

Analysis Of Technical And Legal Norms For The Privatization Of Land Plots.

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Annotation: one of the main goals of the state policy in the field of land relations is to create and ensure conditions for the effective use of state land resources, the introduction of private ownership of land and the creation of a land market. In this regard, the central element of the land reform was the emergence of the right of private ownership of land, its consolidation and guarantee. To date, the privatization process has not been completed, most likely it will take a long time. This article provides information on the technological stages of land privatization, organizational and technical measures carried out on them and their results.

Keywords: land plot, land reform, private property, privatization, non-agricultural land, property right, rental right, physical and legal entity, land market.

Аннотация: одной из основных целей государственной политики в области земельных отношений является создание и обеспечение условий для эффективного использования государственных земельных ресурсов, введение частной собственности на землю и создание рынка земли. В связи с этим центральным элементом земельной реформы стало появление права частной собственности на землю, его закрепление и гарантии. На сегодняшний день процесс приватизации не завершен, скорее всего, это займет много времени. В данной статье представлена информация о технологических этапах приватизации земли, проводимых на них организационно-технических мероприятиях и их результатах.

Ключевые слова: земельный участок, земельная реформа, частная собственность, приватизация, земли несельскохозяйственного назначения, право собственности, право аренды, физическое и юридическое лицо, рынок земли.

Introduction. Land ownership relations and its distribution and efficient use of land resources have always been a major issue and one of the main challenges in any society. In this context, it is important to study the system of land ownership in developed and developing countries of the world in order to improve the use of land resources in our country. In order to ensure the implementation of the Law of the Republic of Uzbekistan “On the privatization of non-agricultural land plots” and Decree of the President of the Republic of Uzbekistan dated June 8, 2021 No. PF-6243 “On measures to ensure equality and transparency in land relations, reliable protection of land rights and their transformation into a market asset”, Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 71 dated February 14, 2022, and currently the land plots have been transferred to the private sector — property and rental rights, and to state bodies, institutions, enterprises, and self-government bodies of citizens - on the right of permanent use.

Methods. One of a number of legislative acts aimed at regulating land relations adopted in Uzbekistan is the Resolution of the Cabinet of Ministers No. 71 On measures to implement the Law of the Republic of Uzbekistan “On Privatization of Non-agricultural Land”, on the basis of which the results of the work carried out were studied on the basis of economic, statistical, comparative and other analysis.

Results. According to the results of the analysis, the following processes are currently carried out on the privatization of land plots :

- Privatization of land plots owned by citizens and legal entities of the Republic of Uzbekistan on the basis of permanent use (ownership), lease and hereditary lifetime ownership;
- realization of land plots for the implementation of entrepreneurial and urban planning activities by electronic online auction on the basis of property rights and rental rights;
- realization of plots of land for individual housing and improvement of housing by electronic online auction on the basis of property rights.

The privatization of land plots belonging to citizens and legal entities of the Republic of Uzbekistan on the right of their permanent use (ownership), lease or lifelong inheritance is carried out through the “AAT” “land privatization”. They apply to public service centers upon their own arrival or apply for public services

electronically by registering with the traffic police. A fee is charged for processing the application. The application is sent to Land Privatization JSC for consideration by the district (city) department of construction and Housing and Communal Services, the district (city) department of the State Cadastral Chamber.

From the date of receipt of the application, the district (city) branch of the state Cadastral chamber checks:

- compliance of the information on the land plot and the rightholder specified in the application with information from the state register of rights to immovable property;

- compliance of information about the Rightholder of the privatized land plot with information about the owner of buildings and structures located on this land plot;

- the presence of a ban or prohibition in relation to real estate located on a privatized land plot;

- compliance of the boundaries of the land plot with cadastral documentation, based on the location of the land plot.

And the district (city) department of construction and housing and communal services considers the compliance of the location of the land plot with the approved documents on urban planning for the development of the territory (settlement or territory between them) on which the land plot specified in the application is located, and on their construction.

Based on the results of consideration of the application, it forms a notification containing information about the approval or rejection of the application, and sends it to the applicant through the traffic police or the public services center. In case of approval of the application, "land privatization" is attached to the notification with the formation of an invoice for the purchase of a land plot based on the "AAT" data.

The cost of acquiring a privatized land plot is calculated using the formula:

- for land plots granted to legal entities on the right of permanent use (ownership) or lease:

$$S = Kyur \times S + V + T;$$

- for land plots belonging to citizens of the Republic of Uzbekistan on the right of lifelong inheritance, permanent use (possession) or lease:

$$S = Kj_{is} \times S + V + T;$$

in this:

S — purchase price of the privatized land plot (in sums);

Kyur, Kj_{is} — when determining the purchase price for legal entities and individuals, the base tax rate established on the same day in the cities of Tashkent and Nukus, as well as in regional centers, is 10 times, in other regions 5 times (in total per 1 square meter);

S — the area of the privatized land plot (in square meters);

V — Resolution of the Cabinet of Ministers dated July 10, 2014 No. 186 "On improving the procedure for a differentiated approach to setting prices for public services in the field of state cadastre" based on established rates for services for issuing extracts from the state register and registration of real estate (in amounts);

T — the amount of the fee for the preparation of the topographic plan of the land plot and the adjacent territory (in sums), calculated at the rate of five times the basic calculation per hectare of land area.

