



SCIENTIFIC AND THEORETICAL ANALYSIS OF CIVIL LEGAL RELATIONS REGARDING SETTLEMENT LANDS IN UZBEKISTAN (USING THE EXAMPLE OF CENTRAL ASIAN COUNTRIES)

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Abstract. This article outlines the scientific and theoretical aspects of civil legal relations concerning settlement lands, which are one of the land fund categories (using the example of Central Asian countries). Additionally, new reforms in the field of legal relations regarding settlement lands in the construction of New Uzbekistan were scientifically analyzed and relevant proposals and recommendations were substantiated.

Keywords: settlement, settlement lands, settlement lands as an object of civil legal relations.

All countries in the world allocate territories within their administrative boundaries as private property for their citizens and establish the legal framework for this. Usually, in such processes, ensuring equal property rights for individuals and legal entities is one of the most crucial issues.

It should be noted that the second part of Article 68 of the Constitution of New Uzbekistan states: "Land may be privately owned on the basis and in the manner provided for by law, ensuring its rational use and protection as a national treasure" [1]. This is defined as a constitutional and legal norm. Thus, the land area of our country is divided into corresponding land fund categories, among which the category of settlement lands is of great importance. The concept of "settlement" appeared in Uzbekistan's legislation relatively recently - at the beginning of the 20th century. Literature indicates that the concept of "settlement" was used at different times in three senses. In particular, the first meaning of the term "settlement" was used in everyday speech at the beginning of the 20th century in accordance with the common understanding of this word. In this sense, the term "settlement" was used to denote the general name for places where people live and, accordingly, to denote different types of human settlements - in combination with definitions that complement their meaning (for example, "Labor settlements," etc.). The second meaning of the term "settlement" is one of the types of administrative-territorial units - territory. Finally, the third meaning of the term "settlement" is a complex of lands of the same category, intended and used mainly for construction [2].

In the explanatory dictionary of the Uzbek language, the word "aholi" (plural of the Arabic word "ahl") refers to people living in a certain territory, region, country, etc. "punctum" - point) - a point on the Earth's surface or in space, distinguished by a special sign, characteristic, a specific place, land; a specially equipped building or place designated for some work, occupation, event, etc." Thus, if we interpret the content of some concepts related to the topic, a settlement is an administrative-territorial unit of the Republic of Uzbekistan (city, town, village, aul) defined by legal status, name, and boundaries [5]. Settlement lands

consist of lands within the boundaries of cities and urban settlements, as well as rural settlements [6].

According to the meaning of Article 59 [7] of the Land Code of the Republic of Uzbekistan, all lands within the administrative boundaries of cities and towns are divided into eight categories of lands, including:

- lands of urban and settlement development;
- lands of common use;
- lands used in agriculture and other lands occupied by forest plantations;
- lands of industrial, transport, communications, defense, and other purposes;
- lands of protected natural areas;
- lands of the water fund;

Includes reserve lands.

It should be noted that the land fund in Uzbekistan is divided into eight categories. However, among them, it can be considered appropriate to list the following important civil law characteristics of the category of lands of settlements. Including

Firstly, based on the requirements of Article 2 [8] of the Civil Code, it forms the basis of property relations and its object;

Secondly, according to Article 111 of the Civil Code, it defines the object of transactions and civil law relations between the parties and requires state registration;

Thirdly, based on the content of Article 165 of the Civil Code, it is the basis of property rights and its object;

Fourthly, according to Article 170 of the Civil Code, property rights and other property rights to land and other natural resources are regulated by the Civil Code and other laws;

Fifthly, according to Article 353 of the Civil Code, it defines the object of contracts and civil law relations between the parties and requires state registration;

Sixthly, Article 479 [9] (Real Estate Sales Contract), Articles 512, 515 (Rental Contract), Articles 573, 575 (Building and Structure Lease Contract), Articles 666, 674 (Construction Contract), Articles 849, 852 (Property Trust Management Contract), Article 1115 (Conquest of the Right to a Land Plot) of the Civil Code stipulate the expediency of interpreting this object as the basis and object of civil law relations.

