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Prospects of Privatization of the Population as Civil-Legal Relations Relating to Land in the Constitution of the Republic of Uzbekistan

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ABSTRACT: In the Constitution of the Republic of Uzbekistan, the prospects of privatization as a civil-legal relationship of the population with regard to land are analyzed, suggestions and recommendations are put forward.

KEYWORD: Relations of the population to land, civil-legal relations of the population to land, privatization, privatization of land, results of privatization of land, prospects of privatization of land.

INTRODUCTION

As in all countries of the world, in Uzbekistan, privatization is one of the most important legal and economic issues. Because natural persons who are subjects of law, i.e. (this refers only to citizens of the Republic of Uzbekistan) and legal entities, want to own, use and dispose of the trust and guarantees for their property based on the requirements set not only in national legislation, but also in international documents, and they want to implement it in practice from the state or authorized they apply for requests from state bodies. In this regard, it is necessary to reflect the legal norms established in the civil, land, administrative and criminal legislations to ensure the rights and obligations of the subjects of law.

Accordingly, the Constitution of the Republic of Uzbekistan

According to Article 68, "Land, underground resources, water, flora and fauna and other natural resources are national wealth, they must be used wisely and are under state protection.

It is noted that land can be private property on the basis of conditions and procedures that ensure its rational use and protection as national wealth [1].

LITERATURE ANALYSIS AND METHODS

of the Land Code of the Republic of Uzbekistan dated April 30, 1998

Rights of legal entities and individuals to land plots

in part 5 of Article 17 of the No. as well as Article 23 of the Land Code entitled "Giving (Realization) of Land Plots".

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In part 2, "1) transfer (realization) - in accordance with the legislation on the privatization of non-agricultural plots of land, including individual housing construction and housing improvement, entrepreneurship and urban planning activities. the legal norms about giving by means of an auction" have been reflected [2].

Except for the aspects specified in Article 34 of the Law of the Republic of Uzbekistan No. 728 [3] of November 15, 2021 "On Privatization of Land Plots Not Intended for Agriculture". More precisely, in some cases, the privatized land can be taken away from the owner. In particular, it is taken when the land is purchased for the needs of the state and society, when the land is levied according to executive documents, when the land is confiscated, and when the land is requisitioned during an epidemic or natural disaster.

of the President of the Republic of Uzbekistan on June 8, 2021

In accordance with Decree No. PF-6243 [4] on measures to ensure equality and transparency in land relations, reliable protection of rights to land and their transformation into a market asset, the following procedure was established from August 1, 2021. Including

first, allotment of land plots to the private sector - on the basis of ownership and lease rights, to state bodies, institutions, enterprises, citizens' self-government bodies - on the basis of the right of permanent use;

secondly, the procedure for allocating land with inheritable lifetime ownership, permanent ownership, and the right to temporary use is canceled, while such rights to previously allocated land plots are preserved in their owners in the current order;

thirdly, in the event that the property rights to the real estate object built in accordance with the law on the leased land plot are transferred to another person, together with the ownership right to this object, the lease right to the land plot on which it is located is transferred to the new owner;

fourthly, according to the results of an open electronic competition in which all types of agricultural producers can participate, agricultural land will be allocated only on the basis of leasehold rights;

fifthly, realization of non-agricultural lands through electronic online auction on the basis of ownership rights and lease rights;

sixth, allocation of plots of land to state organizations for public needs by the decision of the Council of Ministers of the Republic of Karakalpakstan, governors of the regions and the city of Tashkent with the right of permanent use;

seventhly, in all cases, plots of land are separated only from vacant and reserved lands, taking away, reserving, and allocating a plot of land with the same document or at the same time is a violation of the land allocation procedure and is the basis for prosecution in accordance with the law;

Eighth, in the implementation of public-private partnership projects and projects aimed at achieving socially beneficial goals, plots of land are allocated to the state organization with the right of permanent use, these lands are transferred to the private partner, non-governmental non-profit organization and other institutions of civil society for the period of validity of the public-private or social partnership agreement. can be rented;

ninth, if the land plot on which the multi-apartment house is located and adjacent to it, if it does not belong to the owners of the premises in the multi-apartment house by other rights, it is determined to be allocated to them for general use by the Council of Ministers of the Republic of Karakalpakstan, the governors of the regions and the city of Tashkent on the basis of the right of permanent use, the Ministers of the Republic of Uzbekistan On the basis of the decision No. 71[5] of the Court dated February 14, 2022 "On Measures to Implement the Law of the Republic of Uzbekistan on Privatization of Non-Agricultural Land Plots", permanent use (ownership) by citizens and legal entities of the Republic of Uzbekistan, The approval of the administrative regulation on the provision of state services on the privatization of land parcels based on the

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right of lease and inheritance for life became a very important legal basis between the population and the competent authorities in our country. Here some concepts should be explained.

