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ISSUES OF LEGAL REGULATION OF THE ECONOMIC MECHANISM OF LAND PROTECTION

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Kenjaev Rustam Xaydarovich

Acting Professor Of The Department Of Environmental Law Tashkent State University Of Law, Uzbekistan

ABSTRACT

this article covers the role of the economic mechanism in the use and protection of land and its importance. On the basis of scientific and legal polemics, issues of legal regulation of the economic mechanism of land protection are based. The legislation of national and foreign countries related to the issues of legal regulation of the economic mechanism of land protection has been scientifically-theoretically analyzed. Currently, the work carried out in the field of organization and protection of land use has been put into question.

KEYWORDS

Land, rational use of land, land protection, economic mechanism of land protection.

INTRODUCTION

The presence of an effective economic mechanism in the process of land protection has an important relevance. Because in the process of land use, some subjects of Rights harm it to some extent, or rather land users carry out a number of measures in order to increase its efficiency and productivity. Since the state, in turn, as the owner of land, which is considered nationwide wealth, has control over the activities of the subjects of law related to land use, it is not difficult to imagine how important the position of this mechanism in this activity of the state is.

We are talking about the economic mechanism of land protection, first of all, we need to reveal the essence of the economic and legal mechanism for the protection of the surrounding natural environment and the use of nature. In this area, various opinions and concepts have been expressed in the legal literature, including o.S. Kolbasov believes that the essence of the economic and legal mechanism that ensures the preservation of the natural environment is manifested in the implementation of legislative requirements for the protection of the natural environment, in the application of means of socio-environmental impact on

legal entities and individuals whose activities affect the state of nature[1].

O.V. Dubovik believes that the economic and legal mechanism of protection of the natural environment and the use of Nature represents a legal institution covering a set of legal norms governing the conditions and methods of spending money paid for financing nature protection measures, stimulating the activities of economic entities through taxes and other benefits, polluting the natural environment and affecting it differently[2].

M.M. Brinchuk, on the other hand, distinguishes between the elements of the economic and legal mechanism of protection of the environment and its use: planning the use of nature and the protection of the environment; financing the protection of the environment; payment of fees for the use of nature; environmental insurance; economic incentives[3].

V.V. Petrov believes that the economic-legal mechanism is a separate Institute of Environmental Law, manifested in the system of environmental-legal norms and environmental legal relations aimed at the implementation of the environmental imperative established by law. V.V. The purpose of the Petrov economic and legal mechanism is to ensure the implementation of the environmental and legal norm, which is achieved due to the fact that the mechanism consists of four branches, and the purpose pursued by it is due to the implementation of the tasks assigned to its components. The first link of the eco-legal mechanism is the legal norms of nature protection, the Second Link is the environmental legal norms and norms, the third link is the guarantees that ensure the implementation of both basic and ecologized norms and norms, and the Fourth Link is the final stage of the norm action carried out in legal relations [4].

More on this issue by the legal scholars of our country, technological measures related to the payment of land, tax benefits and Land Recovery have been studied not in a comprehensive way, but in a separate way. For Example, M.B. Usmanov has researched the issues of legal regulation of land remuneration of the economic legal mechanism[5]. M.M. Nurmatov discussed issues of legal regulation of payment for land [6], B.B. Alikhanov analyzed the problems of improving economic mechanisms in nature protection, but the concept of the economic mechanism of land protection was not given a holistic definition by Uzbek legal scholars as a Category.

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

First, to establish and collect the fees paid for the use of land and its pollution, as well as for other harmful effects caused to it;

Secondly, financing of land protection measures;

Thirdly, economic incentives for economic persons by providing them with taxes and other benefits, etc.

By analyzing the existing legislation and literature on the above elements of the economic mechanism of land protection, we can cite the following cases. From the above, one of the elements of the economic mechanism of land use and their protection is the payment of a fee for the use of land.

M.M. Brinchuk argues that " one of the fundamental principles of the use of nature is its solvency, which focuses on the following purposes. Firstly, payments for the use of nature are considered a source of replenishment of the state and local budget and environmental funds, and secondly, the main purpose of payments is to achieve the rational use of natural

resources for which the user of nature is paid, and to increase the efficiency of nature protection"[7].

In the land legislation of the Republic of Uzbekistan, the content, procedure and duties of remuneration for the use of land resources are strengthened. According to Article 28 [8] of the Land Code, legal entities and individuals with land plots in their possession and use and on their property pay a fee for the land. The fee for land is charged in the form of an annual land tax, the amount of which is determined depending on the quality, location and level of water supply of the land plot. When land plots are leased, the fee for land is charged in the form of a rent, the amount of which is determined in accordance with the agreement of the parties, but it should be less than one and no more than three times the land tax rate, in a tax that is used for agricultural needs from the land, it will be.

M.M. Nurmatov believes that in the Republic of Uzbekistan, a fee is paid for the use of land. Legal entities and individuals with plots of land in their possession and use and on their property pay a fee for the land. The fee for land is charged in the form of an annual land tax, the amount of which is determined by criteria such as the bonity of the soil, the level of water supply, the proximity to highways, the distance to the city or district Center"[9].

The procedure for calculating and paying land taxes is given in Article 28 of the Land Code of the Republic of Uzbekistan and in chapters 61-62 of the tax code of the Republic of Uzbekistan.

Hence, from the above, the economic mechanism of land protection can be described as follows: by the economic mechanism of land protection, the conditions and procedure for setting and accumulating

fees paid for the use of land, its pollution and other harmful effects on it, land

it is understood a legal institution that includes the norms of law that determine their economic incentives by financing conservation measures and providing taxes and other benefits to economic entities. Based on this definition, through this mechanism, it is necessary to finance and plan measures aimed at land protection, to establish the amounts of payment for the use of land, to tax economic entities and citizens operating on the restoration of the state of land, it is possible to achieve such tasks as providing benefits in credit and other areas, setting the procedure for compensating for losses to land in the prescribed manner.

One of the pressing issues is the implementation of the above tasks, the excellent regulation of the economic mechanism in land protection and the relationship in this regard, its reflection on legal grounds.

In our opinion, ideas, scientific and theoretical proposals on the issues of legal regulation of the economic mechanism in relations with the protection of these stated lands should be reflected in the legislation. Consequently, it is currently considered the main determining factor in the economic and social development of any state. Because the main purpose of applying economic factors in the protection of Lands is to establish the material value of lands and to organize the provision of their effective use.

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