

## **Improvement of the Constitutional Guarantees of the Inviolability of Property**

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**Abstract:** The article is devoted to the problem of improvement of the constitutional guarantees of the property right. The author summarized the practice of the Constitutional Court of the Republic of Uzbekistan on the problems of protecting the right of property from arbitrary interference by third parties and the state.

**Keywords:** guarantees, immunity, constitutional law, improvement, property law, Republic of Uzbekistan, personal property.

The Constitution serves as a key factor and guarantee of the development of the country, the successes we are achieving, the prosperity of the Motherland, the peaceful and prosperous life of our citizens. The Concept of further deepening of democratic reforms and the formation of civil society in the country put forward by the head of state has become a logical continuation of ongoing democratic transformations and modernization.

According to party activists, on the basis of the norms of the Constitution, a system of state support for small businesses and private entrepreneurship has been created, the development of a legislative framework for ensuring the rights and interests, guarantees for the activities of business entities. Consolidation The basic law of the presence in our country of various forms of ownership and guaranteeing the right of everyone to be an owner served as the basis for the formation of a multi-structural market economy in our country, the development of small businesses and private entrepreneurship, the formation of a middle class in society - the class of owners [3].

Property is the economic foundation of society. Also, the socio-economic structure of the society is determined by property and who owns the property. It is possible to develop social relations without property, to implement measures aimed at ensuring the well-being of the people in the country. Property is a source of activity in all spheres of social life [1].

The right of private property is the sovereignty of the owner over material or other material and immaterial benefits guaranteed by the state and limited in the interests of society.

The private owner is guaranteed the right to use the property belonging to him in any way in accordance with his interests [4].

Article 53 of the Constitution of the Republic of Uzbekistan states that "The state guarantees the freedom of economic activity, entrepreneurship and labor, taking into account the priority of consumer rights, the equality and legal protection of all forms of property. At the same time,

private property is inviolable along with other forms of property and is under the protection of the state may be deprived of it in the specified cases and procedure" [2]

In addition to this, the Laws of the Republic of Uzbekistan "On Property", "On Dekhkon Economy", "On Protection of Private Property and Guarantees of Owners' Rights", "On Guarantees of Freedom of Entrepreneurial Activity", "On Privatization of Non-Employed Land Plots" The legal bases of the guarantees of property rights are also strengthened in the "Representative on protection of the rights and legal interests of business entities in the presence of the President of the Republic of Uzbekistan" and other laws.

It was noted at the event that the policy of all-round support for entrepreneurship, which is being implemented under the leadership of the President of our country, providing its subjects with even greater freedom, eliminating unnecessary bureaucratic obstacles and restrictions on their development, is an important factor in the success achieved in the field. In recent years, in order to strengthen the right of private property and its protection, more than 15 laws of the Republic of Uzbekistan and other regulatory legal acts of property rights have been adopted, which strengthened the protection of the rights of business entities.

As a result, the share of small businesses and private entrepreneurship in the gross domestic product has grown from 31 percent in 2015 to 56 percent today. Currently, more than 77 percent of the employed population work in this area. In the process of large-scale reforms, a middle class of owners has formed, which makes a great contribution to the development of the national economy and creates thousands of new jobs. The decrees and resolutions of the head of our state adopted in recent years have brought this work to a qualitatively new level.

The most important program task of the party is also the further development of small business and private entrepreneurship, the farming movement in the country, the strengthening of benefits provided to owners, the protection of legitimate interests, and the improvement of the business environment. Uzbekistan, as a political force that expresses the interests of farmers, entrepreneurs and business people, protecting their rights, is implementing about 10 party projects in this direction.

In particular, projects such as "From Family Business to a Strong Family", "Family Owner", "Into Business with a Diploma", "Business Student", "Woman Farmer" and "Young Farmers" contribute to improving the well-being of the population, increase the number of women and young people involved in business, employment. Thanks to this project, about 20 thousand new and additional jobs have been created. Already this year, participants in projects to start their own business received twice as many loans from commercial banks as compared to the same period in 2022.

It is worth noting that the problem of securing and protecting property rights from illegal encroachments has become especially urgent in connection with the fundamental changes in socio-economic relations that are being implemented during the next four years. During this period, more than 300 documents of the President and the government aimed at ensuring the rights of owners were adopted on the basis of the above-mentioned legal documents.

At the same time, in order to prevent loss of trust in government institutions, decrease in investment attractiveness, destabilization of the stable development of market relations, in general, in order to prevent the discrediting of the reforms being carried out today, special attention is being paid to the issues of protecting the rights of owners from criminal aggression of a corrupt nature.