Privatization is the process of transfer of ownership of state property from the state to private entities, formation of diverse ownership, one of the ways to return from nationalization of the economy. Expropriation of property from the state X. also provides for the creation of other non-state forms of property at the expense of this property

(q. Privatization of state property, Expropriation of state property) [6].

Privatization is an economic concept, the process of citizens and non-state legal entities buying state-owned objects or shares of state-owned joint-stock companies from the state, the transfer of ownership of state property from the state to private [7].

Privatization - (Latin. "privatus" - private) - the process of transfer and sale (in whole or in part) of state (city) property to private property. The reverse process is called nationalization [8].

Privatization of a plot of land - transfer of a plot of land that is public property to the ownership of individuals who are citizens of the Republic of Uzbekistan or legal entities who are residents of the Republic of Uzbekistan. In this case, the right to the real estate objects located on the land plot must be state registered.

Therefore, Land privatization applies to the category of non-agricultural land and is manifested in:

first, land plots given to legal entities for the implementation of business and urban development activities;

secondly, to citizens of the Republic of Uzbekistan individually

plots of land granted for housing construction and improvement of housing, as well as entrepreneurship and urban development activities;

thirdly, plots of land on which state real estate objects are located, which should be privatized;

fourth, vacant land plots.

RESULTS

In our country, the Land Code determines the national system of relations regarding the lands of settlements, including those included in the categories of land fund (Article 8 of the EC). This means that the competent state is tied to the mechanism of implementation by state bodies only exercising the powers specified in the code. In particular, the powers of the Cabinet of Ministers of the Republic of Uzbekistan in the field of regulation of land relations of the Land Code of the Republic of Uzbekistan (Article 4 of the EC), the powers of the state authorities of regions, Tashkent city in the field of regulation of land relations (Article 5 of the EC), the powers of the state authorities of districts in the field of land relations powers in the field of regulation of land relations (Art. 6 of the EC), powers of city state authorities in the field of regulation of land relations (Art. 7 of the EC) reflected in the content of the articles.

DISCUSSION

It should be said that the legislation did not have property rights in relation to the plot of land until that time. The new system is the result of rapid reforms in the land sector in our country in recent years. Now people become the legal owners of not only the yard, but also the plot of land. The main thing is that the privacy of private property is legally protected.

According to statistical data, the State Assets Management Agency launched the automated information system "Privatization", and as of July 1, 2022, a total of 1,222 applications were received by citizens and

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legal entities of the Republic of Uzbekistan. 328 of these applications were found to be positive, the properties of the right holders were privatized, and 104 applications are in the process of study.

Also, 790 of the applications received in this system were rejected by the competent authorities. Analyzing the rejected applications, it was found that 350 did not have legal documents, 113 legal documents were not registered with the state, 63 had differences between the legal and actual land areas (arbitrarily appropriated land area), 40 applications were submitted repeatedly, 28 applications were prohibited, 9 more it was found that it was located in a multi-story residential building, 4 were in the category of non-privatized land, 1 was in the category of agriculture, and 182 land plots were rejected for other reasons [9].

Therefore, individuals and legal entities will not only use their property for the specified purposes, but also actively participate in the process of privatization, become participants in the reforms being carried out in New Uzbekistan, and achieve the following positive results. In particular,

1) the owner shall have the right of private ownership of the land owned by him. For example, "in case he wants to give a part of his yard to his son or give it to his close relatives, or if he wants to sell half of it to another person." The property right to the land plot allows, gives the right to sell the land plot in parts, or to whom to sell half of the land plot, based on the owner's own will;

2) the state cannot take away the land owned by the owner, it can only buy it. For example, the legislation provides for confiscation of land belonging to the state or land used by other persons. Land plots belonging to 5 rights other than property rights can be confiscated. When acquiring property rights to a privatized plot of land, the state simply guarantees the right not to expropriate the land belonging to the owner. The land plot of the owner does not fall into "snos" or this - the guarantee of the property right is ensured. Also, if the plot of land is needed for state needs, it can be purchased from the owner at the market price, based on the contract, if the state buys the land owned by the owner at the agreed price, the land will be transferred to the state;

3) the owner will have the right to freely add, distribute and separate (realize) the land plot. In this regard, although the procedure is defined in Articles 16-42 of the Land Code of the Republic of Uzbekistan, there have been no privatized plots of land on the basis of property rights.

