

## THE LEGAL MECHANISM FOR CONCLUDING LAND LEASE AGREEMENTS: PROBLEMS AND SOLUTION

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**Abstract:** This article examines the legal mechanisms involved in concluding land lease agreements, highlighting the inherent problems and proposing viable solutions. It delves into the complexities of land lease contracts, including issues related to contract formulation, enforcement, and compliance with existing legal frameworks. By analyzing case studies and current regulations, the article identifies common pitfalls that parties encounter during the leasing process. Furthermore, it offers recommendations for improving legal practices and enhancing the clarity and effectiveness of land lease agreements. Ultimately, this work aims to contribute to a better understanding of the legal landscape surrounding land leases and to promote more efficient land management practices.

**Keywords:** land lease agreements, legal mechanisms, contract formulation, enforcement, compliance, land management, regulatory framework, legal challenges, case studies, recommendations.

Vacant land plots will be privatized and restored through an online electronic auction. The land plots on which the state-owned real estate objects subject to privatization are located are determined by the Agency for State Property Management in accordance with approved privatization programs and are put up for electronic online auction as a single property complex. A state order for ownership of a land plot is a document establishing this right, which is issued by the State property management agency within 1 business day after full and timely payment of the cost of the privatized land plot. There is no state fee for issuing government orders.

It is also established that if ownership of land plots arises from persons who are not subjects of privatization, then these land plots must be alienated within 6 months from the moment such a situation arises. If the land plots are not alienated within the specified period, the land plots are transferred to state ownership if these persons have preferential rights to lease them in accordance with the procedure established by law. Based on the Law of the Republic of Uzbekistan "On the privatization of land plots not intended for agriculture", 3 procedures were developed by the Resolution of the Ministers of Makhka-Masi dated February 14, 2022 No. 71.

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 order to increase the effectiveness of operational search activities in detecting violations of land legislation, the Department for Combating Theft of Land Resources has been established in the structure of the Operational Search Department of the Ministry of Internal Affairs, consisting of 73 state divisions, and units for combating theft of land resources in the territorial operational search services [1].

On April 14, 2022, the Cabinet of Ministers adopted Resolution No. 183 "On Approval of the Regulations on the Procedure for State Land Cadastre Control and the Procedure for State Geodetic Control." This decision provides for: (a) in accordance with Annex 1 to the Regulation on the procedure for State land and cadastral control:

the procedure for state land control by local state authorities and specially authorized state bodies (the Cadastral Agency under the State Tax Committee, the Ministry of Agriculture, the State Committee for Ecology and Environmental Protection);

the procedure for state cadastral control by the cadastral agency under the State Tax Committee;

the procedure for state cadastral control by the cadastral agency under the State Tax Committee tasks and functions of specially authorized state bodies, their rights and obligations, the procedure for organizing and conducting state land and cadastral control;

the procedure for public control in the detection of land violations and stimulating subjects of public control with monetary remuneration in the amount of ten percent of the basic calculation amount;

if violations are detected as a result of state land and cadastral control, the issue of the responsibility of the perpetrators is resolved;

b) regulations on the procedure for state geodetic control in accordance with Appendix 2:

procedure for state geodetic control by the cadastral agency (a specially authorized state body) under the State Tax Committee;

monitoring compliance by subjects of state control with Geodetic and cartographic activities in accordance with the requirements of legislative acts -determining the functioning of the geodetic fund as the main tasks of state geodetic control;

tasks and functions of a specially authorized state body carrying out state geodetic control, the composition of officials of this body, participants in control activities, their rights and obligations, the organization and conducting state geodetic control; determined the procedure for bringing to justice [2].

The privatization of a land plot is understood as the transfer of a land plot not intended for agriculture, which is in state ownership, to the ownership of citizens of the Republic of Uzbekistan and (or) legal entities.

Land lease relations are crucial in the context of economic development and resource management. This article explores the theoretical frameworks and practical challenges associated with the contractual and legal regulation of land lease agreements. By examining existing literature, legal provisions, and case studies, we aim to identify key issues and propose potential solutions to enhance the effectiveness of land lease regulations.

