

Entwicklungsstadien und historische Natur der Landwirtschaft in Usbekistan

Daminov Khusniddin Absalomovich

Grundlegender Doktorand an der Obersten Richterschule des Obersten
Justizrates der Republik Usbekistan

Zusammenfassung: Der Artikel befasst sich mit Fragen im Zusammenhang mit den Entwicklungsstadien der Landwirtschaft in Usbekistan. Es analysiert die Perioden von den Anfängen der staatlichen Unabhängigkeit bis zum heutigen Eigentumspluralismus und der weit verbreiteten Etablierung verschiedener Wirtschaftseinheiten. Eine spezifische Haltung gegenüber dem Grundstück wird zum Ausdruck gebracht. Am Ende des Artikels werden bestimmte Schlussfolgerungen gezogen.

Schlüsselwörter: Bauer, Landwirtschaft, Bauernbewegung, Cluster, Grundstück, lebenslanges Eigentumsrecht am geerbten Grundstück, staatliche Unterstützung der landwirtschaftlichen Betriebe.

Stages of development and historical nature of farming in Uzbekistan

Daminov Khusniddin Absalomovich

Basic doctoral student at the Supreme School of Judges
under the Supreme Judicial Council of the Republic of Uzbekistan

Abstract: The article deals with the issues related to the stages of development of farming in Uzbekistan. It analyzes the periods from the earliest days of state independence - today's property pluralism and the widespread establishment of various economic entities. A specific attitude towards the land plot is expressed. In the end of the article, certain conclusions are given.

Keywords: farmer, farming, farming movement, cluster, land plot, right of lifelong ownership of inherited land plot, state support of farms.

The actuality of the topic. It is known that after gaining independence in the country, special attention is paid to the creation of a legal framework for entrepreneurship, in particular, the creation of farms and the creation of a legal framework for farmers working in the agricultural sector.

As a result of the special attention paid to the development of farms during reforms in the country's agricultural sector, the farming movement, having taken its rightful place in the country, has become the locomotive of the industry. In particular, the reform of the agricultural sector of the economy of Uzbekistan is one of the most important tasks in the field of agricultural development in the late XX - early XXI centuries. As a result, taking into account the important aspects of the country's development, tasks were identified to achieve growth points and specific goals for the regions.

Used methods: Problem-chronological, comparative-analytical and theoretical research methods were used to cover the theme.

The main part. According to the sources, "In order to implement this task, practical talks and discussions were held with the general public, representatives of the public and business circles, heads and experts of government agencies, as well as current legislation, information and analytical materials, reports, recommendations of national and international organizations and comments were studied, the experience of developed foreign countries was analyzed"[1].

In the "Priorities for Economic Development and Liberalization" of the "Strategy of actions on the five priorities of the development of the Republic of Uzbekistan in 2017-2021" creating favorable conditions for the promotion and development of diversified farms was engaged in construction and services"[2].

Along with the improvement and development of farms, their transformation into fully diversified farms, modernization of the agricultural sector, the study of farming in developed countries, the revision of existing legislation governing farming is one of the key issues today. “Therefore, one of the urgent issues is to improve the legislation governing business, to create favorable conditions for businesses in the real sector of the economy and to simplify existing legislation in this area. This is due to the fact that the state pays great attention to the legislation in the field of entrepreneurship, the main purpose of which is to expand the scope of entrepreneurship, to prevent duplication of norms in the legislation and to study the experience of developed countries, improvement and simplification of implementation mechanisms ”[3].

Analysis and observations show that it is also true that there are problems in the field that need to be addressed.

You can show them the following:

- First of all, insufficient knowledge of farmers in the field of agriculture;
- Second of all, the low level of knowledge of the use of advanced modern techniques that meet modern requirements;
- Third of all, incomplete knowledge of the legislation;
- Fourth of all, lack of knowledge about the experience of developed foreign countries;
- Fifth of all, the lack of regular integration with agricultural research institutes in the cultivation of agricultural products.

In our point of view, the best way to solve the problems of farms in the industry is to exchange experience with foreign countries, organize regular trainings on training and retraining of farmers, conduct surveys among them, as well as their experience in developed countries. It is expedient to organize the acquisitions, scientifically substantiate and apply the solution of problems in practice, as well as to improve the laws in this area. True, such ideas may seem simpler in finding solutions

to the above problems, but as farmers become more prudent in their activities, they learn, respect and abide by the laws governing the sector, as well as participate in the creation of legal norms should be known that the period is a requirement of today.

