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Der Begriff des Privateigentums: der aktuelle Stand des Rechtsrahmens und wissenschaftliche und praktische Probleme (rechtsvergleichende Analyse)

DJakhongir Babaev
Professor an der Staatlichen Rechtsuniversität Taschkent (Usbekistan), Kandidat der Rechtswissenschaften; E-Mail: jahongirbabaev76@mail.ru

Kurzfassung: Das Privateigentum ist ein Faktor, der in jedem Staat und jeder Gesellschaft eine konzeptionelle Herangehensweise erfordert und die korrekte und vernünftige Feststellung des Rechtsstatus sowie die wirtschaftliche Stabilität gewährleistet. Daher sind die Definition des Begriffs des Privateigentums und die Verbesserung seines rechtlichen Rahmens heute von besonderer Relevanz. Der Vorrang beim Status des Privateigentums verlangt vom Staat, einen zuverlässigen, akzeptablen und nachhaltigen Schutz der Rechte und berechtigten Interessen des Eigentümers zu gewährleisten, wirksame Mechanismen zum Schutz des Privateigentums zu verbessern und Möglichkeiten für privates Unternehmertum nicht nur im Zivil- und Wirtschaftsrecht. Zugleich zeigt sie die Notwendigkeit auf, den Begriff des Privateigentums rechtlich zu interpretieren, den Begriff „Privateigentum“ nicht als Gegenstand des Bürgerrechts, sondern als Rechtsverhältnis zu interpretieren. Tatsächlich drückt das Privateigentum die Summe aus dem Verhältnis des Eigentümers zu seinem Eigentum und dem Verhältnis Dritter zum Eigentümer und seinem Eigentum als Ausländer aus. Daher ist es wichtig, ausgehend vom Stand der Ausprägung des Privateigentums in der Gesetzgebung verschiedener Länder eine vergleichende Analyse der rechtlichen Grundlagen des Privateigentums durchzuführen und damit geeignete wissenschaftliche und rechtliche Lösungen zu finden. Tatsächlich ist Privateigentum die Summe aus dem Verhältnis des Eigentümers zu seinem eigenen Eigentum und dem Verhältnis Dritter zum Eigentümer und seinem Eigentum als fremdes Eigentum. Daher ist es wichtig, ausgehend vom Stand der Ausprägung des Privateigentums in der Gesetzgebung verschiedener Länder eine vergleichende Analyse der rechtlichen Grundlagen des Privateigentums durchzuführen und dabei geeignete wissenschaftliche und rechtliche Lösungen zu finden.
Schlüsselwörter: Zivilrecht, Privateigentum, Eigentümer, Besitz, Nutzung, Verfügung, Rechte des Eigentümers, Rechtsschutz.

The concept of private property: the current state of the legal framework and scientific and practical problems (comparative legal analysis)

DJakhongir Babaev,
Professor of Tashkent State University of Law (Uzbekistan),
Candidate of Legal Sciences; E-mail: jahongirbabaev76@mail.ru

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Abstract: Private property is a factor that requires a conceptual approach in any state and society, and ensures the correct and reasonable determination of legal status, as well as economic stability. Therefore, the definition of the concept of private property and the improvement of its legal framework are of particular relevance today. Priority in the status of private property requires the state to ensure reliable, acceptable and sustainable protection of the rights and legitimate interests of the owner, to improve effective mechanisms for the protection of private property and to create opportunities for private entrepreneurship not only in civil and economic law. At the same time, it shows the need to interpret the concept of private property from a legal point of view, to interpret the term "private property" not as an object of civil rights, but as a legal relationship. In fact, private property expresses the sum of the relationship of the owner to his property and the relationship of third parties to the owner and his property as foreigners. Therefore, based on the state of expression of private property in the legislation of different countries, it is important to conduct a comparative analysis of the legal foundations of private property and, thus, to find appropriate scientific and legal solutions. As a matter of fact, private property is the sum of the relationship of the owner to his own property and the relationship of third parties to the owner and his property as someone else's. Therefore, based on the state of expression of private property in the legislation of different countries, it is important to conduct a comparative analysis of the legal foundations of private property and, by doing so, to find appropriate scientific and legal solutions.
Keywords: Civil law, private property, owner, possession, use, disposal, rights of the owner, protection of rights.

