

Legal Basis of Individual Housing Construction: Periodization, Problem and Solution

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Abstract: This article examines the relationship between individual house construction, the classification of the legal foundations of housing relations according to criteria, including the constitution, codes, laws and legal documents, on subjects of housing, civil, land, architectural and urban planning nature. and other areas, the content and essence of legislative documents, problems of periodization of the process of formation and development of legislation in this area are analyzed.

Key words: public policy, constitution, codes, laws, legal acts, housing relations, individual house construction, classification of the legal basis of housing relations.

By the legal basis of regulation of housing relations, we understand the legal documents regulating relations in this regard (legal documents in the field of housing, land, citizenship, architecture and urban planning).

Relations related to housing, which is one of the property relations, is one of the institutions that have been in the focus of people's attention since ancient times. Humanity has gone through a historical period, from the creation of caves to the possession of modern high-rise dwellings. During the past period, residential legislation developed and became enriched with new aspects.

In general, we can classify the legal bases of residential relations according to several criteria. The first criterion system is the constitution, codes, laws and legal documents. According to the subject of the second criterion, legislative documents in housing, civil, land, architecture and urban planning and other areas are distinguished. We can periodize the formation and development of this problem as follows:

1st period (1991-1998). This period mainly includes legislative documents regulating relations related to the privatization of residential buildings as a component of active economic reforms. During this period, the first democratic-legal foundations related to residential relations were created in our country. Laws of the Republic of Uzbekistan "On Property" dated October 31, 1990, "On Privatization of the State Housing Fund" dated May 7, 1993, "On the Basics of State Housing Policy" (now this law is no longer valid) is one of them.

These laws defined the legal status of private property for the first time and created the legal basis for the privatization of the state housing fund. In particular, the Law "On Privatization of the State Housing Fund" consisting of 28 articles legally strengthened the implementation of the privatization of housing in our country in 1992-1993.

The adoption of the Civil Code of the Republic of Uzbekistan also corresponds to this period. This code is one of the laws that occupy an important place in the regulation of property relations, and it is the subject of ownership of housing, their creation and annulment, implementation of property rights in relation to housing, its protection, and the subject of housing. relations such as various civil contracts have been expressed. In particular, if the norms related to civil-legal subjects of the FC (Articles 16-80 of the CC) determine the legal status of the participants of the housing relationship, the norms related to the objects of civil legal relationship (Articles 81-96 of the CC) regulates housing as an object of civil law. The norms of the Civil Code related to transactions (Articles 101-128 of the Civil Code)

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establish the general rules of such transactions, confirming that houses are the subject of transactions like other properties. Also, norms related to power of attorney (Articles 134-144), articles related to property rights (Articles 164-233), and housing relations occupy a special place.

Transfer of housing (apartment) to another person under the condition of lifetime security of the Code (Articles 530-534), lease of buildings and structures (Articles 573-578), housing lease (Articles 600-616), construction contract (Articles 666-685), project and prospecting contract (Articles 686-692), trust management of property (Articles 849-861), right of succession (Articles 1112-1157) also indirectly regulates housing relations. Because housing relations are negotiated between subjects through various transactions (contracts, inheritance, power of attorney). The general provisions of these are stipulated in the Civil Code.

2nd period (1998-2005). This period is characterized by codification and updating of housing legislation. The most important legal document adopted during this period is the Housing Code, which was adopted on December 24, 1998 and entered into force on April 1, 1999. The Urban Development Code adopted on April 4, 2002, in order to provide citizens with a comfortable living and working environment, defines the powers of the authorities on housing construction and in this regard.

