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Implementation of the Right to Inviolability of Housing in the Republic of Uzbekistan: Legislative Framework, Issues, and Prospects

Fayzieva Gulrukh Muhammadi kizi
Lecturer of the department "Constitutional Law" Tashkent State law university,
Email: tirkashevagulrux999@gmail.com

Abstract: General Background: The right to the inviolability of housing is a fundamental constitutional guarantee, ensuring citizens' protection against unlawful intrusion. This principle is recognized in both national and international legal frameworks, emphasizing its significance in maintaining privacy and legal security. The enforcement of this right remains a critical aspect of legal and judicial practices worldwide.

Specific Background: Uzbekistan has established a legislative foundation to uphold housing inviolability through constitutional provisions, the Civil Code, and other regulatory acts. However, challenges persist in the practical application of these laws, particularly in ensuring transparency in judicial decisions, preventing unlawful encroachments, and regulating servitudes in multi-apartment housing. Legal mechanisms for protecting citizens' housing rights require further refinement to align with evolving social and legal conditions.

Knowledge Gap: While previous research has addressed housing rights, limited studies have specifically focused on the interplay between legal frameworks, judicial enforcement, and practical challenges in Uzbekistan. The legal implications of servitudes and their effect on housing inviolability also require deeper analysis to balance property rights and public interest.

Aims: This study aims to examine the implementation of the right to housing inviolability in Uzbekistan, evaluate legislative shortcomings, and propose legal improvements to enhance citizens' protection against unlawful interference.

Results and Novelty: The findings highlight inconsistencies in legal interpretations, enforcement mechanisms, and citizens' awareness of their housing rights. The study introduces a structured approach to addressing servitude-related conflicts, improving judicial transparency, and ensuring legal clarity in property-related disputes.

Implications: Strengthening legal awareness, refining judicial procedures, and implementing clearer guidelines on servitudes are crucial for protecting housing rights. Future research should explore comparative legal models and the role of digital innovations in monitoring and enforcing housing inviolability.

Keywords: Inviolability of housing, constitutional right, Uzbekistan legislation, law enforcement, servitude, legal framework, property rights, judicial transparency, housing law, legal awareness

Introduction

Issues related to the implementation of the constitutional right to inviolability of the home in the Republic of Uzbekistan may include the following aspects:

Legislation and its implementation: despite the guarantees provided for in the Constitution of Uzbekistan, there may be problems with compliance with laws and practices. In some cases, stricter enforcement of laws may be required to protect the inviolability of citizens ' homes.

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Protection from illegal actions: citizens may face the problem of illegal actions on the part of individuals or legal entities, state bodies, which may lead to a violation of their right to inviolability of the home. It is important to have mechanisms to protect against such cases [1].

Ensuring transparency and fairness in the judicial system: In cases of disputes concerning the inviolability of the home, it is important that the judicial system is independent, transparent and ensures a fair trial.

Educating and informing citizens about their rights: it is important to ensure that citizens have access to information about their constitutional rights to inviolability of the home and mechanisms for protecting these rights. Educational programs and campaigns can help raise awareness among citizens [2].

Method

Establishment of the order and rules for the use of easement zones, especially in apartment buildings, namely the issues of inviolability of the home and the establishment of the order in which it is allowed to enter the home through the easement zone.

Is only a place considered a dwelling that meets all the necessary housing conditions (and who determines these conditions), or is it absolutely any place, a room that has walls and a ceiling?

Addressing these issues may require joint efforts by the Government, civil society, and international organizations to ensure that citizens ' constitutional rights to inviolability of their homes are respected in the Republic of Uzbekistan[3].

If we talk directly about the first point, then first of all we should note the use of different terms when writing legislative acts in different languages, namely in Russian and Uzbek. As a result, this can lead to different interpretations. When considering the second question raised, it should be noted that the violation of the right to inviolability of the home can be carried out by various subjects, with the exception of only those living in this home. In the conditions of the Republic of Uzbekistan, violations of the right to inviolability of the home entail administrative and criminal liability, within the framework of which measures may be taken by the judicial authorities of the State. In addition, you can file a complaint with state law enforcement agencies, such as internal affairs agencies, prosecutor's offices, and others. Such appeals to judicial or law enforcement bodies of state power should be considered in accordance with the current legislation of the Republic of Uzbekistan[4].