The legal basis of private property in Uzbekistan began to form with the declaration of independence. In particular, the Law "On Property in the Republic of Uzbekistan" of October 31, 1990 was adopted, which for the first time gave a legal definition of the concept of private property rights. According to Part 1 of Article 7 of the Law, private property is the right of private ownership, use and disposal of one's property. Private property may be based on the personal direct participation of the owner in the production process and (or) on the use of labor for hire.

A number of views on the definition and interpretation of the concept of private property were also expressed in the scientific literature of the 90s of the last century. For instance, regarding to H. T. Azizov, "private property as an economic category is an opportunity for individuals to own, use and dispose of tangible and intangible goods as a result of individual appropriation" [3].

In fact, simply express, private property is the materiality (and in some cases immateriality) that belongs to private individuals (non-governmental organizations and citizens) in terms of the appropriation of existing material goods and in whose interests they are directed. In this regard, at the initial stage of the formation of the national legal system of Uzbekistan, the main emphasis was paid not to the concept of "private property", but to the legal definition of the concept of "private property rights". This, in turn, required that the concept of private property rights be expressed in the country's Constitution. Part 2 of Article 53 of the Constitution of the Republic

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of Uzbekistan, adopted on December 8, 1992, sets the inviolability and State protection of private property as other forms of property.

Expressing his opinion on the situation, H.R. Rakhmonkulov noted that the Constitution of 1992 of independent Uzbekistan, which entered a new social society, rejected the notion that " private property is property created as a result of the use of human labor (exploitation)". Now private property is considered as a source of not only material independence of a person, but also the ego of spiritual freedom [9].

Under the existing system of material values, as a result of privatization reforms aimed at increasing the dolly of private property in gross national income and creating an appropriate legal framework, today might be observed a decline in the dolly of the state in the economy, the widespread involvement of domestic and foreign investors in economic processes, the development of small businesses and private entrepreneurship.

Up today, the Civil Code of the Republic of Uzbekistan (CC), which entered into force on March 1, 1997, the Law "On Protection of Private Property and Guarantees of the Rights of Owners", adopted on September 24, 2012, and the Law "On Guarantees of Freedom of Entrepreneurial Activity" of December 2, 2012, are in force, as well as numerous laws and regulations that determine the legal status of private property and guarantee the rights of private owners.

Chapter 13 (General Provisions), Chapter 15 (Acquisition and Termination of Property Rights), Chapter 16 (Private Property) and Chapter 19 (Protection of Property Rights and Other Property rights), Section II (Property rights and Other Property rights), of the Civil Code explicitly define the concept of private property rights, its objects and subjects, the grounds for the ego of acquisition and termination, the inviolability of private property rights, the conditions for the exercise of private property rights, important and conceptual rules for the protection of private property. In addition, it should be borne in mind that in Chapter 13, Section II of the Civil Code (Property rights and other property rights), entitled "General provisions", is devoted to the status of private property, the content and conditions for the exercise of private property rights, with the exception of certain provisions. This is due to the fact that property is also fully manifested in the form of private property. After all, the term "property" first appeared as a concept relating to the capable subjectivity of a person-an individual-a citizen in relation to the subject, and later it began to be applied to other subjects of law.

Analysis of the norms of the Civil Code on private property shows that the Civil Code is a concept of the term "private property rights", and not the notion "private property". This, in turn, will cause some incomprehensible approach. This is also evident in the approaches of the Civil Code to forms of ownership.

In particular, Article 167 of the Civil Code states that "Property in the Republic of Uzbekistan is in the form of private and public", and on this basis, Chapters 16-17 of the Civil Code are devoted to private property and public property. It is understood that the first articles of these chapters should logically define the legal definition of the terms "private property" and "public property". However, the first Article of Chapter 16 of the Civil Code, Article 207, defines the concept of "private property

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right", and not the concept of "private property". On the contrary, Article 213, which is the first Article of Chapter 17, is called "The concept of public property" and defines not "the right of public property", but "the concept of public property" as a logical continuation of Article 167 of the Civil Code.

