

Legal Challenges and Policy Implications for Property Rights Protection in Uzbekistan



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ABSTRACT

Property rights protection in Uzbekistan has been supported by various legal policies and institutional frameworks; however, its practical effectiveness remains limited. This study aims to examine the underlying causes of these deficiencies, particularly focusing on the lack of doctrinal clarity, inconsistent categorization of legal remedies, and disparities in judicial practices, especially in compensation disputes and land acquisition cases. The research employs a normative legal methodology, incorporating legislative, conceptual, historical, case-based, and comparative approaches to provide a comprehensive analysis. The findings indicate that Article 164 of the Civil Code establishes a solid normative basis by recognizing the rights to own, use, manage, and protect property. Nevertheless, the historical evolution of the legal system, shaped by Islamic and customary traditions, Soviet-era state control, and post-independence reforms, has contributed to persistent inconsistencies in judicial application. The study further identifies key challenges in determining ownership, distinguishing between proprietary and obligational claims, and ensuring uniformity in judicial decisions related to compensation and public interest. Comparative insights demonstrate the importance of coherent legal interpretation, precise legal definitions, and transparent remedial mechanisms. This study concludes that strengthening the legal framework and promoting consistent judicial enforcement are essential to ensuring effective and reliable property rights protection in Uzbekistan.



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Introduction

Property rights are a crucial institution in civil law, as they embody legal certainty, economic freedom, and the stability of social interactions.¹ At the private

¹ Rutger De Wit, Pénélope Chaubron-Couturier and Florence Galletti, 'Diversity of Property Regimes of Mediterranean Coastal Lagoons in S. France; Implications for Coastal Zone

level, property rights grant legal entities the capacity to manage, use, and determine the legal status of things within their jurisdiction. The protection of property rights at the public level fosters confidence in the legal system, governs the flow of wealth, and establishes conditions for the systematic advancement of economic activity. Consequently, the discourse on property rights protection should not be confined solely to a technical matter of legal remedies in the event of conflicts, but must be comprehended as an integral aspect of the state's method of regulating the interactions among individuals, objects, and public power. Contemporary doctrine no longer views property rights as wholly absolute. This right constitutes a robust property right; nonetheless, its execution is contingent upon limitations imposed by legislation, public interest, and the social utility of the object. The subject of property rights protection comprises two dimensions: protection the owner's freedom and imposing legal constraints on it.²

In Uzbekistan, protection property rights is of considerable importance given the intricate historical development of its ownership structure.³ Numerous regulations and dispute practices suggest that property relations in Uzbekistan initially evolved under customary law, later adopting a more systematic normative structure influenced by Islamic law, as reflected in the Qur'an, Sunnah, *ijma'*, and *qiyas*, especially in matters of property, inheritance, and guardianship. During the Soviet era, property law underwent a major transformation, driven by the preeminence of state ownership and stringent restrictions on private ownership.⁴ This circumstance led to the protection of property rights evolving not as a safeguard for the rights of autonomous private entities, but rather as a mechanism aligned with governmental objectives in a centralized economy. Following independence, a pivotal transformation transpired, specifically the acknowledgment of the parity of diverse ownership types and the enhancement of civil law mechanisms protection proprietors. This historical transformation indicates that the issue of property rights protection in Uzbekistan stems from a shift from a system in which the state was the principal owner to one that requires enhanced guarantees of the civil rights of individuals and enterprises.⁵

Management', *Ocean & Coastal Management*, 207 (2021), 105579
<https://doi.org/https://doi.org/10.1016/j.ocecoaman.2021.105579>

² Louis De Redon and Camille Mialot, 'Soil Protection and Land Property Law in France: On the Way to a Functional Approach to Soil?', *Soil Security*, 16 (2024), 100165
<https://doi.org/https://doi.org/10.1016/j.soisec.2024.100165>

³ Zarema Akhmadiyeva and Thomas Herzfeld, 'Land Rights Perceptions and Farmer Behavior: Evidence from Central Asia', *Land Use Policy*, 164 (2026), 107964
<https://doi.org/https://doi.org/10.1016/j.landusepol.2026.107964>

⁴ Chris Huggins, Lina Awadalla and Neema Kingamkono, 'Women's Rights to Land in Tanzania: Does Village Land Use Planning Strengthen Women's Land Rights?', *Journal of Rural Studies*, 119 (2025), 103805 <https://doi.org/https://doi.org/10.1016/j.jrurstud.2025.103805>

⁵ Zarema Akhmadiyeva and Thomas Herzfeld, 'How Does Practice Matches Land Laws in Central Asia?', *Land Use Policy*, 109 (2021), 105726
<https://doi.org/https://doi.org/10.1016/j.landusepol.2021.105726>

Article 164 of the Civil Code of the Republic of Uzbekistan normatively underscores the pivotal role of property rights, delineating them as the entitlements of individuals to possess, utilize, and administer their property at their discretion and for their benefit, alongside the right to safeguard it against any encroachments. This formulation is significant as it encompasses two aspects simultaneously. The concept preserves the traditional structure of the continental legal system through the trinity of property rights: to own, to utilize, and to administer. The formulation underscores the owner's role as the primary entity empowered to dictate the object's utilization within legal parameters. Nonetheless, it is at this juncture that academic challenges commence. The national doctrine has not fully addressed the implications of the fact that contemporary property rights are no longer absolute, even as the legal system continues to require robust protection for owners. The relationship among the owner's autonomy, legal constraints, social function, and governmental action has not consistently been articulated with sufficient clarity in academic discourse. The deficiency in conceptual elaboration subsequently influences the comprehension of property rights infringement and the selection of suitable protective measures.⁶

The problem is further highlighted when seen through the lens of practical property rights protection systems. Numerous regulations and dispute practices demonstrate that Uzbek civil law, in a dogmatic sense, acknowledges various protective mechanisms, including property claims for the recovery of items from unlawful possession and requests to rectify disturbances in the use of items, as well as instruments derived from obligational relationships and indirect protection through other civil legal frameworks. Furthermore, judicial protection constitutes the most efficacious means of protection rights, facilitating the rectification of infringements, and providing restitution for damages. Nonetheless, the historical evolution of property law in Uzbekistan reveals significant implementation challenges, including the absence of a comprehensive framework for categorizing infringements of property rights, differentiating between property and obligational protection mechanisms, and precisely evaluating the legal ramifications of the appropriation or destruction of citizens' property. Consequently, the issue of property rights protection in Uzbekistan transcends mere normative deficiencies and encompasses the discrepancy in the enforcement of existing standards.

The necessity of this discourse is becoming apparent in conflicts over land acquisition for public purposes and compensation for destroyed real estate. Numerous regulations and dispute-resolution measures have led to public discontent, prompting the formulation of more protective policies, including the

⁶ Shadrack Notob Dackyirekpa, Timothy Masuni Nagriwum and Comfort Andoh, 'Utilizing Intellectual Property Rights Protection to Stimulate Supply Chain Integration for Supply Chain Responsiveness: The Moderating Role of Trust', *The International Journal of Logistics Management*, 36.6 (2025), 1860–79 <https://doi.org/https://doi.org/10.1108/IJLM-10-2024-0637>

Presidential Decree of the Republic of Uzbekistan No. UP-5491 of 2019, which ensures the unconditional property rights of citizens and legal entities, and the Law of the Republic of Uzbekistan No. ZRU-781 of 2022, which outlines the procedure for land acquisition for public use with compensation. The existence of these instruments signifies the state's recognition of the necessity to enhance protection standards, specifically through mandated open debates, cost-benefit analyses, and comprehensive compensation prior to demolition. Nonetheless, the cases presented in the text indicate that the issues remain unresolved during the policy formulation phase. The primary concern is in the uniformity of rule interpretation and implementation by the courts, particularly regarding the retroactivity of norms, the methodology for calculating compensation, and the recovery of interest or penalties resulting from delayed payments.⁷

