

Legal Regulation of Efficient use of Industrial Zones: the Experience of Uzbekistan



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Abstract— *The survey provides an overview of the legal status of industrial land. Also, proposals and recommendations have been developed to improve the legal regime for the use of industrial zones in the Republic of Uzbekistan.*

Keywords: *Industrial Zone, Industrial Lands, Land Use Rights, Land Code, Free Economic Zone.*

I. INTRODUCTION

Effective use and protection of natural resources is one of the most important issues in the socio-economic life of society. Effective use of mineral resources is associated with a number of organizational and legal measures that cannot be implemented without proper regulation of land legislation. After all, the ultimate goal of the socio-economic and political reforms in the Republic of Uzbekistan is the realization of human interests and raising the living standards of the population.

In particular, the current edition of the Land Code of the Republic of Uzbekistan lags behind the modern requirements due to the ongoing administrative reforms, changes in the legislation related to entrepreneurial activity as a result of the deepening of market relations, the transformation of the agrarian sector into a fully industrialized industry.

It should be noted that over the past two or three years, many free economic zones have been established in the country, new small hydro power stations have been established, economic growth and nuclear power plants have been built, and the number of alternative energy sources such as solar and wind has increased. In the agrarian sector, the creation of classrooms requires efficient use of industrial zones. Moreover, these factors radically change the legal status of industrial lands.

II. THE GOAL OF RESEARCH

The purpose of the research is to develop proposals and recommendations on improving the legal regime for the use of industrial zones in the current legislation of the Republic

of Uzbekistan based on the study of the legal status of industrial lands.

III. RESEARCH OBJECTIONS

Objects of research include industrial land law, practical materials, and materials necessary for the effective use of the zoning areas.

IV. METHODS

The philosophy of law and the achievements of land law were used in writing the research work. The research methods used general methods, logic, legal comparison, analysis and synthesis.

V. MATERIALS

The study investigated the legislation on industrial zones, scientific works covering the legal status of industrial lands, including thematic thesis, as well as the current legislation of the Republic of Uzbekistan.

VI. RESULTS OF DISCUSSION

According to the paragraph 3 of clause 8 of the Land Code of the Republic of Uzbekistan, land for industrial, transport, communication, defense and other purposes constitutes a separate category of land fund. Accordingly, a separate chapter 8 of the Land Code (Articles 69-70) deals with the legal status of lands for industrial, transport, communication, defense and other purposes. According to Article 69 of the Land Code, lands for industrial purposes include lands granted for permanent use by industrial enterprises, including mining, energy enterprises, for the production and construction of ancillary buildings and structures. Today, these lands are 857,100 hectares, which is 1.91% of the total land fund of the country. [1]

It should be noted that in light of the legal status of industrial lands, from the legislative point of view, the following problems are emerging:

First of all, in the last two years, about 20 subordinate acts on the legal status of industrial lands have been adopted, and in some cases, there is a clear distinction between the Land Code and those sub-laws. In addition, these legal documents reflect changes in government land policy that have not yet been fully reflected in the Land Code;

Secondly, it is necessary to simplify the procedure of allocation of industrial land to citizens and legal entities for the purpose of increasing the investment attractiveness of the country;

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Thirdly, given the ongoing decentralization of powers of state and public administration bodies in the country, it is necessary to increase the responsibility of local governments and expand their powers in the organization of land management of this category;

Fourthly, the privatization of some industrial land plots (for example, land where light industry facilities are located, agro-clusters with no state share, etc.);

Fifthly, in connection with the creation of free economic zones, it is necessary to include in the Land Code the norms defining their peculiarities and legal status as land users;

Sixthly, it is necessary to improve the mechanism of study and implementation of public opinion in allocation of industrial land in settlements.

It is worth remembering that the legal status of this land category is poorly understood in specialized literature. Specifically, A.Trifonov [2] for the legal regulation of the civil-legal status of industrial land, Yu.E. Budnikov [3] legal regulation of acquisition of privatized land plots by E.V.Sttarova [4] provision and use of land plots for the placement and operation of industrial facilities, V.V.Popov and L.V. He studied the legal status of Soldatova railroad lands [5], the legal status of Tarasenko OV [6], and D.F.Abuzyarova legal status of automobile transport lands [7]. We would like to emphasize that, since industrial land is considered as part of the land for industry, transport, communication, defense and other purposes provided by Chapter 8 of the Land Code, it is advisable to study the industrial lands in a legal, transport, communications, defense and other land.

At the same time, the legal literature has differed on the feasibility of applying the concept of "land of special importance" to land for industrial, transport, communication, defense and other purposes. Specifically, R.D.Bogolepov should refrain from applying the concept of "special lands" to these lands, because, by their conditional nature, it does not represent the characteristics of this land category. Each land fund category is of special importance and it follows from the classification of components of a single state land fund" [8]. Other scholars still use the term "land of special importance" [9]. Specifically, B.V.Erofeev wrote that "Land law" has developed a convenient term, such as "land of special importance," to facilitate the use of multi-meaning concepts applied to this land fund [10].

