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**SOME PHILOSOPHICAL AND LEGAL ISSUES OF
DEVELOPMENT OF SMALL BUSINESS AND PRIVATE
ENTREPRENEURSHIP IN UZBEKISTAN**

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Abstract: The article discusses the issues of philosophical and legal issues in the development of small business and entrepreneurship, the decrees and resolutions of the President of Uzbekistan.

Key words: small business, entrepreneurship, law, justice, innovation, mechanisms, basics, guarantees, legal service, agency, democratic

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Introduction

Today Uzbekistan strives for innovative development by continuing democratic reforms. The head of our state, Sh. Mirziyoev. The role of the Movement Strategy for further development of the Republic of Uzbekistan developed and adopted by Mirziyoev is significant. As it was noted, "Ensuring reliable protection of private property rights and guarantees, elimination of all obstacles and restrictions on the development of private entrepreneurship and small business, giving it full freedom, implementing the principle" If the people are rich, the state will be rich and strong " is

one of the requirements of the country's innovative development. Therefore, since the first step towards the transition to a market economy, Uzbekistan has begun to establish legal mechanisms and principles for supporting small business and private entrepreneurship.

Small business or small entrepreneurship, according to the Law of the Republic of Uzbekistan "On guarantees of freedom of entrepreneurship", small entrepreneurship in the sphere of individual entrepreneurship, average annual number of employees in the industry is 20,50 or 100 persons,

in sphere of services and other non-production branches the average annual number of people employed in the microfirm, with a maximum of ten people, a wholesale and retail trade and a average annual salary of five people in public catering. Individual private entrepreneurship, regardless of the form of entrepreneurial activity as a legal entity, may be independently acquired on the basis of ownership right on the basis of ownership, without the right to hire employees, as well as on the basis of other property permitting ownership and (or) is the activity of a physical person. According to the law, self-funded activities are the cornerstone of small business and private entrepreneurship, with a limited number of employees, with about twenty people receiving social benefits. They are personal income, profit-making, in their own name, their property responsibility and types of activities that are undertaken by the legal person. Entrepreneurs can work in all types of economic activity, mediation, sale, purchase, consulting, securities, not prohibited by law. Trusting in work, relying on her own knowledge, mind, initiative, and taking on all responsibilities is a way of working with small businesses and private entrepreneurship. Hence, small businesses and private entrepreneurship, on the one hand, are personal income, profit-oriented, and socially useful labor.

Materials and methods

Some differences between personal earnings and the social

benefits of earnings are often regarded as a violation of the principle of social justice. Some people tend to pursue social justice by misinterpreting the peculiarity of business. "Social justice" is a different concept, so it is interpreted in accordance with its own imagination and subjective approach. In our opinion, social justice is in the law. In accordance with the Civil Code of the Republic of Uzbekistan, the Labor Code and special laws, small businesses and private entrepreneurship can enjoy unlimited amounts of profits, profits, earnings and profits. "Indeed, the main objective of businesses is to generate income, make profits, increase their assets, and enjoy material and spiritual benefits. In the market economy, the profits of a businessman are connected with his work, and the profit gained from the legal activities can not be restricted (unless the law establishes the right of the subject of the dominant position to restrict the rights, fairness and fairness of the subject can)." Another important aspect of small business and entrepreneurship is their ability to meet market and consumer needs and their ability to pay. Consumer estimates the market price, as well as the market definition, so that small business and private entrepreneurship activities are in line with the principles of social justice. "In a market economy, prices are determined on the basis of supply and demand, based on the product characteristics, the entrepreneur determines the price

of his product (s) one by one and enters into legal relationship with a consumer entrepreneur who agrees to that price." However, it should not be deduced that the state does not absolutely interfere with these legal relationships; it should not be deduced that small businesses and businesses place their own product or service at their discretion, otherwise the principle of shifting to socially-oriented market relations in Uzbekistan will be violated. Therefore, "in some cases, the state is exposed to the economic benefits of the existing price based on the public interest, and in cases provided for by law, goods, services, works may be determined by the competent authorities of the State," particularly the state defense and security, war veterans must pay the state-funded remuneration for the types of services provided to the retired people in dangerous places.