A prior study indicates that the topic of land rights and property relations in Uzbekistan has been examined from multiple viewpoints, though it has not primarily focused on protection property rights as a holistic civil law institution. Kurbanov, Djanibekov, and Herzfeld (2025) investigated the correlation between land tenure bundles and investment incentives in movable agricultural assets in Kazakhstan and Uzbekistan, revealing that use rights and management rights exert a more significant impact on investment decisions than tenure security or transfer rights, with findings substantially shaped by the institutional context of each nation. This paper examines the empirical relationship between land tenure systems and investment behavior in the agricultural sector, rather than the protection of property rights as a civil law institution in judicial practice.⁸ Abdiramanov, Yunusov, Alimov, and Khidiraliev (2025) investigated the enhancement of land-use efficiency in Uzbekistan's rural settlements through the rectification of land and immovable property rights registration, land inventory, and improvements in rights documentation, demonstrating that registration and inventory issues directly affect land-use effectiveness. This research primarily focuses on administrative and managerial aspects rather than on doctrinal analysis of property rights protection and civil protection systems.⁹ Abdusamadova (2026) analyzes servitude within the context of restricted property rights, emphasizing normative conflicts, contradictions in judicial decisions, and the need for uniformity in registration and law enforcement practices. Nonetheless, the focus of that research is confined to servitude, rather than the broader protection of

⁷ Elsi Kartika Sari and Ahmad Sabirin, 'Ownership Dualism of Condominiums: Between Unitary Ownership of Flats and Jointland Rights', *Journal of Property, Planning and Environmental Law*, 18.1 (2025), 41–53 <https://doi.org/https://doi.org/10.1108/JPEL-07-2025-0048>

⁸ Zafar Kurbanov, Nodir Djanibekov and Thomas Herzfeld, 'Land Property Rights and Investment Incentives in Movable Farm Assets: Evidence from Post-Soviet Central Asia', *Comparative Economic Studies*, 67.2 (2025), 396–425 <https://doi.org/10.1057/s41294-024-00251-z>

⁹ Abdiramanov, Rashid and others, 'Ways to Improve the Efficiency of Land Use in Rural Settlements of Uzbekistan', *BIO Web Conf.*, 173 (2025), 3023 <https://doi.org/10.1051/bioconf/202517303023>

property rights. This essay adopts a distinct perspective, prioritizing the protection of property rights and analyzing it theoretically, historically, normatively, comparatively, and judicially within the framework of Uzbek law.¹⁰

This paper evaluates the enhancement of property rights protection in Uzbekistan through a national normative analysis and a constrained comparative perspective. This approach is significant because protecting property rights involves not only the presence of norms but also how a legal system formulates the substance of property rights, distinguishes between forms of control over things, and establishes the means of protection.¹¹ This article employs England, Germany, and France as comparative nations within this paradigm. England was selected because it exemplifies the common law tradition, with a complex property framework that distinguishes between freehold, leasehold, and legal versus equitable ownership, thereby highlighting the fundamental differences with the more cohesive Uzbek model. Germany was selected because it exemplifies a continental system that regards property rights as a comprehensive legal institution, affording the owner the prerogative to use the property at their discretion and to dismiss external interference. France was selected for its historical and methodological affinity with the continental legal tradition, which has also shaped the development of property rights in Uzbekistan, illustrating how property rights are regarded as robust rights in both the civil system and constitutional protection. Consequently, the comparison in this paper aims not merely to transpose foreign models into the Uzbek legal system, but to critically evaluate the attributes, constraints, and prospective evolution of property rights protection within the national framework.¹²

This article contends that while the protection of property rights in Uzbekistan has evolved both normatively and institutionally, its efficacy remains constrained by three principal issues: the absence of a precise doctrinal clarification regarding the nature and boundaries of property rights, the inconsistency in the categorization and application of civil law protection mechanisms, and the ongoing discrepancies in judicial practice, particularly concerning land acquisition and compensation disputes. This article seeks to elucidate the conceptual basis of property rights and their protection, chart the historical development of property rights protection in Uzbekistan, scrutinize the existing protective mechanisms within civil law, investigate the challenges encountered in judicial practice, and

¹⁰ Zarina Abdusamadova, 'The Application and Legal Improvement of Servitudes within the Framework of Limited Property Rights', *Central Asian Journal of Social Sciences and History*, 7.1 (2025), 130–135 <https://doi.org/10.17605/cajssh.v7i1.1259>

¹¹ Alexandra C Hartman and others, 'Strengthening Common Property Rights Institutions in Liberia: Quasi-Experimental Evidence on Customary Governance and Equity Effects', *Land Use Policy*, 146 (2024), 107250 <https://doi.org/https://doi.org/10.1016/j.landusepol.2024.107250>

¹² Xiaoyu Yin and Jia Li, 'How Strengthened Intellectual Property Protection Creates Jobs? Empirical Evidence from Listed Firms in China under a Pilot Policy', *Economic Analysis and Policy*, 89 (2026), 641–62 <https://doi.org/https://doi.org/10.1016/j.eap.2025.12.033>

employ the experiences of England, Germany, and France as comparative references to evaluate the potential for enhancing national doctrine and policy.¹³ The originality of this article resides in its comprehensive analysis that links the philosophical, historical, normative, comparative, and judicial aspects of property rights protection in Uzbekistan. This article's primary contribution is to summarize property rights regulations and to argue that reforming property rights protection in Uzbekistan must concurrently strengthen normative structures and standardize legal application practices, ensuring that property rights guarantee transcend mere declarations and are genuinely effective in practical legal.¹⁴

Research Method

This research uses normative legal analysis to examine property rights protection in Uzbekistan's civil law system. It argues that the protection of property rights involves legal rules, the conceptual framework of ownership, the historical development of protection, types of legal remedies, and the consistency of judicial enforcement.¹⁵ The study uses several techniques to address these issues. It employs the statutory technique to analyze the Civil Code of the Republic of Uzbekistan, the Land Code, and Presidential Decree No. UP-5491 of 2019, Law No. ZRU-781 of 2022 on land acquisition for public purposes with compensation, and some foreign legal instruments. The conceptual framework examines ownership as a civil law construct. It highlights ownership as a strong but non-absolute right, showing its ties to legal limitations and public interest. The historical method traces ownership relations in Uzbekistan from customary and Islamic law through the Soviet period to the post-independence era. The case technique assesses judicial processes in vindicatory claims, negative claims, proof of possession, land acquisition, and compensation. The study also applies a limited comparative methodology. It compares England, Germany, and France to evaluate reform paths for Uzbekistan. The research uses primary, secondary, and tertiary legal sources, including statutes, court documents, scholarly articles, journal publications, legal dictionaries, and supporting materials. All sources are analyzed qualitatively using legal interpretation, systematic study, historical analysis, and comparative reasoning. These methods clarify the normative

¹³ Xinzhong Dong and Yang Li, 'The Impact of Intellectual Property Rights Protection Strength on the Digital Transformation of Manufacturing Firms', *Finance Research Letters*, 86 (2025), 108304 <https://doi.org/https://doi.org/10.1016/j.frl.2025.108304>

¹⁴ Yang Xia, 'Intellectual Property Protection and Firm Innovation Capability', *Finance Research Letters*, 96 (2026), 109559 <https://doi.org/https://doi.org/10.1016/j.frl.2026.109559>

¹⁵ Dana Han, Hui Liu and Hui Du, 'Examining the Effects of Judicial Protection of Intellectual Property Rights on Innovation Efficiency of Technology-Based Small and Medium-Sized Enterprises in the Context of Digital Finance', *Finance Research Letters*, 92 (2026), 109514 <https://doi.org/https://doi.org/10.1016/j.frl.2026.109514>

property rights framework and highlight practical limits of implementation in Uzbekistan.¹⁶

Results and Discussion

Conceptual and Normative Foundations of Property Rights Protection in Civil Law

Property rights are a fundamental institution in civil law, representing the relationship between individuals, objects, and the legal system in its most concrete form.¹⁷ Property rights encompass not only control over an object but also dictate how a society governs resource allocation, ensures economic liberty, and safeguards legal certainty. The discourse on protection property rights should not be limited to mechanisms for dispute resolution. Instead, protection should be understood broadly as the complete legal framework that guarantees owners the lawful, stable enjoyment, use, and maintenance of their objects, protected from unlawful encroachment. Property protection has two distinct dimensions: preventive and repressive.¹⁸ The preventive dimension establishes legal conditions for secure possession, while the repressive dimension offers mechanisms for restoration after rights violations. It is important to distinguish between wide protection, which encompasses standards that facilitate effective ownership relations, and narrow protection, which consists of specific civil legal measures addressing infractions. From a philosophical perspective, property rights are not merely a physical connection between an individual and an object, but a multifaceted economic-legal relationship.¹⁹ This connection is economic because it regulates resources and focuses on production outcomes, advantages, and the utilitarian value of goods; it is legal because stable social significance arises only when such control is acknowledged, safeguarded, and constrained by legal standards. The ownership connection encompasses all economic and legal interactions related to material wealth. The stability of production, distribution, and consumption in society relies heavily on reinforcing these relationships through a legal framework. Property rights, therefore, not only define "who owns what" but also illustrate how a legal system arranges hierarchies of interests,

