

ISSUES OF PRIVATIZATION OF LAND PLOTS AND PROVISION OF PUBLIC SERVICES IN THIS FIELD

Khusainova Kuvanch Komiljanovna,

Specialist of the Public Services Center of the Justice Department
of the Khiva District of the Khorezm Region,
E-mail: www.lex_uz@mail.ru

Abstract: In this article, the issues of privatization of land plots in the Republic of Uzbekistan and the provision of public services in this area are thoroughly researched. In this regard, the rights to land in our country and issues of their reform, including the process of introducing the institution of private ownership of land, its necessity, categories of land plots to be privatized, subjects of privatization of land plots, categories of land plots that cannot be privatized, privatization of non-agricultural land plots procedures for the provision of public services, issues of digitization of the provision of public services in order to create convenience for the population and business entities were analyzed. In relation to each issue analyzed in the article, the norms established by the current legal documents are studied and the views and conclusions of the author are stated.

Keywords: land plot, privatization, non-agricultural land, public services, property right, lease right, moral and economic factors, public service center, digitization.

The use of land resources and their protection is one of the important socio-economic, political and ecological tasks of the society. Because the material well-being of the society, its existence and the fate of the future generations depend on careful treatment and rational use of the land resource, which is an invaluable resource of nature. For this reason, the rational use of land resources and their protection is not only an ecological, but also a socio-economic issue [1, p.13.]. In addition, it is not for nothing that Article 55 of the Constitution of the Republic of Uzbekistan stipulates that land and other natural resources are national wealth, it is necessary to use them wisely, and that they are under state protection as a norm with supreme legal force.

It is known that from the first years of independence, land in Uzbekistan was recognized as state property, and Article 16 of the Land Code stipulated that land should be protected by the state, not traded, not exchanged, not donated, not pledged [2].

For the purpose of rational use of land, reliable protection of land resources and the right to them, in recent years in our country, turning land resources into a market asset, guaranteeing the property rights of individuals and legal entities to land, as well as introducing it into free circulation as an object of civil legal relations by determining the economic value of land a number of systematic and effective reforms were implemented.

Including:

According to the Law of the Republic of Uzbekistan dated August 13, 2019 “On the Privatization of Non-Agricultural Land Plots” No. LRQ-552, it was

established that non-agricultural land plots can be privatized [3] and the norms regarding the fact that land plots are only state property were removed from the legislation;

In accordance with Decree No. PF-6243 of the President of the Republic of Uzbekistan of June 8, 2021 “On measures to ensure equality and transparency in land relations, reliable protection of land rights and their transformation into a market asset” [4] and as a result of the reforms implemented in accordance with this Decree According to the amendments and additions [5], it was determined that land plots will be allocated to the private sector - on the basis of property and lease rights, and to state bodies, institutions, enterprises, self-government bodies of citizens - on the basis of the right of permanent use. As a result, the procedure of allocating land with the right of permanent ownership, permanent ownership, and temporary use to be inherited was canceled, and it was assumed that such rights to previously allocated land plots would be preserved by their owners in the current order.

As a result of these reforms, the institution of private ownership of land plots was created in Uzbekistan. That is, now the right of private and legal entities to privatize land plots (property right) that are not intended for agriculture and belong to them on the basis of the right of permanent use (ownership) or life-long ownership to be inherited, in accordance with the procedure stipulated by the law (property right).

It is known that the property right consists of the following structural elements, i.e. the right of a person to own, use and dispose of his own property at his own will and for his own interests, as well as the right to demand the elimination of any violation of his property right by whoever.

The Constitution of the Republic of Uzbekistan stipulates that private property, like other forms of property, is inviolable and under state protection. That is, the right to the lands where the institution of private ownership was introduced is protected as state property, based on this constitutional norm, it is inviolable and under the protection of the state like other forms of property, and it is guaranteed to be legally protected.

At this moment, it is natural that the question arises as to why it was necessary to introduce the institution of private ownership in relation to land.

We agree with the following points [6], which focus on the two important factors of privatization of land parcels, i.e., the moral and economic factors, which have been announced through mass media in this matter.

The first is the spiritual factor. The transformation of the land into private property gives great confidence to the citizen from the spiritual side. A person's love for private land is different. The owner of the land feels as if he is firmly on his feet, makes plans for the long future and begins to see his perspective more clearly. In other words, you don't live in your own home as if you were renting it.

