

## LEGAL DESCRIPTION OF CANCELLATION OF LAND USE RIGHT

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**Abstract:** *It is devoted to the analysis of the legal situation of improvement of grounds of invalidation of land use right in the Republic of Uzbekistan, interpretation of appeals in the field of land relations and creation of a legal solution mechanism.*

**Key words:** *private property, agricultural lands, plots of land.*

Today, land and land-related reforms are being implemented rapidly in our country. By introducing an equal, transparent and market-based procedure for allocating land plots, ensuring stability in property and legal relations related to land, protecting land, guaranteeing the property rights of land owners, as well as establishing the economic value of land, it is an object of civil legal relations. was set for free circulation.

According to the decree of the President of the Republic of Uzbekistan dated June 8, 2021, plots of land will be allocated to the private sector on the basis of ownership and lease rights, and to state bodies, institutions, enterprises, and citizens' self-government bodies on the basis of the right of permanent use. The procedure for allocating land with the right to inherit life-long ownership, permanent ownership, and temporary use has been abolished. According to the results of the open electronic competition, agricultural land is allocated only on the basis of the right to rent. Non-agricultural land is sold through an electronic online auction on the basis of ownership rights and lease rights<sup>44</sup>.

Land plots are 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 regions and Tashkent city. In the implementation of public-private partnership projects and projects aimed at achieving socially useful goals, plots of land are allocated to the state organization with the right of permanent use.

These lands can be leased to a private partner, non-governmental non-profit organization and other institutions of civil society for the duration of the public-private or social partnership agreement.

Also, the plot of land on which the multi-apartment house is located and adjacent to it, if it does not belong to the owners of the premises in the multi-apartment house by any other right, the right to permanent use by the Council of Ministers of the Republic of Karakalpakstan, governors of the regions and the city of Tashkent based on.

First of all, due to the impossibility of privatizing land, numerous violations of the rights of land use and ownership, as well as the right to inviolability of land, as well as non-

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<sup>44</sup> The Law of the Republic of Uzbekistan dated December 7, 2001 No. 312-II "On Product Distribution Agreements" // Bulletin of the Oliy Majlis of the Republic of Uzbekistan, 2002, No. 1, Article 12.

payment of payments related to the compensation of land areas taken for the state and society was causing many protests among them.

The Law of the President of the Republic of Uzbekistan "On the Privatization of Land Plots Not Intended for Agriculture" defines the procedures for the privatization of land plots not allocated for agricultural purposes or intended for these purposes.

According to the law, land plots are privatized for a fee. If there is state real estate on this plot of land, and their privatization is required, simultaneous privatization of land and real estate is allowed<sup>45</sup>.

Land plots given to legal entities for entrepreneurship and urban planning activities, land plots given to individual citizens of our country for housing construction and improvement, as well as entrepreneurship and urban planning activities are included in the objects of privatization. Also, plots of land with state real estate objects to be privatized and vacant plots of land are also objects of privatization.

There are also plots of land that cannot be privatized. These are mineral deposits, plots of land with state property objects that cannot be privatized in accordance with the law. Land plots included in the land intended for nature protection, health improvement, recreation and historical and cultural purposes, as well as the protection zones of forest and water funds, engineering and transport infrastructure objects, public land of cities and towns (squares, streets, narrow streets, roads, waterfronts, squares, avenues, parks). Land plots contaminated with hazardous substances and exposed to biogenic poisoning, as well as land plots adjacent to multi-apartment buildings<sup>46</sup>.

Also, it is not allowed to privatize the plots of land given to legal entities for the needs of the state and society, given for the implementation of public-private partnership projects, agreements and contracts on social partnership.

On August 24, 2023, the Decree of the President of the Republic of Uzbekistan "On measures to reliably protect the inviolability of property rights, prevent unreasonable interference in property relations, and increase the level of capitalization of private property" was adopted.

With the document, starting from September 1, 2022, a number of procedures and requirements that directly or indirectly restrict the right to own, use and dispose of private property have been canceled. In particular, it was determined that the cancellation of the documents that are the basis for the creation of the right to the land should be carried out only by the court, and in case of voluntary relinquishment of the land, a notarized application to this effect will be the basis for the cancellation of the right to the land.

Also, obtaining their consent for the permanent deregistration of those who do not have property rights in relation to the residence or family ties with the owner of the residence, demanding the right of ownership in kind from the natural person found by the

<sup>45</sup> Mirakulov M.M. Constitutional-legal status of the President of the Republic of Uzbekistan (comparative-legal analysis). Monograph. Responsible editor: yu.f.d. O'.Kh. Mukhamedov. - Tashkent: AQHMI, 2016. - P.22-23.

<sup>46</sup> The Law of the Republic of Uzbekistan "On Underground Resources" of December 13, 2002 (New Edition) // Bulletin of the Oliy Majlis of the Republic of Uzbekistan, 2003, No. 1, Article 5.

court to be a bona fide owner of the residence. restrictions on receiving have been abolished.

Now, when a legal entity is dissolved, its rights to a plot of land not intended for agriculture are not canceled and the land is not returned to the state reserve. It was determined that these lands will be transferred to the founders of the liquidated legal entity.

It is important that the decree stipulates cases that are the basis for administrative and criminal prosecution for violation of the right to private property, and citizens' claims for claiming their property from the illegal possession of others Exemption from state duty is an important factor in reliable protection of property rights.

Property rights to land plots are canceled in the following cases in accordance with the established procedure:

➤ when objects of the trade and service sector, as well as residential buildings and other buildings or a part of buildings are sold together with the land plots on which these buildings are located;

➤ when trade and service sector objects, as well as residential buildings and other buildings or a part of buildings are repurchased together with the land plots on which they are located, for state and public needs;

➤ when objects of the trade and service sector, as well as residential buildings and other buildings or a part of buildings, together with the land plots on which they are located, are confiscated in the cases specified by law;

➤ when the levy is directed to the plot of land according to executive documents<sup>47</sup>.

If the owner, user, lessee and owner of the plot of land commits actions that clearly indicate the relinquishment of the rights to the plot of land (going abroad, not using the plot of land for a longer period of time than specified), this plot of land will be forfeited by law. is considered as ownerless property according to the procedure established by the documents.

Relinquishment of rights to a plot of land is the obligation of the owner, user, tenant and owner of this plot of land until the plot of land is transferred to another person, but from the moment of relinquishment or from the date of state registration as ownerless property. within one year, will not cause cancellation.

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<sup>47</sup> Problemy obshchey teorii prava i gosudarstva: Uchebnik dlya vuzov / Pod obshch. ed. academician RAN, d. yu. i., prof. V. S. Nersesyantsa. - M.: Norma, 2004. - S. 226. , Baglay M.V. Constitutional law of the Russian Federation: Uchebnik dlya vuzov – M., Izd. group NORMA-INFRA, 2001. – P.182.

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