¹⁶ Ranjeet Singh and others, 'Strengthening Operational Creditor Rights and Trade Credit: Evidence from Creditor Reforms', *Pacific-Basin Finance Journal*, 83 (2024), 102250 <https://doi.org/https://doi.org/10.1016/j.pacfin.2024.102250>

¹⁷ Vishnu Nambiar, Gayatri Kunte and Varadurga Bhat, 'Protection of Intellectual Property and Human Rights during Health Emergencies: An Assessment of the Patent Waiver Proposal', *International Journal of Human Rights in Healthcare*, 17.4 (2023), 436–48 <https://doi.org/https://doi.org/10.1108/IJHRH-06-2022-0064>

¹⁸ Qi Liu and others, 'A Regression Discontinuity Assessment of the Differential Impacts of China's Natural Forest Protection Program across Forestland Property Right Regimes', *World Development*, 196 (2025), 107166 <https://doi.org/https://doi.org/10.1016/j.worlddev.2025.107166>

¹⁹ Redon and Mialot.

authority, and duties. Enhancing the protection of property rights is fundamentally equivalent to fortifying the core framework of civil law.²⁰

Legal doctrine has developed several theoretical approaches to explain the nature and justification of property rights. One of the earliest influential views was advanced by Jeremy Bentham, who argued that property is not merely a physical relationship between a person and a thing but rather a legally protected expectation. According to Bentham, property exists because the law guarantees the owner's ability to use and enjoy an object without interference. In this sense, the stability of property rights depends on legal protection, as ownership would lose its meaning without the assurance that the law will secure the owner's control over the object. Another important perspective is provided by Georg Wilhelm Friedrich Hegel, who regarded property as an expression of individual freedom and personality. For Hegel, ownership allows individuals to externalize their will and give material form to their personal autonomy. Through property, a person transforms an object into a manifestation of their personality, which explains why legal systems traditionally treat property rights as one of the strongest private rights.²¹

A more analytical approach was later formulated by A. M. Honoré, who described ownership as a "bundle of rights." According to Honoré, ownership is not a single power but a complex set of legal incidents that together constitute the institution of property. These incidents include the right to possess, use, manage, receive income from, transfer, and protect the object against interference by others. The bundle-of-rights theory demonstrates that property rights consist of several interconnected powers rather than a single indivisible authority. Together, these theoretical perspectives illustrate that property rights are not merely technical legal rules but a fundamental institution connecting legal protection, personal autonomy, and the organization of economic relations in society.

The dual nature of property rights, as economic and legal, is evident in two dimensions. Subjectively, ownership refers to an individual's perception and control over an object, signifying societal and governmental acceptance of the relationship.²² Protection these rights is crucial not only for owners but also for societal stability. Without sufficient legal protection, ownership is a tenuous fact; without socio-economic substance, property rights become a hollow fiction. Thus, property rights are best seen as integrating personal intent, economic utility, and

²⁰ Ji-Hua Zhu and others, 'Evolution Mechanism of Carbon Fiber Anode Properties for Functionalized Applications: Impressed Current Cathodic Protection and Structural Strengthening', *Engineering*, 2025 <https://doi.org/https://doi.org/10.1016/j.eng.2025.03.005>

²¹ Sacha Amaruzaman and others, 'Polycentric Environmental Governance to Achieving SDG 16: Evidence from Southeast Asia and Eastern Africa', *Forests*, 13.1 (2022), 1–20 <https://doi.org/10.3390/f13010068>

²² Yin and Li.

legal recognition into a whole.²³ Ownership includes control of assets, social standing, economic autonomy, and legal protection. Legal doctrine presents property as personality, as powers, or as an exclusive relationship, but all agree that property rights underpin personal autonomy.²⁴ Hegel viewed ownership as an embodiment of free personality, while others see property as a means of expressing will and engaging with society. Protecting property rights preserves not just the object, but also the legal subject's freedom. Property rights have historically been the most robust real rights, though this strength does not place them beyond law or society's needs. Law must balance owner autonomy with the need to prevent property misuse.²⁵

These doctrinal perspectives help explain why modern civil law systems treat property rights as a central institution requiring strong legal protection. This theoretical foundation is reflected in the legislation of Uzbekistan, particularly in Article 164 of the Civil Code. This rule defines property rights as a person's entitlement to possess, use, and manage property as they see fit for personal benefit, as well as defend it from any intrusion. This rule is important because it covers several crucial elements at once.²⁶ Article 164 preserves the classic idea of rights as powers over objects. It states that these rights are at the owner's discretion, using phrases such as "according to their own discretion" and "for their own benefit." It connects the substance of property rights with their protective side, making protection an integral part of the rights, not an add-on. Article 164 clarifies the essence of property rights and affirms that Uzbekistan views them as an active, complete legal status deserving strong state protection.²⁷

Upon closer examination, Article 164 defines property rights as comprising three fundamental, yet distinct, components: ownership, use, and administration.²⁸ The right to ownership means actual and legal control over an object; the right to use refers to the capacity to derive utility and economic advantages from it; and the right to manage involves the authority to determine an object's legal and factual destiny through actions. Rather than viewing these rights as merely technical powers, it is crucial to understand their distinction and

²³ Han, Liu and Du.

²⁴ Janet Weston, 'Managing Mental Incapacity in the 20th Century: A History of the Court of Protection of England & Wales', *International Journal of Law and Psychiatry*, 68 (2020), 101524 <https://doi.org/https://doi.org/10.1016/j.ijlp.2019.101524>

²⁵ Briony McDonagh, Hannah Worthen and Stewart Mottram, 'Governing Flood Risk in Mid Seventeenth-Century England', *Journal of Historical Geography*, 89 (2025), 13–26 <https://doi.org/https://doi.org/10.1016/j.jhg.2024.12.001>

²⁶ Gustav Sigeman, 'Governing Property Rights and Extractivism in the Nordics under the European Union's Critical Raw Materials Act', *The Extractive Industries and Society*, 25 (2026), 101795 <https://doi.org/https://doi.org/10.1016/j.exis.2025.101795>

²⁷ Glauco De Vita and others, 'Does Intellectual Property Rights Protection Affect UK and US Outward FDI and Earnings from FDI? A Sectoral Analysis', *Journal of Economic Studies*, 49.8 (2021), 1387–1421 <https://doi.org/https://doi.org/10.1108/JES-09-2021-0462>

²⁸ Sigeman.

how, collectively, they constitute the essence of ownership sovereignty. The owner may retain possession, define the economic purpose, derive benefits, transfer or maintain the item, and resist interference by others. Therefore, the essence of property rights in Article 164 should be interpreted not simply as a list of permissions, but as a recognition of the owner's overarching legal supremacy over the item. Without such a distinction, property rights risk devolving into a fragmented aggregation of authorities rather than a comprehensive legal order.²⁹

Contemporary doctrine no longer treats property rights as wholly absolute. While they are robust, enforcement must consider legal limits, third-party claims, and public and state interests. Thus, "at one's own discretion" in Article 164 does not imply unrestricted liberty, but grants owners precedence in choosing an object's use within legal, social, and community boundaries. This marks a shift: property rights are robust but must fit social responsibility.³⁰ The claim that property rights are robust yet not unconditional is key for Uzbekistan. National civil law theory has not fully articulated the implications and societal importance of property rights restrictions, though such limits exist in practice. The gap between standards and theory affects interpretation. Excessive absoluteness makes any limit seem threatening; lax rules weaken protection and can be dominated by administrative interests. A better strategy is to give owners significant legal precedence and require the state to restrict rights only on explicit legal grounds, with legitimate aims and proportionality. Thus, protection property rights more than recognizing ownership; it requires normative regulation by the state and others against unauthorized interference. Consequently, the concept and normative foundation of property rights protection in Uzbekistan's civil law must be comprehended in three interrelated dimensions.³¹

Property rights are a fundamental institution that establishes the economic-legal relationship between the person and the object.³² Secondly, Article 164 establishes a definitive normative foundation for the substance of property rights and the entitlement to safeguard them against any infringement. Third, the evolution of contemporary law necessitates that property rights be perceived not as wholly absolute, but as robust real rights that must be balanced with legal