To provide accurate official statistical data on the total land area of settlements in Uzbekistan, it is necessary to rely on the latest reports from the State Statistics Committee or relevant government agencies. However, as of 5 April 2025, additional data is needed to indicate the total and exact number, since this area is the type of settlement (city, village, town)

and will vary depending on your location. The total area of the Republic of Uzbekistan is 448.9 thousand km². Some of these lands were allocated as lands of settlements. According to 2024 data, the lands of urban and rural settlements can constitute about 10-15% of the total land fund, which indicates a range from 448.9 thousand km² to 67.3 thousand km² (of 448.9 thousand km²) - 10-15% [10]. According to Professor G.Sh.Uzakova, "Legal status of settlement lands" is defined as "a set of legal means by legislation to determine the procedure for the use and protection of land resources within the boundaries of settlements, determine the rights and obligations of environmental law subjects to land, implement urban zoning and territorial planning, develop and approve rules for the use of natural resources and construction, determine the targeted use of natural resources in permitted directions,

regulate construction, and take other legal measures by state authorities and administration to ensure the sustainable development of settlements" [11], while Doctor of Philosophy in Legal Sciences Kh.Ya.Kurbanova notes that unauthorized structures are "houses, other buildings, structures or immovable property, unauthorized structures built on land plots not allocated for construction purposes in accordance with the procedure established by law, in violation of the rights and interests of other persons, as well as without obtaining the necessary permit for construction or in serious violation of architectural and construction norms and rules" [12].

If we look at the national legislation and official statistics of the countries of Central Asia, the total land area of the Republic of Kazakhstan is 2,724,900 km². Part of this area is allocated as settlement lands, but the actual size of these lands varies depending on the number of urban and rural settlements, their size, and territorial location. According to official statistics, as of 2025, there are 86 cities and more than 6,000 rural settlements in Kazakhstan. Lands of settlements include territories within the boundaries of cities, towns, and villages. Based on data on the land fund of Kazakhstan, it can be noted that about 1-2% of the total land is occupied by settlements, i.e., about 27,000-54,000 km² [13]. Also, according to Article 193 of the Civil Code of the Republic of Kazakhstan, ownership of land and other natural resources is clearly defined very simply. In particular, "Land and its subsoil resources, waters, flora and fauna, and other natural resources belong to the people of Kazakhstan. On behalf of the people of Kazakhstan, the right of ownership is exercised by the state. At the same time, the exercise of property rights by the state is carried out through the state property regime in the interests of the people of Kazakhstan. It is noted that land may also be privately owned on the grounds, conditions, and within the limits established by law [14]. According to paragraph four of Article 6 of the Land Code of the Republic of Kazakhstan, property relations related to the ownership, use, and disposal of land plots, as well as transactions with them, are regulated by the civil legislation of the Republic of Kazakhstan, unless otherwise provided [15].

In Kyrgyzstan, it is necessary to rely on official statistical data to provide an accurate figure on the area of settlement lands. The total land area of the Kyrgyz Republic is 199,951 km². The main part of this territory is mountainous, and the lands of settlements occupy a relatively small part of the total area. By 2025, considering that there are 29 urban and about 1,000 rural settlements in Kyrgyzstan, the lands of settlements may constitute about 5-10% of the total land fund. This indicates a range of around 10,000-20,000 km². This is an approximate calculation, and the exact figures should be based on the latest data from the National Statistical Committee of the Kyrgyz Republic (Kyrgyzstat) or the Land Resources Department [16].

According to Article 2332 of the Civil Code of the Kyrgyz Republic [17], the following two important aspects are defined as the right of ownership and the object of the right of ownership of a land plot. Including

1. Territorial boundaries of the land plot are established on the basis of documents issued by the relevant state bodies and local government bodies to the owner or a person having other ownership rights to the land plot.

2. The right of ownership or the right to use a land plot also applies to the above-ground (soil) layer located within the boundaries of this plot, unless otherwise provided by law."

