www.wordlyknowledge.uz Volume: 2, Issue: 1, 2023

CONCEPTUALIZATION OF THE THEORY OF PROPERTY AND THE SUBJECT OF CIVIL LAW REGULATION

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Annotation: The problems of the efficiency of the Russian economy are connected, according to the author,including the lack of setting goals for civil law regulation of property relations. Comparative legal analysis makes it possible to recommend to the Russian legislator to link the goals of civil law regulation with the achievement of the common good, consisting in the progressive development of society and economic progress.

Key words: civil law, subject of civil law, property relation, efficiency of the Russian economy, civil law.

Introduction

Conceptualization of the theory of property is an important aspect of civil law regulation. In general, this concept refers to a system of legal principles that define the rights and obligations of owners and the government in relation to property. In this context, it refers to how the Government and citizens can claim property and how property can be used and protected.

Depending on the country and industry, the theory of ownership may differ. In some countries, ownership may be based on laws or rules of contract law, and in other countries, ownership may be based on rules of public law or rules of administrative law. In some industries, special rules and principles that regulate property rights may also be applied.

In general, the theory of property can be characterized as a system of rules that defines the rights and obligations of owners and the government in relation to property. It provides ownership rights and rules for their application, as well as rules for making decisions regarding ownership. It also provides rules for the protection of property and the right of owners to receive compensation for the illegal use of their property. Thus, the theory of property is an important part of civil law regulation and is of great importance for the protection of the rights and interests of owners and the government.

Civil law occupies a central place among the legal branches regulating property relations. Confirmation of its key role is the fact that it is the norms of civil law that apply to family, labor, environmental relations in case of gaps in the relevant special legislation.

In the conditions of changing industrial relations, the development of diverse forms of ownership and a multi-structured market economy, the need for civil law regulation of public relations based on the equality of participants is increasing. The civil law norms implement, first of all, the need to maintain individual and collective entrepreneurship, the fight against the monopoly position of individual producers, and the protection of consumer interests.

The subject of civil law regulation refers to those social relations that are regulated by the norms of civil law. These include two groups of relationships:

1) property related to the ownership of property to certain persons or with the transfer of property from one person to another;

2) personal non-property relations that have properties that allow them to apply the norms of civil law.

www.wordlyknowledge.uz Volume: 2, Issue: 1, 2023

The peculiarity of relations regulated by civil law is that they arise between equal and independent entities.

The bulk of the relations regulated by civil law are, first of all, property relations. Property in civil law is understood not only as things, but also as property rights. Property relations always arise and exist either in connection with the finding of property by a certain person, or in connection with the transfer of property from one person to another.

It is necessary to distinguish between two main groups of property relations regulated by civil law:

1) property relations – relations related to the possession of certain things (property) by one or another subject;

2) obligation relations – relations related to the transfer of property benefits from one person to another.

Along with property, the subject of civil law regulation is also personal non-property relations, characterized by the following main features:

· deprived of economic content, regardless of their connection with property relations;

· have an indissoluble connection with the personality.

The subject of personal non-property relations are intangible benefits: name, honor, dignity, business reputation, authorship of works of science, literature, art and inventions.

Civil law allows us to distinguish two main types of personal non - property relations:

1) personal non-property relations directly related to property relations (relations arising from authorship of works of science, literature, inventions and innovation proposals, as well as those related to the assignment of a brand name, production mark or trademark to organizations);

2) personal non-property relations, although not directly related to property, but in some cases may entail unfavorable personal or property consequences for their participants (relations related to the protection of the honor and dignity of citizens, the business reputation of the organization).

The regulation of this kind of relations by the norms of civil law is due to the fact that they have properties that are amenable to civil law regulation.

The method of legal regulation of public relations is understood as a set of ways, means, and techniques through which law affects public relations.

The peculiarities of the civil law method of regulating public relations are expressed in the fact that civil law, first of all legally, secures the independence and independence of subjects. It is expressed in the recognition of legal equality for organizations and citizens and in the absence of a relationship of power and subordination between them.

Legal equality means equality of all forms of ownership, property and administrative independence in the organization of economic relations between them, as well as equality of measures of legal responsibility. Since the bulk of civil law relations are property relations, then civil liability should also be of a property nature.

www.wordlyknowledge.uz Volume: 2, Issue: 1, 2023

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