²⁹ Bram Büscher and Lerato Thakholi, 'Convivial Fences? Property, "Right to Wildlife" and the Need for Redistributive Justice in South African Conservation', *Land Use Policy*, 141 (2024), 107134 <https://doi.org/https://doi.org/10.1016/j.landusepol.2024.107134>

³⁰ Silvia Donis, Jaime Gómez and Idana Salazar, 'Economic Complexity, Property Rights and the Judicial System as Drivers of Eco-Innovations: An Analysis of OECD Countries', *Technovation*, 128 (2023), 102868 <https://doi.org/https://doi.org/10.1016/j.technovation.2023.102868>

³¹ Alexey V Kalinin and others, 'Does Land Conservation Raise Property Taxes? Evidence from New England Cities and Towns', *Journal of Environmental Economics and Management*, 119 (2023), 102782 <https://doi.org/https://doi.org/10.1016/j.jeem.2022.102782>

³² Danti Sugiarto, 'Mempercepat Pendaftaran Tanah Di Indonesia Dengan Hukum Pertahanan', *Court Review: Jurnal Penelitian Hukum*, 3.03 (2023), 17–21 <https://doi.org/10.69957/CR.V3I03.703>

frameworks, public interest, and the social utility of the object.³³ The theoretical foundation of property protection is established not solely on the assertion that the owner has unrestricted rights over their property, but on the premise that the owner's freedom is significant only when it is legally acknowledged, adequately safeguarded, and subject to legal constraints. Within that context, protection property rights serves as a crucial metric for assessing the quality of the rule of law, as it reflects the degree to which the law can simultaneously protect individual autonomy and uphold social order.³⁴

The Development of Property Rights Safeguards under Uzbekistan's Legal Framework

The protection of property rights in Uzbekistan cannot be comprehended exclusively through the existing positive legal frameworks. The contemporary framework of property rights protection has emerged from a protracted historical evolution, reflecting significant transformations in the legal relationships among individuals, things, and the state. Consequently, the examination of property rights in Uzbekistan should be contextualized historically. Absent this approach, protection property rights would appear to be solely a technical matter of ownership of objects and the adjudication of conflicts. In truth, it represents a transition in legal politics from a customary framework to a religious paradigm, subsequently to a state-centric model, culminating in a civil law system that endeavors to harmonize the proprietor's autonomy with legal certainty. The progression of property rights protection in Uzbekistan illustrates that alterations in ownership forms are invariably accompanied by modifications in the governing power structures. The evolution of ownership relations in Uzbekistan occurred incrementally, transitioning from customary and Islamic law to state ownership during the Soviet period, culminating in the reinforcement of ownership equality post-independence. In the initial period, before the formation of a more formalized legal system, ownership relations in Uzbekistan were governed by customary law. At this juncture, property protection primarily stems from the community's recognition of possession, use, and inheritance of certain items. Ownership is not yet perceived primarily as an individual legal status legally delineated by the state, but rather as a relationship that derives validity from prevailing social traditions. In this arrangement, the potency of rights is contingent upon societal acceptance and communal customs rather than a methodical framework of written regulations.³⁵

³³ Bianca Prithresia, 'Kajian Perbandingan Asas Nasionalitas Hukum Agraria Dalam Konteks Internasional', *UNES Law Review*, 6.2 (2023), 7305–13 <https://doi.org/10.31933/UNESREV.V6I2.1259>

³⁴ Jill Duerr Berrick, Marit Skivenes and Joseph N Roscoe, 'Public Perceptions of Child Protection, Children's Rights, and Personal Values: An Assessment of Two States', *Children and Youth Services Review*, 150 (2023), 106960 <https://doi.org/https://doi.org/10.1016/j.childyouth.2023.106960>

³⁵ Richard A Spinello, 'Intellectual Property Rights', in *Encyclopedia of Libraries, Librarianship, and Information Science (First Edition)*, ed. by David Baker and Lucy Ellis, First Edit (Oxford: Academic Press, 2025), pp. 306–13 <https://doi.org/https://doi.org/10.1016/B978-0-323-95689-5.00134-6>

The protection of property rights at the customary level is relative and contextual: it is robust as long as it is acknowledged by the community, but it lacks a consistent legal framework to redress infractions beyond the community structure.³⁶ This phase, despite its simplicity, is significant since it establishes the foundational social framework for the concept of ownership in Uzbekistan. Initially, property relations were regulated by customary law, which eventually evolved into a more systematic framework in the next era. During the Islamic law phase, notably in the late 19th and early 20th centuries, the development became more structured, as civil law relations in Uzbekistan were predominantly governed by Sharia principles.³⁷ During this age, the Qur'an was acknowledged as the primary source of the legal system, while Sunnah, *ijma'*, and *qiyas* functioned to supplement the regulation of matters not explicitly covered. During this era, ownership relations transitioned from being exclusively upheld by social customs to acquiring a more systematic normative foundation in the domains of ownership, inheritance, guardianship, gifts, charity, duties, and faithfulness to agreements.³⁸ This indicates that property rights began to be established within a broader legal framework encompassing moral, religious, and legal aspects. Within this framework, the protection of property rights developed not merely as a defense of economic interests but also as an integral component of the societal normative order. Consequently, the phase of Islamic law significantly contributed to establishing an initial systematization of property relations, particularly by instituting rights over property, inheritance, and the management of assets within a framework of rules that were more stable and predictable than those of the purely customary phase.³⁹

Nonetheless, such continuity experienced substantial alterations during the Soviet period. Following the foundation of Soviet authority, while courts adhering to Sharia principles and local customs continued to function temporarily, the scope for these traditional institutions progressively contracted, culminating in the abolition of Qazi courts in 1928.⁴⁰ Subsequently, the property law system in Uzbekistan became progressively more state-centric. This transition became further evident through the 1927 Constitution of the Uzbek SSR, which articulated in Article 19 that land, forests, natural resources, factories, railroads,

³⁶ Akhmadiyeva and Herzfeld, 'Land Rights Perceptions and Farmer Behavior: Evidence from Central Asia'.

³⁷ Joyanal Abdin and others, 'Financing Constraints, Intellectual Property Rights Protection and Incremental Innovation: Evidence from Transition Economy Firms', *Technological Forecasting and Social Change*, 198 (2024), 122982 <https://doi.org/https://doi.org/10.1016/j.techfore.2023.122982>

³⁸ De Wit, Chaubron-Couturier and Galletti.

³⁹ Snehanish Roy Chaudhary and Jeevika, 'Proposal to Grant Ownership Rights of Imaging Studies to Patients Under Property Law: A Pitch for Collaborative Healthcare Capitalism', *Academic Radiology*, 32 (2025), S78–82 <https://doi.org/https://doi.org/10.1016/j.acra.2024.12.004>

⁴⁰ Kurbanov, Djanibekov and Herzfeld.

transportation, and communication systems are the property of the republic.⁴¹ The norm not only delineates the mechanism of control over strategic assets but also reinforces the foundational direction of the new legal framework: state ownership emerges as the principal underpinning of the socio-political structure. In this environment, protection property rights is no longer chiefly focused on preserving the independence of private owners, but rather on bolstering a centralized economic system and the state's dominance over the means of production.⁴²

The 1937 Constitution of the Uzbek SSR further solidified that control by establishing socialist ownership as the cornerstone of the state's economy. For the first time, two types of socialist ownership, state ownership and collective agricultural cooperative ownership were officially incorporated into the constitutional framework. Simultaneously, the notion of private ownership was being introduced, albeit in a restricted manner, specifically as ownership of collective farming households and individual ownership by citizens.⁴³ The recognition of private ownership does not equate to the complete autonomy of private entities, as the classical civil law tradition shows, but instead represents a form of constrained tolerance within the context of prevailing state ownership. The 1978 Constitution reaffirmed state property as the principal form of socialist property, acknowledged citizens' rights to private property acquired through labor, and safeguarded the right to inheritance.⁴⁴ This evolution indicates that, during the Soviet era, property rights were protected, but only in a restricted form, and did not develop as a safeguard of the owner's autonomy within the context of independent civil law. Private property was not entirely eradicated but was subordinated to the ideological and structural imperatives of state ownership.⁴⁵

The primary effect of the Soviet era was that property rights in Uzbekistan did not evolve as autonomous private institutions but instead as subordinate components of a centralized political economy.⁴⁶ Consequently, the matter of property rights protection following independence should not be regarded solely as a requirement for legislative reform, but rather as an essential reconfiguration of the relationship between the state and the property owner. In the Soviet system,

⁴¹ De Vita and others.

