

CERTAIN LEGAL RELATIONS RELATED TO REAL ESTATE

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Abstract:

The article discusses real estate relations and highlights their legal foundations. Also, the shortcomings in the legal regulation of real estate relations and some legislative gaps in it and their practical implementation are critically analyzed.

Keywords

Real estate, private property, owner, disposal, use, occupation.

Introduction

As the President of the Republic of Uzbekistan Shavkat Mirziyoyev emphasized in his address to the Oliy Majlis of the Republic of Uzbekistan on December 29, 2020, “It should be emphasized that during the pandemic, entrepreneurs made an equal contribution to the stable functioning of the economy along with the state. Therefore, we must all stand shoulder to shoulder with entrepreneurs and always support them. In this regard, ensuring the rights of entrepreneurs, especially the inviolability of private property, should be the main task of state bodies at all levels”¹.

One of the main fundamental directions of reforming the sphere of entrepreneurial activity of economic entities in Uzbekistan is the modernization and development of the real estate market, as well as the formation of a competitive environment in real estate markets.

In this regard, at a joint session of the Legislative Chamber and the Senate of the Oliy Majlis of the Republic of Uzbekistan, our President emphasized the following regarding the private property of business entities: “First of all, we need to strengthen the rights and protection of private property, create a system of reliable guarantees that will ensure that every private owner has no doubts about the inviolability of his property, which he legally acquired or created. Every entrepreneur must first of all clearly understand that the state is the defender of the rights of private owners. That is why entrepreneurs should confidently invest in their business, expand production activities, increase the volume of production and income received, own, use and dispose of their own property. For this purpose, the “Organization of work on the protection of private property and strengthening guarantees of the rights of owners, support for entrepreneurial initiatives” was adopted, which is aimed at strengthening the basic guarantees provided by the state in relation to private property, which is the basis of a market economy. Additional measures on the fundamental improvement of the production system, as well as on the expansion of opportunities for business entities to use financial resources and production infrastructure”² adoption created the basis for the further development of private property.

¹ <https://president.uz/uz/lists/view/4057>.

² Ўзбекистон Республикаси Президентининг 2019 йил 13 августдаги ПФ-5780-сонли Фармони.

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The emergence of a real estate system, a modern understanding of its development, which is a specific reality, not only determines the place and role of this object of civil law under study, but also, more importantly, reveals the essence and nature of the real estate system, the procedure for its formation, and also develops legal instruments that effectively influence social relations related to real estate in the activities of economic entities.

Legal regulation of relations related to real estate as the property basis of the activities of economic entities has become one of the central directions of scientific research in civil studies. Interest in real estate is manifested in the preparation of scientific studies, reviews and scientific articles that reflect the scientific and practical significance of the problem of real estate and its legal regulation.

At the same time, many studies are focused on individual aspects of the legal regime of real estate or on individual objects (land plots, buildings, structures, structures, enterprises, residential and non-residential premises, various transactions related to real estate, etc.), while a comprehensive study of the concept of real estate as the basis for the activities of business entities is neglected.

Today, the need to form and improve the legislative framework related to real estate is associated with the nature of real estate as an object of civil rights, the importance of transactions related to real estate in civil transactions between business entities, the need to protect the interests of the participants in these transactions, and the determination of the legal regime of certain types of real estate that are widely traded in the field of entrepreneurship.

To a large extent, these problems arise from the shortcomings in the legal regulation of real estate purchase and sale and its handling, as well as from the problems of legal regulation of other institutions of civil law, which represent the procedure for the implementation of material rights in relation to real estate, the moment of the creation and transfer of these rights to other persons, the rules for concluding and formalizing agreements and a number of other norms.

Despite the existence of sufficiently developed legislation on the real estate market, the presence of problematic situations in the field of extensive legal practice and extensive bibliography of the issue indicates that the level of legal regulation is not satisfactory. This requires further in-depth regulation of the legal regime of the real estate market as the basis for the activities of business entities, the elimination of excessive publicity and formalities in real estate transactions, the simplification of existing legislation, the regulation of real estate activities, the elimination of contradictions between legal acts. All these factors determine the relevance of the dissertation research and justify the need for theoretical research on the issues of the participation of real estate objects in real estate activities, the analysis of civil legislation in the field of the legal regime of real estate.

Thus, all of the above shows that there is a need to develop a modern concept of legal regulation of real estate activity in the field of business entities, oriented to the formation of effective mechanisms for real estate transactions and its protection.