



THEORETICAL AND PRACTICAL PROBLEMS OF CONTRACTUAL AND LEGAL REGULATION OF LAND LEASE RELATION

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ABSTRACT

This article analyzes the increase in investment attractiveness in the lease of land plots intended for agriculture, the equality of the rights of the tenant and the landlord and their contractual and legal guarantees. The nature of land relations in the context of private and public law was studied, the experience of national legislation and foreign countries (Great Britain, the Netherlands) was compared. At the end of the study, proposals were put forward aimed at rational use of land, maintaining soil fertility and protecting the interests of the tenant while introducing long-term capital.

Modernization of the agricultural sector and ensuring economic growth directly depends on the efficiency of land use and the volume of investments in this area. The land lease relationship is not only ensuring the fulfillment of property obligations, but also important economic support for improving the quality of land, introducing agricultural innovations and ensuring capital turnover.

Although article 24 of the Land Code of the Republic of Uzbekistan establishes the lease of land for a certain period and for a certain fee, modern economic realities require strengthening the elements of investment protection in the content of the lease agreement. The relevance of the topic lies in the fact that subjects of long-term investment in agricultural land (farmers, agro-clusters) need to be legally confident that their contributions and legal expectations are not exposed to unreasonable risk from the state or the landlord. Therefore, the stability of land lease agreements and the improvement of the guarantee system in them are of urgent scientific and practical importance.

In the course of this research, system analysis, comparative legal, formal legal methods and forecasting methods were used.

The norms protecting the right of lease in the Civil Code of the Republic of Uzbekistan, the Land Code and by-laws of the Republic of Uzbekistan were interpreted using the formal legal method.

Using the comparative legal method, the institute of agricultural leases in the English legal system and the experience of Dutch land legislation in the field of rent stability were studied.

A systematic approach made it possible to analyze the improvement of the investment climate in accordance with environmental obligations and state control.

There are various points of view in the scientific literature regarding the limits of legal protection of land lease investments. Professor O. Okyulov pays priority attention to the balance of property interests of the

parties in the context of freedom of contract [1]. It follows that when the value of the land increases in exchange for investments made by the tenant, he should have the right to claim compensation or privileges stipulated in the contract.

On the other hand, Sh. Rozinazarov advocates that land, as a national wealth, be under strict state control [2]. Therefore, it is extremely important that investments made in land do not damage the natural properties of the land and environmental standards, otherwise it is legitimate to restrict the freedom of contract.

Indeed, while the general rules of the Civil Code provide for the free determination of the amount of rent and its duration, article 12 of the Rent Act uses administrative and restrictive rules in relation to public lands. This limits the scope of freedom of the land lease agreement to public interests.

The foreign experience of investment protection opens up very interesting prospects. In the United Kingdom, the lease of agricultural land is regulated by the Agricultural Lease Act 1995. According to this system, expenses directed by the tenant to improve the condition of the land (for example, modernization of the drainage system, construction of buildings) are subject to mandatory compensation by the landowner (landlord) at the conclusion of the contract.

However, under Dutch law, the lease of agricultural real estate (Pacht) is under the control of special courts. The amount of rent should not exceed the maximum limit set by the state body. The goal here is to protect the tenant from excessive financial pressure and invest in the land. The FAO recommendations also state that the long-term and stable availability of land lease agreements is a leading factor in ensuring the viability of small and medium-sized agricultural holdings.

In Uzbekistan, by Resolution of the Cabinet of Ministers No. 6 dated January 10, 2025, a transparent land lease system was established through an open electronic selection and online auction [3]. This was an important step in eliminating corruption factors. However, from the point of view of protecting the investment environment, the following legal gaps are obvious:

Lack of an investment and return insurance mechanism: after the tenant has carried out such valuable work as laser leveling of the land, the introduction of drip irrigation systems, there is no procedure to cover the contributed real capital if the contract is terminated for government needs or other reasons.

