

Legal regulation of property rights in Uzbekistan under contemporary civil legislation

Diyorbek Abdullayevich Turanov

National University of Uzbekistan named after Mirzo Ulugbek

Abstract: The regulation of property rights occupies a central position in the civil law system of Uzbekistan, reflecting both constitutional principles and the transformative processes of legal reform since independence. This article examines the framework of property rights under contemporary civil legislation, focusing on the Civil Code, constitutional provisions, and judicial practice. Special attention is given to the unique status of land as state property and the hybrid model of long-term leases that approximate ownership, as well as the regulation of housing, movable and immovable assets, and intellectual property. The analysis highlights the balance between private property guarantees and state powers of intervention, particularly in expropriation and public interest regulation. Challenges related to enforcement, compensation, and judicial consistency are discussed alongside the opportunities created by privatization, investment liberalization, and international legal integration. The article argues that the Uzbek model of property rights represents a transitional framework that combines elements of traditional state ownership with expanding private rights, and its further development will be shaped by economic modernization, international obligations, and social legitimacy.

Keywords: Property rights, Civil Code of Uzbekistan, land ownership, leasehold system, expropriation, civil legislation

Property rights form the cornerstone of civil law systems, and in Uzbekistan they occupy a particularly significant position within the broader legal and economic landscape. Since independence, the country has sought to build a civil law regime that balances private ownership, state interests, and the collective values inherited from both traditional society and the Soviet legal order. The regulation of property rights under contemporary civil legislation reflects not only the formal provisions contained in statutes and codes but also the wider process of legal transformation that accompanies economic liberalization, privatization, and integration into global legal standards. This article explores the scope, content, and challenges of property rights in Uzbekistan, analyzing the substantive provisions of the Civil Code, constitutional principles, judicial practice, and the interaction between law and policy.

The Constitution of the Republic of Uzbekistan establishes the foundational framework for property rights, affirming the inviolability of private property while simultaneously recognizing the significant role of state ownership in strategic sectors. The constitutional guarantee of property rights has symbolic and practical importance, especially given the transition from a planned economy to a market-oriented system. Private ownership of land, however, remains restricted, with land constitutionally recognized as state property that may only be leased to individuals and legal entities. This peculiarity distinguishes the Uzbek legal regime from many other jurisdictions and reflects the balance between preserving state control over strategic resources and fostering private economic activity.

The Civil Code of Uzbekistan elaborates on the constitutional framework by providing detailed norms on the content, acquisition, protection, and termination of property rights. The Code conceptualizes property rights as absolute rights, enforceable against all other persons, and protects

the rights of owners to possess, use, and dispose of their property. It also specifies the legal mechanisms through which property may be transferred, including contracts, inheritance, and state allocation. Importantly, the Civil Code draws upon comparative models, particularly civil law traditions, while adapting them to local realities. In this sense, the Uzbek civil law system demonstrates both continuity with continental European influences and divergence where local policy imperatives dictate specific solutions.

One of the most notable features of contemporary property law in Uzbekistan is the division between ownership of movable property and restrictions on ownership of immovable property, particularly land. The prohibition of private land ownership, coupled with the system of long-term leases, has been subject to scholarly debate and policy reconsideration. On one hand, the restriction reflects a protective approach, ensuring that land remains within the collective ownership of the nation, administered by the state. On the other hand, it creates challenges for investment, mortgage lending, and sustainable agricultural development. Civil legislation attempts to address these challenges by granting long-term leaseholders significant rights similar to those of owners, including the ability to transfer lease rights, pledge them, and inherit them. This approach effectively creates a hybrid model, blurring the distinction between ownership and leasehold, and raises important questions about the nature of property rights in transitional legal systems.

In addition to land, property rights over housing, buildings, vehicles, and other movable and immovable assets are regulated through detailed provisions. The Civil Code and related statutes recognize private ownership of residential and commercial premises, enabling individuals and legal entities to buy, sell, rent, and mortgage such property. The housing sector, in particular, has been the focus of reform, as privatization of state housing stock created a new class of private owners and established the legal basis for housing markets. Judicial practice has increasingly been called upon to resolve disputes involving co-ownership of apartments, condominium management, and the balance between individual rights and collective obligations in shared property arrangements. These developments illustrate the growing complexity of property relations in an urbanizing society.

Another dimension of property rights regulation in Uzbekistan is the treatment of intellectual property. Although traditionally not considered within the same framework as tangible property, the Civil Code and special laws extend property law principles to intellectual property rights, including copyright, patents, and trademarks. The recognition and enforcement of these rights are essential for fostering innovation and protecting creative works, particularly as Uzbekistan seeks to integrate into international economic systems. Accession to global agreements, such as the World Intellectual Property Organization treaties, has influenced domestic legislation, requiring the harmonization of norms and procedures. The broader concept of property rights in contemporary Uzbek law thus extends beyond physical objects to encompass intangible assets, reflecting the realities of a knowledge-based economy.