The second is the economic factor. No production can take place without land, because any enterprise is located on a piece of land. Land is an economic factor like capital, energy, and information. For example, if labor is cheap and equipment is expensive, an entrepreneur will try to hire more workers than to buy expensive equipment. Similarly, if the company is located in an expensive land, it will try to sell it and move the work to a cheaper land, because the price of the land also affects the

cost of the product. The organization of land use on the basis of market relations implies the implementation of market agreements with land areas or rights to it (sale, rent, gift, pledge, inheritance), as well as payment of fees for land use [7, p.35]. So, if the land is privatized, both the entrepreneur and the society will benefit.

We believe that the next important issues in this topic are what types of land plots will be privatized, who are the subjects of privatization of these land plots, and what types of land plots cannot be privatized.

In our country, the land fund is divided into the following 8 categories according to the main purpose of land use: 1) agricultural land; 2) lands of settlements (cities, settlements and rural settlements); 3) lands intended for industrial, transport, communications, defense and other purposes; 4) lands intended for nature protection, health improvement and recreation purposes; 5) lands of historical and cultural importance; 6) forest fund lands; 7) water fund lands; 8) reserve lands.

It should be noted that, based on the current reforms in Uzbekistan, privatization of land plots not intended for agriculture is allowed. Agricultural land refers to fertile land and is the main means of ensuring national wealth, agricultural production and food security of the country [8]. For this reason, at the current stage of the reforms, it is envisaged that agricultural land will be allocated to agricultural producers only on the basis of lease rights. The strategy for the development of agriculture of the Republic of Uzbekistan for 2020-2030, approved by the Decree of the President of the Republic of Uzbekistan No. PF-5853 of October 23, 2019, does not plan the reform of the privatization of agricultural land until 2030 [9]. That is, as a conclusion, land plots that are currently not intended for agriculture in our country can be privatized. Relations in the field of privatization of these land plots are comprehensively regulated by the Law of the Republic of Uzbekistan dated November 15, 2021 "On the privatization of land plots not intended for agriculture" LRQ-728 (in the new version) [10].

Also, in accordance with the current legislation, the following plots of land are not privatized:

mineral deposits, plots of land with state-owned objects that cannot be privatized in accordance with the law;

land plots included in the land intended for nature protection, health improvement, recreation and historical and cultural purposes, as well as forest and water fund protection zones, engineering and transport infrastructure objects, public land of cities and towns (squares, streets, narrow streets, roads, beaches, squares, boulevards, parks);

land plots contaminated with hazardous substances and subject to biogenic poisoning;

land plots provided to the participants of special economic zones in the manner established by legislation - during the period of operation of the special economic zone;

plots of land on which multi-apartment houses are located, as well as adjacent to multi-apartment houses;

plots of land given to implement public-private partnership projects, social partnership agreements and contracts, as well as to legal entities for public needs.

During the privatization of land plots, the right of another person to use the land plot (servitude) in a limited manner can be determined in accordance with the procedure provided by the civil legislation. It is necessary to emphasize that the easement is determined for the following purposes: the passage of land on foot and by vehicles; transfer and operation of electric, communication, pipelines; water supply and other similar situations. On the other hand, the establishment of the right of servitude in relation to the plot of land does not deprive the landowner of the rights to own, use and dispose of this plot [11].

Land plots not intended for agriculture can be privatized only by citizens and legal entities of the Republic of Uzbekistan. In this case, foreign citizens, stateless persons, foreign legal entities, enterprises with foreign investments, and state bodies, institutions and enterprises do not have the right to privatize land plots.

The next important issue to be analyzed within the framework of this topic is the procedures for providing state services for the privatization of non-agricultural land plots.

It should be noted that privatization of land plots is carried out in two different ways: 1) purchase of land plots by subjects of privatization on the basis of the right of permanent use (ownership), lease or lifetime ownership; 2) purchase of land plots through electronic online auction.

Based on these forms of privatization of land plots, the procedures for providing state services in this direction are also defined differently. These procedures

It was confirmed in the decision of the Cabinet of Ministers of the Republic of Uzbekistan No. 71 of February 14, 2022 “On measures to implement the Law of the Republic of Uzbekistan on the privatization of land plots not intended for agriculture”.

