

**TOSHKENT DAVLAT YURIDIK UNIVERSITETI HUZURIDAGI
ILMIY DARAJALAR BERUVCHI DSc.07/03.06.2023.Yu.22.04
RAQAMLI ILMIY KENGASH**

TOSHKENT DAVLAT YURIDIK UNIVERSITETI

TO‘XTASHEV HIKMATILLA ISMATILLAYEVICH

**FERMER XO‘JALIKLARINING YERDAN FOYDALANISH VA
MUHOFAZA QILISH SAMARADORLIGINI TA‘MINLASHNING
HUQUQIY MASALALARI**

12.00.06 – Tabiiy resurslar huquqi. Agrar huquq. Ekologik huquq

**yuridik fanlar bo‘yicha falsafa doktori (PhD) dissertatsiyasi
AVTOREFERATI**

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Оглавление автореферата диссертации доктора философии (PhD)

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KIRISH (falsafa doktori (PhD) dissertatsiyasi annotatsiyasi)

Dissertatsiya mavzusining dolzarbligi va zarurati. Dunyoda global iqlim o'zgarishi va suv resurslarining tanqisligi, aholi sonining ortib borishi va oziq-ovqat xavfsizligini ta'minlashga doir talablarning yuqoriligi bevosita qishloq xo'jaligi tizimida fermer xo'jaliklarining yerdan foydalanish va muhofaza qilish samaradorligini oshirish masalasini qo'yadi. Bugungi kunda "dunyoda kichik va oilaviy fermer xo'jaliklari 570 milliondan ortiqni tashkil qilib, shulardan, kichik fermer xo'jaliklari (2 ga dan kam) dunyodagi qishloq xo'jaligi yerlarining taxminan 12 foizini, oilaviy fermer xo'jaliklari esa dunyodagi qishloq xo'jaligi yerlarining qariyb 75 foizini boshqaradi"¹. Qishloq xo'jalik mahsulotlari yetishtirish ko'lami va sifatini oshirish borasida Birlashgan Millatlar Tashkilotining 2015-2030 yillarga mo'ljallangan Barqaror Rivojlanish Maqsadlarida belgilangan 17 ta global maqsaddan "Ochlikni tugatish"ga erishishda oziq-ovqat xavfsizligini ta'minlash va "Quruqlikdagi ekotizimlarni asrash"²da tuproq unumdorligini saqlash masalasi mazkur yo'nalishda fermer xo'jaliklarining yerdan foydalanish va muhofaza qilish samaradorligini oshirishda hal qiluvchi ahamiyat kasb etadi.

Jahonda oziq-ovqat xavfsizligini ta'minlash, qishloq xo'jaligini barqaror rivojlantirish, yer boshqaruvini to'g'ri tashkil etish, qishloq xo'jaligida innovatsion texnologiyalarni qo'llash hamda atrof-muhitni muhofaza qilishda fermer xo'jaliklarining yer resurslaridan oqilona foydalanish va tuproq unumdorligini saqlash bilan bog'liq ilmiy-tadqiqot faoliyati dolzarb hisoblanadi. BMT Bosh Assambleyasining 2017-yil 20-dekabrda 72-sessiyasida qabul qilingan "2019-2028 yillarni BMTning Oilaviy fermerlik o'n yilligi deb e'lon qilish to'g'risida"gi 72/239-son rezolyutsiyasi³ barcha davlatlar uchun oilaviy fermerlik yuzasidan davlat siyosatini ishlab chiqish, takomillashtirish va o'z ilg'or tajribalarini boshqa davlatlar bilan baham ko'rish vazifasini belgilaydi. Shu bois fermer xo'jaliklarini rivojlantirish bo'yicha asosiy huquqiy yechim – bu BMTning Oziq-ovqat va qishloq xo'jaligi tashkiloti (FAO), Jahon banki, Xalqaro qishloq xo'jaligini rivojlantirish fondi (IFAD), Xalqaro oziq-ovqat siyosati tadqiqot instituti (IFPRI), Qurg'oqchil mintaqalarda qishloq xo'jaligi ilmiy-tadqiqotlari xalqaro markazi (ICARDA) va xorijiy mamlakatlarning ilg'or tadqiqot natijalari asosida xalqaro standartlarga va milliy xususiyatlarga mos keladigan kompleks huquqiy bazani yaratish va tatbiq etish, yer va suv resurslaridan adolatli foydalanish huquqlarini kafolatlash, qishloq xo'jaligi faoliyatini har tomonlama qo'llab-quvvatlash, barqaror rivojlanishni rag'batlantirish, oilaviy fermerlarning huquqiy himoyasini ta'minlash va xalqaro hamkorlikni yo'lga qo'yishdir.

O'zbekiston Respublikasida fermer xo'jaliklariga boshqa qishloq xo'jalik

¹ Lowder, S. K., Skoet, J., & Raney, T. (2016). [The number, size, and distribution of farms, smallholder farms, and family farms worldwide](#). World Development, 87, 16-29.

² Цели устойчивого развития // Официальный сайт ООН. — <https://sdgs.un.org/>

³ United Nations Decade of Family Farming (2019-2028) resolution / adopted by the General Assembly. – <https://digitallibrary.un.org/record/1479766?ln=ru>

korxonalari bilan birga biriktirilgan yerlar “umumiy qishloq xo‘jalik yerlarining 21 206,5 ming gektarini, shundan 3 701,0 ming gektari sug‘oriladigan yerlarni tashkil qiladi”⁴. “Sug‘oriladigan yerlar 50-yillarda aholi jon boshiga 0,5 gektar, 70-yillarda 0,4 gektar, 80-yillarda 0,2 gektardan to‘g‘ri kelgan”⁵ bo‘lsa, hozirgi vaqtda 0,12 gektarni tashkil qiladi. “1995 – 2020 yillar davomida ekin yerlarining o‘zgarishi tahlil qilinganda, har 5 yilda ekin yerlar maydoni 19,3 ming gektarga kamayishi kuzatilgan”⁶. Shu munosabat bilan, Prezidentimiz fermer xo‘jaliklarining yerdan samarali foydalanilishini rag‘batlantirish maqsadida “dala chetini samarali ishlatgan fermer xo‘jaliklariga tadbirkorlar reytingida qo‘shimcha ball hisoblanadi, ichki fitosanitar sertifikatini bir yil davomida bepul beriladi. Fermerning barcha yerlari uchun yer solig‘ini ikki yilga bo‘lib to‘lashga ruxsat etiladi”⁷, deb ta‘kidlaganligi qishloq xo‘jalik yerlari unumdorligini saqlash va muhofaza qilishning davlat siyosatida ustuvor ahamiyatga ega ekanligini ifodalaydi. Shu bois fermer xo‘jaliklarining yerdan oqilona va samarali foydalanishi uchun shaxsiy manfaatdorligini oshirish, imtiyozlar joriy etish, innovatsion texnologiyalarni tatbiq qilish, bozor mexanizmlarini takomillashtirish, davlat boshqaruvini ixchamlashtirish va jamoatchilik nazoratini kuchaytirish, shuningdek iqlim o‘zgarishi, suv taqchilligi va qishloq xo‘jalik yerlaridan samarasiz foydalanilishi kabi muammolar ushbu sohada ilmiy tadqiqot olib borishning dolzarbligi va milliy qonunchilikni takomillashtirish zaruriyatini keltirib chiqarmoqda.

Ushbu dissertatsiya tadqiqoti O‘zbekiston Respublikasi Prezidentining 2019-yil 17-iyundagi PF – 5742-son “Qishloq xo‘jaligida yer va suv resurslaridan samarali foydalanish chora-tadbirlari to‘g‘risida”, 2019-yil 23-oktabrdagi PF – 5853-son “O‘zbekiston Respublikasi qishloq xo‘jaligini rivojlantirishning 2020 — 2030 yillarga mo‘ljallangan strategiyasini tasdiqlash to‘g‘risida”, 2020-yil 5-oktabrdagi PF – 6079-son “Raqamli O‘zbekiston — 2030” strategiyasini tasdiqlash va uni samarali amalga oshirish chora-tadbirlari to‘g‘risida”, 2022-yil 29-yanvardagi PF – 60-son “2022 — 2026 yillarga mo‘ljallangan Yangi O‘zbekistonning taraqqiyot strategiyasi to‘g‘risida”, shuningdek 2023-yil 11-sentabrdagi PF – 158-son “O‘zbekiston — 2030” strategiyasi to‘g‘risida”gi Farmonlari hamda boshqa normativ-huquqiy hujjatlarning ijrosini muayyan darajada amalga oshirishga xizmat qiladi.

Tadqiqotning respublika fan va texnologiyalari rivojlanishining ustuvor yo‘nalishlariga mosligi. Dissertatsiya tadqiqoti respublika fan va texnologiyalar rivojlanishining I. “Axborotlashgan jamiyat va demokratik davlatni ijtimoiy, huquqiy, iqtisodiy, madaniy, ma‘naviy-ma‘rifiy rivojlantirishda

⁴ O‘zbekiston Respublikasi Kadastr agentligi. O‘zbekiston Respublikasining Milliy hisoboti. 2024 yil 1-yanvar holatiga. — <https://kadastr.uz/uz/yer-hisobi-yo'nalishi>.

⁵ O‘zbekiston Respublikasi Davlat statistika qo‘mitasi. — Rasmiy sayt: <https://stat.uz>.

⁶ “Yer resurslaridan oqilona foydalanish, uni muhofaza qilish va sohada qonuniylikni mustahkamlash – dolzarb vazifa” mavzusidagi Ochiq muloqot // Teznews.uz. — 2021 yil 11 iyun. <https://teznews.uz/11-06-2021/ochiq-muloqot>.

⁷ Mirziyoyev Sh.M. O‘zbekiston Respublikasida meva-sabzavot yetishtirish, qayta ishlash va eksportini ko‘paytirish chora-tadbirlari yuzasidan o‘tkazilgan videoselektor yig‘ilishidagi ma‘ruzasi. 2024-yil 28-noyabr. // <https://president.uz/oz/lists/view/7736>

innovatsion g'oyalar tizimini shakllantirish va ularni amalga oshirish yo'llari" ustuvor yo'nalishi bo'yicha bajarilgan.

Muammoning o'rganilganlik darajasi. Milliy qonunchiligimizda yerdan foydalanish va muhofaza qilish samaradorligini oshirish bo'yicha huquqshunos olimlar tomonidan turli ilmiy tadqiqotlar olib borilgan. Biroq, fermer xo'jaliklarining yerga oid faoliyatini samarali tartibga solishga qaratilgan maxsus tadqiqotlar yetarli emas. Mavjud ishlar asosan yer huquqi, ekologiya, atrof-muhit muhofazasi, agrar va tadbirkorlik huquqining umumiy jihatlarini qamrab olgan bo'lib, bu borada maqolalar, risolalar, monografiyalar hamda dissertatsiyalar yaratilgan. Jumladan, huquqshunos olimlardan I.Jalilov, Y.Jo'rayev, U.Bozorov, J.Xolmo'minov, M.Usmonov, X.Raxmonqulov, Sh.Fayziyev, N.Skripnikov, R.Kenjaye, M.Mirzaabdullayeva, B.Kalonovlar⁸ning ilmiy asarlari yer resurslarining huquqiy holati, shuningdek qishloq xo'jaligiga mo'ljallangan yerlardan foydalanish va muhofaza qilishga qaratilgan bo'lsa, Q.Abdulhasanova, A.Shukurullayev, A.Gulmonov, Sh.Ro'zinazarov, K. Sindorov, U.Ayubov, N.Axmanov, Dj.Safarov, O.Narzullayev, G.Uzakova, D.Maxkamov, N.Rajabov, R.Toshboyeva, O.Utegenov, Sh.Boboqulov, E.Qurbonov, A.Xodjaye va J.Suvonqulovlar⁹ o'z ilmiy faoliyatlarida fermer xo'jaliklarining yerdan foydalanish va muhofaza qilish, qishloq xo'jalik yerlari melioratsiyasi, qishloq xo'jaligida mehnat va shartnoma munosabatlari, tabiiy resurslardan foydalanishda jamoatchilik nazoratini tashkil etish bilan bog'liq yer qonunchiligini takomillashtirishga oid izlanishlar olib borgan.

Shuningdek, MDH mamlakatlari olimlari – S.A.Bogolyubov, O.A.Frolova, A.Yu.Suyundukova, M.Brinchuk, V.F.Bashmachnikov, I.N.Bobisheva, O.A.Orlova, V.V.Buzmakov, A.B.Medvedev, A.P.Anisimov, Y.S.Boltanova, L.G.Trushnikov, S.N.Volkov, F.P.Rumyansev, T.D.Konopleva, A.A.Sokolova, A.A.Artemev, I.A.Lepexin, V.A.Kundius, Yu.N.Ivanova, M.V.Logunova, hamda D.S.Murtazakulovlar¹⁰ tomonidan aynan agrar sohada fermerlik faoliyati bilan bog'liq xorijiy mamlakatlar tajribalari, qishloq xo'jalik yerlaridan foydalanish va muhofaza qilishning huquqiy holati, tamoyillari va yerdan foydalanishda samaradorlik va yer fondini toifalarga ajratish bilan bog'liq huquqiy masalalar yoritib berilgan.

Xorijda T.L.Daniels, J.C.Keene, H.Ritchie, M.Roser, H.R.Johnson, C.Rodgers, A.Bulman, K.Y.Cordes, L.Mehranvar, E.Merrill, Y.Fiedlerva J.D.Baerdemaekerlar¹¹ oziq-ovqat mahsulotlarini yetishtirish hamda zamonaviy texnologiyalarni qo'llashning huquqiy masalalarini o'rgangan. Biroq, ularning ilmiy ishlarida fermer xo'jaliklarining yerdan foydalanish va muhofaza qilish samaradorligini oshirish, fermerlik boshqaruvini takomillashtirish, yerdan samarali foydalanganlik va muhofaza qilganlik uchun imtiyozlar qo'llash, jamoatchilik

⁸ Mazkur olimlarning ilmiy ishlari dissertatsiya ishining foydalanilgan adabiyotlar ro'yxatida berilgan.

⁹ Mazkur olimlarning ilmiy ishlari dissertatsiya ishining foydalanilgan adabiyotlar ro'yxatida berilgan.

