

PROPERTY RIGHTS PROTECTION IN ENTREPRENEURIAL ACTIVITY: MODERN MECHANISMS

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Abstract. This article discusses modern ways of securing property rights relating to entrepreneur activities under legal system of Uzbekistan. Results indicate that property rights protection is effective only when preventive measures, legal remedies and institutional safeguards are applied in a coordinated manner.

Keywords: property rights, entrepreneurial activity, legal protection mechanisms, business property, constitutional guarantees, judicial remedies

Annotatsiya. Ushbu maqolada O'zbekiston huquqiy tizimi doirasida tadbirkorlik faoliyatida mulk huquqlarini himoya qilishning zamonaviy mexanizmlari o'rganiladi. Tadqiqot natijalari shuni ko'rsatadiki, mulk huquqlarini samarali himoya qilish oldini olish choralarini, javob beruvchi huquqiy himoya vositalarini va institutsional kafolatlarni muvofiqlashtirilib qo'llanishini talab etadi.

Kalit so'zlar: mulk huquqlari, tadbirkorlik faoliyati, huquqiy himoya mexanizmlari, biznes mulki, konstitutsiyaviy kafolatlar, sud himoya vositalari

Аннотация. В данной статье рассматриваются современные механизмы защиты прав собственности в предпринимательской деятельности в рамках правовой системы Узбекистана. Результаты исследования показывают, что эффективная защита прав собственности требует скоординированного применения превентивных мер, оперативных правовых средств защиты и институциональных гарантий.

Ключевые слова: права собственности, предпринимательская деятельность, механизмы правовой защиты, бизнес-собственность, конституционные гарантии, судебные средства защиты

Introduction. Property rights are considered the fundamental base of entrepreneurial activities, allowing business entities to function in market economies with no insecurity and fear. The protection of the property of the entrepreneurs is not only a legal principle but also an unconditional prerequisite for economic growth, investments, and corporate sustainability [1]. In Uzbekistan, the laws concerning protection of property rights have seen major changes, especially through the Law on Guarantees of Freedom of Entrepreneurial Activity, which offers complete security for businesses. Contemporary property rights protection mechanisms include constitutional rights, legal guarantees, courts' remedies, and administrative procedures that together make it impossible for the government to interfere with the ownership rights of the entrepreneurs arbitrarily [2].

Methodology and Literature Review. This study utilizes the doctrinal legal analysis method and scrutinizes primary legal sources such as the constitution, statutory laws, and the regulatory frameworks that control entrepreneurial property rights in Uzbekistan. The method applied is a systematic interpretation of the Law on Guarantees of Freedom of Entrepreneurial Activity, specifically Articles 23, 32, and 38 which lay down the major principles of property protection. The comparison of legal provisions shows the multi-layered structure of property rights protection including constitutional, legislative, and procedural aspects [3]. The literature review supports the view of the scholars that property security is the key factor for the development of the entrepreneur, and the researchers point out that the protection of property rights has to be a combination of prevention and justice [4]. The academic discussion reveals three vital factors of the successful property rights protection: the unambiguous legal

characterization of ownership limits, the available enforcement mechanisms, and the reasonable government interference [5]. Prior research has shown that the lack of legal clarity regarding property rights creates high transaction costs and discourages entrepreneurs from taking risks.

Results and Discussion. Analysis of Uzbekistan's legal framework reveals a comprehensive system of property rights protection mechanisms operating at multiple institutional levels. Constitutional foundations establish that private property enjoys inviolability and state protection equal to other ownership forms, creating fundamental guarantees against arbitrary deprivation. The Law on Guarantees of Freedom of Entrepreneurial Activity operationalizes these constitutional principles through specific provisions prohibiting nationalization, confiscation, and requisition except in narrowly defined circumstances with mandatory compensation. Article 23 establishes that entrepreneurial property is inviolable and protected by law, granting business entities the right to possess, use, and dispose of their property through any lawful actions. This comprehensive ownership bundle ensures entrepreneurs exercise full dominion over business assets without unwarranted restrictions. Protection mechanisms extend beyond ownership to encompass derivative property rights, enabling entrepreneurs to utilize leasing, mortgage, and other arrangements to leverage business property [6]. Significantly, the legislation establishes a presumption favoring entrepreneurial rights when ambiguities arise, requiring that irresolvable contradictions be interpreted in favor of business entities.

This interpretive principle represents a crucial safeguard against bureaucratic overreach and arbitrary decision-making. The law prohibits seizure of entrepreneurial property except in specifically enumerated circumstances, creating strong barriers against governmental or private encroachment on business assets. When expropriation becomes necessary for public needs, mandatory full compensation requirements ensure entrepreneurs receive fair value for requisitioned property, with valuation disputes subject to judicial resolution. Judicial protection mechanisms provide entrepreneurs with accessible forums for defending property rights, including challenges to unlawful administrative decisions and claims for damages resulting from rights violations. Article 38 establishes comprehensive liability for harm caused to entrepreneurial property, including lost profits, with full compensation required from violating parties. Particularly noteworthy is the provision establishing state liability for damages resulting from unlawful decisions or actions by government bodies and officials, creating accountability for public sector interference with business property. Modern protection mechanisms increasingly incorporate preventive dimensions, including registration systems that establish clear ownership records and reduce property disputes. The prohibition on interference with lawful entrepreneurial activities contained in Article 34 creates an additional protective layer, preventing authorities from using property-related issues as pretexts for broader business disruption. Limitations on inspections and audits further protect entrepreneurs from harassment that might indirectly threaten property security. The legal framework recognizes that property rights protection extends beyond tangible assets to encompass intellectual property, commercial secrets, and other intangible business assets essential to modern entrepreneurship [7].

However, implementation challenges persist, particularly regarding consistent enforcement of property protection provisions across different jurisdictions and administrative levels. Effectiveness of judicial remedies depends substantially on institutional capacity, procedural efficiency, and judicial independence in resolving property disputes. International experience suggests that formal legal protections prove insufficient without complementary institutional arrangements ensuring accessible, impartial, and efficient dispute resolution [8]. The balance between entrepreneurial property rights and legitimate regulatory interests requires careful calibration, as excessive restrictions can undermine business security while inadequate oversight may facilitate property-related abuses. Modern mechanisms must therefore incorporate proportionality principles, ensuring that limitations on property rights pursue legitimate objectives through least restrictive means available.

Conclusion. Contemporary mechanisms for protecting entrepreneurial property rights in Uzbekistan reflect a sophisticated multi-layered legal architecture combining constitutional guarantees, statutory protections, and judicial remedies. The Law on Guarantees of Freedom of Entrepreneurial Activity establishes comprehensive safeguards against arbitrary property deprivation while providing accessible remedies when violations occur. Key protection mechanisms include the inviolability principle, strict limitations on expropriation, mandatory compensation requirements, and judicial review of property-affecting decisions. Effective property rights protection requires not only formal legal provisions but also robust institutional capacity for enforcement and dispute resolution. Future development should focus on strengthening implementation mechanisms, enhancing judicial efficiency in property disputes, and ensuring consistent application of protective provisions across all administrative levels.

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