

PUBLIC PROPERTY RIGHT AND ITS TYPES

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Abstract

In this article, the concept of public property rights, its types, opinions given by scientists to the concept of public property, regulation of public property by laws, concepts of republican and municipal property and their essence, legal regulation of public property in foreign countries and regulation of public property in the legislation of the Republic of Uzbekistan the differences and similarities between the comparisons are explained.

Keywords: public property rights, types of public property, republican property, municipal property, state property, republican property subjects, municipal property subjects.

Introduction

According to the general rule, the existence of the state and its function and it is one of the necessary conditions for the implementation of its tasks it is the possession of a certain amount of state property. This situation is typical for any society. Like other subjects of civil law, the state is recognized as a full-fledged subject of civil law because it is considered the owner of certain property.

The result of fundamental changes and reforms in our republic is the reduction of state property in the current conditions did not reduce the attention to the study of law and the importance of state property in society and social life, on the contrary, the market the concept of state property, legal status, objects and subjects of state property require a new interpretation in the conditions of economy. From this point of view, state property it is permissible to think about the necessity of this form of property when researching the issue of rights.

According to legal scientist H.R. Rahmonkulov, state property is necessary not only to ensure socio-economic development and meet the needs of the population, but also for the existence of the state and its bodies and the performance of their tasks.

In civil-legal relations, the state (that is, a public-legal structure) together with legal entities and citizens traditionally turns out to be a separate, independent legal entity. The state, not only as a participant in public relations, but also, using public property, retains the possibility of being a subject of economic management at its discretion.

In the event that Article 213 of the Civil Code of the Republic of Uzbekistan is applied to public property, the norms of this article strengthen the rule on the large number of subjects of public property, and as such subjects of property, directly belong to the Republic of Uzbekistan (property constituting the property of the republic in relation to) and its administrative-territorial structures (municipal district, in relation to the property constituting the city property). They act on behalf of the relevant state structure in property transactions and exercise one or another authority of the public owner in accordance with their authority.

According to some experts, in the conditions of market relations, the past situation in relation to state property has ended (monopoly of state property, collection or debts are not directed to state property, etc.), and the following is manifested:

state property is one of the forms of property and does not have any advantages; the chief reformer of the state exercises his management powers not by directly influencing other participants in economic transactions, but by the means provided for by legislation.

According to the Civil Code of the Republic of Uzbekistan, there are the following types of public property:

1. Republican property
2. Municipal property

Land, underground resources, water, airspace, flora and fauna and other natural resources, property of republican bodies of state power and management, objects of material cultural heritage of state importance, funds of the republican budget, gold reserves, the currency fund of the state and other funds are the property of the republic, as well as enterprises and other property complexes, educational, scientific, scientific-research institutions and organizations, results of intellectual activity, predictions, these are the budget or special funds of the state other property may be the property of the republic if it was created or purchased at the expense of.

Property belonging to the Republic shall be disposed of by the Oliy Majlis of the Republic of Uzbekistan, the President of the Republic of Uzbekistan, the Government of the Republic of Uzbekistan or the bodies specially delegated by them, unless otherwise provided by law.

Property of local bodies of state power, local budget funds, municipal housing fund and communal economy, enterprises and other property complexes, public education, culture, healthcare institutions, as well as other property of municipal will be property. Municipal property is disposed of by local bodies of state power or their delegated bodies, unless otherwise provided by law.

Public property rights are regulated by the Constitution of the Republic of Uzbekistan, the Civil Code of the Republic of Uzbekistan, as well as by several legal documents. For example, in Article 23 of the Law "On Property" of the Republic of Uzbekistan: "Subjects of administrative-territorial structure property (communal property) Residents of the relevant administrative-territorial structure are subjects of communal property."

Realization of property rights issue is carried out by local Councils of People's Deputies in the Republic of Uzbekistan

Public property rights are regulated not only in the Civil Law of the Republic of Uzbekistan, but also in the legislation of foreign countries. For example, let's consider the norm related to public property in the Civil Law of Belarus. Article 215 of the Civil Code of Belarus stipulates the right to state property. According to it, "State property is realized in the form of republican property (property of the Republic of Belarus) and communal property (property of administrative-territorial units).

The property of the Republic consists of the treasury of the Republic of Belarus and the property assigned to the legal entities of the Republic in accordance with the legislation. The treasury of the Republic of Belarus consists of funds of the republican budget, gold and currency reserves, other objects belonging only to the state and other state property not attached to legal entities of the republic.

Communal property consists of the treasury of the administrative-territorial unit and property assigned to communal legal entities in accordance with legislation. Local budget funds and other communal property not attached to communal legal entities form the treasury of the relevant administrative-territorial unit".

It can be seen that each country has different aspects of regulation of public property in its legislation.

In conclusion, the study of the laws and other normative documents on public property relations, as well as scientific literature in this direction, showed that currently the legislation on public property legal grounds was formed and passed a certain stage of its development. In a word, property-legal in our republic a whole system of relations was created.

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