According to Part 1 of Article 2 of the Land Code of the Kyrgyz Republic [18], land relations in the Kyrgyz Republic are regulated by the Constitution of the Kyrgyz Republic, the

Civil Code of the Kyrgyz Republic, the laws of the Kyrgyz Republic, as well as Presidential decrees issued in accordance with them, decisions of the Jokargy Kenes, and decisions of the Government of the Kyrgyz Republic. Also, according to the content of Article 6 of the Land Code of the Kyrgyz Republic, the rights to a land plot as an object of civil rights and transactions with it are clearly stated as "A land plot is a separate object of civil law relations, can be the subject of sale, donation, exchange, pledge and other transactions, and can also be transferred by common inheritance with restrictions established by the Land Code."

To provide an accurate figure on the area of settlement lands in Turkmenistan, it is necessary to rely on data from official statistical bodies or the Land Resources Department of Turkmenistan. The total land area of Turkmenistan is 488,100 km². There are 51 cities, 62 settlements and 1717 rural settlements in Turkmenistan. Lands of settlements include territories within the boundaries of cities, towns, and villages. According to preliminary calculations, the lands of settlements can occupy 2-5% of the total area, i.e., in the range from 9.762 km² to 24.405 km² [19]. This is reflected in the Land Code of the Republic of Turkmenistan of October 25, 2004 (Bulletin of the Majlis of Turkmenistan, 2004. No. 4, Art. 33. 243-P), "any concepts are defined in land-legal relations. The provisions of the civil and land legislation of Turkmenistan have the meaning assigned to them by the land legislation of Turkmenistan, unless otherwise provided by the Land Code"[20]. Law of the Republic of Turkmenistan of July 17, 1998 (Bulletin of the Majlis of Turkmenistan, 1998, No. 2, Art. 39. 294-I) According to part 2 of Article 227 of the Civil Code, materials for registering ownership of residential buildings in the Land Register must be accompanied by a construction certificate approved by the construction department, which reflects the design of the building, as well as the location and size of the building parts that are in common ownership. Separate areas allocated to the same apartment are designated under a common number [21].

It is necessary to rely on the data of the Statistics Agency under the President of the Republic of Tajikistan. The total land area of Tajikistan is 143,100 km². About 93% of this area is mountainous, and the lands of settlements account for a relatively small part of the total area. By 2025, there are 66 cities and urban-type settlements in Tajikistan, as well as about 3,000 rural settlements. Lands of settlements include territories within the boundaries of cities, towns, and villages. The lands of settlements can constitute 5-6% of the total area, i.e., in the range from 7.155 km² to 14.310 km² [22].

Article 2 of the Civil Code of the Republic of Tajikistan [23] defines, as relations regulated by civil legislation, firstly, the regulation of property and personal non-property relations based on the equality, independence of will, and property independence of their participants, and secondly, the regulation of family, labor relations, land use, relations related to the use of natural resources, and

part 1 of this article, if it is established that it is regulated by family, labor, land legislation and other regulatory documents.

In the content of Article 22 [24] of the Land Code of the Republic of Tajikistan, we can see that the right to use a land plot as an object of civil rights is defined through specific legal norms. In particular, firstly, the granting of the right to use a land plot with the right of alienation; secondly, the possibility of being a special object and subject of civil legal relations; thirdly, the regulation of transactions of purchase and sale, gift, exchange, lease, pledge, and other transactions, as well as inheritance or universal transfer to another person, by inheritance legislation established by the Civil Code and civil law; fourthly, the granting of the

right to use a land plot with the right of alienation; fifthly, the transfer of ownership to individuals and legal entities by the Republic of Tajikistan; sixthly, the transfer of state power to local executive bodies of cities and territories free of charge or on a paid basis; seventhly, the use of land plots granted to individuals and legal entities with the right of alienation of the right to use is carried out only in accordance with their purpose and is regulated by the Law of the Republic of Tajikistan; eighthly, no one can be otherwise deprived of the right to use a land plot.

Thus, we can see that in the countries of Central Asia, legal relations regarding the lands of settlements have become a full-fledged object of civil law relations. In our opinion, based on the opinions of the aforementioned civilist scholars and the content of the legislation of the Central Asian states, in the national civil legislation of the Republic of Uzbekistan, the legal status of lands of settlements and land plots can be considered the subject of full civil law relations. As proof of our opinion, it can be explained by Articles 83, 85, 111, 165, 173, 188, 196, 206, 210, 259, 272 of the Civil Code, as well as Article 170, namely, the legal norms stating that "Property rights and other property rights to land and other natural resources are regulated by the Civil Code and other laws" [25].