The following is approved by this decision:

Administrative regulation on the provision of state services to citizens and legal entities of the Republic of Uzbekistan on the privatization of land plots for permanent use (ownership), lease and inheritance. This administrative regulation applies to the privatization of land plots owned by individuals and legal entities;

Regulation on the procedure for the realization of land plots for the implementation of entrepreneurship and urban development activities on the basis of ownership and lease rights through an electronic online auction;

Regulation on the procedure for the sale of plots of land for individual housing construction and improvement of housing on the basis of property rights through an electronic online auction.

The provision of public services in the two forms mentioned above is carried out using digital technologies. At this point, it should be recognized that in recent years in our country, great attention has been paid to the field of information technology, which is showing its results. About 20 million public services were provided by the Ministry of Justice alone in 2022 [12]. Also, according to the 2022 analysis of “Open data Inception”, Uzbekistan ranks 4th among 201 countries of the world in terms of open data sources and their number [13]. Today, 370 of the existing 715 public services have been transferred to the digital platform, and 12 million

people used them last year. As a result of digitization, the demand for more than 70 types of information and documents from the population has become invalid.

At the video selector meeting held under the chairmanship of the President of the Republic of Uzbekistan, Sh.M. Mirziyoev, on February 22, 2023, special attention was paid to the issue of fully digitizing and integrating all business processes and the most necessary services for the population, as well as to the responsible ministries and agencies. The task of uniting 26 information systems into the Unified state services portal and increasing the number of services to 570 [14].

In order to fully digitize the state service delivery system in the field under analysis, the automated information system "Yerhusiylasntirish" and the electronic trading platform "E-auction" have been introduced for this process. Including:

Privatization of land plots belonging to citizens and legal entities of the Republic of Uzbekistan based on the right of permanent use (ownership), lease or lifetime ownership is carried out through the automated information system "Yerkhusiylasntirish". In this case, this public service is provided through the Public Service Centers of the Ministry of Justice of the Republic of Uzbekistan or the Unified Interactive Public Services Portal of the Republic of Uzbekistan;

Realization of vacant plots of land not intended for agriculture on the basis of property or lease rights for business and urban development activities, and on the basis of property rights for individual housing construction is carried out through the "E-auction" electronic trading platform. Individuals and legal entities can participate in this electronic online auction in accordance with the procedures established by the Cabinet of Ministers of the Republic of Uzbekistan.

Below, as an example, we will consider the procedures for the provision of public service for the privatization of land plots that are owned by citizens and legal entities of the Republic of Uzbekistan on the basis of the right of permanent use (ownership), lease or lifetime ownership. This public service is carried out through the following 9 stages:

Step 1: Apply for public service. This process is a voluntary application by citizens and legal entities of the Republic of Uzbekistan through State Service Centers or the single interactive portal of State Services of the Republic of Uzbekistan for the privatization of a plot of land that belongs to them on the basis of the right of permanent use (ownership), lease or lifetime ownership. is done through.

Step 2: Organization of the process of receiving and reviewing the application. Through the State Services Center or the single interactive state services portal of the Republic of Uzbekistan, the application is sent to the automated information system "Yerkhusiylasntirish" for consideration by the district (city) construction department, the district (city) branch of the Chamber of State Cadastres.

Step 3: Review the application. The district (city) branch of the State Cadastre Chamber and the district (city) construction department participate in this stage:

1) From the date of receipt of the application by the district (city) branch of the Chamber of State Cadastres, the correspondence of the information about the land plot and the right holder specified in the application with the information in the state register of rights to real estate; compliance of the information about the right holder

of the plot of land to be privatized with the information about the owner of the buildings and structures located on this plot of land; the existence of a ban or a ban on real estate objects located on the plot of land being privatized; upon arriving at the location of the plot of land, checks the compliance of the boundaries of the plot of land with cadastral documents and reports the results of the review of the application through the automated information system “Yerhusiylasntirish”;

2) The district (city) construction department also reviews the compliance of the location of the land plot with the approved documents on urban development planning and construction of the area (settlement or the area between them) where the land plot is located in the application, and based on the results of the review of the application, the "Land Property Comparison" is automated. come through the information system.

