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ON THE ISSUES OF INDIVIDUAL-PROPERTY RIGHTS OF THE STATE: METHODS  
AND MEANS OF CIVIL-LEGAL PROTECTION

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ABOUT ARTICLE

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**Abstract:** Many studies have been carried out on the individual and property rights of citizens (persons) and legal entities, who are considered subjects of civil-legal relations. These include life, health, honor and dignity, privacy, professional reputation, private and family secrets. So, what is the scope and limit of personal and property rights of the so-called state as a socio-political structure? What are the methods and means of civil legal protection of state name, state secret, state official? The article tells about the aforementioned issues.

INTRODUCTION

Current State of the Issues of the Individual-Property Rights. Subjects of civil law (citizen, legal entity and state) have their own personal and non-property rights. For example, if citizens have personal and non-property rights such as life and health, honor and dignity, personal privacy, business reputation, privacy of personal life, private and family secrets, right to name, right to image, copyright, legal entities have business reputation, and thus will have rights to trademarks, trade names and services marks. There are no specific opinions in the theory of civil law regarding the state's acquisition of personal and non-property rights. However, a number of legal scholars have expressed an opinion on the issue of having specific personal rights of officials of state bodies, their honor, dignity and business reputation as citizens and officials. Although the issues of legal protection of private property rights of citizens and legal entities have been researched as an object of extensive research, only the ideas that the honor of officials in civil law, the secrets of their personal lives should be transparent, and that private property rights can be divided into 2 types according to subjects, the state and private- can be the subject of non-

property relations . Although the state cannot strictly be called the owner of individual and non-property rights, legal entities belonging to the state (legal entities directly managed in the name of the state, for example, in the case of Uzbekistan, such as the Academy of Sciences of Uzbekistan, Chirchik State Pedagogical University) and officials have the personal and non-property rights of officials. it is possible to express the opinion that the state will also have its own personal and property rights in domestic civil legal transactions.

At the same time, it should be noted that, based on Article no. 79 of the Civil Code of the Republic of Uzbekistan, the state has some personal property rights, taking into account that the state participates on an equal basis with other participants in relations regulated by civil legislation.

Analysis of Literatures. According to I. B. Zakirov, the state cannot have personal rights . In their time, L.A. Lunts, M.I. Braginsky and A. Ivanov did not emphasize that the state cannot have personal rights, but they say that the state cannot have its own company name, and cannot be the author of a work of literature, science and art .

It should be underlined that although these opinions have certain legal and logical bases, as we noted above, the state has its own personal property rights. Although the state's ownership of private property rights is not clearly defined in legislation and is not provided for special protection as an object in civil legal relations, it is protected by administrative legislation and criminal legislation. For example, disrespecting state symbols (Article no.215 of the Criminal Code of the Republic of Uzbekistan) will cause criminal liability to be determined accordingly. In this case, the object of the crime is the honor and dignity of the Republic of Uzbekistan, as well as relations established in the legal documents related to the use of symbols of sovereignty of the state .

The rapid development of science and technology, the realization of liberalization in every field in our country, and the fact that the state is treated as a person like other subjects of civil law, and the state's participation in civil-legal relations on an equal basis with other subjects is the basis for the fact that the state can have its business reputation as a counterparty of contractual relations. created After all, in accordance with Part 9 of Article no. 100 of the Civil Code of the Republic of Uzbekistan, the provision on protection of the business reputation of a citizen is applied in the corresponding way to the protection of the business reputation of a legal entity. Therefore, the state also has the right to protect its business reputation. For example, if a person who has concluded a contract with the state for the supply of goods expresses opinions that the state has not fulfilled its obligations, is not firm in its agreement, is violating subjective rights by using the powers of the authorities, and is unable to prove

that this information is true based on the requirements of Article no.100 of the Criminal Code, then the state business reputation is protected through court proceedings. If such information is distributed in the mass media, a denial should be given in the same mass media. Even if such information is found in a document received from the organization, such document should be replaced or recalled.

It should be said that legal entities have only business reputation from personal property rights, concepts of honor and dignity are applied only to citizens . Business reputation of legal entities is one of the conditions of their successful activity . When it comes to the business reputation of the state, first of all, the state of the Republic of Uzbekistan fulfilling its obligations in the contractual relations in foreign economic relations is of particular importance.

It is known that the Republic of Uzbekistan enters into civil transactions with foreign investors by concluding a concession agreement, an agreement on product distribution and several other agreements. In these relations, if the state is accused of non-fulfillment of contractual obligations and fraud contrary to the provisions of Article no.100 of the Civil Code of the Republic of Uzbekistan, the state has the right to demand compensation for damage caused to its business reputation.

Uzbek legal-scientist and practioner I. Nasriev believes that the civil legislation shows that the defamatory information does not correspond to reality as the main condition for the protection of honor and dignity from defamation, which limits the possibility of defamation in the protection of honor, dignity and business reputation. He noted that defamation is the prohibition of disclosure of truthful information, which applies not only to false information, but also to real information that defames the honor and dignity of a citizen or legal entity .

In our opinion, these views of I. Nasriev are important in protecting the business reputation of the state and other private property rights (state secrets, transparency of the activities of the state and its officials in the implementation and protection of public interests). After all, by using defamation, the dissemination of information that may damage the interests of the people, even if the information disseminated about the state's business reputation in certain civil-legal relations is true. In this way, as a result of harming the business reputation of the state, the sole purpose of which is to ensure the peace and well-being of the people (even if the information is true), the public interests may suffer.

Of course, it is impossible to apply the concepts of honor and dignity as a citizen (natural person) to the state. However, the honor and dignity of officials of state bodies in the process of exercising their powers should be a special object of protection. In this case, the honor and dignity of the official should be transparent, and there should be no suspicious circumstances that could destroy his honor and dignity

in the course of the performance of his official duties and in his personal life. Such transparency is determined by whether or not there is a situation that arouses doubts among third parties about the official's identity in his actions and activities.

In this regard, the honor and dignity of an official can be considered as the "honor and dignity" of the state body in which he is currently working. After all, when information disparaging the honor and dignity of an official is distributed, not only moral damage is caused to the official, but it also causes people to have various doubts about the legality and fairness of the activity of the state body in which he operates. Because in personal non-property relations, the individual characteristics of its participants are manifested.

Conclusions and summary of the article. Of course, agreeing with the opinion that it is impossible to apply the issue of moral damage to the state as well as legal entities, emphasizing that the information that undermines the criteria of legality and fairness in the state's activities should be protected by administrative and criminal legislation, usually outside the framework of civil-legal relations. passable. Because, compared to the business reputation of the state in commercial transactions, the information about the violation of the requirements of legality and fairness in its activity undermines its existence as a subject of law in a certain sense, and in this regard, such information should be evaluated from a political point of view and regulated by legislation that performs the function of protection.

One of the private non-property rights belonging to the state is the right to state secrets. If citizens have private and family secrets, and legal entities have commercial secrets, the state will also have its secrets. A state secret usually consists of information that covers the specific aspects of the state's activities, expressing the will of the entire nation, and the disclosure of which to third parties will have a negative impact on the state's activities. State secrets consist of specific data and information specific to each state, and the confidentiality of such information and data is determined by authorized state bodies and officials. Protection of state secrets is carried out on the basis established by law.

Here we conclude that the state is the owner of private property rights, it is necessary to mention that the protection of these rights is protected by civil legal methods as well as by administrative and criminal legal methods.

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