However, the period of reforms is passing so fast that today's norm lags behind tomorrow's demand. That is why it is necessary to pay attention to excellence in the development of laws in any field. In general, according to the current laws adopted in the field of entrepreneurship, in time, it is necessary and likely to create new ones.

In our opinion, time has shown that the laws governing each area are not free from gaps and shortcomings.

In our view, in addition to the regular task of conducting research on national laws, we believe that it is expedient to conduct an analysis of the activities and laws of countries with developed business, farming.

The essence of the reforms being carried out in our country today is to please the people.

It is clear, before gaining its independence, the Republic of Uzbekistan was recognized as an agrarian state. It is known from history that for many years our republic was a part of the former Soviet Union, its right to economic development was limited, and our country became a base for the supply of raw materials only. Despite the fact that a large percentage of the population of the republic lives in rural areas, it should be noted that the economy of our country has become a supplier of products, only raw materials.

In our opinion, the fact that today the country is transforming from an agrarian republic to an industrialized country, as a result of gradual systemic reforms in the industry, production is well organized, and the share of production in the industry is growing. Of course, the contribution of farms operating in the country to achieving this result is invaluable.

In particular, it is worth noting that the Decree No. PR-295 of November 29, 1991 "On further strengthening of farming and state support of entrepreneurial

activity in the Republic" [4] was adopted in a timely manner. The adoption of the decree led to the solution of existing problems in the agricultural sector, that is, played a key role in the gradual implementation of reforms in the sector.

Therefore, in order to implement socio-economic development in the country, the Oliy Majlis, the President and the Cabinet of Ministers have adopted a number of normative and legal acts. As a result, the legal status of peasant (farmer) farms operating in the agricultural sector has been restored and they have become independent producers in the field.

Decree No. PR-295 of November 29, 1991 "On further strengthening of farming and state support of entrepreneurial activity in the Republic" for the first time in the country should be noted that the aim is to boost the economy of our country by creating conditions. The adoption of these legal documents indicates that farmers have become a major force in the implementation of agricultural reforms in the country. Moreover, as a result of the establishment and lease of millions of hectares of land through this decree and resolution, more than 221,000 farms have been established in the regions and districts of the country.

This Decree, *firstly*, provided for the lease of land plots for a period of at least 10 years through the establishment of peasant (farmer) farms, the right to extend the lease period and the allocation of land for the cultivation of livestock products;

Secondly, it allowed the republican fund and peasant (farmer) farms that supply food and other agricultural products, as well as effectively use the leased land and loans, to be allocated additional plots of land from this fund;

Thirdly, at least 50% of agricultural products grown by peasant (farmer) farms will be transferred to the republican fund on a contractual basis, in addition to providing them with agricultural machinery, fuel and lubricants, fodder and other resources loaded;

Fourthly, farmers have the right to voluntarily dispose of non-contractual agricultural products, to participate in wholesale and retail trade in order to further

improve and expand their activities, as well as from government and other organizations became possible to purchase material and technical resources without any barriers.

It should be noted that in order to implement this decree, the Resolution of the Cabinet of Ministers under the President of the Republic of Uzbekistan dated December 30, 1991 No 315 "On measures to further develop and strengthen farmer farms in the Republic" [5].

This decision included:

First of all, by February 1, 1992, at least 2018,000 hectares of land will be allocated through the formation and establishment of a special land fund for peasant (farmer) farms, and by March 1, 1992, land will be allocated by the relevant agencies; secondly, to ensure that peasants and farmers operate on an equal footing with other operating businesses.

The historical significance of such decrees and decisions is that they are important for peasant (farmer) farms now operating in the agricultural sector, which opened up opportunities for the development of these farms and the creation of conditions for them. "Because the measures envisaged in the decrees and resolutions are aimed at ensuring the survival of the peasant (farmer) farm, which is just beginning to operate in a market economy, and its equal rights with other economic entities engaged in agriculture, as well as its material and technical strengthening created socio-economic and legal conditions for them to freely sell their products. The Decree of the President of the Republic of Uzbekistan dated October 27, 2003 No. PR-3342 "On the concept of development of farms in 2004-2006" [6] plays an important role in the development of the organizational and legal framework of farms. "The purpose of the decree is to further deepen economic reforms in agriculture, to improve production relations, as well as to implement a number of tasks. In particular, measures to improve labor relations and training are clearly defined, according to that:

- Formation of labor relations between farmers and employees (including family members) on the basis of employment contracts;
- Organization of permanent business schools for training and retraining of farmers, as well as their internships in developed countries;
- Accelerate the development of the service sector, which will create additional jobs in order to provide employment to employees who become unemployed in the process of transformation of agricultural companies into farms;
- Development of measures to encourage farmers who organize non-agricultural production;
- Particular attention was paid to the implementation of additional measures to attract people from densely populated areas to labor-intensive areas for the establishment of farms "[7].

