



Legal Regulation Of Agricultural Land Reclamation In The Land Code Of The Republic Of Uzbekistan

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ABSTRACT

This article deals with the legal regulation of land reclamation in agriculture, its necessity, the role of the Land Code of the Republic of Uzbekistan in the legal regulation of land reclamation, and also this article deals with issues such as the state of legal regulation of land reclamation in the Land Code, improving the legal regulation of land reclamation in agriculture.

KEYWORDS

Reclamation, Land Reclamation, Legal Regulation Of Land Reclamation, Irrigated Lands, Land Protection, Reclamation Measures, Servitude Right, Reclamation And Drainage Works, Hydromelioration.

INTRODUCTION

It is significant to properly organize land use in a market economy. Especially, the importance of this task increases as the land exploitation in society is increasingly involved in economic relations.

Land melioration plays a significant role in maintaining the ameliorative status of irrigated lands in agriculture. After all, it is impossible to obtain best results from agricultural crops without improving land melioration and taking measures against salinization. Despite the ongoing agrarian and legal reforms, the state of land resources and

the question of their rational usage remain to be an issue.

As the continuation of the topic, it should be noted that the total land fund of the Republic of Uzbekistan constitutes 20,761.6 (thousand hectares) of agricultural land, which is 46.25% of the total land fund [1. 6]. This reveals that it is of crucial importance to preserve such a "gold fund" in all respects, and systematically organize melioration activities and regulate with the power of law.

THE MAIN FINDINGS AND RESULTS

Laws and regulations are essential for the purposes of legal regulation of land melioration in agriculture. Therefore, the Land Code of the Republic of Uzbekistan plays a special role in this respect. The Land Code, among other normative acts, provides a number of norms related to the legal regulation of the melioration of agricultural lands.

Article 2 of the Land Code sets out the “Basic Principles of Land Legislation”, one of which is “to increase the productivity of agricultural lands, improve land melioration and support the implementation of land protection measures through the state and other means” [2]. It is this norm that can be considered to be a direct norm in the Land Code related to land melioration. According to this principle, land melioration is supported by the state.

Article 13 of the Land Code states that placement of agricultural crops, land improvement and protection, the development of land management projects for the implementation of anti-erosion and melioration measures can be carried out at the expense of legal entities and individuals [2]. This norm is aimed at expressing the general organizational nature of land melioration, rather than the legal influence.

Article 25 of the Land Code is a norm aimed at the protection of land melioration facilities playing an integral part of land melioration [2]. In other words, the norm provides an obligation to maintain reclamation facilities in good condition during a search activities carried out in a land. This norm is also not aimed at directly regulating land melioration relations.

Article 29 of the Land Code states that the task of maintaining a land plot in a proper condition and improve land fertility, as well as to take measures to maintain irrigation and

amelioration systems in good order. This norm, by its nature, can also be considered as hydromelioration measures. Again, the norm does not determine the legal order of general land melioration.

Article 39 of the Land Code defines the rights of landowners, land users, tenants and the rights of landowners. One of these rights is the right for irrigation and drainage, agrotechnical and other reclamation works [2].

This rule, in fact, guarantees some land usage rights, but also creates difficulties in understanding of the concept of the other rights. According to it, when “agrotechnical and other reclamation works” is said, the content of melioration measures is combined with the content of agrotechnical measures. However, agrotechnical measures and land melioration are different concepts. Agrotechnical measures can be understood as all measures applied in the process of growing crops. Melioration measures can be understood as all measures aimed at improving the quality and maintenance of land. In order to further clarify this point, the Law of the Russian Federation “On Land Reclamation” is drawn, which states that land melioration measures were design construction, operation of reclamation systems and individual hydraulic structures, irrigation of pastures, creation of protective forest plantations, improvement of chemical and physical properties of soil are the examples of the understanding of the term [3].

As can be seen from the above, it can be seen that melioration measures differ from agrotechnical measures in terms of content. Therefore, we consider it appropriate to clarify in detail their expression in our legislation.

Article 30 of the Land Code also defines “the right of limited use of another’s land plot

(servitude) - the right of limited use of one or more adjacent plots of land”;and one of the purposes of the servitude is set as to “carry out drainage work on another’s plot of land.” This norm should also be changed from the legal point of view.

Article 40 of the Land Code stipulates that irrigation and land melioration networks, which operate as one of the responsibilities of landowners, land users, tenants and landowners, should be maintained in good condition. [2]

This regulation is important for the protection of drainage networks and imposes obligations on land users in this regard.

Article 48 of the Land Code defines the obligations of landowners, land users and tenants in the use of agricultural lands, and one of such obligations is the complex reconstruction of irrigated lands, water supply to hayfields and pastures and improvement of their condition.It is this norm that can be interpreted as a special norm for the reclamation of agricultural lands. The reason is that this regulation is aimed at improving the condition of agricultural land in poor condition.

Also, in accordance with the procedure for the use of chemically or radioactively contaminated lands of Art. 81 of the Land Code, the use of chemically or radioactively contaminated lands, the establishment of protective zones, although the legislation stipulates that the procedure for maintaining housing, industrial and socio-cultural facilities on such lands, and the procedure for land melioration and agro-technical works shall be established by law, in practice there is no legislation regulating land melioration and agro-technical works.

The above analyzed that the legal regulation of land melioration in agriculture is carried out by the Land Code of the Republic of

Uzbekistan. Hence, in order to improve land melioration and strengthen land protection, it is necessary to improve the norms of the Land Code of the Republic of Uzbekistan concerning land melioration.

First, Article 39, paragraph 4, of the Land Code, entitled “Rights of Landowners, Land Users, Tenants,” shall provide “irrigation and drainage of lands, agro-technical and other reclamation works” and “irrigation of lands, drainage of lands and other land reclamation measures and agro-technical works”. This is due to the fact that irrigation of the land and its drainage are also among the melioration measures.

Secondly, if Art. 30 of the Land Code shall express the purpose of the easement as “reclamation and drainage work on someone else’s land”, the norm of the law shall be enriched.This is due to the fact, that melioration work is also directly related to the concept of servitude, and in practice it often happens that when melioration work is carried out, it becomes necessary to use someone else’s land to a limited extent.

Thirdly, we consider it appropriate to state Chapter 11, Part 1 of Article 79 of the Land Code of the Republic of Uzbekistan “Protection of Lands”, “Content and Procedure for Protection of Lands” in the following edition: “Protection of lands for their intended purpose, rational use, increase of soil fertility, improvement of land reclamation, to restore and increase the efficiency of forest lands, to prevent unjustified withdrawal of lands from agricultural turnover and lands of specially protected areas,covers a system of legal, organizational, economic, technological and other measures aimed at protecting them from harmful anthropogenic impact”. Considering the improvement of land reclamation as one of the forms of land protection, we believe that this should be reflected in the disposition of this norm. Also,

an increase in soil fertility does not mean an improvement in the melioration status of these lands.

CONCLUSION

Taking into account all stated above, it is stated that the Land Code of the Republic of Uzbekistan covers limited aspects of melioration measures of agricultural lands. This is due to the fact that the Land Code is a combination of complex rules concerning land relations. However, the aforementioned proposals aimed at improving land reclamation will serve to improve the effectiveness of legal regulations in this area.

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