INTERNATIONAL MULTIDISCIPLINARY JOURNAL FOR RESEARCH & DEVELOPMENT
SJIF 2019: 5.222 2020: 5.552 2021: 5.637 2022:5.479 2023:6.563
eISSN 2394-6334 https://www.ijmrd.in/index.php/imjrd Volume 11, issue 01 (2024)

PROBLEMS AND SOLUTIONS IN PRIVATE INTERNATIONAL LAW

Sardor Tukhtaev

University of world economy and diplomacy,

A third-year student of International law faculty

Abstract: This article highlights the convergence of private and public principles in private international law.

Keywords: Civil Code, Opponents, public ethics, social indicator, Internet-conferences, seminars.

INTRODUCTION

In the early 90s of the twentieth century, in connection with the formation of market-type economic relations and the adoption of the new Civil Code of the Republic of Uzbekistan based on the principles of private law, local jurists focused on discussing these issues. the problem of the relationship between public and private law, because the question of their separation and the relationship between them has existed for a long time, and no one has reached a consensus and decision about these two different rights.

Almost all the participants of the discussion unanimously expressed the opinion that it is long overdue to discuss the mutual relations between private and public law in connection with the transition to the market economy, the revival of private property, and the withdrawal of state bodies from economic relations. showed the dualism of the legal system especially clearly.

MATERIALS AND METHODS

The program "Formation and development of private law in the Republic of Uzbekistan" approved by the decree of the President of the Republic of Uzbekistan No. 36 dated July 7, 2019 has been developed. when this issue is neglected. The program "Formation and development of private law in the Republic of Uzbekistan" approved by the decree of the President of the Republic of Uzbekistan No. 36 dated July 7, 2019 has been developed. when this issue is neglected. The program "Formation and development of private law in the Republic of Uzbekistan" approved by the decree of the President of the Republic of Uzbekistan No. 36 of July 7, 2019 was developed, and despite the activity in the study of private and public law, the single scientific concept development, it was not possible to develop their relations in the mechanism of legal regulation of the main directions of public relations. It is believed that there are specific reasons for the low productivity of these studies.

RESULTS AND DISCUSSION

Others also insist that in modern conditions, on the one hand, the state of Uzbekistan tries to free itself from the totalitarian past, but is unable to do so, and regularly encroaches on the freedom and privacy of its citizens. on the other hand, when private selfishness suffocates the sprouts of the grounds for declaring the problem of relations between the whole society, public morality, national ideal, morality, private and state law as "not of practical importance", the ignorant or only unscrupulous citizens can do and support. Large financial and industrial structures should be provided with the opportunity to transform economic power into political power.

In addition, the political shadow of the interdependence of State and private law cannot be excluded from the debate on this issue, because law as a social indicator is objectively structurally and functionally closely related to state policy. At the same time, the nature and importance of this relationship is clearly demonstrated in the conditions of the division of law into private and state, respectively. It is this situation that shows that the contradiction existing in the scientific community on a more fundamental issue related to the problem of private and public law can not only be resolved in some way, but can also be directed to the good, provided that the shortcomings of the state are eliminated. The policy in this regard has been overcome, which was first of all reflected in the by-laws and current legislation.

They are:

- Consolidating the efforts of lawyers to create a scientifically based concept of public and private-legal regulation of social relations and increasing their efficiency also requires eliminating a number of stereotypes and myths, which are often the starting point for studying this problem.

- For example, there is a "myth" that the division of law between private and state has a local character, and based on this, we can conclude that it is not a necessary attribute of the world legal order. At the same time, when arguing for such a position, his associates, for some reason, do not talk about the objective picture of the structure of law, but about the subjective attitude to its dualism, it should not be forgotten to emphasize that in many cases. in other countries, the division of law between private and state is "not recognized", "not provided", etc. At the same time, the doctrinal approach to law, as a rule, does not always adequately reflect its genesis, essence, forms of activity and development trends. Private and public law exist objectively, regardless of the methods of their formation, because, in fact, there are always different forms of property.

- The unjustified distinction between the problem of the interaction between private and public law in the regional framework creates a very little factual base of continuous research, which models the interaction between the public and private law elements of regulation. reduces the possibility of identification, leads to contradictions. , objective trends and directions of convergence of national legal norms in the context of globalization. A narrow regional approach to the problem of the interaction of private and public law, for example, when the private law elements of the Anglo-Saxon legal system are implemented in the criminal procedural system of Uzbekistan without taking into account the specific features, will inevitably lead to negative practical results.

- The "myth of generality and indisputability" of the current system of legal networks prevents the disclosure of the concept, place, role and interaction of private and public law in the mechanism of regulatory and legal regulation. As a result, finding the proper place of private and state law in the construction of this system turned out to be a very complicated and difficult task.

CONCLUSION

In this regard, private and public law are described as "traditional methods of distribution of legal material", "the result of the motives of the subjects' actions", "zones and fields of law", which reflect "the beginning of the law related to reason". "structural structures in the legal system", "independent branches of legal regulation", "a large-scale, generalized, structurally organized set of legal instruments" and others.

REFERENCES

1. Saidov A., Tajikhonov U. Theory of state and law. T.2. IIB Academy of the Republic of Uzbekistan, 2021,

2. Satorov A. Law and human rights. N., 2019.

3. Islamov Z.M. General theoretical problems of the state and law: understanding of law, legal consciousness and law creativity. - T.: TDYuI. 2015.

4. Turdialiev, M. A. (2020). Foreign and national experience of introducing English law within free economic zones. Lawyer Bulletin, 1(6), 151-158.