



SUBJECTS OF AVIATION WORK

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Annotation

The sphere of aviation is one of the areas of activity that operates on the basis of strict requirements established by legislation and requires security to be extremely high. The people working in this field should have a high level of knowledge and skills, as well as strictly obey the rules of aviation when carrying out work in the field of aviation. Therefore, in the current legislation, specific requirements for the owner of the aircraft, the airline, the carrier, the pilot, the exploiter, and the owner of aircraft, which are the subjects of the performance of aviation work, have established strict procedures for the verification and control of the conditions, their knowledge, and their skills. The criteria and requirements set out in the legislation in relation to the subjects of aviation performance are analyzed and, on this basis, are considered to improve the national legislation.

Keywords: aircraft, contract, flight, extreme light aviation, job performance, property, exploiter, owner of the aircraft.

Introduction

Any contract is a mutual agreement between certain subjects. The participants of this agreement are called the parties, and the rights and obligations between them are the main elements that make up the content of the contract. The contract for the provision of extremely light air services is considered to belong to the category of persons with the status of subjectivity, which is distinguished by the peculiarities of the parties. Because the subjects that carry out aviation work and services are distinguished in a number of aspects, in contrast to the usual job-makers and service providers. In particular, the main or compulsory subject of this contract is the owner of the aircraft, that is, the owner of an extremely light aircraft. According to the first part of Article 25 of the air code of the Republic of Uzbekistan, aircraft of all types considered aircraft, as well as the airfields and airports necessary for them and the structures and equipment necessary for the provision of appropriate technical services, may belong to the subjects on the basis of private and public property.

Proceeding from this norm, in the contract for the performance of aviation work, the owners of extremely light aircraft carriers take part as the people performing the work.



Today, the concept of a vehicle is called extreme aviation, and in relation to its ownership, the legislation does not provide for certain requirements. However, according to Paragraph 8, 10 of the "Basic Rules of Aviation Maintenance in the Heavenly Territory of the Republic of Uzbekistan" annexed to the decision of the Republic of Uzbekistan dated October 18, 2016 No 349, it is divided into civil, state, and experimental in terms of compliance with aircraft types. Air vessels not registered in accordance with the established procedure in the heavenly territory of the Republic of Uzbekistan and not having documents confirming their suitability for navigation are prohibited. In these rules, the concept of aviavia works is described as follows: Aviation works are commercial operations performed to ensure the technological or transport production processes of enterprises, institutions, organizations, and citizens (customers) via aviation, including experimental and scientific research works, sanitary and nature-protecting measures, providing medical services to the population, and eliminating the consequences of accidents.

This definition represents a broad and meaningful understanding of the work of Aviation and allows the expansion of the scope of the subjects of the contract for the performance of these works. That is, the performance of aviation work implies that, as a customer, all types of legal entities and citizens can also participate. Only in order for orders to comply with the contract for the performance of aviation work, it is necessary that the category of work directly correspond to the characteristics of work performed by aviation vehicles.

The parties to the contract for the performance of aviation work are the Express and the customer. According to Article 29 of the air code of the Republic of Uzbekistan, a person (legal or natural person) who owns on the basis of the right of ownership of the relevant airfield of Uzbekistan and a foreign state in accordance with the international agreement, or who has rented an airfield or has a corresponding certificate on other grounds established by legislation is.

From the definition presented in this norm, it is possible to distinguish three specific signs that allow one to recognize a citizen or a legal entity as an exploiter. First of all, the aircraft can be attributed to a citizen or legal entity on the basis of any property rights, that is, on the basis of property law (property law, the right of economic operation, the right of operational management), as well as on the right of obligation. The aircraft is a novelty for legislation to be relevant on the basis of legal or other legal title to the property of a legal entity or citizen. Previously, aircraft were attached only to aircraft carriers, but this did not mean that these enterprises were considered the property of the aircraft. The owner of the aircraft was considered the state embodied in the Ministry of Civil Aviation (Aeroflot), and the aircraft was considered its



structural subdivision. However, as a result of the change in the concept in relation to the right to property and the restoration of the right to private property, citizens and non-resident legal entities had the opportunity to become owners of air carriers. According to the first part of Article 39 of the air code, all types of aircraft should be registered, including citizen aircraft should be registered in the State Register of Civil Aircraft of the Republic of Uzbekistan, and state aircraft should be registered in the State Register of Civil Aircraft of the Republic of Uzbekistan. As defined in the second part of this article, the procedure for maintaining the register of aircraft and issuing certificates to them is duly established by the Cabinet of Ministers of the Republic of Uzbekistan and the Ministry of Defense of the Republic of Uzbekistan.

