

## Stages of development of state land policy in the republic of Uzbekistan

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**Abstract:** The article analyzes the history and stages of development of the state land policy in the Republic of Uzbekistan. In his scientific work, the author analyzes the political aspects of land relations in the Republic of Uzbekistan on the basis of historical sources and current legislation, in particular, the article analyzes the state land policy of the country for three periods and focuses on land and political processes during the period of independence. The article uses the scientific developments of domestic and foreign scientists on this topic and makes reasonable conclusions.

**Keywords:** state land policy, land management, real estate land, state land, private land, privately owned land owned by citizens, land of waqfs, land of mosques and madrasahs.

### Introduction

An in-depth study of the history of land management in the region of Uzbekistan, the use of land resources and their management processes is important for an objective understanding of today's state land policy, improvement of land legislation, correct and widespread implementation of land use and management mechanisms. The formation of land management is rooted in the deep development of mankind. The history of the development of land use relations shows that land use is not only an economic, but also a legal and political process.

The purpose of this study is to analyze the political aspects of the use and management of land resources in Uzbekistan. This frequency is conventionally divided into the following groups:

1. The period of land administration in Uzbekistan on the basis of Muslim law until 1917;
2. The period of land administration in Uzbekistan after the invasion of tsarist Russia in 1917;

3. The period of gaining independence and the subsequent period of use and management of land resources in Uzbekistan.

The period of land administration in Uzbekistan until 1917 was based on Muslim law. Land and economic relations were formed at a time when patriarchal-feudal relations were established on the territory of the country, regulated by Sharia and customs. Thus, Islamic law embodied the laws governing land use relations. Examples of this are the Koran, which is the main source of Islamic law, as well as Sunnah, Qiyas and Ijma. According to Islamic law, land is considered an object of trade relations, it can be sold, mortgaged, donated, leased, that is, it is considered an object of civil exchange.

Analyzing land relations in Turkestan before 1917, a group of scientists studied the socio-economic and legal situation in the feudal era on the basis of sound practice and put forward a true idea of private property rights to land based on deep scientific findings.

For example, I.D. Jalilov rightly points out, "Sharia as a whole had the right to private property and the institution of private property rights to land, in particular, the sale of land for temporary use, that is, for rent, as a gift, as well as as collateral securing obligations for a certain period of time in connection with the right to dispose of the land." [1]

The same opinion was expressed by A.E. Erenov. "Land use by nomadic Kazakhs took two main forms: private (individual) and communal," he writes.

Fully agreeing with the views of I. Dzhililov and A.E. Erenov, and also based on practical materials, it is worth noting that before the October Revolution of 1917, the form of feudal state ownership of land dominated in Central Asia. But the dominance of feudal state property over land did not prevent the emergence and development of private property in relation to it. In other words, in addition to state ownership, there was also a form of private ownership of land. [2]

In general, the study of historical, scientific, theoretical and practical materials shows that in Central Asia during the period of feudalism, there was a different form of land ownership. In Central Asia, from the distant past to the October Revolution of 1917, there were three forms of land ownership: 1) amlak lands, that is, lands owned by the state; 2) property land, land in the form of private ownership, owned by citizens; 3) lands of waqfs, that is, lands belonging to mosques and madrasahs.

The existence of these forms of land ownership in Central Asia before the October 1917 coup is noted in a number of other historical sources. For example, M.Yu. Yuldashev writes: "By the 19th

century, new forms of land ownership were established in the Khiva Khanate: private property (property), mosque (waqf) and state (royal) lands."

According to the same author, in the middle of the XIX century in the Khiva Khanate there were 16 thousand tanobas, private - 134 thousand, waqf - 165-170 thousand tanob. [4]

According to O. Sultanov, the Khiva Khan and his descendants and officials were the largest landowners. Part of this land they cultivated by the force of slaves and peasants. The rest of the land was leased to landless farmers with low incomes on the condition that they give away half, one third or even a quarter of the crop grown. [5]

The right to dispose of lands that were considered state property belonged to the head of state. As rightly pointed out in the legal literature, "persons who use the amlak lands in practice cannot sue it in full, or the land belongs to the state, and the right to file a claim against it belongs to the higher authorities."

