

**Methoden und ressourcen zur durchführung des rechts am privaten eigentum
oder des rechts, das grundstück als element des privaten eigentums zu benutzen**

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Zusammenfassung: Der Artikel analysiert die Methoden und Ressourcen zur Realisierung privater Eigentumsrechte am Beispiel von Landnutzungsrechten. Besondere Aufmerksamkeit wird der Ausübung dieses Rechts, seiner Garantie und seiner Umwandlung in marktgängige Vermögenswerte, der Ermittlung seines wirtschaftlichen Wertes und seiner Einführung in den Finanzkreislauf gewidmet. Bestimmte Schlussfolgerungen werden auch am Ende der Analyse gezogen

Schlüsselwörter: Land, Landfläche, Reformen, Privateigentum, Effizienz, Privatisierung und Privatisierung, marktfähiges Vermögen, wirtschaftlicher Wert, finanzieller Umsatz.

**Methods and resources of realizing the right of private property or the
right to use the land as an element of private property**

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Abstract: The article analyzes the methods and resources of realizing private property rights on the example of land use rights. Particular attention will be paid to the exercise of this right, its guarantee and transformation into marketable assets, the determination of its economic value and introduction into financial circulation. Certain conclusions are also drawn at the end of the analysis

Keywords: land, land area, reforms, private property, efficiency, denationalization and privatization, marketable assets, economic value, financial turnover.

Actuality of the topic: It is known that the reforms carried out in our country, as in all areas, have begun to influence economic relations in general, land reform, which is the criterion of life. In his next Address to the Oliy Majlis, the President of Uzbekistan said that "... the most effective factor in reducing poverty and increasing the income of the rural population is a sharp increase in productivity and efficiency in agriculture." He stressed that the priority is to increase income from each hectare of land from the current average \$ 2,000 to at least \$ 5,000, for which we need to widely introduce the latest technologies in agriculture, water conservation and biotechnology, seed production, science and innovation [1].

In this regard, the implementation of this work is based on the "Action Strategy for the five priority areas of development of the Republic of Uzbekistan in 2017-2021" [2], which is based on the principles laid down in it. As well as, it is important to analyze and study these situations.

Methods: Problem-chronological, comparative-analytical and theoretical methods of researching the topic were used.

Main part. What should we do in this process? As an answer for this question, the head of state stated that "first of all, it is necessary to increase the interest of farmers in land, where there is interest and justice, there will be changes and growth." "The time has come to consider the issue of guarantees of land use rights and their conversion into marketable assets, so the Government should make a proposal within two months to strengthen land use rights, determine its economic value and introduce mechanisms of financial turnover," the President said. in the statement."

Definitely, in recent years, most of the state property in our country has been denationalized and privatized. This situation has become one of the main factors in determining the status of the state as a subject of property rights. In the end, state property, once considered the sole and sole owner of society, was transferred to the owners in accordance with market laws, which, in turn, led to the implementation of

the most important laws of the market economy, such as supply and demand, competition.

All at once, privatization and denationalization led to the abolition of state monopolies in many spheres of public life and the formation of healthy competition, as well as to a radical change in state ownership. That is, the dominance of state property has been abolished. This is evidenced by the fact that privatization and denationalization are still in full swing, as well as the expansion of areas in which citizens and legal entities can own property. In addition, as the process of denationalization and privatization continues, property, complexes and a number of objects that once could have been the only and only object of state property in the minds of our citizens are being denationalized, and this process continues in new forms.

A change in the legal status of land, which is the main and most important source of state property, means that state property objects are not absolute and stable, which is one of the factors of economic development in the transition to market relations.

At the same time, this is also explained by the fact that land is a national property as an object of state ownership. At all times and at all times the primary and main object of any state property is land, natural resources, various minerals and precious stones, rivers flowing through the territory of this state, flora and fauna, in a word, natural resources.