Proceeding from this, the Cabinet of Ministers of the Republic of Uzbekistan adopted regulation No58 "on the procedure for issuing a certificate on registration of civil aircraft" on March 1, 2016. However, this regulation does not provide for the procedure for the registration of ownership rights and transactions with respect to aircraft. At the same time, this has a negative impact on the determination of the status of a citizen as an object of ownership of an aircraft and its status as an object of civil circulation. After all, from the legal position of the aircraft, it is considered possible to determine the legal fate of its owner and the rights to it. As a result of their non-designation, the abstract and alliances with respect to the status of aircraft in the quality of property can lead to violations of the law in this regard.

Unlike the legislation of Uzbekistan, the air code of the Russian Federation clearly defines the issues of registration and rights in relation to aircraft. In particular, Article 33 of the RF HK established the issues of state registration and accounting of the aircraft. According to him,

1. Part of the following aircraft intended for aircraft performance must be registered in the state:

1) a non-flying aircraft, with the exception of unmanned civilian aircraft weighing 30 kilograms or less, as well as a civilian aircraft that manages the pilot, with the exception of an extremely light pilot weighing 115 kilograms or less, with the exception of a civil aircraft;

1.1. Part 1 of this article shall be registered in the State Register of civil aircraft registered by a citizen of the Russian Federation, with the exception of civil ships that conduct state registration in accordance with paragraph 1 of this article, civil vessels that conduct state registration, with the exception of civil aircraft that conduct extreme light pilots, and a certificate of State



1.2. Part 1 of this article is registered in accordance with paragraph 1 of the procedure established by the competent authority in the field of civil aviation for the super-light civil aircraft, which manages the pilot and is registered in the state register.

1.4. The state air carrier is registered in accordance with the procedures established by the competent authority in the field of defense in accordance with the regulations of the state aviation departments.

2. Entry into the State Register of civil aircraft of the Russian Federation is entrusted to the competent authority in the field of civil aviation.

3. The competence of the experimental aircraft maintenance industry should be taken into account in the state with the issuance of the relevant document by the body.

3.2. The maximum flight weight imported into the Russian Federation or developed in the Russian Federation is taken into account in the order established by the government of the Russian Federation in civil aircraft, which are operated without a pilot weighing from 0,25 kilograms to 30 kilograms.

4. The aircraft registered in the Russian Federation in accordance with the established procedure or taken into account will have the national identity of the Russian Federation.

5. Information on civil aircraft is removed from the State Register of civil aircraft of the Russian Federation in the following cases:

The fact that the citizen was removed from the air carrier's list or received from its use
The civil aircraft is sold or transferred to a foreign state on other legal grounds of ownership in relation to it, as well as to a foreign citizen, a non-citizen, or a foreign legal entity on the condition that the citizen departs from Russian Federation territory.

violation of the requirements for the state registration of a civil aircraft.

6. Civil aircraft information certificate of state registration of this aircraft in the event of its expulsion from the State Register of civil aircraft of the Russian Federation loses its power and is returned to the body that issued this certificate.

7. The procedure for state registration of aircraft and state accounting shall be established by the competent authority.

8. For the state registration of a citizen aircraft, a state duty is levied in the amount and procedure established by the legislation of the Russian Federation on taxes and fees.

9. Property rights and other property rights in relation to the aircraft, the restriction of these rights, the state registration of their occurrence, transfer and termination to another, as well as rights in relation to the aircraft and the procedure for state



registration of transactions with them and the procedure for refusal of registration are carried out in accordance with Article 131 of the

10. Information about pledging In cases where a citizen aircraft is mortgaged, it is necessary to enter into the State Register of civil aircraft of the Russian Federation.

Currently, regarding the rights and rights of belgilangarga in horticulture, it is necessary to comply with the rules regarding the rights to belgilangarga in the first place. I think bundai compilation Uzbeksiston both to act and to rule gemalariga regarding property rights and baska asheviy pravlar, shuningdek ularga on census issues, and uzbekazish attempt on goods-property as belgilangan compilation is necessary.

Uzbekistan Republic of Air Codexing 44 is a substance made of solid brass containing every candy that has the right or jasmine esheviy pravga egalitik kilayetgan juristic or natural person emas, but air, but air, to make sure of the ability to confirm that it is jurisprudence or an individual. Air Force, potentially saving money.