Looking at the legislation of foreign countries on the expression of the legal definition of the concept of private property, there are different approaches. For example, in the Commonwealth of Independent States (CIS) countries, the concept of private property (and not the right of private property) is defined in the civil law of some countries, while in other countries there is no tradition of dividing property into private and public. For example, the Civil Code of the Republic of Kazakhstan defines the concept of private property, according to Part 1 of Article 191 (The concept and types of private property) of the Civil Code of the Republic of Kazakhstan "private property is used as the property of citizens and non-state legal entities and their associations".

Part 1 of Article 212 (Subjects of Property rights) of the Civil Code of the Russian Federation states that "private, state, municipal and other forms of ownership are recognized in the Russian Federation", and Part 2 of this Article notes that "Property may be owned by citizens and legal entities, as well as by the Russian Federation, subjects of the Russian Federation, and municipalities". The Civil Code of the Russian Federation does not contain the concepts of "private property" or "private property rights" and does not give their legal interpretation or specific instructions on this matter. In this case, the approach proceeds from the fact that the form of ownership does not have a certain priority, and the status in relation to property is determined by the status of the subjects. For example, the rules regarding the property of citizens and their legal basis are determined based on the status of citizens, and the legal status of the property of legal entities is determined by the legislation on legal entities, and the legal status of state property is determined by regulatory legal acts.

The same rules are contained in the Civil Code of the Republic of Belarus of December 7, 1998. Article 213 of the Civil Code of the Republic of Belarus provides for the division of property into two forms: state and private ownership, and persons who may be subjects of private property. According to the Code, the subjects of private property rights are individuals and non-State legal entities.

The Civil Code of Ukraine does not provide for norms and rules for forms of ownership. In the Civil Code of Ukraine, only the subjects of property are allocated. However, Article 325 of the Civil Code of Ukraine is called "the right of private property" and establishes rules about who is the subject of this right from the point of view of the subject and what objects can belong to it. According to this article, the subjects of private property rights are individuals and legal entities. Individuals and legal entities may be the owners of any property, with the exception of certain property that cannot belong to them in accordance with the law.

The Civil Code of Tajikistan defines private property as a collective concept consisting of the property of two persons: citizens and non-state legal entities. In particular, according to Article 237 of the Civil Code of Tajikistan, entitled "The

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concept and types of private property", private property is the property of citizens or non-State legal entities and their associations. The property of public organizations, including religious organizations, is a separate type of private property. Any property may be private, except for certain types of property that cannot be owned by citizens or legal entities by law. Also, Chapter 14 of the Civil Code of Tajikistan is devoted to "citizens ' property", and Chapter 15 is entitled " collective property (property of legal entities)".

It is obvious that the Civil Code of Tajikistan simultaneously chooses two different approaches for dividing property into forms and determining their status. First, it defines two forms of ownership (Article 236, Part 1, " Property in the Republic of Tajikistan is in the form of private and public (state)"), they were given a brief definition, and secondly, the following paragraphs are not about the rules concerning the status of these forms of ownership, but rather about the status of property interpreted in terms of belonging to the subjects. This peculiarly dualistic approach to the definition of ownership forms can lead to confusion in the full definition of the status and powers of the private owner and in the establishment of legal privileges and preferences in relation to them.

The term "forms of ownership" is not used in the Civil Code of Armenia of June 17, 1998. This code followed the path of determining the status of property in terms of belonging to subjects and the scope of the rights of subjects to their property. Article 166 of the Civil Code of Armenia concerns the subjects of property rights, according to which property can be the property of citizens, legal entities, as well as the Republic of Armenia or municipalities.

Article 167 of the Civil Code of Armenia regulates the property rights of citizens and legal entities. It stipulates that any property may be owned by citizens and legal entities, with the exception of certain types of property that, in accordance with the law, cannot belong to citizens or legal entities.

The term "private property" is also not used in the Civil Code of Armenia. Property is assigned a legal status on the basis of belonging to each subject, and this follows from the principle that the owner has all the rights established by law in relation to the property belonging to the subject.