In addition to the right to restoration of violated rights, it is extremely important to pay attention to raising citizens ' awareness of the existence of the right to inviolability of the home. It is necessary not only to inform about the existence of this right, but also about the possibility of filing complaints with State bodies in cases where this right may be legally restricted. In addition, it is important to understand what the right to privacy is and in what cases it may be subject to restrictions.

Result

This issue is closely related to the legal awareness of each individual, and in order to increase the level of legal culture and legal awareness of society, it is proposed to use the mass media to distribute short videos, journalistic articles, posts, brochures and other materials. Such measures will help draw public attention to the importance of protecting the right to privacy and create a deeper understanding of this problem among citizens[5].

Further, we are interested in the issue of easements, according to Article 173 of the Civil Code of the Republic of Uzbekistan, the owner of immovable property (land plot, other immovable property) has the right to demand from the owner of a neighboring land plot, and in necessary cases from the owner of another land plot, the right to limited use of someone else's land plot (easement).

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An easement may be established to ensure the passage and passage of someone else's land plot, the laying and operation of power transmission lines, communications and pipelines, the provision of water supply, as well as other needs of the owner of immovable property that cannot be provided without the establishment of an easement [6]1.

This provision of the Civil Code of the Republic of Uzbekistan regulates the establishment of an easement, that is, the right of limited use of someone else's land plot, in cases where this is necessary to meet the needs of the owner of immovable property. An easement can be established for various purposes, such as driving and passing through someone else's land plot, laying and operating communications (power transmission, communications, pipelines), water supply, and other needs.

The relationship of this norm with the inviolability of the home may be as follows:

Providing access to the house: For example, if the homeowner does not have direct access to the road due to the presence of a neighboring plot of land, he may require the establishment of an easement to ensure passage and passage through this plot. This can be important for ensuring the fundamental right to inviolability of the home, as housing must be accessible and safe for its occupants. On the other hand, we cannot restrict the rights of the other party. In this regard, this issue is regulated by the norms of civil law, where it is possible to reach an agreement between the parties through negotiations. In our opinion, the establishment of an easement is not a restriction on the right to inviolability of the home, since it is associated with ensuring normal conditions for neighbors[7].

Provision of utility services: An easement may also be established to provide utility services, such as power lines, pipelines, or utilities that may be necessary for living. For example, it may be necessary to connect the house to the water supply or electricity network, and this may not be possible without establishing an easement.

Thus, the establishment of an easement in accordance with this norm may be associated with the provision of basic living conditions in the dwelling and, consequently, with the protection of the inviolability of citizens ' homes[8].

In other words, easements are the provision of passage through someone else's real estate. In this regard, if they make a request for granting a passage (easement) in civil law relations, this is not a violation. A direct link between the right of inviolability of the home and easements is that if a road, sidewalk, or other driveways are arranged near the home (apartment, plot, house, etc.) to provide access to other places, then, in our opinion, this does not constitute a violation of the inviolability of the home[9].

On the other hand, in practice, residents of multi-storey buildings often have problems with providing communications. As far as we know, the roof, basement, entrance, elevator, shafts and other common areas are intended for everyone, and this applies to access to their apartment and communications (water, sewerage, etc.). According to Article 6 of the Law of the Republic of Uzbekistan "On Management of Apartment buildings[2]", common property is common premises in an apartment building load-bearing and enclosing structures, inter-apartment stairwells, staircases, elevators, elevator shafts and other shafts, corridors, technical floors, basements, attics and roofs, intra-house engineering networks and communications, mechanical, electrical, sanitary and other equipment and devices located outside or inside the premises and serving more than one room. In addition to the above-mentioned law, this issue is also regulated by Resolution No. 3 of the Cabinet of Ministers of

[1] The Civil Code of the Republic of Uzbekistan, part 1, 1995, https://lex.uz/docs/111181
[2] The Law of the Republic of Uzbekistan "On the management of apartment buildings" of 2019, https://lex.uz/docs/4586287

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the Republic of Uzbekistan dated January 3, 2022 "On approval of the Rules of the Procedure for managing apartment Buildings"3, which also specifies the concept of common property[10].

