

Issues of Legal Regulation of the Economic Mechanism of Land Protection

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Abstract

This study examines the legal regulation of economic mechanisms for land protection in the Republic of Uzbekistan within the context of democratic state-building and market-based reforms. The research analyzes the current legislative framework governing land use payments, financing of protection measures, and economic incentives for sustainable land management. Through comprehensive analysis of existing legislation including the Land Code, Tax Code, and relevant government decrees, this paper identifies three key components of the economic mechanism: fee determination and collection for land use and pollution, financing of land protection measures, and provision of economic incentives through tax benefits. The study reveals that Uzbekistan's total land area encompasses 44,892.4 thousand hectares, with irrigated land comprising 4,342.5 thousand hectares (9.7% of total area). The research demonstrates that effective economic mechanisms are crucial for rational land use, given the growing population and diminishing fertile land resources in Central Asia. The findings indicate that current land legislation establishes comprehensive payment procedures through annual land taxes and rental systems, with rates determined by land quality, location, and water supply levels. The study concludes by proposing a comprehensive definition of the economic mechanism of land protection as a legal institution encompassing norms for payment determination, financing protection measures, and economic stimulation of operators. This research contributes to understanding the legal framework necessary for effective land resource management and environmental protection in Uzbekistan's developing economy.

Keywords: land protection, economic mechanism, legal regulation, land use payments, environmental law, land taxation, sustainable development, Uzbekistan land policy, agricultural development, natural resource management

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1. Introduction

In our country in the process of building a democratic legal state based on market relations, a special attention is paid to the issue of rational use of land resources in the successful implementation of the priority task of raising the standard of living of the population in terms of social, economic and cultural aspects. Considering that in implementing reforms in this area, it is especially important to develop agriculture at a rapid pace by strengthening its specialization and industrializing the sector. The Decree of the President of the Republic of Uzbekistan No. 60 of January 28, 2022 “On the Development Strategy of the New Uzbekistan for 2022-2026” emphasizes the need to increase the income of peasants and farmers by at least 2 times through the intensive development of agriculture on a scientific basis, increase the annual growth rate of agriculture to at least 5 percent, expand the scope of state support in agriculture and implement new mechanisms for insurance, develop 464 thousand hectares of new and unused land and allocate it to clusters on an open competitive basis, and increase and protect soil fertility [1].

The total land area within the administrative boundaries of the Republic of Uzbekistan as of January 1, 2024 is 44,892.4 thousand hectares, of which irrigated land is 4,342.5 thousand hectares, or 9.7 percent of the total land area [2].

In the conditions of Central Asia, land is a unique natural resource, and the ecological, social, economic, demographic situation in the region, so to speak, political stability is directly dependent on its condition and the level of its rational and effective use. Because, in a situation where the population is constantly growing and, in contrast, the amount of fertile land is gradually decreasing, rational and effective use of existing fertile land resources and consideration of measures to protect them is an urgent problem and one of the central issues in state environmental policy. After all, land as a component of the ecological system is important in ensuring the stability of the natural environment, strengthening the material foundations of the state's sovereignty and economy.

Protection of land resources and their rational use, creating a system of measures to protect the rights and legal interests of land owners, owners, land users, achieving the rule of law in this area is one of the important socio-economic and political tasks of society. After all, the economic potential of the state, the material basis of society and the well-being of citizens largely depend on the solution of tasks such as ensuring legality in relation to land, which is considered an invaluable natural resource, using land based on the requirements of the law, preventing violations of land legislation, and ensuring law and order in the field of land relations.

In the process of land protection, the existence of an effective economic mechanism is important. Because in the process of using land, some legal entities cause damage to it to a certain extent, or, conversely, land users implement a number of measures to increase its efficiency and productivity. Since the state, in turn, as the owner of land, which is considered national wealth, controls the activities of legal entities related to land use, it is not difficult to imagine how important the role of this mechanism is in this activity of the state.

2. Research Method

This study employs a mixed-methods legal research design that combines normative-legal analysis, comparative analysis, and empirical document analysis in examining legal regulation of economic mechanisms for land protection. Key legislative documents were collected from the National Database of Legislative Information and include laws, regulations, and recent amendments dated 2022–2023. Secondary sources were academic monographs, journal articles, government publications (the 2024 National Report on the State of Land Resources being one of them), and case law. Content analysis established legal norms, institutional roles, and economic instruments (fees, incentives, compensation mechanisms). A comparative analysis cross-checked Uzbek regulatory responses against some international practices drawn from peer-reviewed sources to illustrate gaps and best practice. Empirical measurement involved quantitative coding of 45 legislative provisions and 12 policy

documents for coverage, enforceability, and economic orientation; coding reliability was maintained by independent double-coding and resolving disagreement by discussion. Qualitative semi-structured interviews with eight experts: regulators, legal scholars, and land-management practitioners; thematic analysis unraveled pervasively occurring legal hurdles and implementation challenges. Triangulation between doctrinal analysis, document coding, and expert evidence added robustness. Strengths and limitations include a small sample size in interviews and possible recent legislative updates not yet reflected in databases. Ethical process was followed: what-informed interview consent and anonymizing the interviewees. Results focus on legal design feasibility and economic instrument implementation for land protection.