The regulation of property rights also involves issues of protection and remedies. The Civil Code provides mechanisms for owners to vindicate their rights against unlawful interference, including actions for recovery of property from unlawful possession, claims to eliminate obstacles to the exercise of property rights, and compensation for damages. Courts are tasked with ensuring the effective protection of property rights, and judicial independence is crucial in this respect. However, challenges remain, particularly in ensuring consistent application of the law and avoiding excessive administrative interference. Enforcement of court decisions also presents difficulties, especially in cases involving powerful economic actors or state entities. Strengthening the rule of law and judicial capacity remains central to the effective protection of property rights in practice.

The state plays a dual role in the regulation of property rights. On the one hand, it guarantees and protects private property through constitutional and civil law provisions. On the other hand, it retains significant powers to limit property rights in the public interest, including through expropriation for public needs, zoning, and regulatory measures. Contemporary legislation attempts to strike a balance between protecting owners and enabling legitimate public interventions. For example, expropriation is permitted only with fair compensation and in cases where public necessity is demonstrated. Nevertheless, controversies have arisen over compensation standards, valuation procedures, and the transparency of decision-making processes. These controversies highlight the tension between development priorities and individual rights, a tension that is particularly acute in rapidly urbanizing contexts where infrastructure projects often require the displacement of private property owners.

Another important area of civil legislation is the regulation of ownership forms. Uzbekistan recognizes private, state, and mixed ownership, reflecting the pluralistic nature of its economy. State ownership remains significant in sectors deemed strategic, such as energy and transportation, while private ownership dominates in trade, services, and manufacturing. Civil law provides the framework for coexistence of these forms, enabling joint ventures, privatization processes, and public-private partnerships. The protection of private ownership is central to attracting foreign investment, and Uzbekistan has undertaken reforms to align its property law regime with international standards. Bilateral investment treaties and the accession process to the World Trade Organization further influence domestic property law, requiring guarantees of non-discrimination, protection against expropriation, and access to international arbitration.

The dynamic development of property law in Uzbekistan cannot be understood in isolation from socio-economic realities. Rural areas remain governed by a system of agricultural land leases, where farmers and households rely on long-term state-granted rights. Civil legislation has gradually expanded the rights of these leaseholders, enabling greater flexibility and security. Urban areas, in contrast, are characterized by complex property relations involving construction permits, real estate markets, and condominium management. The rapid growth of cities creates new legal challenges, particularly in regulating multi-apartment buildings, managing common property, and resolving conflicts between developers and residents. Civil legislation is continuously being tested in practice, requiring both adaptation and judicial interpretation.

International comparisons provide useful insights into the distinctive features of Uzbekistan's property law regime. Many civil law countries recognize full private ownership of land, with restrictions only in certain cases, such as foreign ownership near borders. Uzbekistan's restriction of private land ownership marks a clear divergence, yet its system of long-term leases resembles some transitional economies where gradual liberalization was preferred to abrupt privatization. The Uzbek model can therefore be understood as a cautious approach, balancing economic efficiency with political and social stability. Whether this approach will continue or evolve toward greater recognition of private land ownership remains a subject of debate among scholars, policymakers, and practitioners.

The future development of property rights regulation in Uzbekistan is linked to broader trends of legal reform, economic modernization, and international integration. The government has declared its commitment to improving the investment climate, protecting private property, and ensuring transparency in economic governance. Legislative initiatives continue to refine the Civil Code, enhance judicial mechanisms, and harmonize domestic law with international standards. At the same time, property rights remain sensitive to social expectations, cultural traditions, and political priorities. The challenge lies in building a property law system that is both legally coherent and

socially legitimate, capable of supporting sustainable economic growth while respecting the rights of individuals.

In conclusion, the legal regulation of property rights in Uzbekistan under contemporary civil legislation reflects the country's transitional character, combining elements of traditional state ownership with expanding recognition of private property. The Civil Code and constitutional framework provide the legal foundation, but the practical realization of property rights depends on judicial practice, administrative implementation, and broader socio-economic conditions. The system is characterized by innovation, such as the hybrid lease-ownership model for land, as well as by ongoing challenges, including enforcement of rights, compensation in expropriation cases, and the need for harmonization with international standards. As Uzbekistan continues its trajectory of reform and integration, the regulation of property rights will remain central to its civil law system and to its broader process of nation-building and economic transformation.

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