

Eurasian
Research Bulletin



Types of right to self-employment in the water resources of farmer farms



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ABSTRACT

This article gives a brief overview of the formation of the types of right of farmer farms to use water resources.

Keywords:

Farmer Farming, Water Resources, Peasant Farming, Water Consumers, Natural Objects, Water Users, Ecological, Natural Resources.

The types of right of farmer farms to use water also play an important role in revealing the nature of this Law Institute. At the same time, as we noted above, it is appropriate to talk about the types of water consumption that apply to farmer farms.

In particular, article 211 of the law "on the use of water and water" specifies the types of water consumption. In the classification of water consumption in this norm, two criteria were based – the intended use and the amount of water extracted from the water object.

The textbook "right to water" states that the Institute of the right to use water in itself embodies several substitutions. These constitutions can be categorized according to the composition of the subjects and objects of the right to use water. For example, depending on the object of the right of legal entities to use water, the right of citizens to use water, the right to use water for agricultural purposes, the use of water for fishing, the use of water for energy purposes and so on.

According to the targeted use, water consumption is divided into drinking,

communal-household, treatment, spa, recreation, fisheries, industrial, energy, agricultural water consumption and other types. The water consumption of the farm enters the water consumption in agriculture according to the intended use. Also, according to the definition of the term in the legal literature, the use of water is long-term, short-term and limited, depending on the target direction, depending on the economic (municipal, industrial, transport, irrigation, etc.); nature protection; recreational; scientific; Complex water use differs. At the same time, according to the law "on the use of water and water", water consumption is divided into general and special water consumption, depending on the amount of water extracted from the water object. As noted in the legal literature, the right to general and special use will be subject to the requirement or non-availability of state permission to exercise the right to use natural resources.

The basis of the common right to use lies in the natural, inseparable and inseparable

connection of man with nature. The right to common use arises in a person as a necessity to lead a life out of natural objects and resources as its habitat (for example, the human body uses water, air and other natural resources for survival). Professor J.T.Holmo'minov noted that " at the moment, every person on earth will need from 3 liters to 790 liters of water per day. According to scientists from the sphere, water is a vital factor for the body, therefore, 70 percent of the body consists of water. Man lives 4-5 days without water and 50-60 days without food. If a 5 percent reduction in the amount of water in the body occurs dizziness, a 10 percent reduction will lead to death.

The importance of drinking water for the human body was well known by many scientists of the East. For example, Abu Ali ibn Sina, in the first volume of the book " The Law of Medicine", which brought a lot of information about the " quality of water", explained several ways that water is one of the necessary elements for human life, improving the properties of water"

H.Hayitov also touched upon this issue ,and in the work of Abu Nasr Forabi "the city of Fazel people", special attention is paid to the issue of water, because it is impossible for city residents to live without regulating water sources. Legislators and governors should pay great attention to the water problem, the rivers themselves. There is a lot of water in one place, and it is necessary to approach this problem with justice, so that someone is provided with water and others do not need water. He mentions the need to irrigate crops and, if necessary, dig public wells for the needy. This is the most important factor in living in cities".

This means that the right to common use arises from the right of a person to life, and therefore is carried out in an impartial, free manner without any special permission. In this regard, it should be noted that even in the legal literature, equality in the use of water as one of the important printsips of the right to water is indicated separately.

In Particular, S.J.Suleymenova emphasizes that the use of water for agricultural needs plays an important role in the issue of fair and qualitative use of Water Resources.

The right to general use of Natural Resources is characterized by the ownership of the population residing in the relevant territory to natural resources of equal rights over them. S.A.Bogolyubov noted that "the right to general use of nature is inseparable and inseparable from the subject and has a personal feature".

At the same time E.S.Boltanova noted that "the right to general use of nature is not considered absolute. Its implementation should not violate the rights and interests of other persons protected by law, as well as public interests." Indeed, the general use of natural resources, including water facilities, should be carried out in accordance with the rules of water protection, as well as the established procedures for the general use of water facilities. The right to general use is a necessary condition for citizens to exercise their right to a comfortable environment, enshrined in the law "on Nature Protection"(Article 12).

On the basis of the right to general use, natural resruses are used by an unlimited number of individuals. The issue of the general use of water is regulated by the law "on the use of water and water"and other legislative and legal acts. In particular, according to the law, the consumption of water by individuals for the purpose of satisfying their individual drinking, household, recreation, treatment needs, animal irrigation and other needs without the use of special facilities and devices that affect the condition of water and water facilities is the total water consumption (article 211)

V.V.As Abramov pointed out, "the general use of water is the use of water without the use of various facilities or technical means that can affect the condition of the water, while the special use is the use of water with the use of hydrotechnical devices or technical facilities."

General use of water is carried out without permission and restrictions (Article 28). Also, the general use of water and the general consumption of water in water facilities provided for secluded use are allowed by organizations that use these water facilities in accordance with the conditions established by the agriculture and water industry, ecology and environmental protection authorities, where necessary, such water use and water

consumption may be prohibited in accordance with the legislation (Article 29). At the same time, the legislative normative legal acts regulate how much water can be taken on the basis of the right to general use. In particular, the third paragraph of Paragraph 2 of the administrative regulation on the provision of public services for the special use of water or permission for the special consumption of water approved by the Cabinet of Ministers decree № 255 of March 31, 2018 "on the approval of certain administrative regulations for the provision of public services in the field of.