¹⁰ Mazkur olimlarning ilmiy ishlari dissertatsiya ishining foydalanilgan adabiyotlar ro'yxatida berilgan.

¹¹ Mazkur olimlarning ilmiy ishlari dissertatsiya ishining foydalanilgan adabiyotlar ro'yxatida berilgan.

nazoratini ta'minlash hamda innovatsion texnologiyalarni qo'llashni huquqiy tartibga solish masalalari chuqur yoritilmagan.

Shunga ko'ra, qishloq xo'jaligida tabiiy qonuniyatlar asosida bozor munosabatlarini rivojlantirish, ekologik meyorlarga rioya etishning eng maqbul holatini aniqlash, qolaversa, ommaviy va xususiy manfaatlar uyg'unligini ta'minlashga erishish mazkur mavzuni kompleks monografik tarzda tadqiq etish zaruriyatini belgilaydi.

Dissertatsiya mavzusining dissertatsiya bajarilayotgan oliy ta'lim muassasasining ilmiy tadqiqot ishlari rejalari bilan bog'liqligi. Toshkent davlat yuridik universiteti ilmiy-tadqiqot ishlari rejasiga muvofiq "Ekologik barqaror rivojlanish maqsadlariga erishish" mavzusidagi loyiha doirasida bajarilgan.

Tadqiqotning maqsadi fermer xo'jaliklari faoliyatini huquqiy tartibga solish, yer qonunchiligini takomillashtirish va huquqni qo'llash amaliyoti samaradorligini oshirish bo'yicha taklif va tavsiyalar ishlab chiqishdan iboratdir.

Tadqiqot vazifalari quyidagilardan iborat:

fermer xo'jaliklarining yerdan foydalanish va muhofaza qilish tushunchasi, tamoyillari, o'ziga xos xususiyatlarining doktrinal asoslarini tadqiq qilish;

fermer xo'jaliklarining yerdan foydalanish huquqi va majburiyatlari, shuningdek, yerlarini muhofaza qilish tartibi va talablarining nazariy-huquqiy masalalarini yoritish;

fermer xo'jaliklarining yerdan foydalanish va muhofaza qilish sohasida davlat organlari ishtiroki, ularning vazifa va funksiyalarini tahlil qilish va ularni takomillashtirish yuzasidan taklif va tavsiyalar ishlab chiqish;

fermer xo'jaliklarining yerdan foydalanish va muhofazash samaradorligini ta'minlaganlik uchun imtiyozlar qo'llash, huquqiy kafolatlar berish tizimining huquqiy asoslarini tahlil qilish;

yerdan foydalanish samaradorligini oshirishda innovatsion texnologiyalardan foydalanishni huquqiy tartibga solishning nazariy-huquqiy jihatlarini o'rganish;

fermer xo'jaliklarining yerdan foydalanish va muhofaza qilish samaradorligini ta'minlashda jamoatchilik nazorati va uning huquqiy asoslarini tahlil qilish;

fermer xo'jaliklarining yerdan foydalanish va muhofaza qilishni huquqiy tartibga solishda rivojlangan xorijiy davlatlar tajribasini qiyosiy-huquqiy tahlilini amalga oshirish;

amaldagi qonunchilikni takomillashtirish va huquqni qo'llash amaliyotini yaxshilash bo'yicha amaliy va ilmiy-nazariy taklif va tavsiyalar tayyorlash.

Tadqiqotning obyekti. Fermer xo'jaliklarining yerdan foydalanish va muhofaza qilish samaradorligini ta'minlash bilan bog'liq huquqiy munosabatlar olingan.

Tadqiqotning predmeti. Fermer xo'jaliklarining yerdan foydalanish va muhofaza qilishga qaratilgan qonun hujjatlari, xorijiy mamlakatlar tajribasi,

shuningdek, mavzuga oid ilmiy adabiyotlar hamda ushbu sohada qonun hujjatlarini qo'llash amaliyoti tashkil etadi.

Tadqiqot usullari. Dissetatsiyada kuzatish, tahlil qilish (statistik, qiyosiy va h.k.) umumlashtirish, mantiqiy hamda statistik ma'lumotlarni tizimli tahlil qilish kabi tadqiqot usullaridan foydalanilgan.

Tadqiqotning ilmiy yangiligi quyidagilardan iborat:

Fermer xo'jaliklariga qishloq xo'jalik yerlarining elektron onlayn-auksion natijasi asosida 30 yil muddatga ijara huquqi asosida berilishi va ijara shartnomasining shartlari va muddatlari taraflarning kelishuviga muvofiq belgilanishi, shuningdek fermer xo'jaliklari tomonidan ijara huquqini boshqa shaxslarga (uchinchi shaxslarga) o'tkazish tartibi asoslab berilgan;

Fermer xo'jaliklarining foydalanishida bo'lgan yer uchastkalarini bo'lish Yer kodeksi talablari doirasida amalga oshirilishi, ya'ni bo'linayotgan yer uchastkasi fermer xo'jaligi tashkil qilish uchun Yer kodeksida belgilangan eng kam o'lchamdan kam bo'lgan taqdirda bo'linmasligi bilan bog'liq holatlari asoslab berilgan;

Fermer xo'jaligi boshlig'i yer uchastkasini ijaraga olish huquqini ijara shartnomasiga o'zgartirish kiritish orqali o'n sakkiz yoshga to'lgan, qishloq xo'jaligida tegishli malaka yoki ish tajribasiga ega bo'lgan O'zbekiston Respublikasi fuqarosi hisoblanuvchi o'z oila a'zolaridan biriga ijara shartnomasida belgilangan muddatga berishga haqli ekanligi asoslangan;

Ko'p tarmoqli fermer xo'jaligining yer uchastkalarini ijaraga olish huquqi qonunchilikda belgilangan tartibda bekor qilinganda ko'p tarmoqli fermer xo'jaligi o'z rahbari tomonidan uning tashkiliy-huquqiy shaklini o'zgartirish orqali qayta tashkil etilishi mumkinligi asoslab berilgan.

Tadqiqotning amaliy natijalari quyidagilardan iborat:

fermer xo'jaliklarining huquqiy maqomi, yer ajratish tartibi va ularning qishloq xo'jalik tadbirkorlik sub'ekti sifatidagi ahamiyatini tushuntirish orqali keng jamoatchilikda fermer xo'jaligini tashkil etish tartibi haqida tushuncha shakllantirish hamda uning huquqiy maqomini mustahkamlash yuzasidan qonunchilikka takliflar berilgan;

fermer xo'jaliklarining qishloq xo'jalik yerlaridan foydalanishi umumiy yerdan foydalanish tamoyillaridan farqli, o'ziga xos xususiyatlarga ega bo'lishi lozim. Shu nuqtai nazardan, yerdan foydalanish tamoyillari uning ustuvor jihatlari belgilashi va qonun hujjatlarida aks etishi bo'yicha takliflar ilgari surilgan;

fermer xo'jaliklari va qishloq xo'jalik faoliyatida ishlab chiqarishdan tortib to iste'mol qilishgacha bo'lgan oziq-ovqat tizimlarining ekologik, ijtimoiy-madaniy, texnologik, iqtisodiy va siyosiy jihatlari o'z ichiga olgan agroekologiya konsepsiyasini kiritish, "agroturizm"ni rivojlantirish va "agroo'rmon xo'jaligi"ni tashkil etish maqsadga muvofiqligi asoslashga harakat qilingan;

fermer xo'jaliklarini tugatish va qo'shib yuborish jarayonida yer ijara shartnomasini bekor qilish va o'zgartirish, shuningdek, yer ijara huquqini uchinchi

shaxslarga sotish tartibini joriy etish bo'yicha takliflar berildi. Bundan tashqari, fermer xo'jaliklarining yerga bo'lgan huquqlarini kafolatlash, shaxsiy manfaatdorligini oshirish, zamonaviy texnologiyalardan foydalanish va jamoatchilik nazoratini kuchaytirish bo'yicha tavsiyalar ilgari surilgan;

respublikada fermer xo'jaliklarining yerdan foydalanish va muhofaza qilish sohasidagi qonunchilikni takomillashtirish istiqbollari belgilandi. Shuningdek, ushbu sohaga huquqiy yondashuvni rivojlantirish maqsadida uni "Qishloq xo'jalik huquqi" yoki kompleks huquq instituti sifatida asoslashga harakat qilingan.

Tadqiqot natijalarining ishonchliligi. Tadqiqot natijalari milliy qonunchilik normalari, huquqni qo'llash amaliyoti materiallari, xalqaro va xorijiy mamlakatlarning qonunchiligi normalarining tahlil qilinganligi, rasmiy manbalar hamda ilmiy adabiyotlarga asoslanganligi, olingan xulosalar hamda takliflarning joriy etilganligi tegishli davlat organlari tomonidan tasdiqlanganligi bilan izohlanadi.

Tadqiqot natijalarining ilmiy va amaliy ahamiyati. Tadqiq natijalarining ilmiy ahamiyati qonun ijodkorligida, huquqni qo'llash amaliyotida fermer xo'jaliklarining yerdan foydalanish va muhofaza qilish sohasidagi qonun hujjatlarini rivojlantirish hamda ularning ilmiy-nazariy tahlili asosida olingan natijalardan ushbu yo'nalishdagi metodologik yondashuvlarni takomillashtirishda foydalanilishi bilan izohlanadi. Tadqiqot natijalarining amaliy ahamiyati fermer xo'jaliklarining yerdan foydalanish va muhofaza qilish sohasidagi qonun hujjatlarini takomillashtirishda hamda huquqni qo'llash amaliyotini rivojlantirishda, qishloq xo'jalik yerlarini muhofaza qilish sohasidagi qonun hujjatlarini inventarizatsiyadan o'tkazishda, shuningdek mazkur yo'nalishda tegishli vakolatga ega davlat organlari va nodavlat notijorat tashkilotlarning yerdan foydalanish va muhofaza qilish sohasidagi faoliyatini takomillashtirishga bag'ishlangan qonun hujjatlari, shu jumladan, O'zbekiston Respublikasining yangi tahrirdagi "Yer kodeksi" va "Qishloq xo'jaligida yer ijarasi to'g'risida"gi qonun loyihalarini ishlab chiqishga xizmat qiladi.

Tadqiqot natijalarining joriy qilinishi. Fermer xo'jaliklarining yerdan foydalanish va muhofaza qilish samaradorligini ta'minlashning huquqiy masalalari mavzusidagi dissertatsiya ishi bo'yicha olingan ilmiy natijalardan quyidagilarda foydalanilgan:

Fermer xo'jaliklariga qishloq xo'jalik yerlarining elektron onlayn-auksion natijasi asosida 30 yil muddatga ijara huquqi asosida berilishi va ijara shartnomasining shartlari va muddatlari taraflarning kelishuviga muvofiq belgilanishi, shuningdek fermer xo'jaliklari tomonidan ijara huquqini boshqa shaxslarga (uchinchi shaxslarga) o'tkazishga oid taklifi O'zbekiston Respublikasi Yer kodeksining (1998-yil 1-iyul) 58-moddasi birinchi qismida o'z ifodasini topgan (O'zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasining 2023-yil 22-maydagi 04/8-10-632-son dalolatnomasi). Ushbu taklifning amalga oshirilishi fermer xo'jaliklariga qishloq xo'jalik yerlarini ijara huquqi asosida berish bilan bog'liq faoliyatni huquqiy tartibga solishga xizmat qilgan;

Fermer xo'jaliklarining foydalanishida bo'lgan yer uchastkalarini bo'lish Yer kodeksi talablari doirasida amalga oshirilishi, ya'ni bo'linayotgan yer uchastkasi fermer xo'jaligi tashkil qilish uchun Yer kodeksida belgilangan eng kam o'lchamdan kam bo'lgan taqdirda bo'linmasligi haqidagi ushbu taklifi O'zbekiston Respublikasining 2004-yil 26-avgustdagi O'RQ-662-II-son "Fermer xo'jaligi to'g'risida"gi qonunining 13-moddasi beshinchi qismida o'z aksini topgan (O'zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasining 2023-yil 22-maydagi 04/8-10-632-son dalolatnomasi). Ushbu taklifning qabul qilinishi fermer xo'jaliklarining yerga bo'lgan huquqlarini kafolatlash va yer uchastkalarining tegishli ixtisosliklar bo'yicha belgilangan o'lchamlardan kam bo'lgan taqdirda bo'linmasligi bilan bog'liq tartiblarni o'rnatishga xizmat qilgan;

Fermer xo'jaligi boshlig'i yer uchastkasini ijaraga olish huquqini ijara shartnomasiga o'zgartirish kiritish orqali o'n sakkiz yoshga to'lgan, qishloq xo'jaligida tegishli malaka yoki ish tajribasiga ega bo'lgan O'zbekiston Respublikasi fuqarosi hisoblanuvchi o'z oila a'zolaridan biriga ijara shartnomasida belgilangan muddatga berishga haqli, deb berilgan taklifi O'zbekiston Respublikasining 2004-yil 26-avgustdagi O'RQ-662-II-son "Fermer xo'jaligi to'g'risida"gi qonunining 13-moddasi sakkizinchi qismida o'z ifodasini topgan (O'zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasining 2023-yil 22-maydagi 04/8-10-632-son dalolatnomasi). Mazkur taklifning qabul qilinganligi fermer xo'jaligi rahbarining yerga bo'lgan huquqlarini yer ijara shartnomasi muddatiga meros qilib o'tkazish tartibini belgilashga ijobiy ta'sir o'tkazgan.

Ko'p tarmoqli fermer xo'jaligining yer uchastkalarini ijaraga olish huquqi qonunchilikda belgilangan tartibda bekor qilinganda ko'p tarmoqli fermer xo'jaligi o'z rahbari tomonidan uning tashkiliy-huquqiy shaklini o'zgartirish orqali qayta tashkil etilishi mumkinligi haqida berilgan taklifidan O'zbekiston Respublikasining 2004-yil 26-avgustdagi O'RQ-662-II-son "Fermer xo'jaligi to'g'risida"gi qonunining 31-moddasi ikkinchi qismini shakllantirishda foydalanilgan. (O'zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasining 2023-yil 22-maydagi 04/8-10-632-son dalolatnomasi). Ushbu taklifning qabul qilinganligi fermer xo'jaliklari faoliyatini huquqiy tartibga solish bilan bog'liq normativlarni amalda samarali qo'llanishini kuchaytirishga oid huquqiy mexanizmlarni takomillashtirishga xizmat qilgan.

