



THE CONCEPT OF PROPERTY RIGHTS IN THE REPUBLIC OF UZBEKISTAN: THE MAIN ASPECTS OF PROPERTY RIGHTS, OWNERSHIP, USE AND DISPOSITION OF PROPERTY

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Abstract:

This article analyzes the basis for the emergence of property rights, the legal regulation of property rights based on the norms existing in our legislation, the legal basis for the emergence of property rights, and the right of ownership of property are described.

Keywords: Property, ownership, use of property, possession, management, private property, legal protection, illegal possession.

Introduction

Property rights are one of the fundamental principles of any legal state, and is an important guarantee of the economic freedom and sustainable development of people. From the subjective side of property rights, it allows its owner – the owner to determine the nature and access of the property belonging to him and to exercise full economic sovereignty over him. Property relations do not develop without legal norms and state guarantee. The main cause of the various wars that have occurred throughout history has also been due to permanent ownership. Thus, property relations have long been closely related to human life and have aroused the interest of every individual at the present time. People's interest in property has found expression through the development of various theories and rules about how to apply and regulate it. Due to their characteristics, different legal systems regulate property relations and the competence of its participants in a peculiar way. Property



relations themselves are economic relations regarding the assimilation and use of wealth in society. Ownership, on the one hand, is a relationship that is related to a person's sense of ownership in relation to something or wealth that belongs to him, and on the other hand, it is an interpersonal relationship that is formed around those riches or benefits. Some authors explain the concept of property as follows: first, as a socio-legal form of assimilation by individuals of natural resources and the results of development activities; second, it forms the bulk of the relationships between individuals in relation to something, as well as socially. Ownership, first of all, refers to the rights of an individual to his/her property. These rights include the ability to manage, use, and dispose of a person's property at his or her own voluntarily. The basis of proprietorship is the exclusive rights of an individual over his/her property and the right to be protected from any unlawful interference by others with respect to that property.

Also, concept of proprietorship is closely related to individual and economic freedoms which ensures the stability and development of society.

The economic side of ownership is that it helps to efficiently manage resources, create new means of production and increase labor efficiency. These processes, in turn, are one of the key determinants of economic growth and well-being. Proprietorship can also organize social justice and equality, which provides independence in the planning and implementation of its economic activities. If we pay attention to the rules on property rights in foreign countries, it turns out that there is no single universal basis for the classification of various constructions of property rights in foreign countries. At the same time, property relations in the United States, which adopted the English common law oriented towards precedents, although provided for at the constitutional level (Amendments V and XIV to the U.S. Constitution), nevertheless its development and broad expression were enshrined in the legislation and judicial decisions of individual states. In the meantime, from the point of view of civil law theory, at the heart of the American model of property law lies the question of the subjective composition of this right. The U.S. property law model can be divided into simple and complex structured types. The simplified or simplified model is based on the principle "one material – one full owner". In this construction, any other persons who depend in one way or another on the material are considered "other rights" and the owner of the material exercises his or her authority to own, use and dispose of the material alone.



In this sense, property rights are absolute. In England, the Property Act 1925 was passed. In the present law

It is assumed that the right of ownership is exclusive. English experts say that English property and ownership rights are inconsistent with some concepts in Roman law, English law is not an exclusive, but a system of determining priorities¹. Also, the right to property is enshrined in the Constitution of the Republic of Uzbekistan and a number of legislative acts. That is: "Every person has the right to be a proprietor. Confidentiality of banking operations, deposits and accounts, as well as the right to inheritance are guaranteed by law.² Forms of property rights, the procedure for its implementation and mechanisms of protection (as defined in the Civil Code of the Republic of Uzbekistan); The law "On the protection of private property and guarantees of the rights of owners" and the law "On privatization of state property" regulates the process of privatization of state property and provides citizens and entrepreneurs with the opportunity to own property. The right to property encompasses a wide range of laws and regulations on its acquisition, use and disposition, as well as the social function of property and the rights and obligations of its owners. These processes relate to how property benefits its owners, its place and importance in society, and the basic principles of property management and efficient use. The main aspects of Property Rights include:

-Property owner's rights: the property owner can own, use and dispose of his/her property in any way he wants. These rights are exercised within the limits established by law.

