

ISSUES FOR THE IMPROVEMENT OF CIVIL LEGISLATION (IN THE EXAMPLE OF THE REPUBLIC OF UZBEKISTAN)

SHODMANOV FURQAT

Professor, doctor of sciences in Law, Samarkand State Institute of Economics and Service.

Abstract

The article focuses on improving the mechanisms of regulating civil-legal relations, unifying the entire system of market relations and ensuring its internal harmony. On the example of the Republic of Uzbekistan, the issues of modernization of the civil legislation in accordance with the principles of the market economy and international standards, creating a modern civil legal framework for the further development of the market economy, and improving the civil legislation of the Republic of Uzbekistan in order to achieve this goal have been analyzed.

Keywords: Legal culture, civil-legal relations, market relations, civil legislation of the Republic of Uzbekistan, modern civil legal framework, Constitution of the Republic of Uzbekistan

INTRODUCTION

It is known that each sphere is based on certain foundations, rules and foundations. In the regulation of each relationship, the defining role is played by the unifying concepts and circumstances that become the common basis for these relationships. The rules that are most important in regulating the relevant social relations and extending to almost all relations in this area are called sources in science.

In general, the theory of law establishes a number of conditions in relation to sources that help to distinguish the source from sources in other areas. These conditions include:

- ✓ the source of law must have a normative character;
- ✓ the source of law must be accepted or published by the appropriate competent public authority within the scope of its purpose and operation;
- ✓ sources of law should always be adopted on the basis of the relevant procedure and rules;
- ✓ The correct source must be properly registered and published under certain conditions.

Just as many areas of public life have special sources, law also has its sources. Sources of law, in turn, are divided into sources of specific areas and are formed from their totality. As part of this complex, the area of civil law also has its own source.

MATERIALS

The normative documents regulating civil law relations are understood as the sources of Civil Law adopted by public authorities in the prescribed form within their competence, aimed at defining, changing or canceling the norms of legal acts as generally binding state prescriptions.

Chambers of the Oliy Majlis of the Republic of Uzbekistan, the President of the Republic of Uzbekistan, the Cabinet of Ministers of the Republic of Uzbekistan, ministries, state committees and agencies, local official documents are considered regulatory documents. In the Civil Code, sources of civil law are referred to as "civil law documents".

In accordance with the third article of the Civil Code, civil legislation consists of the Civil Code, other laws regulating the relations specified in parts one, four and five of the second article of this code, as well as by-laws.

Normative legal documents are legal documents and constitute a set of legal documents of the Republic of Uzbekistan. Legal documents include:

- a) The Constitution and Constitutional Laws of the Republic of Uzbekistan;
- b) Laws of the Republic of Uzbekistan;
- c) Resolutions of the chambers of the Oliy Majlis of the Republic of Uzbekistan;
- d) Decrees of the President of the Republic of Uzbekistan;
- e) Resolutions of the Cabinet of Ministers of the Republic of Uzbekistan;
- f) Documents of ministries, state committees and departments;
- g) Decrees of local government bodies.

Among legal relations, only civil law relations are "normal" relations. That is, civil law relations are not built on the principle of subordination to each other, on the basis of free will and desire, without coercion. The sources of civil law are determined on the basis of these characteristics of the relations that it regulates. Another feature of the sources of civil law is the wider use of dispositive norms than imperative ones. The reason for the wider application of these norms in civil law is that the participants in civil law are granted wide privileges and freedoms. Another important feature of dispositive norms, which are often used in civil law documents, is the beginning of these norms with the phrase "unless a special provision is established in the law or the contract and a different meaning is not understood from the essence of the obligation". It is clear from the expression of the above situation that this norm is a dispositive norm.

METHODS

Imperative norms applied in civil law relations, in most cases, serve to protect common interests and ensure compliance with the rule of law, honesty, reasonableness, and fairness.

Imperative norms governing contractual relations mainly serve to protect the interests of the state (society), and sometimes may not correspond to the interests of one or both parties to the contract [1].

