots" Decree No. 911 also plays an important role in protecting the rights of owners to private property, especially to real estate created in connection with a land plot [7].

The current legislation defines the concept of private property, its subjects and objects, the basis for the formation of private property rights and forms of organization of economic structures based on private property. Currently, the subjects of private property rights are citizens, business companies and societies, cooperatives, public associations, social funds and other non-state legal entities (Article 208 of the Civil



Code). At present, various property economic societies, enterprises and economic entities also participate in economic relations, in which there is simultaneously a share of private and state-owned entities. In addition to the various structures currently managing the economy, joint-stock companies, companies, corporations, in which the state has retained its share, also carry out production and economic activities, the legislation of which establishes certain rules of the legal status. these entities.

According to article 209 of the Civil Code, any property may be private property, with the exception of certain items prohibited by law. Of course, in accordance with this rule, any property can be private property, except for property that cannot be privatized in the manner prescribed by law. But there are certain legal contradictions and conflicts in this regard. This is especially true in the context of the existence of various economic entities in which the state participates. This is due to the fact that as long as such persons are recognized as owners of private property, they should not own property that cannot be privatized. However, due to the presence of the state, some of these entities own property that cannot be privatized.

The current legislation provides for the concept of the right of private property, and not the concept of private property. In particular, according to the first part of Article 207 of the Civil Code of the Republic of Uzbekistan, the right of private property recognizes the right to own, use and dispose of property acquired by a person in accordance with the law[8].

According to Article 2 of the Law of the Republic of Uzbekistan dated September 24, 2012 "On the protection of private property and guarantees of property rights", the right to private property includes

the right to own property, the right to use and dispose of it.

The protection of private property has not only a legal, but also a theoretical basis. In particular, according to Kh. T. Azizov, private property as an economic category is the ability of individuals to own, use and dispose of material and intangible benefits as a result of individual appropriation [9]. According to T.I. Illarionov, the inviolability of property involves the choice of mechanisms for the emergence, exercise and termination of property rights, which, firstly, ensure the inviolability of the interests of other owners, and secondly, enhance its restoration in case of violation of property rights [10]. According to N. F. Imamov, the inviolability of property, due to the importance of one or another aspect, implies that private property owned by the owner is always protected by law and can be alienated from private property only with his consent (except as provided by law) [11].

After all, to put it simply, private property is the tangible (and in some cases intangible) property of individuals (public organizations and citizens) in terms of the appropriation of existing material goods and in whose interests they are directed. In this regard, at the initial stage of the formation of the national legal system of Uzbekistan, the main attention was paid not to the concept of "private property", but to the legal definition of the concept of "private property rights".

If you pay attention to the legislation of foreign countries, especially the CIS countries, according to the legal definition of the concept of private property, you can see that it differs little from our national legislation. For example, in the CIS countries the concept of private property (not private property rights) is defined in the civil legislation of some countries, while in other countries there is no tradition of dividing property into private and public forms. For example,



the Civil Code of the Republic of Kazakhstan defines the concept of private property, and they act as the property of their associations.”

In conclusion, the protection of private property and the protection of property rights should be determined by a separate and special law, in democratizing the foundations of a market economy and ensuring the rights and interests of entrepreneurs, and establishing a reliable protection system and legislative mechanism.

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