

AS THE HOUSING RIGHT OF CITIZENS IN UZBEKISTAN AND ITS PRIVATIZATION PROCESSES

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Annotatsiya: O'zbekistonda xususiy uylarga egalik qilish huquqini olish bir qancha bosqichlarda amalga oshirilgan. Xususan, mustaqillikning dastlabki davrida davlat uy-joy fondlarini aholi nomiga o'tkazish orqali uy-joy muammosini yechishga harakat qilingan. Biroq bu jarayon mazkur sohada kutilgan natijalarni olib kelmadi. Shu sababli, keyinchalik aholining o'ziga bo'sh yerlarni mulk sifatida berishga e'tibor qaratila boshladi.

Kalit so'zlar: Uy-joy siyosati, namunaviy uylar, shaharsozlik kodeksi, qonun, shaharsozlik, qurilish, imtiyoz, siyosat.

Annotatsiya: Obtaining the right to own private houses in Uzbekistan is carried out in several stages. In particular, in the early period of independence, an attempt was made to solve the housing problem by transferring state housing funds to the name of the population. However, this process does not bring expected results in this area. For this reason, attention was paid to giving free land to the population as property.

Keywords: Housing policy, model homes, urban development code, law, urban development, construction, privilege, policy.

Аннотация: Получение права собственности на частные дома в Узбекистане осуществляется в несколько этапов. В частности, в ранний период независимости была предпринята попытка решить жилищную проблему путем передачи государственных жилищных фондов на имя населения. Однако этот процесс не приносит ожидаемых результатов в этой области. По этой причине уделялось внимание передаче бесплатной земли населению в собственность.

Ключевые слова: Жилищная политика, типовые дома, градостроительный кодекс, закон, градостроительство, строительство, привилегии, политика.

Introduction: In recent years, great attention has been paid to providing housing to the population in Uzbekistan. This situation, in turn, is the reason for solving the housing requirements of the population. After 1991, a number of measures were implemented in Uzbekistan to increase the number of private housing funds and to ensure the right of ownership. In Uzbekistan, the decision and regulation of the Cabinet of Ministers No. 378 of August 13, 1992 on the privatization of the public housing fund in Tashkent started the first stage of privatization. Privatization of state housing funds was conducted for the first time in 1992 as an experiment in the city of Tashkent. According to experts of that time, this process was successful [1]. From the first years of privatization of the state housing fund in 1993, 252,100 applications for the privatization of apartments were received from the residents of Tashkent. This accounted for 99% of the total number of flats in local council houses. In this process, 218,000 apartments were registered as private property to citizens, and 92,900 of them were given for free[2].

Results. According to the privatization program, the ownership of residences, which were part of the state housing fund, was transferred to the persons occupying them on the basis of lease agreements. The main legal basis for housing in Uzbekistan is embodied in the Housing Code of Uzbekistan. Other legal acts that regulate housing issues are the Law on Protection of Private Property and Guarantees of Owners' Rights, the Civil Code, the Land Code, the Urban Planning Code, and the Mortgage Law. According to the Housing Code, the Cabinet of Ministers of the Republic of Uzbekistan is responsible for regulating housing issues, including conducting state policy on the use and exploitation of the housing fund, adopting state programs for housing construction and has important powers in managing the activities of state bodies responsible for housing and communal services. Also, housing policy is carried out through Presidential decrees and orders, and targeted programs in general[3].

In 1993, privatization of state housing funds was carried out throughout the republic. In 1993, more than 884,600 out of 1,081,100 dwellings planned by the State Property Committee were transferred to the owners of those houses. Of these, 342,100 were given to the owners for free and the remaining 536,500 were sold. In addition, 5,879 were issued for payment in installments. In 1993, 98.5 percent of the housing stock was privatized in Bukhara region, 91.3 percent in Fergana, and 63.7 percent in Namangan region [4].

First of all, the Housing Code can be included in the special legal documents related to housing. This code clearly defines the rights and obligations of citizens, state bodies, enterprises and organizations regarding housing. Also, the law "On Privatization of the State Housing Fund" specifies the legal, economic, and social foundations of the privatization of the state housing fund in Uzbekistan. However, in order to eliminate some problems that arose during the implementation of the norms of this document, it was necessary to provide explanations by experts [5].