The mutual correlation of the legal force of various normative legal documents is determined in accordance with the Constitution of the Republic of Uzbekistan, the powers and status of the body that adopted the normative legal document, as well as the types of documents. The

normative legal document must be brought into line with other normative legal acts that have a higher legal force than itself. In cases where normative legal documents do not correspond to each other, the normative legal document that has a higher legal force is applied.

In cases where normative legal documents having the same legal force do not correspond to each other, the provisions of the document adopted later shall apply. If the ministry, state committee or agency that has adopted a normative legal document has special powers to regulate a particular area of public relations, the document adopted by this body will have higher legal force than the normative legal document of another ministry, state committee or agency of the same level.

In terms of legal force, the Constitution of the Republic of Uzbekistan ranks first among the sources of law. The fundamental law of the Republic of Uzbekistan - the Constitution is the guiding source for all legislation, including civil law. The norms of the constitution regulate certain relations in general, at the constitutional level, and the laws on civil rights supplement and clarify them. Article 27 of the Constitution of the Republic of Uzbekistan establishes that everyone has the right to be protected from encroachments on his honor and reputation, interference in his personal life, the right to the inviolability of his home. This provision is aimed at protecting personal and non-property rights, such as honor, dignity, reputation of citizens, and on the basis of this article, the provisions of Article 100 of the Civil Code were developed and developed.

Article 36 of the Constitution states that everyone has the right to be an owner, that bank deposits are kept secret, and the right to inherit is guaranteed by law. On the basis of this article, the norms of the civil code on property rights, the bank deposit agreement and the rules of succession, the laws of the Republic of Uzbekistan “On banking activity and banking activity” and “On guarantees for the protection of deposits of citizens in banks” are formed. They confirm that everyone is the owner of the property and that property rights are indefinite and inviolable, as well as the responsibility of the bank for deposits placed with the bank. Inheritance should be understood as the property of a deceased person, the right to property, the right to claim from others, obligations and debts to others.

Inheritance is a set of rights and obligations of citizens that can be transferred to other persons during their lifetime. The right of inheritance is a set of legal norms necessary for the direct adoption of property, property personal and non-property rights and obligations of a citizen in connection with his death [2]. Issues of inheritance and succession are set out in a separate fifth section of the Civil Code.

Article 42 of the Constitution of the Republic of Uzbekistan guarantees the freedom of scientific and technical creativity and the right to use the achievements of culture. The right to creativity is established in the norms of Section 4 of the Civil Code, as well as in the law of the Republic of Uzbekistan “On Copyright and Related Rights”, “On Publishing”, “On Breeding Achievements”, “On Inventions, Utility Models and Industrial Designs”, “On mass media” and a number of other legislative acts.

Article 53 of the Constitution deserves special attention. This article of the Constitution reflects the priority norm relating to "market relations". Based on this, the following circumstances can be distinguished in the article:

- the basis of the economy of Uzbekistan is the formation of various forms of ownership;
- priority of consumer rights;
- freedom to engage in economic activity, entrepreneurship and work;
- equality and legal protection of all forms of ownership;
- the inviolability of private property, as well as other forms of property, and its being under the protection of the state;
- Norms such as that the owner may be deprived of his property only in cases and in accordance with the law.

These circumstances were subsequently reflected in the current regulatory legal acts of the Republic of Uzbekistan [3]. Article 54 of the Constitution directly expresses the content of the right to property. Based on this, the owner has the right to acquire, use and dispose of his property at his own discretion. At the same time, the limits of property rights are also defined in the Constitution. That is, the use of property should not harm the ecological environment, and should not harm the legally protected rights and interests of citizens, legal entities and the state.

The adoption of the Constitution of the Republic of Uzbekistan became the foundation for the emergence of new socio-economic relations in our country. Most importantly, the Constitution considers the individual and his interests as the main participant in civil rights.

RESULTS

The Civil Code of the Republic of Uzbekistan is also aimed at creating a mechanism compatible with the conditions of a market economy, based on constitutional principles. It occupies a special place in the regulation of civil law relations.