Slowness in implementing the principle of protecting legitimate expectations: government initiatives to terminate lease agreements ahead of schedule in most cases do not take into account the economic interests and legal expectations of the tenant.

Payment of the purchase price of the privatized land plot is made by the applicant within ten working days after receiving a notification with a positive decision of the commission. Provision of land plots in accordance with the general plans of settlements, detailed planning projects for individual parts of settlements, other documents on integrated development and development of territories, permitted types of land use in accordance with legislation. Provision of land plots for private ownership through an online electronic auction-Sunday [4].

The purchase price of a privatized land plot owned by a privatized entity on the basis of the right of permanent use (ownership), lease or lifelong possession, inherited, is determined by the Cabinet of Ministers of the Republic of Uzbekistan in a multiple of the base land tax rate established during privatization for the corresponding lands received from legal entities and individuals. Mark the purchase price of the privatized land plot - The Cabinet of Ministers of the Republic of Uzbekistan has the right to establish differentiated coefficients for certain categories of subjects of privatization, including persons exempt from paying land tax [5].

The fact is that land quality monitoring is not integrated with the digital system: at the time of the conclusion of the lease agreement, the relief and salinity level of the land are not clearly recorded in the contract, which subsequently causes disputes between the parties.

Land is one of the most important assets of a farmer, providing food for the family while surplus yields can be used to earn extra income. For many farmers, leasing of land is a fact of life. For those with no land or insufficient land for their needs, acquiring land through leasing goes a long way to determining their future security. For land owners, extra income or produce can be acquired by leasing land to others in exchange for cash or a portion of the harvest.

At the core of most of these land-leasing arrangements are three issues shared by tenant and land owner alike: risk, security and trust. The success of the land owner-tenant relationship depends on the level of trust that can be established between them. And a proper agreement can lay the groundwork for such trust - through flexibility for the land owner and security for the tenant. In this way, many potential problems or disputes can be avoided.

When drawing up a lease, three factors play a key role:

The length of the lease term, together with the security provided by the tenancy;

The degree of freedom and control given to the tenant;

The flexibility and financial implications of this combination of length of the lease, security, freedom and control.

The land plots on which housing belonging to citizens is located were bequeathed to them by right of ownership, the land plots of non-residential facilities engaged in entrepreneurial activity received the right of permanent use [6].

Leases that are strongly regulated and protective of the tenant can be unacceptable to land owners, who may feel that their power and flexibility are being too restricted. At the same time, a lease that is highly informal or under-regulated is not in the best interest of tenants as it may deny them a reasonable level of security. The key is to find a balance that is suitable to both land owners and tenants.

The value of this land plot is clearly determined in accordance with the law, when a fee is paid for the privatized land plot according to the obligations of the owner. A dispute may arise in court about the value of the seized privatized land plot established by the appraisal organization [7].

Today, one of the most important issues is the implementation of regular monitoring of issues related to the rational use of land and their further strengthening of control in the field of protection, allocation of land, development of new lands and their inclusion in agricultural turnover, ensuring compliance with legal requirements established by the Land Code [8].

On February 21, 2022, the decree of the President of the Republic of Uzbekistan "On measures to improve the effectiveness of state control in the field of land use" PQ-138 was adopted.

In order to make reasonable use of land plots and strengthen control over their protection, the Prosecutor's office was assigned the following additional tasks:

allocation of land plots, establish regular monitoring of the timely and complete implementation of measures provided for by national and local programs related to the development of new lands and their inclusion in agricultural turnover;

to carry out constant control over ensuring compliance with the requirements established by the Land Code when dividing land plots, intended and not intended for agriculture;

develop solutions for local government authorities, constant monitoring of the unified electronic settlement and registration system "electronic solution";

cases of unauthorized seizure and illegal use of land, the establishment of strict prosecutorial control over the early detection and ensuring the inevitability of punishment of persons who have committed an offense;

regular review of the legal compliance situation, legislative acts on land, the formation of a unified practice of rational use in;

to study the targeted spending of funds from the Fund for the development of agriculture and food security, as well as relevant extra-budgetary funds allocated to industry, funds from international financial institutions and foreign government financial organizations [9].