Tadqiqot natijalarining aprobatyasi. Mazkur tadqiqot natijalari 6 ta ilmiy-amaliy anjumanda, jumladan 2 ta xalqaro, 4 ta respublika ilmiy-amaliy anjumanlarida muhokamadan o'tkazilgan.

Tadqiqot natijalarining e'lon qilinganligi. Dissertatsiya mavzusi bo'yicha jami 21 ta ilmiy ish, shu jumladan, 1 ta monografiya, 14 ta ilmiy maqola (shundan 4 tasi xorijiy jurnallarda), to'plamlarda 6 ta maqola va tezislar (2 tasi xalqaro ilmiy-amaliy konferensiya materiallari to'plamida) chop etilgan.

Dissertatsiyaning tuzilishi va hajmi. Dissertatsiya kirish, to'qqizta paragrafni o'z ichiga olgan 3 bob, xulosa, foydalanilgan adabiyotlar ro'yxati va ilovalardan iborat. Dissertatsiyaning hajmi 156 betni tashkil etadi.

DISSERTATSIYANING ASOSIY MAZMUNI

Dissertatsiyaning kirish qismida tadqiqot mavzusining dolzarbligi va zarurati, tadqiqotning respublika fan va texnologiyalari rivojlanishining asosiy ustuvor yo'nalishlariga muvofiqligi, tadqiq etilayotgan muammoning o'rganilganlik darajasi, dissertatsiya mavzusining dissertatsiya bajarilayotgan oliy ta'lim muassasasining ilmiy-tadqiqot ishlari bilan bog'liqligi, tadqiqotning maqsad va vazifalari, obykti va predmeti, usullari, tadqiqotning ilmiy yangiligi va amaliy natijasi, tadqiqot natijalarining ishonchligi, tadqiqot natijalarining ilmiy va amaliy ahamiyati, ularning joriy qilinganligi, tadqiqot natijalarining aprobatsiyasi, natijalarning e'lon qilinganligi, dissertatsiyaning hajmi va tuzilishi haqida ma'lumotlar yoritib berilgan.

Dissertatsiyaning **“Fermer xo‘jaliklarining yerdan foydalanish va muhofaza qilish samaradorligini oshirishning yuridik tabiati”** deb nomlangan birinchi bobida fermer xo‘jaliklarida yerdan foydalanish va muhofaza qilish samaradorligini oshirishning nazariy-huquqiy masalalari, Fermer xo‘jaliklarida yerdan foydalanish va muhofaza qilishning huquqiy tamoyillari va ularning o‘ziga xos xususiyatlari tahlil qilingan.

Tadqiqotchi fermer xo‘jaligi, uning huquqiy asoslarini tahlil qilishda ko‘plab huquqshunos (X.Raxmonqulov, A.Suyundukova, O‘.Umirzoqov, A.Toshboev, O.Oqyulov, J.Xolmo‘minov, M.B.Usmonov, G.Uzakova, K.Sindorov) olimlarning fikr va qarashlaridan foydalanib, ular bilan munozaraga kirishish asnosida fermer xo‘jaligi tushunchasiga mualliflik ta‘rifini ishlab chiqqan.

Tadqiqotchi tomonidan yerdan foydalanish va yer munosabatlari rivojlanishining asosiy tamoyillari haqida turli olimlar (O.Voronkova, M.Brantova, Z.Texas, V.Buzmakov, A.Medvedev, L.Trushnikov, S.Volkov, V.Kundius, Yu.Ivanova) fikrlarini tahlil qilib qishloq xo‘jalik yerlaridan foydalanishning asosiy tamoyillarini shakllantirishgan. Xususan, tadqiqotchi davlat va butun jamiyatning oziq-ovqat xavfsizligini ta‘minlashning hayotiy ustuvorligi tamoyili, yerga egalik huquqini namoyon etishda barcha tashkiliy-huquqiy shakllarning tengligi prinsipi, yer egalari va yerdan foydalanuvchilarning huquq va majburiyatlarining ustuvorligi prinsipi, yerdan foydalanish natijalari uchun javobgarlik prinsipi, qishloq xo‘jaligi yerlaridan oqilona foydalanish tamoyili, qishloq xo‘jaligi yerlaridan maqsadli foydalanish tamoyili, yer bitimlarining qonuniyligi va huquqiy ochiqlik tamoyili, yer uchastkalarining sifati va huquqiy holati to‘g‘risidagi ma‘lumotlarning mavjudligi, ochiqligi va ishonchligi tamoyili, turli toifalar va alohida hududlarning yer resurslarini boshqarish bo‘yicha chora-tadbirlarni ishlab chiqish va amalga oshirishda differentsiallik tamoyili, yerdan foydalanishning ekologik xavfsizligiga rioya qilish tamoyili, yerga egalik qilish va undan foydalanishda barqarorlik tamoyili, ijtimoiy ehtiyojlarni yer munosabatlari subyektlarining moddiy manfaatdorligi bilan birlashtirish tamoyili, yerga egalik qilish va yerdan foydalanish sohasida agrar sektorning ustuvorligi tamoyili, yerdan foydalanganlik uchun haq to‘lash tamoyili, qishloq xo‘jaligida yer munosabatlarini tartibga solishning davlat (ma‘muriy) va iqtisodiy usullarini uyg‘unlashtirish tamoyili, qishloq xo‘jaligi iqtisodiyotining ko‘p tuzilmaliligi tamoyili, yer

resurslarini qayta taqsimlash tamoyili, qishloq xo‘jaligi ishlab chiqarishining hududiy sharoitlarini hisobga olish tamoyili, izchillik va murakkablik tamoyili, yer munosabatlarining ilmiy asoslilik tamoyillarining xususiyatlari va o‘ziga xosliklarini o‘rganadi.

Dissertatsiyaning ikkinchi bobida **“Fermer xo‘jaliklarining yerdan foydalanish va muhofaza qilish samaradorligini ta‘minlashning huquqiy mexanizmi”** deb nomlanib, unda fermer xo‘jaliklarining yerdan foydalanish samaradorligini ta‘minlashning huquqiy holati, fermer xo‘jaliklarining yerlarni muhofaza qilish shakllari, talablari va tartibi, fermer xo‘jaliklarining yerdan foydalanish va muhofaza qilish sohasida davlat boshqaruvi organlari faoliyatini takomillashtirish masalalari, fermer xo‘jaliklarining yerdan foydalanish va muhofaza qilish samaradorligini oshirishni rag‘batlantirish kabi masalalar tahlil qilingan.

Dissertant fikricha, fermer xo‘jaliklari faoliyatini rivojlantirish va ularni qo‘llab-quvvatlashga doir qonunchilik takomillashtirib borilayotgan bo‘lsada, ularning yerdan foydalanish huquqlarining kafolatlanmaganlik holatlari ham tahlil qilingan. Ayniqsa, O‘zbekiston Respublikasi Adliya vazirligining “Fermerga madad” aksiyasi doirasida mamlakatimizda mavjud fermer xo‘jaliklariga huquqiy yordam ko‘rsatish asosida ularning qariyb 10 % bilan tuman hokimliklari o‘rtasida yer ijara shartnomasi tuzilmaganligi aniqlangan. Bu esa, bugungi kunda umumiy soni 80134 dan ortiqni tashkil qiladigan fermer xo‘jaliklarining 8000 dan ortig‘ida ijara shartnomasi mavjud emasligi, qolaversa, ular tomonidan foydalanib kelinayotgan qishloq xo‘jalik ekin yerlarining qanchasida belgilanganidan boshqa turdagi ekinlar bo‘lishi hamda noqonuniy qishloq xo‘jalik aborotida ekanligini, o‘z navbatida, tuman hokimliklari tomonidan fermer xo‘jaliklariga yerga bo‘lgan huquqlarining kafolatlanmaganligini ifodalaydi.

Dissertant xorijiy davlatlar (Argentina, Fransiya, Qozog‘iston, Rossiya, Ukraina, Belarus, Yangi Zelandiya) tajribasini o‘rganish asosida fermer xo‘jaliklarining yerdan foydalanish samaradorligini oshirishda quyidagilarni hisobga olish maqsadga muvofiq deb hisoblaydi:

Birinchidan, aholi soni ortishi va urbanizatsiyalashish darajasining o‘shishi natijasida qishloq xo‘jaligida mehnat qiladigan insonlarning kamayishi, shuningdek shahar aholisining oziq-ovqatga bo‘lgan talablarining ortishi;

Ikkinchidan, qishloq xo‘jalik mahsulotlarining yangi navlari va turlarini yaratishdan ko‘ra yerga ishlov berish texnologiyalarini takomillashtirishga bo‘lgan ehtiyojning ko‘payib borishi;

Uchinchidan, qishloq xo‘jalik sohasidan yangi innovatsion texnologiyalardan foydalanish va bu borada tadqiqotlar olib borish tizimlarini takomillashtirish;

To‘rtinchidan, qishloq xo‘jalik korxonalarining innovatsion texnologiyalardan foydalangan holda sifatli mahsulot yetishtirish faoliyatini rag‘batlantirish va subsidiyalashning zamonaviy mexanizmlarini ishlab chiqish;

Beshinchidan, fermer xo‘jaliklarining ixtisoslashtirilgan kooperatsiyalarga birlashishi va faoliyatini yo‘lga qo‘yishi bilan bog‘liq aniq mexanizmlarni ishlab chiqish va amaliyotga joriy qilish;

Oltinchidan, 2004-yil 26-avgustdagi “Fermer xo‘jaligi to‘g‘risida”gi qonunini (yangi tahriri) zamonaviy islohotlarga hamohang holda takomillashtirish, unga o‘zgartish va qo‘shimchalar kiritish zarur, degan fikrga keladi.

Muallif qishloq xo‘jalik yerlarini muhofaza qilish bo‘yicha bir guruh olimlar (N.Reymers, B.Yerofeev, T.O‘Neill I.Jalilov, Y.Jo‘raev, U.Bozorov, J.Xolmo‘minov, M.Usmonov, U.Ayubov va M.Mirzaabdullayeva) bilan bahs-munozaraga kirishib, qishloq xo‘jalik yerlarini muhofaza qilish davlat tomonidan amalga oshiriladigan turli chora-tadbirlar va fermer xo‘jaliklarining yer unumdorligini oshirishga qaratilgan faoliyati asosida amalga oshiriladi, deb hisoblaydi. Qolaversa, fermer xo‘jaliklarining qishloq xo‘jalik yerlarini muhofaza qilish shakllaridan kelib chiqib uni muhofaza qilish talablari belgilanadi. Yerlarni muhofaza qilish talablari va tartibi qishloq xo‘jalik yerlaridan foydalanish shakllaridan kelib chiqib tegishli normativ-huquqiy hujjatlarda belgilanishi yerlarni me‘yoriy huquqiy muhofaza qilish sifatida ham baholanadi. Ular yer monitoringgi va nazorati ko‘rinishida, iqtisodiy rag‘batlantirish, tashkiliy va texnologik tadbirlarni belgilash asosida, shuningdek to‘g‘ridan-to‘g‘ri muhofazalash chora-tadbirlari orqali amalga oshirilishi mumkin.

Dissertant tadqiqot ishida yer maydonlarini o‘zboshimchalik bilan egallab hududlarda 115 ta holatda (1488 gektar) yer berish tartibi, 124 ta holatda (134 gektar) foydalanilgan yerlar o‘z vaqtida qaytarilmaslik, 328 ta holatda (9230,7 gektar) xo‘jalik ichki yer tuzish loyihalaridan chetga chiqish, 2021-yilda 97 487¹² ta holatda qishloq xo‘jalik yerlaridan foydalanish va muhofazalash bilan bog‘liq huquqbuzarliklar, 2022-yilning dastlabki olti oyi davomida 62 714¹³ ta holatda qishloq xo‘jalik yerlaridan foydalanish bilan bog‘liq huquqbuzarliklar sodir etilganligini tahlil qiladi. Statistik ma‘lumotlar va tahlillar asosida fermer xo‘jaliklarining yerdan foydalanish va muhofaza qilishda qonun buzilishi natijasida javobgarlikka tortish quyidagi holatlarda yuzaga keladi, deb hisoblaydi:

fermer xo‘jaliklarining yerdan foydalanish va muhofazalashga doir majburiyatlarni bajarmaganligi holati asosida;

fermer xo‘jaligining shartnoma majburiyatlari bajarmaganligi holatlari yuzasidan;

fermer xo‘jaliklarining xo‘jaliklararo yer va suvdan foydalanish talablariga rioya qilmasligi (servitut talablari buzishi) oqibatida;

fermer xo‘jaliklarida faoliyat yuritayotgan jismoniy shaxslarning mehnat munosabatlariga rioya qilmaslik natijasida;

fermer xo‘jaliklarining davlat oldidagi soliq va boshqa majburiy to‘lovlarni o‘z vaqtida bajarmaganligi holatlari yuzasidan ularga nisbatan yuridik javobgarlikka tortish masalasi yuzaga keladi.

Dissertatsiya ishida fermer xo‘jaliklari va qishloq xo‘jalik korxonalarining

¹²<http://agroinspeksiya.uz/oz/menu/kvartalnye-i-godovye-otchety-po-vypolnennym-rabotam-so-storony-inspektsii>

¹³<http://agroinspeksiya.uz/oz/menu/kvartalnye-i-godovye-otchety-po-vypolnennym-rabotam-so-storony-inspektsii>

“daladan vilkagacha” tamoyili asosida sifatli qishloq xo‘jalik mahsulotlarini yetishtirishini ta‘minlash maqsadida milliy qonunchiligimizka “agroekologiya” va “agro‘rmon xo‘jaligi” tushunchasini kiritish va uning huquqiy asoslarni yaratish g‘oyasi taklif qilingan.

