

Land Fund and General Requirements for Land Use in the Republic of Uzbekistan: Theoretical and Practical Approaches

Abdukhakimov Murodilla Togayevich

Prosecutor of Andijan Region Senior Counselor of Justice, Doctor of Philosophy (PhD) in Legal Sciences, Independent Researcher at the Law Enforcement Academy

Abstract. *In this scientific article, the researcher examines how land use rights are being reshaped in the context of modern land reforms. The introduction of new forms of land ownership could not leave the relatively well-established institution of land use unchanged during the reform period.*

Key words: *property rights, land reforms, land fund, social production, land resources.*

Before independence, the right of ownership to land belonged exclusively to the state, and land plots were granted to citizens and organizations only for indefinite or fixed-term use. Land reforms have focused heavily on guaranteeing the right to free access to land for various needs.

Historically, social production arose as a result of the interaction of human labor with land and other natural resources. "Labor is the father and active principle of wealth, and land is its mother", said the founder of classical economic theory, the 17th-century English economist William Petty¹.

On a global scale, as a result of the influence of negative anthropogenic factors and irrational use of natural resources, the degradation of lands is increasing. This problem has become even more acute in the context of global climate change", 2 billion hectares (14.9%) of agricultural land in the world have become unusable". Also, according to the UN, "currently, about 6 million hectares of land worldwide are subject to desertification annually, more than 40 percent of arable land has fallen out of circulation and become completely unsuitable for agriculture"². These processes, ultimately, pose a direct threat to the living conditions and lifestyle of the world's population. Therefore, the problem of rational use of land categories is one of the most important problems in ensuring the development of any society and economy. Leading scientific research centers and institutions of the world are conducting numerous research works on the effective use of land resources. In particular, scientific research on the restoration and commissioning of degraded agricultural lands, their replacement based on the development of other lands, the introduction of a scientifically based crop rotation system, the organization of reclamation work, and the improvement of the organizational and management system for the protection of land resources based on the introduction of innovative technologies, the creation and maintenance of digital and electronic maps of disturbed irrigated lands, and the formation of a system for operational management and monitoring of their restoration work are among them. The effective use of land resources, which are the main means of agriculture, is one of the important factors of the country's socio-economic development in conditions of limited land and water resources. Therefore, since the first years of independence, a number of reforms aimed at the efficient use of natural resources have been implemented.

¹ Петти В. Экономические и статистические работы.-М.:Соцэкгиз, 1940 55 б.

² "Иқлим ўзгариши шароитида ер ресурсларини барқарор бошқариш" мавзусидаги Республика илмий-амалий семинар мақолалар тўплами// Тошкент – 2017 йил, 21 апрель. 2-3 б.

It is not without reason that the President of the Republic of Uzbekistan Shavkat Mirziyoyev, in his Address to the Oliy Majlis and the people of Uzbekistan, noted: currently, as in the whole world, serious environmental problems are observed in Uzbekistan. The persistence of such problems as soil degradation, the reduction of fertile lands, desertification, water scarcity, drought, and the provision of the population with clean drinking water in most of our regions, in turn, requires the search for new effective ways of using natural resources, primarily land and water resources³.

The right to the effective use of the land fund has a significant impact on socio-economic development. According to E. Vickery and A. Calhan, the right to use the land fund is a source of funds, financial security, and food⁴. The importance of land use rights today, in addition to property rights, can also cause critical problems. For this reason, the need for caution in land use relations is emphasized⁵.

The subjects of land use rights are persons using land on a legal basis. Such a subject can be any legal entity or individual to whom a land plot has been provided on legal grounds. Organizations to which land is provided by decisions of authorized state bodies are considered primary land users or landowners. In turn, they, in cases stipulated by law, may allocate land plots to persons other than their own, also known as secondary land users. Secondary use is observed when workers or employees lease land plots provided for official use from the organization or enterprise where they operate. The use of land on the basis of lifelong inheritance, unlike land use, is primary. Because it arises on the basis of the decision of the authorized state body. The primary user acts as a kind of "land administrator" for the secondary user of the land plot. It is granted the authority to provide or refuse to provide a land plot by concluding internal economic contracts.