R. Kniper recognized the division of ownership into forms as a relic of the former socialist law and stressed that it would take some time and changes in legal approaches to abandon it [5]. However, even in this case, the rejection of the trend of dividing property by forms in most CIS countries still causes certain contradictions in the division of property into types by forms of ownership. Since the category of property of legal entities is also related to state property. After all, state property also manifests itself in the form of ownership of legal entities established by the state, in which property is divided into "property of citizens", "property of legal entities", "state property" and the assignment of legal status to it does not allow for a sharp differentiation of the status of property of non-state legal entities and state legal entities, as well as to combine these two types of property rights of legal entities in a single general rule. Consequently, the tendency to divide property into forms is also relevant for the legal regulation of tangible and intangible goods based on the criteria

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of belonging or not belonging to the state. Indeed, as long as the right of operational management and economic management is preserved, there will also be a tradition of dividing property into forms, and it cannot be abandoned.

The Civil Code of Moldova of 6 June 2002 does not provide for the division of ownership into forms. At the same time, although there is no rule on the division of property into forms, the term "private property"is used. In particular, according to article 194 of the Civil Code of the Republic of Moldova, the Republic of Moldova and administrative-territorial units are responsible for their obligations with the corresponding property on the right of private ownership.

It should be recognized that Part 3 of the Civil Code of Moldova is called "Property". It provides for general rules, such as the content of property rights, guarantees of property rights, limits of property rights, and is the basis of the property rights of subjects in relation to the property they own.

Chapter 3 of Section 3 of the Latvian Civil Code, entitled "Property Law", is called "Property" and defines the concept of property, as well as certain powers and boundaries in relation to it. In particular, according to Article 927 of the Civil Code of Latvia, property is the right of full ownership of a thing, that is, the right to own and use it, extract all profit from it, dispose of it and demand it from any third party at the request of the owner. In accordance with Article 928 of this Code, although property may have various restrictions both according to private will and according to law, all such restrictions must be interpreted in their narrower meaning, and in case of doubt, it is always assumed that property has no restrictions. Property may be subject to anything that is not specifically excluded from general circulation by law (Article 929 of the Civil Code of Latvia).

Although the approaches to the definition of private property in the civil codes of these countries are different, they have something in common. That is, the civil codes of these states, although they do not contain a legal definition of the concept of private property, try to define private property in terms of property owned by the subjects. This is determined, first of all, by the fact that in these countries the concept of private property is approached in the simplest way of interpreting a special status and a certain entity. Since the statement that private property is property owned by citizens and non-legal entities is a simple and understandable definition for everyone (including non-lawyers), without any exceptions, references, and various additional descriptions.

Second, the determination of the status of property in the Civil Codes of these countries on the basis of belonging to the subjects proceeds from the basic doctrine of civil law and theory: that is, subjects of civil law are capable persons whose activities are property-related and who can participate in property and personal non-property relations on their own behalf. In this regard, H. R. Rakhmonkulov states the following: relations arise between people, regardless of whether they are of a legal nature or not. In civil law, persons are understood in the sense that they are inherent in all subjects of property and personal non-property relations regulated by civil law. For example, Part 2 of Chapter 2 of the Civil Code is devoted to "Individuals", which includes all the following subjects of civil law: citizens(individuals), commercial and

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non-commercial legal entities, the state as a participant in civil law relations, municipalities, self-government bodies of citizens [8].

In this regard, the Civil Code of the former Soviet Union establishes an approach to determining the status of property based on the status of the subject, which means that the rules of property rights of each subject are provided.

Analyzing the concept of private property and the legislation of the EU countries regarding the definition of certain rules or legal norms related to it, it becomes clear that the German Civil Code (BGB) does not define the terms property or private property. According to German civil law, property rights are a type of property right in the broadest sense, allowing only the owner to determine the direction of use of the property belonging to him, exercising full economic ownership over this property. The concept of property rights in the BGB is not given, on the contrary, this concept is explained by the statement of the content of property rights. However, Article 903 of the BGB contains a civil definition of property rights. According to the article, the Owner of a thing may, if the law or the rights of third parties do not prevent it, dispose of the thing at his own discretion and eliminate any interference. From this definition, it is clear that in BGB, property rights are defined as special rights, and not just a set of individual powers.