The Civil Code is a codified law that serves to unify the entire system of market relations and ensures its internal harmony, regulates civil law relations, and is aimed at the requirements of market economic relations.

The first part of the Civil Code of the Republic of Uzbekistan was adopted on December 21, 1995, and the second part - on August 29, 1996, and both parts entered into force simultaneously on March 1, 1997. Initially, the Civil Code consisted of six sections, 71 chapters and 1199 articles.

The current Civil Code regulates issues related to the property rights of individuals in a new way. In that:

- wide freedom and opportunities are provided at the conclusion of various civil law contracts;
- broad regulation of entrepreneurial activities of citizens;
- the legal capacity of citizens has been expanded, they can use hired labor, their own private property, including private entrepreneurship, the equality of forms of ownership and its protection are guaranteed;
- It should be noted that legal entities that are subjects of civil law relations are provided with ample opportunities in carrying out their activities and conducting business affairs.

The structure of the Civil Code is similar to the civil law system, which meets the requirements of a market economy.

The current laws of the Republic of Uzbekistan are also a source of civil rights. The laws of the Republic of Uzbekistan regulate the most important and stable public relations and are adopted by the Oliy Majlis of the Republic of Uzbekistan or through a referendum.

Article 76 of the Constitution of the Republic of Uzbekistan states that "Oliy Majlis of the Republic of Uzbekistan is the highest state representative body and exercises legislative power." Accordingly, the legal documents adopted by the Oliy Majlis of the Republic of Uzbekistan and of a civil nature constitute a source of civil law. Today, hundreds of laws are civil laws.

Article 94 of the Constitution of the Republic of Uzbekistan states that "The President of the Republic of Uzbekistan issues decrees, resolutions and orders, binding on the entire territory of the republic, on the basis of the Constitution and laws and in connection with their execution." These decrees issued by the President are considered legal documents. Decrees of the President stem from the need to regulate and strengthen urgent relations in life, the national economy, and production. Most of them are a source of civil law, since they regulate civil law relations.

DISCUSSION

Corresponding normative documents issued by the ministries of the republic, state committees and departments on the basis of their provisions are also sources of civil law. Ministries, state committees and agencies accept legal documents in the form of orders and instructions within their powers [5]. Adopts normative legal documents in the form of regulations, rules and instructions. Normative legal documents adopted in the form of regulations, rules and instructions are approved by orders and orders.

In the absence of relevant norms in the civil legislation, local customs and traditions are used to regulate these relations (Article 6 of the Civil Code).

A rule of conduct that has emerged in any area of business and has become widespread is a business practice, regardless of whether it is spelled out in a document or not. However, applicable business practices, local customs and traditions should not contradict the norms of legal documents and the content of the terms of the contract.

The new civil law legislation of the Republic of Uzbekistan introduces the concept of "customs of business". The legislator himself considers business practice as one of the types of legal practice.

Legal custom is a rule of conduct that has developed as a result of practice over a long period of time and is recognized by the state as a generally binding rule. Not every custom can become a legal custom, but only that custom can be a legal custom that can meet the interests of a certain group, class or society as a whole and is sanctioned by the state.

The norms of labor behavior and customs are part of everyday life, have been used since ancient times, are recognized by the public, but are not reflected in legal documents. If it is recognized in legal documents, it will be recognized as a legal norm that goes beyond custom and business practice. Business practices are common in various business areas such as sales, rentals, rentals, works and services, passenger and freight transportation.

CONCLUSION

Business practices do not have to be written. But there are no such documents in the field of entrepreneurship. For example, business practices are reviewed by the Uzbekistan Chamber of Commerce and Industry and published to inform stakeholders.

In some cases, the standard terms of the concluded contract can be accepted as a business practice. On the basis of Article 359 of the Civil Code, the contract may provide that its individual conditions are determined by standard conditions developed for the corresponding type of contract. In cases where standard conditions are not mentioned in the contract, such standard conditions are applied to the relations of the parties in the order of business turnover. Standard conditions can be expressed in the form of a standard contract or other document containing these conditions.

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