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Research Article

CADASTRE PROJECT-2014: RESULTS OF IMPLEMENTATION IN UZBEKISTAN

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Toshboeva Robiya Sobirovna

Associate Professor Of The Department Of Business Law Tashkent State University Of Law, Candidate Of Legal Sciences, Tashkent, Uzbekistan

ABSTRACT

The article reveals the content of the Cadastre-2014 project prepared by the International Federation of Geodesists (FIG) and analyzes the results of the implementation of its main directions in Uzbekistan. The author analyzes the purpose and content of the cadastre, the organization of cadastral systems, as well as the possibilities of privatization of existing domestic cadastral systems. In the course of the analysis, the results of the development of the domestic natural resource cadastral system within the framework of the ratio of public and private law, the influence of political decisions on the formation and application of cadastral information on natural resources, the possibility of using modeling instead of mapping, the transfer of the right to form primary cadastral information to private entities against the background of strengthening cadastral supervision by the competent state body are considered.

KEYWORDS

International Federation of Geodesists (Federation Internationale des Geometres, FIG), Cadastre-2014, online auction, electronic competition, khokim decision, auction protocol, privatization, cadastral real estate engineer, cadastral supervision, public-private partnership, investment.

INTRODUCTION

Various projects aimed at analyzing the current state of the cadastral system and making forecasts for its future development play an important role in further improving the mechanism of legal support for the formation and application of cadastral information on natural resources of Uzbekistan.

One of such projects is the project under the conditional name "Cadastre-2014" (hereinafter referred to as the project), developed by the working group of the International Federation of Surveyors (FIG).

This Federation is an international non-governmental organization of national member associations, cadastral and cartographic agencies and ministries, universities, and corporations from more than 120 countries and was founded in 1878. Today this organization is recognized by the United Nations and the World Bank and studies issues of geodesy, cadastre, valuation, cartography and is a kind of international platform for discussing and developing international practices and standards in the field of maintaining the cadastral system.

The main purpose of the project development was to study the projects of cadastral reforms in developing countries and to form prospects for the development of the cadastre for 20 years. The work on the project was carried out by a specially created working group led by Jurg Kaufmann and Daniel Steudler and lasted four years (1994-1998). The project contains an in-depth analysis of existing cadastral systems, identification of their advantages and disadvantages and forecast of the development of cadastral systems for 1994-2014. [1]

This document is a fundamental act in the field of formation and application of cadastral information on natural resources. Based on this, we decided in the

framework of this article to analyze the results of the implementation of the main provisions of the project in Uzbekistan.

And so, the main provisions of the Cadastre-2014 (hereinafter-the Project) on the development of the cadastral system are reduced to the following points:

1. Purpose and content. In this paragraph, we are talking about the ratio of public and private law during the registration of the right to a land plot. The authors of the project proposed an option that balances the interests of both rights, the essence of which is to determine the boundaries of the land plot through political decisions.

The influence of political and economic processes on the formation of cadastral information about natural resources can be clearly seen by the example of registration of the right to a land plot. The peculiarity of the land system of Uzbekistan was that until 2018, the definition of land boundaries was based on an administrative act (the decision of the khokim on the allocation of a land plot based on the conclusion of the Commission for the Consideration of the provision (sale) of land plots). With the introduction of transparent mechanisms for allocating land plots, the situation has changed radically. The right to use non-agricultural land plots has been implemented through an online auction since 2018 [2]. It was decided to implement the right to lease agricultural land from 2021 through an electronic competition [3]. These changes in land legislation are purely political and economic in nature, since currently there is a task to turn land resources into a highly liquid asset, set by the President of the Republic of Uzbekistan back in 2020.. [4]

In addition, the provisions of the Draft on the thorough inspection of the border and their registration in the official public register (with the

exception of information containing state secrets) It has also been implemented in Uzbekistan, as evidenced by the creation of a national information system. The National Geographic Information System of the Republic of Uzbekistan, where a unified system of state cadastres is being formed. Based on this, we can conclude that the definition of the boundaries of a land plot through political decisions in Uzbekistan has a legal basis.

2. Organization of work. Cadastre-2014 proclaimed the complete extinction of mapping, the loss of such a function of maps as a repository of information and its complete replacement by modeling.

In this area in Uzbekistan, we are witnessing the reverse process, which consists in a significant improvement of the legislative framework aimed at expanding the scope of cartography in Uzbekistan (in particular, the adoption of laws "On geodetic and cartographic activities" in 2019) with the application of international standards (coordinates WGS-84). All this is carried out against the background of replacing paper cadastral maps with electronic ones (the introduction of the Electronic Map system "E-kadastr.uz"). In addition, special attention is paid to mapping all agricultural lands and their transfer to an online geoportal with its subsequent integration into the National Geoinformation System.

At the same time, in the law "On the State Land Cadastre" cadastral maps are indicated as a component of land cadastral documentation.

In addition, the use of cartometric methods in determining the boundaries of plots in cases that do not require high accuracy is the main way of forming land cadastral information. [5]

As for the use of the modeling method in the land cadastre, this method has not yet found its legal regulation in the domestic cadastral practice, despite the fact that in the conditions of digitalization of the cadastral system of Uzbekistan, this form of cadastre is the most acceptable.