At the same time, Article 21 of the law "on the use of water and water" stipulates that the list of types of general use of water is determined by the Ministry of Agriculture and water resources of the Republic of Uzbekistan, the Ministry of Health, the state agency for Ecology and Environmental Protection, the state geological and mineral Resources Department. In our opinion, the list of types of general use of water should be developed and approved, and this document should clearly define how much water can be used (consumed) for each type of use. At the same time, when using water, it is not separated from the natural environment, it is not wasted. Therefore, it is worthwhile to determine the amount by another unit of measurement, for example, the duration, time of use.

At the same time, another issue is not regulated by the law "on the use of water and water", the rights and obligations of the general user (consumer) of water, as well as the issue of public control in this area. The rights and obligations of users and consumers of water as defined in Articles 32, 321, 35 and 351 of this law belong only to the special use of water in the content and logic.

In our opinion, the law "on the use of water and water" requires citizens to have equal rights in the general use (consumption) of water, to ensure the impartiality of the general use (consumption), to supplement the methods, quantities and other restrictive indicators, types of general use (consumption), control over the general use (consumption), including with the public control of this direction. It is

also desirable to include in Article 7 of this law the procedure for the general use of water facilities located on its territory as one of the powers of local government bodies in the sphere of regulation of water relations. That is, it is desirable for local authorities to clearly establish the procedure for the implementation of the general use of a water object in their area – bathing, fishing, watering animals.

Another issue is that in the above law it is desirable to stipulate that the privatization of land plots on which water bodies are located, which citizens use on the basis of the right to general use, is not allowed. The water consumption of the farmer's farm depends on the amount of water extracted from the water object and is considered a special water consumption. That is, the consumption of water, which is carried out by legal entities with the use of special facilities and devices that affect the state of waters and water bodies, is the consumption of special water.

Special water consumption can be included in some cases without the use of special facilities and devices, but also water consumption, which affects the condition of water bodies and water bodies.

The right to special use of natural resources, including water, is determined by legislative acts and establishes the requirements for alohid in relation to the subjects carrying out this activity and the activity itself. At the same time, there will be a special basis for the emergence, transformation and scoring of the right to special use of Natural Resources. The right to special use of Natural Resources allows to limit the scope of use of resources and the extent of their impact, as well as to impose disputes and disagreements that may arise in the joint use of a particular natural resource, and serves to ensure its rational use.

The right to special use of Natural Resources is based on the rule that natural resources are state property. The right to special use of natural resources can be directed to the entrepreneurial needs of the individual, citizen and juridical persons of the citizen, as well as to the provision of public benefits. At the same time, the right to special use of nature has a strictly targeted feature, that is, it must be used

for this purpose only for what purposes it is allocated.

The right to exclusive use of nature arises on the basis of a license, including legal legal facts – a contract, a document of the state authority, a special permit and is revoked.

The arbitrary possession of a natural object does not entail the right to special use of nature, but serves as the basis for bringing the guilty person to the appropriate responsibility. For example, the arbitrary use of water or the transfer of the right of private use of nature to others is a violation of the right of ownership of Natural Resources (Article 60 of the code of administrative responsibility), violation of the limits of obtaining water causes administrative responsibility for violation of the rules of water use and water consumption (Article 74 of the).

In particular, according to the data of the control over the agro-industrial complex under the Cabinet of Ministers, in 2021, in 10497 control measures on rational and effective use of water in artificial water facilities and compliance with the rules of water use, 6 431 cases of violations of law and order were detected. As a result of violations of the law and order committed by water consumers, in 655 cases, 180 hectares of agricultural land were puddled, in 1001 cases, the waters were abandoned without using Collector-drainage networks, in 785 cases 8655 thousand hectares of land were allocated from unauthorized areas without concluding a contract. M3 waters occupied. 2650 administrative statements were formalized in relation to the cases of gross violations of the law and amounted to 810,3 million manats. sum administrative and 1197 thousand 870,0 million. som financial penalty sanctions were applied.

List Of Literature:

1. The implementation of the law and other normative legal acts on the use and consumption of water is under control (05.05.2021 y.) // www.agroinspeksiya.uz-Ўзбекистон control over the agro-industrial complex under the Cabinet of Ministers of the Republic of Uzbekistan-official website
2. Xalma'minav.J.T. Water – the source of life // www.ekolog.uz -08.03.2019 y.
3. The memorial. X. History of water legislation // www.huquq.uz/2021/03/30/dep-16/ (30.03.2021 y.)
4. Suleymenova. S.J. Voprosi pravovogo regulirovaniya rasonalnogo ispolzovaniya transgranichnix Reg I vodoemov / / Vestnik Yuurgu. – 2015. – №2.
5. <https://ejedl.academiascience.org/index.php/ejedl/article/view/22>
6. Abramov.V.V. Dogovornoe regulirovanie vodopolzovaniya v Russiyskoy Federasii: Diss. ... the village. come on. what? - M., 2019. -
7. Boltanova.E.S. Pravovoe regulirovanie obtshego I Spesialnogo prirodopolzovaniya v Russiyskoy Federasii / / Vestnik Spbgu. Pravo. – 2018. - T.9. VIP. 4.