



## ORGANIZATIONAL AND LEGAL BASIS OF PROPERTY LAW

Yusupov Ilkhomjon Ibodillaevich

Teacher of the Department of Theory of State and  
Law of Tashkent state university of law

e-mail: i.yusupov@tsul.uz

### Annotation

The article examines private property, like other forms of property, is inviolable and protected by the state. The owner may be deprived of his property only in cases and in the manner prescribed by law.

**Keywords:** law, state, society, civil society, rule of law, law.

### Introduction

In any democracy, the personal and property rights of citizens must be guaranteed and protected by law. In this regard, we can see that in the Republic of Uzbekistan, these issues are guaranteed by law. In particular, Article 164 of the Civil Code of the Republic of Uzbekistan defines the right to property, according to which a person has the right to own, use and dispose of his property voluntarily and in his own interests, as well as the right to own property. However, it has the right to demand that any breach be remedied. The right of ownership is indefinite.

According to Article 36 of the Constitution of the Republic of Uzbekistan, everyone has the right to own property[1].

The secrecy of deposits in the bank and the right of inheritance are guaranteed by law. Also, according to Article 53 of the Constitution, the basis of the economy of Uzbekistan, aimed at the development of market relations, is various forms of property. The state guarantees freedom of economic activity, entrepreneurship and labor, equality of all forms of property and equal legal protection, taking into account the priority of consumer rights.

Also of the Civil Code of the Republic of Uzbekistan[2].

Under Article 166, property is inviolable and protected by law.

The inviolability of property means that all subjects who oppose the owner refrain from violating the right to property.

Seizure of the property of the owner, as well as restriction of his rights is allowed only in cases provided by law.



Website:

<https://wos.academiascience.org>



Private property, like other forms of property, is inviolable and protected by the state. The owner may be deprived of his property only in cases and in the manner prescribed by law.

According to Article 54 of our Constitution, the owner voluntarily owns, uses and disposes of property. The use of property must not harm the environment, violate the rights and legally protected interests of citizens, legal entities and the state.

Of the Law of the Republic of Uzbekistan on Property[3].

According to Article 1:

1. Property rights are recognized and protected by law in the Republic of Uzbekistan.
2. The owner owns, uses and disposes of the property at his own discretion.

The owner has the right to take any action against his property that is not against the law. He may use the property to carry out any economic or other activity not prohibited by law.

3. The owner has the sole right to transfer the right to own, use and dispose of his property to other persons. In cases stipulated by the legislation of the Republic of Uzbekistan, the owner may be obliged to allow other persons to use his property in a limited way[4].

According to Article 32 of this Law, the Republic of Uzbekistan guarantees the exercise of property rights, ensures the constitutional rights of the owner. Except as otherwise provided by the legislation of the Republic of Uzbekistan, the restriction of reproduction of property and its forcible confiscation shall not be allowed.

Termination of property rights is allowed only in cases and in the manner prescribed by law in connection with the decision of the state body not to directly seize the property of the owner, including the decision to seize the land plot where the owner's house, other buildings, structures or trees are located for public use. In this case, the damage must be fully compensated to the owner.

Termination of property rights in connection with the decision of the state body not aimed at the direct seizure of the property of the owner, including the decision on the seizure of the land plot, is carried out with the consent of the owner in the manner prescribed by law.

The decision of the Council of Ministers of the Republic of Karakalpakstan, khokims of regions and the city of Tashkent or district (city) on the demolition of real estate located on the seized land plot is made only in the presence of a positive opinion of the judiciary. Mandatory notarization of the agreement between the initiator of the seizure of the land plot and the owner of the immovable property located on the seized land plot to compensate for losses of individuals and legal entities in connection with



the seizure of the land plot, including lost profits and other expenses provided by law should.

The owner of the immovable property located on the land plot, which is subject to the decision to demolish the immovable property, is allowed to recover damages of individuals and legal entities, including lost profits and other expenses provided by law, as agreed in the agreement and in case of dispute.

The decision to remove a plot of land and demolish a house, other buildings, structures or uproot trees is made in accordance with the general plans of settlements, as well as detailed planning and construction projects of residential areas and small villages.