Discussion

A common problem in such houses is that sometimes to fix a problem on one floor, it is necessary to carry out repair and restoration work on another floor. For example, there is a water leak in the mine and the problem needs to be fixed. Residents of the second and first floors suffer from water leaks, and access to the problem is closer from the apartments of residents of the third floor. So in this case, does the resident of the third-floor apartment have the right not to let the masters into his apartment, referring to the right to inviolability of the home?

The answer to this question is definitely "no", because:

- First, the right to inviolability of the home is a constitutional right, and directly applying the supremacy of the Constitution of the Republic of Uzbekistan, in accordance with part 1 of Article 15 of the Constitution of the Republic of Uzbekistan 4and part 2 of the same article on direct operation of the Constitution of the Republic of Uzbekistan, we can say that this right is guaranteed to us by the Basic Law of the Republic of Uzbekistan[11].
- Secondly, the Law of the Republic of Uzbekistan "On management of apartment buildings" 5does not establish the procedure for troubleshooting and carrying out repairs in common property when it is located in an apartment. Article 15 of this Law stipulates that ... the management body of an apartment building is obliged to carry out mandatory measures and works for the maintenance of common property in accordance with mandatory standards, failure to comply with which may create an immediate danger to the apartment building, life, health of people, property of persons and the environment 6. That is, the management bodies of an apartment building are obliged to carry out measures for the maintenance of this building, and the owner of the premises (apartment) is obliged, if malfunctions are detected in the premises, sanitary and other equipment, to immediately take possible measures to eliminate damage and, if necessary, report this to the relevant service, in accordance with Article 19 of the Law of the Republic of Uzbekistan "On the Management of Apartment Buildings". houses"[12] 7.
- Third, Resolution No. 3 of the Cabinet of Ministers of the Republic of Uzbekistan dated January 3, 2022 "On approval of the Rules for the management of Apartment Buildings"[8] , Paragraph 24, establishes that in accordance with the conditions and list of necessary works (services) not provided for in paragraph 21 of these Rules, applications for minor malfunctions and damages are made at any time time of day as agreed with the owners, senders of applications, or other users. In the norm itself, the requirement to coordinate with the owners, applicants or other users the time and place of work means that there is a constitutional right to inviolability of the home. That is, even if there is a problem that can be solved by entering someone's house (apartment) without the permission of residents, they do not have the right to enter[12].

[3] Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated January 3, 2022 No. 3 "On approval of the Rules for the Management of apartment buildings", https://lex.uz/docs/5805748
[4] Constitution of the Republic of Uzbekistan dated May 1, 2023, https://lex.uz/docs/6445147#6449806
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Conclusion

This study underscores the significance of ensuring the inviolability of housing as a fundamental constitutional right, highlighting both legal protections and challenges in practical implementation. The findings reveal that while Uzbekistan has established a legal framework through constitutional provisions and regulatory acts, inconsistencies persist in judicial enforcement, servitude regulations, and the prevention of unlawful intrusions. Legal uncertainties regarding servitudes in multi-apartment housing and the lack of clear enforcement mechanisms pose challenges to ensuring effective protection of housing rights. Strengthening legal awareness among citizens, enhancing judicial transparency, and refining property law provisions are crucial to addressing these issues. The implications of this study suggest that legal reforms should focus on balancing property rights with public interests while ensuring judicial consistency. Future research should explore comparative legal models for housing inviolability, the impact of digital monitoring systems in preventing violations, and the role of alternative dispute resolution mechanisms in property-related conflicts.

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