Later, an attempt was made to solve the housing issue by privatizing land plots. In 2006, on the basis of the decree of the President of the Republic of Uzbekistan "On the privatization of land plots occupied by legal entities and citizens with buildings and structures", the local authorities considered the issue of allocating unused land for housing construction. In particular, in order to create a land fund for the construction of individual housing, at the expense of idle land plots of enterprises, organizations and institutions, and based on the results of surveying the land plots in residential areas, the placement of individual housing areas was carried out. As a result of these works, amendments were made to the master plans of residential areas and schemes of engineering infrastructure [6].

Legal relations related to residence in the legislation of the Republic of Uzbekistan, the Constitution of the Republic of Uzbekistan, the Civil Code of the Republic of Uzbekistan, the Housing Code, the Law "On Privatization of the State Housing Fund", the Cabinet of Ministers of the Republic of Uzbekistan Decision No. 114 dated March 1, 1993 "On continuation of privatization of state housing stock in the Republic of Uzbekistan", approved by Decision No. 180 dated April 4, 1994 "Privatized apartments (part of apartments)), the regulation on the procedure for formalizing contracts on the transfer of ownership rights when giving and bequeathing houses (a part of houses) to others, "Procedure for privatization of the housing fund of the Ministry of Defense of the Republic of Uzbekistan" on" and other legal documents. Based on these documents, property rights to housing were created as a result of: individual housing construction; construction of houses by companies of individual builders; obtaining housing bonds; participation in housing construction and housing cooperatives; trade, gift and exchange; to give the house (apartment) to another person with the condition of providing for life; inheritance and privatization[7].

In Uzbekistan, the Housing Code regulates housing relations [8]. According to the Housing Code, the property right to a residence is created from the moment of state registration of a house built on a plot of land allocated according to the established procedure [9]. Property rights to housing are created through individual housing construction, housing construction by individual builders' companies, housing bonds, housing construction, and participation in housing cooperatives[10]. During the years of independence, the population tried to protect their property rights through the courts. For example, in 2010, out of 52,518 cases by the courts of Tashkent region, 647 cases were disputes related to housing. In 558 of them, the demands of the plaintiffs were satisfied [11].

Some experts have suggested creating a unified assessment system for real estate. In particular, in 2015, the senior consultant of the Supreme Court of the Republic of Uzbekistan, Muattar Allayarova, the need to create a unified system for evaluating the housing fund in Uzbekistan and to develop the law of the Republic of Uzbekistan "On the unified system of real estate evaluation" mentioned its existence. According to him, the price of the house is considered to be of decisive importance in the legal relations related to the creation, change and annulment of property rights to the house. According to him, by creating a strict system of setting prices for housing, legal actions that can be taken in relation to housing fund houses, buildings and structures and improving the system of collecting duties paid to the state as a result of these legal actions possible[12]. In addition, it is established that compensation payments to the owners of damaged houses in Uzbekistan will be made at the expense of local budget funds[13]. This is of great importance in protecting the property rights of the population.

Article 212 of the Civil Code stipulates that a person who arbitrarily built a building cannot acquire property rights. This person did not have the right to sell, donate, rent or enter into other transactions related to the building he built. According to the decision of the court, such a building was demolished by the person who built the building or at his expense, according to the claim of the person whose rights were violated as a result of the arbitrary construction of the building or the relevant state body. On the other hand, if a person has arbitrarily built a building on a plot of land that does not belong to him, and the relevant authority deems it necessary to give him that plot of land, the person can obtain the ownership right to the building he built on this plot of land through the court. [14].

Summary. In conclusion, during the years of independence, the processes of privatization of houses were carried out in Uzbekistan. In addition, a number of regulatory documents have been adopted that grant ownership rights to residential property and protect it. Therefore, today in Uzbekistan, private houses make up a large part of the housing stock.

Obtaining the right to own private houses in Uzbekistan is carried out in several stages. In particular, in the early period of independence, an attempt was made to solve the housing problem by transferring state housing funds to the name of the population. However, this process does not bring expected results in this area. For this reason, attention was paid to giving free land to the population as property. This situation gave the population the right to buy and own land in the regions of their choice, and on the other hand, it made it possible for the population to build their own houses based on their financial situation. At the same time, there were other ways for the population to own a house, such as sale, gift or inheritance.

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