



SPECIFIC ASPECTS OF CANCELLATION OF PROPERTY RIGHTS TO PRIVATE LAND PLOT OF LEGAL AND NATURAL PERSONS

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From time immemorial, rational use of land, application of modern technologies in this field has been considered an urgent task. Today, special emphasis is placed on the land factor in the socio-economic life of our country. In this regard, some measures were taken to adopt legal norms on privatization in order to change the attitude to land and develop its use as private property. In particular, the Decree of the President of the Republic of Uzbekistan No. PF-6243 of June 8, 2021 "On measures to ensure equality and transparency in land relations, reliable protection of land rights and their transformation into a market asset" In paragraph 2, starting from August 1, 2021, it was established that land plots will be allocated to the private sector - on the basis of property and lease rights, on 11/15/2022, the law "On Privatization of Non-Agricultural Land Plots" was adopted. Also, in order to implement this law and determine the procedure for land privatization, according to the decision of the Cabinet of Ministers dated February 14, 2022 No. 71, citizens and legal entities of the Republic of Uzbekistan are entitled to permanent use (ownership), lease and lifetime ownership rights The administrative regulation on the provision of state services for the privatization of land plots was approved.

This Regulation specifies the procedure for rendering public services for the privatization of non-agricultural land plots belonging to citizens and legal entities of the Republic of Uzbekistan on the basis of the right of permanent use (ownership), lease and inheritance for life. determines.

Although the law "On Privatization of Non-Agricultural Land Plots" will be adopted in 2022, it is not mentioned when and under what circumstances the right of a person who owns a private plot of land to the land will be revoked. was clearly defined in the law and not in the land code. Article 36 of the Land Code provides grounds for the cancellation of the right to own the entire land plot or a part of it, or the right to use it permanently or temporarily, as well as the right to rent a land plot. According to it:

- 1) in case of voluntary relinquishment of the plot of land;
- 2) at the end of the land plot grant period;
- 3) when a legal entity is terminated;
- 5) when the employment relationship, which is the basis for giving a check for use in the service, is canceled, unless otherwise provided by law;
- 6) when the plot of land is used for purposes other than those specified;
- 7) when the land plot is not used rationally, it is expressed in the fact that the level of productivity for agricultural land is lower than the norm (according to the cadastral assessment) for three years;
- 8) in the case of using the land plot in ways that lead to a decrease in soil fertility, its contamination with chemical and radioactive substances, and deterioration of the ecological situation;
- 9) when the land tax is not regularly paid in the terms specified in the legislation, as well as the rent in the terms specified in the lease agreement;



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10) if the land plot given for agricultural needs has not been used for one year and the land plot given for non-agricultural needs has not been used for two years;

11) if the plot of land has not been used within two years after the purchase of the warrant giving the right to bequeathed life-long ownership on the basis of an auction, and if the right to bequeathed life-long ownership to the land is pledged - if it has not been used during the term of the pledge agreement. Unused land plots will be taken away with compensation of the value paid by their previous owners;

12) in accordance with the decision of the presidium of the district councils of farmers, peasant farms and estate land owners, it is established that the membership of the farmer or peasant farm in the Council of Farmers, peasant farms and estate land owners of Uzbekistan is terminated. However, we cannot use any of these grounds to cancel the right to a plot of land that belongs to a person on the basis of property rights. The reason is that, first of all, at the beginning of this article, it is stated that the above grounds are grounds for cancellation of the right of ownership or the right to permanent or temporary use, as well as the right to rent a plot of land. Secondly, if the right to a private plot of land is revoked on these grounds, Article 65 of the Constitution of the Republic of Uzbekistan provides for the inviolability of private property, the owner may be deprived of his property except in the cases and procedure provided for by law and without a court decision. It was clear that it contradicted the provisions of the Civil Code and the requirements of the Law "On Protection of Private Property and Guarantees of Owners' Rights".

In order to prevent such conflicting situations, it was necessary to determine the grounds for invalidation of the private property right to land, while guaranteeing the rights to land of persons who own private plots of land.

On October 23, 2023, the law "On amendments and additions to certain legal documents of the Republic of Uzbekistan in connection with the improvement of land legislation" was adopted. According to it, the Land Code was supplemented with Article 34 and it was established that this article regulates the grounds for cancellation of ownership rights to a plot of land that is the private property of legal entities and individuals.

According to this article, the right of ownership to a plot of land privately owned by legal entities and individuals is revoked in the following cases.

First, when the property right to a plot of land, as well as buildings, structures or other immovable property, together with the plot of land on which they are located, is transferred to another person in accordance with the procedure provided for by civil legislation. For example, a citizen sells a house owned by him to another citizen under a sales contract, in which the plot of land on which the house is located (even if the plot is private) is transferred to the new buyer, and the old owner of the house owns the land. The property right will be void.

Secondly, when land plots for public needs, as well as buildings, structures or other immovable property are repurchased together with the land plots on which they are located. That is, as we know, if the plot of land is private, the land can be obtained from the owner of the land for the needs of the community only by purchase. And when such situations arise, the owner's ownership right to the land is canceled.

Thirdly, when the land plot, as well as buildings, structures or other immovable property are confiscated together with the land plots on which they are located, in the cases specified by law. In this case, even if the immovable property located on a private plot of land or the plot of land itself is taken from the owner without paying a fee for committing a crime or other offense in accordance with the court's decision, the owner's ownership right to the land is void. ladi

Fourthly, when the land plot, buildings, structures or other immovable property is requisitioned together with the land plots on which they are located, in the cases specified by the law. That is, in the event of natural disasters, accidents, epidemics, epizootics and other emergency situations, a plot of



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land is seized from the owner in accordance with the decision of the state authority in the interests of the community, paying the value of the land to him in accordance with the procedure and conditions established by law. even in this case, the ownership right to the land will be void.

Fifthly, when the levy is directed to a plot of land according to executive documents. For example, if a citizen failed to fulfill his obligations under a loan agreement and, based on the court's decision, a mandatory enforcement order was issued for the collection of debt, the right of ownership to the tenant will be canceled if the collection is directed to the land that is the private property of the owner.

However, as an exception, Article 37 of the Land Code was amended as follows. In the event of the circumstances specified in the first part of this article, if there is no need to requisition the land plot, the land plot can be occupied for temporary use during the validity period of these circumstances, and the owner of the land plot will be compensated for the damages caused due to the temporary limitation of his rights. If it is not possible to return the temporarily occupied land plot, its owner will be compensated for the market value of this land plot and other damages caused due to the impossibility of returning the land plot.

From the norms of the new Article 34 above, it is understood that the invalidation of the property right to a private plot of land is fundamentally different from the grounds of Article 36 of the Land Code. In addition to the full provision of the constitutional rights of the persons who own the plot of land, the grounds for invalidating their ownership rights to the land are specified in the article. Supplementing the Land Code with this article related to grounds for revocation of the right to land parcels belonging to individuals and legal entities on the basis of property rights, and changes and additions may occur in practice. helps to prevent conflict situations and to form a unified law enforcement practice.

REFERENCES

1. Land Code of the Republic of Uzbekistan.
2. Law of the Republic of Uzbekistan "On Farms".
3. Textbook "Land Law" 2019