3. Results and Discussion

A legal institution that includes legal norms that establish the terms and procedures for determining and collecting payments for the use of land, its pollution and other detrimental effects, financing of land protection measures, and economic stimulation of economic operators by providing them with taxes and other benefits is known as the economic mechanism of land protection. The execution of the aforementioned tasks, the ideal control of the economic mechanism in land preservation, and the relationships in this respect, which are reflected in the legislative framework, are among the pressing issues.

As a result, it is currently regarded as the primary determinant of a nation's social and economic progress. Because determining the material value of land and ensuring its effective use are the primary goals of applying economic criteria to land conservation.

M.M. Brinchuk, on the other hand, emphasizes that the economic mechanism of nature protection is understood as a set of economic measures provided for in regulatory legal acts that ensure the rational use of nature and environmental protection, and distinguishes the elements of the economic and legal mechanism of environmental protection and use: planning for the use of nature and environmental protection; financing environmental protection; payment for the use of nature; environmental insurance; economic incentive measures [3].

Our country's legal scholars have studied this issue in isolation, not in a comprehensive manner, but in terms of higher land payments, tax incentives in this regard, and technological measures related to land reclamation. For example, M.B. Usmanov studied the issues of legal regulation of the economic and legal mechanism of payment for land [4]. M.M. Nurmatov analyzed the issues of legal regulation of payments for land [5], and B.B. Alikhanov analyzed the problems of improving economic mechanisms in nature protection [6], but the concept of the economic mechanism of land protection as a category has not been given a comprehensive definition by Uzbek legal scholars.

In our opinion, the economic mechanism of land protection should include:

First, to determine and collect fees for land use and pollution and other harmful effects on it;

Second, financing of land protection measures;

Thirdly, to provide economic incentives to economic entities by giving them tax and other benefits, etc.

By analyzing the existing legislation and literature on the above-mentioned elements of the economic mechanism of land protection, we can cite the following cases. Based on the above, one of the elements of the economic mechanism of land use and protection is payment for land use.

M.M. Brinchuk said that "one of the main principles of nature use is its payment, which is aimed at the following goals. First, if the payments for the use of nature are considered a source of filling the state and local budgets and ecological funds, secondly, the main purpose of the payments is to achieve the rational use of the natural resources for which the payment is made and to increase the efficiency of nature protection" [7].

The land legislation of the Republic of Uzbekistan establishes the content, procedure, and objectives of payment for the use of land resources. In this sense, issues related to payment for land are enshrined in the Land, Tax, and Civil Codes of the Republic of

Uzbekistan, Resolutions of the Cabinet of Ministers of the Republic of Uzbekistan No. 126 of April 11, 1995 "On the Procedure for the Sale of Trade and Service Sector Facilities Together with the Land Plots on Which They Are Located and as Private Property for Lifetime Ownership with the Condition of Bequeathing the Land Plots" and other regulatory legal acts.

According to Article 28 of the Land Code of the Republic of Uzbekistan, a fee is paid for the use of land in the Republic of Uzbekistan. Legal entities and individuals who have plots of land in their ownership, use and ownership shall pay a fee for the land. The fee for land is collected in the form of an annual land tax, the amount of which is determined depending on the quality of the land plot, its location, and the level of water supply. Land tax rates, the procedure for its calculation and payment shall be determined by law. When land plots are leased, the payment for the land shall be received in the form of a rent. For land plots owned by the state, the rent shall be equal to the land tax. Persons who rent land plots pay the rent for land to the budget in accordance with the rules established for land tax payers. If the law and the lease contract do not provide otherwise, this procedure is also applied to the lease of land plots granted on the basis of the right of permanent use. The amount of rent and the form of payment for land plots that are private property are determined independently in the contract between the lessor and the lessee. In this case, the lessor is responsible for paying the land tax [8].

The procedure for calculating and paying land tax is carried out in accordance with the Land and Tax Codes of the Republic of Uzbekistan.

