

SPECIFIC ASPECTS OF PROPERTY RELATIONS RELATED TO LAND IN UZBEKISTAN, JAPAN AND CANADA

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Annotation: In this scientific article, while conducting research on the subject of property rights to land in Uzbekistan, Japan, and Canada, a comparative analysis was made, focusing on the forms and forms of property rights to land in each country. Also, the aspects of the land legislation that should be mastered and reformed were briefly discussed.

Keywords: land electronic, land plot, working body, applicant, government commission, best offer, winner through YIDXP (through the Unified Interactive State Services Portal)

Article 68 of the Constitution of the Republic of Uzbekistan states that land, underground resources, water, flora and fauna and other natural resources are national wealth, their rational use is necessary and they are protected by the state, land is provided for by law and its rational use and national wealth It is established that it can be private property on the basis of the conditions and procedure that ensure protection. The Basic Law of Uzbekistan resolved the issue of ownership of land by recognizing it as national wealth. Land plots are included among the types of immovable property in the Civil Code of the Republic of Uzbekistan (Article 83). Land can be called real estate in one place, and a component of the natural environment that surrounds us in another. This means that the land has both ecological and economic characteristics. Land remains both a natural object and property at the same time and cannot be separated from the environment. Property rights to land in the territory of the Republic of Uzbekistan are defined in the Civil Code of the Republic of Uzbekistan, "On Ownership in the Republic of Uzbekistan", Land Code and Laws "On Nature Protection"[1]

Property rights refer to who owns land and the rights of owners over natural resources. Property rights to land are manifested in the processes of its ownership, use and disposal.

According to the laws of the Republic of Uzbekistan, land is mainly state property. According to the second part of Article 214 of the Civil Code of the Republic of Uzbekistan, the Oliy Majlis of the Republic of Uzbekistan, the President of the Republic of Uzbekistan, the Government of the Republic of Uzbekistan or the bodies specially delegated by them, if the law provides otherwise if it is not held, they dispose of it. Article 170 of this Code envisages that property rights to land and other natural resources shall be determined in other laws together with the Civil Code.

The issue of land ownership is covered in Articles 16 and 18 of the Land Code, Article 19 of the Law "On Ownership in the Republic of Uzbekistan", Article 5 of the Law "On Nature Protection"[2]

Land disposal on behalf of the state is carried out by the Cabinet of Ministers of the Republic of Uzbekistan, local state authorities. The powers of these bodies to dispose of natural resources are defined in the Land Code and legal documents on these bodies. In Uzbekistan, land plots can be the

property of individuals and legal entities only in certain cases, that is, in the cases provided for in Article 18 of the Land Code. Particular attention should be paid to the issue of private ownership of land, because it is the root of the agrarian economy. While the ownership of land is recognized as belonging to the state, the legislation establishes the right of citizens to use land. It stems from the right of the state to dispose of property rights in relation to land, and the legislation provides for various forms of the right of citizens to use land.

In accordance with Article 17 of the Land Code, individuals can acquire land plots on the basis of lease and ownership rights.

Property rights are of particular importance in the use of land by citizens. Because the establishment of the state's absolute property rights to land during the former Soviet regime alienated our people, who lived with a sense of ownership of the land according to their lifestyle, social activities and traditions.

Article 18 of the Land Code of the Republic of Uzbekistan defines the cases of granting a plot of land on the basis of private property rights. It should be mentioned that in accordance with the current legislation, legal and physical persons can have property rights to land only in the cases specified in this norm. Based on this, the subjects of property rights to land plots can be legal entities and individuals who use land and other immovable property in a special way.

In Japan, as in many other countries, ownership of property and the land on which it is built are separate rights. The land title of the property is "freehold" or "tenancy". Freehold is the right to full ownership of the land and the structure(s) built on the land.[3]

The right to lease allows the owner of a built structure (usually an apartment or flat, in some cases an entire building) to rent the land on which this structure is located for a specified period. So they own the building, but not the land it sits on. In addition, an annual ground rent is paid for the property.

Foreign residents can buy and own property and land in Japan regardless of nationality or country of origin — there are no residency requirements to buy real estate in Japan. Any person can own both types of property.

While renting is the most common form of apartment/condo ownership in some of the world's capitals, such as London, freehold ownership is most common in Tokyo and other parts of Japan.

Pros and cons of freehold and leasehold rights

A freehold is generally considered a preferred form of property because it allows you to have absolute ownership and control of both the land and the buildings. As it is the most common type of freehold, loan applications and the purchase process are quicker than leasehold properties. The disadvantage is that freehold properties are more expensive than leasehold properties as they include the cost of the land. New owners must also pay land tax (the rates of which may vary by ward) and other taxes not required for rental properties. However, land and property prices in Japan are undervalued by the ministry's office, and the annual property tax is usually not a barrier for homeowners.[5]

Rental property

Some features of the right to rent property also have certain advantages depending on the owner's use. Their price is 30% lower than the average property. The landlord, not the building owner (tenant), is responsible for paying the land, fixed assets and potential taxes each year. This means that someone who buys a leased property or building as an investment property can earn a higher rental income.

But obvious disadvantages remain: the land does not belong to you, and the landlord must be paid monthly or annual land rent. Leased properties also have fewer opportunities in terms of use than personal property, which makes it difficult to re-rent (it is assumed to be leased to other persons) in its place. Finally, banks are less likely to underwrite mortgages for rental properties due to low long-term

property values, as buildings age quickly in Japan.[6]

Different types of leasing in Japan

If you are interested in a rental property, it is important to make sure you understand the various rental rights that apply in Japan.

