



Research Article

## CIVIL-LEGAL REGULATION OF THE PROTECTION OF PRIVATE PROPERTY RIGHTS OF CIVIL LAW ENTITIES

**Submission Date:** February 06, 2022, **Accepted Date:** February 16, 2022,

**Published Date:** February 28, 2022

**Crossref doi:** <https://doi.org/10.37547/social-fsshj-02-02-10>

**Journal Website:**  
<https://frontlinejournal.s.org/journals/index.php/fsshj>

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### ABSTRACT

This article deals with the implementation of the right of private property by citizens, methods and legal basis of civil protection of private property rights. The article also includes an analysis of the legislation on the protection of private property rights and the views expressed by theoretical scholars.

### KEYWORDS

Civil treatment, subjective right, private property, inviolability, state protection, state and public needs, private property law.

### INTRODUCTION

It is known that the relevant rights of individuals are their subjective rights, which are important in

that they are expressed in the norms of objective law. It is in the norms of objective law that the

content of the rights of the subjects of civil law, the conditions of their implementation, the grounds, guarantees and methods of protection are reflected. In the protection of the right is the freedom to perform certain actions belonging to the subject and the transfer of powers belonging to the subject in certain ways, prohibiting any action of other persons to violate the right belonging to the subject (except for legal actions).

Usual (normal) civil treatment is important in ensuring that certain rights do not belong to the subject, but that they are reliably protected. As a general rule, the protection of civil rights is understood as a set of measures to ensure the normal exercise of rights. It includes not only legal, but also economic, political and other measures aimed at creating the conditions and environment necessary for the exercise of subjective rights. Legal protection measures include all measures to ensure the normal, uninterrupted development of civil relations, such as strengthening the civil capacity of the subjects, the definition of obligations, the restoration of violated rights or violated rights and legitimate interests[1].

Along with such a broad concept of protection, a narrow sense of the term is also used in science

and law. In this case, only in case of violation or violation of civil rights and legitimate interests, only measures to restore or recognize them shall be applied.

Measures to protect the right to private property as a subjective civil right are reflected in the legislation of the country, and the priority basis of these measures is reflected in the relevant provisions of the Constitution of the Republic of Uzbekistan. In particular, Article 36 of the Constitution stipulates that everyone has the right to own property, which is the legal basis and guarantee of private property. This norm provides for the rejection of any impediment to the lawful actions of a person in relation to the acquisition of economic dominion over a particular material good or thing. At the same time, the right of every person to own property is a legal measure that restricts or restricts his or her right to perform such actions for that purpose. The right of a person to own property requires the exercise of property powers of citizens and legal entities. After all, such an opportunity (the right of every person to own property) is also a measure aimed at ensuring that a person exercises his civil rights normally and without violations.

The legal strengthening of the possibility of ownership is the first guarantee of the protection of private property, which is a subjective civil right. The owner of private property always has the right to protect his property from any violations, relying on Article 36 of the Constitution.

According to Article 53 of the Constitution of the Republic of Uzbekistan, private property, like other forms of property, is inviolable and under state protection. The owner may be deprived of his property only in cases and in the manner prescribed by law.

"Immunity and state protection" in relation to private property has a special place among the measures to protect the right to private property. First of all, "inviolability" means a set of legal measures prohibiting the influence of a person to one degree or another on actions that are against the law or against certain rights. Second, "inviolability" means that the law applies to the subject of law and under its powers, as well as the object of economic domination is free from any violations. The inviolability of private property, as enshrined in Article 53 of the Constitution, prohibits any violation of the rights and interests of the owner, and the right to private property can

be revoked only in cases provided by law, regardless of who owns it. the rule also represents the content of the inviolability of private property. According to I.Zokirov and M.Baratov, the inviolability of property means that all subjects who oppose the owner refrain from violating his property rights. The owner owns, uses and disposes of his property within the limits permitted by law. This is the constitutional right of the owner. No one has the right to oppress him from the outside, to interfere in his internal affairs, to confiscate property. Even the owner's refusal to exercise his right does not invalidate his right to property[2]. According to A. Muhammadiev, the inviolability of property means that no one has the right to seize property belonging to the owner without legal grounds and a court decision, to prevent the exercise of property rights, and the owner always has economic control over the property[3].

According to E.A. Sukhanov, the inviolability of property is ensured in both private and public property, the use of property belonging to the owner only in his own interests, without fear of arbitrary seizure or arbitrary restriction of its use, and so on. Indicates[4].

According to T.I.Illarionova, the inviolability of property implies 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, strengthen its restoration if property rights are violated[5].

According to N.D.Egorov, this principle (inviolability of property, first of all, private property - our emphasis), is the basis of property order in the economy. Indeed, the norms of civil law protect private property from oppression by everyone, including state and local self-governing agencies[6].

All of these considerations imply the inviolability of property due to the importance of one aspect or another, that private property belonging to the owner is always protected by law and that the right to private property can be alienated from it only with his consent (except as provided by law).

Article 164 of the Civil Code sets out the most important rules for the protection of property rights, in particular private property. According to this norm, the right of property consists of the right of a person to own, use and dispose of his property voluntarily and in his own interests, as

well as to demand the elimination of any violation of his property rights by anyone[7]. Property rights are indefinite. The phrase “the right to demand redress of any violation of one’s property rights by anyone” in this norm is a measure providing for the direct protection of private property rights. In this case, the owner, as the absolute owner of the right, can demand from any person not to violate his property rights, and the scope of the owner’s claim to his right is not limited to individuals[8].

The perpetuity of private property rights is also an important rule in protecting it. After all, according to this rule, a certain period of time is not set in relation to the fact that the thing belonging to the person on the basis of private property rights is under his economic domination. Although the right of ownership over an object passes from one person to another, it remains in place until the thing disappears[9].

Article 207, Part 2 and Article 209 of the Civil Code can be recognized as another basis and guarantee of protection of the right to private property[10]. These norms stipulate that the amount and value of private property is not limited, that any property can be private property, except for certain items prohibited by

law, and these rules are an important guarantee of the right to private property and its implementation[11]. These norms are enshrined in the Civil Code and take second place in the system of norms dedicated to the protection of private property after Article 53 of the Constitution.

There are also a number of other normative legal acts dedicated to the protection of private property rights. These include: Decree of the President of the Republic of Uzbekistan No. PF-5490 of July 27, 2018 "On measures to further improve the system of protection of the rights and legitimate interests of business entities" and November 16, 2019 "On guarantees of property rights of individuals and legal entities" and on Additional Measures to Improve the Procedure for Withdrawal of Land Plots and Compensation " № 911.

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