Originally, property was interpreted as unlimited possession in relation to a thing. In the second half of the nineteenth century, some German jurists defined property rights as the right of "unlimited" (jusinfinitum) or "complete dominion over the disposal of property". The meaning of property rights in Germany has historically changed depending on socio-economic conditions. At the beginning of the 20th century in Germany there was a rapid development of technology. As a result of this development, there was a need for a clear division of ownership rights to movable and immovable property. Mass legal restrictions on property, such as telegraph communications (introduced by the Act of December 18, 1899) and airlines (introduced by the Act of August 1, 1922), mainly applied to land owners. The legislation pays great attention to real estate relations, because one of the main tasks of the BGB was to radically change the feudal relations regarding land ownership, in other words, the BGB abolished the old feudal regimes and replaced them with a new legal order. As a result, the role of the State in regulating land ownership has increased. This, in turn, radically changed the property rights in German civil law derived from traditional Roman law. For example, in Article 226 of the BGB, the restriction on the exercise of property rights is formulated abstractly. According to the article, it is not allowed to exercise the right solely for the purpose of causing harm to another person. In addition to the general rule, article 906 of the BGB provides for a special rule on the restriction of property rights. According to the article, the owner of the land plot cannot prevent the penetration of gases, vapors, odors, smoke, soot, heat, noise of shaking and other similar influences to it from another plot, if they do not affect or slightly affect the use of the plot. In addition, Article 907 of the BGB provides a guarantee in the form of a right of claim to the owner, according to which the owner of a land plot may require that no structures be erected or maintained on neighboring land plots, in respect of which it can be

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confidently assumed that their existence or use will have an unacceptable impact on his land plot.

R. Kniper, describing property in German civil law, argues that it is formed on the basis of E. Kant's views on private property, according to which everyone has the right to own property, including land [5]. In this regard, it should be noted that property rights in the BGB are a category of private law that is relatively well developed and analyzed. Property rights are central to the system of property rights and are recognized by the"Magna Carta of German Mass Liberties".

With regard to the rules relating to property, including private property, the French Civil Code (FCC) contains relatively broader and clearer rules than the BGB. In particular, the second book of the FCC "On various changes in the type of property", in the 1st title "Division of Property", sets out the rules for real estate (Chapter 1) and movable property (Chapter 2), Chapter 3 is devoted to the rules "in relation to property owned by someone". According to the initial norm of this chapter, article 537, individuals have the right to freely dispose of their property in the modified form established by law.

Property owned by private individuals may be managed and disposed of in a special manner and in accordance with a special procedure.

The second title of the FCC is called "About Property". According to article 544 of the Civil Code, Property is the right to use and dispose of things in the most absolute manner, so that the use is not prohibited by laws or regulations.

It follows from the content of this rule that the right of the owner to perform and dispose of any actions not prohibited by law in relation to his property is the right of ownership. The acquisition of the "right to absolute use and disposal of property" as the basis of property rights means that the owner's powers over his property are unlimited, but an exception to this absolute rule is defined as a law or regulation.

Article 545 of the FCC states that " no one may be compelled to cede his property unless it is done for the public good and for fair and prior compensation." The prohibition on forcibly depriving the owner of the right to his property or forcibly removing things from his possession follows from the principle of "inviolability of the right of ownership" and, of course, there are exceptions to it.

Referring to the principles of property law in the legislation of the countries of the continental legal system, I. B. Zokirov conducts the following analysis: Another principle of the continental legal system is the principle of the most complete property rights (plena in re potestas). The legislation of European countries defines the components of property rights in different ways (the powers of the owner - the right to own, dispose of, receive income, etc.), and sometimes strange powers (for example, the right to destroy property). However, at the same time, these powers are not limited to the content of property rights, these powers are exercised "in the most unconditional way", "at the will of the owner", "independently". Similarly, it is emphasized that the special nature of the property right, its difference from other rights, its content is always broad and independent in comparison with other property or obligation rights [4].