In order to ensure the implementation of this decree, on October 30, 2003, the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 476 "On measures to implement the concept of development of farms in 2004-2006" [8]. If we analyze this decision, we can see that its essence and content are as follows. In particular, it is noteworthy that the resolution aims to create favorable conditions for the operation of farms as the main form and subject of agricultural producers, as well as the integrated development of market infrastructure in rural areas. One of the most important aspects of the decision is the transformation of low-profit and unpromising companies in the country into farms in 2004-2006, as well as the introduction of production in rural areas. The concept set the goal of achieving the goal by establishing modern farms instead of low-profit and unpromising ones.

In our opinion, creating the necessary conditions and facilities for the further development of farms, increasing their socio-political activity, inculcating national values in the minds of farmers, creating benefits and opportunities to ensure economic and financial freedom of farms, finding solutions to existing problems and

solution, continuous improvement of economic reforms in agriculture is one of the main tasks of today.

The Republic has created the necessary legal framework for the introduction of modern farms in accordance with the conditions of a market economy, which should be improved along with the strengthening of their activities, instead of the state farms, collective farms and companies that once operated in the agricultural sector. In the country, agriculture is the leading sector of the economy and it is recognized as the main link in the national economy.

In our point of view, the fact that in developed countries, farms engaged in agriculture, the cultivation and processing of agricultural products and achieve effective results, shows that farmers play an important role in the economic growth of the country. As a confirmation of the above opinion, "In the Netherlands, which is not much larger than Uzbekistan, only 4% of the working age population is engaged in agriculture. It exports products in the amount of USD" [9].

F.T Rajabov says that, "Our country has gained some experience in this area. However, it should be noted that farms in most foreign countries have been established for more than a century and have a rich experience in this field. The application of the experience of these countries in the further development of the farming movement of the republic, their application in economic activities is of great scientific and practical importance "[10].

From the first years of independence, the words "farmer" and "farm" began to be used in agriculture. However, before independence, in the agricultural sector of the country were known as "collective farms", "state farms" and "company farms", and acted as the main suppliers of agricultural products in the industry.

After independence, in the field of agriculture, along with the use of the words "farmer" and "farm", new terms have emerged in the field.

Based on the above considerations, what is the lexical meaning of the word "farmer"? The question can be answered as follows. According to the sources, "A

farmer is an agricultural entrepreneur, the owner of a farm. According to the current legislation of Uzbekistan, a citizen who has reached the age of 18, has relevant knowledge, skills and work experience in agriculture and is able to work can be a farmer”[11] may be a tenant ”[12]. Also, Article 1 of the 1993 Canadian Land Acquisition Act (“Basic Concepts”) defines a farmer as, first, a person who earns more than 50 percent of his income directly or indirectly from the farm he runs; secondly, a person who devotes more than half of his time to farming ”[13].

According to the sources, “A farm is a farm engaged in the cultivation of agricultural products from private or long-term leased land. The socio-economic content and mode of operation of farms vary in different countries and they are determined by the level and characteristics of development of agricultural production relations, as well as working and land conditions, level of industrialization and specialization of agricultural production, capital and so on. The first and perfect form of farming came about as a result of the colonial policies of the United States, Canada, Australia, and New Zealand, and the establishment of colonies on vacant and indigenous lands” [14]. In addition to them, the "Encyclopedia of Political Economy" defines "farming - the process of production of private goods on the basis of entrepreneurship on their own farm or on leased land" [15].

Also, in the explanatory dictionary "Market Economy", "farming - an enterprise that produces agricultural products, a farm. In rural areas, a family farm, relatives or other citizens may enter a private farm on private land or leased land” [16]. In his research, T.Sh. Kallibekov emphasizes that "... the concept of" farmer "in English means to engage in entrepreneurial activity in agriculture, that is, in its meaning corresponds to our words farmer and cattle" [17].

As proof of the above points, if we look at the history of developed countries, for example, in the United States, Canada, the Netherlands, Germany and the United Kingdom, we can see that the development of farming has played an important role for all sectors of these countries. This is because the formation of farming in the

developed countries of the world has emerged as a result of different approaches in each country, depending on the level of development of their internal social relations.

The analysis of the materials collected during the study period showed that for the first time, farms in the U.S. and Canada emerged.