Bundan tashqari, muallif yerdan foydalanishda davlat boshqaruvi bir guruh olimlar (Y.Jo‘rayev, M.Usmonov, Sh.Fayziyev, J.Xolmo‘minov, U.Ayubov, U.Bozorov, M.Mirzaabdullayeva, Q.Abdulhasanova, A.Shukurullayev, A.Gulmonov, Sh.Ro‘zinazarov, K.Sindorov, U.Ayubov, N.Axmanov, Dj.Safarov, O.Narzullayev, G.Uzakova, D.Maxkamov, M.Maxmadaminov, M.Nurmatov, N.Rajabov, R.Toshboyeva, Sh.Boboqulov, O.Xolmuminov, E.Qurbonov, A.Xodjayeov, A.Gulmonov, J.Suvonqulovlar) fikri asosida tahlil qilib, qishloq xo‘jalik yerlaridan foydalanish va muhofaza qilishda davlat nazoratini amalga oshirishda yer uchastkalarini elektron ochiq auksion savdolarida sotish va ijara shartnomasini rasmiylashtirish, yer uchastkasidan maqsadli foydalanish; yer uchastkalaridan samarali foydalanish; yer uchastkalridan xo‘jasizlarcha foydalanishning oldini olish; yer uchastkalaridan oqilona foydalanishni tashkil qilish va yerlarni muhofa qilish va tuproq unumdorligini oshirish vazifalarini muhim deb hisoblaydi.

Tadqiqotchi kundalik iste‘mol qilinadigan qishloq xo‘jalik oziq-ovqat mahsulotlarining qanday sharoitda yetishtirilganli va saqlanganligi, shuningdek, genomodifikatsiya qilinganligi yoki qilinmaganligi yuzasidan iste‘molchiga ma‘lumot taqdim etilmasligini tahlil qiladi va fermer xo‘jaliklari hamda boshqa qilshoq xo‘jalik ishlab chiqaruvchilari tomonidan *yetishtirilgan oziq-ovqat mahsulotlarining sifati va uning agroekologik talablarga javob berishi yuzasidan aniq axborot taqdim etish tizimini* yo‘lga qo‘yishni taklif etgan.

Dissertatsiyaning uchinchi bobi **“Fermer xo‘jaliklarining yerlardan foydalanish va muhofaza qilish samaradorligini ta‘minlash kafolatlari”** deb nomlanib, unda fermer xo‘jaliklarining yerga bo‘lgan huquqlarini kafolatlash, undan samarali foydalanish va zamonaviy texnologiyalarni qo‘llash masalalari yoritilgan. Milliy qonunchilikda yerga bo‘lgan huquqlarni himoya qilishga doir qator chora-tadbirlar tahlil etilgan. Shu bilan birga, Turkmaniston, Tojikiston, Belarus va Rossiya kabi davlatlarning yer qonunchiligida fermerlar uchun yaratilgan huquqiy kafolatlar va mexanizmlar tahlil qilinib, xorijiy davlatlarda yer munosabatlarini tartibga solishning samarali yondashuvlari haqida fikr yuritilgan.

Fermer xo‘jaliklari faoliyatida ayrim muammolar, xususan, yer uchastkalaridan samarali foydalanishning yetarli darajada ta‘minlanmaganligi, mehnat munosabatlarini tashkil qilish va yangi agrotexnologiyalarni joriy etishda yuzaga kelayotgan bir qator qiyinchiliklar yoritib o‘tilgan. Shu jihatdan qishloq xo‘jaligida zamonaviy texnologiyalarni qo‘llash orqali hosildorlikni oshirish va resurslardan samarali foydalanish yo‘nalishlariga e‘tibor qaratilgan. Yaponiyada "aqli qishloq xo‘jaligi", AQSh, Niderlandiya va Singapur kabi davlatlarning ilg‘or tajribalari haqida ma‘lumotlar keltirilib, ushbu texnologiyalar qishloq xo‘jaligi samaradorligini oshirishdagi roli ta‘kidlangan. Rivojlanish va takomillashtirish bo‘yicha takliflar orasida fermer xo‘jaliklari uchun zamonaviy texnologiyalarni

xarid qilish va qo'llashda davlat va xususiy sheriklik mexanizmlarini joriy qilish, qishloq xo'jaligida raqamli texnologiyalar va innovatsiyalarni rivojlantirish bo'yicha chora-tadbirlar ishlab chiqish zarurligi ko'rsatib o'tilgan. Zamonaviy texnologiyalardan foydalanish hosildorlikni oshirish va oziq-ovqat xavfsizligini ta'minlash uchun muhimligi alohida ta'kidlangan. Innovatsion yondashuvlar va texnologik rivojlanishni qo'llab-quvvatlash fermer xo'jaliklarining raqobatbardoshligini oshirishda hal qiluvchi ahamiyatga ega deb topilgan.

Shuningdek, ushbu bobda bir qancha olimlarning qishloq xo'jaligi, yer huquqlari va innovatsiyalar bo'yicha fikrlari tahlil qilingan. G.Chubukov, Yu.Romanes, A.Totochenko, V.Novikov, N.Kravchenko, V.Savenko, Rayan Xobert kabi olimlarning fikr va qarashlaridan foydalanib, ular bilan munozaraga kirishish asnosida qishloq xo'jaligi, yer huquqlari va innovatsiyalar o'rtasidagi munosabatlar yoritib o'tilgan. Xususan, V.Savenko innovatsiyalarni joriy qilishning samaradorligi nafaqat iqtisodiy, balki ijtimoiy va ekologik jihatdan ham baholanishi kerak degan g'oyani qo'llab-quvvatlagan holatda, qishloq xo'jaligi sohasida samarali innovatsion loyihalar bankini yaratish maqsadga muvofiqdir¹⁴ degan fikrlari asosida qishloq xo'jalik ishlab chiqarishining barcha jabhalarida zamonaviy texnologiyalardan foydalanish zarurligi bildiradi. N.Kravchenko esa qishloq xo'jaligi ekinlarining yangi nav va gibridlarini o'zlashtirishning iqtisodiy samaradorligini hisoblash uslubiyatini ishlab chiqish bilan bir qatorda ishlab chiqarish-moliyaviy tahlikalarni hisobga olgan holda tarmoq innovatsiyalarini ishlab chiqishga kiritilgan investitsiyalarning samaradorligini baholash zaruratini asoslagan.

Bundan tashqari, fermer xo'jaliklarining qishloq xo'jalik yerlaridan foydalanish va muhofaza qilish choralari amalga oshirishda sun'iy intellekt (AI) texnologiyalaridan foydalanishni va "Aqlli qishloq xo'jaligi"ni shakllantirish masalasiga to'xtalib o'tgan. Dissertatsiyada fermer xo'jaliklariga *davlat xususiy sherikchiligi va subsidiyalari asosida zamonaviy texnologiyalarni xorijdan olib kelish bilan shug'ullanadigan korxonalarini erkin tanlash bo'yicha va erkin savdo kelishuvlarini amalga oshirish bo'yicha yangi tartiblarni joriy qilish va uni milliy qonunchigimizda qo'llash* maqsadga muvofiq, degan xulosaga kelingan.

Dissertatsiyada fermer xo'jaliklari faoliyatida yerdan foydalanish va qishloq xo'jalik mahsulotlari yetishtirishning "*Aylanma akvakultura*" usulini qo'llashning huquqiy asoslari tahlil qilinib, mualliflik ta'rifi ishlab chiqilgan.

Dissertant tomonidan ekologik nazorat, nafaqat, tabiiy resurslardan oqilona foydalanish va uni muhofaza qilish bilan bog'liq faoliyat, balki u davlat boshqaruvi funksiyasining asosiy yo'nalishlaridan biri sifatida ham e'tirof etilib, fermer xo'jaliklarini himoya qilishdagi masalalari tahlil qilingan.

XULOSA

Fermer xo'jaliklarining yerdan foydalanish va muhofaza qilish

¹⁴ Савенко В.Г. Формирование системы освоения инноваций в сельском хозяйстве: Теория, методология, практика: диссертация ... доктора экономических наук: 08.00.05. – Москва, 2005. – 338 с.

samaradorligini ta'minlashning huquqiy masalalari mavzusidagi tadqiqot ishi natijasida quyidagi ilmiy-nazariy hamda amaliy taklif va xulosalar ishlab chiqildi:

I. Ilmiy-nazariy taklif va xulosalar:

1. *“Fermer xo‘jaligi elektron onlayn auksion savdolari asosida olingan yer uchastkalaridan ijara huquqi asosida foydalangan holda qishloq xo‘jalik mahsulotini yetishtirish hamda qonun hujjatlarida taqiqlanmagan boshqa faoliyat turlari bilan shug‘ullanuvchi mustaqil tadbirkorlik subyektidir”*, degan xulosaga kelindi.

2. Fermer xo‘jaliklarining yerdan foydalanish va muhofaza qilish samaradorligini oshirishni huquqiy ta'minlashda “samaradorlik” tushunchasini ifodalashga harakat qilindi. Unga ko‘ra *“fermer xo‘jaliklarining ekin yerlaridan tabiiy iqlim sharoiti, unumdorligi va ball bannitetidan kelib chiqib, uning maqsadiga muvofiq foydalangan holda yuqori hosildorlikka erishishi yerdan samarali foydalanish hisoblandi”*, deb ifodalanmoqda.

3. Fermer xo‘jaliklari va qishloq xo‘jalik faoliyatida ishlab chiqarishdan tortib to iste‘mol qilishgacha bo‘lgan oziq-ovqat tizimlarining ekologik, ijtimoiy-madaniy, texnologik, iqtisodiy va siyosiy jihatlarini o‘z ichiga olgan *agroekologiya* tushunchasini kiritish maqsadga muvofiq, degan xulosaga kelindi. Shuningdek, ushbu tushunchani qonunchilikda qo‘llashning jahon tajribasini hisobga olgan holda *“Agroekologiya - bu barqaror qishloq xo‘jaligi va oziq-ovqat tizimlarini loyihalash va boshqarishda bir vaqtning o‘zida ekologik va ijtimoiy tushunchalar va tamoyillarni qo‘llaydigan yaxlit va integratsiyalashgan yondashuv”*, deb ta’riflash yuzasidan tavsiyalar berildi. Shuningdek, fermer xo‘jaliklarining yerdan foydalanish va muhofaza qilish samaradorligini oshirishda *“agroo‘rmon xo‘jaligi”* faoliyatini rivojlantirish masalasiga e’tibor qaratildi.

4. Fermer xo‘jaliklarining tashkiliy huquqiy boshqaruvi, yerdan foydalanish va muhofaza qilish samaradorligini ta'minlash, shuningdek, fermer xo‘jaliklari faoliyatida tashqi nazoratni belgilashning muhim va o‘ziga xos jihatlarini yoritishga harakat qilindi.

5. Fermer xo‘jaliklarida qishloq xo‘jalik yerlaridan foydalanish va muhofaza qilish samaradorligini oshirish oziq-ovqat yetishtirish barqarorligini ta'minlash uchun *resurslardan foydalanish samaradorligini oshirish, tabiiy resurslarni saqlash, qishloqda turmush sharoitini yaxshilash, chidamlilikni oshirish va samarali boshqaruv* bilan bog‘liq eng asosiy tamoyillar asosida rivojlanadi, degan xulosaga kelindi.

6. Fermer xo‘jaliklarining yerdan foydalanish va muhofaza qilishda quyidagi tamoyillarini belgilash ham nazariy ham huquqiy jihatdan maqsadga muvofiq, deb topildi:

- yerlarni muhofaza qilish va undan oqilona foydalanish;
- yerdan foydalanishda ekologik xavfsizlikni ta'minlash;
- yerga zarar yetkazilishining oldini olish va uning oqibatlarini bartaraf etish;

- yerdan foydalanuvchi boshqa subyektlarning manfaatlariga zarar yetkazmaslik;

- yerdan foydalanish huquqining davlat tomonidan boshqarilishi va berilishi;

- tuproq unumdorligini oshirish va tabiiy muhitni saqlash bo'yicha chora-tadbirlarning amalga oshirilishini ta'minlash;

- yerning holati to'g'risidagi ma'lumotlarning ochiqligini ta'minlash;

- yerdan foydalanish va muhofaza qilishga oid munosabatlarda yerlarni muhofaza qilish tartibining ustuvorligini tan olish;

- yerdan foydalanganlik uchun haq to'lash.

7. "Fermer xo'jaligi to'g'risida"gi Qonunni zamonaviy islohotlarga hamohang holda takomillashtirish, unga o'zgartish va qo'shimchalar kiritish zarur. Avvalambor, unga eng zamonaviy tendensiyalar – fermer xo'jaligining yer maydonini maqbullashtirish, fermer xo'jaliklari boshliqlari va xodimlarini tayyorlash, qayta tayyorlash va malakasini oshirish, ularning malakasiga oid talablarni aks ettirish, fermer xo'jaliklarining kooperatsiyalarga birikishi, mahsulot yetkazib berish shartnomasi yoki kontraktatsiya shartnomasi bo'yicha majburiyat bajarilmay qolgan taqdirdan yer ijara shartnomasini bekor qilish shartlarini bekor qilish, shuningdek yosh fermerlarni davlat tomonidan qo'llab-quvvatlash, fermer mutaxassislarni tayyorlashni amaliyot bilan uyg'unlashtirish masalasi muhokama qilindi.

8. Fermer xo'jaliklari va boshqa qishloq xo'jalik ishlab chiqaruvchilari, qishloq xo'jalik klasterlari o'rtasida qishloq xo'jaligi ishlab chiqarish amaliyotida qo'llanilayotgan "fermer xo'jaligi shartnomasi"ni kiritish va "fermer xo'jaligi shartnomasi – xaridor va fermer o'rtasida fermer xo'jaligi mahsuloti yoki mahsulotlarini ishlab chiqarish va sotish shartlarini belgilaydigan shartnoma", degan tushunchani milliy qonunchilik va amaliyotga tadbir etish tavsiya etiladi.

9. Yerlarni muhofaza qilish talablari va tartibi qishloq xo'jalik yerlaridan foydalanish shakllaridan kelib chiqib tegishli normativ-huquqiy hujjatlar asosida belgilanishi yerlarni meyoriy huquqiy muhofaza qilish sifatida, shuningdek, yer monitoringi va nazorati, iqtisodiy rag'batlantirish, tashkiliy va texnologik tadbirlarni belgilash, to'g'ridan-to'g'ri muhofaza qilish chora-tadbirlari orqali amalga oshiriladi, degan xulosaga kelindi.

