

The Concept of Private Property Rights in Civil Law

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Abstract

In this article, the concept of private property rights in civil law, the reforms carried out in the field of private property rights and the adopted legal documents, the scientists who conducted research on private property and their opinions, the provisions of foreign countries' laws on private property rights, private property advantages over other types of property, basic concepts of subjects and objects of private property rights are described.

Keywords: Property, private property, property protection, private property objects, private property subjects.

Introduction

As an important factor of development, the process of modernization and reform of our country, democratization and renewal of society continues consistently. The implemented reforms and programmatic measures are having a positive effect in all sectors of the national economy.

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

Article 41 of the Constitution of the Republic of Uzbekistan, which is the legal, economic and moral basis for the implementation of reforms, states that every person has the right to own property, and Article 55 provides that every person has the right to protect his rights and freedoms through the courts. It is established that the right to appeal to the court against the illegal actions of state bodies, officials, and public associations is guaranteed. This is an encyclopaedic recognition of the desire to live a decent lifestyle characteristic of a human being, to enjoy the results of one's abilities and work as an owner.

Strengthening the guarantees of citizens' rights to private property is defined as one of the important tasks in the Strategy of Actions on five priority areas of development of the Republic of Uzbekistan in 2017-2021 adopted by our President Shavkat Mirziyoyev.

The essence and purpose of such measures aimed at property protection are aimed at ensuring the guarantee of property rights and improving the legal basis in this regard, as well as at forming the ability of citizens to know and protect their rights as owners.

It should be noted that the development of legal regulation of private property in the Republic of Uzbekistan took place in an evolutionary way. For the first time, private property was considered as a form of property in the Law "On Ownership in the Republic of Uzbekistan" dated October 31, 1990.

Adoption of the current Civil Code of the Republic of Uzbekistan was a decisive stage in the development of private property rights in the Republic of Uzbekistan. According to its Article 207, the right to private property is the right of a person to own, use and dispose of property acquired in accordance with the law. The amount and value of private property is not limited.

Many civil scientists have researched the right to private property, including: Kh.Rakhmonkulov, I.Zokirov, Sh.Rozinazarov, H.Azizov, R.Roziyev, V.Ergashev and others.

According to some civil scientists, the right to private property is the right to own, use and dispose of one's own property for the purpose of earning income.

The right of private property refers to a set of legal norms that regulate and strengthen property relations arising on the basis of direct and hired labor of a private person in the production process and on other grounds. This gives the objective meaning of private property rights. This definition covers all relations related to private property and specifies that they are embodied in legal norms. Civil property is a unique form of private property and has the following advantages over other types of property:

1. The owner is always a concrete person;
2. The owner is closest to the property and therefore has a number of advantages in influencing it;
3. Therefore, such property is far from the possibility of being a victim of robbery, theft, and lack of management.

In other words, this type of private property can be understood as property belonging to citizens individually.

The foreign doctrine does not define a single universal basis for the classification of various constructions of property rights. At the same time, in the United States, which has adopted English common law, which is focused on precedents, although ownership relations are provided at the level of the Constitution (Appendices V, XIV to the Constitution of the United States), its development and broad expression are strengthened in the legislation and court decisions of individual states. In addition, from the point of view of the theory of civil law, the structure of the American property law model can be divided into simple and complex types. The simple or simplified model is based on the principle of "one asset - one full owner". In this construction, any other persons related to this or that degree are "other rights" persons, and the owner of the object exercises his powers of ownership, use and disposal alone. In this sense, the property right acquires an absolute color (fee simple absolute).

The complex constructions of property rights are visible in the ownership of land and ownership of common property, and are expressed in the distribution of the rights of each owner in relation to the object and their mutual ratio.

According to Article 208 of the Civil Code of the Republic of Uzbekistan, citizens are the private owners of their property, and therefore they can do anything that does not conflict with the law and other legal documents. what actions they can take. As a subject of private property, any citizen can act as a subject of private property both personally and on the basis of joint ownership. Incomes received from participation in the production of private property of citizens, disposal of the right to work in another way, incomes from entrepreneurial activities, management of one's own economy and funds invested in credit institutions, shares and other securities, property management is created and multiplied due to the introduction of a rule under Russian law and other grounds that are not illegal.

The objects of private property rights of citizens are land plots, residential houses, apartments, country yards, garages, household goods, personal consumption goods, funds, securities, as well as enterprises and production. other property complexes, buildings, structures, vehicles, other means of production intended for The amount and value of property is not limited if it is acquired as property in accordance with the law or contract.

In conclusion, it should be noted that in recent years, the types of objects that can be the object of private property rights are increasing. On the one hand, this situation is related to the development of market relations, the transformation of objects that previously could not be private property into private property by the decision of the competent state body, and on the other hand, it is related to the development of science and technology. These situations require the implementation of a number of new rules regarding the protection of private property.

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