

THE LEGAL GROUNDS FOR THE EMERGENCE OF RIGHTS TO LAND PLOTS

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Abstract: Today, across all regions of the Republic of Uzbekistan - especially in the capital city, Tashkent - the buying and selling of real estate, including land plots, buildings, structures, unfinished construction projects, perennial trees, and enterprises as property complexes, has become increasingly active. Despite this growth, the process of registering property rights with the state remains a crucial step. Since gaining independence, Uzbekistan has established the legal framework for private ownership. However, from the 1990s to the present day, the system for registering property rights has undergone significant changes. This article explores how the procedure for state registration of real estate in Tashkent has developed over the years, what legal reforms have been introduced, and what strengths and weaknesses exist in the current system.

Key words: State registration system of real estate, Personal property, Right to private ownership, Right of residence, Land plots, State cadastre system, Paper-based documents, Geographic Information System (GIS)

ОСНОВАНИЯ ВОЗНИКНОВЕНИЯ ПРАВ НА ЗЕМЕЛЬНЫЕ УЧАСТКИ

Аннотация: В настоящее время на всей территории Республики Узбекистан, особенно в столице — городе Ташкенте, значительно ускорилась купля-продажа недвижимого имущества, включая земельные участки, здания, сооружения, незавершённые строительные объекты, многолетние насаждения, а также предприятия в составе имущественных комплексов. При этом процесс государственной регистрации прав на недвижимость по-прежнему остаётся одним из важных этапов. Хотя после обретения независимости в Узбекистане было сформировано право частной собственности, с 1990-х годов до настоящего времени в этой сфере произошли значительные изменения. В данной статье анализируется, как развивался порядок государственной регистрации недвижимости в городе Ташкент на протяжении последних лет, какие правовые изменения были внедрены, а также рассматриваются преимущества и недостатки современной системы.

Ключевые слова: Система государственной регистрации недвижимости, Личное имущество, Право частной собственности, Право на проживание, Земельные участки, Государственная кадастровая система, Документы в бумажной форме, Географическая информационная система (ГИС)

YER UCHASTKALARIGA BO'LGAN HUQUQNI VUJUDGA KELISH ASOSLARI

Annotatsiya: Bugungi kunda O'zbekiston Respublikasining butun hududlarida, ayniqsa poytaxt Toshkent shahrida ko'chmas mulk jumladan, yer uchastkalari, binolar, inshootlar, qurilishi tugallanmagan obyektlar, ko'p yillik dov-daraxtlar, mulkiy majmua sifatidagi korxonalar oldi-sotdisi tezlashgani bilan, uni davlat ro'yxatidan o'tkazish jarayoni hali ham muhim bosqichlardan biri bo'lib qolmoqda. Mustaqillikka erishganimizdan so'ng, O'zbekistonda xususiy mulkchilik huquqi shakllangan bo'lsa-da, 1990-yillardan to hozirgacha bo'lgan davr mobaynida bu jarayonda sezilarli o'zgarishlar sodir bo'ldi. Ushbu maqolada Toshkent shahrida



ko'chmas mulkni davlat ro'yxatidan o'tkazish tartibining o'tgan yillar davomida qanday rivojlanganligi, qaysi huquqiy o'zgarishlar amalga oshirilgani va hozirgi tizimning afzalliklari hamda kamchiliklari tahlil qilinadi.

Kalit so'zlar: Ko'chmas mulkni davlat ro'yxatidan o'tkazish tizimi, Shaxsiy mulk, xususiy mulk huquqi, Yashash huquqi, Yer uchastkalari, Davlat kadastr tizimi, Qog'oz shakldagi hujjatlar, Geografik axborot tizimi