In legal literature, the right to land use is primarily recognized as a legal institution, encompassing a set of homogeneous land-legal norms that consolidate and regulate the conditions and procedure for granting land resources for use, changing and terminating use⁶.

In our opinion, the right to land use should be understood as a system of legal norms enshrined in land legislation, regulating social relations related to the use of the useful properties of land resources.

At the same time, the right to use land is a legal relationship that arises in the process of using land resources by an individual or legal entity. The right to use land makes a legal entity or individual legally competent and allows them to use the beneficial properties of a specific land plot provided for use. As a legal relationship, the right to land use constitutes a set of granted rights and obligations related to the implementation of land use.

At a videoconference meeting chaired by President Shavkat Mirziyoyev on November 21, 2023, on the issues of rational use of land resources, land accounting, and improving the quality of cadastral services, cases of inefficient use of land fund categories were sharply criticized, and it was noted that as a result of the use of modern aerial cameras and drones in the field, many reserves are being identified, for example, in the Karshi district, although cropland is shown as 45 thousand hectares, it was revealed that 5,100 hectares of pasture land in the report are actually irrigated land, as a result of which budget revenues, jobs, and income have been lost⁷.

Before addressing the general requirements for land use in the Republic of Uzbekistan, it is necessary to address the issue of land use rights and their subjects.

³ Ўзбекистон Республикаси Президенти Шавкат Мирзиёевнинг Олий Мажлис ва Ўзбекистон халқига Мурожаатномаси. Т.// Халқ сўзи, 2022 йил 20 декабрь.

⁴ Wickeri E. & Kalhan A. Lands Rights Issues in International Human Rights Laws. Institute of Human Rights and Business., 2019. – P. 3.

⁵ Fang Y. Stand on Solid Land: Land-Use Rights. // Phillip Bushby International Lawyers. – 2021, August 20.

⁶ Корнилова.У.В Правовое регулирование ограничений оборотоспособности земельных участков Специальность: 12.00.06 – земельное право; природоресурсное право; экологическое право; аграрное право Диссертация на соискание учёной степени кандидата юридических наук. Москва – 2021. –С.37.

⁷ Ер ресурсларидан самарали фойдаланиш бўйича вазифалар белгиланди / <https://president.uz/uz/lists/view/6878>.

The subjects of land use rights are individuals (citizens) or legal entities, and the object of land use is land plots allocated and legally formalized as a result of return to nature⁸.

The object of land use rights is a land plot provided to a specific entity on legal grounds. It always has certain legally significant characteristics, such as size, location, internal structure, quality, and average profitability.

Another legal institution closely related to land use rights is land ownership. Although the right of land use, together with the right of land ownership, is a legal institution that consolidates land rights, however, the right of land use and the right of land ownership are separate independent forms of land use. At the same time, both of these forms of land use have their own common features that ensure the unity of their regulation. These include: derivative nature of land use and land ownership; limited nature of these rights; stability; compensation; and the intended use of land plots. Land use and land ownership are distinguished by the purpose of land use, subjects, terms, composition, and nature of land rights.

The general requirements for the use of the land fund in our country are primarily reflected in the Constitution of the Republic of Uzbekistan, the Civil Code of the Republic of Uzbekistan, the Land Code of the Republic of Uzbekistan, the Urban Planning Code of the Republic of Uzbekistan, the Law of the Republic of Uzbekistan "On Protection of Private Property and Guarantees of the Rights of Owners," the Decree of the President of the Republic of Uzbekistan dated February 24, 2021 No. PP-5006 "On Additional Measures to Improve the System of Use and Protection of Agricultural Land," the Decree of the President of the Republic of Uzbekistan dated February 21, 2022 No. PP-138 "On Measures to Increase the Effectiveness of State Control over the Use of Land Plots", the Decree of the President of the Republic of Uzbekistan dated May 31, 2023 No. PP-171 "On Measures for the Effective Organization of the Activities of the Ministry of Ecology, Environmental Protection and Climate Change", the Decree of the President of the Republic of Uzbekistan dated May 30, 2025 No. UP-30 "On MeThe Decree of the President of the Republic of Uzbekistan "On Measures for Ensuring Guarantees of Property Rights of Individuals and Legal Entities, as well as Improving the Procedure for Expropriation of Land Plots and Provision of Compensation"⁹, the Regulation "On the Procedure for Expropriation of Land Plots and Provision of Compensation to Owners of Real Estate Objects Located on the Expropriated Land Plot", approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated May 29, 2006 No. 97 (previously in force, now repealed), the Regulation "On Additional Measures to Ensure Guarantees of Property Rights of Individuals and Legal Entities and Improve the Procedure for Expropriation of Land Plots and Provision of Compensation", approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated November 16, 2019 No. 911, and other legal norms.