10. Fermer xo'jaliklarining chegara zonalarini va foydalanishdan chiqarilgan yerlarida ekologik tizimni yaxshilash va biologik xilma-xillikni saqlash, yo'qolish xavfi ostida bo'lgan o'simlik dunyosi obyektlarini qayta tiklash maqsadida "Agroo'rmon xo'jaligi"ni kengaytirish va shu orqali qishloq xo'jalik yerlarida "Agroturizim"ni rivojlantirish maqsadga muvofiqligi isbotlashga harakat qilindi.

11. Fermer xo'jaliklari va boshqa qishloq xo'jalik ishlab chiqaruvchilari tomonidan yetishtirilgan oziq-ovqat mahsulotlarining sifati va uning agroekologik talablarga javob berishi yuzasidan aniq axborot taqdim etish tizimini yo'lga qo'yish maqsadida O'zbekiston Respublikasining "Organik mahsulotlar to'g'risida"gi qonunini 14¹-modda bilan to'ldirish va ushbu moddada "Organik

mahsulotlar to'g'risida axborot taqdim etish" shartlarini belgilash kerak, degan xulosaga berildi.

12. O'zbekistonda qishloq xo'jaligi ishlab chiqarishi va chorvachilikni yaxshilash maqsadida yangi ekologik navlarni yaratish va yaylovlarning ekologik holatini yaxshilashga qaratilgan subsidiyalash, fermer xo'jaliklari tomonidan tomchilab, yomg'irlatib sug'orish va boshqa zamonaviy texnologiyalarni xorijdan to'g'ridan-to'g'ri olib kelganliklari uchun barcha bojxona to'lovlaridan ozod qilish, davlat xususiy sherikchiligi va subsidiyalari asosida zamonaviy texnologiyalarni xorijdan olib kelish bilan shug'ullanadigan korxonalarini erkin tanlash bo'yicha va erkin savdo kelishuvlarini amalga oshirish bo'yicha yangi tartiblarni joriy qilish lozim, degan xulosaga kelindi.

13. Fermer xo'jaliklarining qishloq xo'jalik yerlaridan foydalanish va muhofaza qilish sohasida yerning va tuproq holatining sifatini o'rganish va tadqiqotlar o'tkazishga moslashtirilgan xususiy "Qishloq xo'jaligida barqaror rivojlanish tadqiqot markazlari"ni (tuproq sifatini baholash va ekin turlarini joylashtirish bo'yicha tadqiqotlar o'tkazuvchi xususiy auditlar) joriy qilish orqali qishloq xo'jalik yerlarini muhofaza qilish tizimini yaxshilash mumkin, degan xulosaga kelindi.

II. Tadqiqot natijalari bo'yicha qonunchilik normalarini takomillashtirish va amaliyotga yo'naltirilgan quyidagi taklif va xulosalar ishlab chiqildi:

1. O'zbekiston Respublikasining Yer kodeksining 2-moddasida yer to'g'risidagi qonunchilikning asosiy tamoyillarini quyidagi normalar bilan to'ldirish tavsiya etiladi:

*yerlarning huquqiy rejimini belgilashda tabaqalashtirilgan yondashuv;
yerga zarar yetkazilishining oldini olish yoki uning oqibatlarini bartaraf etish;*

*yerdan foydalanish fuqarolar va jamiyat manfaatlariga mos bo'lishi;
yer uchastkalari va ular bilan chambarchas bog'liq bo'lgan obyektlar taqdirining birligi;*

yerlarni muhofaza qilishning yerdan ko'chmas mulk sifatida foydalanishdan ustuvorligi.

2. O'zbekiston Respublikasi Yer kodeksining 41-moddasini quyidagi mazmundagi tegishli bandlar bilan to'ldirish taklif etiladi:

- yer munosabatlari sohasida huquqiy harakatlar, iqtisodiy, tashkiliy, texnik va boshqa chora-tadbirlarni amalga oshirish kafolatlanadi;

- ekologik xavfsizlikni ta'minlash maqsadida yer munosabatlari sohasida doimiy ravishda yer monitoringini olib borilish kafolatlanadi;

- qonunchilikka muvofiq belgilangan tartibda manfaatdor shaxslarni yerlar miqdori, holati, foydalanish va muhofaza qilish to'g'risidagi ma'lumotlar bilan ta'minlash kerak;

- manfaatdor shaxslarning yerdan oqilona foydalanish va muhofaza qilishga qaratilgan takliflar tayyorlashda ishtirok etishini ta'minlash kafolatlanadi.

3. O‘zbekiston Respublikasi Vazirlar Mahkamasining 2019-yil 9-yanvardagi 14-son qaroriga 4-ilova qilingan “Fermer xo‘jaliklari va boshqa qishloq xo‘jaligi korxonalariga faoliyat yuritish uchun berilgan yer uchastkalari maydonlarini maqbullashtirishga qo‘yiladigan” Talablar O‘zbekiston Respublikasining “Fermer xo‘jaligi to‘g‘risida”gi qonuning 32-moddasi talablariga mos kelmaydi. Shu sababli ham mazkur nizom va talablarda belgilangan fermer xo‘jaligi bilan tayyorlov tashkilotlari o‘rtasida, eng avvalo, davlat ehtiyojlari uchun qishloq xo‘jaligi mahsulotlarini xarid qilish bo‘yicha tuzilgan kontraktatsiya shartnomalari shartlarining muntazam (ketma-ket uch yil mobaynida) bajarilmaganligi, fermer xo‘jaligi yer uchastkasidan belgilanganidan boshqa maqsadda foydalanganligi, shuningdek, ixtisosligini o‘zgartirgan taqdirda yer ijara shartnomasini bekor qilish va fermer xo‘jaligini tugatish shartlaridan chiqarish maqsadga muvofiq.

4. O‘zbekiston Respublikasi Jinoyat Kodeksini quyidagi mazmundagi 52¹-modda bilan to‘ldirish taklif qilinadi:

“52¹-modda. Yetkazilgan zararni natura holatida qoplash majburiyatini yuklash.

Yetkazilgan zararni natura holatida qoplash majburiyatini yuklash atrof tabiiy muhit, tabiiy obyektga yetkazilgan zararni bevosita qoplash orqali amalga oshiriladi.

Yetkazilgan zararni natura holatida qoplash shakli (yer rekultivatsiyasi, konservatsiya, suv havzasida baliq ko‘paytirish, daraxt yetishtirish va h.k.) sud tomonidan belgilanadi.

Yetkazilgan zararni natura holatida qoplashning imkoni bo‘lmasa, sud yetkazilgan zararni yerdan foydalanuvchiga o‘z mablag‘lari hisobidan qoplash majburiyatini yuklashi mumkin”.

5. Fermer xo‘jaliklari va boshqa yerdan foydalanuvchilar o‘rtasida qishloq xo‘jalik yerlaridan ijara huquqi asosida foydalanish tartibini rivojlanib borayotganligi, ularni amalda qo‘llash bilan bog‘liq turli qiyinchiliklarni keltirib chiqarmoqda. Shu sababli qishloq xo‘jalik yerlaridan foydalanish bilan bog‘liq barcha munosabatlarni tartibga solishga qaratilgan *“Qishloq xo‘jaligida yer ijarasi to‘g‘risida”*gi qonun loyahasini ishlab chiqish va amaliyotga tadbiiq qilish lozim, degan xulosaga kelindi.

6. O‘zbekiston Respublikasining *“Qishloq xo‘jaligida qayta tiklanadigan energiya manbalaridan foydalanishni rag‘batlantirish chora-tadbirlari to‘g‘risida”*gi nizom talablarini ishlab chiqish va uni amaliyotga joriy qilish maqsadga muvofiqligini asoslashga harakat qilindi.

7. Fermer xo‘jaliklari va boshqa qishloq xo‘jalik subyektlari tomonidan *servitut huquqidan foydalanish va uni shartnoma asosida rasmiylashtirib qo‘yish masalasi amaliyotda umuman uchramaydigan holatlardan biri deyish* mumkin. Shu sababli ham qishloq xo‘jalik korxonalarida o‘rtasida o‘zganing yeridan cheklangan tarzda foydalanish bilan bog‘liq bo‘lgan muammolarni hal qilish uchun qishloq xo‘jalik korxonalarida *servitut shartnomasini* rivojlantirish va uni amalda qo‘llash mexanizmini joriy qilish lozim, deb hisoblaymiz.

8. O‘zbekiston Respublikasi Vazirlar Mahkamasining 2022-yil 1-noyabrdagi “Gidroponika usulida chorva mollariga ozuqa yetishtirish uskunalari xarid qilgan chorvachilik subyektlariga subsidiya ajratish tartibi to‘g‘risidagi vaqtinchalik nizomni tasdiqlash haqida”gi 628-sonli qarori bilan tasdiqlangan “Gidroponika usulida chorva mollariga ozuqa yetishtirish uskunalari xarid qilgan chorvachilik subyektlariga subsidiya ajratish tartibi to‘g‘risidagi vaqtinchalik” nizom 2-bandida keltirilgan asosiy tushunchalarda “*Gidroponika – o‘simliklarni tuproqsiz sharoitda suv va ozuqaviy eritmalar asosida o‘stirish usulidir*”, shuningdek, “*Aeroplona – o‘simliklar ildizlarini tuproqsiz nam havoda to‘xtatib turish orqali vaqti vaqti bilan suv va ozuqa moddalari berish usuli*” deb ta’rif berish va mazkur normalarni ushbu nizom talablarida keltirish maqsadga muvofiq.

9. O‘zbekiston Respublikasining “O‘simliklarni himoya qilish to‘g‘risida”gi qonunning 3-moddasida keltirilgan asosiy tushunchalarda “*Gerbitsid – keraksiz o‘simliklarni o‘ldirish uchun ishlatiladigan pestitsidlar*”, shuningdek “*Selektiv gerbitsid – kerakli hosilni nisbatan zararsiz qoldirib, aniq zararkunandalar va begona o‘tlarni yo‘q qilish*” degan ta’riflarni belgilash orqali kelgusida mazkur qonun normalarini takomillashtirish maqsadga muvofiq.

10. O‘zbekiston Respublikasi Vazirlar Mahkamasining 2021-yil 23-fevraldagi “Qishloq xo‘jaligi ishlab chiqaruvchilarining suvni tejaydigan sug‘orish texnologiyalarini joriy etish bo‘yicha xarajatlarining bir qismini qoplash chora-tadbirlari to‘g‘risida”gi 95-son qarorga ilova qilingan “Qishloq xo‘jaligi ishlab chiqaruvchilarining suvni tejaydigan sug‘orish texnologiyalarini joriy etish bo‘yicha xarajatlarining bir qismini qoplash va berilgan subsidiyani qaytarish tartibi to‘g‘risida”gi nizomning 2-bandini “***Sprinkler sug‘orish*** – suvni daladagi markaziy joydan yoki harakatlanuvchi platformalardagi trubalardan yuqori bosimli purkagichlar yoki avtomatlar orqali taqsimlash”, shuningdek “***Markaziy burilishli sug‘orish*** – suvni g‘ildirakli minoralarda aylana shaklda harakatlanadigan purkagichlar tizimi orqali taqsimlash” kabi tushunchalar bilan to‘ldirish maqsadga muvofiq.

11. Fermer xo‘jaliklarining yer resurslaridan foydalanish va muhofaza qilishda jamoatchilik nazoratini yaxshilash uchun “Jamoatchilik nazorati to‘g‘risida”gi qonun hamda “Jamoatchilik ekologik nazoratini amalga oshirish tartibi to‘g‘risida”gi nizom talablaridan kelib chiqib O‘zbekiston Respublikasining “Ekologik nazorat to‘g‘risida”gi qonunning 8-moddasida ekologik nazoratning subyekti sifatida “ommaviy axborot vositalari”ni kiritish maqsadga muvofiq, degan xulosaga kelindi.

12. O‘zbekiston Respublikasining “Nodavlat notijorat tashkilotlari to‘g‘risida”gi qonunning 4-moddasiga “nodavlat notijorat tashkilotlar o‘z faoliyati maqsadlariga muvofiq davlat organlari bilan hamkorlik qilishlari hamda ular uchun muayyan faoliyatni bajarishlari mumkin”ligini ifodalovchi alohida band kiritish orqali mamlakatimizda nodavlat notijorat tashkilotlar tomonidan bir vaqning o‘zida davlatning ma’lum funksiyalarini bajarish vazifasi yuklatilishi qonuniylashtiriladi.

**SCIENTIFIC COUNCIL FOR AWARDING OF THE SCIENTIFIC
DEGREES No.DSc.07/03.2023.Yu.22.04 AT TASHKENT STATE
UNIVERSITY OF LAW**

TASHKENT STATE UNIVERSITY OF LAW

TUKHTASHEV KHIKMATILLA ISMATILLAEVICH

**LEGAL ISSUES OF ENSURING THE EFFICIENCY OF LAND USE AND
PROTECTION OF FARMING ENTERPRISES**

12.00.06 – Natural resources law. Agrarian law. Environmental law

ABSTRACT
of the dissertation of the Doctor of Philosophy in Legal Sciences(PhD)

Tashkent – 2025

The theme of the Doctor of Philosophy (PhD) was registered at the Supreme Attestation Commission at the Ministry of higher education, science and innovation of the Republic of Uzbekistan under number B2022.1.PhD/Yu692

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The doctoral dissertation is available at the Information Resource Center of Tashkent State University of Law (registered as no. 1365). (Address: 100047, Amir Temur street 13. Tashkent city. Phone: (99871) 233-66-36).

The abstract of the dissertation is distributed on March 14th, 2025

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INTRODUCTION

(abstract of the dissertation of the Doctor of Philosophy (PhD))

The relevance and necessity of the dissertation topic. Global climate change and water resource scarcity in the world, population growth and high demands for ensuring food security directly raise the issue of increasing the efficiency of land use and protection of farms in the agricultural system. Today, “there are more than 570 million small and family farms in the world, of which small farms (less than 2 hectares) manage approximately 12 percent of the world's agricultural land, and family farms manage almost 75 percent of the world's agricultural land.”¹ In terms of increasing the volume and quality of agricultural production, ensuring food security in achieving the 17 global goals set out in the United Nations Sustainable Development Goals for 2015-2030, and maintaining soil fertility in "Ending Hunger" and "Conserving Dryland Ecosystems"² are of crucial importance in increasing the efficiency of land use and protection of farms in this area.

