

**IMPROVING THE SYSTEM FOR IDENTIFYING LAND AREAS OCCUPIED
ARBITRARILY**

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Abstract: The article emphasizes the importance of using geographic information systems, satellite imagery, and other digital technologies to identify illegally occupied land plots and modernize existing systems. At the same time, the article compares the situation as of August 2018 with that of the final months of 2024. Based on the comparison, the issues of illegal occupation of land resources, including cases of land seizure without authorization, and the challenges of addressing such cases are considered.

Keywords: GPS, GNSS, ArcGIS, "Uzbekcosmos", Geodesy, Cartography, Cadastre, "E'tirof" IS, land registration, digital technologies.

As of January 1, 2024, the total land area within the administrative-territorial boundaries of the Republic of Uzbekistan is 44,892.4 thousand hectares. Today, the effective and fair management of land resources, especially their use in accordance with legally established regulations set by the state, is of great importance. Various land-related issues in the Republic of Uzbekistan, including the problem of illegally seized land plots, are also considered urgent. Such situations can lead to improper use of land, negative environmental consequences, and social inequality. Therefore, identifying areas of land that have been occupied arbitrarily and improving the system for monitoring them, as well as ensuring transparency in land management processes, remains an important task for sustainable development. The return of land arbitrarily taken to the landowner, user, tenant, or proprietor is carried out based on the decision of the relevant district, city, or regional governor, or according to the court's final ruling.

On August 5, 2024, the President of our country signed the Law of the Republic of Uzbekistan No. O'RQ-937 "On Recognizing Rights to Land Plots Seized Arbitrarily and the Buildings and Structures Erected on Them." The purpose of this Law is to regulate relations related to recognizing rights to land plots seized arbitrarily and the buildings and structures erected on them. The Law contains Chapter VI, Article 35.

8 requirements for recognizing property rights for real estate objects that have been constructed arbitrarily and do not have legal documents:

- ✓ Land plots and buildings and structures constructed on them that were illegally occupied by citizens before May 1, 2018,
- ✓ Land plots and buildings and structures constructed on them that were occupied in excess of the area specified in the document by citizens and organizations before May 1, 2018,
- ✓ Land plots and buildings and structures constructed on them whose rights were not recognized within the framework of the “One-time action”,
- ✓ Land plots allocated by the district (city) mayor’s decision before June 8, 2021, but not approved by the regional governor or the regional Council of People's Deputies,
- ✓ Residential areas within horticultural and viticultural associations and the land plots they occupy,
- ✓ Land plots of entrepreneurs located in small industrial zones before March 9, 2020,
- ✓ Land plots occupied by buildings and houses privatized by state order,
- ✓ Land plots occupied by buildings and houses whose property rights were recognized by the mayor’s decision

Maintaining the state real estate cadastre based on the state land cadastre data is aimed at providing the state and society with information of urgent legal significance. This primarily concerns guaranteeing property rights, supporting the tax system, securing mortgage loans, developing land transactions, implementing state control, resolving land disputes, carrying out land reform, regional development, and protecting the environment.

During the years of land reform in the Republic of Uzbekistan, fundamental changes occurred in land relations, which significantly affected the condition of the land and its use. The state monopoly on land ownership was abolished, multi-structured land ownership and land use emerged, land was redistributed, a land market was established, land fees were introduced, and so on. Currently, there are over 42 million landowners in our country, totaling 112 thousand. Despite the evident results of the implemented reforms, land reform has not yet been fully perfected. In particular:

- ❖ land and property relations, development of the real estate market and its infrastructure;
- ❖ ensuring the extensive use of land resources by the population;
- ❖ addressing issues related to the effective transfer of land to property owners;
- ❖ inconsistencies in numerous regulatory and legal documents;
- ❖ determining cadastral value;
- ❖ lack of land management support for land use, etc.

Therefore, modern land management development and the creation of a perfect cadastre system should take a leading position in the political and socio-economic life of the country in terms of their relevance.

As a result of the measures carried out to date: in 66,109 cases, illegal occupation of 9,462.3 hectares of land was identified, and in 41,972 cases, violations on 4,472.2 hectares of land were voluntarily rectified.

Court cases: claims were filed for 4,654.1 hectares of land in 21,459 cases. 5,561 claims (covering 1,144.5 hectares) were satisfied by the courts and sent for compulsory enforcement.

Criminal and administrative liability: materials indicating criminal offenses were sent to the prosecutor's office in 2,146 cases. Administrative penalties related to land violations were applied to 41,708 individuals.

Currently, based on the data provided by the 'Agency for Space Research and Technologies' (Uzbekkosmos) under the Ministry of Digital Technologies of the Republic of Uzbekistan, the Cadastre Agency collects land information and manages the process of using it. Once this information is entered into the central system of the Cadastre Agency, the district branches are responsible for processing it and conducting on-site inspections. In turn, the district branches carry out regular monitoring and inspections on-site to study the land and determine its current condition. Uzbekkosmos provides accurate and updated images of the Earth's surface via satellites. These images are used by the Cadastre Agency for accounting land resources, maintaining the cadastre register, and determining the legal status of lands. The Cadastre Agency, in turn, uses satellite images obtained from Uzbekkosmos and geographic information systems (GIS) to determine the sizes, locations, and purposes of land use. Monitoring conducted through satellites (GNSS) helps quickly identify the condition of the land and related issues and regulate them. The joint activities of these two organizations are of great importance for comprehensively and accurately accounting for land resources, protecting the rights of landowners, and identifying cases of illegal land occupation.

