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CONSTITUTIONAL AND LEGAL REFORMS GUARANTEE THE INTEGRITY OF PRIVATE
PROPERTY

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ABOUT ARTICLE

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Abstract: It would be fair to note especially the scale of the irreversible socio-economic reforms within the framework of the "Development Strategy of New Uzbekistan for 2022-2026" [1], as well as the measures taken towards the development of an economy based on effective market mechanisms. However, revealing the bright prospects of the path of socio-economic, political-legal, cultural-educational and spiritual-ideological development formed based on the populist policy of New Uzbekistan – "person-society-state" requires the creation of a legal system in the spirit of the new society.

INTRODUCTION

It would be fair to note especially the scale of the irreversible socio-economic reforms within the framework of the "Development Strategy of New Uzbekistan for 2022-2026" [1], as well as the measures taken towards the development of an economy based on effective market mechanisms. However, revealing the bright prospects of the path of socio-economic, political-legal, cultural-educational and spiritual-ideological development formed based on the populist policy of New Uzbekistan – "person-society-state" requires the creation of a legal system in the spirit of the new society.

Undoubtedly, the new Constitution of Uzbekistan, which has imbibed high humanitarian ideas, is the legal guarantee of the reforms. After all, the new Constitution, as the source of our economy, serves the great purpose of ensuring the property and its legal foundations, the well-being of society and citizens,

and the implementation of reforms in the development and economic life of our country. In this sense, it is enough to recall the words of the President of the Republic of Uzbekistan Sh.M.Mirziyoev that “The renewed Constitution should create a solid legal basis and a reliable guarantee for the long-term strategies of our country, in general, for the future prosperity of our country and people” [2].

It should be noted that various forms of property are allowed in our national legislation, which is an important factor that creates an opportunity for the effective operation of the economy and the growth of the people's well-being. We see confirmation of this in Article 65 of the new Constitution of Uzbekistan, which states that “The basis of the economy of Uzbekistan, aimed at improving the well-being of citizens, is property in its various forms.”

It is noteworthy that the state aims to increase the welfare of citizens by developing market relations under various forms of property, creating conditions for fair competition, ensuring the priority of consumer rights, guaranteeing freedom of economic activity, entrepreneurship and freedom to work.

Property has an economic meaning from the point of view that the economic basis of society is based on existing property relations in it. Because wealth created by human labor or given to humans by nature has always been property. Property, first of all, is related to a person's sense of ownership of an object, and secondly, it is a relationship between people regarding this object. In turn, property relations are regulated by laws and under their influence appear as property legal relations. From a legal point of view, it represents a set of legitimate norms that strengthen the ownership of property, which consists of tangible and intangible benefits, to certain subjects and determine its legal status.

The provisions of Chapter 12 (Articles 65-68) of the new Constitution of Uzbekistan do not limit the amount of property created in accordance with the principles and regulations established by the relevant legal documents. It is to say that these norms do not limit the size, number, and amount of property acquired as a result of legal entrepreneurship and labor, while ensuring the priority of consumers' rights in the conditions of fair competition.

In the Republic of Uzbekistan, there are private and public forms of property in the legal sense, and in turn, private property is divided into property belonging to an individual (citizen's property) and property of non-state legal entities. Public property includes property of the Republic of Uzbekistan and property of administrative-territorial structures (municipal property). In this categorization of forms of property, the status of the property subject and the organic unity of the property regime are the main criteria. In addition, Article 65 of the new Constitution of Uzbekistan recognizes that property can take other forms and appearances. In particular, Article 5 of the Law of the Republic of Uzbekistan “On

Ownership in the Republic of Uzbekistan” provides that, in addition to the traditional two forms of ownership, it can also be in the form of collective ownership, mixed ownership, property of legal entities and individuals of other countries and international organizations. In any case, the state ensures the legal equality and guarantees the protection of different forms of property.

Among the forms of property that form the basis of socio-economic relations in our country, private property can be any things acquired in accordance with legal documents. More precisely, the constitutional essence of the right to private property consists of the rights of a person to own, use and dispose of the property freely, honestly and without violation of the law, the amount and value of which is not limited in accordance with the law. Citizens, business companies and societies, cooperatives, public associations, public funds and other legal entities not belonging to the state are the subjects of private property rights. Any property can be private property, except for some items prohibited by law.

As we noted above, public property consists of the property of the republic and administrative-territorial structures (municipal property). Therefore, the property of the republic includes land, underground resources, water, air space, flora and fauna and other natural resources, state power and management, property of republican bodies, cultural and historical assets of state importance, funds of the republic budget, gold reserve, the currency fund and other funds of the state. Moreover, enterprises and other property complexes, educational, scientific, scientific-research institutions and organizations, results of intellectual activity, provided they were created or purchased at the expense of the budget or the state’s own funds, and some other properties may also be the property of the republic.

Republican property can be created from taxes and other mandatory payments to the republican budget, as well as from other revenues according to the bases provided by laws, and can be transferred to private property based on the procedures and conditions established by laws. The Oliy Majlis (Parliament) of the Republic of Uzbekistan, the President of the Republic of Uzbekistan, Government of the Republic of Uzbekistan or the bodies specially delegated by them have the right to dispose of property belonging to the Republic, unless otherwise provided by law.

Municipal property consists of the property of local bodies of state power, local budget funds, municipal housing fund and communal economy, enterprises and other property complexes, school education, culture, healthcare institutions, as well as other property. This type of property is organized through taxes and other obligatory payments received by the local budget, as well as other revenues provided for by law. Property that is municipal property is managed by local government bodies or bodies

authorized by them, unless the law provides for a different procedure. In turn, municipal property objects can also be transferred to private ownership.