Introduction: The system of state registration of rights to real estate in Tashkent in the 1990s–2000s, that is, this period is characterized by the formation of private property rights in Uzbekistan and the gradual development of the state registration system. During this period, the first step towards leaving the Soviet-era system and introducing amendments to the legislation for the first time was taken at this stage. In 1990, the right to own real estate was based on Soviet legislation, and the ownership of personal property was limited. Citizens had the right to live only in a house or apartment allocated by the state, but it was difficult to sell or bequeath it. Ownership of land and land plots was strictly regulated in accordance with the legislation of the Soviet Union, and the possibility of owning private property was practically non-existent. The land belonged to the state, and citizens had only the right to use it. That is, it was impossible to turn land plots into personal property. During the Soviet era, land allocated for agricultural or residential purposes belonged to the state, and citizens could not purchase it as personal property. For example, even if a farmer had farmed his land for many years, he did not own it and had no right to sell or bequeath it. It was impossible to sell or buy a land plot. If a person owned a plot of land or a summer cottage on the outskirts of the city, he did not buy this land, but received it from the state for temporary use. For example, citizens engaged in gardening received a small plot of land from the state, but did not have the right to sell or bequeath it to another person. In addition, land allocation was carried out exclusively by the state. Citizens could not independently purchase land for the construction of a private house. If someone wanted to build a house, they had to wait for many years to receive land from local authorities and build a house on a plot allocated by the state. For example, young families applied to the state to own their own homes and waited for land to be allocated. There have also been cases of illegal land acquisition. In some cases, citizens have made secret agreements to circumvent state restrictions. For example, if a person wants to transfer his garden plot to another person, it is indicated in official documents that the land was transferred to another person through an “exchange”, but in reality this was an illegal sale. After Uzbekistan gained independence on August 31, 1991, the state was forced to fundamentally revise its property policy. While in the previous Soviet period, private property ownership was limited, after independence, private property rights began to be recognized. Private property rights The Constitution of the Republic of Uzbekistan, adopted on December 8, 1992, officially recognized the right to private property. This change gave citizens the right to own housing, land plots and other real estate, to sell it, to bequeath it and to donate it. With the introduction of private property rights, there was a need for state registration of land and real estate and the formation of a cadastral system. Previously, land and houses were on state accounts, but the laws introduced in the new order allowed citizens to formalize these properties in their own names. Since 1992, citizens in Tashkent have had the opportunity to register their housing as private property. This has created the basis for the strengthening of property rights and the development of the property market. That is, if a citizen living in Tashkent lived in an apartment allocated by the state until 1992, that apartment did not belong to him. However, after 1992, citizens have had the opportunity to convert their living quarters into personal property and acquire official ownership based on cadastral documents. After Uzbekistan gained independence, the introduction of private property rights, regulation of property relations, and development of



the real estate market have become one of the important tasks for the state. Notary offices, local authorities, and state cadastral offices actively participated in this process. Despite the official recognition of private property rights in the early 1990s, the legal framework for legalizing property transactions was insufficient. Therefore, notary offices were given a number of powers, namely, the authority to execute property purchase and sale contracts, certify inheritance and gift documents, and conduct state registration of transactions related to personal property rights. This created legal guarantees for property owners and laid the foundation for the formation of the real estate market. Initially, various state agencies were involved in regulating real estate rights and formalizing citizens' ownership rights. For example, local authorities were involved in registering private housing and issuing property documents. The Ministry of Justice and notary offices were empowered to approve purchase and sale contracts, execute inheritance deeds, and legally protect personal property transactions. The Committee for Land Resources and State Cadastre was responsible for creating a special system for officially registering property rights. These systems allowed citizens to legally register their property and freely use it in the future. After that, in 1997, a draft law "On State Registration of Rights to Real Estate" was developed. This law clearly defined the procedure for documenting private housing and land plots, improved the mechanism for state registration of rights to real estate. It accelerated the process of forming a private housing market in the city of Tashkent. This law was an important step in protecting the rights of owners and regulating property sales. In 1998, the state cadastral system was formed for the first time in the city of Tashkent. This system served to make the process of documenting and registering property more transparent and accurate. Through the cadastral system, cadastral numbers were assigned to housing and official documents began to be issued to property owners. The cadastral system also helped to legally regulate the issues of boundaries between state and private property.

In the 2000s, large-scale reforms were carried out in Uzbekistan to develop the real estate market, strengthen private property rights, and liberalize the housing sector. This process became especially active in Tashkent. Protecting real estate rights, improving the cadastral system, and clearly regulating ownership relations became one of the main tasks. During this period, citizens gained the right to own their property and freely dispose of it. The processes of formalizing purchase and sale contracts through notary offices, bequeathing and donating housing were simplified. Private housing construction expanded in Tashkent, and new residential buildings and modern apartments began to be built. The state cadastral system was updated to formalize and regulate property rights. Previously, the conversion of land plots into private property was a complicated process, but later work was carried out to liberalize the land market and make it easier. Land plots began to be sold through electronic auctions. This has given rise to large-scale projects and the construction of new residential areas, especially in Tashkent. With the growth of the city's population and the increasing demand for housing, new construction projects have been implemented. Modern apartment buildings, business centers and residential complexes are becoming more and more numerous.