These mechanisms are valid only if the plot of land is privatized. As this is a new practice in the conditions of Uzbekistan, its effect will not be seen in a short period of time. For this purpose, the increase of property rights to privatized land plots in the territory of all regions, districts (cities) can be seen as a result of these mechanisms.

4) when the land plot belonging to the owner is privatized, it is used as a collateral object. As soon as he receives the ownership right to the land, the object of pledge from it is subject to Article 264-298 of the Civil Code [10] and the Law of the Republic of Uzbekistan of 1998

It can be used on the basis of the Law No. 614-I of May 1 "On Bail" [11]. Pledge of the land plot as property to the bank also creates the possibility of obtaining a mortgage loan based on Articles 744-748 [12] of the Civil Code.

CONCLUSION

Taking into account the above, the following opinions can be mentioned as prospects for the privatization of the land plot. Including

First of all, in our country, on the basis of the land legislation, the practice of privatization of land areas not intended for agriculture has been established. However, on the basis of the civil legislation, it is necessary to define its legal status and introduce specific legal norms that protect the owner's relationship to private property;

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secondly, as a result of the day-by-day increase in relations with the land of settlements in our country, the concept of "land market" and "private plot of land" serves to increase the number of owners;

thirdly, it is an important task to increase the creditworthiness of the population and the investment attractiveness of the country;

fourthly, taking into account the fact that the information about the state's "snosing", violation or seizure of their property openly or without any reason, using their full rights in relation to privatized land plots, ensures a sharp increase in the number of owners of privatized land plots.

Reference list/

1. Constitution of the Republic of Uzbekistan. National database of legislative information, 01.05.2023, No. 03/23/837/0241. https://lex.uz/docs/6445145. (Application deadline: 05/30/2023).
2. Land Code of the Republic of Uzbekistan. Bulletin of the Oliy Majlis of the Republic of Uzbekistan, 1998. - No. 5-6. - 82nd m. https://lex.uz/docs/152653. (Application deadline: 05/30/2023).
3. Law of the Republic of Uzbekistan dated November 15, 2021 "On Privatization of Non-Agricultural Land Plots" No. ORQ-728. National database of legislative information, 16.11.2021, No. 03/21/728/1046. https://lex.uz/docs/5729966. (Application deadline: 04/25/2023).
4. Decree No. PF-6243 of the President of the Republic of Uzbekistan dated June 8, 2021 "On measures to ensure equality and transparency in land relations, reliable protection of rights to land and their transformation into a market asset." National database of legislative information, 09.06.2021, No. 06/21/6243/0540. (Application deadline: 04/25/2023).
5. Year 2022 of the Cabinet of Ministers of the Republic of Uzbekistan
6. Resolution No. 71 dated February 14 "On Measures to Implement the Law of the Republic of Uzbekistan on Privatization of Non-Agricultural Land Plots". National database of legislative information, 14.02.2022, No. 09/22/71/0129. https://lex.uz/docs/5858015. (Application deadline: 04/25/2023).
7. https://qomus.info/encyclopedia/cat-x/khususiyyrazyan-uz. (Application deadline: 04/30/2023).
8. https://n.ziyouz.com/books/uzbek_tiling_izohli_lugati/Uzbek%20tiling %20izohli%20lug'ati%20-%20X.pdf. (Application deadline: 04/30/2023).
9. Slovar inostrannyx slov. - M.: "Russky Yazyk", 1989. - 624 p. ISBN 5-200-00408-8. https://ru.wikipedia.org/wiki. (Application deadline: 04/30/2023).
10. #9 -and-the-legal-entity-may-privatize-the-property-of-the-land-plot_387423. (Application deadline: 04/30/2023).
11. Part I of the Civil Code of the Republic of Uzbekistan. Bulletin of the Oliy Majlis of the Republic of Uzbekistan, 1996. –
12. Appendix to No. 2. https://lex.uz/docs/111189. (Application time: 10.06.2023).
13. Law No. 614-I of the Republic of Uzbekistan dated May 1, 1998 "On Pledge". Bulletin of the Oliy Majlis of the Republic of Uzbekistan, 1998. - No. 5-6. - 96th m. https://lex.uz/acts/59914.
14. Civil Code of the Republic of Uzbekistan
15. Part II. Bulletin of the Oliy Majlis of the Republic of Uzbekistan, 1996. - No. 11-12. (Application time: 10.06.2023).

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