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Analyzing the category of “inviolability of property”, A. A. Mukhammadiev states that the principle of inviolability of property should be taken into account when the property right is terminated, as well as when the property is forcibly seized from the owner. Restriction and compulsory withdrawal of the right of ownership against the will of the owner is allowed only in cases established by law. This procedure is an important constitutional guarantee of property rights, since the forced termination of property rights is strictly limited and is not allowed [7].

This procedure and the inadmissibility of the termination of property rights against the will of the owner and the existence of certain exceptions to them are also inherent in the legislation of all States of the continental legal system.

In the Anglo-American legal system, the rules of property and private property have long been formed through law enforcement practice. In England, the Law of Property Act 1925 was passed in 1925. This law states that property rights are absolute.

According to British experts, the English law of property and possession does not correspond to the exact concepts of Roman law, English law is not absolute, it is a system of priority of powers [1].

Kristin Kvitman, a researcher at the Faculty of Law and Economics at the Johann Gutenberg University in Mainz (Germany), in her monograph “Protection of property and possession in German and English Law: a Comparative legal analysis of the critical relationship between property and possession” [2] argues that if German property law is formed on the basis of a scientifically based system of padect, in English law, historically formed on the basis of feudal traditions, the term “property right” can not be used literally, as it does not formalize economic law or other” dominion “ of man.

Besides, K. Quitman noted that the term ownership (usually translated as “property”) in accordance with the established concept in English law is interpreted as “comfortable” or “overweight” status for movable property and copyright holder of title (better right to possession) a thing shall exercise its powers are not in favor of the beneficiary, and its use [2].

Property law is one of the fundamental areas of the American legal system, which has its roots in English feudal law. The concept of property rights in the United States and other Western countries does not distinguish between private, state, public and other forms of property. Property rights are mainly defined by the concept of “private property”, and equality of all forms of ownership applies. In the Anglo-American legal system, property rights are divided into rights to movable and immovable property, and the concept of immovable property is applied to land and related property. In the United States, most of the land, including 98 percent of agricultural land, is privately owned. [6]

The foreign doctrine does not establish a single universal basis for the classification of various constructions of property rights. At the same time, property relations in the United States, where English common law is adopted, focused on precedent, although they are fixed in the lesson of the Constitution (Annexes V, XIV to the US Constitution), but their development and broad expression are fixed in the

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laws and court decisions of individual states. Moreover, from the point of view of civil law theory, the question of the subjective structure of this law is at the heart of the American model of property law. The US property rights model can be divided into simple and complex structural types. A simple or simplified model is built on the principle of "one thing - one full owner". In this construction, any other person who is more or less related to the thing is considered a person with a "different right", and the owner of the thing exercises his powers of possession, use and disposal independently. In this sense, property rights are absolute (free simple absolute).

On the other hand, complex constructions of property rights are manifested both in the ownership of land and in the ownership of common property, and are expressed in the distribution of the rights of each owner in relation to things and their proportions [10].

The legislation of the Anglo-Saxon legal system for determining the legal status of private property is characterized primarily by the fact that it does not provide for special rules for private property, the rules and guarantees of the owner's rights to his property are mainly determined by precedent. It should be noted that the guarantee of ownership and rights to land is provided by law, and the ownership rights to movable property are based on general rules and requirements.

In this sense, it is important to determine the legal status of private property and make proposals for solutions and practical solutions to the following scientific and theoretical problems, practical issues and improvement of lawmaking:

1. Private property is mainly used by the legislature as a form of property to distinguish it from the property of the State exercising the power of the people (i.e., the general name of property owned by all persons residing in that State or being its citizens). legal category. This separation is of purely practical significance and involves additional guarantees from the state and protection from various public legal influences and unjustified interference. Therefore, it is advisable to consider private property not as the opposite or opposite of public property, but as an established legal regime in relation to material goods allocated as property belonging to individual representatives of the people or their community who own public property. This is due to the fact that private property should always be assessed as a set of objects subject to a separate set of legal norms established in relation to property belonging to a so - called legal entity-individuals or legal entities created by them or one of them. In this regard, we can draw a scientific conclusion that private property is objects that fall under a separate legal regime and in some respects belong to citizens and non-state legal entities protected by a system of additional guarantees and benefits from the state.