⁴² Alex Ruck Keene and Chiara Cordone, 'Distributed Rights Protection: The 2000 Hague Convention on the International Protection of Adults and the Challenge of Securing Fundamental Rights across Borders', *International Journal of Law and Psychiatry*, 91 (2023), 101936 <https://doi.org/https://doi.org/10.1016/j.ijlp.2023.101936>

⁴³ Yixin Liu, Yu Liu and Zuobao Wei, 'Property Rights Protection, Financial Constraint, and Capital Structure Choices: Evidence from a Chinese Natural Experiment', *Journal of Corporate Finance*, 73 (2022), 102167 <https://doi.org/https://doi.org/10.1016/j.jcorpfin.2022.102167>

⁴⁴ Sigeman.

⁴⁵ Carl Griffin, 'Land Reform in the Home of Enclosure: How to Right Historical Land Ownership and Environmental Injustice in England and Wales', *Journal of Historical Geography*, 91 (2026), 279–82 <https://doi.org/https://doi.org/10.1016/j.jhge.2026.01.010>

⁴⁶ Abdusamadova.

the state was not only a regulator but also the principal proprietor. When Uzbekistan initiated civil law reform, the primary challenge was not merely to establish new norms but also to transform the system's underlying logic from one that emphasizes state control to one that recognizes the civil rights of individuals and enterprises. The historical Soviet heritage is crucial in elucidating why property rights protection in Uzbekistan continues to grapple with the conflict between owner autonomy and administrative interference.⁴⁷

Significant alterations occurred after Uzbekistan's independence, when the principle of equality among diverse ownership forms was legally recognized, and protections for proprietors were reinforced through civil law mechanisms.⁴⁸ Subsequent to independence, Uzbek law recognized the parity of ownership types and enhanced mechanisms for protection property rights under civil law. This recognition is profoundly significant as it signifies a shift from a system characterized by state ownership monopoly to one that more equally respects the existence and legal position of private proprietors. In this perspective, property rights are now regarded not as exceptions permitted under governmental authority, but as actual legal entities deserving of protection. This shift facilitated the establishment of a contemporary civil law framework in which the owner is regarded as a subject with the legal authority to govern, use, manage, and protect the object from infringement.⁴⁹

Nevertheless, the post-independence era does not imply that all matters have been resolved. In several sectors, like land and agriculture, the influence of state intervention is notably pronounced.⁵⁰ Evidence from the supporting materials indicates that, within the agricultural sector, while various forms of individual tenure have been acknowledged, land rights in Uzbekistan are predominantly conferred as long-term use rights rather than outright ownership, accompanied by specific restrictions on land transfer and utilization.⁵¹ As late as 2019, the cotton and wheat sectors in Uzbekistan remained under government control through production targets and procurement procedures, effectively restricting farmers'

⁴⁷ Yifat Holzman-Gazit and Eran S Kaplinsky, 'Urban Forest Regulations and Incentives for Preserving Trees on Private Land: A Legal Perspective', *Urban Forestry & Urban Greening*, 117 (2026), 129281 <https://doi.org/https://doi.org/10.1016/j.ufug.2026.129281>

⁴⁸ Soumya Ranjan Sethi and Dushyant Ashok Mahadik, 'Mapping the Intellectual Landscape: An Exploratory Analysis of Intellectual Property Rights and Firm Performance', *Journal of Intellectual Capital*, 27.2 (2025), 241–82 <https://doi.org/https://doi.org/10.1108/JIC-11-2024-0373>

⁴⁹ Manuela Madeddu and Ben Clifford, 'The Conversion of Buildings to Housing Use: England's Permitted Development Rights in Comparative Perspective', *Progress in Planning*, 171 (2023), 100730 <https://doi.org/https://doi.org/10.1016/j.progress.2022.100730>

⁵⁰ Tianyi Peng and Jianrong Liu, 'Analysis of Conflict between Right-Turning Vehicles and Pedestrians at Urban Intersections Using Random Parameter Logit Model', *Traffic Injury Prevention*, 2025 <https://doi.org/https://doi.org/10.1080/15389588.2025.2545001>

⁵¹ Shenjing He, Lu Shan and Jin Zhu, 'How Planning Intervention Changes the "Price Tags" of Property Rights? Towards a Dynamic Understanding of China's Small Property Right Housing', *Cities*, 150 (2024), 105091 <https://doi.org/https://doi.org/10.1016/j.cities.2024.105091>

sovereignty over their land. These findings are significant as they demonstrate that the growth of property rights protection following independence is progressive rather than linear. Civil law enhances the status of proprietors and affirms private rights. Conversely, in the operation of some key sectors, the state continues to play a substantial role in shaping the regulatory framework for resource use, particularly land. Consequently, post-independence changes should be regarded as an ongoing transition process that remains incomplete.⁵²

The enhancement of property rights protection in Uzbekistan's civil law is evidenced by the growing necessity for registration, recording of rights, and administrative certainty.⁵³ A study on land use efficiency in rural settlements in Uzbekistan highlights that registering land and immovable property rights, conducting land inventories, and ensuring documentation accuracy are crucial measures to improve land use effectiveness and ensure legal certainty regarding property status. This indicates that in post-Soviet nations such as Uzbekistan, the enhancement of property rights protection transcends mere conceptual and normative frameworks; it necessitates the establishment of a legal-administrative infrastructure capable of delineating the rights holders, the objects in question, and the legal foundations thereof. The normative recognition of property rights requires a reliable record-keeping and administration system; in its absence, protection property rights would remain tenuous in practice.⁵⁴

The evolution of property rights protection in Uzbekistan has experienced four significant transformations. Initially, from community-based acknowledgment within customary law.⁵⁵ Secondly, towards a more organized normative-religious framework within Islamic jurisprudence. Third, about the predominance of state ownership and the subjugation of private ownership during the Soviet period. Fourth, about the renewed acknowledgment of the parity of ownership forms and the enhancement of private rights protection post-independence.⁵⁶ Nevertheless, the paramount significance of this evolution lies not only in the alteration of legal structures but in the transformation of the state's perception of the proprietors.

⁵² Tim Edensor and Ben Wellings, 'Runnymede's Memorials and Landscapes: Magna Carta and England's Wider Communities of Belonging', *Political Geography*, 123 (2025), 103410 <https://doi.org/https://doi.org/10.1016/j.polgeo.2025.103410>

⁵³ Qiong Li and Jiuzheng Pei, 'Judicial Protection of Intellectual Property Rights and Manipulative Behaviors in Corporate Research and Development Expenses', *Finance Research Letters*, 65 (2024), 105611 <https://doi.org/https://doi.org/10.1016/j.frl.2024.105611>

⁵⁴ Edward Ti and Alvin See, 'Promoting Ethnic Diversity in Public Housing: Singapore and England Compared', *Journal of Property, Planning and Environmental Law*, 16.1 (2023), 68–86 <https://doi.org/https://doi.org/10.1108/JPPPEL-04-2023-0017>

⁵⁵ Masaki Nakabayashi, 'Legislating Filial Obligations: Property Rights and Filial Piety in Shogunate Japan', *Journal of Asian Economics*, 98 (2025), 101923 <https://doi.org/https://doi.org/10.1016/j.asieco.2025.101923>

⁵⁶ Xiangyu Jia and others, 'Alienable or Inalienable, and How? Individual Property Rights in Commons Governance', *Ecological Economics*, 242 (2026), 108903 <https://doi.org/https://doi.org/10.1016/j.ecolecon.2025.108903>

During the Soviet era, private proprietors were subordinated, but in the post-independence era, they have been reinstated as legal entities deserving protection. Nonetheless, while this change occurs against the backdrop of a historical heritage of extensive state intervention, the protection of property rights in Uzbekistan reveals a discord between the growing normative acknowledgment and administrative practices that remain inconsistent.⁵⁷

Historical context is essential for understanding the contemporary challenges of protecting property rights in Uzbekistan. Deficiencies in protective measures, land conflicts, or discrepancies in law enforcement cannot be comprehensively grasped without acknowledging that the Uzbek legal framework evolved from a protracted transition among customs, religion, state socialism, and contemporary civil law reforms. The evolution of property rights protection in the Uzbek legal system should be viewed not as a linear progression towards an ideal form, but as a gradual restructuring that continues to exhibit tensions between the legacy of state control and the requirements of a contemporary rule of law to adequately safeguard owners' freedoms.⁵⁸

The effectiveness of Property Rights Protection Mechanisms in Uzbekistan's Judicial Practice and a Comparative Analysis

In Uzbekistan's civil law system, the protection of property rights mainly depends on judicial protection.⁵⁹ The court's major role in property disputes is not incidental; it is a logical outcome of the intrinsic nature of property rights as actual rights that require acknowledgment, restitution, and robust protection against any infringement. Consequently, when the relationship among the owner, the object, and other parties is compromised, the court serves as the principal venue to assess the foundation of the right, ascertain the nature of the infringement, and identify a suitable remedy.⁶⁰ Civil law standards are crucial in protection property rights, employing mechanisms such as property litigation and other civil law tools for protection. The efficacy of property rights protection in Uzbekistan is determined not merely by the presence of legal standards, but by the judiciary's capacity to convert those norms into tangible compensation for the owner.