In recent years, some institutions of land law in the national legal system of our country have been systematically tattooed with scientific innovations, generalized opinions, and developments based on the requirements of practice. Some of them are applied in practice. Nevertheless, there are serious legislative shortcomings in the regulation of relations related to the allocation of land plots, their use and control over their protection. This is due to the fact that there is a lack of sufficient legal framework in regulating legal relations with land, some controversial aspects are not always taken into account when privatizing land, the specifics of the forms of land use rights, moreover, there is no perfect procedure for guaranteeing the rights of land users, landowners, tenants of land.

The acquisition of privatized land plots for state and public needs is carried out only after an open discussion of the contractual price and conditions for the acquisition of land plots with the owners of land plots, as well as in connection with the mandatory withdrawal of land plots for the needs of the state and society. agreement with the centralized compensation fund [10].

It should be noted that, despite the fact that institutions such as the study of certain categories of land stock, state management of land stock, legal relations related to land control, scientific and theoretical problems of land protection, legal issues related to the mortgage of land, the right of citizens to use land, need to eliminate inconsistencies that have arisen. in the process of registration of land plots, the fact that it is necessary to develop a reliable, systematic mechanism for the practical implementation of land regulations, indicates the need to improve the legal relations of citizens in the process of land use and its protection.

In order to create an attractive investment environment in the field of agricultural land lease and protect the rights of the parties, it is proposed to implement the following measures:

First of all, it is necessary to include in the Land Code and the Civil Code a special provision guaranteeing the tenant the "right to compensation for unfinished improvements." If the tenant has increased the productivity of the land, let the landlord be obliged to pay this amount upon expiration of the contract or upon its termination.

Secondly, a standard lease agreement must necessarily reflect the initial agrochemical and reclamation condition of the land and be updated every 3 years based on digital monitoring.

Thirdly, it is necessary to strengthen the legal protection of the mechanism of foreclosure and transfer of lease rights to another person (re-lease), which ensures the capitalization of land rights and free lending to farmers by commercial banks.

Fourthly, it is desirable that the "Electronic Land Lease Registry" system should record not only legal information, but also the amount of investments made by the tenant and guarantees issued by the state..

References:

1. Okyulov O. Civil law: general provisions. Tashkent, 2018.
2. Rozinazarov Sh. Land law: issues of theory and practice. Tashkent, 2020.
3. Resolution of the Cabinet of Ministers No. 6 dated January 10, 2025 - URL: <url>
<https://lex.uz/docs/7314833>.
4. Mukumov A. Problems of the introduction of ownership rights to a land plot and ways to solve them //Scientific progress. -2021. - vol. 2. -No. 2. - pp. 1424-1430.
5. Altiev A.S. Problems of regulation of the system of land resources use. The monograph. Tashkent, nauka, 2018.
6. Land law. Textbook//Kholmominov Yu.T., Dzhokhraev N.O., Usmanov M.B., Fayzievich Kh. and others. The responsible editor is Yu.F.d., professor J.T.Kholmominov. - T: TDJ, 2018.–P. 248.

7. Babokulov Sh., Abdulkhayevag. Regulation of legal relations in the field of privatization of land plots not intended for agriculture //Scientific progress. -2022. - vol. 3. –No. 1. - pp. 579-586
8. Decree of the President of the Republic of Uzbekistan No. 6243 dated June 8, 2021 "On measures to ensure equality and transparency in land relations, reliable protection of land rights and its transformation into a market asset".
9. Decree of the President of the Republic of Uzbekistan dated February 21, 2022 PQ-138 "On measures to improve the effectiveness of State control in the field of land use"
10. Uzakova G.S. Legal regulation of the process of privatization of land in the Republic of Uzbekistan. The monograph. - Tashkent: TDUU. 2020. –p. 119.



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