Professor Sh.Kh.Fayziev divided "legislative acts regulating relations in the field of land into 3 types: general laws; special laws; laws of protective nature"¹⁰. According to it, the general laws include the Civil and Tax Codes, the laws "On Nature Protection," "On Protected Natural Territories," "On Forests," "On Protection and Use of the Plant World," "On Protection and Use of the Animal World," and the special laws include the Land Code, the laws "On the State Land Cadastre," "On Subsoil Resources," and others. Laws of protective significance include the Administrative Offenses Code, the Criminal Code, the Civil Code, the Tax Code, and the Labor Code.

A.Nigmatov divided the legislation regulating land relations into 7 groups¹¹. These are the Constitution, norms of international law (treaties, conventions, agreements), the Land Code, laws and resolutions of the Oliy Majlis and the Jokargy Kenes, decrees and orders of the President, resolutions and instructions of the Cabinet of Ministers, normative acts of specially authorized state bodies.

⁸ Матузов Н.И. Теоретические проблемы субъективного права: Дисс. ... д-ра юрид. наук. – Саратов, 1973. – С. 63.

⁹ Қонунчилик маълумотлари миллий базаси, 02.06.2025 й., 06/25/90/0486-сон. <https://www.lex.uz/docs/7552003>

¹⁰ Yer huquqi. Darslik. Mualliflar jamoasi // J.T.Xolmo'minov mas'ulligida. – Toshkent: TDYU. 2019. – B. 33-34.

¹¹ Нигматов А. Ер ҳуқуқи. схемалар, тушунчалар ва рақамларда. Ўқув қўлланма. // – Тошкент, Тошкент ислом университети. 2001. – Б. 26.

In our opinion, A. Nigmatov classified the system of legislative acts regulating land relations more correctly and simply. However, this scholar, for some reason, did not include the Presidential Decrees, which are the main document regulating land relations today, in the list. Russian scientists O.Kalugina and T.Ashitkova also studied the sources of land legislation in their scientific works, similar to A.Nigmatov's classification.

In our opinion, the general requirements for the use of the land fund in the Republic of Uzbekistan are first established in the Land Code, and any normative act must comply with the general requirements established in this Code, and if necessary, first amendments and additions to this Code regarding the general requirements for the use of the land fund should be made, and then this rule should be established in another normative act.

As general requirements for the use of the land fund in the Republic of Uzbekistan, the following should be noted.

According to Article 1 of the Land Code, land is a national treasure, it is necessary to use it rationally as the basis of life, activity, and well-being of the people of the Republic of Uzbekistan, and it is protected by the state¹².

M.E.Sheblenkov proposes to divide the requirements for the use of the land fund into general, special by land category, and territorial requirements by location¹³.

A group of scientists proposes to classify the requirements for the use of the land fund according to the subjects authorized to establish these requirements, dividing them into requirements established by higher bodies at the federal level and secondary requirements established by territorial bodies¹⁴.

In our opinion, the opinions of the above-mentioned scholars cannot be denied, because while land is a national treasure, the range of subjects using it is so wide that each of them, along with land use, can establish separate additional requirements depending on the land category and type of use.

The establishment of general requirements for the use of land resources determines the directions and tasks of state control and other authorized state bodies, including prosecutorial supervision in this area.