In fact, state registration of rights to real estate, in particular land plots, is an important component of the development of any city. In Tashkent, this process has been reformed in several stages since the years of independence. The registration system, which was previously carried out on paper, is now partially or fully digitized, which ensures the speed and transparency of the process. After independence, Uzbekistan adapted the procedures for registering ownership of land plots and rights to them to the changes. In Tashkent, this process, i.e., the previous system (until the 2000s), involved the submission of paper documents - documents for



registration in person to the cadastral authorities. In addition, it required direct application to state agencies - going back and forth between notaries, local authorities, cadastral and tax authorities, and standing in line to apply. The problem of determining land boundaries, i.e., measuring work, was carried out manually, sometimes with errors. Before the long registration process, it took months to obtain confirmation of the legal status of a land plot. Bureaucratic delays and excessive requirements, illegally speeding up the process, created corruption factors. The current system has completely changed (after 2020), and the transition to electronic systems has begun. Now, a system of submitting applications through the "Single Interactive State Services Portal" (my.gov.uz) or public service centers has been established. The "Agency for Land Resources and State Cadastre" has introduced a GIS (Geographic Information System) and is recording the exact boundaries of land plots in digital format. Now some documents can be certified electronically without notaries. It would not be an exaggeration to say that the introduction of an electronic auction is also the biggest of the changes made. After all, it is an effective solution to prevent corruption to a certain extent. In addition, legal entities and individuals can now participate in obtaining vacant land plots through the e-auksion.uz platform and receive them. Now, after submitting a document, citizens can track its consideration process electronically. Currently, to register a land plot in Tashkent, the owner needs documents confirming the right to use the land plot. Property rights are formed on the basis of notarial contracts, state decisions or inheritance documents. Then, an application is made to the Tashkent city department of the Agency for Land Resources and State Cadastre or to the State Service Centers (SSC). The owner fills out a questionnaire and provides an identity document, documents confirming the right to the land plot, and if the property is being transferred to a new owner - a notarized contract of sale, gift or inheritance. In addition, the area, boundaries and other characteristics of the land plot are recorded in digital form by cadastral specialists. After the cadastral document is issued, it is given to the owner in electronic or paper form. Finally, an application is submitted to the State Services Center or my.gov.uz for the land plot to be entered into the official register and its legal status to be confirmed.

Although the current system has solved many of the problems that existed before, there are still some shortcomings. The main problems are the incomplete functioning of electronic systems. Some services are required in paper form, which complicates the system and the process. In some cases, the cadastral documentation of a land plot can take several weeks or months. That is, this creates bureaucratic delays. Currently, there are also cases of illegal land allocation. Illegal land acquisition and illegal construction are still occurring in some areas. And through this table, we can understand more clearly.

State registration of rights to land plots in the city of Tashkent: Comparison of the previous and current system;

| Indicator | 2000s (Traditional system) | Post-2020 (Current system) |
|-----------------------------|---|---|
| Application method | Only personal visits to government agencies | Electronic system (my.gov.uz) or through Public Service Centers |
| Registration period | Took 2-3 months | Completed within 1-2 weeks |
| Form of cadastral documents | Stored in paper form, in cadastral offices | Electronic (QR-coded documents) |



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| Measuring of land plot | Geodesy specialists went to the site and carried out manual measurements | Automated with GPS and GIS (Geographic Information System) technologies |
| Notarial certification | Must be carried out only through a notary | Some contracts are automatically approved, an online notary system has been introduced |
| Method of obtaining land plots | Often through acquaintances or depending on the decision of local authorities | Put up for public sale through electronic auction (e-auksion.uz) |
| Verification and registration of documents | Documents were checked for a long time at the cadastral office | Accelerated through Public Service Centers and the electronic system |
| Level of corruption and bureaucracy | Large - informal payments to expedite documents were widespread | Significantly reduced, as documents are checked electronically |
| Protection of land ownership | Documents were often lost or forged | Stored in the State Register in electronic form, rights protection is strengthened |
| Land disputes | Court proceedings are lengthy, boundaries are unevenly defined | Borders are digitally registered, conflicts have decreased significantly |

As a number of solutions, we can cite the following: first of all, it is necessary to fully automate electronic services, that is, to expand the possibilities of obtaining cadastral documents online. This will save citizens' time and prevent corruption. Then, it is necessary to reduce the terms of the registration process, that is, to strengthen cooperation between notaries and cadastral services. In addition, it is necessary to strengthen control over property rights, that is, to develop a special court system for the prompt consideration of land disputes, and to accelerate the process of state registration of rights to real estate. In general, this article covers the process of state registration of rights to land plots in Tashkent and its development. Although the introduction of electronic systems is an important step towards making the land market transparent and creating convenience for citizens, there are still some bureaucratic delays and technical problems. To further improve this area, measures such as the full digitization of the land ownership and registration process, eliminating corruption risks, and ensuring the prompt functioning of the judicial system regarding land rights are necessary.

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