In our view, the study of the experience of developed foreign countries in the field of agriculture shows that they have tried to develop, mainly by applying small and medium-sized enterprises from the land. Based on the experience of these foreign countries, we believe that the form of development of farms in our country also serves to increase the efficiency of land use, the growth of agriculture and the development of the state economy.

Result: Based on the study, we came to the conclusion that a socio-political organization called the state should relinquish its exclusive ownership of land.

Suggestions. Based on the above considerations, it should be noted that in the study period, in addition to in-depth study of the history, experience and activities of farms in developed countries for the development of agriculture in our country, we consider it expedient to study the experience of CIS countries.

In particular, the first Law on Farming was adopted in the Russian Federation on November 22, 1990, in the Republic of Belarus on February 18, 1991, and in the Republic of Kazakhstan on May 21, 1990.

In our view, it is no exaggeration to say that the emergence of a new economic entity for the agricultural sector, in particular, the concept of peasant (farmer) economy, its legal status and, in general, serves the legal regulation and development of farms. In addition, it is worth noting that a number of amendments and additions have been made to the laws of the Russian Federation, the Republic of Belarus and the Republic of Kazakhstan "On Peasant (Farmer)" in line with current requirements.

As a result of research and analysis of the collected materials, it can be seen that the following factors have contributed to the development of farms in most foreign countries.

Examples include:

- “Effective organization of the mechanism of state support of farms;
- Improving the legal and regulatory framework related to farms;
- Providing farmers with agricultural machinery and updating obsolete ones;
- Reduction of credit rates to farmers and introduction of a preferential tax system;
- Further development of information, services and processing industries” [18].

Indeed, the fact that farms in our country today operate as a major supplier of agricultural products shows that farmers have become a major force in the agricultural sector.

According to the sources, "If we look at the history of socio-economic development of the country, we can see that small farms in Turkestan have developed well in the past and have a high culture of farming" [19]. “For instance, in Khiva, Kokand khanates and Bukhara emirate, which ruled the territory of the present republic, along with trade, agriculture and animal husbandry were well developed. In 1883, Bukhara exported 700,000 sums worth of agricultural products to Russia. Farmers in Bukhara did not limit themselves to growing agricultural products for their own consumption, but also developed export. As a result, the fiber exported was 50,000 pounds in the 1850s and 60s, and by 1915 it had reached 2 million pounds. In the middle of the XIX century, cattle breeders exported 30,000 to 40,000 pieces of karakul, while in 1911-15, this figure was 1.5 million pieces, and the amount of wool sold for export reached 200,000 pounds” [20]. So, based on this information, it can be said that in the past, the agricultural sector in the country was developed, characterized by high experience of individual farmers in the field.

Research by jurists and economists shows that they conducted their research in several stages in the study of the farming movement, i.e. its history, as well as in its coverage. Therefore, the specific aspects of the development of agricultural relations in our country, in particular, the legal framework of the farming movement, can be

divided into several stages. In particular, in conducting research on the subject, it is expedient to study the activities of farms operating in the country in four stages.

In my point of view, the agricultural relations in our country, that is, the emergence of a new legal basis for the modern farming movement, the peculiarities of its emergence, including the organization, formation, development and legal regulation of farms, began in November 1991. One of the main goals and objectives of the study is to study and analyze in four stages.

The first stage covers the years 1991-2000, the second stage - 2001-2010, the third stage - 2011-2015, the fourth stage - from 2016 to the present.

In our opinion, the purpose of the study of the farming movement in the country in four stages is to revise the legislation governing the farming sector, to fill gaps and gaps in the legislation, to summarize the results of reforms in agriculture over the past years of independence. the effectiveness in the field is to study and re-analyze the shortcomings made during the years of reforms.

In our point of view, the adoption of a new version of the Law "On Farming" will strengthen the legal status of farms, as well as to ensure equal rights with other agricultural enterprises, to ensure their rights and obligations, to operate in the field as a major business entity serve as a legal basis. At the same time, it should be noted that according to Article 3 of the Law "On Farms", "a farm is a business entity engaged in the cultivation of agricultural products using leased land and other activities not prohibited by law." Farming is the main subject of agricultural production in the Republic of Uzbekistan" [21]. However, it is also true that in our country there are various obstacles to the activities of farms, there are cases of non-compliance with the rules.

The analysis shows that in order to prevent such negative developments in the agricultural sector, violations of the law, it is necessary for farms to have the intervention and control of the state and their local bodies in the performance of their duties.

