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NEEDS AND SOURCES OF PUBLIC (STATE) PROPERTY**Akaeva Marapat**

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ABSTRACT

The article analyzes the necessity and sources of public (state) property from a legal point of view. The importance of civil law in the context of market relations is widely explained and summarized.

Keywords: *market, property, law, legal entity, citizen, state, status, property, equality, person*

Introduction

It is known that in the conditions of market relations the status of subjects of civil law has changed radically. Along with citizens and legal entities that are subjects of civil law, the participation of the state in legal relations is also ensured on an equal basis. At the same time, the status of the state's civil-legal subjectivity has changed radically, which requires a scientific and theoretical study of the state's participation in civil-legal relations.

It should be noted that in the context of market relations, the role of the state in economic relations and its status in civil law relations has changed radically. Now the state, like other subjects of civil law, began to participate in legal relations on an equal basis. The hegemony of the state in the economy was put to an end. This has led to a complete overhaul of the legislation governing relations with state participation. These factors have made the issue of scientific and theoretical analysis of the subjectivity of the state in the conditions of market relations and the study of the position and role of the state in the economic life of society from a civil-legal point of view a cross-cutting task in civilization. After all, in the current context of the state it is difficult to determine the future fate of a country's development without determining the firm status of its participation in economic relations.

Analysis of the relevant literature

Property and forms of property rights have always been the subject of lengthy debate in the science of civil law. Indeed, forms of property have always been interpreted in two different senses. First, forms of property in the economic

sense, and second, forms of property in the legal sense.

According to the general rule, in the economic sense, property is divided into forms depending on who or to whom it benefits (for example, the Law of the Republic of Uzbekistan "On Property" of October 31, 1990), and in the legal sense, property (depending on the relevance of the disposal element to the item).

But there is no consensus in civil law on the division of property into forms. According to some scholars, the term "form of ownership" is not a legal criterion, but an economic one. This is the case, firstly, that forms of property as an economic criterion have legal significance not only in the form of property rights, but also in other forms; second, it is characterized by the fact that the subjects of property in economic and legal relations are not always the same. Therefore, in the economic sense there can be several forms of property, while in the legal sense there is only one property right [1].

In addition to this view, it should be noted that, in fact, there is a single form of property rights to an existing thing or property, that is, a set of rights associated with the possession, use and disposal of property - a single form of property rights. However, although there is a single form of ownership, the subjects to which property rights belong are diverse. These are citizens, legal entities and the state, which are subjects of civil law (Article 2, Part 2 of the Civil Code), and property belonging to these subjects is conditionally divided into [2], private property and public property (Article 167 of the Civil Code). Private property, in turn, consists of the property of

citizens and non-state legal entities, while public property (state property) is divided into the property of the Republic and the property of administrative-territorial units (municipal property). Due to the fact that legal entities are formed simultaneously by both citizens and the state, their property is included in the above two forms of property.

As a general rule, one of the necessary conditions for the existence of the state and the implementation of its functions and responsibilities is the availability of a certain amount of state property. This situation is unique to any society. The state, like other subjects of civil law, is recognized as a full subject of civil law because it is the owner of a particular property.

Even in economically developed countries, although the abandonment of centralized management of the economy is a common rule, the share of state property in the country's fixed assets is large. This is especially true in the fields of transport and communications, nuclear energy, military-industrial [3].

Research methodology

The article uses scientific methods of knowledge such as historicity and logic, comparative analysis, analysis and synthesis, observation, inquiry.

Analysis and results

The availability of a certain level of property in the state is related to a number of factors. According to IB Zakirov, the objective reasons for the need for state property are: 1) organization of activity of state bodies;

- 2) for national security and defense;
- 3) provision of science and culture;
- 4) social protection of the poor;
- 5) fight against natural disasters and emergencies and elimination of their consequences;

- 6) implementation of production activities in some industries (for example, nuclear, fuel energy, etc.) [4].

According to Tolstoy, the preservation of a large part of the objects of production, socio-cultural and other purposes as the property of the state can be explained by the following two factors:

first, in a world where it is impossible to predict what will happen next, every state must think about its own security. This is security not only in the military field, but also in the field of manmade, environmental, sanitary-epidemiological, manufacturing, food.

Second, the state also performs a wide range of social functions, in order to perform these tasks, it is necessary to have a sufficient material, technical and financial base [5].

According to H.R. Rahmonkulov, state property is necessary not only for ensuring socio-economic development and meeting the needs of the population, but also for the existence of the state and its bodies and their ability to perform their functions [6].

In addition to the above considerations, it can be concluded that the existence of state property depends on the realization of the common interests of the citizens living in that state, the fulfillment of the will of the people. After all, the tasks and actions performed and to be performed by a complex structure called the "state" are so diverse that it would be wrong to express them differently.

However, this does not mean that all property in the country should be in the hands of the state. Based on the above, from the first years of independence, there was a need for property reform in the Republic. One of the main goals of this reform was to redistribute the property accumulated in the hands of the state (property that is considered to be the national wealth or almost all the material benefits of society) among other subjects of socioeconomic and legal relations.

