

PRIVATE PROPERTY RIGHTS OF CITIZENS IN RELATION TO PROPERTY OBJECTS THE BASICS OF CREATION

<https://doi.org/10.5281/zenodo.12502379>

Qutlimuratov Farxad Qalbaevich

PhD in Law, Associate Professor

Allamberganova Zamira Rasbergen qizi

student of the Faculty of Law of Karakalpak State University

Abstract

In this article, the concept of the emergence of private property rights in relation to property objects in the Republic of Uzbekistan, its content, procedure, foundations, the implementation of laws regulating private property rights and the legal norms established therein, the opinions of scientists about the emergence and cancellation of private property rights, analysis of their theories, protection of private property rights, etc.

Key words

property objects, private property, occurrence of private property, right of ownership.

Civil legal agreements are one of the most common grounds for the creation of private property rights of citizens in the market economy. Transactions can be divided into different types. For example, purchase and sale of property, gift, exchange, property lease, and other transactions not prohibited by law may occur. There is always a certain legal fact in the creation of the property right, and as a result, the person who appropriates the property becomes its owner.

It is known that any legal facts are the basis for the creation of civil legal relations. The emergence of a civil legal relationship is related to its specific signs, and the legal consequences are divided into legal facts, actions and events, depending on whether a person's free will depends on it or the occurrence of a certain situation is beyond their free will. The economic system of the society finds its expression on the basis of obtaining property rights. Acquisition of property rights: divided into initial and derivative bases. The developed Roman private law and the Muslim law practiced in our country for several centuries had the same methods of acquiring property rights.[1]

The main essence of dividing the methods of acquisition of property rights into primary and derivative ones is that the scope and scope of the rights and obligations of the person who acquired the property, that is, the owner, is

determined by them. The scope of the rights and duties of the owner of property in the original method is determined by the law, and in the derivative method, the will and desire of the previous owner of the property, his rights and duties, the agreement of the parties, and the acts of the state administration bodies are of great importance.[2]

V. Ergashev divides the grounds of acquisition of private property rights by citizens in relation to created or produced property into the following:

a) creation and increase of new property as a result of production activities carried out by citizens within the framework of entrepreneurship and other economic activities;

b) receiving products, crops and other income as a result of using property in an economic way and in a special way;

c) processing;

g) individual construction of a house on a plot of land allotted to citizens in a prescribed manner;

d) acquisition of property rights to arbitrarily constructed buildings.[3]

It should be noted that the development of legal regulation of private property in the Republic of Uzbekistan took place in an evolutionary way. For the first time, private property as a form of property was provided for in the Law on Property in the Republic of Uzbekistan dated October 31, 1990. According to Article 7 of the Law, private property is treated as the property of citizens, and the property of non-state legal entities and their associations, as well as the property of social and religious associations, is defined as community property, not private, in Article 8 of the Law. Therefore, this Law recognizes only one type of private property, private property of citizens.[4]

According to the initial principles that indicate the creation of the right of private property, the right of ownership of the property is created in relation to the property that did not belong to anyone or was not related to the right of the owner of the property. The creation of private property rights of citizens on an initial basis:

first, mastering nature's blessings;

secondly, creation of new items as a result of production and business activities;

thirdly, taking ownership of property without owner by court decision;

fourthly, it occurs in cases of finding property that is not owned or property that is kept without management even if there is an owner, property that has not

been claimed by the owners within the specified periods, including found objects, treasures (things hidden in other ways).

The term that gives rise to the right of ownership in the creation of private property rights of citizens is unique. A person who does not own property, but who has honestly, openly and continuously possessed immovable property for fifteen years, or other property for five years as his own, acquires ownership rights to this property, i.e. will have full ownership rights (Article 187 of the Civil Code of the Republic of Uzbekistan). [5]

The grounds and procedure for acquiring property rights to a find are as follows:

- a) the owner of the found item is unknown;
- b) the subject of the find consists only of movable objects; c) loss of the item;
- g) honest actions of the finder;

d) the established period is required to determine the person entitled to receive the lost item. Only when these conditions are met, the finder can acquire ownership rights to the find.[6]

Article 196 of the Civil Code defines the features of the creation of property rights in relation to the treasury. Treasure is money or valuables whose owner cannot be identified or whose rights are legally forfeited, buried in the ground or otherwise hidden. The person who owns the hidden property (land plot, building) and the property of the person who found the treasure belong to the property in equal shares, unless otherwise determined in accordance with the agreement between them.[5]

In conclusion, the moment of transfer of ownership rights of citizens to private property is inevitably determined by law. It is of great importance to determine the risk of accidental death or damage of the property being transferred to someone, that is, who will be responsible for the resulting damage. .

In the conditions of market relations, private property rights of citizens can be established on the basis of incomes obtained as a result of entrepreneurship and business activities.

These mainly arise as a result of increasing the property belonging to the citizen, obtaining products, harvests and income from them, and the private property rights of the citizens arise when a certain object appears in their own household.

REFERENCES:

1. Новицкий И.Б. Основы римского гражданского права. -М.: Юрид. лит., 1972. -С .84.; Ахмеджанов У.М. Институт собственности в мусульманском праве: Автореф. дис. ...канд. юрид. наук. -М.; 1964
2. Rahmonqulov H. O'zbekiston Respublikasi Fuqarolik kodeksining birinchi qismiga umumiy tavsif va sharhlar. - Toshkent: Iqtisodiyot va huquq dunyosi, 1997. -338 b
3. V .Yo. Ergashev. Fuqarolar hususiy mulk huquqi vujudga kelish va bekor bo'lishning ilmiy-nazariy jihatlar: Yurid. fan. nomz. dis. ...Avtoref. - Toshkent: 2005. -B .12-13.
4. O'zbekiston Respublikasi "Mulkchilik to'g'risida" gi 152-XII-sonli Qonuni . 31.10.1990
5. Ўзбекистон Республикаси Фуқаролик кодекси. -Т.: «Yuridik adabiyotlar publish», 2022 йил. 608 бет.
6. V.Yo.Ergashev. Fuqarolar hususiy mulk huquqi vujudga kelish va bekor bo'lishning ilmiy-nazariy jihatlar: Yurid. fan. nomz. dis. ...Avtoref. - Toshkent: 2005. 14-b.