In the world, ensuring food security, sustainable agricultural development, proper land management, the use of innovative technologies in agriculture, and environmental protection, scientific and research activities related to the rational use of land resources and maintaining soil fertility are of great importance. Resolution 72/239 of the UN General Assembly, adopted at its 72nd session on 20 December 2017, “On the Proclamation of the Years 2019-2028 as the United Nations Decade of Family Farming”³, sets out the task for all countries to develop and improve public policies on family farming and share their best practices with other countries. Therefore, the main legal solution for the development of farms is to create and implement a comprehensive legal framework that meets international standards and national characteristics, based on the results of advanced research by the Food and Agriculture Organization of the United Nations (FAO), the World Bank, the International Fund for Agricultural Development (IFAD), the International Food Policy Research Institute (IFPRI), the International Center for Agricultural Research in the Dry Areas (ICARDA) and foreign countries, guarantee the rights to equitable use of land and water resources, comprehensively support agricultural activities, promote sustainable development, ensure legal protection for family farmers, and establish international cooperation.

In the Republic of Uzbekistan, farms, together with other agricultural enterprises, manage “21,206.5 thousand hectares of total agricultural land, of

¹ Lowder, S. K., Scoet, J., & Raney, T. (2016). [The number, size, and distribution of farms, smallholder farms, and family farms worldwide](#). World Development, 87, 16-29.

² Цели устойчивого развития // Официальный сайт ООН. — <https://sdgs.un.org/>

³ United Nations Decade of Family Farming (2019-2028) resolution / adopted by the General Assembly. — <https://digitallibrary.un.org/record/1479766?ln=ru>

which 3,701.0 thousand hectares are irrigated.”⁴ Irrigated land per capita in the 1950s was 0.5 hectares, in the 1970s 0.4 hectares, in the 1980s 0.2 hectares,”⁵ while currently it is 0.12 hectares. “When analyzing changes in arable land during the period 1995-2020, a decrease in arable land area by 19.3 thousand hectares was observed every 5 years.”⁶ In this regard, in order to encourage the effective use of land by farms, our esteemed President has announced that “farms that effectively use the edge of the field will be given additional points in the entrepreneur rating, and an internal phytosanitary certificate will be issued free of charge for one year. The fact that the farmer is allowed to pay land tax for all his land in two-year installments”⁷ indicates that the preservation and protection of agricultural land productivity is a priority in state policy. Therefore, increasing the personal interest of farmers in rational and efficient use of land, introducing benefits, implementing innovative technologies, improving market mechanisms, streamlining state administration and strengthening public control, as well as problems such as climate change, water scarcity and inefficient use of agricultural land, make it urgent to conduct scientific research in this area and improve national legislation.

This dissertation research is based on the Decrees of the President of the Republic of Uzbekistan dated June 17, 2019, No. PF-5742 “On measures for the effective use of land and water resources in agriculture”, dated October 23, 2019, No. PF-5853 “On approval of the Strategy for the Development of Agriculture of the Republic of Uzbekistan for 2020-2030”, dated October 5, 2020, No. PF-6079 “On measures for the approval and effective implementation of the Strategy “Digital Uzbekistan - 2030”, dated January 29, 2022, No. PF-60 “On the Development Strategy of New Uzbekistan for 2022-2026”, as well as dated September 11, 2023 No. PF-158 “On the Strategy “Uzbekistan - 2030” and serves to implement other regulatory legal documents to a certain extent.

Compliance of the research with the priority directions of the republican science and technology development. The dissertation research was carried out in accordance with the priority direction of the republican science and technology development I. “Formation of a system of innovative ideas in the social, legal, economic, cultural, spiritual and educational development of an information society and a democratic state and ways of their implementation”.

The level of study of the problem. Various scientific studies have been conducted by legal scholars to increase the efficiency of land use and protection in

⁴ O‘zbekiston Respublikasi Kadastr agentligi. O‘zbekiston Respublikasining Milliy hisoboti. 2024 yil 1-yanvar holatiga. — <https://kadastr.uz/uz/yer-hisobi-yo'nalishi>.

⁵ O‘zbekiston Respublikasi Davlat statistika qo‘mitasi. — Rasmiy sayt: <https://stat.uz>.

⁶ “Yer resurslaridan oqilona foydalanish, uni muhofaza qilish va sohada qonuniylikni mustahkamlash – dolzarb vazifa” mavzusidagi Ochiq muloqot // Teznews.uz. — 2021 yil 11 iyun. <https://teznews.uz/11-06-2021/ochiq-muloqot>.

⁷ Mirziyoyev Sh.M. O‘zbekiston Respublikasida meva-sabzavot yetishtirish, qayta ishlash va eksportini ko‘paytirish chora-tadbirlari yuzasidan o‘tkazilgan videoselektor yig‘ilishidagi ma‘ruzasi. 2024-yil 28-noyabr. // <https://president.uz/oz/lists/view/7736>

our national legislation. However, there is a lack of specialized research aimed at effectively regulating the land-related activities of farms. Existing works mainly cover general aspects of land law, ecology, environmental protection, agrarian and entrepreneurship law, and articles, pamphlets, monographs and dissertations have been created on this topic. In particular, the scientific works of legal scholars I.Jalilov, Y.Juraev, U.Bozorov, J.Kholmuminov, M.Usmonov, Kh.Rakhmonkulov, Sh.Faiziev, N.Skripnikov, R.Kenzhaev, M.Mirzaabdullaeva, and B.Kalonov⁸ are focused on the legal status of land resources, as well as the use and protection of agricultural lands, while the scientific works of K.Abdulhasanova, A.Shukurullaev, A.Gulmonov, Sh.Ruzinazarov, K.Sindorov, U.Ayubov, N.Akhmanov, J.Safarov, O.Narzullaev, G.Uzakova, D.Makhkamov, N.Rajabov, R.Tashboeva, O.Utegenov, Sh.Bobokulov, E.Kurbanov, A.Khodzhaev and J.Suvonkulov⁹ conducted research in their scientific activities on improving land legislation related to land use and protection of farms, agricultural land reclamation, labor and contractual relations in agriculture, and the organization of public control over the use of natural resources.

Also, scientists from the CIS countries - S.A.Bogolyubov, O.A.Frolova, A.Yu. Suyundukova, M.Brinchuk, V.F.Bashmachnikov, I.N.Bobisheva and O.A. Orlova, V.V. Buzmakov, A.B. Medvedev, A.P.Anisimov, Y.S.Boltanova, L.G. Trushnikov, S.N.Volkov, F.P.Rumyantsev, T.D.Konopleva, A.A.Sokolova, A.A.Artemev, I.A.Lepekhn, V.A.Kundius, Y.N.Ivanova, M.V.Logunova, D.S.Murtazakulov¹⁰ - discussed the experience of foreign countries in the agricultural sector, the legal status and principles of the use and protection of agricultural land, and legal issues related to the efficiency of land use and the division of land into categories. explained.

Abroad, T.L.Daniels, J.C.Keene, H.Ritchie, M.Rosser, H.R.Johnson, C.Rodgers, A.Bulman, K.Y.Sordes, L.Mehranvar, E.Merrill, J.Fiedler, and J.D. Baerdemaeker¹¹ studied the legal issues of food production and the use of modern technologies. However, their scientific works did not deeply cover the issues of increasing the efficiency of land use and protection of farms, improving farm management, applying incentives for effective land use and protection, ensuring public control, and legal regulation of the use of innovative technologies.

Accordingly, the development of market relations in agriculture based on natural laws, the determination of the most optimal state of compliance with environmental standards, as well as the achievement of ensuring the harmony of public and private interests, determine the need for a comprehensive monographic study of this topic.

⁸ The scientific works of these scholars are listed in the dissertation's bibliography.

⁹ The scientific works of these scholars are listed in the dissertation's bibliography.

¹⁰ The scientific works of these scholars are listed in the dissertation's bibliography.

¹¹ The scientific works of these scholars are listed in the dissertation's bibliography.

The connection of the topic of the dissertation with the plans of scientific research work of the higher educational institution where the dissertation is being carried out. In accordance with the scientific research work plan of Tashkent State Law University, it was carried out within the framework of the project on the topic "Achieving the goals of ecologically sustainable development".

The purpose of the research is to develop proposals and recommendations on the legal regulation of the activities of farms, improving land legislation and increasing the effectiveness of law enforcement practice.

The research objectives are:

to study the doctrinal foundations of the concept, principles, and specific features of land use and protection of farms;

elucidation of the theoretical and legal issues of land use rights and obligations of farms, as well as procedures and requirements for land protection;

participation of state bodies in the field of land use and protection of farms, analysis of their tasks and functions and development of proposals and recommendations for their improvement;

analysis of the legal basis of the system of applying benefits and providing legal guarantees for ensuring the effectiveness of land use and protection of farms;

to study the theoretical and legal aspects of the legal regulation of the use of innovative technologies in increasing the efficiency of land use;

analysis of public control and its legal basis in ensuring the effectiveness of land use and protection of farms;

carrying out a comparative legal analysis of the experience of developed foreign countries in the legal regulation of land use and protection of farms;

preparation of practical and scientific-theoretical proposals and recommendations for improving the current legislation and law enforcement practice.

The object of the study. Legal relations related to ensuring the effectiveness of land use and protection of farms are taken into account.

The subject of the study. Legislative acts aimed at land use and protection of farms, the experience of foreign countries, as well as scientific literature on the subject and the practice of applying legislation in this area are formed.

Research methods. The dissertation used research methods such as observation, analysis (statistical, comparative, etc.), generalization, and systematic analysis of logical and statistical data.

The scientific novelty of the study is the following:

The provision of agricultural land to farms on a lease basis for 30 years based on the results of an electronic online auction and the determination of the terms and terms of the lease agreement in accordance with the agreement of the parties, as well as the procedure for transferring the lease right by farms to other persons (third parties) are substantiated;

The division of land plots used by farms is justified by the requirements of the Land Code, that is, it is not divided if the land plot being divided is less than the minimum size established by the Land Code for organizing a farm;

It is justified by the fact that the head of the farm has the right to transfer the right to lease a land plot to one of his family members who is a citizen of the Republic of Uzbekistan who has reached the age of eighteen and has relevant qualifications or work experience in agriculture for a period specified in the lease agreement by amending the lease agreement;

It is justified by the fact that when the right to lease land plots of a multi-branch farm is terminated in accordance with the procedure established by law, the multi-branch farm may be reorganized by its head by changing its organizational and legal form.

The practical results of the study are as follows:

by explaining the legal status of farms, the procedure for land allocation and their importance as agricultural business entities, proposals were made for legislation to form an understanding of the procedure for organizing farms in the general public and strengthen their legal status;

the use of agricultural land by farms should have its characteristics, different from the general principles of land use. From this point of view, proposals were put forward to determine its priority aspects and reflect them in legislation;

an attempt was made to justify the feasibility of introducing the concept of agroecology, which includes the ecological, socio-cultural, technological, economic and political aspects of food systems from production to consumption in farms and agricultural activities, the development of "agrotourism" and the organization of "agroforestry";

proposals were made on the cancellation and amendment of land lease agreements in the process of liquidation and merger of farms, as well as the introduction of a procedure for selling land lease rights to third parties. In addition, recommendations were put forward to guarantee the rights of farms to land, increase their personal interests, use modern technologies and strengthen public control;

prospects for improving the legislation on land use and protection of farms in the republic were identified. Also, in order to develop a legal approach to this area, an attempt was made to base it as an "Agricultural Law" or a complex legal institution.

Reliability of the research results. The research results are explained by the fact that they are based on the analysis of national legislative norms, materials of law enforcement practice, international and foreign legislative norms, are based on official sources and scientific literature, and the implementation of the conclusions and proposals obtained is confirmed by the relevant state bodies.

Scientific and practical significance of the research results. The scientific significance of the research results is explained by the fact that the results obtained based on their scientific and theoretical analysis are used in lawmaking, and law enforcement practice to develop legislation in the field of land use and protection of farms, and to improve methodological approaches in this area.

The practical significance of the research results will serve to improve the legislation on land use and protection of farms and the development of law enforcement practice, to conduct an inventory of legislation on the protection of agricultural lands, as well as to develop legislative acts on improving the activities of state bodies and non-governmental non-profit organizations with relevant powers in this area, including the draft laws of the Republic of Uzbekistan "Land Code" in the new edition and "On Land Lease in Agriculture".

Implementation of the research results. The scientific results obtained in the dissertation work on the topic of legal issues of ensuring the effectiveness of land use and protection by farms were used in the following:

The proposal to provide agricultural land to farms on a lease basis for 30 years based on the results of an electronic online auction and to determine the terms and terms of the lease agreement in accordance with the agreement of the parties, as well as the transfer of the lease right by farms to other persons (third parties) was reflected in Part 1 of Article 58 of the Land Code of the Republic of Uzbekistan (July 1, 1998) (Act of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan dated May 22, 2023 No. 04/8-10-632). The implementation of this proposal served to legalize the activities related to the provision of agricultural land to farms on a lease basis.

This proposal that the division of land plots used by farms should be carried out within the requirements of the Land Code, that is, it should not be divided if the land plot being divided is less than the minimum size established by the Land Code for organizing a farm, was reflected in Part Five of Article 13 of the Law of the Republic of Uzbekistan "On Farming" No.URQ-662-II dated August 26, 2004 (Act of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan No.04/8-10-632 dated May 22, 2023). The adoption of this proposal served to guarantee the rights of farms to land and establish procedures related to the non-division of land plots if they are less than the sizes established by the relevant specialties.

The proposal that the head of a farm has the right to transfer the right to lease a land plot to one of his family members who is a citizen of the Republic of Uzbekistan who has reached the age of eighteen and has the appropriate qualifications or work experience in agriculture for the term specified in the lease agreement by amending the lease agreement is reflected in Part Eight of Article 13 of the Law of the Republic of Uzbekistan No.URQ-662-II dated August 26, 2004 "On Farming" (Act of the Legislative Chamber of the Oliy Majlis of the Republic

of Uzbekistan No. 04/8-10-632 dated May 22, 2023). The adoption of this proposal had a positive impact on determining the procedure for the inheritance of the rights of the head of a farm to land for the term of the land lease agreement.