A fundamental device in the defense of property rights is property litigation aimed at recovering an object from unlawful possession, which can be doctrinally

⁵⁷ Weston.

⁵⁸ Lindani Mhlanga, 'Untangling Indigenous Land Rights: Compensating Cultural and Spiritual Losses Caused by Mining Activities in South Africa', *The Extractive Industries and Society*, 26 (2026), 101823 <https://doi.org/https://doi.org/10.1016/j.exis.2025.101823>

⁵⁹ Jinhai Xu, Junming Zeng and Yuan Hu, 'Property Rights System and Market Evolution: Plot-Level Evidence from China's Land Titling', *Land Use Policy*, 145 (2024), 107253 <https://doi.org/https://doi.org/10.1016/j.landusepol.2024.107253>

⁶⁰ Lin Ge, Tao Jiang and Hongquan Wei, 'Selection of Node with Editing Rights and Privacy Protection Mechanisms Based on Dual-Blockchain', *Journal of King Saud University - Computer and Information Sciences*, 35.10 (2023), 101849 <https://doi.org/https://doi.org/10.1016/j.jksuci.2023.101849>

equated with vindicatio. If an object is held by an unauthorized party, the owner is entitled to initiate legal action to recover the object in its original condition, grounded in the ownership formerly held by the plaintiff.⁶¹ This tool is significant as it explicitly seeks to reaffirm the legal relationship between the legitimate owner and their property, rather than simply demanding payment or compensation.⁶² This characteristic distinguishes a property case from an obligational litigation case.

Article 228 of the Uzbekistan Civil Code provides the basis for claims for the restoration of rights, whereas Article 229 establishes specific restrictions, including instances in which the object has been sold pursuant to a court ruling or when the issue pertains to monetary assets and bearer securities. Consequently, protection through vindicatio demonstrates that Uzbek law continues to follow the traditional framework of continental civil law: the owner has the right to recover their property from unlawful possession, taking into account the possessor's good or bad faith. Furthermore, the negative claim holds a significant role in the framework of property rights protection.⁶³

A negative claim, in contrast to vindicatio, does not seek to restore possession of an object that has entirely departed from the owner's control; instead, it aims to remove interferences that obstruct the owner's use and management of the thing still in their possession.⁶⁴ Article 231 of the Uzbekistan Civil Code governs the protection against impediments that do not extinguish property rights but restrict their exercise. Consequently, negative litigation is frequently employed in conflicts between adjacent property owners, such as when a neighbor's structure impedes light, access, or the utilization of communal spaces. This lawsuit is significant because it demonstrates that protection property rights is not contingent solely on the complete deprivation of an asset; frequently, the infringement manifests as partial disruptions that are nearly as severe, as they undermine the essence of property rights without abolishing their legal title.⁶⁵

⁶¹ Damien Dussaux, Antoine Dechezleprêtre and Matthieu Glachant, 'The Impact of Intellectual Property Rights Protection on Low-Carbon Trade and Foreign Direct Investments', *Energy Policy*, 171 (2022), 113269 <https://doi.org/https://doi.org/10.1016/j.enpol.2022.113269>

⁶² Don Mitchell, 'How to Turn a Union Organizer into a Cable Junction Box: Union Access to Workers, the Property Right to Exclude, and the United States Supreme Court's Alchemical Geographical Imagination', *Political Geography*, 117 (2025), 103260 <https://doi.org/https://doi.org/10.1016/j.polgeo.2024.103260>

⁶³ Franklin Obeng-Odoom, 'The Political Economy of Debating Urban Property Rights: A Response to Lai's (2025) Rejoinder', *Cities*, 171 (2026), 106793 <https://doi.org/https://doi.org/10.1016/j.cities.2026.106793>

⁶⁴ Haoqiang Mao and others, 'Intellectual Property Rights, Renewable Energy Innovation, and Carbon Emission Reduction: Insights from China's Provincial Data', *Energy Strategy Reviews*, 59 (2025), 101705 <https://doi.org/https://doi.org/10.1016/j.esr.2025.101705>

⁶⁵ Abdin and others.

Negative litigation has limitations: it can mandate only the elimination of the disturbance, but it does not inherently address the allocation of costs, the organization of shared use, or the reconciliation of the rights and obligations of the parties involved.⁶⁶ This implies that its efficacy is significantly contingent upon the judge's precision in assessing the disagreement and rendering the ruling. Alongside the two property disputes, the protection of property rights may also occur through an obligational relationship. Protection may be sought by declaring the contract that infringes upon property rights null and void, requesting the return of property acquired without legitimate grounds, or pursuing reimbursement for the legal ramifications of a contract breach that impacts the owner's status. This indicates that, in practice, infringements of property rights may not occur solely through direct confiscation, but may also emerge through legal relationships structured as agreements, administration, or other legal activities. In this situation, mandatory protection is essential as a supplement to property protection.⁶⁷

It does not supplant property protection, but is applicable where property problems intersect with default, compensation, or other particular legal relationships. Consequently, the efficacy of property rights protection under Uzbek law depends on the judicial system's capacity to determine whether a dispute is a property issue or an obligational dispute. This highlights the core of a significant issue: the absence of standards and the inconsistency in categorizing infractions and selecting suitable protective measures.⁶⁸ The necessity to differentiate between property protection and obligational protection is becoming increasingly imperative, as the subjects of property rights are no longer confined to conventional tangible possessions.⁶⁹

Requests for the restitution of seized items may encompass not just physical objects but also non-liquid assets, unregistered shares, and several other forms of wealth. This indicates that Uzbekistan's legal system has progressed towards a more expansive interpretation of the objects of property rights protection. The broadening of protective objects necessitates a more rigorous approach to evidence and case categorization. The more the complexity of the object in

⁶⁶ Kangjuan lv and others, 'Can Intellectual Property Rights Protection Reduce Air Pollution? A Quasi-Natural Experiment from China', *Structural Change and Economic Dynamics*, 65 (2023), 210–22 <https://doi.org/https://doi.org/10.1016/j.strueco.2023.02.010>

⁶⁷ Kasper Hoffmann and others, 'Everyday Property-Making: Negotiating Land Rights, Precarity and Public Authority in Urban Congo', *Land Use Policy*, 158 (2025), 107734 <https://doi.org/https://doi.org/10.1016/j.landusepol.2025.107734>

⁶⁸ Jingjing Li, Limei Gao and Jiayou Shi, 'Too Good to Be True? China's New Conceptual Scheme for Data Property Rights', *Telecommunications Policy*, 50.3 (2026), 103145 <https://doi.org/https://doi.org/10.1016/j.telpol.2025.103145>

⁶⁹ Martins Iyoboyi and Muftau Olaiya Olarinde, 'Untangling Africa's Peace and Growth Trajectories: The Role of Property Rights', *Journal of Government and Economics*, 19 (2025), 100159 <https://doi.org/https://doi.org/10.1016/j.jge.2025.100159>

question, the higher the likelihood of judicial errors about ownership title, factual control, and associated obligations. Consequently, judicial protection cannot be effective solely through the reiteration of traditional frameworks; it requires methodological consistency in interpreting disagreement structures.⁷⁰

Despite the normative diversity of protective mechanisms in Uzbekistan's civil law, the primary challenge arises during implementation.⁷¹ The issue of property rights protection in Uzbekistan is not merely due to a lack of legislative instruments, but rather stems from inconsistent court procedures in their use. The courts continue to encounter challenges in categorizing the nature of the violation, establishing the appropriate grounds for the action, and effectively evaluating the evidence of ownership.⁷² The efficacy of judicial protection often relies on judges' individualized approach rather than on consistent norms. From the standpoint of the rule of law, this scenario is perilous, as property rights require substantial predictability: proprietors must be able to foresee that the system will function consistently when their rights are infringed.⁷³

A primary issue in verifying and establishing property rights is that real estate ownership can be substantiated through multiple means, including title documents, payment records, official certificates, cadastral data, tax information, witness testimony, topographical conditions, and expert assessments. The proof methodology appears notably transparent.⁷⁴ Nevertheless, this transparency also entails the possibility that the court may fail to exercise its jurisdiction to reveal the material facts. If a judge dismisses a claim solely because one party fails to demonstrate their right's priority, despite the court's ability and obligation to evaluate other pertinent evidence, this may constitute a breach of the concept of a fair trial. The issue with judicial practice in Uzbekistan concerns not only insufficient evidence but also the quality of the authority exercised in the substantive resolution of property disputes.⁷⁵

A significant concern is the vagueness in the categorization of infractions and the protective measures employed.⁷⁶ In certain instances, conflicts that ought to be

⁷⁰ Li, Gao and Shi.

