

THE PLACE AND ROLE OF CITIZENSHIP RIGHTS IN SOCIETY

Normamat Mallaev Ramazanovich
PhD in Law, Associate Professor Termez State University,
Faculty of Law Termez, Uzbekistan,

Adkham Avliyakov
Teacher of Termiz State University

ANNOTATION

In this article, Civil law reflects a system consisting of a number of legal institutions, property rights, obligation rights, personal non-property rights, rights based on the results of creative activity, inheritance rights. It is said that relations regulated by civil law constitute its subject.

Keywords: Constitution, Civil law, insurance, contract, Civil Code, decrees, credit, credit debts, rent

INTRODUCTION

The concept and sources of civil law. Civil law is a separate field of law consisting of a set of norms regulating property and personal non-property and commodity relations involving citizens and legal entities of the Republic of Uzbekistan, and is based on their legal equality, property independence and freedom of will. Civil law regulates ownership relations, contractual relations of participants in economic activity (sale, contract, insurance, etc.), as well as relations related to intellectual property and inheritance related to the compensation of damages. Like any field of law, the most important norms of civil law are expressed in the Constitution of Uzbekistan. For example, the basis of economic relations in every country is the right to ownership of material goods[3].

The Constitution of Uzbekistan enshrines provisions such as the right to engage in entrepreneurship and other types of economic activity not prohibited by law, to demand compensation from the state for damages caused by illegal actions (inaction) of state authorities or officials[17]. Civil law reflects a system consisting of a number of legal institutions (property law, obligation law, personal non-property rights, law based on the results of creative activity, inheritance law). Relations regulated by civil law are its subject. The method of civil law is characterized by the equality of the parties participating in civil legal relations, the fact that most of the norms in this field of law are dispositive (the possibility of choosing the type of behavior for the participants), resolving disputes in court, in the commercial court. Sources of civil law, depending on their importance (legal force), are divided into the following types[5]:

Constitution of the Republic of Uzbekistan, Civil Code of the Republic of Uzbekistan and other laws; - legal documents — decrees of the President of the Republic of Uzbekistan, decisions of the government of the Republic of Uzbekistan, orders and instructions of ministries and organizations; - work habits, local customs and traditions. Therefore, the concept of "sources of civil law" is broader than the concept of "civil laws", because civil law relations are regulated not only by laws, but also by subordinate documents (for example, presidential decrees, government decisions, departmental documents, etc.). Among the rules that regulate relations related to civil rights are the customs of employment. They are included in some field of business activity and are widely used, but they are not stipulated by law. They should not conflict with the laws and the contract that are mandatory for the

participants of this relationship[18]. The most important document of civil law is the Civil Code of the Republic of Uzbekistan (hereinafter - FC). The current Civil Code consists of two (general and special) parts. In the first (general) part of the FC, the main rules of special importance within the framework of other types of relations regulated by civil law are reflected. They include the main concepts and principles of civil laws: methods of protection of civil rights; objects of civil law; legal status of participants in civil transactions; the grounds for the emergence of ownership rights and other property rights and the procedures for their implementation; the main rules of contractual and other types of obligations are defined.

ANALYSIS AND RESULTS

The second (special) part of the Code deals with certain types of contracts and non-contractual obligations: sale, lease, contract, transportation, debt and credit, obligations arising from damage, copyright, invention and other special rights, inheritance rights and norms of international private law. includes. Civil relations are also regulated by separate laws. For example, "On ownership in the Republic of Uzbekistan", "On restriction of monopolistic activity and competition in commodity markets", "On the right to protect the rights of consumers" , "On Enterprises in the Republic of Uzbekistan", "On Pledge", "On Auditing", "On Copyright and Related Rights", "On leasing", "On non-governmental non-commercial organizations" and other laws[19]. Participants of civil legal relations Citizens are subjects of civil legal relations. Civil law regulates property and closely related personal non-property relations. One of the participants (subjects) of these relations is a citizen (natural person). The first condition for citizens' participation in civil rights relations is their legal capacity, i.e. the ability to have civil rights and obligations[6].

Legal capacity is established at birth, but in some cases the law also protects the rights of the unborn. For example, under the FC, a child born after the victim's death may have the right to claim damages in connection with the victim's death. Civil legal capacity is terminated by the death of a person. At the same time, in the event that a person has not been heard from for a long time and there is no information about his or her life, the person has disappeared or died based on the conditions stipulated by the law in order to eliminate all uncertainties of this type. can be declared as Declaring a person dead leads to the termination of his legal capacity[20]. A citizen performs rights and obligations on his own behalf, it is not allowed to perform rights and obligations on behalf of others. According to the civil laws, the set of rights and obligations that a citizen can possess constitutes a civil legal capacity. Citizens have the right to choose their place of residence[7].

Residence of minors under 14 years of age is the residence of their parents or legal representatives. 71 www.ziyouz.com library Citizens own property based on property rights, receive it as an inheritance or bequeath it, engage in business and other types of activities not prohibited by law; participation in obligations; creation of legal entities; use of works of science, literature and art, authors of studies and results of intellectual activity protected by law; they have the right to own property as well as personal non-property. FC contains a list of rights of citizens that constitute the content of civil legal capacity, which has not yet been finalized. At the same time, it is not allowed for citizens to abuse their rights by harming the participants of civil transactions[8].