Encroachments on the illegal deprivation of property rights are seizure of property objects for state and public needs by administrative bodies and their officials, monopolization of the market by collusion of officials and business structures, robbery of other people's property, illegal lawsuits for confiscation of property It is manifested in such forms as decision-making and so on.

According to scientists, the lack of traditions of strict enforcement of property rights and effective public control, imperfection of legislation and mechanisms for ensuring and protecting the rights of owners, bureaucracy in the activities of officials, insufficient legal awareness and culture of competent officials, lack of public relations practices, property rights. The prevalence of administrative methods of influencing the provisioning processes, the existence of facts of bureaucratic, sometimes arbitrary actions of some officials, and other illegal restrictions of the rights of property owners lead to a significant increase in complaints [4].

According to Article 197 of the Civil Code of the Republic of Uzbekistan, property rights include the voluntary fulfillment of obligations by the owner, the adoption by the owner of a unilateral decision determining the fate of property, seizure (purchase) of property based on a court decision, as well as the act of legal documents terminating property rights ends with Similar requirements are included in Article 11 of the Housing Code, according to which "Privately owned houses and apartments may not be taken away, and the owner may not be deprived of the right of ownership to the house or apartment, except in the cases established by law. Compulsory eviction of residences is allowed only in the cases and in the order provided for by the law, on the basis of the court's decision.

In order to further strengthen the protection of private property and guarantee the rights of owners, create an additional incentive for the development of entrepreneurship, support business initiatives and projects, expand the access of business entities to financial resources, and increase the level of social inclusion in the industry, on August 13, 2019, "Protection of private property and Presidential Decree No. PD-5780 "On strengthening the guarantees of the rights of owners, on the fundamental improvement of the system of organization of work in support of business initiatives, as well as on expanding the opportunities of business entities to use financial resources and production infrastructure" was adopted. According to it, the Chairman of the Council of Ministers of the Republic of Karakalpakstan, governors of the regions, Tashkent city, districts and cities, the Ministry of Construction of the Republic of Uzbekistan, the State Committee for Land Resources, Geodesy, Cartography and State Cadaster and their territorial divisions and other competent state bodies The leaders of the Republic of Uzbekistan were warned that they are personally responsible for the unconditional execution and strict observance of the norms of the Constitution of the Republic of Uzbekistan on ensuring the inviolability of private property, ensuring freedom of economic activity and entrepreneurship, protecting against aggression, and creating all the necessary conditions for the preservation and further increase of private property [3].

Damage to private owners in violation of their rights by the representative for the protection of the rights and legal interests of business entities under the Office of the General Prosecutor's Office and the President of the Republic of Uzbekistan (hereinafter - the representative for the protection of the rights of entrepreneurs), including the illegal restriction of property rights and (or) deprivation of them Systematic control over the non-allowance of encroachment on private property, including previously privatized property, intentionally imposing unacceptable conditions on the owner, including unreasonable demands for the transfer of property or property rights, as well as seizure of property or forcing the owner of the property to give up the right to personal property (control) is installed.

From the above, the situations that pose a real threat to the guarantees of property rights are clearly visible. This, in turn, weakens the confidence of the population and representatives of the private sector in the ideas of the rule of law, ensures confidence in state bodies, and discredits the large-scale socio-economic reforms implemented in the country.

In order to eliminate the listed problems and to broadly protect private property, the state authorities are working hard to increase the confidence of citizens, investors, and business entities in the reliable implementation and protection of intellectual property rights in Uzbekistan. Legislators are forming a legislative system aimed at minimizing informal relations

in the process of acquisition and alienation of property rights, excluding the possibility of abuse of official position and influence on trade. Judiciary and law enforcement agencies are systematically fighting not only the crime of corruption, but also the factors of corruption, the causes and conditions that contribute to their manifestation.

In the last five years, modern mechanisms for identifying the factors of corruption and prosecuting those who committed illegal acts have been rapidly formed in the republic. Such mechanisms include: the fight against corruption in the field of external (prosecutor control, parliamentary, public, financial, administrative control, etc.) and internal control (anti-corruption compliance, strengthening integrity measures, risk analysis).

In conclusion, it can be said that ensuring the inviolability of private property, protecting it from various encroachments, creating all the necessary conditions for maintaining and increasing private property, supporting the class of owners, protecting the rights of independent ownership, use and disposal of the property that belongs to them further strengthening of the guarantees is the most important criterion of a legal democratic state and civil society.

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