V.G.Ignatovich also noted that in the current legislation, the name of this land category is really long and meaningful, because of the variety of purposes of use, the instability of the land fund, and the complexity of their general use. the category of land resources of significance" [11]. Currently, as a feature of this land category, J.G.Jarikov cites "plurality of goals" [12], and R.D.Bogolepov "the abundance of land types" [13].

In our view, it is desirable to use the concepts of the law clearly and correctly, as well as the use of the concept of "category of lands for industry, transport, communication, defense and other purposes" due to the wide variety of "special" purposes.

From the foregoing, it would be worth noting that the legal literature also has differing views on the definition of this land fund.

Taking into account that the land fund categories in the Republic of Uzbekistan are categorized according to their main use, it would be appropriate to describe the concept of lands for industrial, transport, communication, defense and other purposes. However, the main purpose of use of this land category is not defined by the legislation, and the literature has differed in this regard. Some authors analyze the category of this land fund and write that their main purpose is to "act as a regional base for the placement of various economic objects and devices" [14]. O. Krassov also expressed a similar view, pointing out that "the creation and operation of various real estate objects" as a common purpose of using this land category [15].

Undoubtedly, an important sign of this land category is that they are not a means of production, just as in agriculture, but as a territorial base, a space for accommodating various objects. At the same time, it should be remembered that the function of a "territorial base" can be fulfilled by other land fund categories. B.V. Erofeev's view is closer to reality. The author writes that "the main purpose of this category of lands is determined by their specific function, which is determined by the object (s) located on the land. All lands with common and specific uses (industrial, transport, communications, defense and other purposes) are complementary and interconnected" [16].

The main focus of this approach is on the targeted use of facilities in the land category under consideration. The variety of purposes of use of land for industry, transport, communication, defense and other purposes is related to the sustainable operation of industrial facilities, roads and railways and other communication lines, objects of communication and defense, and so on.

Many of these goals are of significant national importance and show the specificity of the legal status of certain types of land (limited civil circulation, limited ownership, specificity of the formation, change and termination of land rights).

At the same time, recognizing the diversity of the objectives of these land fund categories, it is also important to combine them under one designation.

Various opinions have been expressed in the literature on the problem of inaccuracies in the category of land resources under consideration. In particular, NI Krasnov notes that "the diversity of the main use objectives of this land category does not allow them to formulate their understanding of the signs. The concept of land of special significance can be understood by law as land that does not belong to other land fund categories and which is different from the reserve land when used" [17].

Pomelov A.S "introducing new categories of land fund, including land for industrial purposes (land for industrial facilities), land for social purposes (health, education and so on) and other land fund categories" [18].

V.V. Ignatovich also writes about the feasibility of further classifying this land category into specific categories and specifying the category of industrial land fund separately [19]. In this regard, the "special duties principle" is highlighted in the literature.

According to it, within the category of a single land fund, the land can be used to solve different, and sometimes unrelated, tasks. However, all of them are specific tasks that are aimed at sustainable development of the country's main economic complexes (including industrial facilities).

Considering the possibility of separate allocation of lands for industry, transport, communication and energy purposes, the main feature that summarizes them is the activities of the categories of land resources - activities in the field of industry, transport, communication, energy industry. We can show that the process of using the material resources and labor force for this purpose is understandable [20].

This is their main use, and this feature differs from that used for defense purposes. Although production activities can be carried out on defense lands, they are primarily aimed at serving defense needs. Therefore, the use of this land fund for development is of secondary importance [21].

The above characteristics of lands for industry, transport, communication, defense and other purposes indicate that its legal status differs from the legal status of other land fund categories. In particular, the restoration and enhancement of soil fertility is not intended as a safeguard for protection. Therefore, for industrial, transport, communications and defense activities, first of all, non-agricultural lands or agricultural lands or bad agricultural lands are given primarily for non-agricultural land (Clause 23 of the Land Code).

Another important feature of this category of lands is the impact on the land and the environment as a result of their activities. In particular, hazardous production facilities, energy facilities, oil production, chemical production, use of radioactive materials, production, operation, repair and maintenance of facilities for physical impact on the environment, etc. causing a negative impact on the quality of the environment. Therefore, the environmental legislation establishes environmental requirements for economic and other activities.

VII. CONCLUSION

Consequently, the main elements of the legal status of industrial lands are:

- 1) the purpose of the main use and the level of access allowed;
- 2) civil law relations;
- 3) rights and obligations of the owner, land users and lessees of this land category;
- 4) protection, registration and monitoring.

The following conclusions were made in terms of improvement of existing legislation:

Firstly, the Law on Free Economic Zones envisages the transfer of land for use, that is, by order of the Directorate, but this is not reflected in the current Land Code. Secondly, legislation for the study of public opinion regarding the use of industrial land for industrial land is established, but there are a number of problems as this mechanism is not fully operational. Thirdly, the issue of land allocation in the case of industrial land acquisition is often referred to the Cabinet of Ministers, which would simplify this procedure and transfer it to the local authorities, and it would be easier for the incoming investor.

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