The experience of Uzbekistan during the years of the former Soviet Union showed that excessive centralization of property (for example, land) and the imposition of all social problems on the state and external monitoring of what it is capable of, led to economic decline. The bitter truth is that the accumulation of more than 90% of material wealth in the hands of the state in the period before the "reconstruction" led to the stabilization of economic relations. In addition, the centralization of land at the disposal of the state led to landlessness, its plundering, appropriation instead of reproduction. At the same time, the losing the notion of

"mine" and "other's" firmly established in relation to property and the emergence of the notion of "ours", "everyone's", "mine" or "everyone's, therefore not mine" led to a radical breakdown of their relationship. These circumstances led to the stagnation of economic development, as well as to the fact that the accumulation of property in the hands of the state to such an extent (as in the former Soviet Union) has a negative effect on the economy and people. attitude towards property. People were artificially “alienated” from property.

Over the past years, the national legislative hierarchy in the field of the protection of private property has passed a period from administrative documents to civil law regulation. It should be noted that this process continues.

It is known that property reforms in our republic began at the end of the 80s of the last century. On August 15, 1989, the Central Committee of the Communist Party of Uzbekistan, the Presidium of the Supreme Soviet of the Uzbek RSU and the Council of Ministers of the Uzbek RSU adopted a joint resolution "On the further development of collective farms, state farm workers”, farmer households and individual housing “for citizens living in these territories, depending on the conditions, a rate of allocation of land plots of up to 0.25 hectares has been established. Perhaps unsurprisingly, the sense of sovereignty in relation to property (that is, land) among our citizens was born at that time. What is important and extremely important is that the decision was made during the rule of the former Soviet Union.

Later, on October 31, 1990, the Law “On Property in the Republic of Uzbekistan” [4] was adopted, and on November 19, 1991, the Law “On Denationalization and Privatization” [5]. The Law on Property in the Republic of Uzbekistan for the first-time recognized property rights in the republic and established that this is a category protected by law and that the owner can own, use and dispose of his property at his own discretion. This law had a very progressive meaning from the point of view of that period, history and ideology. As mentioned above, broad forms of ownership are recognized. The owner began to engage in any

economic or other activity not prohibited by law from his property. We can say that these factors became the legal basis for the denationalization of property. Then the law “On denationalization and privatization” reinforced the legal basis of this process, methods and means of denationalization and privatization.

Indeed, one of the main tasks was the elimination of the monopoly on property relations through the privatization of state property and the creation of production based on multisectoral healthy competition in the economy. The main factors in attracting foreign investors to our economy were privatization, large-scale denationalization in Uzbekistan, pluralism of property, paving the way for a mixed economy.

Definitely, a necessary and main condition for the functioning of market relations is the fate of property. The accumulation of property in the hands of one abstract subject (state) is not market relations, but administrative bargaining. The most widespread and proven method of cardinal changes in the form of ownership in the world is denationalization and privatization of property. This method, in the language of economists, underlies the process of economic reform. The right of ownership arises from the person to whom the property is transferred (both an individual and a legal entity). He works for himself, not for the plan, but primarily for himself, creating products, providing services and selling them on the market. If there is a similar product on the market, supply and demand, competition mechanisms will be involved. It goes without saying that the owner's requirements for himself and the product he creates will only increase. Later, in the process of the evolution of private property rights, the Constitution (Articles 36, 53-55) established important rules: the right of everyone to own property, the basis of the Uzbek economy for the development of market relations in various forms of ownership, private property is as inviolable as other forms property, and strengthened its state protection. It was a natural process. The socio-political arena, the economic situation is ripe. The situation required radical changes and updates.

It should be noted that the Constitution of the country states that "land, mineral resources, water, flora and fauna and other natural resources are national treasures, they must be used wisely and they are under the protection of the state."

Incidentally, during this time, dozens of bylaws have been adopted. In particular, in connection with the need to create favorable conditions for the effective functioning of the market mechanism, accelerate the process of denationalization and privatization, as well as the protection of private property, on January 21, 1994, the President issued the Decree "On Measures". "[6]. For the first time, it allowed the sale of retail and service facilities, as well as the land plots on which they are located, to individuals and legal entities, including foreigners, on a competitive basis without requiring a declaration of the sources of funds. This was great news, and this norm has a very large practical (de facto) resonance in society.

It is known that by the decree "On increasing the efficiency of land use" of November 24, 1994, the district and city khokimiyats were transferred up to 0.04 hectares of land for individual housing construction and up to 0.06 hectares for running personal subsidiary plots. will be sold at auction.