It is not allowed to limit the legal capacity of anyone, except for the cases provided by law. A person cannot be deprived of full civil legal capacity. In addition to legal capacity, subjects of civil law also have legal capacity. Legal capacity means the right of citizens to acquire and exercise civil rights by their own actions, as well as the ability to assume civil obligations and fulfill them. Legal capacity is

thus distinguished from legal capacity[21]. For example, according to him, citizens acquire their rights and obligations through other persons, for example, their parents. In addition, the capacity for civil action creates not only the ability to perform legal actions, but also the condition of being held responsible for them (delict capacity)[9]. Therefore, the ability to deal depends on the age and mental state of the person. According to the general rule, civil capacity is fully acquired from the age of 18. Also, married persons under the age of 18 are considered fully legal. In some cases, this is caused by lowering the age of marriage. The FK includes the norm of emancipation of minors, that is, of considering them fully legal. This can be done if the following conditions are met: 1) the person has reached the age of 16; 2) in case of the consent of both parents or legal representatives, if the minor is engaged in employment contract or business activity[10].

This decision can be adopted by the court in case of dissatisfaction of guardianship and patronage body, parents and legal representatives. In other cases, minors are considered partially competent. They have the right to acquire not all, but some rights and obligations by their actions, that is, their legal capacity is not limited. Their parents or guardians or the educational, training or treatment institutions supervising them are responsible for the damage caused by minors. Minors between the ages of 14 and 18 have delict capacity, that is, they are independently and with the consent of their parents, independently liable for all transactions and damages[22]. If minors do not have a monthly salary or other independent income, they are fully or partially responsible through their parents and legal representatives. Due to the presence of certain conditions stipulated by the law, persons with full and partial legal capacity may be restricted in their legal capacity[11].

The relevant decision on the legal capacity or incapacity of a citizen can be issued only by the court, even then based on the application of his family members, guardianship and guardianship authorities, the prosecutor and the psychiatric hospital[23]. A guardian and a sponsor are appointed for an incompetent person. In cases where the person recovers, the court finds him competent and cancels the lined guardianship or sponsorship. In addition, there is a category of citizens who do not have legal capacity. Such persons do not realize the importance of their actions as a result of their mental state[12].

The court finds them incompetent. Participation of citizens in business activities. Entrepreneurship is an initiative independent activity of citizens and associations aimed at obtaining income[28]. A citizen has the right to engage in entrepreneurial activity from the moment of registration as a private entrepreneur. Documents submitted on business activity may not be registered due to the non-compliance of the information content in them with the requirements of the law. In this case, it is allowed to appeal to the commercial court[24]. It should be noted that private entrepreneurs can engage in special activities on the basis of a special permit - license. Since entrepreneurship involves the independent creation of various knowledge of civil rights by entrepreneurs and requires taking risks from the entrepreneur himself and third parties (i.e. others), a person engaged in entrepreneurship must undoubtedly have civil capacity[13].

Legal entities. Participants of civil rights relations include not only individual citizens (individuals), but also legal entities, that is, organizations and institutions. Legal entities are different[27]. They are listed in the first part of the Civil Code. The law defines legal entities as follows: "property or personal entity that owns separate property in its own property, business management or operational management and is liable for its obligations with this property, in its own name An organization that can have property rights and implement them, fulfill obligations, be a claimant and be liable in court is a legal entity. Legal entities must have an independent balance sheet and budget[14]. The rights and

legal capacity of legal entities begin at the time of their registration (organization) and end at the time of their termination. On the other hand, the right and capacity of a citizen starts from the moment of his birth and ends with his death, and the capacity to act begins when a person reaches the age of majority and ends with his death. A legal entity, as well as an individual, can engage in certain types of activities defined by law only on the basis of a license[25]. The legal capacity of a legal entity is determined by its acceptance of civil obligations through its management bodies (director, head, chairman, president, council, management, general meeting). Actions of these bodies are recognized as actions of a legal entity, since they fully represent the interests of a legal entity in civil transactions[15].

A separate representative office and branches may be established within a legal entity, but they are not considered an independent legal entity. Their leaders are appointed by a legal entity and operate on the basis of its power of attorney. The representative office and branches must be reflected in the founding documents of the legal entity that established them. The address of a legal entity is the place of state registration[26]. The indicators of the state register, as well as the name of the firm, are included in the single state register. State registration of a legal entity is necessary not only for the emergence of rights and legal capacity in it, but also for ensuring financial (tax) control over its activities. State registration of a legal entity may be refused in case of violation of the legal procedure for establishing a legal entity or due to non-compliance of its founding documents with the law. It is not allowed not to register a legal entity due to its incompatibility with the purpose. Termination of activity of a legal entity is carried out through its reorganization (separation of enterprises and establishment of several legal entities based on them, merger of several legal entities) or liquidation. The law provides for a special procedure for liquidation of legal entities [16].

CONCLUSION/RECOMMENDATIONS

Change and liquidation of legal entities is carried out voluntarily or compulsorily (according to a court decision). In FC, two large groups of legal entities are distinguished: - commercial organization - organizations that make profit as the main goal of their activity, for example, business companies and collectives, production cooperatives, joint stock companies, unitary enterprises, etc.; - legal entities that are not commercial organizations - organizations that do not aim to make a profit, for example, public associations, social funds, and enterprises and organizations in the form of an institution whose owner provides financial support, as well as in other forms provided for by law. A non-commercial organization may engage in business activities within the scope of the goals defined in its charter.

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