2. When determining the legal status of private property, it is necessary to take into account various complex structures and features of property complexes that exist in the modern system of public relations. This is especially important when deciding whether to apply for state registration, permits, tax, customs, or various administrative and financial benefits for certain types of property. In addition, when determining the share of private ownership in a country's gross national product and gross national income, as well as the ratio of the public and private sectors in

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business activities, it is necessary to determine exactly what treatment applies to complex ownership structures. Therefore, in such cases, it is advisable to determine the need for the legislature and law enforcement agencies to proceed from a single common conceptual norm. The participation of citizens and non-state legal entities in a certain ownership structure, regardless of their size, shows that such complex structures should be interpreted as private property.

3. Based on the interpretation of private property as a legal category and the analysis of the legal norms of private property in foreign legislation, the rules of private property literally imply and strengthen the economic or other "domination" of the owner over his property and its acceptance by the state, it can be concluded that he is an object of law, representing the powers and guarantees set out in regulatory legal acts. Therefore, when improving the legal regime of private property, it is always important to eliminate various duplicates, gaps and contradictions in the legislation, to avoid ambiguity in the understanding of private property and the application of its rules.

There are many existing laws concerning the private property regime. In addition, in 2012-2014, more than fifteen laws of the Republic of Uzbekistan were adopted aimed at improving and protecting the status of private property, the business environment and business conditions, including "On the protection of private Property and guarantees of Property Rights", "Guarantees of Freedom of Entrepreneurial Activity" (in a new version)", "On licensing procedures in the field of entrepreneurial activity", "On Competition" , "On Family Business" and other laws. Most of these laws provide certain rules and legal mechanisms for private property.

At the same time, some laws on private property have rules that contradict each other or cause ambiguity in interpretation. In particular, Article 209 of the Civil Code states that "any property, with the exception of certain items prohibited by law, may be private property". This is determined by the laws of the Republic of Kazakhstan." In this case, if the norm in the FCC is positive, the norm in the Law is negative. This is due to the fact that private property provides a wide range of opportunities and means a wide range of its objects, while the norm in the Law strictly implies a mandatory norm in the laws that restricts the scope of private property. Of course, given the fact that today there are opinions about the abolition of the Law "On Property in the Republic of Uzbekistan", when implementing this Law, there is a need to harmonize these norms with the rules of the Civil Code.

4. The Law" On the Protection of Private Property and guarantees of the rights of Owners", adopted on September 24, 2012, played a special role in further strengthening and clarifying the regime of private property, improving the system of effective protection. the rights and interests of private owners. This law, which has no analogues in the world legal practice, testifies to the formation in Uzbekistan of a legal understanding and vision aimed at eliminating old stereotypes about private property, at considering private property as a natural reality of public life and the main driving force of economic development. development. Over the past period, the possibility of applying the provisions of this Law in practice has been formed, the

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specifics of the norms contained in it from the point of view of law enforcement practice have been clarified. Therefore, there is a need to improve this legislation on the basis of the reforms carried out in the country in recent years, the conceptual ideas put forward by the President of the Republic of Uzbekistan to improve the regime of private property. In particular, this Law should include rules governing the application of this legislation to private property, various complex property structures, as well as legal mechanisms for implementing methods of protecting property rights.

5. Based on the analysis, it should be noted that the rules of private property established by the legislation of the Republic of Uzbekistan, in particular, the Civil Code, need to be revised and their structural and conceptual changes should be made. In particular, chapter 16 of the Civil Code should be amended so that article 207 reads not as "Private property rights" but as "Private property" and clarifies the concept of "private property" (and not " private property rights») as a separate form of ownership. At the same time, private property should be understood as property owned by citizens and non-state legal entities, and the basis for the formation of private property should be considered. The provisions of Chapter 16 of the Civil Code should also be formulated not in terms of" private property rights", but in terms of" private property", i.e. in accordance with the category of the form of ownership.

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