Legal measures for the protection of lands play an important role in ensuring their protection and rational use. In recent years, as a result of the implementation in the republic of a number of measures aimed at organizing the rational and efficient use of land, ensuring effective control, and comprehensive regulation of relations in the field of land resources, geodesy, cartography, and state cadastre, more than 95 percent of all agricultural products are grown on irrigated lands alone, which constitute 9.6 percent of the country's total area and are of paramount importance to us.

While the general requirements for the use of land fund lands are theoretically based on legal norms and principles, in practice they cover issues of state control, environmental requirements, ensuring efficiency, and preventing violations of the law.

In the Republic of Uzbekistan, practical approaches are of particular importance as general requirements for the use of land resources, since it is practical approaches that determine the following priority areas of control over the use of land in the future:

- identification of violations of land legislation;
- unauthorized seizure of territory;
- violation of the procedure for changing the category;
- violation of environmental requirements;

¹² Ўзбекистон Республикасининг 2021 йил 21 апрелдаги ЎРҚ-683-сонли Қонуни тахририда — Қонунчилик маълумотлари миллий базаси, 21.04.2021 й., 03/21/683/0375-сон

¹³ Шебленков М.Е. Разрешенное использование земельных участков: исторический обзор // Право и Управление №1. 2024. №1. 2024.-С.411-416.

¹⁴ Экономические и правовые основы охраны земель [Электронный ресурс] : учеб. пособие / А. Н. Рожкова [и др.] ; Владим. гос. ун-т им. А. Г. и Н. Г. Столетовых. – Владимир : Изд-во ВлГУ, 2020. – 163 с. –С.98-101.

➤ untimely payment of land taxes.

In recent years, consistent measures have been implemented in our country to improve the procedure for land use, as well as to strengthen environmental protection, improve the environmental situation, and prevent climate change.

At the same time, in order to ensure compliance with the requirements of land and urban planning legislation, urban planning regulations, and to increase the awareness of land users, lessees, and owners of land plots about the procedure for using land plots, there is a need to clarify the permitted types of land use. In addition, in our republic, there is a need to strengthen the protection of the territories of squares, parks, alleys, recreational areas, as well as the trees planted on them, and to prevent the construction of buildings and structures on their lands.

It is in the process of using land plots that it is possible to ensure the interconnection of land and urban planning legislation, to create a solid legal basis for the protection of lands and green areas used to meet the cultural and domestic needs and recreation of the population, as well as in order to increase the effectiveness of control over the targeted use of land plots, the Law of the Republic of Uzbekistan "On Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan in Connection with the Further Improvement of the Procedure for Using Land Plots"¹⁵ The Law introduces amendments and additions to certain legislative acts of the Republic of Uzbekistan, providing for the introduction of permitted types of land use, the privatization or alienation of lands used to meet the cultural and domestic needs and recreation of the population, the reduction of their territories, the prohibition of the construction of buildings and structures on these territories, the strengthening of criminal liability for violation of these restrictions, the inclusion of botanical gardens in the list of protected natural areas with the prohibition of their privatization and construction on their territories.

In order to improve the efficiency of land protection and land use, improve the information system of the State Register of Administrative-Territorial Units, prevent the illegal use of groundwater, create favorable conditions for business entities engaged in drilling wells for groundwater, and ensure the rational use of groundwater resources¹⁶. Based on the essence of the reforms being implemented in the field of land relations by the Law, there is a need to improve the mechanisms for accounting for vacant lands, transferring agricultural land to another category of the land fund, and strengthening the responsibility of right holders for paying for the acquisition of land plots. In addition, in order to strengthen measures for the protection of groundwater resources due to the sharp increase in the extraction of groundwater for irrigation and other purposes, as well as the continuation of cases of unauthorized well drilling and uncontrolled, unaccounted-for use of water, amendments and additions have been made to the Land Code of the Republic of Uzbekistan, providing for the organization of accounting for vacant lands in state ownership, the placement of objects on agricultural land plots corresponding to the main type of permitted use, and the termination of rights to land plots in case of non-payment of the fee for the acquisition of land plots within the established timeframe.

In particular, the types of agricultural lands have been clarified, specific requirements have been established for the transfer of irrigated lands to another category of the land fund or non-irrigated lands, and the cases when it is necessary to compensate for losses of agricultural and forestry production have been expanded.

