



THE STATE – AS A PARTICIPANT IN CIVIL-LEGAL RELATIONS

Nadirkbekova Umida Karamatdin qizi

A student of the Faculty of Law of Karakalpak State University named after Berdakh

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The reforms implemented in our country are directly related to the legal regulation of relations with the participants of civil transactions.

Civil law is a set of legal norms that regulate and strengthen property and personal-individual relations between legally equal subjects.

Civil law mainly regulates property relations, which are determined by a certain equivalence (equality), expressed by value, price, and whose participants are treated equally.

The state is the most important "subject" in all spheres of society. Assuming that relations related to the state's expression of people's interests in the economic sphere are mainly regulated by civil law, determining the civil legal status of the state in the current conditions, determining the specific characteristics of state cooperation in civil-legal relations, the economic and legal basis of the expression of people's interests protection of the estimated state property and creation of effective methods and means of its implementation are considered urgent tasks.

According to Article 2 of the FC, the state, like citizens and legal entities, is a participant in relations regulated by civil legislation. One of the distinctive features of the state's participation as the owner of power in civil-legal relations is that the state itself determines the scope of relations in which it directly participates. So, the state can decide which civil-legal relations it will participate in, and in the necessary situation, the state ensures its participation with its decisions. The state's participation in civil-legal relations stems from its sovereignty.

The state as the owner of sovereignty is unique and indivisible. Accordingly, the state is considered as a single and unique subject in civil-legal relations (not as numerous and diverse as citizens and legal entities). When the state, as a subject of civil-legal relations, enters into mutual legal relations with other subjects, it has to give up its privileges: the authority of power, the activity of ruling and managing, the status of superiority.

The state has its own characteristics as a subject of civil-legal relations due to the fact that it is the supreme authority and the owner of sovereignty. The characteristics of the state as a subject of civil-legal relations include the following:

1. The state, as a subject of civil-legal relations, determines the laws to be followed by subjects of civil law. Other subjects of civil law do not have the power to adopt a law that applies to all subjects. Adoption of the law is carried out only by the state and its bodies and its execution is ensured.

2. State bodies may issue documents that are the basis for the creation of civil rights and duties (FK, Article 8, Clause 2). According to the general rule, in civil-legal relations, each subject should act on his own behalf. This rule applies to both citizens (civil legal capacity) and legal entities (one of the legal characteristics of legal entities is participation in civil-legal relations on their own behalf). The state also participates in civil transactions on its own behalf. Because the concept of "state" is considered abstract, it is necessary for its bodies to participate in civil-legal relations on behalf of the state. Because this situation is important in determining responsibility for obligations that arise later. The range of entities that can participate in civil-legal relations on behalf of the state is defined in Part 2 of Article 79 of the FC. According to it, the bodies of state power and management and other special bodies specially delegated by them participate on behalf of the state in relations regulated by civil legislation. The participation of the state body in which civil-legal relations is determined based on the function, purpose of the structure and scope of activity of this body.

3. The state enjoys immunity, i.e. it is allowed to collect fees from state property only when state bodies agree. The immunity of the state in civil-legal relations is that the state exercises its powers on the basis of the laws adopted by it, and the rights and obligations of the state in civil-legal relations are defined only in accordance with the laws of this state. The state, as the holder of immunity, determines which type of civil-legal relations it will participate in.



For example, Article 457 of the FC stipulates that the state participates as a party in the contract for the supply of goods for its own needs.

Immunity in civil-legal relations creates such a situation in relation to the state that the state that participates in civil-legal relations and does not fulfill its obligations is held accountable only on the basis of its national legislation. Although there is a requirement in civil-legal relations not to exercise authority and not to use the authority of the state, these characteristics of the state affect civil-legal relations because they are closely related to it. These conditions are the essence of the term "immunity".

4. Provisions on the limitation of rights and legal capacity that apply to other entities are not applicable to the state.

In any case, the decision on restriction of rights and legal capacity is made by the competent state body based on its decision. Legal entity norms are applied to the state's role in civil-legal relations. In this case, only the rules on the expression of will related to the emergence of the will of legal entities are applied to the state.

At this point, it is permissible to emphasize the similarities between the state and legal entities. The state is a specific organization, like legal entities, and has its own internal structure and organizational unit, management bodies, and the right to participate in civil transactions on its own behalf. In general, the status of the state as an "individual person" in civil-legal relations, although similar to a legal entity, is not the same as it.

The state, like other participants in civil-legal relations, has certain rights and obligations. Individuals who do not have civil rights and duties cannot participate in legal relations as independent subjects. The state of having rights and duties means that the participant of the civil-legal relationship will have civil legal capacity. In turn, the state will have legal capacity like other subjects of civil law.

However, the uniqueness of the state's legal and transactional capacity makes it different from the capacity of other subjects. In some cases, the legal capacity of the state is wider than the legal capacity of citizens and legal entities, and in some cases, the rights and duties of the state are limited. For example, the list of rights that make up the content of the legal capacity of citizens includes such rights that do not exist in the state of such rights. For example, according to Article 18 of the FC, citizens can bequeath their property, use hired labor, choose the type of training and place of residence, and have copyrights of

the results of intellectual activity. The state does not have such rights.

As a general rule, the state participates in civil affairs not for its own interests, but for the more beneficial implementation of public power. Such goals complement the essence of the state's legal capacity.

The state of Uzbekistan also participates in foreign trade as an independent legal entity. The Ministry of Foreign Economic Relations, Investments and Trade of the Republic of Uzbekistan is a state body that coordinates, regulates, controls and manages all foreign economic relations of the Republic. Outside the territory of the Republic of Uzbekistan and abroad, on behalf of the republic, it acts in its interests on all foreign economic issues, and also undertakes obligations arising from the international agreements of the Republic of Uzbekistan.

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