

## DISTINCTIVE FEATURES OF CITIZENS' VOLUNTARY CANCELLATION OF PRIVATE PROPERTY RIGHTS

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### ABSTRACT

This article describes the concept and content of private property rights, general description of grounds for revocation of citizens' private property rights, and specific features of voluntary revocation. The procedure for voluntary revocation of private property rights has been extensively researched. Also, the opinions of civil scientists regarding the voluntary cancellation of private property rights were taken into account.

**Key words:** private property, property rights, cancellation of property rights, voluntary cancellation of private property rights, inviolability of property, protection of property rights

### INTRODUCTION

Property right, by its nature, is not only the broadest, but also a stable material right, and is the main legal factor and result of normal property transactions. Therefore, in ensuring the stability of property rights, it is of great importance that the law specifically establishes the grounds for its cancellation and serves to ensure the principle of inviolability of property established in Article 1 of the FC. In general, the main goal of the civil-legal regulation of the grounds for revocation of property rights is aimed at ensuring the inviolability of private property of citizens and legal entities.

The category of inviolability of property, which is one of the main foundations of civil legislation, plays an important role in ensuring the stability of property transactions. The importance of property rights is that "although the right to private property has a real possibility of protection, this does not mean that it is automatically protected when the right is violated. In order to protect the right, in addition to this possibility, a number of conditions are required. In a word, there is a need for a single mechanism that can turn the possibility of protecting the right of private property into civil legal protection of this right" [ 1 ]. Therefore, the inviolability of property is fundamental to civil law and legal order in general. The extent to which property rights are protected against any unlawful encroachments is closely related to the stable functioning of civil treatment. According to E.A. Sukhanov, "the principle of inviolability of public and private property means that the owner is provided with the opportunity to use the property belonging to him for his own interests, without the risk of it being taken away arbitrarily or imposing various restrictions on its use" [2]. Recognition of the principle of inviolability of property as one of the main foundations of civil legislation ensures the stable functioning of property relations. Thus, since property rights are manifested not autonomously, but in property relations, the inviolability of property is the result of the need to ensure the stability of these relations.

Voluntarily, property rights are canceled through various legal and factual actions carried out directly by the owners. The owner can perform various actions on his property according to his wishes and for his own interests. He cancels the subjective property right by selling, exchanging, donating or otherwise alienating the property. In addition, property rights may be revoked as a result of the owner's use of the property based on the economic, production and consumer needs. Voluntary

cancellation of property rights does not affect or interfere with the decisions of third parties and the state on the fate of the property by the owner. The owner acts based on his needs.

Actions by the owner or decisions of relevant state bodies or a specially issued legal document are considered as the main legal facts leading to the cancellation of the property right. Such legal and factual actions should be carried out within the framework provided by the legislation. The rights of other interested parties should also be taken into account when the right of ownership is revoked by the decision of the court and the relevant state body and by the actions of the owner at his own discretion.

According to the above, in our opinion, the invalidation of the property right is a set of legal and factual actions (events) carried out by the owner or an authorized body that lead to the loss of the property right by law, as a result of which the property right is invalid or arises in another subject of civil law. As a result of the unilateral decision of the owner to decide the fate of the property, the ways in which the right to property can be revoked are not fully explained in the FC. However, this issue can be clarified based on the legal nature of the cancellation of property rights on this basis. It is known that in making a unilateral decision regarding any subjective right, it is considered sufficient to express the will of only one party. Based on this, property rights can be canceled as a result of transfer (liquidation) of property and leaving a will. Some authors also include a gift contract in this list. In particular, H. Rahmonkulov shows that the annulment of property rights by concluding a gift contract is carried out as a result of a unilateral decision by the owner that decides the fate of the property [3]. In our opinion, the cancellation of ownership by donation occurs on the basis of voluntary performance of the obligation by the owner. Because, as indicated above, when making a unilateral decision that decides the fate of property, it is enough to express the will of the owner, and the attitude of other participants towards such a legal action is not taken into account. This sign does not exist in the legal nature of the gift contract. In this case, the will and desire of not only the donor, but also the recipient of the gift to conclude the contract are taken into account. Article 503 of the FC also stipulates that the recipient has the right to reject the gift at any time before it is delivered to him. In such a situation, the gift contract is considered canceled.

First, we will look at the cancellation of property rights as a result of the destruction (liquidation) of property by citizens. Citizens always use their property to satisfy their specific needs. These types of needs are mainly consumer and production in nature. In most cases, on the way to meeting needs, assets disappear in the form of material goods. As soon as the property, which is the object of the property right, is destroyed through consumption, the property right in relation to the corresponding object is also void.

But some authors question whether property rights are void in such circumstances. Including A.A. Rubanov said that "it is far from the truth to claim that property rights are canceled in most cases as a result of the transfer or liquidation of property... For example, after a pet is transferred, its meat and skin are usually left, and after an expensive, rare vase is broken, its fragments remain. However, this situation cannot be the basis for coming to a firm conclusion about the invalidity of property rights" [4]. A.A. In order to object to these opinions of Rubanov, it is necessary to refer to the doctrine of objects in civil law. It is known that in civil law, objects are divided into several types depending on their properties. It is necessary to pay attention to divisible and non-divisible items from those mentioned in this list. Because A.A. The objects given as examples by Rubanov are among such objects according to their characteristics. According to the second part of Article 88 of the FC, an object

whose parts lose the properties of the original object and change its economic (purpose) significance as a result of division is considered an indivisible object. So, by the fact that the property becomes encumbered as a result of its use, the right to property is voided, it refers to the whole state of the property before the process of using it. As a result of the violation of the integrity and integrity inherent in this object, the ownership rights to it will also be nullified.

To sum up, a citizen always owns, uses and disposes of his property at his own will and for his own interests. Including, he has the right to destroy and liquidate property in order to satisfy his needs, regardless of their nature. However, the owner must always take into account the interests of society when liquidating the property. Because the destruction of some objects in the property of citizens may threaten the natural area, the safety of citizens or cause various harmful consequences. If damage is caused as a result of destruction of property, the citizen shall be responsible in accordance with the law.

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