

**REGULATION OF THE CIVIL-LEGAL STATUS OF HOUSING AND ISSUES
OF PROPERTY TRANSFER****Turdakhunov Mukhammadjon Kudaiberganovich**

Annotation: This scientific article addresses the current issues surrounding the protection of housing rights and analyzes the various methods and forms of housing rights protection available to restore violated housing rights. The author concludes that the methods and forms of protection provided by legislation do not fully guarantee adequate legal safeguards for individuals whose housing rights have been violated. Furthermore, the provisions in the Constitution of Uzbekistan, the Civil Code, and the Housing Code do not consistently offer effective protection for citizens' housing rights.

Keywords: housing law, protection of housing rights, methods of housing rights protection, forms of housing rights protection, housing legislation.

In legal doctrine, there have long been debates among scholars regarding the essence of the violation of housing rights, how to ensure their protection, the most effective judicial protection methods, and the content of the principle of housing rights protection. However, there is general agreement that an effective method of protecting housing rights involves selecting an appropriate means of protection by an authorized individual. A clear confirmation of this point can be seen in the number of cases considered under Article 45 of the Civil Code of the Republic of Uzbekistan, which pertains to the violation of citizens' privacy regarding residence. In our view, the provision of this article – “(illegal entry into residential premises against the will of its residents, committed by an unauthorized person)” – has remained unchanged since the adoption of the Code in 1994. This wording has failed to account for modern requirements regarding the protection of private property rights.

It should be noted that this article is based on Article 27 of the old version of the Constitution of the Republic of Uzbekistan, which stated: “Everyone has the right to protection from attacks on their honor and reputation, interference in their personal life, and the right to the inviolability of their home. No one can enter someone's home, search or inspect it, disclose the secret of correspondence and telephone conversations, except in cases and procedures provided by law.” The methods for protecting housing rights should include: recognition of the

right to use, privatization, joining a housing cooperative, moving in, registering as in need of better housing conditions, receiving official housing, obtaining a housing certificate, and being provided with housing at the expense of the federal budget. All of these methods should be classified as jurisdictional forms of housing rights protection.

However, in addition to jurisdictional methods, the legislator has also provided for a non-jurisdictional form of housing rights protection: self-defense of housing rights. This can be implemented as long as it does not exceed the scope of the right's exercise, does not harm the violator of housing rights or third parties, and does not infringe on their legitimate interests. For example, self-defense of housing rights may involve the right of the premises owner to move a large object (such as a wardrobe, furniture, washing machine, etc.) in a shared corridor of an apartment building if a neighbor places a large object in the apartment that obstructs the common passageway and access to the living space. If, in the process of moving the object, the premises owner damages or ruins the neighbor's property, they would be considered to have exceeded the bounds of self-defense and would be required to compensate the damage.

It is important to note that the list of methods for protecting housing rights established by the legislator is not exhaustive. It is continually expanding due to the growing turnover of property. In judicial practice, new methods have emerged, such as recognizing the right to residential premises as non-existent if it was not legally acquired, and claiming compensation for damages resulting from the loss of the right to housing or the destruction of the housing itself due to the fault of an unscrupulous buyer. When making decisions regarding transactions with defective property, the court must balance the interests of the individual who lost their residential premises against their will and the person who acquired it. The court assesses whether the purchaser of residential premises acted in good faith, with fairness, reasonableness, and prudence, and considers the behavior of the former owner, who must prove that their property was taken from them involuntarily.

An important factor in the implementation of methods for protecting housing rights is how housing law is understood: as an independent branch of law, a sub-branch of civil law, a complex institution of law, or a branch of Russian legislation. This understanding directly influences the application of protection methods and forms in the civil rights protection system. The Russian Federation does not always provide adequate protection for the housing rights of its citizens.

Article 24 of the Law “On Protection of Private Property and Guarantees of Ownership Rights” addresses the “Inadmissibility of Review and Cancellation of the Results of Privatization and Denationalization of Property.” This article establishes that privatized property is inviolable and the results of privatization cannot be reviewed. However, these provisions do not offer sufficient mechanisms for the protection of privatized property. In our opinion, to clarify these issues, the following norms should be included in Article 24 of the Law “On Protection of Private Property and Guarantees of Ownership Rights”:

“An official or employee of a state body or organization guilty of violating the privatization procedure – such as privatizing state property without a proper valuation or at a price lower than the market rate at the time, as determined by the established procedure – shall be held liable according to the procedure established by law.

The individuals specified in the second part of this article shall be required to fully compensate for any damage caused to state or public interests as a result of their illegal actions, as prescribed by legislative acts.

It is prohibited for state bodies, including control, law enforcement agencies, and courts, to initiate reviews, annulments, or cancellations of state expropriation and privatization results, including the valuation of property.”

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