Private land, that is, land that was considered private property, was also leased to farmers by their owners. Because officials who owned large tracts of land could not use them on their own. The descendants and officials of the khans, who were large landowners, lived in the cities of Khiva and Urgench, renting out their lands in various villages to dekhkans.

It should be noted here that uncultivated land that did not bring income due to drought or for other reasons, was called mawat, that is, dead land, and did not belong to anyone. The one who acquires and uses the lifeless land was considered the owner of the land, or, as the Qur'an says, the one who uses the empty land is the owner of that land. Hence, the main feature of lifeless lands is that they are transferred to property. In case of abandonment of the appropriated lifeless land, the title to it is also canceled. [6]

Before the October Revolution of 1917, the main source of regulation of land relations was the commentary on the Koran "Al-Hidaya". Al-Khidaya is one of the most important conductors of Islamic jurisprudence. It contains the most important ideas and content of the great and prestigious works of the first lawyers in this field. It is based on the writings of Abu Hanifa al-Nu'man ibn Sabit, Abu Abdullah Malik ibn Anas, Muhammad ibn Idris al-Shafi'i, Abu Abdullah Ahmad ibn Hanbal and other muhaddis, who laid the foundations of Islamic jurisprudence.

Islamic law also pays special attention to the issue of liability for violation of land use rights. For example, those who used land for other purposes were prosecuted. "If someone leases land to plant wheat," says Hideoya, "he will be held liable for the damage done to the soil."

Land use in Uzbekistan after the invasion of Tsarist Russia in 1917.

On the first day of the October Revolution of 1917, a decree "On the Land" was issued. This law establishes state ownership of land. For example, Article 1 of the Farmers' Land Claim states: "Private ownership of land must be completely abolished, and the land cannot be sold, bought, leased or mortgaged, obtained in other ways."

The Constitution of the RSFSR, adopted in 1918, which was the first Soviet constitution, was inscribed in human history as the main means of production and as a document on the comprehensive nationalization of the land. Article 3 of the first part of this constitution states that private ownership of land is completely abolished. All land funds were declared state property and transferred to the state free of charge. According to paragraph "b" of this article, all forests, mineral resources, water, as well as all living and dead implements, agricultural enterprises are declared a national treasure.

After the adoption of the Constitution of the RSFSR on October 15, 1918 and September 24, 1920, the Turkestan Autonomous Socialist Republic (TASSR) adopted its own constitution, in which the legal norms aimed at the nationalization of the land were copied from the RSFSR Constitution of 1918. The main reason for this was that Turkestan as an autonomous republic was part of the RSFSR.

The land legislation of the Khorezm People's Soviet Republic in those years was radically different from the laws of the RSFSR and TASSR. Because the Khorezm People's Soviet Republic was an independent state. The first Constitution of the Khorezm People's Soviet Republic was adopted on April 30, 1920, which retained the right to private ownership of land. Citizens could be provided with land plots on the basis of private ownership. The main difference between the laws of the Khorezm People's Soviet Republic on land relations from the laws of the RSFSR and the TASSR was the preservation of private ownership of land. In 1924, the national demarcation of Central Asia was carried out and the Republic of Uzbekistan was formed. The Constitution of the Republic of Uzbekistan, adopted in 1927, abolished private ownership of land and recognized land as state property. Land plots are provided to citizens only for use.

The fundamentals of the Law "On the Lands of the USSR and Union Republics", adopted by the Supreme Soviet of the USSR on February 28, 1990, and the Law "On the Land of the Republic of Uzbekistan", adopted by the Supreme Soviet of Uzbekistan on June 20, 1990, play an important role in the history of land relations.