Step 4: Summary of application review results. “Yerkhusiylasntirish” automated information system forms a notification containing information about the approval or rejection of the application based on the results of the application review and sends it to the applicant through the State Services Center or the single interactive state services portal of the Republic of Uzbekistan.

Also, if the application is approved at this stage, the Unified Billing System will automatically create an account for the purchase of land plot based on the data of the automated information system "Yerhusiylasnitirish" and attach it to the notification and keep track of the paid funds.

Step 5: Making payments for the purchase price of the plot of land. The applicant shall pay the purchase price of the plot of land.

Step 6: Forming a state warrant granting ownership rights to a plot of land or refusing to privatize it. The automated information system "Privatization" forms the state warrant granting ownership rights to the land plot in the prescribed manner and sends it to the regional offices of the State Asset Management Agency for signature in case of timely and full payment of the purchase price of the land plot. If the purchase price of the plot of land is not paid in full and on time, it prepares a notice of refusal of privatization and sends it to the applicant through the State Services Center or the single interactive public services portal of the Republic of Uzbekistan.

Step 7: State warrant approval. The regional department of the State Assets Management Agency puts an electronic digital signature on the state warrant granting ownership rights to a plot of land and sends it to the regional department of the Chamber of State Cadastres.

Step 8: State registration of the property right to the plot of land. The Department of the State Cadastre Chamber, after the submission of the state warrant, carries out the state registration of the ownership right to the plot of land based on the state warrant. After that, he sends the extract from the state register of rights to real estate objects along with the state warrant to the State Services Center or to the applicant through the single interactive state services portal of the Republic of Uzbekistan.

Stage 9: The final stage. The state services center or the only interactive state services portal of the Republic of Uzbekistan sends the extract from the state warrant

and the state register of rights to real estate objects to the applicant's e-mail address and informs the applicant about this through information and communication technologies.

In conclusion, it can be noted that the introduction of the institution of private ownership of land and digitized public services in this area is the result of consistent reforms in the land sector and the provision of public services to the population in recent years. In this way, the guarantee of rights to land in our country will be strengthened, besides, more efficient and rational use of land will be achieved.

References:

1. Kenjaev R.Kh. Legal issues of land protection in the Republic of Uzbekistan. Dissertation written for the degree of candidate of legal sciences. – Tashkent: TSIL, 2006. – P. 13.
2. Land Code of the Republic of Uzbekistan (as amended on April 30, 1998).
3. Law of the Republic of Uzbekistan dated August 13, 2019 No. ORQ-552 “On Privatization of Non-Agricultural Land Plots”.
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”.
5. Law of the Republic of Uzbekistan dated August 16, 2021 No. O’RQ-708 “On amendments and additions to certain legal documents of the Republic of Uzbekistan in connection with the improvement of the system of allocation and use of land plots, as well as land accounting and state land cadastre”.
6. Soatova Sh. What does land privatization give us? // People's word newspaper, August 20, 2019.
7. Altiev A.S. Economics of land use: Textbook. – Tashkent, 2019. – P. 35.
8. Decree of the President of the Republic of Uzbekistan dated June 17, 2019 No. PF-5742 “On measures for effective use of land and water resources in agriculture”.
9. Decree No. PF-5853 of the President of the Republic of Uzbekistan dated October 23, 2019 “On approval of the strategy for the development of agriculture of the Republic of Uzbekistan for 2020-2030”.
10. Law of the Republic of Uzbekistan dated November 15, 2021 No. O’RQ-728 “On Privatization of Non-Agricultural Land Plots”.
11. Use of another's land (servitude)).
12. The Ministry of Justice provided nearly 20 million government services in 2022 www.daryo.uz/k/2023/01/06/adliya-vazirligi-2022-yilda-qariyb-20-millionga-yaqin-davlat-xizmatlari-korsatdi.
13. In 2022, 50 types of new electronic state services were introduced. // https://uza.uz/uz/posts/2022-yilda-50-turdagi-yangi-elektron-davlat-xizmatlari-zhoriy-qilindi_439313.
14. Tasks in the field of information technologies were discussed. // www.uza.uz/uz/posts/axborot-texnologiyalari-sohasidagi-vazifalar-muhokama-qilindi_456781.