⁷¹ Weisheng Lu and Liupengfei Wu, 'A Blockchain-Based Deployment Framework for Protecting Building Design Intellectual Property Rights in Collaborative Digital Environments', *Computers in Industry*, 159–160 (2024), 104098 <https://doi.org/https://doi.org/10.1016/j.compind.2024.104098>

⁷² Li, Gao and Shi.

⁷³ Jia and others.

⁷⁴ Zhihua Xu and others, 'From Policy to Participation: Exploring the Influence of Property Rights on Rural Revitalization Efforts', *Economic Analysis and Policy*, 86 (2025), 1660–74 <https://doi.org/https://doi.org/10.1016/j.eap.2025.05.012>

⁷⁵ Sonia Guelton and others, 'Revisiting (Neo)Liberalism in Land Policy: Trends in Property Rights Regimes across Europe', *Land Use Policy*, 160 (2026), 107843 <https://doi.org/https://doi.org/10.1016/j.landusepol.2025.107843>

⁷⁶ Musibau Lasisi and Ushaseer Tembe, 'Digitization and Intellectual Property Right', in *Encyclopedia of Libraries, Librarianship, and Information Science (First Edition)*, ed. by David Baker and

classified as property disputes are addressed through the framework of duty relationships, or vice versa. The resultant ruling fails to address the crux of the matter. If the plaintiff is the registered owner of real estate in the state register but factually loses the ability to use and possess the property, that right should be reinstated through a claim for recovery of rights.⁷⁷ When the court fails to distinguish between the recovery of the object, the elimination of interference, and claims for compensation, the dispute remains unresolved and fails to adequately address the legal status of the object. This classification's inadequacy is apparent in conflicts about the seizure, demolition, and release of objects from judicial processes, where the distinction between property protection and procedural protection is often ambiguous.⁷⁸

The primary issue in Uzbekistan's judicial practice concerns conflicts over land acquisition for public benefit and the associated compensation.⁷⁹ Prior to 2019, problems with land acquisition and compensation payments were widespread across numerous districts of Uzbekistan, leading to public discontent. In response, on August 3, 2019, Presidential Decree No. UP-5491 of the Republic of Uzbekistan was promulgated, stipulating that determinations regarding land purchases for state purposes must be made only after transparent consultations with stakeholders and be grounded in a cost-benefit analysis. The ruling underscores that the demolition of assets held by individuals and enterprises may proceed only after complete compensation for the property's market value and associated damages. Normatively, this signifies a substantial advancement: the state must now not only proclaim the public interest but also adhere to explicit procedural and compensatory criteria.⁸⁰

Nonetheless, protection property rights extends beyond policy formulation.⁸¹ This is apparent in instances of land acquisition for governmental reasons, accompanied by the destruction of residents' properties without sufficient compensation. The land on which the real estate was situated has been appropriated for state purposes since 2011, although the compensation for the demolished property has not been disbursed to its owner.⁸² The owner subsequently initiated legal proceedings to secure interest for the postponed

Lucy Ellis, First Edit (Oxford: Academic Press, 2025), pp. 140–46
<https://doi.org/https://doi.org/10.1016/B978-0-323-95689-5.00237-6>

⁷⁷ Xintao Duan and others, 'Active Protection Scheme of DNN Intellectual Property Rights Based on Feature Layer Selection and Hyperchaotic Mapping', *Computers, Materials and Continua*, 84.3 (2025), 4887–4906 <https://doi.org/https://doi.org/10.32604/cmc.2025.064620>

⁷⁸ Lu Yu and others, 'Beyond Property Rights: All Roads Lead to Sustainable Grassland Management', *Global Environmental Change*, 94 (2025), 103029
<https://doi.org/https://doi.org/10.1016/j.gloenvcha.2025.103029>

⁷⁹ Guelton and others.

⁸⁰ Hoffmann and others.

⁸¹ Hoffmann and others.

⁸² Yu and others.

compensation payment, in addition to material and moral damages. The court erroneously construed Article 327 of the Civil Code by calculating interest solely from the date the court's decision became effective on January 5, 2025, despite the infringement of property rights having transpired significantly earlier, specifically from the moment the object was confiscated and destroyed without adequate compensation. Thus, this error highlights a more fundamental issue: the court's tendency to narrow the dispute to a post-judgment monetary obligation, whereas the essence of the case is the long-standing violation of property rights by state actions.⁸³

The matter becomes increasingly intricate when viewed in light of the Republic of Uzbekistan Law No. ZRU-781 of 2022 regarding the protocol for land acquisition for public benefit with remuneration. The complainant cites Article 24 of the statute, which stipulates a penalty of 0.05 percent per day of the assessed worth of the destroyed real estate if the replacement property is not delivered within a specified timeframe. The court denied the request for full payment, citing that the statute was enacted subsequent to the property's destruction in 2011. According to your analysis, the reason is inadequate because Article 39 of the same law actually stipulates that for land acquisition decisions made before this law came into effect, the procedures for compensation, assessment, and resolution of demolition issues remain subject to the new articles.⁸⁴ Thus, the court's error here is not merely a misapplication of the norm, but a failure to systematically interpret the transitional provisions. This shows that the inconsistency in judicial practices in Uzbekistan is not merely a matter of ordinary interpretation, but rather a methodological issue in understanding the relationships between norms.⁸⁵

The lack of uniformity in court proceedings affects not just individual proprietors but also the overarching economic framework.⁸⁶ The article by Abdusamadova indicates that 27% of land disputes adjudicated in the past five years pertain to disagreements among proprietors concerning land utilization, access routes, or the installation of communication networks, while 18% of over 12,000 civil litigations regarding land matters in 2023 involve servitude issues. Even in 2022, 74 infrastructure projects were delayed due to servitude disputes, and between 2020 and 2023, around 12% of 210 major investment projects were not realized due to land and infrastructure facility disputes. This data pertains to servitude, yet it is highly relevant to this study, as it demonstrates that ambiguous standards for protection property rights and inconsistent judicial practices

⁸³ Sethi and Mahadik.

⁸⁴ Song Nie, 'Does Intellectual Property Rights Protection Matter for Low-Carbon Transition? The Role of Institutional Incentives', *Economic Modelling*, 140 (2024), 106842 <https://doi.org/https://doi.org/10.1016/j.econmod.2024.106842>

⁸⁵ Guelton and others.

⁸⁶ Dongqin Cao and others, 'Carbon Emission Reduction Effects of Renewable Energy Technological Innovation in China: New Insights into the Intellectual Property Rights Protection', *Heliyon*, 9.9 (2023), e19836 <https://doi.org/https://doi.org/10.1016/j.heliyon.2023.e19836>

adversely affect investment certainty, land management, and trust in the legal system. So, the problem of property rights adjudication practices in Uzbekistan should be understood not just as a technical legal issue, but as an institutional problem with economic implications.⁸⁷

It can be stated that the necessity for legal reform in Uzbekistan functions on two simultaneous fronts.⁸⁸ First, there needs to be a normative clarification of the differences between violations that demand vindicatio, negative claims, mandatory protection, release from seizure, and compensation due to state action. Second, there needs to be standardization of judicial practices, either through interpretative guidelines, strengthening the role of higher courts, or harmonization between the Civil Code, the Land Code, and specific regulations regarding land acquisition. Without these two reforms, property rights protection will remain strong on paper but fragile in practice.⁸⁹

A comparative perspective is important to include at this stage because the main issue of this study lies in the effectiveness of property rights protection in practice, not just the existence of the concept.⁹⁰ Therefore, the function of comparison here is not to transfer foreign models wholesale to Uzbekistan, but rather to show how other countries address similar issues: how the content of property rights is constructed, how interventions against them are limited, and how courts are given a role in maintaining legal certainty. The three most relevant systems to compare are England, Germany, and France. England is important because it demonstrates a layered common law model, whereas Germany and France are significant because they are within the continental tradition, which is closer to Uzbekistan.⁹¹

Table 1. Comparison of Property Rights Protection: Uzbekistan, England, Germany, and France

Aspect	Uzbekistan	England	Germany	France
Structure of property rights	Tends to be integrated, based on the continental model; a single object is not divided into several parallel full rights	Layered and hierarchical; recognizes freehold, leasehold, legal ownership, equitable ownership	Property rights are understood as an integral legal institution, not merely a collection of fragmented powers	Based on the continental tradition; property rights are viewed as unique and fundamentally indivisible
Main content of the right	The rights to possess, use,	Emphasizes the priority of powers	Section 903 of the BGB emphasizes	Article 544 of the Civil Code

⁸⁷ Dussaux, Dechezleprêtre and Glachant.

