



Priority Directions of the Prosecutor's Control Over Law Enforcement in the Field of Land in the Republic of Uzbekistan

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ABSTRACT

In this article, the legislation related to land in the Republic of Uzbekistan, the state policy in the effective use of land, and the role of the prosecutor's control in this direction are discussed. Also, according to the newly introduced regulation, the changes made to the legislation in the field of land were analyzed.

Keywords:

land, plots of land, prosecutor's control, arbitrary acquisition of land, irrigated land areas, registration, measures

In accordance with Article 55 of The Constitution of the Republic of Uzbekistan, land, underground resources, water, flora and fauna and other natural resources are national wealth, they must be used wisely and are under state protection.

Land is strategically the most important natural resource. Therefore, ensuring legality in the purposeful and effective use of land is one of the priority tasks of the state.

In recent years, systematic work has been carried out in the republic to ensure rational and purposeful use of land plots, their protection, development of new lands and re-circulation.

However, the non-compliance with land laws, the purposeless and inefficient use of land plots, including the construction of illegal facilities, as well as the arbitrary occupation of land, require the introduction of a unified control system through the widespread use of digital technologies and further strengthening of cooperation between competent authorities.

Establishing a system of effective use of land plots, preventing the looting of land,

especially agricultural land, and accelerating digitization processes in the field through the wide introduction of information technologies to these processes is one of the most urgent issues of today.

In particular, during the past two years, in more than 50,000 cases, 6,000 hectares of irrigated land and 10,400 hectares of other lands were arbitrarily occupied and illegal constructions were made. 492 persons were brought to criminal responsibility for their actions related to land sale and robbery¹.

At the video selector meeting held by the head of our state on June 8, 2021 on "Issues of ensuring employment of the population through the development of agriculture and entrepreneurship and increasing the volume of food products", it was discussed that the issue of allocating land plots is the most complex problem and has turned into a corrupt process. At the meeting of the video selector, the President said, "It is not necessary to divide the land like this, but first of all it is necessary to educate people. We will start giving the land to

¹ <https://m.minjust.uz/uz/press-center/news/101962/>

its real owners - the people. This is a historic step," he emphasized.

The adoption of Decree No. DP-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" is based on equal, transparent and market principles of land allocation for all played an important role in the introduction of the land-based system, in ensuring stability in property and legal relations related to land, in protecting land, guaranteeing the property rights of land owners, as well as in introducing it into free circulation as an object of civil legal relations by determining the economic value of land.

Based on this Decree, the procedure for allocating land plots to the private sector - on the basis of ownership and lease rights, to state bodies, institutions, enterprises, citizens' self-management bodies - on the basis of the right of permanent use, the procedure for allocating land with the right of permanent ownership, permanent ownership, temporary use to be inherited is canceled. In which such rights to previously allocated plots of land are retained by their owners in the current order, in the event that the property rights to the real estate object built in the manner prescribed by law on the leased plot of land are transferred to another person, together with the property rights to this object, the lease right to the plot of land on which it is located is also new it was determined that agricultural land will be transferred to the owner, according to the results of an open electronic competition in which all types of agricultural producers can participate, only on the basis of lease.

At the same time, lands not intended for agriculture should be sold through online auctions on the basis of property rights and lease rights, land plots should be allocated to state organizations for state and public needs with the right of permanent use by the decision of the Council of Ministers of the Republic of Karakalpakstan, governors of the regions and the city of Tashkent. In all cases, land plots were

separated only from vacant and reserved lands, taking away a plot of land with the same document or at the same time, taking it into reserve, allocating it to another person is considered a violation of the order of land allocation and is the basis for prosecution in accordance with the law.

In addition, analyzes show that agricultural and non-agricultural land areas are arbitrarily occupied and illegal constructions are still ongoing due to the irresponsibility of the leaders and responsible employees of local governments, agricultural organizations and enterprises, cadastral agencies, and construction departments.

In particular, as of October 25, 2021, in 702 cases, 148.8 hectares of land, of which 106 hectares in 284 cases are agricultural land, 42 hectares in 418 cases of non-agricultural land, were arbitrarily occupied by individuals and legal entities².

Direct allocation of land plots related to land relations of local government bodies in order to preserve the state land fund, especially to prevent the depletion of agricultural land areas, food shortages, as well as to drastically reduce corruption cases in the process of allocating land areas for construction purposes, putting it into use, reserving it for future allocation, attaching it, giving it for improvement or disposing of land in another way, determining, recognizing, changing, canceling the rights to land plots, transferring irrigated land to the category of non-irrigated land or another land category, reclassifying non-irrigated agricultural land to other transfer to the land category, allotment of land for community gardening, viticulture and policing and auxiliary agriculture, investment obligations in relation to privatized land plots or other obligations that limit the free disposal of private property the right to make a decision, order or other type of document regarding ash has been revoked.