The above-mentioned decrees and resolutions adopted by the head of state and the government have transformed entrepreneurship in the country, including farms into modern farms, providing employment through these farms, meeting their food needs, growing agricultural products in raw form, processing them, finished products and increase farmers' incomes as a result of exports to foreign countries.

Conclusion. From the above it can be concluded that the historical type of farm:

Firstly, the form farm is a specific form of private enterprise in the field of agriculture;

Secondly, the farm is such a type of entrepreneurship, the activity of which is inextricably linked with the land;

Thirdly, the farm has a material right to the land on which it operates, the content of which is characterized by the right of lifelong possession of the inherited land;

Fourthly, the farm is the main entity operating in the country using leased land plots of agricultural production;

Fifthly, in the early years of independence, this form of management became a specific type of legal entity that went from a simple (primitive) organizational-legal form - a form of farming - to a diversified farm, and today - to a cluster form;

Sixthly, it is an integral part of the legal status of the farm, which is to be established and abolished as a legal entity.

References:

1. Comment to the Decree of the President of the Republic of Uzbekistan "On the Strategy of further development of the Republic of Uzbekistan". –Tashkent: Adolat, 2017. 29-p.

2. Decree of the President of the Republic of Uzbekistan "On the Strategy of Actions for the further development of the Republic of Uzbekistan" PR - No. 4947 of February 7, 2017 // Collection of Legislation of the Republic of Uzbekistan, 2017, No. 6, Article 70.

3. Azizov H.T, Askarov J.T, Berdikulov M.A, Mamalatipov F.A. Development of business legislation: national and foreign experience (Risola). –Tashkent: TSU, 2017. 7-p.

4. This Decree has lost its force in accordance with the Decree of the President of the Republic of Uzbekistan dated April 30, 2021 PR-6218 "On measures to systematize the national legal framework" // National Legislative Database, 30.04.2021, 06/21/6218 /0398.

5. This resolution becomes invalid according to the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan from April 30, 1999 of No. 192 "About modification and amendments in some decisions of the Government of the Republic of Uzbekistan and deeming some of them invalid".

6. Bulletin of the Oliy Majlis of the Republic of Uzbekistan, 2003, No. 9-10, Article 168.

7. Sattarova G. Problems of improving labor relations in farms // Collection of materials of the round table on "Problems of improving the legal framework of farms." –Tashkent: TSU, 2016. 72-73p.

8. Collection of Legislation of the Republic of Uzbekistan, 2003, No. 20, Article 200.

9. Tursunov Y. Civil legal problems of formation and activity of an agricultural cooperative (company farm): Candidate of jurisprudence ... diss. –Tashkent: 2004. 21-p.

10. Rajabov F.T. Improving the specialization and territorial structure of farms: Geography. Doctor of Philosophy (PhD) ... diss. –Tashkent: 2018. 34-p.

11. National Encyclopedia of Uzbekistan 9. "National Encyclopedia of Uzbekistan" State Scientific Publishing House. –Tashkent: 2005. 221-p.

12. Allayorov Sh.A. Theoretical issues of property reform and agricultural development in the agricultural sector: ... diss. –Tashkent: 2006. 42-p.

13. Rural development and prosperity. Practical guide. Team of authors. Responsible editor: doctor of legal sciences, prof. Sh.H.Fayziev. -Tashkent: "ILM ZIYO", 2009. 166-p.

14. National Encyclopedia of Uzbekistan 9. State Scientific Publishing House "National Encyclopedia of Uzbekistan". –Tashkent: 2005. 222-p.

15.Allayorov Sh.A. Theoretical issues of property reform and agricultural development in the agricultural sector: ... diss. –Tashkent: 2006. 42-p.

16.Allayorov Sh.A. Theoretical issues of property reform and agricultural development in the agricultural sector: ... diss. –Tashkent: 2006. 43-p.

17. A short dictionary of foreign words. (Compiled by S.M. Lokishin): M., Russian language. -1979.-Page 303.This quote T.Sh.Kallibekov's Peasant farm civil-legal status: Candidate of jurisprudence... diss. taken. –Tashkent: 1997. 60-p.

18.Rajabov F.T. Improving the specialization and territorial structure of farms: Geography. (PhD) ... diss. –Tashkent: 2018. 42-p.

19.Qallibekov T.Sh. Civil-legal status of the farm: Candidate of jurisprudence ... diss. –Tashkent: 1997. 32-p.

20. Ibid. 33-p.

21. Collection of Legislation of the Republic of Uzbekistan, 2004, No. 40-41, Article 433