⁸⁸ Berrick, Skivenes and Roscoe.

⁸⁹ Mhlanga.

⁹⁰ Jiayu Bai and Zhuoya Ma, 'Digitalization as an Enabling Pathway for Preserving Land-Based Territorial Functions and Maritime Rights of Small Island Developing States amid Sea Level Rise', *Marine Policy*, 186 (2026), 107042 <https://doi.org/10.1016/j.marpol.2026.107042>

⁹¹ Obeng-Odoom.

	manage, and protect property against violations under Article 164	over property; possession and ownership may be distinguished	the owner's right to use property at their own discretion and exclude unlawful interference	emphasizes the elements of <i>usus</i> , <i>fructus</i> , and <i>abusus</i>
Relationship to legal limitations	Property rights are strong, but limited by law, public interest, and special regulations	Traditionally strong, but shaped by techniques for categorizing interests in property	Limited by law and third-party rights, while the structure of the right remains clear	Strongly protected even at the constitutional level, but limitations must be based on clear legal grounds
Lessons for Uzbekistan	Requires standardized protection and consistency in judicial practice	Useful for clarifying the differentiation of rights categories and the relationship between ownership, use, and lease	Useful for affirming property rights as an independent legal institution with clear remedial protection	Useful for strengthening the relationship between property rights, constitutional protection, and the role of courts

Source: Prepared by the author based on Article 164 of the Civil Code of Uzbekistan, England's *Law of Property Act 1925*, Section 903 of the German Civil Code (BGB), and Article 544 of the French Civil Code.

The comparison in the table above is based on differences in property ownership systems across England, Germany, France, and Uzbekistan. English law recognizes a layered property structure through classifications of freehold and leasehold, as well as the distinction between legal and equitable ownership, providing a more nuanced categorization of property relationships.⁹² In contrast, Uzbekistan adopts a more straightforward and cohesive paradigm for property rights, grounded in the principle of singular ownership of each object.⁹³ This comparison is significant as it demonstrates that the strength of the English model resides in its clarity in defining legal relationships with objects.⁹⁴ Uzbekistan's primary lesson is to avoid emulating the common law framework and instead to delineate the distinctions between property rights, usage rights, and other derived rights, so as to prevent judges from erroneously categorizing the nature of disputes.⁹⁵ Germany presents an alternative lesson.⁹⁶ In this system, ownership is

⁹² Xu, Zeng and Hu.

⁹³ Madeddu and Clifford.

⁹⁴ McDonagh, Worthen and Mottram.

⁹⁵ Uchendu Eugene Chigbu and Taiwo Oladapo Babalola, 'Unhiding the "Land Rights" and "Land Wrongs" in Sub-Saharan Africa: An Interpretive Scoping Review', *Land Use Policy*, 154 (2025), 107576 <https://doi.org/https://doi.org/10.1016/j.landusepol.2025.107576>

⁹⁶ Juliane Albrecht and Thomas Hartmann, 'Land for Flood Risk Management—Instruments and Strategies of Land Management for Polders and Dike Relocations in Germany', *Environmental Science & Policy*, 118 (2021), 36–44 <https://doi.org/https://doi.org/10.1016/j.envsci.2020.12.008>

elucidated not through abstract definitions, but through the content and extent of its authority, particularly as articulated in Article 903 of the BGB, which confers upon the owner the right to utilize the object at their discretion and to preclude the interference of others, provided it does not contravene the law or the rights of third parties.⁹⁷ This approach demonstrates that property rights are perceived as a comprehensive legal entity rather than a mere aggregation of distinct powers. For Uzbekistan, the German approach is pertinent to reinforce the assertion that protection property rights must be grounded in the coherence of those rights. Consequently, dispute resolution is not hindered by an artificial division among use, administration, and control, as the fundamental issue pertains to a breach of the integrity of property rights.⁹⁸

France is significant mainly because of its historical and methodological closeness to the continental legal tradition. In French law, property rights are regarded as robust, singular, and fundamentally indivisible into dual full ownerships of a single object.⁹⁹ Furthermore, the protection of property rights occupies a prominent status as it is acknowledged as a fundamental right at the constitutional level, with its specifics clearly articulated in Article 544 of the Code civil.¹⁰⁰ The lesson derived from France is that the efficacy of property rights resides not solely in their civil articulation, but also in the assurance that every limitation must possess a definitive legal foundation and that the judiciary must actively engage in administering justice in adjudicating rightful ownership. From a reform standpoint, the French experience offers a robust basis for enhancing substantive protection for owners, rather than only adopting a formal approach to evidence or procedure.¹⁰¹

Upon examining the three comparator countries collectively, it becomes evident that Uzbekistan's primary challenge is not the lack of a conceptual framework for property rights, but rather the inadequacy of its legal recovery system and its inconsistent implementation.¹⁰² England illustrates the significance of classifying rights and interests in property. Germany underscores the significance of comprehending property as a comprehensive legal institution. France exemplifies the importance of robust protection, grounded in explicit legislation and bolstered by the judiciary's proactive involvement.¹⁰³ From a reform perspective, these three

⁹⁷ Marco Dallavalle and others, 'Development and Validation of Land Use Regression Models for Ultrafine Particles in Augsburg and Regensburg, Germany', *Urban Climate*, 64 (2025), 102644 <https://doi.org/https://doi.org/10.1016/j.uclim.2025.102644>

⁹⁸ Xu and others.

⁹⁹ Nakabayashi.

¹⁰⁰ Kalinin and others.

¹⁰¹ Mao and others.

¹⁰² Ge, Jiang and Wei.

¹⁰³ Felicitas Sommer and Walter Timo de Vries, 'Values and Representations in Land Registers and Their Legal, Technical, Social Effects on Land Rights as an Administrative Artefact', *Land Use Policy*, 135 (2023), 106946 <https://doi.org/https://doi.org/10.1016/j.landusepol.2023.106946>

lessons can be distilled into three avenues for renewal in Uzbekistan: the affirmation of classifications of violations and types of lawsuits, the harmonization of norms between civil law and land law, and the establishment of more consistent standards for judicial interpretation. Consequently, comparison functions as an analytical instrument to evaluate the deficiencies of the national system while simultaneously establishing strategies for its enhancement.¹⁰⁴

Conclusion

The protection of property rights in Uzbekistan is central to civil law. It directly relates to legal certainty, owners' freedom, and social order. This study finds that Article 164 of the Civil Code of Uzbekistan provides a strong legal basis for the rights to possess, use, manage, and protect property. However, the main problem is not a lack of legal norms but the underdeveloped doctrinal analysis and inconsistent use of protective mechanisms. First, property rights in Uzbekistan should be seen as strong but not absolute rights. Their protection requires balancing the owner's freedom, legal limits, and the public interest. Second, historically, property rights protection has evolved. Transition has moved from customary law and Islamic law to state-dominated ownership during the Soviet period and, after independence, to renewed equality among ownership forms. Third, in judicial practice, the biggest challenge is the effectiveness of judicial protection. Problems include classifying violations, addressing evidentiary issues, distinguishing between proprietary and obligational claims, and inconsistent decisions in land acquisition and compensation disputes. Uzbekistan should refine its legal framework regarding types of violations and methods for protecting property. Authorities should also enhance registration and administrative clarity and bring uniformity to judicial practice by harmonizing norms and implementing clear interpretive guidelines. These steps can help ensure property rights move from being a declaratory guarantee to effective practical protection.

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¹⁰⁴ Cao and others.

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