

CIVIL LEGAL METHODS OF PROPERTY RIGHTS PROTECTION

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Abstract: In this article, the concept and content of property rights protection, the theories of scientists in the protection of property rights, the laws and their contents adopted in the protection of property rights, the main methods of property rights protection through civil law, and property rights in foreign legislation methods of protection are described.

Key words: Property right, property right protection methods, property inviolability, vindication claim, negative claim, private property.

According to Article 66 of the Constitution of the Republic of Uzbekistan, the owner owns, uses and disposes of his property at his own will. The owner can be deprived of his property only in the cases and according to the law. No one has the right to deprive him of this right.[1] But in social life, in life, there are situations when this right of the owner is encroached upon. In this case, the owner or non-owner tries to restore his violated rights using methods that protect property rights and other material rights.

Unless property rights are protected, property relations cannot develop normally. Therefore, the state guarantees the protection of the owner's right to property through various legal norms.

The Civil Code of the Republic of Uzbekistan defines the most important provisions aimed at the protection of property. For example, according to Article 166 of the Civil Code of the Republic of Uzbekistan, property is inviolable and protected by law. The inviolability of the property consists in keeping all the subjects against the owner from violating the property rights.[2]

Seizure of the owner's property, as well as limitation of his rights, is allowed only in cases provided for by law.

Civil-legal protection of property rights and other material rights means a set of tools established by civil legislation aimed at eliminating violations against these rights, restoring and protecting the owner's property interests.[3]

According to E.A. Sukhanov, the inviolability of property in both private and public property means that the owner owns the property only for his own interests, arbitrarily taking away the property or using it arbitrarily. means that the use is ensured without risk of restriction and the corresponding measures are determined.[4]

The norms of civil law play an important role in the protection of property rights. The main ways to protect property rights through civil law:

- firstly, claiming property from someone else's illegal possession (vindictive claims);
- secondly, elimination of obstacles to the property owner in using the property (negative claims);

— thirdly, to protect illegal transactions (agreements) aimed at violating property rights by issuing decisions to declare them invalid;

— fourthly, protection by return of unjustly acquired property.[5]

According to Article 13 of the Law of the Republic of Uzbekistan "On Protection of Private Property and Guarantees of Owners' Rights": Encroachment on private property is not allowed.

Actions aimed directly or indirectly at restricting and (or) depriving private property rights against the law are not allowed.

It is forbidden to force the owner to accept the conditions, which are known in advance to be inappropriate, including unjustified demands from him to hand over property, financial funds or other property rights. Unlawful interference with the economic activity of the owner, which ultimately leads to or may lead to the confiscation of his property, or forces the owner to give up his right to his property, is prohibited.

Trespassing to private property is prosecuted according to law.[6]

The Civil Code of the Republic of Kazakhstan also defines the basic rules for the protection of property rights. Basically, Chapter 15 of the Civil Code of the Republic of Kazakhstan is entitled "Property right and protection of other property rights", and Article 259 of it states that the owner of the property has the right to demand the right of ownership.[7]

In conclusion, the international and national laws on property protection are important as important documents that strengthen the basic principles and rules in the field of property protection and guaranteeing the rights of owners. Therefore, the main mechanisms for ensuring the inviolability of private property, the most important principle established in our Constitution, have been established. In a word, the adoption of these laws creates effective and favorable conditions for the circulation of private property in the economy, encourages entrepreneurial initiative and interest in work, guarantees the entrepreneurial activity of the owner to increase his own well-being, which and, in turn, serves the rapid development of the society and the state in the future.

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