Small business and private entrepreneurship serves to form a middle class class of proprietors. Therefore, they are protected by the Constitution of the Republic of Uzbekistan and other legal mechanisms. For example, Section XII of the Constitution, 53-54, states: "The basis of the market economy, which is oriented towards the development of market relations, is the property of a variety of forms. The government guarantees the freedom of economic activity, entrepreneurship and labor, the equality and legal protection of all forms of property, given the priority of consumers' rights. Private

property, like other forms of ownership, is inviolable and protected by the state ... The owner owns, uses and disposes of property".

This approach is a positivist concept. According to him, the right of ownership of private property is provided by the state, which means that the right of ownership is natural.

The economic freedom of the subjects of small business and private entrepreneurship is primarily related to the Constitution of the Republic of Uzbekistan, the Civil Code, the Labor Code, the Law "On guarantees of freedom of entrepreneurship", "On dehqan farming", "On farming", "On consumer rights" The Law of the Republic of Uzbekistan "On limitation of monopolistic activity in the markets" and "On competition", "On state control over the activity of business entities" special decrees of the President of the Republic of Uzbekistan, and the decisions of the Cabinet of Ministers. Experts say that such social and legal measures are the most appropriate approach to Uzbekistan's situation and call it a "separate legal protection system". [8; 23b.].

At the same time, the lawyer-lawyers believe that the law "On guarantees of freedom of entrepreneurial activity" focuses on the development of small business and private entrepreneurship, and that some substances are far from real life. "Guarantees are the norm that ensures the inevitable implementation of the law."

Therefore, it is clear that the law enacts the inevitability of the law enforcement agencies, and the socio-legal mechanisms introduced by the economic entities it should also be clear. Without complying with these requirements, there is a possibility for different interpretations of legal documents, legal norms, especially for those who are prone to discrimination. Of course, it is not possible to clearly state each item, each warranty, on a specific legal institute or law enforcement agency, or department. However, the following requirements and ideas of O.Okulyov and F.Otajhanov are vital. They write: "First of all, any obstacles to the enforcement of guaranteed rights must be set up in a form of legal liability (establishing and guaranteeing the inevitability of civil liability in the form of minimal material and moral damages). Secondly, the warranty must be set out in the legal framework (because the legal force of the warranty provided under the statutory document becomes weak). Thirdly, the warranty must be clear and substantial, and not necessarily a declarative form, and should be legitimate and legitimate (for example, a favorable administrative warranty and court order). Fourthly, when complaining about impediments to the enforcement of a warranted waiver by administrative or judicial procedure, the person applying for a warranty should be exempted from any costs and should be obliged to prove that he / she is

innocent of the use of the warranty (in such a case the business entity relieved of the obligation to prove his / her accuracy. Fifthly, in our opinion, the cost of covering the costs, the cost of differentiation, the repetition of the obstacle, the doubling of the amount of repayments should be doubled.

The next constitutional principle supporting the activities of small businesses and private entrepreneurs is that every person has the right of ownership. This is guaranteed by Article 36 of the Constitution of the Uzbekistan

The transfer of ownership to another person is not possible only with the sale or purchase, which can be inherited or bequeathed through a will. Ownership of legal literature: 1) Use; 2) or there is an interpretation that it can be inherited. [6; S, 144b.]. If the use of the property reflects the economic value of the property, the transfer of the property to another and the inheritance of the property, make the property a subject of market relations. Thus, the new owner of the property, the subject of the emergence. The inheritance is the right of the owner, and nobody can deprive him of this right. The right to own property is the exclusive right of the proprietor. However, property is never created by one person; that is, the owner must obtain the consent of his partners and shareholders. Particularly, this house, accommodation, and property relate to the forms of

property created jointly with family members.