The applicant pays the cost of purchasing a land plot within 10 working days. In case of timely and full payment of the cost of acquiring a land plot, the person granting ownership of the land plot forms a state warrant in accordance with the established procedure and sends it for signature to the territorial departments of the State Asset Management Agency. In case of incomplete and untimely implementation of the purchase price of the land plot, prepares a notification of refusal to privatize and sends it to the applicant through the public services center or the traffic police.

The territorial departments of the Agency for the Management of State Assets within 1 working day put an electronic digital signature on the state warrant for ownership of the land plot and send it to the territorial administration of the State Cadastral Chamber.

The Office of the State Cadastral Chamber carries out state registration of ownership of a land plot on the basis of a state warrant after its issuance. An extract from the state register of rights to real estate objects, together with a state warrant, is sent to the applicant through the traffic police or to the public services center.

The Center for Public Services or the Traffic Police sends an extract from the state warrant and the state register of rights to real estate to the applicant's e-mail address and informs the applicant about it through information and communication technologies.

In market conditions, its constant and continuous redistribution is observed in order to ensure and also stimulate more efficient land use. Such redistribution occurs mainly through the purchase and sale of land plots.

Today, the land market is being formed in Uzbekistan and the number of Land-related transactions is growing, and an important role in this is played by rising real estate prices in large cities.

Let's take the example of the Bukhara region as an example of the result of a number of reforms aimed at introducing an equal, transparent and market-based procedure for allocating land plots, ensuring the stability of land property and legal relations, protecting land, guaranteeing the property rights of landowners, as well as the free circulation of land as an object of civil relations by establishing its economic value.

Currently, more than 2,631 applications for the privatization of non-agricultural land plots have been received in the Bukhara region. Of the 924 applications received by the district (city) department of Construction and Housing and Communal Services, they were rejected for some reason. 374 cases of applications have been positively resolved. The remaining applications are under consideration, and data is generated based on the results of consideration of applications (Table 1).

Analytical table of district (urban) construction and housing and communal services on privatization of non-agricultural land plots owned by citizens and legal entities of the Republic of Uzbekistan

Table 1.

№	Area	Total number of requests	In this, in the review	Construction district (city) department		
				in process	positive	rejected
1	Bukhara city	1 302	4	4	374	924
2	Kogan city	66	1	1	24	41
3	Bukhara district	222	1	1	45	175
4	Vobkent district	189	1	-	75	109
5	Jondor district	73	2	2	29	37
6	Kogan district	117	-	-	37	80
7	Karakul district	31	1	1	27	3
8	Karaulbazar district	46	1	-	16	29
9	Alat district	43	-	-	35	8
10	Peshku district	18	-	-	13	5
11	Romitan district	209	1	-	123	80
12	Shafirkan district	78	-	-	48	29
13	Gijduvan district	237	-	-	83	153
Total		2 631	12	9	929	1 673

And applications received by the district (city) branch of the state cadastral chamber must have a final conclusion within 5 working days. Currently, 1109 applications have been rejected from the applications received by the district (city) branch of the State Cadastral Chamber in the Bukhara region. And the number of applications with a positive conclusion is 189. (Table 2)

Analytical table of the district (city) branch of the State Cadastral Chamber for the privatization of non-agricultural land owned by citizens and legal entities of the Republic of Uzbekistan

Table 2.

№	Area		Branch of the Cadastral Chamber
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		Total number of requests	In this, in the review	in process the	positive	rejected
1	Bukhara city	1 302	4	4	189	1 109
2	Kogan city	66	1	1	28	37
3	Bukhara district	222	1	-	56	165
4	Vobkent district	189	1	-	92	93
5	Jondor district	73	2	2	35	32
6	Kogan district	117	-	-	51	66
7	Karakul district	31	1	-	5	26
8	Karaulbazar district	46	1	-	4	42
9	Alat district	43	-	-	12	31
10	Peshku district	18	-	-	12	6
11	Romitan district	209	1	-	50	159
12	Shafirkan district	78	-	-	27	51
13	Gijduvan district	237	-	-	95	142
Total		2 631	12	7	656	1 959

Conclusion. The task of developing land relations in the country poses the need for a more accurate and systematic accounting of land resources. In a more detailed assessment of the value of the territory, it is necessary to take into account such factors and conditions that affect the market value of the land plot, as the presence of easements (imposed obligations-private and external), the presence of direct noise within the immediate neighbors of the land plot, proximity to houses, the presence of playgrounds and recreational green spaces, and others.

Taking into account the above, as well as based on local conditions, the following important practical issues can be resolved:

Firstly, one of the main goals is to turn Land into an object of civil turnover and increase the number of assets in the hands of people. Misinterpretation of the law by the authorities responsible for the privatization of land, etc. The reason is that this process is slow, and applications for land privatization are rejected for various reasons. The land market develops significantly when administrative authorities teach ways to eliminate the causes of refusal, not dealing only with refusal, and provide support to landowners;

Secondly, the application of settlement and market prices by valuation zones in the territory of the city (district) in the context of land relations settlement in the absence of a developed land market, as well as differentiation based on this of basic rental rates for land plots, including by types of land use and categories of tenants;

Thirdly, when transferring land plots to ownership, obtaining a bank loan secured by a land plot, establishing collective shared ownership of land, inheriting or donating land plots, it should also provide for the use of various coefficients for assessment zones.

List of used literature.

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