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Research Article

IS THE MONEY DEMANDED FROM THE HONEST OWNER? (ANALYSIS IN THE EXAMPLE OF THE UZBEK LEGAL NORMS)

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RONTLINE

ABSTRACT

Money as an object of economic (material) relations, i.e. civil-legal relations, is of great importance in the life of every country, business entities and citizens, especially in economic and trade relations. It fulfills the functions of payment, circulation and accumulation of money. National currency is one of the important attributes of state sovereignty. The main purpose of money is manifested in its economic, social and political nature. The article talks about these things and concludes whether the money will be demanded from the honest owner or not.

KEYWORDS

Money, honest possessor (owner), dishonest possessor (owner), civil-legal relationships, criminal-legal relationships, objects defined by private and specific signs.

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Introduction

Current State of the Money Demanding Procedure. As it is widely known, property (including money in this case) is actually transferred from one person to another in two main ways: honestly and, of course, dishonestly. A bona fide possessor is an equal participant in civil-legal relations, which are normal relations by their legal nature. The attitude of the members of the society towards him is also positive. A dishonest possessor is the opposite. If he needs people, he "shows with his finger".

Indeed, who is the righteous possessor (owner) of the money? According to the norms of the Uzbekistan's Civil Code, which is the subject of this relationship, ... the property was taken from a person who did not have the right to give it to another person for a fee, and the recipient did not know and could not have known this... In this case, the honest money possessor (owner) is in the role of the recipient. According to the law, if the property is taken without payment from a person who does not have the right to give it to another person, the owner has the right to claim the property in all cases. This is no longer "just" a civil-legal relationship, but a criminal-legal relationship. That is, it is a crime. In the law of the field, this, in turn, is divided into two large categories - crimes that are not related to the theft of other people's property and crimes that are not related to the theft of other people's property.

THE MAIN FINDINGS AND RESULTS

The first category includes: invasion, or gaining (that is, attacking someone else's property with the aim of robbing it, using force that is dangerous to life or health or threatening to use such force), extortion (that is, using force on the victim or his relatives, causing damage to property or demanding the handover of property or property rights, giving property interests or performing property-related actions, or putting the victim in a situation that forces the victim to give up his property or the right to property) robbery (i.e., open robbery of another's property), robbery by misappropriation or misappropriation another's property entrusted to or at the disposal of the offender, fraud (i.e., by deception or abuse of trust, another's property or another's acquiring

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the right to property), theft (i.e. taking someone else's property by secretly looting)includes.

The second category includes: causing property damage by deception or abuse of trust, receiving transferring property obtained through criminal means, unscrupulous attitude to the protection of property, intentional destruction or damage to property, violation of information regulations.

The Analysis of the Money Demanding Procedure in Uzbekistan. So, what is the procedure and consequences? In these cases, the owner has the right to claim the property from the person who received it.

According to the version of the Civil Code of the Republic of Uzbekistan¹ dated September 22, 2009 no. O'RQ-223, "money cannot be demanded from an honest possessor". Why money? - here a natural question arises.

Money is an object of economic (material) relations, that is, of civil-legal relations. It is known from the sources what performed the function of money in different periods – tree bark,

grain, salt, rhinoceros horn, silk, silver, gold... plastic money. Plastic money, which is a new means of payment, is significantly different from the paper money that has been in circulation since the Middle Ages: it is made of thin polymer plastic. It is important that dust, other pollutants and bacteria do not accumulate in them. The period of use is relatively long. It can also be recycled. Sophisticated technologies for the development of new money prevent them from being counterfeited. Now, along with many other countries, this money has been put into full circulation in Uzbekistan.

Today, in an era dominated by commoditymoney-commodity relations, money, in the language of economists, is the general equivalent of all commodities.

Money is of great importance in the life of every country, economic entity and the smallest individual – citizens, especially in economic and trade relations. The national currency is, of course, one of the important attributes (signs) of the sovereignty (independence) of each state.

¹ Bulletin of the Oliv Majlis (National Parliament) of the Republic of Uzbekistan (in Uzbek), 1996, Appendix to No. 2 issue.

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The main purpose of money is manifested in its economic, social and political nature. The legal status of money is determined by its socioeconomic importance and the tasks it performs².

In the theory of civil law, there is a distinction between objects determined by private and typespecific signs.