In our opinion, in order to further clarify the general requirements for the use of lands of the land fund in the Republic of Uzbekistan, to determine the boundaries of the tasks and powers of authorized bodies in this regard, it is proposed to determine in this Code the state body authorized to ensure the rational and targeted use of land plots, their protection, the development and re-introduction of new lands, and to clearly define its legal status in legislative acts.

¹⁵ Қонунчилик маълумотлари миллий базаси, 05.05.2025 й., 03/25/1061/0409-сон.

¹⁶ Қонунчилик маълумотлари миллий базаси, 05.05.2025 й., 03/25/1062/0410-сон. <https://www.lex.uz/ru/docs/7510590>

References used:

1. Петти В. Экономические и статистические работы.-М.:Соцэкгиз, 1940 55 б.
2. “Иқлим ўзгариши шароитида ер ресурсларини барқарор бошқариш” мавзусидаги Республика илмий-амалий семинар мақолалар тўплами// Тошкент – 2017 йил, 21 апрель. 2-3 б.
3. Ўзбекистон Республикаси Президенти Шавкат Мирзиёевнинг Олий Мажлис ва Ўзбекистон халқига Мурожаатномаси. Т.// Халқ сўзи, 2022 йил 20 декабрь.
4. Wickeri E. & Kalhan A. Lands Rights Issues in International Human Rights Laws. Institute of Human Rights and Business., 2019. – P. 3.
5. Fang Y. Stand on Solid Land: Land-Use Rights. // Phillip Bushby International Lawyers. – 2021, August 20.
6. Корнилова.У.В Правовое регулирование ограничений оборотоспособности земельных участков Специальность: 12.00.06 – земельное право; природоресурсное право; экологическое право; аграрное право Диссертация на соискание учёной степени кандидата юридических наук. Москва – 2021. -С.37.
7. Ер ресурсларидан самарали фойдаланиш бўйича вазифалар белгиланди / <https://president.uz/uz/lists/view/6878>.
8. Матузов Н.И. Теоретические проблемы субъективного права: Дисс. ... д-ра юрид. наук. – Саратов, 1973. – С. 63.
9. Қонунчилик маълумотлари миллий базаси, 02.06.2025 й., 06/25/90/0486-сон. <https://www.lex.uz/docs/7552003>
10. Yer huquqi. Darslik. Mualliflar jamoasi // J.T.Xolmo'minov mas'ulligida. – Toshkent: TDYU. 2019. – B. 33-34.
11. Нигматов А. Ер ҳуқуқи. схемалар, тушунчалар ва рақамларда. Ўқув қўлланма. // – Тошкент, Тошкент ислом университети. 2001. – Б. 26.
12. Калугина О.В. Прокурорский надзор за исполнением земельного законодательства в Российской Федерации. Диссертация на степени канд-а юрид. наук. Сепц. 12.00.11. - Москва. 2013. -С. 21-30.
13. Ашиткова Т.В. Прокурорский надзор за исполнением земельного законодательства. Дисс. на соискание ученой степени канд. юрид. наук. 12.00.11. -Москва 2008. – С. 30-48.
14. Ўзбекистон Республикасининг 2021 йил 21 апрелдаги ЎРҚ-683-сонли Қонуни таҳририда — Қонунчилик маълумотлари миллий базаси, 21.04.2021 й., 03/21/683/0375-сон
15. Щёбленков М.Е. Разрешенное использование земельных участков: исторический обзор // Право и Управление №1. 2024. №1. 2024.-С.411-416.
16. Экономические и правовые основы охраны земель [Электронный ресурс] : учеб. пособие / А. Н. Рожкова [и др.] ; Владим. гос. ун-т им. А. Г. и Н. Г. Столетовых. – Владимир : Изд-во ВлГУ, 2020. – 163 с. –С.98-101.
17. Қонунчилик маълумотлари миллий базаси, 05.05.2025 й., 03/25/1061/0409-сон.
18. Қонунчилик маълумотлари миллий базаси, 05.05.2025 й., 03/25/1062/0410-сон. <https://www.lex.uz/ru/docs/7510590>