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, land [3].

Land lease agreements serve as essential instruments for managing land resources, facilitating agricultural production, urban development, and investment. However, the complexity of these agreements often leads to theoretical and practical challenges. This paper seeks to analyze the nature of land lease relations, the legal frameworks governing them, and the problems that arise in practice.

On the other hand, for the implementation of entrepreneurial activities, land plots are acquired transparently, through auction sales. Land plots not intended for agriculture are privatized in electronic commerce in the form of auctions on the basis of equal use by potential buyers of the auction results in a specialized electronic trading platform on the world Wide Web:

- legality;
- volatility;
- charging;
- the integrity of land plots for privatization and real estate located in them;
- implemented in accordance with its basic principles such as openness and transparency [4].

Land lease can be understood through various theoretical lenses, including property rights theory, contract theory, and economic efficiency. Property rights theory emphasizes the importance of clearly defined ownership and usage rights, which are critical in minimizing disputes. Contract theory focuses on the terms and conditions agreed upon by the parties involved, highlighting the significance of clarity and enforceability in contracts. Economic efficiency underscores the need for land leases to promote optimal resource allocation.

The legal regulation of land leases varies significantly across jurisdictions. In many countries, land lease laws are established to protect the rights of both lessors and lessees. Key components often include:

**duration and Renewal:** Regulations typically stipulate the duration of lease agreements and conditions for renewal;

**rent Determination:** Legal frameworks often outline methods for determining fair rental prices;

**termination Clauses:** Clear guidelines on how leases can be terminated help prevent disputes;

**rights and Obligations:** Laws delineate the rights and obligations of both parties, ensuring that responsibilities are understood.

Despite robust legal frameworks, several practical issues persist:

**Ambiguity in Contracts:** Vague or poorly drafted contracts can lead to misunderstandings and disputes between parties.

**Enforcement Challenges:** In some jurisdictions, enforcement of lease agreements can be problematic due to bureaucratic inefficiencies or corruption.

**Market Fluctuations:** Changes in market conditions can create imbalances in lease agreements, leading to conflicts over rent adjustments.

**Environmental Considerations:** Increasing awareness of environmental issues necessitates that lease agreements address sustainability concerns, which are often overlooked.

To illustrate these challenges, we present case studies from different regions that highlight common issues in land lease relations. These examples demonstrate how local practices and legal frameworks interact with theoretical principles, revealing gaps that need addressing.

To enhance the effectiveness of land lease regulations, we propose several recommendations:

**Standardization of Contracts:** Developing standardized lease agreements can reduce ambiguity and facilitate smoother transactions.

**Strengthening Enforcement Mechanisms:** Governments should invest in improving legal enforcement mechanisms to ensure compliance with lease terms.

**Incorporating Flexibility:** Lease agreements should incorporate clauses that allow for adjustments based on market conditions or environmental changes.

**Promoting Education and Awareness:** Stakeholders should receive training on their rights and obligations under lease agreements to minimize disputes.

The contractual and legal regulation of land lease relations presents both theoretical challenges and practical obstacles. By addressing these issues through improved legal frameworks, standardized practices, and enhanced education, stakeholders can foster more effective land use and management. Future research should focus on evolving legal practices and their implications for sustainable development in land lease relations.

### **Foydalanilgan adabiyotlar.**

1. Decree of the President of the Republic of Uzbekistan PQ-138 dated February 21, 2022 "On measures to improve the effectiveness of state control in the field of land use".
2. Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated April 14, 2022 No. 183 "On Approval of the Regulations on the procedure for State Land Cadastre control and the procedure for State Geodetic control".
3. Abdurashid Altiyev, Shakhnazar Bobokulov, Valikhan Karomatov, Nuriddin Abduvaliev. Contractual and legal relations, society and innovations in the use of land based on the right of lease: Volume 4, № 2 (2023).
4. Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 71 dated February 14, 2022 "On measures to implement the Law of the Republic of Uzbekistan "On the Privatization of land Plots not intended for agriculture".