To this end, the Law on Property was first adopted on October 31, 1990, and the Law on Denationalization and Privatization was adopted on November 19, 1991. If the Law "On Property" specifies such forms of property as private property, company (community) property, state property consisting of property of administrative-territorial units (communal property), property of other states and international organizations, legal entities and individuals [7] The legal basis for denationalization and privatization has been strengthened in the Law on Denationalization and Privatization, while the legal basis for denationalization and privatization has been strengthened.

According to this law, denationalization is the transformation of state-owned enterprises and organizations into business companies and societies, other state-owned enterprises and organizations.

Privatization is the purchase from the state of public property by individuals and nonstate legal entities or shares of state-owned joint stock companies [8].

Denationalization of property is observed not only in the transition from one socio-political system to another, but is a process that must be carried out on a regular basis. Currently, the privatization of property is carried out not only in the former Soviet Republics, but also in economically developed and developing countries such as the United Kingdom, France, Japan, the Philippines. This is a natural process for the development of market relations, especially in countries where the share of the public sector in the economy is much higher. The state must support certain sectors of the economy, which are often economically inefficient, but play an important role in the economic development of the country as a whole, and take on the task of maintaining and financing them.

State property, like other forms of property, is inviolable and protected by the state (law) (Part 2 of Article 53 of the Constitution of the Republic of Uzbekistan). The protection of state

property can be seen in the fact that it has the same legal status as other forms of property. Indeed, the state, as the owner, has the right to demand that the inviolability of its property be protected from the violation of the property rights of all subjects who oppose it.

As a general rule, the legal status of any form of property is represented by the object and subject of that property. The status of state property rights is also determined by the subjects and objects of state property rights.

The owner of state property, ie the subject, according to the generally accepted rule, is the people of this state, including the owner of the property of the Republic of Uzbekistan is the people of the Republic. After all, the people, as the sole source of state power, give this right (i.e., the right of property) to the state power and exercise it through it. This means that the state has all the powers of the owner - possession, use and disposal, and the state must use these powers in the public interest [9].

In accordance with Part 2 of Article 214 of the Civil Code, the property of the Republic is managed by the Oliy Majlis of the Republic of Uzbekistan, the President of the Republic of Uzbekistan, the Government of the Republic of Uzbekistan or their specially authorized bodies, unless otherwise provided by law.

Discussion of research results

In accordance with Article 55 of the Constitution of the Republic of Uzbekistan and Article 214 of the Civil Code, land, subsoil resources, water, air space, flora and fauna and other natural resources, property of public authorities, cultural and historical monuments of state importance. wealth, funds of the republican budget, gold reserves, state currency fund and other funds are the property of the republic, as well as enterprises and other property complexes, educational, scientific, research institutions and organizations, the results of intellectual activity, provided that they are created at the expense of the budget or other state funds. if purchased, other property may be the property of the Republic.

According to Sh.M. Asyanov, the objects of state property are the objects that form the basis of the national wealth of the country [10]. Indeed, the objects of state property are characterized by the fact that they are national wealth. In all places and times, the primary and main object of any state property is the land, natural resources, deposits of various minerals and precious stones, rivers flowing through the territory of this state, flora and fauna, in a word. in other words, natural resources.

There are the following types of public (state) property in the Republic of Uzbekistan:

a) The property of the Republic of Uzbekistan is:

- Property belonging to the state on the basis of exclusive property rights: Land, subsoil resources, water, air space, flora and fauna and other natural resources;
- The property of the republican bodies of state power and administration, cultural and historical treasures of state importance, the republican budget, gold reserves, the state currency fund and other funds are the property of the republic, as well as other property complexes, educational, research institutions and organizations, results of intellectual activity, if they were created or purchased at the expense of the budget or other state funds, other property of the Oliy Majlis of the Republic of Uzbekistan, the President of the Republic, the Government of the Republic of Uzbekistan or their specially authorized bodies, unless otherwise provided by law (Article 214 of the Civil Code).

Property owned by the Republic may be attached to state legal entities on the basis of the right of economic or operational management.

The objective reasons for the need for state property are as follows:

- organization of public authorities and administration;
- organization of law enforcement agencies;

- state security and defense needs;
- supply of science and culture;
- social protection of the poor;
- fight against natural disasters and emergencies and mitigation of their consequences;
- production activities in some industries (for example, nuclear, fuel energy).

State property is formed from the following sources: -taxes;

- from local fees;
- income from production activities;
- loans and loans;
- income from privatization of state property;
- from nationalization;
- requisition;
- confiscation;
- findings;
- from treasures;
- from ownerless property;
- from various contracts;
- from the purchase of real estate in foreign countries, etc.

b) property of administrative-territorial units (municipal or communal property). This property includes local budget funds, municipal housing and communal services and other property complexes, public education, culture, health facilities and other property.

Municipal property is managed by local authorities or bodies they represent, unless otherwise provided by law.

Conclusions and suggestions

As a result of radical changes and reforms in the country, the reduction of state property in the current situation has not reduced

The attention to the study of state property rights and the importance of state property in society and social life. requires a new interpretation. From this point of view, I think it is permissible to think about the necessity of this form of property in the study of the issue of state property rights.

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