Land legislation regulates the procedure for granting land, wages, the powers of local Councils of People's Deputies to allocate land, rights and obligations for land use, responsibility for land in case of violation of land use rules, and also promotes the intensive use of land by enterprises, institutions, organizations and citizens. aimed at providing conditions.

The Law of the Republic of Uzbekistan "On Land", adopted on June 20, 1990, pays special attention to the right to use land plots. Although the law strengthens state ownership of land, for the first time, legal entities and individuals can legally acquire land plots not only for use, but also on the right of ownership. In addition, the Land Law gave citizens the right to inherit their agricultural land throughout their lives.

The law "On the lease of the USSR and the union republics", adopted by the Supreme Soviet of the USSR on November 23, 1989, and the "Provision on lease in the Republic of Uzbekistan" played an important role in regulating land relations. These legal acts include the concept of land lease, objects, landlords, tenants, land use rent, land lease term, change, termination, termination and renewal of a lease agreement, protection of tenants' property rights, individual and collective leases, internal leases.

Achievement of political and economic independence of the Republic of Uzbekistan as a sovereign state is a period of radical change in the country's social system, the socio-economic basis of this development path was market relations.

Market relations, which represent a new way of socio-economic development, necessitated the use of natural resources and other property and their management, the reorganization of production as a whole, as well as the adoption of laws and other regulations governing these relations. Thus, the achievement of political independence of the Republic of Uzbekistan coincided with a period of new economic transformations, which served as an excellent basis for the further development and prosperity of these changes, the creation of their legal base.

From the first days of political independence, the main attention was paid to the development of the legal basis of new economic relations, which are being introduced into our social life. In particular,

the Law “On the Foundations of State Independence of the Republic of Uzbekistan” [7] adopted on the first day of the proclamation of the Republic of Uzbekistan as an independent state, took the first steps to lay the foundations of our economic system. According to Article 7 of this Law, the material basis of the state independence of the Republic of Uzbekistan is its property. It has been determined that land, mineral resources, water and forests, flora and fauna, natural and other resources on the territory of the Republic are the national property and property of the Republic of Uzbekistan.

## Discussions

These provisions of the Law "On the Foundations of State Independence of the Republic of Uzbekistan" are constitutional provisions that are reflected and developed in the new Constitution of the Republic of Uzbekistan, adopted on December 8, 1992. [8] This Basic Law defines the foundations of our economic system, the use of property, and advanced forms of government. In particular, Article 53 states that the basis of the economy of Uzbekistan, aimed at the development of market relations, is formed by various forms of ownership. Thus, in accordance with this constitutional provision, on the one hand, the republic is based on market relations, and on the other hand, it is possible to introduce various forms of ownership in a market economy.

On April 30, 1998, the Land Code of the Republic of Uzbekistan was re-adopted taking into account all changes in public life. The Code stipulates that the land should be used rationally as the basis of national wealth, life, activity and well-being of the people of the republic and is under the protection of the state. To create conditions for the development of all forms of management on the basis of equality, it was noted that the protection of the rights of legal entities and individuals to land, regulation of land relations, as well as strengthening the rule of law in this area.

The Land Code includes the powers of state bodies to regulate land relations, the legal status of land fund categories, the legal framework for land management, land monitoring, state land cadastre, land ownership, grounds and procedure for the formation and termination of land use rights, land easement. The Land Code found its legal basis for such issues as the rights and obligations of landowners, land users, tenants and landowners, transfer of land to a share fund, use of land on family grounds, land protection, resolution of land disputes, liability for violation of land legislation. Many of the rules in it are new and are characterized by the fact that they are aimed at regulating positive changes in our today's socio-economic, political and spiritual life.

## Conclusion

The state land policy of the Republic of Uzbekistan has gone through a long and complex historical process, which has survived to this day on the basis of the transition from one legal family to another and the constant change of political regimes. During the years of independence, special attention was paid to the state policy in the field of land, in particular, a legislative base was created aimed at regulating land legal relations and the form of land ownership was changed, which had a positive effect on the economy and living conditions.

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