In this sense, money is not a separate, unique thing that distinguishes it from similar things and thus has special characteristics. Such items include items that are unique by law, that is, items that are unique in themselves (for example, the Mushaf of the Holy Our'an by Hazrat Usman, Leonardo da Vinci's "Mono Lisa" canvas), as well as items that are separated by a certain method (stamping, marking, numbering, numbering) and so on). Items marked with special signs cannot be replaced by another.

Items that have characteristics characteristic of all items of the same type and are determined by number, weight, size, etc. are considered items that are determined by type characteristics.

The items defined by type characteristics are interchangeable items.

Money is among the things marked by physical signs, and it is not calculated by the number of money signs, but by the amounts indicated on these signs. For example, 1 pack of 100 banknote is 10.000 units. 10 out of 1000 banknote is enough for this indicator.

Money is the subject of various transactions, such as sales, debt, credit and other transactions. Money is a means of circulation, payment, and savings, and at the same time, it performs the functions of world money. Money is a symbol of wealth, and in this sense it is also the main criterion for compiling the Forbes rich list. After all, money has attracted people like an iron rod in all places and times. It's no secret that people's social status is determined by the money(s) they have (in this case, wealth).

When it comes to money, it is impossible not to remember folk aphorisms and subtle quotes about it in fiction. "Money is made from the liver" (according to Uzbek folk saying), they say. There are those who say, "Money makes the heart

² H. Rakhmonkulov. Objects of Civil Law (in Uzbek). – Tashkent: Tashkent State Institute of Law, 2009. – P.38-39.

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happy, and money makes the tongue happy". There are those who say, "My life is alms for my friend, but don't joke with money". What did we say? But what is remarkable and surprising is that humanity has now become a slave of one of its own inventions, that is, money - it has become an axiom.

From the above cases, it can be stated that Article no. 229 of the Civil Code of Uzbekistan provides a reasonable and logical solution in this regard: "money cannot be extorted from an honest possessor (owner)".

As we said above, money is considered an object of civil rights. According to the general rule, objects of civil rights are divided into objects of free circulation, withdrawn from circulation and restricted circulation. Objects in free circulation can be freely given to other persons or transferred from one person to another person in the order of universal legal succession (inheritance, reorganization of a legal entity) or in another way, if they are not taken out of circulation or their circulation is not restricted. Broadly speaking, money is a freely traded object. Suppose an uncle leaves his nephew a large sum

of money in "deposit" ³ (which is supposed to be returned safely) before going on a long trip abroad. We didn't italicize for nothing - yes, for savings. After a while, the whimsical nephew wanted to wear expensive clothes along with his friends, and bought a "mink" t-shirt, a cheap suit, and an expensive coat from the market. He took the uncle's "deposit" in return for the purchase. At this point, only one thing is important for the seller: "let it be male goat - let it give milk" (according to Uzbek saying). More precisely, it does not matter to whom the money paid for the seller belongs. The most important thing is that the payment has been made. The seller here, so to speak, is the bona fide possessor. Therefore, one day, the uncle cannot claim the money from the seller (that is, the honest possessor). But what if there is another object instead of money? As a general rule, it can be withdrawn by way of a vindication claim. After all, that object may have value for its original owner with certain aspects. If the property is taken without payment from a person who does not have the right to give it to another person, the owner has the right to claim the property in all cases.

³ It is called as "Omonat" (also means "deposit for the purpose of keeping) among the Muslim societies.

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Conclusion

In the version of the Civil Code of the Republic of Uzbekistan, which came into effect on March 1, 1997, in addition to money, "securities written to the name of the bearer" could not be claimed from the honest possessor (fourth part of the Article no. 229) ⁴. This case was issued by the Law of the Republic of Uzbekistan No. O'RQ-223⁵ in the Civil Code of September 22, 2009 "On Amendments and Additions to Some Laws of the Republic of Uzbekistan in Connection with the Improvement of the Legislation on Combating the Legalization of Proceeds from Criminal Activities and the Financing of Terrorism" dated September 22, 2009. In our opinion, there is no room for such questions "why".

Conclusions for the **Demanding** Money Procedure. So, the conclusion is one and clear: money cannot be extorted from an honest owner.

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⁴ https://lex.uz/docs/-98325

⁵The Collection of Legal Documents of the Republic of Uzbekistan (in Uzbek), 2009, Collection No. 39, Article no. 423.