Demolition of a house, other buildings, structures or demolition of trees on the land plot to be taken shall not be allowed until the place of damage is compensated in advance and in full at market value.

At least six months before the beginning of the demolition of the decision on the decision to demolish the owner of the house, other buildings, structures or trees, the state bodies shall sign a written copy of the decision of the Jogorku Kenesh of the Republic of Karakalpakstan, regional and Tashkent city Kengashes of people's deputies. ) must be notified.

Valuation of a house, other buildings, structures or trees on the withdrawn land plots shall be carried out in accordance with the procedure established by the appraisal organizations. In this case, the value of the confiscated property in the event of termination of the right of private property shall be determined by the appraisal organization according to the situation immediately before the seizure of the property or when the notice of seizure affected the value of the property.

In connection with the seizure of the land plot to compensate the owner of the demolished property, to provide housing to the owner of the demolished house, to provide the citizen with a land plot for individual housing construction instead of the demolished house, in connection with the seizure of the land plot and other property the procedure and conditions for compensation for damage to the owner shall be established by law.

If the owner does not agree with the decision, which leads to the termination of the right of private property, this decision can not be enforced until the dispute is resolved by the court. The issue of compensation for damage to the owner is also resolved in the dispute.

Protection of private property rights is carried out in the following ways:

Recognition of private property rights;





to restore the situation before the violation of the right to private property and to prevent actions that violate or threaten to violate the right to private property; finding the transaction invalid and applying the consequences of its invalidity; invalidation of a document of a state body and another body or a body of citizens' self-government;

protection of private property rights by the owner;

to force to perform a duty in kind;

indemnification;

neustoyka recovery;

compensation for moral damage;

ensuring the stability of legislation in the regulation of private property rights;

non-application by the court of an illegal act of a state body or other body or a body of citizens' self-government;

state registration of the emergence, change and termination of private property rights to certain types of property.

The protection of private property rights may also be exercised in other ways in accordance with the law.

The right of private property is the right of an individual to own, use and dispose of property acquired in accordance with the law.

The amount and value of privately owned property is not limited.

Private property is inviolable and under state protection.

The state shall create all necessary conditions for the preservation of private property and its reproduction.

The owner may be deprived of his property only in cases and in the manner prescribed by law.

Encroachment on private property is not allowed. Actions directly or indirectly aimed at restricting and (or) depriving the right of private property in violation of the law are not allowed. It is prohibited to compel the owner to accept conditions that are not known in advance, including unreasonable demands for the transfer of property, financial resources or other property rights. Unlawful interference in the economic activity of the owner, which ultimately leads or may lead to the seizure of his property or forcing the owner to relinquish his right to his property, is prohibited. Encroachment on private property is prosecuted under the law.

According to Article 33 of this Law[5]:

1. The owner has the right to demand the return of property illegally seized by another person in accordance with the civil legislation of the Republic of Uzbekistan.



2. The owner may demand the elimination of any violations of his rights, although such violations are not related to the deprivation of the right to own property.
3. Protection of property rights shall be exercised by a court.
4. The rights provided for in this Article, even if not the owner, shall apply to the person who owns the property, to the full management of the property, its operational management, inherited lifelong possession or in other cases provided by law or contract. This person also has the right to protect his property from the owner.

At the same time, the Law of the Republic of Uzbekistan on the Protection of Private Property and Guarantees of the Rights of Owners.

Pursuant to Article 2, the right to private property is the right of an individual to own, use and dispose of property acquired in accordance with the law.

The amount and value of privately owned property is not limited.

Private property is inviolable and under state protection.

In short, the property rights of citizens in our country are protected by the Constitution and our laws, and property rights are inviolable.

## References

1. [www.lex.uz](http://www.lex.uz)
2. The Civil Code of the Republic of Uzbekistan//[www.lex.uz](http://www.lex.uz)
3. The Law of the Republic of Uzbekistan on Property//[www.lex.uz](http://www.lex.uz)
4. [www.lex.uz](http://www.lex.uz)
5. The Law of the Republic of Uzbekistan on Property//[www.lex.uz](http://www.lex.uz)