In conclusion, based on the national legislation of the countries analyzed above and the opinions and opinions of civilist scholars, as well as scientific analysis, based on a scientific and theoretical analysis of the concept, essence, and current trends of the lands of settlements, it is considered appropriate to make the following proposals and recommendations:

firstly, an author's tariff for the lands of settlements has been developed. Including the lands of settlements - within the boundaries of cities and urban settlements, villages, mahallas, as well as courtyards and apartment buildings.

and their adjacent territories;

Secondly, the "District (City) Department of Construction and Housing and Communal Services," together with the territorial administration of the State Assets Agency and the branch, within 10 working days, based on master plans and urban planning documentation of territories and settlements, prepares and submits to the "Yerelektron" AIS proposals on land plots that can be provided for entrepreneurial and urban development activities on vacant non-agricultural land plots registered in the name of district (city) khokimiyats.

Thirdly, the district (city) department of construction and housing and communal services determines the boundaries of the land plot on which the proposal is being developed in the "Yerelektron" AIS, determines the permitted types of land use, compiles a list of types of objects permitted or prohibited for construction on the land plot, determines the intended purpose and types, determines the existing restrictions on the land plot or its use, the type of right to the land plot based on the urban planning documentation of territories and settlements, and must send substantiated proposals for use with the imposition of urban planning restrictions to the branch for the preparation of land selection materials.

fourthly, in the absence of urban planning documentation for territories and settlements, it is advisable for the district (city) construction department to coordinate the developed proposals for land plots with the relevant territorial architectural and urban planning council.

Fifthly, the property rights of more than ten million owners of lands of settlements in Uzbekistan will be regulated on the basis of civil and other national legislation.

References:

1. Constitution of the Republic of Uzbekistan. National Database of Legislation, 01.05.2023, No 03/23/837/0241. <https://lex.uz/docs/6445145>. (Reference date: 05.01.2025).
2. Александрова А.Ю. Правовое регулирование использования земель поселений для застройки в России: Автореф. дисс...канд....юрид...наук. – М., 2008. – С. 8. (Мурожаат вақти: 05.01.2025 й.).
3. Ўзбек тилининг изоҳли луғати. А.Мадвалиев таҳрири остида (5 жилдли). 1-жилд. – Тошкент: “Ўзбекистон миллий энциклопедияси” ДИН, А ҳарфи. 2020. – Б.130. (Мурожаат вақти: 05.01.2025 й.).
4. Ўзбек тилининг изоҳли луғати. А.Мадвалиев таҳрири остида (5 жилдли). 2-жилд. – Тошкент: “Ўзбекистон” миллий энциклопедияси” ДИН, П ҳарфи. 2020. – Б. 321. (Мурожаат вақти: 05.01.2025 й.).
5. Ўзбекистон Республикасининг Шаҳарсозлик кодекси. Қонун ҳужжатлари маълумотлари миллий базаси, 22.02.2021 й., 03/21/676/0142-сон. [хттпс:// lex.uz/досс /5307951](https://lex.uz/docs/5307951). (Мурожаат вақти: 10.01.2025 й.).
6. Ўзбекистон Республикаси Вазирлар Маҳкамасининг “Қишлоқ аҳоли пунктлари ерларидан фойдаланиш тартиби тўғрисидаги Низомни тасдиқлаш ҳақида”ги 301-сон қарори. Ўзбекистон Республикаси қонун ҳужжатлари тўплами, 2014. – № 44. – 539-м. <https://lex.uz/docs/2491016>. (Мурожаат вақти: 10.01.2025 й.).
7. Ўзбекистон Республикасининг Ер кодекси. Ўзбекистон Республикаси Олий Мажлисининг Ахборотномаси, 1998. – № 5-6. – 82-м. <https://www.lex.uz/docs/152653>. (Мурожаат вақти: 10.01.2025 й.).
8. Ўзбекистон Республикасининг Фуқаролик кодекси. Ўзбекистон Республикаси Олий Мажлисининг Ахборотномаси, 1996. – № 2. [хттпс://lex.uz/досс/111189](https://lex.uz/docs/111189). (Мурожаат вақти: 10.01.2025 й.).
9. Ўзбекистон Республикасининг Фуқаролик кодекси. ИИ қисм. Ўзбекистон Республикаси Олий Мажлисининг Ахборотномаси, 1996. – № 11-12. – 1-м. <https://lex.uz/docs/180552>. (Мурожаат вақти: 10.01.2025 й.).
10. <https://stat.uz/uz/rasmiy-statistika>. (Мурожаат вақти: 10.01.2025 й.).
11. Узакова Г.Ш. Аҳоли пунктларида табиий ресурслардан фойдаланиш ва уларни муҳофаза қилишнинг ҳуқуқий тартиби. Юридик фанлар доктори (ДСс) диссертатсияси автореферати. Тошкент. 2021. – Б. 28-29.
12. Курбанова Х.Я. Ўзбошимчалик билан қурилган имроатнинг фуқаровий-ҳуқуқий режими. Юридик фанлар бўйича фалсафа доктори (ПхД) диссертатсияси автореферати. Тошкент. 2024. – Б. 28-29.
13. <https://stat.gov.kz/ru>. (Дата обращения: 10.01.2025 г.).
14. Гражданский кодекс Республики Казахстан (общая часть) принят Верховным Советом Республики Казахстан 27 декабря 1994 года. № 269-ХИИ. [хттпс://атке.кз/сторега/апп/медиа/Досументс/Закон.база/гражданкодру](https://атке.кз/сторега/апп/медиа/Досументс/Закон.база/гражданкодру). PhD. (Дата обращения: 10.01.2025 г.).
15. Земельный Кодекс Республики Казахстан от 20 июня 2003 года №442. [хттпс://гов4с.кз/уpload/иблоск/83а/3иибwg100ихр9пwr89осwc3пзрифмқйw](https://гов4с.кз/уpload/иблоск/83а/3иибwg100ихр9пwr89осwc3пзрифмқйw). PhD. (Дата обращения: 10.01.2025 г.).