As an experiment, the sale of citizens on the basis of auctions and tenders for lifelong possession on the condition of inheritance, in which the allocated land plots should not exceed 5 hectares on irrigated lands and 15 hectares on non-irrigated lands that not used in the national economy of the Republic of Karakalpakstan and lands of loss-making and low-profit agricultural enterprises [7].

The specific code of market relations - the Civil Code - states that "the right to private property is the right of an individual to own, use and dispose of property acquired in accordance with the law, without limiting the amount and value of private property." [8].

Another round of reforms on the topic of the day was observed in the Land Code (approved on April 30, 1998, entered into force on July 1, 1998). The ownership of land plots of diplomatic missions and equivalent international organizations accredited in the Republic of Uzbekistan is determined by law. The offensive was

determined during the procedure. The Code also provides for certificates of foreign legal entities and individuals - members of the diplomatic corps, representatives of the press accredited in the Republic of Uzbekistan, employees of permanent missions of firms, companies and international organizations, persons permanently working at enterprises with foreign investments. as well as permanent residence in the country. The right of ownership to land plots of persons is also granted upon the sale of residential buildings to them, together with the land plots on which these buildings are located in the manner prescribed by law [9].

On September 24, 2012, the country's law "On the protection of private property and guarantees of property rights" was adopted. The law provides for the "priority of property rights": the principle of priority of property rights in the relationship of the owner with state bodies, according to which all insurmountable contradictions and ambiguities in legislation related to the exercise of private property rights are eliminated. is interpreted in favor of the owner. He also noted that the results of denationalization and privatization will not be revised or canceled [10].

In this regard, Resolution PR-6096 of October 27, 2020 "On measures to accelerate the reform of state-owned enterprises and the privatization of state assets" serves to dramatically reduce the share of state-owned enterprises in the economy and increase their efficiency. [eleven].

The Law of the Republic of Uzbekistan "On the privatization of non-agricultural land" was adopted in November 15, 2021

Land areas allocated in accordance with the law to legal entities for conducting economic and urban planning activities; Land plots provided to citizens of the Republic of Uzbekistan for individual housing construction and landscaping, as well as for entrepreneurial and urban planning activities; land plots with state real estate subject to privatization; vacant land plots were converted into privatization objects. Citizens and legal entities of the Republic of Uzbekistan are recognized as subjects of privatization in the country. Foreign citizens, stateless persons, foreign legal entities,

enterprises with foreign investments, as well as state bodies, institutions and enterprises are not subject to privatization.

It is important to note that it was established that the privatized land plots are subject to private ownership and civil circulation [12].

Results: It should be noted that the introduction of private ownership of land is a very delicate matter. According to experts, the issue of land ownership was one of the key issues for the republic, where most of the population lives in rural areas. A significant part of the developed land in the country is irrigated land, which requires a state irrigation system. They also point out that there is a risk of land being sold, divided, disrupted by a shared irrigation system and concentrated in the hands of ruthless, self-interested people, so it is recommended that the land be kept as public property.

Suggestions. As we know, the situation in our country on land property has changed radically along with the ongoing reforms. The definition of private ownership of land, as we have already noted, can be done as one of the necessary conditions for a developed market environment. This situation can be observed in the practice of developed countries. For example, in Germany, France, Japan, England and many other countries, private ownership of land is determined. Private ownership of land exists in the CIS countries, the Russian Federation, Kazakhstan and a number of other countries. In Uzbekistan, the state should also gradually abandon absolute ownership of land.

Conclusion. From the above, we can conclude as:

Firstly, the implementation of large-scale reforms in the field of privatization is the main goal of the state to shift the status of ownership to certain areas. In this case, the state is no longer the sole owner of the country, but as an entity that represents the needs of the state and society, owns, uses and disposes of property to govern the country and ensure the welfare of the people. ...

Secondly, the relations associated with the privatization of state-owned lands should be transferred to the Basic Law of the country - the Constitution of the

Republic of Uzbekistan. In particular, article 55 of the Constitution of the Republic of Uzbekistan is proposed to be stated as follows: Privatization of land plots is carried out in the cases and in the manner established by law.

Thirdly, it is time to consider the issue of guarantees of land use rights and their widespread transformation into marketable assets, determining their economic value and putting them into financial circulation.

Fourthly, the introduction of private ownership of land is a gradual, evolutionary process and the future introduction of private ownership of land will have a positive impact on the economic development of the country.

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