In 1992, a new, "ordinary tenancy law" (Japanese: 한국어기 / futsushakuchiken) was passed. It provides that regardless of the type of property, the lease term will be 30 years, and the first extension term will be 20 years. Landlords still reserve the right to refuse a lease extension, but at least they must provide justification describing the intended use of the land.

Two types of rights are granted for an ordinary leasehold: surface rights and leasehold rights. The first is usually used for rented apartments and allows the lessee to freely sell or rent out the property of the building. The latter generally applies to single-family homes built on leased land and requires the lessee to obtain the landlord's permission before relocating, subletting, remodeling or renovating any structures.

In addition, there is a fixed-term rental property. Here, the term is fixed for 50 years, and often the owner of the building demands to demolish the structure at his own expense at the end of the term. Renting is cheaper than owning and is suitable for buyers looking to own an investment property for a short period of time. Freehold is an obvious choice for most homebuyers looking to pass the property down to the next generation.

However, special attention can be paid to temples, churches and shrines as hosts. They sometimes have large tracts of land where large tracts of land are set aside for rent. Also, these areas are recognized as state property, and in some cases, these areas can be recognized, i.e. managed or leased, by individuals.

The question of who owns Canada Earth continues to be debated around the world. For Canadians, ownership seems to be a given, but the reality of owning and owning land is a conversation we should be having.

From a global perspective, land use by livestock and forestry is almost equal, each occupying about 26.5 percent of the earth's surface. A look at the 100 largest landowners in the world confirms that their interests are mainly focused on agriculture and forestry. Dry land accounts for 18 percent of the land mass, glaciers for 10 percent, shrubs for 8 percent, cropland for seven percent, and built-up land, such as in the Netherlands.[7]

As humanity approaches the problem from a set of linear solutions, and as arable land shrinks due to development, the added pressure will lead to a tipping point. This point may be irredeemable by science or technology. Regardless of how you want to look at the future, we owe our present and future existence to the beautiful environment called soil and the rainwater that renews it. The loss of biodiversity, which allows plants to conserve, regenerate and communicate, is probably greatly underestimated.[8]

Land ownership is a vague descriptor in Canadian law. In 1763, the Crown Land Patent Act allowed permanent land ownership. However, this was at common law, so in reality the landowners had a right to possession. No laws have been introduced in Canada to change the ownership of land. The Municipal Act of 1973 gave regional governments strong and necessary powers to control the development of their own land, but all these acts are void under general and martial law. In 1987, the Charter of Rights, despite Canada's adherence to the 1948 Universal Charter of Human Rights, promised the right to use property without any mention of actual ownership, despite the right to own property.

Land ownership in Canada is held by governments, indigenous groups, corporations and individuals. Canada is the second largest in the world by area; With a land area of 9,093,507 km² or

3,511,085 km², it occupies more than 6% of the Earth's surface. Because Canada uses common law, derived largely from the English language, landowners have temporary land tenure rather than absolute tenure.[9]

Most of all land in Canada is owned by governments as public land and is known as Crown land. About 89% (8,886,356 km²) of Canada's land area is federal (41%) or provincial (48%) royal lands; the remaining 11% is privately owned. Most federal lands are located in Canadian territories (Northwest Territories, Nunavut and Yukon) and are managed on behalf of Aboriginal Affairs and Northern Development Canada. Only 4% of the province's land is under federal control, mostly in the form of national parks, Indian reserves, or used as Canadian Forces bases. In contrast, provinces hold most of their territory as provincial royal lands, which can be considered provincial parks or wilderness.¹³ The largest class of landowners is the provincial authorities, which have their own owns all unclaimed land within its jurisdiction. Over 90% of Canada's extensive forests are Crown lands. The province's land is 60% of Alberta, 94% of British Columbia, 95% of Newfoundland and Labrador, and 48% of New Brunswick.[10]

The largest single landowner in Canada, and by extension one of the largest in the world, is the Government of Canada. The bulk of federal government land is located in the vast northern territories, where crown land is owned by the federal government rather than territorially. In addition, the federal government owns national parks, First Nations reserves, and national defense facilities.[11]

Under Canadian law, all lands are subject to the Crown, and have been since Britain acquired most of Eastern Canada from France in the Treaty of Paris (1763). However, the British and Canadian authorities recognized that the indigenous peoples already had a prior claim to these lands and gave the lands to them for free use. This is in direct contrast to the situation in Australia, where the continent was declared terra nullius, or empty land, and was taken from Aboriginal peoples without compensation. As a result, all of Canada was subject to Aboriginal title, with the exception of a portion of southern Quebec, which was emancipated by Royal Proclamation in 1763.

In areas where cattle ranching was preferred to farming (such as southern Alberta), large tracts were leased to cattle barons at nominal rates, allowing for the development of an industrial-scale beef export industry based in Calgary.[12]

Property rights fall under the jurisdiction of the Canadian provinces, and each province or territory has its own legislative scheme governing land ownership.

A share in land can be a freehold or a leasehold share. A fee simple interest, a type of freehold interest, is the highest class of ownership in Canada and effectively provides absolute ownership. Leasehold interest is characterized by the exclusive ownership and right to use a plot of land for a limited or suspended period.

The owner of an interest in a plot of land can also grant rights to third parties, for example, granting an easement for a right-of-way. Easements are generally non-exclusive rights to use land for the benefit of neighboring lands and, if registered, are binding on the successors in title of the property.[13]

Interests in land may be shared by one or more parties and owned simultaneously in any proportion.

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