The analysis of the practice of law enforcement shows that the cases of corruption in the allocation of irrigated land for agricultural purposes, in particular, negative cases such as

² J. Zaripov. "Problems in the land allocation system and their solutions". Article. <https://jizzax.uz/7313-er->

[azhratish-tizimidagi-muammolar-va-ularga-echimlar.html](https://jizzax.uz/7313-er-azhratish-tizimidagi-muammolar-va-ularga-echimlar.html).

falsification of documents, abuse of official powers, deviating from the scope of official powers, taking bribes, are increasing sharply.

The introduction of these changes into the legislation was of great importance in effective and purposeful use of land areas, in preventing the looting of irrigated land areas intended for agriculture, in reducing the occurrence of food shortages, and in preventing corrupt situations.

In order to further strengthen control in the field of rational use of land plots and their protection, the Decision of the President of the Republic of Uzbekistan dated February 21, 2022 "On measures to increase the effectiveness of state control over the use of land plots" was adopted, and additional tasks were assigned to the prosecutor's office.

In particular, establishing regular control over the timely and complete implementation of the activities set out in the republican and local programs related to the allocation of land plots, the development of new lands and the introduction of them into agricultural circulation, and the continuous monitoring of the requirements set out in the Land Code in the allocation of agricultural and non-agricultural land plots, implementation of control, continuous monitoring of the single electronic "E-decision" system of development, agreement and registration of decisions of local state authorities, as well as considering measures of influence against decisions that are not in accordance with legislation.

Also, early detection of cases of arbitrarily occupying and illegal use of plots of land and the establishment of strict prosecutor's control over ensuring the inevitability of punishment for offenders, regularly studying the state of compliance with land legislation, forming a unified practice of law enforcement in the field, advanced foreign experience on the basis of preparation of proposals for rational use of land, study of purposeful spending of funds of the agricultural development and food supply fund, as well as relevant extra-budgetary funds directed to the sector, funds of international financial institutions and foreign government financial organizations, the main

tasks and directions of activities of the prosecutor's office in this field was defined as.

In order to effectively organize the execution of additional tasks assigned to prosecutor's offices, the Department of Prevention of Land Resources Robbery, which consists of 8 state units within the General Prosecutor's Office of the Republic of Uzbekistan, and the Land Resources Department, which consists of a total of 56 state units, in the prosecutor's offices of the Republic of Karakalpakstan, regions and Tashkent city Departments for the prevention of looting of resources were established and are now effectively serving in the implementation of the prosecutor's control over the implementation of laws in this field.

Newly established Departments and Departments were tasked with the implementation of the tasks assigned to the General Prosecutor's Office and regional prosecutor's offices in order to coordinate activities aimed at early detection and prevention of land law violations by the Decree of the President of the Republic of Uzbekistan No.DPN^o6243 of June 8, 2021.

At the same time, the cadastral agency should determine the cases of non-transfer of the rights to all types of land plots and buildings, regardless of the land category, take measures to prevent arbitrary acquisition of land plots and arbitrary changes of their borders, strengthen state control over the purposeful use of land, it is necessary to assist the prosecutor's office in this area.

Another feature of the effective functioning of the mechanisms specified in this Decree is that now it is provided that 10% of the funds received from the collection of damages to the state's interests in cases of violations of the law on land determined by the initiative of law enforcement bodies will be transferred to the extra-budgetary funds of these bodies.

At the same time, it was established that it is strictly prohibited to engage the employees of the newly established structural structures in the prosecutor's office to work other than the duties assigned to them.

Despite the ongoing works and existing prohibitions, there are cases of arbitrary

acquisition of irrigated lands, issuance of cadastral documents and state registration of buildings and structures on the basis of fake and unverified decisions of collective farms (companies).

The prosecutor's office regularly monitors the timely and complete implementation of programs related to the allocation of land plots, the development of new land, as well as compliance with the Land Code in the allocation of non-agricultural land plots.

In this sense, the implementation of the decision of the President of the Republic of Uzbekistan dated February 21, 2022 "On measures to increase the efficiency of state control over the use of land" by the prosecutor's office was monitored.

Also, as indicated in the decision, systematic work has been organized in connection with the surveying of lands belonging to enterprises and organizations and studying their effective use.

Currently, working groups organized in district prosecutor's offices are reviewing the decisions of local representation and executive authorities on land allocation.

In this case, the decisions of regional and district-city hokims on land allocation are being processed and all of them are being made into electronic form.

At the same time, copies of these decisions are regularly submitted to district (city) sector heads and deputy mayors to ensure the state registration of rights to land plots.

The work being carried out and these opportunities serve to increase the effectiveness of the prosecutor's control over the implementation of legislation in the field.

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