The proposal that a multi-branch farm may be reorganized by its head by changing its organizational and legal form when the right to lease land plots of a multi-branch farm is terminated in accordance with the procedure established by law was used to form the second part of Article 31 of the Law of the Republic of Uzbekistan dated August 26, 2004, No.URQ-662-II “On Farming”. (Act of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan dated May 22, 2023 No.04/8-10-632). The adoption of this proposal served to improve the legal mechanisms for strengthening the effective application of standards related to the legal regulation of the activities of farms in practice.

Approbation of research results. The results of this research were discussed at 6 scientific and practical conferences, including 2 international and 4 republican scientific and practical conferences.

The study announces the results. The dissertation is the subject of 21 scientific publications, 1 monograph, 14 scientific articles (4 of which are foreign journals), and 6 articles and abstracts (2 scientific and practical conferences based on these materials) have been published.

Dissertation training and studies. Kirisha's dissertation, consisting of a paragraph about olgan, 3 chapters, in conclusion, contains the literature included in the list and supplemented. The dissertation consists of 156 papers.

MAIN CONTENT OF THE DISSERTATION

The introduction to the dissertation contains information on the relevance and necessity of the research topic, the correspondence of the research to the main priority areas of the development of science and technology of the republic, the level of study of the problem under study, the connection of the dissertation topic with the scientific research work of the higher educational institution where the dissertation is being conducted, the goals and objectives, object and subject of the research, methods, scientific novelty and practical result of the research, the reliability of the research results, the scientific and practical significance of the research results, their implementation, the approval of the research results, the publication of the results, the volume and structure of the dissertation.

The first chapter of the dissertation, entitled “The Legal Nature of Increasing the Efficiency of Land Use and Protection of Farms”, analyzes the theoretical and legal issues of increasing the efficiency of land use and protection on farms, the legal principles of land use and protection on farms, and their specific features.

The researcher, in analyzing the farm and its legal foundations, used the ideas and views of many lawyers (Kh.Rakhmonkulov, A.Suyundukova, O.Umirzokov, A.Toshboyev, O.Oqyulov, J.Kholmuminov, M.Usmonov,

G.Uzakova, K.Sindorov) and, while engaging in a discussion with them, developed an author's definition of the concept of a farm.

The researcher analyzed the views of various scientists (O.Voronkova, M.Brantova, Z.Texas, V.Buzmakov, A.Medvedev, L.Trushnikov, S.Volkov, V.Kundius, Yu.Ivanova) on the basic principles of land use and the development of land relations, and formulated the basic principles of agricultural land use. In particular, the researcher considers the principle of the vital priority of ensuring food security of the state and society as a whole, the principle of equality of all organizational and legal forms in the manifestation of land ownership, the principle of the priority of the rights and obligations of land owners and land users, the principle of responsibility for the results of land use, the principle of rational use of agricultural land, the principle of targeted use of agricultural land, the principle of legality and legal openness of land transactions, the principle of availability, openness and reliability of information on the quality and legal status of land plots, the principle of differentiation in the development and implementation of measures to manage land resources of various categories and individual territories, the principle of compliance with the ecological safety of land use, the principle of sustainability in land ownership and use, the principle of combining social needs with the material interests of subjects of land relations, the principle of the priority of the agricultural sector in the field of land ownership and use, the principle of payment for land use, rural The principle of harmonizing state (administrative) and economic methods of regulating land relations in the economy, the principle of multi-structure of the agricultural economy, the principle of redistribution of land resources, the principle of taking into account the territorial conditions of agricultural production, the principle of consistency and complexity, and the characteristics and specifics of the principles of scientific validity of land relations are studied.

The second chapter of the dissertation is entitled "Legal Mechanism for Ensuring the Efficiency of Land Use and Protection of Farms", which analyzes the legal status of ensuring the efficiency of land use of farms, the forms, requirements and procedures for land protection of farms, issues of improving the activities of state administration bodies in the field of land use and protection of farms, and encouraging the efficiency of land use and protection of farms.

According to the dissertation author, although legislation on supporting and developing farming enterprises is being improved, issues related to the lack of guarantees for their land use rights have also been analyzed. Notably, within the framework of the Ministry of Justice of the Republic of Uzbekistan's "Support for Farmers" campaign, it was revealed that approximately 10% of existing farming enterprises in the country had not formalized land lease agreements with district administrations. This means that over 8,000 out of the total 80,134 farming enterprises lack lease agreements. Moreover, some agricultural lands used by these enterprises are being planted with crops other than those specified, and some are involved in unauthorized agricultural circulation. This situation highlights the failure of district administrations to guarantee farming enterprises' land rights.

Based on the study of the experiences of foreign countries (Argentina, France, Kazakhstan, Russia, Ukraine, Belarus, and New Zealand), the dissertation author believes that the following factors should be taken into account to increase the efficiency of land use by agricultural farms:

First, the decrease in the number of people working in agriculture due to the growth in population and urbanization, as well as the increase in food demand from urban populations;

Second, the growing need to improve land cultivation technologies rather than create new varieties and types of agricultural products;

Third, the need to improve systems for using new innovative technologies in agriculture and conducting research in this area;

Fourth, promoting the production of high-quality products by agricultural enterprises through the use of innovative technologies and developing modern mechanisms for subsidies;

Fifth, developing and implementing clear mechanisms for the unification of agricultural farms into specialized cooperatives and organizing their activities;

Sixth, the necessity of improving the Law of the Republic of Uzbekistan “On Farming” (new edition) of August 26, 2004, in line with modern reforms, including making amendments and additions.

The author engages in discussions with a group of scholars (N.Reymers, B.Yerofeev, T.O'Neill, I.Jalilov, Y.Jurayev, U.Bozorov, J.Kholmuminov, M.Usmonov, U.Ayubov, and M.Mirzaabdullayeva) and believes that the protection of agricultural lands is carried out through various measures implemented by the state and activities aimed at increasing soil fertility by farming enterprises. Moreover, the requirements and procedures for land protection are determined based on the forms of agricultural land protection by farming enterprises. The requirements and procedures for land protection, derived from the forms of agricultural land use, should be established in relevant regulatory legal documents, which can also be regarded as the normative legal protection of lands. These measures can be implemented in the form of land monitoring and control, economic incentives, organizational and technological actions, as well as direct protective measures.

In the research, the author analyzes various violations related to the use of agricultural land, including 115 cases (1,488 hectares) of land being occupied illegally in certain areas and the process of granting land; 124 cases (134 hectares) where land was not returned on time after use; 328 cases (9,230.7 hectares) of deviating from internal land management projects within farms; in 2021, 97,487¹² instances of violations related to the use and protection of agricultural lands; in the first six months of 2022, 62,714¹³ cases of violations related to the use of agricultural lands. Based on statistical data and analysis, the dissertation author believes that legal liability for violations in the use and protection of land by agricultural farms arises in the following cases:

¹² <http://agroinspeksiya.uz/oz/menu/kvartalne-i-godove-otchety-po-vypolnennym-rabotam-so-storony-inspektsii>

¹³ <http://agroinspeksiya.uz/oz/menu/kvartalnye-i-godovye-otchety-po-vypolnennym-rabotam-so-storony-inspektsii>

When agricultural farms fail to fulfill their obligations related to land use and protection;

When agricultural farms fail to meet the contractual obligations outlined in their agreements;

When agricultural farms violate inter-farm land and water use requirements (e.g., violating servitude terms);

When individuals working within agricultural farms fail to comply with labor relations regulations;

When agricultural farms do not fulfill their tax and other mandatory payment obligations to the state on time, legal accountability arises in such cases.

In the dissertation, the idea is proposed to introduce the concepts of "agroecology" and "agroforestry" into national legislation, with the aim of ensuring the production of high-quality agricultural products based on the "field-to-fork" principle in agricultural farms and rural agricultural enterprises.

Furthermore, the author, based on the views of a group of scholars (Y.Juraev, M.Usmonov, Sh.Fayziyev, J.Kholmuminov, U.Ayubov, U.Bozorov, M.Mirzaabdullayeva, Q.Abdulhasanova, A.Shukurullayev, A.Gulmonov, Sh.Ruzinazarov, K.Sindorov, U.Ayubov, N.Axmanov, Dj.Safarov, O.Narzullayev, G.Uzakova, D.Maxkamov, M.Maxmadaminov, M.Nurmatov, N.Rajabov, R.Toshboyeva, Sh.Boboqulov, O. Xolmuminov, E. Qurbonov, A. Xodjayev, and J.Suvonqulov), analyzes and emphasizes the importance of state control in the use and protection of agricultural lands. Key tasks include selling land plots through electronic open auctions, formalizing lease agreements, ensuring targeted use of land, promoting efficient use of land plots, preventing unauthorized use of land, organizing rational land use, and enhancing soil protection and fertility.

The researcher analyzes the lack of information provided to consumers regarding the conditions under which agricultural food products are grown and stored, as well as whether they are genetically modified or not. The study also emphasizes the need for a system to be established *that provides clear information about the quality of food products produced by agricultural farms and other agricultural producers, particularly in terms of their compliance with agroecological standards.*

The third chapter of the dissertation is titled "**Guarantees for Ensuring the Efficiency of Agricultural Farms' Land Use and Protection.**" It focuses on safeguarding the land rights of farms, promoting effective land use, and introducing modern technologies. It provides an analysis of national legislation aimed at protecting land rights and outlines measures taken to support this. Additionally, the chapter reviews legal guarantees and mechanisms established for farmers in countries such as Turkmenistan, Tajikistan, Belarus, and Russia, comparing their approaches to regulating land relations and highlighting effective international practices.

The dissertation identifies key challenges in the activities of farms, including insufficient efficiency in land use, issues in organizing labor relations, and difficulties in introducing new agricultural technologies. Special attention is given

to enhancing productivity and resource efficiency through the application of modern technologies. Examples from Japan's "smart agriculture," as well as innovative practices in the USA, the Netherlands, and Singapore, are provided to illustrate how technology can improve agricultural efficiency.

The chapter includes proposals for improving and advancing the sector, emphasizing the need to introduce public-private partnership mechanisms for acquiring and applying modern technologies in farming. It also highlights the necessity of implementing measures to develop digital technologies and innovations in agriculture. The importance of using modern technologies to enhance productivity and ensure food security is particularly emphasized. Support for innovative approaches and technological development is recognized as critical for increasing the competitiveness of farms.

Furthermore, the chapter analyzes the views of prominent scholars on agriculture, land rights, and innovations. Scholars such as G.Chubukov, Yu.Romanes, D.Totochenko, V.Novikov, N.Kravchenko, V.Savenko, and Ryan Hobert have contributed valuable insights. Their ideas are discussed in the context of agricultural practices, land rights, and technological advancements. For example, V.Savenko argues that the effectiveness of innovations should be evaluated not only economically but also socially and ecologically. He advocates for creating a repository of effective innovative projects to support agricultural production.¹⁴ Similarly, N.Kravchenko emphasizes the need for methodologies to calculate the economic efficiency of adopting new varieties and hybrids of crops, while also accounting for production and financial risks associated with network innovations.

In addition, the dissertation discusses the use of artificial intelligence (AI) technologies in the implementation of land use and protection measures by agricultural farms, as well as the issue of forming "Smart Agriculture." The dissertation concludes that *it would be appropriate to introduce new regulations in national legislation to allow agricultural farms to freely select companies engaged in bringing modern technologies from abroad based on public-private partnerships and subsidies, and to implement free trade agreements.*

The dissertation also analyzes the legal foundations for applying the "Circular Aquaculture" method in land use and agricultural production activities, and a definition of this approach is developed.

The author also examines ecological control, not only as an activity related to the rational use and protection of natural resources but also as one of the main functions of state governance. The analysis includes the issues of protecting agricultural farms through ecological control.

CONCLUSION

As a result of the research work on the legal issues of ensuring the efficiency

¹⁴ Савенко В.Г. Формирование системы освоения инноваций в сельском хозяйстве: Теория, методология, практика: диссертация ... доктора экономических наук: 08.00.05. - Москва, 2005. - 338 с.

of land use and protection of farms, the following scientific-theoretical and practical proposals and conclusions were developed:

I. Scientific-theoretical proposals and conclusions:

1. It was concluded that “a farm is an independent business entity engaged in the cultivation of agricultural products and other types of activities not prohibited by law using land plots obtained on the basis of electronic online auctions based on lease rights”.

2. An attempt was made to express the concept of “efficiency” in the legal provision of increasing the efficiency of land use and protection of farms. According to it, “the achievement of high productivity by using arable land of farms in accordance with its purpose, taking into account natural climatic conditions, fertility and land use, is considered effective land use”.

3. It was concluded that it is appropriate to introduce the concept of agroecology, which includes the ecological, socio-cultural, technological, economic and political aspects of food systems from production to consumption in farms and agricultural activities. Also, taking into account the world experience of applying this concept in legislation, recommendations were made to define it as “Agroecology is a holistic and integrated approach that simultaneously applies ecological and social concepts and principles in the design and management of sustainable agriculture and food systems.” Attention was also paid to the issue of developing “agroforestry” activities in order to increase the efficiency of land use and protection of farms.

4. An attempt was made to highlight the important and specific aspects of organizational and legal management of farms, ensuring the effectiveness of land use and protection, as well as establishing external control over the activities of farms.

5. It was concluded that improving the effectiveness of agricultural land use and protection on farms is based on the most basic principles related to increasing the efficiency of resource use, conserving natural resources, improving living conditions in rural areas, increasing resilience, and effective management to ensure the sustainability of food production.

6. It was found to be both theoretically and legally expedient to establish the following principles of land use and protection by farms:

- protection and rational use of land;
- ensuring environmental safety in land use;
- prevention of damage to land and elimination of its consequences;
- non-harm to the interests of other land users;
- state management and granting of land use rights;
- ensuring the implementation of measures to increase soil fertility and preserve the natural environment;
- ensuring the openness of information on the state of the land;
- recognition of the priority of the land protection procedure in relations related to land use and protection;

- payment for land use.

7. It is necessary to improve the Law "On Farming" in line with modern reforms and make amendments and additions to it. First of all, the issue of integrating it into the most modern trends - optimizing the land area of farms, training, retraining and advanced training of farm heads and employees, reflecting the requirements for their qualifications, merging farms into cooperatives, abolishing the conditions for terminating land lease agreements in case of non-fulfilment of obligations under a product delivery agreement or a contract agreement, as well as state support for young farmers, and harmonizing the training of farm specialists with practice was discussed.