The emergence of new, especially unexpected heirs, has always aroused the opposition of their proprietors and neighbors. This form of property relationships led to family and social conflicts. Even in developed countries, there are still no effective legal mechanisms to ensure that inheritance rights are rationalized, contentious and, most importantly, inherited property serves to develop market relations, meet economic needs. Small business and private entrepreneurship entities are pragmatically prone to business activities. They do not pay attention to "matter" or "premiums", which require social and legal issues, precise and special training, because they dedicate their lives to practical work. As a result, they need legal assistance, especially when they are faced with taxes, contracts, and labor costs - they need lawyers, prosecutors, and judicial services. That is why, thanks to the efforts of our President Sh.M.Mirziyoev, we have established the position of the Special Service for the protection of the rights of entrepreneurs under the President of the Republic of Uzbekistan. Over the past two decades, the President has adopted more than 20 decrees and resolutions on support of entrepreneurship. They are, in a sense, conceptual programming, both methodological and direct legal-normative. "Further, it is established that any legislation aimed

at legal regulation of business entities should be based on simple, straightforward, cost-effective procedures and procedures for entrepreneurial entities; Establishment of the rules of control of any damage to the business entities and the inevitability of penalties for the guilty officials; Thus, legal assistance to small business and private entrepreneurship is carried out on a legitimate basis, with legal institutions, Ministry of Justice, and Public Services Agency responsible for it. it is clearly stated.

Legal services are varied and include consultations and consultations, preparation and registration of documents necessary for state registration of entrepreneurship entities, assistance in the conclusion of economic contracts, judicial protection of interests and rights of entrepreneurs. Obviously, legal services require diverse, professional knowledge and skills.

Conclusion

In our opinion, highly qualified legal services to small business and entrepreneurship are a kind of activity that requires special training and skills. This assistance is not exercised by all lawyers, so legal advice for small business and entrepreneurship is provided by the Agency for Public Services under the Ministry of Justice. But businessmen need a special lawyer. Experience has shown that sometimes the function is covered by financial law or law enforcement professionals. Small businesses and

businesses often face financial and economic problems, but they also have to deal with issues such as labor law, social security law, civil rights, criminal law, property rights, inheritance rights, and even family law. However, this does not require a human rights lawyer in the field of small business and private entrepreneurship. Its activities are specifically to provide legal services aimed at ensuring and protecting the rights and freedoms of small and medium-sized businesses. Failure to provide legal services to small businesses and private entrepreneurship may lead to various deficiencies, even crimes. For example, during the first half of 2000 and 2001, local authorities registered 16,000 offenses in registering entrepreneurs and issuing licenses. In 2002, the Ministry of Justice found more than 32,700 offenses. Specific sociological research, survey results indicate that various illegal actions are being taken to provide legal services to small businesses and private entrepreneurship entities. The following are some of the special surveys conducted in 2003: 36.2% of respondents indicated that the deadlines for state registration were violated. Of the respondents, 21.8 per cent of the respondents registered a month, 6.4 per cent - two months, 4.4 per cent, 2.3 per cent - for months, 1.3 per cent - almost 12 per cent requested.

Experts note that over 40737 offenses were registered in the country in 2003 under the state

registration of small businesses and private entrepreneurship. 1,336 of them were khokimiyats, 560 - hydro power stations, 1820 - internal affairs bodies, 272 - land resources, and others - communication networks. Therefore, in the case of state registration and licensing of small businesses and private entrepreneurship, "the infringements by law enforcement agencies and officials remain a major factor in illegal trade and intermediary activities and for non-licensed crime activities." the need to increase the effect of legal mechanisms to prevent the event from becoming a tradition. For this purpose, the President of the Republic of Uzbekistan Sh.M. Mirziyoev's judicial system, special decrees and resolutions were adopted to protect the rights of entrepreneurs. These include: "On priority measures to create a legal and institutional basis for the development of public-private partnerships", "On Additional Measures to Enhance Business Environment and Innovative Activity", "Accelerated Implementation of Business Initiatives and Projects in the Regions" Remind that, the year 2018 is proclaimed as the Year of Support for Innovative Entrepreneurship, Innovative Ideas and Technologies. The violation of the law on small business and private entrepreneurship is mainly related to the tax payment procedure. Therefore, subjects of small business and private entrepreneurship should be given

the right to apply legal restriction measures to the courts, first of all, to revise the Tax Code of the Republic of Uzbekistan. In fact, it is evident that the Tax Code today does not have a significant impact on the prevention of unlawful acts in the sphere of small business and private entrepreneurship. That is why changes in the Tax Code are a prerequisite for change.

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