At the same time, this provision of the Project implied the abolition of a two-stage process during the implementation of a land transaction involving a surveyor and a notary.

This forecast has not yet been realized in Uzbekistan either, but a significant change in administrative procedures has been achieved in the process of registering ownership of a land plot. In particular, in Uzbekistan, the depressing procedure for approving the results of an online auction for the realization of ownership of a land plot has been canceled by the decision of the relevant khokim, which was a preliminary stage of registration of ownership rights.

3. Privatization. In accordance with this project, the privatization of the land cadastre involves two main activities:

3.1. transfer of the preparation and registration of titles and ownership documents to the private sector, and the state must guarantee the permissible protection of the security of the system that records the land.

According to this point in Uzbekistan today, as a result of the reform of the cadastral system, the first steps have been taken to introduce public-private partnership in the field of land cadastre (the introduction of the institute of cadastral engineer for real estate).[6] In addition, the legislation provides for the involvement of business entities in carrying out work on soil bonification, determining the normative



value of agricultural land and conducting geobotanical studies.[7]

We consider the complete privatization of the natural resource cadastral system, given the strategic nature of the information contained, unacceptable for Uzbekistan at the present stage of economic development.

In our opinion, a scheme will be more effective, according to which private entities will collect primary cadastral information about natural resources, and the competent authority (Cadastral Agency) will carry out cadastral supervision and methodological support for the activities of private entities.

3.2. increasing the self-sufficiency of cadastral systems. Land capitalization measures are systematically implemented in Uzbekistan, [8] foreign investments are attracted to the land cadastre system, but nevertheless the self-sufficiency of the cadastral sphere remains low. Despite the fact that the privatization of non-agricultural land plots is allowed in the country and the bulk of the income from which should be spent on the needs of the land cadastre.

In practice, only a minimal part of these revenues remain under the jurisdiction of cadastral authorities.

Thus, in accordance with the Administrative Regulations on the provision of public services to citizens and legal entities of the Republic of Uzbekistan on the privatization of land plots belonging to them on the basis of the right of permanent use (ownership), lease and lifelong inherited ownership, the distribution of income received from the privatization of land plots is as follows:

1. 10% of the amount - for the provision of public services for the state registration of property rights in accordance with Cabinet of Ministers Resolution No.

186 of July 10, 2014 "On improving the procedure for a differentiated approach to setting prices for public services in the field of State Cadastre" - to the territorial department of the relevant chamber of the State Cadastre;

2. 3% of the amount - to the account of the State Asset Management Agency for technical support of the work of JSC "Special Development;

3. payment for the provision of state services for the preparation of a topographic plan of a land plot and adjacent territory — at the expense of the territorial department of the relevant Chamber of State Cadastres;

4. 0.5% of the amount is transferred to a special account of the Information and Communication Technologies Development Fund to finance interdepartmental e-government and digital economy projects for the introduction of a unified billing system;

5. The remaining funds are transferred to the Republican Budget of the Republic of Karakalpakstan, regional budgets of regions and special treasury accounts of the city of Tashkent as their additional sources and are distributed as follows:

5.1. 30% of the remaining funds are transferred to the Territorial Compensation Fund for Damage to Individuals and Legal Entities in connection with the seizure of land plots for state and public needs;

5.2. 70% of the remaining amount is transferred to the Business Infrastructure Development Fund under the Council of Ministers of the Republic of Karakalpakstan, regions and the city of Tashkent.

4. Wide application of information technologies in the cadastral system. This is the direction of the project prepared by Yu.Kaufman and D. Stadler, completely

came true in Uzbekistan. This can be confirmed by the provision of cadastre services using the Internet, digitalization of the land cadastre, the use of Earth remote sensing data from space (DDZ) and unmanned aerial vehicles (UAVs); registration of the right to a land plot based on an online auction protocol, collection of information by GPS receivers, etc.

As can be seen from the above analysis of the norm, the main postulate of the Cadastre-2014 that "land registration can be organized in such a way as to achieve a return on investment" has not yet been implemented at the present stage of development of the domestic natural resource cadastral system.

Thus, summing up the analysis, we can conclude that the forecasts of the Cadastre-2014 project are partially fulfilled in the domestic natural resource cadastral system.

At the same time, the analysis of the Cadastre-2014 project showed the weaknesses of our natural resource cadastral system.

In particular, the limited form and volume of investments introduced into the natural resource cadastral system. To date, projects in the field of formation and application of land cadastre information are mainly implemented in Uzbekistan. At the same time, the attraction of investments in other cadastres of natural resources has practically not begun.

In order to increase the investment attractiveness of the natural resource cadastral system for potential investors, we consider it appropriate to transfer to the investor the right to participate in the formation of primary cadastral information about natural resources, followed by securing ownership of cadastral information about natural resources, with the exception of limited information. All subsequent

activities related to the formation, provision and protection of cadastral information on natural resources should be regulated on a contractual basis between the investor and the Cadastre Agency.

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