A number of documents can be cited. In particular, the Cabinet of Ministers of the Republic of Uzbekistan "On regulating the purchase of housing in the Republic of Uzbekistan by foreign citizens and stateless persons and their arrival in Tashkent for permanent residence" (27.02.1999 No. 92), "On measures to equip the housing fund with water and gas metering devices and organize their production in the Republic of Uzbekistan" (01.06.1999 No. 280), "On state accounting of the housing fund in the Republic of Uzbekistan" (20.01.2000 No. 18), "Regulation of housing owners' associations" on additional measures for support" (01.03.2002 No. 74), Decisions "On measures to regulate the purchase of housing in the city of Tashkent" (16.12.2004 No. 586), "Giving housing to the management of housing owners' company and maintaining the housing stock" and the model Regulation on the procedure for mutual cooperation with state authorities on correction issues (of the Cabinet of Ministers 04.10.1999. Appendix 2 to the decision No. 454), temporary Regulation "On collection (collection) and use of funds for capital repair of multi-apartment buildings" (Cabinet of Ministers dated 18.01.2000 Resolution No. 16), the Regulation "On the unified system of state accounting of the housing fund of the Republic of Uzbekistan" (Cabinet of Ministers Appendix 1 to Decision No. 18 of January 20, 2000), Regulation "On the Procedure for Including Houses and Residences in the Housing Fund" (Appendix 2 to Decision No. 18 of UzR VM) Regulation "On the procedure for removing houses and residences from the housing fund" (Cabinet of Ministers Appendix 3 to the Resolution No. 18 of 01.20.2000), "Regulation on the Use of Non-Residential Areas in Multi-apartment Buildings" (Appendix 2 to the Resolution of the Cabinet of Ministers No. 22 of 01.2000) , temporary Regulation "On single customer service for housing and communal services" (Appendix 1 to Cabinet of Ministers Resolution No. 22 dated 24.01.2000), Regulation "On the procedure for the purchase of gas meters, their installation and use in apartments and detached houses" (Cabinet of Ministers dated 28.03.2002 . Appendix 4 to Decision No. 99).

In addition, the following decisions of the Plenum of the Supreme Court of the Republic of Uzbekistan were adopted: 14.09.2001 No. 22 "On Court Practice in Housing Disputes" and 24.09.2004 No. 14 "Regarding Individually Built Houses" on judicial practice in disputes related to property rights.

3rd period (2005 to present). It is not wrong to say that this period marked a new stage in the field of housing relations. After all, credit-mortgage relations related to housing developed during this period. In particular, the "Mortgage" law adopted on October 4, 2006 defined mortgage relations related to housing relations in this regard. The decree of the President of the Republic of Uzbekistan "On additional measures for material and moral support of young families" stimulated the stable development of credit relations in this regard.

During this period, the following decisions of the President of the Republic of Uzbekistan related to companies were adopted: "On additional measures to improve the activities of homeowners" (10.02.2005 No. PK-3), on measures for housing construction and further development of the housing



market" (16.02.2005. No. PK-10), "Housing of the Republic of Uzbekistan "On measures to implement the investment project of equipping the fund with cold and hot water meters and equipment" (03.01.2007 No. PK-553).

During this period, the following decisions of the Cabinet of Ministers of the Republic of Uzbekistan were adopted: "On measures for the further development of private housing owners' associations and the formation of a clear market for residential services" dated 12.04.2006. No. 64), it is necessary to approve the "Model Charter of the Private Housing Owners' Association" and the "Model Agreement between the Private Housing Owners' Association and the owner of a non-residential building in a multi-apartment building" on" (30.05.2006).

In addition, the following petitions were approved: "Model charter of a private housing owners' association" (Appendix 1 to the decision of the Cabinet of Ministers No. 100 of 30.05.2006), "A residence in a multi-apartment house with a private housing owners' association" model contract between the owner of an unplanned building (Appendix 1 to the decision of the Cabinet of Ministers dated 30.12.2006 No. 272), "On granting a mortgage loan for the construction, reconstruction and purchase of housing" Regulation (appendix to the decision of the Cabinet of Ministers dated 03.01.2007 No. 2).

Regulations play an important role in the regulation of housing legislation. In general, after analyzing the above legal documents, it is possible to conclude that housing relations are considered to be a relationship that has its own role in our republic. The fact that more than a hundred legal documents regulating housing relations were adopted during the years of independence also confirms our words.

But despite this, there is a need to form and improve the legal norms of this process. In particular, it is necessary to pay special attention to the classification of the objects and subjects of housing construction, especially individual housing construction relations, and the features of the emergence of property rights in relation to them. In addition, it requires the creation and improvement of legal normative documents that fully reflect the rights and obligations of house builders, the powers of state economic bodies, and the procedures for determining responsibility for violating the requirements of the law in this field.

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