



## Role and relevance of personal non-property rights of Uzbekistan and Japan in civil rights

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**Abstract** This article describes the personal non-property rights and the Japanese civil law, carried out a comparative analysis of the legal and theoretical suggestions.

**Keywords:** civil rights, personal non-property rights, dignity, right to life, the title of the secret, the health law.

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### 1. Introduction

Personal non-property rights owned by a physical person, has its own system of values established by law intangible benefits. Such privileges and blessings are recognized in every country the system of legislation and regulations. In the light of the highest values and human rights associated with social and mental health status and socio-economic and legal systems of the developed countries a comparative study based on the comparison of the legislation law of one of the most important challenges facing modern jurisprudence.

In addition, the international standards in this field, the comprehensive study of the experience of the practice of law in developing countries and as well as a comparative analysis of the positive effects. For this reason, before this study, we tried to refer to comparative law <sup>[1]</sup> the study of foreign countries have the right to a better understanding of its achievements and shortcomings in the national law that will be the basis for the knowledge.

It is no secret that, in accordance with the national legislation in comparison with the legislation of foreign countries in the West, in many cases, the example of the countries of the European legislation, which usually stay. However, according to the geographical location of the eastern countries is considered. Therefore, it should be noted that in comparison with normative-legal acts of the legislation of the countries of the East logical and effective. Some of the personal non-property rights of the community, in which he lives, communities, are closely linked with the family. A person in a way that is more powerful impact on public opinion about him. In this, we have the Japanese government and the Japanese people living with some similarities and common. This is one of the most advanced in the world in the development of the state, despite their own national traditions and customs of the faithful are distinguished by a special love for him. In this context, the President noted: "The country of Japan after the Second World War, the difficult situation the rest of us know better. Well, what did they do for a short period of time to achieve this development? After all, this country's abundant natural resources, mineral resources, there is virtually no! Of course, at that time in the world in this regard, the political factors, the impact of the international situation must not be ignored. But the Japanese people through the centuries, has

become a major creative force at the expense of the unique spirit of development today is not a secret to anyone. Thus, the "Japanese miracle" that are well-known experts and specialists, first and foremost, "the Japanese character" was mentioned. Naturally, they are here; first of all, this refers to the nations of the moral qualities. In other words, the inner world and the will of the people on the basis of spirituality more refined, and perfected".

Studied by a number of personal non-property rights and these rights are described as follows. According to H.R. Rahmonqulov's intangible goods - born citizen, or in accordance with the law, strangers specific characteristics (life and health, honour and dignity, safety, etc.), personal non-property rights of citizens and legal party and a third party without the consent of their unacceptable conduct personal non blessing (copyright, trade name, business reputation, trademarks and service marks, etc.) <sup>[2]</sup>.

I.B. Zokirov say that the material forms of goods (materials), as well as non-material blessings are the object of civil law. The concept of intangible delights of the Civil Code of the Republic of Uzbekistan, according to which the citizens by birth or by law to refer to a person's life, health, honor, dignity, personal integrity, dignity and good name and professional reputation, inviolability of private life, private and public access to the secrets of migration walk, and habitat selection, copyright and other intellectual property rights, intangible delights <sup>[3]</sup>.

"The personal non-property rights" concept in the field of personal life, family, household, personal and spiritual relationships with the private entity that belongs to freedom and independence in their dealings with their own unique character thanks to the so-called present-day name of the bearer. Personal non-property rights, including I. Nasriev described as: "... the personal non-property rights of human skills, focused on the expression of social status and the ability to access a person's life, good health, independence, dignity, and ensure the quality of the individual, the state and to be recognized by the society, the law on the protection of personal non-property rights of nature <sup>[4]</sup>".

Japanese law scholars Xidoki Kurosava that the "personal rights (Civil Code - the author's emphasis) the life, dignity, personal secret as closely tied to a person on the basis of non-

object favours the development of access to these goods, they are in the third person (s) by the sum of interest reflected the amount necessary <sup>[5]</sup>.

According to Kawai Takashi, the law of Understanding that defines the content of a person's specific interests of human rights. The human person, freedom, dignity (JCC, Article 710), the life and health (Article JCC 711) as well as personal interests are protected by the Civil Code, in addition, be committed to the civil law, the name, image, keep rights and personal rights are recognized as <sup>[6]</sup>.

According to Mori Izumi Akira, the rights of the individual rights of every single person, the right to protect personal interests. Individual rights to life, health, dignity and the rights to the image, that is, the person is not possible to separate the interests of the public life the rights <sup>[7]</sup>. According to Japanese scientist Kato, a person's life, health, honor, dignity, name, inviolability of private life, personal secrets, the right image, and the person may alienate the rights of human rights are closely linked with the person <sup>[8]</sup>.

The content of the rights described above, this legal right is based not only scientific theory.

It should be noted that we have a personal non-property rights with the Constitution and the Civil Code of the Republic of systematised. At the moment, these are not included in the scope of the system and the scattered laws, common norms on personal non-property rights. The same approach, personal non-property rights to create a system that can be common to all such rights to determine the prospects for the development of practical and theoretical urgent task. In addition, the state of law enforcement in this system is also important to study and analyze.