-The social function of property: Property should serve social welfare and progress, not as a means of accumulating personal wealth. Therefore, the principles of social justice and equality are required to be observed in the use of the property.

-Protection of property rights: property rights are protected by the state and enshrined in legislation. It means protecting the rights of the property owner from unlawful interference by other persons or the state.

-Restrictions on property rights: property rights must be subject to restrictions established by law in order to ensure the general interest of society or the rights and freedoms of other citizens. For example, it involves using the property in

¹ Bridge M. G. Personal Property Law. 3rd ed. London, 2002. P. 28 – 29

² Constitution of the Republic of Uzbekistan." Uzbekistan". Tashkent-2023.27 p. 2023.



accordance with environmental regulations or urban planning regulations³. Property rights also define the various legal relationships that can arise when disposing of the property, including practices such as inheritance, lease, sale of property, or transfer of property rights to other persons. These processes are important aspects of property rights, and they are all directly related to the rights and responsibilities of the property owner. This wide-ranging consideration of property rights contributes to a deeper understanding of their personal and social significance, role in society, and their legal underpinnings. This, in turn, is an important factor in ensuring effective management of property rights, rational and fair use of them. It is provided that the right to hold the property in his hands or under his will in accordance with law can also be vested in the owner as well as other persons under law or contract. This includes various forms of possession of the property, including such as rent, temporary free use, deposit and temporary storage based on administrative documents. It is stressed that in the context of a market economy, the temporary non-possession of the property by the owner for various reasons can create the possibility of its loss or loss of characteristic. The existence of legal or illegal right of title by third parties over the property demonstrates the complex and multifaceted character of property rights. Legal possession, when exercised in accordance with legal bases, arises at the discretion of the owner and is assessed as title possession, which gives the ownership of property as an element of property rights on a derivative basis. Illegal possession, on the other hand, is carried out by theft or other offenses committed without the consent of the owner, in which case the derivative element would not exist. There are cases in the legislation limiting the options of owning certain categories of properties. For example, funds attributed to business organizations are kept in banks and in some cases are under obligation to transfer the daily income from the stores to the bank. In the process of using the property, the owners must fulfill various obligations, including protection of the external and internal appearance of cultural heritage objects, obtaining the appropriate permits for construction and other works on the territory of the cultural heritage site, ensuring the order of protection of historical and cultural areas and ensuring the openness of cultural heritage objects to all. These processes are carried out according to the rules

³ The Law of Ownership: Actual Problems. V.N. and Tovkin, E.A. Sukhanov, V.V. Chubarov; The Institute is a legislator and compare. 2008. - 436 p.



established by the state and the state exercises control over the implementation of these rules. In this way, a comprehensive understanding is given about the legal foundations and rules for the use of property as well as the responsibilities of property owners to society and the state. It was created with the aim of ensuring rational and efficient use of property, and protecting the public good.

Important is the procedure for the right to use property and the system of obtaining permits within its validity. Such systems usually involve granting owners the right to use a certain type of property. As an example, the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated March 25, 2022, No. 133. On the basis of this decision, the issuance of licenses for the right to use underground plots and measures to improve the rules of this process are outlined. This ensures that the owners formalize the right to use particular type of property on legal grounds.

In conclusion, property owners are prohibited from using their rights over their property for illegal purposes that cause harm to others. The Constitution of the Republic of Uzbekistan strictly limits the rights and obligations of property owners, strictly requiring them not to harm the environment and the rights of others during the period of exercising their property rights. Article 172 of the Civil Code fully explains this constitutional provision and lays down a series of rules that the proprietors must comply with while exercising the rights over their property also means that proprietorship is protected by law.

References:

1. Constitution of the Republic of Uzbekistan. new edition. "Uzbekistan" Tashkent-2023.
2. Part 1 of the Civil Code of the Republic of Uzbekistan National database of legislation dated 30.06.2022, No. 03/22/782/0576
3. Property rights and material rights (based on national and foreign experience). Sh.F.Asadov. TSYU. Tashkent-2024.
4. <http://lex.uz/docs/-5924557> On measures to further improve the procedure for issuing permits for the right to use subterranean plots.
5. Bridge M. G. Personal Property Law. 3rd ed. London, 2002. P. 28 – 29.
6. Joseph William Singer. Introduction to property. Aspen Publishers. – NY, 2005.