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## **ISSUES OF FORMATION AND REGISTRATION OF NON-PROFIT ORGANIZATIONS**

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**Abstract:** The article analyzes the methods and bases of formation of non-profit organizations, types, procedure and conditions of state registration of non-profit organizations. The article also outlines the requirements that government agencies must follow when registering a nonprofit organization.

**Keywords:** Non-profit organization, legal entity, property, state registration, methods of formation, application, application, permission.

To begin with, some of particular importance is the establishment of a legal entity as a subject of civil legal relations. Indeed, legal entities established in any organizational legal form differ from each other in their nature, property bases, participation of founders and other aspects.

According to the legal literature, the process of establishing a legal entity consists of two stages: the preparatory stage (the process before state registration) and the state registration stage (at this stage, verification of compliance of documents submitted for registration by the competent state body). in the case of inclusion of the enterprise in the Unified State Register of Legal Entities and the issuance of a certificate of registration) [6].

Today, the establishment and operation of non-profit organizations are regulated by the Civil Code, the Law "On Non-Governmental Non-Profit Organizations" and the Regulation on the procedure for state registration of non-governmental non-profit organizations.

According to Article 42 of the Civil Code, legal entities are established by the owner or a person he represents or on the basis of an order of the competent authority, as well as in the manner prescribed by law. Owners, subjects of the right of economic or operational management or persons represented by them are the founders of legal entities.

The legislature has established for certain organizational and legal forms of legal entities certain procedures and methods of their organization, which can be carried out on the basis of orders, permits or appeals of the founders of the legal entity. In particular, unitary enterprises with the right of operational management may be established on the basis of the order of the authorized state bodies. Most businesses are subject to state registration on a notification basis.

As a general rule, the establishment of legal entities in the order of permission is distinguished by the fact that the initiative to establish a legal

entity is not from a state body, but from individuals (citizens, legal entities) and must first obtain permission (consent) from the state body. The state body checks the legality and expediency of the establishment of this legal entity and gives permission accordingly [5].

The current legislation of the Republic of Uzbekistan does not allow denial of registration of legal entities on the grounds of inexpediency (second part of Article 44 of the Civil Code), but as an exception, retains the procedure for issuing permits for certain types of business activities in legal entities. In particular, the decision of the Cabinet of Ministers of the Republic of Uzbekistan is required to engage in mining activities, and the license of the Ministry of Finance of the Republic of Uzbekistan is required to establish audit firms.

The formation of a legal entity on the basis of an application of the founders means that it can be freely established by a group of founders (individuals and legal entities) in the manner prescribed by law, which means that any legal entity must be recognized by a state body. The consent or permission of third parties, including government agencies, is not required for this method of establishing legal entities.

The methods of formation of legal entities have been studied by many civilizations, including the method of command, the method of application and the methods of authorization of the formation of legal entities [1]. For example, by the decree of the President of the Republic of Uzbekistan dated August 9, 2017, the Public Fund “Ilhom” in support of artists of Uzbekistan was established.

According to Eliseev, the emergence of legal entities is due to the nature of the involvement of government agencies in the formation of legal entities, as well as the traditional methods of such orders, appeals and permits [3].

In the method of formation of legal entities, which is carried out by order, the public legal entity (assuming the direct participation of the state) is formed, while many other non-state private legal entities are formed mainly by means of permits and appeals. Legal entities established on the basis of the order method are formed on the basis of the decision of the founder and do not require special state registration. It consists mainly of government agencies. I.Zokirov points out its different features and states that the other two methods of formation can be considered the founder or founder of a legal entity, and the owners or, in cases provided by the law they represent, other organizations and citizens [4].

According to Eliseev, the establishment of associations (associations, associations) of commercial legal entities in the Russian Federation requires the permission of the Federal Antimonopoly Body. In Russia and many European countries, insurance companies and banks are formed in the form of permits [3]. E.A. Sukhanov notes that a number of legal entities engaged

in entrepreneurial activities, except for the law, are formed in this way, with the permission of the competent authority, including the common interests of all participants in civil transactions, and in this way commercial banks and insurance companies are formed [2].

According to J. Yuldashev, in general, the methods of formation of legal entities are theoretically divided into two: civil law (a method that occurs in pure civil law relations, which does not require the consent of any higher body or authority, for example, the method of appeal) and administrative law (administrative management, the intervention of the competent authorities of the state, the methods of issuing orders and permits, in which the expression of their will is observed) is expedient to be divided into groups [9].

According to T.V. Saifer, the essence of a non-profit legal entity is determined by determining the reasons for their formation, the focus and the expected results of activities. The organization of a non-profit legal entity as a means of satisfying a particular need is necessary to ensure that there are signs in certain constructions and that these signs do not belong to the owner of the need, but to meet that need. In this case, one of the characteristics of a legal entity is generally always of primary importance, it plays a key role in determining the nature of a non-profit legal entity. Other common symbols are in addition to the main character and its continuation [8].

O.A. Ponamareva noted that a non-profit organization can be established by individuals (fully legal, stateless, by foreign citizens if they are legally residing) and legal entities, including non-profit organizations. The number of founders can be determined by special laws [7].

According to Article 15 of the Law of the Republic of Uzbekistan "On Non-Governmental Non-Profit Organizations" adopted on April 14, 1999, a non-governmental non-profit organization is formed in accordance with the legislation on the basis of the decision of its founders (members). It should be noted that associations (unions) of non-governmental non-profit organizations may be formed on the initiative of at least two non-governmental non-profit organizations.

The state registration of a non-profit organization is carried out in two stages. In the first stage, a decision is made to register the non-profit organization. In this case, in accordance with Article 23 of the Law "On Non-Governmental Organizations", the judicial authority, which received the documents for state registration of NGOs, considers them within a month and decides on state registration or refusal of state registration of NGOs. and within three days from the date of the decision shall issue to the founders a certificate of state registration or a document clearly stating which provisions of the legislation led to the denial of state registration. In the

second stage, state-registered non-governmental non-profit organizations will be included in a single state register, which is open to all legal entities.

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### CONDITIONS FOR THE EXERCISE OF PROPERTY RIGHTS IN RESPECT OF HOUSING

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**Abstract:** The article analyzes the conditions and requirements set out in the civil and housing legislation for the exercise of property rights to housing. The article also addresses issues related to the exercise of property rights in relation to housing with limited civil treatment.

**Keywords:** Housing, property rights, civil rights, mortgages, mortgages, ownership, possession, use, disposal.