Experts believe that legitimate weather is currently considered one of the main factors. Suv kemasi egasi deganda, as it is called, kilayetgan yuridik or physical person tilada, bundai kemaga egalik kiluvchining uning Mulki ekanligi or kemadan baska law, founded the foundation of the foidalanaetgangligi meaning of the ego boulmaidi. Cutrinibdiki, bu-ga-ga transport faolithining bitta subject-kema egasi defeated. Only air legaligida kema egas exploiter deb ataladi and bu turli mamakatlar air lawbirhiligin birhillattiish valid goal.

Almost all normative legal acts in air legislation apply the term "flight" in their text. But the legal concept of the term "flight" is not defined in the legislation. In the Explanatory Dictionary of the Uzbek language, the word "flight" has the meanings of "flying," "flying, and "climbing to the sky." In a simple sense, it is understood that the flight, or movement through the air. Apparently, the term "flight" does not have legal significance in the same case. However, it is necessary to distinguish the case when the term "flight" is used in the text of the legislative document. In this case, it is envisaged to use the ship for flight, that is, to move the ship through the air.

In certain cases, individual normative-legal acts, including printouts and norms of recognized international law and international treaties of the Republic of Uzbekistan (Article 17 of the Constitution of the Republic of Uzbekistan), can determine the special meaning of concepts. In particular, Article 2 of the Montreal Convention "on the Fight against Illegal Acts that Threaten the Safety of Civil Aviation," dated September 23, 1971, states that for the purposes of this convention, as an aircraft, after loading, all external doors are in flight until the opening of any one of the external doors for the purpose of lowering the load from the moment of departure. In the case



of a forced (emergency) landing, the flight is considered to have lasted until the competent person takes responsibility for the aircraft and the people and property on board it.

This convention divides one more situation. In particular, according to Paragraph 2 of Article "b", it is an airship for the purposes of this convention, where from the moment of the preparation of which the flight was received by the personnel or crew of the aircraft, until twenty-four hours after the passage of any landing, the airship for each flight is recognized; in all cases, the period of

In this case, "rules of swimming on the internal ship roads of the Republic of Uzbekistan" developed in accordance with the Charter of the Internal Waters of the Republic of Uzbekistan and approved by the decree of the Cabinet of Ministers of the Republic of Uzbekistan No 106 on February 25, 1997 [list number 769, July 9, 1999] arouse special interest. 4.1 Of This Charter. According to Paragraph 4, "ship" is a special means of swimming, designed to carry people, cargo, or perform other work on the water.

In our opinion, internal water transport as defined in the concept of "ship" is considered to be appropriate, and such an approach requires both its expression in the air code and the clarification of the term "ability to use the aircraft for flight" (part one of Article 44 of the HK).

In this case, there is a loophole in the air legislation, but the application of the law in relation to this situation will be inappropriate. The fact of the matter is that the similarity of the law is applied in cases where the relations entering into the subject of civil law, that is, property-value or personal non-monetary relations, are not regulated by law (part one of Article 5 of the FC). However, the concept of "use of an aircraft" is characterized by the term "exploitative," which in turn cannot be included in the sentence of a pure civil-legal category. It remains only to say that the air code contains a number of special norms about the weather, which in essence are considered administrative and legal norms. For example, the VIII-th chapter of the HK is devoted to the "airspace" and refers to 11 items of mass volume dedicated to the airspace. However, the concept of flight was not given in this chapter.

Despite the impossibility of applying the analogy of law in this situation, internal water can be used to develop relevant concepts in the transport legislative approach, of course. After all, the Charter of Internal Water Transport and the CC are part of the "transport legislation," which regulates the social relations associated with the establishment and maintenance of transport enterprises; the relationship between transport enterprises and their numerous customers; and the relations between transport enterprises specializing in one or more modes of transportation. Vertical



relationships on the control of such activities by state bodies of power are also included in the concept of transportation enterprise organization and operation.

Proceeding from these analyses, it can be said that "use of the aircraft for flights" – this is due to the use of the aircraft for transportation of cargo, passengers and luggage, postal services (transportation), agriculture, construction work, for the protection and protection of the natural environment, for the provision of medical assistance and other purposes (aviation work), military, military, border, militia, customs and other public services activity. In other words, the use of a ship for flying means the activity associated with the use of an aircraft for civil, state, and experimental aviation purposes.