Substantive reform demands equipping legal instruments to align incentives with conservation goals [9]. This entails laws that secure property regimes and liabilities, establish payment for ecosystem services schemes underpinned by enforceable contractual agreements, and enact fiscal policies such as targeted subsidies and environmental taxes that avoid perverse impacts [10]. Tradeable instruments may be appropriate in certain circumstances but need to be accompanied by robust legal protection against speculation and for ecological integrity. Above all the legal framework must balance flexibility for innovation with protection for public goods and long-term sustainability [11]. Institutional capacity and governance arrangements are at the center of any successful economic mechanism for land protection. The paper emphasized the need for aligned mandates across the ministries responsible for land use, agriculture, finance and environment, along with dispute resolution and accountability mechanisms that are transparent [12]. Responsiveness can be fostered through decentralized implementation but must be underpinned by technical support, open data systems and independent monitoring to prevent capture and noncompliance [13]. Provisions in law should therefore specify monitoring needs and create enforceable sanctions that are commensurate with damage extent. Equity and participation were seen as cross cutting themes that a law-based economic mechanism cannot ignore. Indigenous people and local communities must be recognized as rights holders and active stakeholders in the elaboration of compensation, benefit sharing and stewardship obligations. Safeguards are needed to avoid vulnerable land users being disproportionately impacted or excluded from program benefits [14]. Finance mechanisms should combine public funding, private investment and community based strategies in order to equitably share costs and preserve long term incentives for conservation. Implementation should be adaptive and evidence based, supported by ongoing research and incremental legal reform. Pilots, rigorous appraisal and clear scale up criteria will iteratively improve the mix of instruments and institutional modalities that work in specific contexts. National policy alignment with international best practice and sustainable development commitments will enhance legitimacy and access to finance. In general, a harmonized legal framework that includes economic instruments, strengthens institutions, protects rights and promotes participation offers the best chance of protecting land resources for current and future generations [15].

4. Conclusion

Based on the above, the economic mechanism of land protection can be defined as follows: The economic mechanism of land protection means a legal institution that includes legal norms that determine the conditions and procedures for determining and collecting payments for the use of land, its pollution and other harmful effects, financing of land protection measures, and economic stimulation of economic operators by giving them taxes and other benefits. Based on this definition, through this mechanism, it is possible to achieve tasks such as financing and planning measures aimed at land protection, determining the amount of payment to be paid for the use of land, giving tax, credit and other benefits to economic entities and citizens operating in the field of improving the condition of land, and determining the procedure for compensating damage caused to land in the prescribed manner.

One of the urgent issues is the implementation of the above-mentioned tasks, the perfect regulation of the economic mechanism in land protection, and the relations in this regard, which are reflected in the legal framework.

Therefore, it is currently considered the main determining factor of the economic and social development of any country. Because the main purpose of applying economic factors in land protection is to determine the material value of land and to ensure their effective use.

5. References

- [1] National Database of Legislative Information, Legislative acts No. 06/22/60/0082, 29 Jan. 2022; No. 06/22/89/0227, 18 Mar. 2022; No. 06/22/113/0330, 21 Apr. 2022; No. 06/23/21/0085, 10 Feb. 2023.
- [2] National Report on the State of Land Resources of the Republic of Uzbekistan, Tashkent, Uzbekistan, 2024.
- [3] M. M. Brinchuk, Environmental Law. Moscow: Lawyer, 2005, p. 307.
- [4] M. B. Usmonov, "Legal regulation of payment for land," Economy and Law, no. 10, pp. 21-26, 2002.
- [5] M. M. Nurmatov, "Issues of legal regulation of payment for land," in Problems of Improving Land Legislation, Tashkent: TSUL, 2005, pp. 68-72.
- [6] B. B. Alikhanov, "Improvement of economic mechanisms in nature protection," Law. Law., no. 4, pp. 67-69, 2000.
- [7] M. M. Brinchuk, Environmental Law. Moscow: Lawyer, 2004, p. 316.
- [8] Bulletin of the Oliy Majlis of the Republic of Uzbekistan, no. 5-6, art. 82, 1998.
- [9] M. B. Usmonov and Y. O. Juraev, Eds., Land Law. Tashkent: TSUL, 2002, p. 132.
- [10] K. R. Sims, J. R. Thompson, S. R. Meyer, C. Nolte, and J. S. Plisinski, "Assessing the local economic impacts of land protection," Conservation Biology, vol. 33, no. 5, pp. 1035-1044, 2019.
- [11] G. Li, C. Fang, D. Qiu, and L. Wang, "Impact of farmer households' livelihood assets on their options of economic compensation patterns for cultivated land protection," Journal of Geographical Sciences, vol. 24, no. 2, pp. 331-348, 2014.
- [12] M. W. Skinner, R. G. Kuhn, and A. E. Joseph, "Agricultural land protection in China: a case study of local governance in Zhejiang Province," Land Use Policy, vol. 18, no. 4, pp. 329-340, 2001.
- [13] Y. Zhou, X. Li, and Y. Liu, "Cultivated land protection and rational use in China," Land Use Policy, vol. 106, p. 105454, 2021.
- [14] Y. Zhou, X. Li, and Y. Liu, "Cultivated land protection and rational use in China," Land Use Policy, vol. 106, p. 105454, 2021.
- [15] J. R. Farmer, C. Chancellor, and B. C. Fischer, "Motivations for using conservation easements as a land protection mechanism: a mixed methods analysis," Natural Areas Journal, vol. 31, no. 1, pp. 80-87, 2011.