16. <https://stat.gov.kg/ru>. (Дата обращения: 10.01.2025 г.).
17. Гражданский кодекс Кыргызской республики. Введен в действие Законом от 8 мая 1996 года № 15. <https://bga.kg/wp-content-1.pdf>. (Дата обращения: 20.01.2025 г.).
18. Земельный кодекс Кыргызской Республики (Введен в действие Законом от 2 июня 1999 года № 46). <https://bga.kg/wp-content.pdf>. (Дата обращения: 20.01.2025 г.).
19. <https://www.stat.gov.tm/ru>. (Дата обращения: 20.01.2025 г.).
20. В редакции Закона Туркменистана от 30 марта 2007 г. – Ведомости Меджлиса Туркменистана 2007 г., № 1, ст. 39. https://minjust.gov.tm/assets/files/law_documents/hukuknama_540_ru.pdf. (Дата обращения: 20.01.2025 г.).
21. Ведомости Меджлиса Туркменистана, 1998 г., № 2, ст. 39. https://minjust.gov.tm/assets/files/law_documents/hukuknama_540_ru.pdf. (Дата обращения: 20.01.2025 г.).
22. <https://www.stat.tj/ru/ob-agentstve>. (Дата обращения: 20.01.2025 г.).
23. Гражданский кодекс Республики Таджикистан в редакции Закона РТ от 13.11.2024 № 2089 https://mmk.tj/system/files/Legislation/1918_ru_0.pdf. (Дата обращения: 20.01.2025 г.).
24. Земельный кодекс Республики Таджикистан. В новом издании от 28.02.2004 г. №23. https://sud.tj/upload/iblock/4c2/052odhsnolgp_04zee62m7fg1_wboovory.pdf. (Дата обращения: 20.01.2025 г.).
25. Ўзбекистон Республикаси Фуқаролик кодекси. Ўзбекистон Республикаси Олий Мажлисининг Ахборотномаси, 1996. – № 2. <https://lex.uz/docs/111189>. (Мурожаат вақти: 20.01.2025 й.).