In practical activity as well as in theoretical analysis, it is possible to use a specially selected single classification; it is allowed to use many aspects of such a classification and not one but also a number of criteria. In this respect, the exploiter can be classified according to the following different criteria:

On the day of the flight, the following:

- Transportation for passengers, cargo, mail, and luggage;
- Flights for the performance of aviation work—when civil aviation is used in various sectors of the economy, as well as in the provision of medical care to the population and in sanitary measures; - for teaching cadets and listeners in educational institutions;
- Employ pilots to engage the composition and verify their qualifications;
- Methodological—to find out the rational propulsion train of aircraft and the optimal methods of aircraft management; to develop and implement programs and methods of training the pilots; to check the methodological preparation of the pilots involved in the work of the instructor;
- Research (Scientific) – to carry out scientific research;
- Experience (control-test) – for testing aircraft or engines and equipment installed on them;
- Overfloor of terrestrial systems and radio engineering systems (control overfloor of terrestrial systems and radio engineering systems)—for radio engineering tools, overfloor navigation systems;
- Excess of the aircraft (control of the aircraft); the inability of the aircraft to conduct inspections on the ground, to check the systems and aggregates of the aircraft on the ground;
- Moving from one place to another—to carry the aircraft through the flight to the repair (or repair), the place of its new location, or the place of work;



- Demonstration-for the examination of aviation equipment, as well as other organizational activities;
- Search-rescue and destruction rescue, search and rescue of crew, passengers, flight routes, sea and river vessels in accordance with the plan of interaction with other organizations and agencies in the event of accidents as well as unfortunate events and for assistance.

in terms of flight and aircraft management.

- By equipment and visual (imaginary) images.

By flight area:

- Airfield (airfield) – in the territory of the airfield;
- Transsali-on air routes (International Air Lines);

in the fields of aviation work;

- Directional traffic is carried out according to the established direction and the air route in one direction.

The height of the flight is divided into:

within a relatively low height-zone relief, or up to 200 meters above the water's surface

at low altitudes—zone relief or above 200 meters from the water surface and at an altitude of 1000 meters;

- At medium altitudes – above 1000 meters above sea level and above 4000 meters;
- High altitude – above 4000 meters above sea level and up to 12000 meters in height; in the stratosphere at an altitude of 12000 meters above sea level.

According to the physical-geographical conditions, the slopes are divided into:

over plains and incline areas; mountainous terrain; desert areas; ponds; northern and southern hemispheres.

Flights by time of day are divided into the following types:

- Daytime—in the period between sunrise and sunset;
- evening—in the period between sunset and sunrise;
- intermediate—in the period in which the landing of the aircraft is carried out from day flight to evening flight and vice versa.

Returning to the signs of the exploiter, it is necessary to note the sign of the existence of a certificate (certificate) in the formal and necessary sign – the exploiter. This certificate is issued to a citizen (legal entity) corresponding to the requirements established by the rules of aviation for the exploiter (the first part of Article 44 of the air code). Currently, these requirements are established in the regulation "on the procedure for issuing the certificate of the exploiter in the Civil Aviation of the Republic of Uzbekistan", approved by the decree of the Cabinet of Ministers of the



Republic of Uzbekistan dated March 1, 2016 No 58. In particular, as set out in this regulation, the certificate of the exploiter is a document with the intention of granting a legal entity or a natural person the right to carry out civil aviation activities related to the exploitation of civil aircraft. From this definition, it is impossible to understand that an exploitative citizen should be able to carry out transportation and aviation work in the field of aviation; that is, he should be able to engage in the type of activity permitted by the subject of civil aviation.

According to Article 23 of the air code, aviation is divided into experimental, state, and civil aviation. However, it should be noted that the exploiter—this is only a person related to aviation, that is, according to the terminology of the HK, a subject that carries out activities in order to ensure the needs of citizens and the economy (Article 24 of the HK). It does not impose the obligation of the aircraft to obtain an exploitative certificate (certificate) from a citizen or legal entity of State Aviation and experimental aviation. In turn, if a natural or legal person carries out activities for other purposes than civil aviation, such a person is not considered an exploiter. In addition, the requirements for the exporter are established in the "rules for the organization of flight work in the Civil Aviation of the Republic of Uzbekistan" approved by the order of the head of the state administration for the control of the safety of passengers dated January 30, 2008 No. 16 [list number 1773, 26 February 2008] (UZR aq-92).

Based on the analysis of these rules, it can be noted that the exploiter is a natural or legal person who has an aircraft on the basis of a certain legal title, who uses this aircraft for the purposes of civil aviation and who has an exploitative set-up (certificate).

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