The state determines the specific aspects of economic relations in order to ensure the free conditions of property forms and the rights of owners in the organization of the economic basis of our society. These aspects are:

first, freedom of economic activity, entrepreneurship and work;

second, the priority of consumer rights;

third, the creation of a fair competitive environment;

fourth, equality of all forms of property;

fifth, it is expressed in the legal protection of forms of property.

At the same time, the state, with the help of the new Constitution, laws and the mechanisms that ensure their execution and create conditions, in the implementation of the activities of property owners and business entities of various forms, initially taking into account that the supremacy of consumer rights, their demands and proposals are the process that drives and regulates economic activity.

Article 23 of the Law of the Republic of Uzbekistan "On the Protection of Consumer Rights" [3] defines mechanisms for ensuring the protection of consumer rights by the state based on the constitutional provision. According to it, the state, through the Constitution and legislation, guarantees and implements the protection of consumers' rights and interests protected by law during the purchase of goods, performance of works, provision of services and their use.

The supremacy of consumer rights is that they do not pursue the goal of profit, unlike producers, service providers, and sellers, mainly when they purchase goods for personal consumption or other needs, order work and services, and ensure that their quality and safety are guaranteed, as well as putting other reflected requirements established by law.

The third part of Article 65 of the new Constitution of Uzbekistan defines the equality and legal protection of private property along with other types of property as follows: "Private property is inviolable. The owner cannot be deprived of his property except in cases and in the manner prescribed by law, and on the basis of a court decision." Now, when significant changes are taking place in the socio-economic life of our country, private property is interpreted and recognized not only as the wealth and

financial independence of citizens and legal entities of the Republic of Uzbekistan, but also citizens and legal entities of other states, stateless persons.

As noted in the new Constitution establishes the created strong and reliable system of inviolability and protection by the state of private property in the context of, firstly, the harmonization of economic sectors and regions, and secondly, the fair distribution of economic resources, thirdly, the creation of an investment and business environment, fourthly, the free movement of goods, services, labor and financial resources, fifthly, guaranteeing entrepreneurial activity in a free competitive environment and preventing monopolism.

This characterization of private property as “inviolable and guaranteed by the protection of the state” occupies a special place among measures to protect private property rights. Firstly, “immunity” implies a set of legal measures prohibiting the influence of actions that are, to one degree or another, contrary to the law on a person or his certain rights. Secondly, “inviolability” means the provision by laws of protection from all offenses of objects belonging to the subject of law and under his authority. Furthermore, the inviolability of private property expressed in Article 65 of the Constitution, the prohibition of any violation of the rights to the property of the owner and causing any damage to the interests associated with the property, as well as the rule of the possibility of deprivation of property rights, regardless of who owns it, only in cases provided for by law, reveals content of the inviolability of private property.

As the material and procedural mechanisms for the direct implementation of this norm of the new Constitution, the relevant provisions of the Civil, Civil Procedural and Economic Procedural Codes of the Republic of Uzbekistan, a number of legal documents related to property and ownership, including the Law of the Republic of Uzbekistan “On the Protection of Private Property and Guarantees of Owners' Rights” [4] and the laws “On Licensing, Permitting and Notification Procedures” [5] adopted on July 14, 2021 in order to improve the management system and eliminate excessive bureaucratic obstacles, as well as the President of the Republic of Uzbekistan in 2022 Decree No. PD-198 of August 24 “On reliable protection of property rights, prevention of unjustified interference in property relations, measures to increase the level of capitalization of private property” [6] are of great practical importance.

The principle of equal rights of all forms of property and inviolability of property has the highest legal force, and the norms in this regard are strengthened in parts 2 and 3 of Article 65 of the new Constitution of Uzbekistan. In fact, the main goal of these norms is to ensure the equality of property forms and the inviolability of property. Although the purpose of some norms of the new Constitution is

not aimed directly at the protection of property rights or ensuring the inviolability of property, as a result of their implementation, the property rights of a person are fully ensured. As a clear example of this, parts 2-3 of Article 20 of the new Constitution (“the enforcement of human rights and freedoms”, “the condition of not infringing on the rights and freedoms of other persons”), Part 1 of Article 41 (“every person has the right to own property ownership”) and Article 47, Part 1 (“everyone has the right to housing”). For in each of the three cases elements of the inviolability of property are expressed. Therefore, we can say that not only in the norms of Articles 65-68 of the new Constitution, but also in Articles 20, 41, 47, the essence of the inviolability of property is revealed.

The inviolability of the property consists in the fact that all subjects opposing the owner must refrain from violating the property rights, and the property is under the protection of the state. The owner has the right to demand the elimination of any violation of his property rights by whoever, as well as the restoration of violated rights. The constitutional norms on the inviolability of property are reflected in our current legislation, including civil-legal, administrative-legal, criminal-legal norms, and are of practical importance in the implementation of this principle.

The owner can be deprived of his property only in cases and in the manner prescribed by law, that is, when the owner voluntarily fulfills an obligation, when the owner makes a unilateral decision deciding the fate of the property, when the property is confiscated (redemption) by decision of a court or government authority (for example, confiscation, requisition), as well as on the basis of legislative acts abolishing property rights (for example, nationalization), on legal acts that cancel property rights (for example, nationalization).

To sum up, the new Constitution of Uzbekistan and the laws adopted based on it determine the economic foundations of the development path of New Uzbekistan, guarantee the inviolability of various forms of property, including private property, which form the basis of the socio-economic life of the state.

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