An electronic automated system called 'E'tirof' developed by the Cadastre Agency of the Republic of Uzbekistan exists. Using the 'E'tirof' system, the Cadastre Agency accelerates the processes of registering real estate objects, recording them, regulating lands, and creating other necessary documents. This system mainly focuses on coordinating with authorized organizations regarding documents related to recognizing rights to land plots that were occupied arbitrarily and the buildings and structures erected on them. The system was introduced to the public following the adoption of our Resolution No. 937. Currently, this system is operating in the 'Mahalla Citizens' Assembly'. Based on survey results, information about each object is being entered into the 'E'tirof' information system. To date, more than 37,000 objects have been entered into the program, and they are being reviewed by over 22 ministries and agencies (within 2 months).

The following areas can be worked on to improve the system for identifying land plots that have been occupied arbitrarily:

- Sun'iy intellekt va geografik axborot tizimlaridan (GIS) foydalanish va sun'iy yo'ldosh tasvirlari orqali yerni masofadan zondlash ma'lumotlari asosida noqonuniy qurilish va yer o'zlashtirishni real vaqtda kuzatish. Dronlardan foydalanish: Noqonuniy egallangan yerlarga oid ma'lumotlarni tezkor aniqlash, to'plash, ma'lumotlarni tahlil qilish va tasvirlarni avtomatik tahlil qilib, yangi o'zlashtirilgan yerlarni aniqlash.
- Elektron monitoring tizimini joriy etish orqali yerdan foydalanish reestrini yaratish. Yerlarga oid barcha ma'lumotlarni yagona bazada jamlash va onlayn murojaatlar orqali fuqarolar noqonuniy yer egallash holatlari haqida maxsus platforma orqali xabar berishi mumkin. GPS va GNSS sensor tizimlari orqali noqonuniy foydalanilayotgan yerlarda o'zgarishlarni aniqlovchi sensorlar o'rnatish.
- Qonunchilik va jazo choralarini kuchaytirish: Noqonuniy yer egallagan shaxslarga nisbatan jarimalarni ko'paytirish yoki yerlarni majburiy qaytarish mexanizmlarini takomillashtirish. Monitoring guruhlarini tashkil qilish, yer egallash bilan bog'liq huquqbuzarliklarni aniqlash uchun maxsus inspektorlik guruhlarini yaratish.

- Ommaviy axborot vositalari orqali aholi oʻrtasida targʻibot ishlari olib borish va noqonuniy yer egallash oqibatlarini haqida jamoatchilik xabardorligini oshirish. Fuqarolar uchun zamonaviy dasturlar orqali ochiq onlayn xaritalar yaratish, ularda noqonuniy egallangan hududlarni belgilash ishlari tashkil etish lozim boʻladi.

As of January 1, 2018, the number of agricultural enterprises and organizations was 166,708, with the total area of land they use being 20,261.6 thousand hectares, or 45.1 percent of the Republic's land fund. The area of agricultural land types was 15,543.7 thousand hectares, of which 3,702.4 thousand hectares were irrigated land. Land designated for agriculture is divided into agricultural land necessary for farming, orchards, internal farm roads, communications, forests, enclosed water bodies, buildings, structures, and facilities.

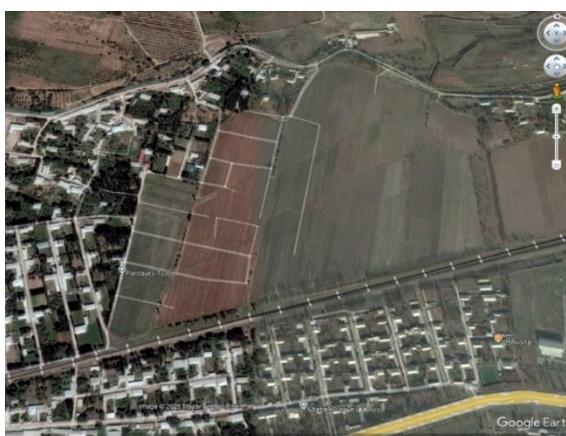


Figure 1: Photo taken from Google, 2018 and 2024 (Uzbekcosmos)

As of January 1, 2024, the number of agricultural enterprises and organizations was 787,808, with a total land area they use of 26,132.2 thousand hectares, or 58.21 percent of the Republic's land fund, while the area of agricultural land types is 21,206.5 thousand hectares, of which 3,701.0 thousand hectares are irrigated lands. We can see that there is a significant difference. The number of enterprises and organizations is 621,100, and the land they use has increased by 13.11 percent. The land area of settlements as of January 1, 2018, was 221.2 thousand hectares, or 0.5 percent of the total land. As of January 1, 2024, it is 226.7 thousand hectares, or 0.51 percent of the total land. We can observe an increase of 5.5 thousand hectares.

Land plots and housing are matters that affect the lives of millions of families. Economic growth in regions, food security, job creation, and investment flows primarily depend on land. Thanks to the reforms carried out over the past four years and the digitization of the sector, 41.5 million hectares of land have been registered in the state cadastre. This constitutes 92 percent of all land in the country. By way of comparison, until 2020, only 487 thousand hectares had formal documentation.

People or entrepreneurs do not have to run from office to office to formalize their rights to land plots and the buildings and structures constructed on them. The recognition of rights is carried out gradually according to regions. Information and documents related to land plots that have been occupied arbitrarily, as well as the buildings and structures on them, are coordinated through the automated information system of the Cadastral Agency. Fifteen authorized organizations also input their relevant information into this system. In summary, state and public oversight is established during the recognition of rights to land plots and the buildings and structures constructed on them.

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