"The current level of democratic renewal of the country's most important one is to strengthen the rule of law, human rights and the protection of the interests of the judicial system aimed at the gradual democratization and liberalization. In other words, the foundations of a law-governed state and nurturing legal awareness and awareness remain a crucial task for us"<sup>[9]</sup>.

In fact, the main defender of the rights and freedoms of this judicial organ. Thus, the private non-implementation of the rights related to the protection and enforcement practice, in particular, the practice of the court waiting for a solution to the problems that need to be addressed. Some of the personal non-property rights of the content can be interpreted in different cases, precluding the use of biodiversity and economic measures as well as a deep analysis of these issues and their solutions specific conclusions before the development of modern law is an important task.

Personal non-property rights and a description of the types described in the special protection of the civil rights theories and, most importantly, practice, and application of emerging based on the elimination of such shortcomings, because of personal non-property rights by scientists learn, however, there are still problems. For example, courts in the protection of property rights in any way to go, what to do in order to make a clear way to solve them. Personal non-property rights protection and the protection that they come quite often. In this case the protection of personal non-property rights, enforcement of adequate practice formed as well as the specifics of the personal non-property rights of law depends not possess enough intercessors. It is noted that Japan has rich experience in the practice of the court, and the Japanese civil law and judicial practice comparative analysis of the legal basis

of such a conclusion. And cooperation between the countries of Japan, nearly regulatory documents is evidence of friendly relations between our signatures. Issues of cooperation in all areas, training, and training issues. Summing up, we can say that civil judge's consideration of the issues related to the personal non-property rights, and Japan to study the practice of law enforcement in this area would be useful. As a result, in our opinion, the exchange of experience and law enforcement in order to get acquainted with the practice of the Supreme Court of the Republic of Uzbekistan and Japan, it would be desirable to establish cooperation between the courts.

Uzbek and Japanese to understand of the scope of the personal non-property rights, and those rights were very close to, their positive and negative aspects of legal and practical point of view, the comparison of its expression. Legislation and regulatory point of view, compared to Japan, belonging to the family of continental law, which regulates the relations on the basis of the legislation codification, but the issues of individual rights and the protection of their personal non-property rights is seen from a deeper and more fully reflected in the legislation. Japanese civil law, personal non-property rights, their protection methods on the basis of national law as a system and not defined in detail. However, the protection of personal non-property rights, the current state of the Japanese Life and Girard Japanese society, based on the legal provisions do not require the use of a large, very effective.

Proceeding from the above that the Japanese civil law, personal non-property rights of the role of negative concepts, namely personal non-property relations regulated by norms of civil law, but is based on the fact that protection. In Uzbek civil law has personal non-property rights of the positive conception <sup>[10]</sup> that individual rights are not only protected by the civil law, but the legislation would regulate it.

Personal non-property rights are private rights, the legislation, which is regulated by civil law, Japanese law, media law, which is governed by the constitution. Violation of the rights specified in the Constitution of Japan is inadmissible, referred to as a right of citizenship. Unlike the civil code of Uzbekistan in Civil Code of the Japanese, there is no chapter for regulating not material wealth. Personal non-property rights of individual rights as enshrined in the Constitution of Japan, the Japanese scientists to show them by the Civil Code and are not required to list the types of opinions expressed. This is a personal non-property right because of the Japanese Civil Code enshrined that is not generally available. And the fact that the protection of these rights is not only the existence of the practice of the court, but the number seems to be related with the protection of their works, and the content is larger. In this regard, the Japanese law, personal non-property rights to particular challenges in terms of law enforcement in not represents persuaded, Japan, such as laws to protect their moral rights and to strengthen practical methods and tools used in the practice of the court in accordance with the national mentality aspects of law practice desirable.

## 2. References

1. Saidov AH. Comparative Law (the main legal systems of the present): the Textbook/Under. Ed. Tumanova VA. Lawyer M, 2003, 441.
2. Rahmonkulov H. Areas of civil law. Tashkent: Law, 2009, 96.
3. Zakirov IB. Civil law I. Tashkent Law. 2009, 270-271.

4. Nasriev I. Civil-legal Problems of personal non-property rights protection and the implementation. Tashkent, new textbooks publishing house. 2006, 27.
5. Hideaki Kurosawa. On the organization Personal rights in Civil Law/Electronic Library Service. 133-140. [/http://ci.nii.ac.jp/naid/110002803390/](http://ci.nii.ac.jp/naid/110002803390/)
6. Kawai Takashi. Civil Law. Japan: Yuhikaku. 2008, 16.
7. Mori Izumi Akira. Introduction to Japanese Law. Japan Yuhikaku. 2008, 24.
8. Kato. Introduction to civil law. Japan: Yuhikaku. 2008, 19.
9. Каримов ИА. Мамлакатимизда демократик ислохотларни янада чуқурлаштириш ва фуқаролик жамиятини ривожлантириш концепцияси. Тошкент: Ўзбекистон, 2010.
10. Nasriev II. Civil-legal Problems of personal non-property rights protection and the implementation. Tashkent new textbooks publishing house, 2006.