8. It is recommended to introduce the concept of "farm contract" used in agricultural production practices between farms and other agricultural producers, agricultural clusters, and to implement the concept of "farm contract - an agreement between the buyer and the farmer that determines the terms of production and sale of farm products or products" into national legislation and practice.

9. It was concluded that the requirements and procedure for land protection, based on the forms of agricultural land use, are determined on the basis of relevant regulatory legal acts as normative legal protection of lands, as well as through land monitoring and control, economic incentives, the establishment of organizational and technological measures, and direct protection measures.

10. In order to improve the ecological system in the border zones of farms and abandoned lands, preserve biodiversity, and restore endangered flora, an attempt was made to prove the feasibility of expanding "Agroforestry" and thereby developing "Agrotourism" on agricultural lands.

11. It was concluded that in order to establish a system for providing accurate information on the quality of food products grown by farms and other agricultural producers and their compliance with agro-ecological requirements, it is necessary to supplement the Law of the Republic of Uzbekistan "On Organic Products" with Article 141 and establish in this article the conditions for "Providing information on organic products."

12. It was concluded that in order to improve agricultural production and livestock breeding in Uzbekistan, it is necessary to introduce subsidies aimed at creating new ecological varieties and improving the ecological condition of pastures, exempting farms from all customs duties for direct import of drip, sprinkler irrigation and other modern technologies from abroad, freely selecting enterprises engaged in importing modern technologies from abroad on the basis of public-private partnerships and subsidies and introducing new procedures for the implementation of free trade agreements.

13. It was concluded that the agricultural land protection system can be improved by introducing private "Research Centers for Sustainable Development in Agriculture" (private audits conducting soil quality assessment and crop type placement studies) adapted to study and conduct research on the quality of land and soil conditions in the field of agricultural land use and protection of farms.

II. Based on the results of the study, the following proposals and conclusions were developed aimed at improving legislative norms and putting them into practice:

1. Article 2 of the Land Code of the Republic of Uzbekistan recommends supplementing the basic principles of land legislation with the following norms:

a differentiated approach to determining the legal regime of lands;
prevention of damage to land or elimination of its consequences;
compliance of land use with the interests of citizens and society;
unity of the fate of land plots and objects closely related to them;
priority of land protection over the use of land as real estate.

2. It is proposed to supplement Article 41 of the Land Code of the Republic of Uzbekistan with the following relevant paragraphs:

- implementation of legal actions, economic, organizational, technical and other measures in the field of land relations is guaranteed;

- continuous land monitoring is guaranteed in the field of land relations in order to ensure environmental safety;

- it is necessary to provide interested persons with information on the amount, condition, use and protection of land in accordance with the law;

- it is guaranteed to ensure the participation of interested parties in the preparation of proposals aimed at the rational use and protection of land.

3. The Requirements for the optimization of land plots provided for farming and other agricultural enterprises for operation, annexed to the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 14 dated January 9, 2019, do not comply with the requirements of Article 32 of the Law of the Republic of Uzbekistan “On Farming”. Therefore, it is appropriate to terminate the land lease agreement and exclude the farm from the conditions for liquidation in the event of regular (for three consecutive years) non-fulfilment of the terms of the contractual agreements concluded between the farm and the production organizations, primarily for the purchase of agricultural products for state needs, the farm using the land plot for a purpose other than the one specified, as well as changing its specialization.

4. It is proposed to supplement the Criminal Code of the Republic of Uzbekistan with Article 52¹ with the following content:

“Article 52¹. Imposing the obligation to compensate for the damage caused in kind.

Imposing the obligation to compensate for the damage caused in kind is carried out through direct compensation for the damage caused to the natural environment, and natural objects.

The form of compensation for the damage caused in kind (land reclamation, conservation, fish breeding in a water body, tree cultivation, etc.) is determined by the court.

If it is impossible to compensate for the damage caused in kind, the court may impose the obligation on the land user to compensate for the damage caused at his own expense.”

“Article 52¹. Imposition of the obligation to compensate for the damage caused in kind.

Imposition of the obligation to compensate for the damage caused in kind is carried out by directly compensating for the damage caused to the natural environment, and natural objects.

The form of compensation for the damage caused in kind (land reclamation, conservation, fish breeding in a water body, tree cultivation, etc.) is determined by the court.

If it is impossible to compensate for the damage caused in kind, the court may impose an obligation on the land user to compensate for the damage caused at his own expense.”

5. The development of the procedure for using agricultural land on the basis of lease rights among farms and other land users creates various difficulties in their practical application. Therefore, it was concluded that it is necessary to develop and implement a draft law "On Land Lease in Agriculture", aimed at regulating all relations related to the use of agricultural land.

6. An attempt was made to justify the feasibility of developing the requirements of the Regulation of the Republic of Uzbekistan “On measures to encourage the use of renewable energy sources in agriculture” and its implementation in practice.

7. The issue of the use of the right of easement by farms and other agricultural entities and its formalization on a contractual basis is one of the cases that is not encountered in practice at all. Therefore, we believe that in order to solve the problems associated with the limited use of someone else's land between agricultural enterprises, it is necessary to develop a mechanism for the development of an easement agreement and introduce it into practice in agricultural enterprises.

8. It is appropriate to define the basic concepts in paragraph 2 of the “Temporary Regulation on the Procedure for Allocating Subsidies to Livestock Entities that Purchase Equipment for Growing Livestock Feed Using Hydroponics” approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 628 dated November 1, 2022 “On Approval of the Temporary Regulation on the Procedure for Allocating Subsidies to Livestock Entities that Purchase Equipment for Growing Livestock Feed Using Hydroponics”, as “Hydroponics is a method of growing plants in soilless conditions based on water and nutrient solutions”, as well as “Aeroponics is a method of periodically providing water and nutrients to plant roots by suspending them in moist air without soil” and to include these norms in the requirements of this Regulation.

9. It is advisable to improve the norms of this law in the future by defining the following definitions in the main concepts given in Article 3 of the Law of the Republic of Uzbekistan “On Plant Protection”: “Herbicide - pesticides used to kill

unwanted plants”, as well as “Selective herbicide - destroying specific pests and weeds, leaving the desired crop relatively harmless.”

10. It is advisable to supplement paragraph 2 of the Regulation “On the procedure for compensating part of the costs of agricultural producers for the introduction of water-saving irrigation technologies and returning the subsidy provided” attached to the Resolution No. 95 of the Cabinet of Ministers of the Republic of Uzbekistan dated February 23, 2021 “On measures to compensate for part of the costs of agricultural producers for the introduction of water-saving irrigation technologies” with concepts such as “Sprinkler irrigation - distribution of water from a central location in the field or from pipes on mobile platforms through high-pressure sprinklers or automatic machines”, as well as “Center-swivel irrigation - distribution of water through a system of sprinklers moving in a circle on wheeled towers”.

11. In order to improve public control over the use and protection of land resources of farms, based on the requirements of the Law “On Public Control” and the Regulation “On the Procedure for Implementing Public Environmental Control”, it was concluded that it is appropriate to include “mass media” as a subject of environmental control in Article 8 of the Law of the Republic of Uzbekistan “On Environmental Control”.

12. By introducing a separate clause into Article 4 of the Law of the Republic of Uzbekistan “On Non-Governmental Non-Profit Organizations”, stating that “non-governmental non-profit organizations may cooperate with state bodies in accordance with the objectives of their activities and perform certain activities for them”, the task of simultaneously performing certain functions of the state by non-governmental non-profit organizations in our country is legalized.

**НАУЧНЫЙ СОВЕТ DSc.07/03.06.2023.Yu.22.04 ПРИСУЖДЕНИЮ
УЧЁНЫХ СТЕПЕНЕЙ ПРИ ТАШКЕНТСКОМ ГОСУДАРСТВЕННОМ
ЮРИДИЧЕСКОМ УНИВЕРСИТЕТЕ**

**ТАШКЕНТСКИЙ ГОСУДАРСТВЕННЫЙ ЮРИДИЧЕСКИЙ
УНИВЕРСИТЕТ**

ТУХТАШЕВ ХИКМАТИЛЛА ИСМАТИЛЛАЕВИЧ

**ПРАВОВЫЕ ВОПРОСЫ ОБЕСПЕЧЕНИЯ ЭФФЕКТИВНОСТИ
ИСПОЛЬЗОВАНИЯ И ЗАЩИТЫ ЗЕМЕЛЬ ФЕРМЕРСКИХ ХОЗЯЙСТВ**

12.00.06 – Право на природные ресурсы. Аграрное право. Экологическое право

**АВТОРЕФЕРАТ
диссертации доктора философии (PhD) по юридическим наукам**

Ташкент – 2025

Тема диссертации доктора философии (PhD) зарегистрирована в Высшей аттестационной комиссии при Министерстве высшего образования, науки и инноваций Республики Узбекистан под номером B2022.1.PhD/Yu692.

Диссертация выполнена в Ташкентском государственном юридическом университете.

Автореферат диссертации размещен на трёх языках (узбекском, английском, русском (резюме)) на веб-странице ученого совета (www.tsul.uz) и Информационно-образовательном портале “ZiyoNet” (www.ziynet.uz).

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Ведущая организация:	Университет общественной безопасности Республики Узбекистан

Защита диссертации состоится 29 марта 2025 года в 10.00 часов на заседании Ученого совета 07/03.06.2023.Yu.22.04 при Ташкентском государственном юридическом университете (Адрес: 100047, г. Ташкент, ул. Сайилгох, д. 35. Тел.: (99871) 233-66-36; Факс: (99871) 233-37-48, e-mail: info@tsul.uz).

С диссертацией можно ознакомиться в Информационно-ресурсном центре Ташкентского государственного юридического университета (зарегистрирована за №1365). (Адрес: 100047, г. Ташкент, ул. Амира Темура, 13). Тел.: (99871) 233-66-36).

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ВВЕДЕНИЕ (аннотация к диссертации доктора философии (PhD))

Целью исследования является разработка предложений и рекомендаций по правовому регулированию фермерской деятельности, совершенствованию земельного законодательства, повышению эффективности правоприменительной практики.

Объект исследования. Объектом исследования являются правоотношения, связанные с обеспечением эффективности использования и защиты земель фермерских хозяйств.

Научная новизна исследования заключается в следующем:

обоснован порядок предоставления земель сельскохозяйственного назначения в аренду фермерским хозяйствам сроком на 30 лет по результатам электронного аукциона, определены условия договора аренды, а также порядок его заключения соглашением сторон и передачи права аренды фермерскими хозяйствами другим лицам (третьим лицам);

обоснованы аспекты, связанные с тем, что разделение земельных участков, находящихся в пользовании хозяйств, осуществляется в рамках требований Земельного кодекса, т.е. разделяемый земельный участок не может быть разделен, если он меньше минимального размера, установленного Земельным кодексом для организации хозяйства;

обоснованно, что глава фермерского хозяйства вправе передать право аренды земельного участка одному из членов своей семьи, являющемуся гражданином Республики Узбекистан, достигшему восемнадцатилетнего возраста и имеющему соответствующую квалификацию или опыт работы в сельском хозяйстве, на срок, указанный в договоре аренды, путем внесения изменений в договор аренды;

обосновано, что при прекращении права аренды земельных участков многопрофильного фермерского хозяйства в установленном законом порядке многопрофильное фермерское хозяйство может быть реорганизовано его главой путем изменения организационно-правовой формы.

Введение результатов исследования. Научные результаты диссертационной работы по правовому регулированию обеспечения эффективности использования и защиты земель фермерских хозяйств были использованы:

Предложение о предоставлении сельскохозяйственных угодий фермерским хозяйствам в аренду сроком на 30 лет по результатам электронного аукциона, определение условий договора аренды соглашением сторон, а также предложение о передаче фермерскими хозяйствами права аренды другим лицам (третьим лицам) отражены в в части первой статьи 58 Земельного кодекса Республики Узбекистан (1 июля 1998 г.) (Акт Законодательной палаты Олий Мажлиса Республики Узбекистан № 04/8-10-632 от 22 мая 2023 года). Реализация данного предложения способствовала правовому регулированию деятельности, связанной с предоставлением сельскохозяйственных земель фермерским хозяйствам на условиях аренды.

Предложение о том, что разделение земельных участков, находящихся в пользовании фермерских хозяйств, осуществляется в рамках требований Земельного кодекса, т.е. что разделяемый земельный участок не может быть разделен, если он меньше минимального размера, установленного Земельным кодексом для организации хозяйства отражено в части пятой статьи 13 Закона Республики Узбекистан №ЗРУ-662-II “О фермерском хозяйстве” от 26 августа 2004 года (Акт Законодательной палаты Олий Мажлиса Республики Узбекистан № 04/8-10-632 от 22 мая 2023 года). Принятие этого предложения позволило гарантировать права фермеров на землю и установить порядок, гарантирующий, что земельные участки не будут разделены, если их размеры меньше установленных для соответствующих специальностей.

Предложение о том, что глава фермерского хозяйства вправе передать право аренды земельного участка одному из членов своей семьи, являющемуся гражданином Республики Узбекистан, достигшему восемнадцатилетнего возраста и имеющему соответствующую квалификацию или опыт работы в сельском хозяйстве, на срок, указанный в договоре аренды, было отражено в части восьмой статьи 13 Закона Республики Узбекистан №ЗРУ-662-II “О фермерском хозяйстве” от 26 августа 2004 года (Акт Законодательной палаты Олий Мажлиса Республики Узбекистан № 04/8-10-632 от 22 мая 2023 года). Принятие данного предложения оказало положительное влияние на определение порядка наследования прав главы фермерского хозяйства на землю на срок действия договора аренды земли.

Предложение о том, что при прекращении права аренды земельных участков многопрофильного фермерского хозяйства в установленном законом порядке многопрофильное фермерское хозяйство может быть реорганизовано его главой путем изменения организационно-правовой формы отражено в формировании части второй статьи 31 Закона Республики Узбекистан №ЗРУ – 662-II “О фермерском хозяйстве” от 26 августа 2004 года (Акт Законодательной палаты Олий Мажлиса Республики Узбекистан № 04/8-10-632 от 22 мая 2023 года). Принятие данного предложения способствовало совершенствованию правовых механизмов, повышению эффективности применения норм правового регулирования сельскохозяйственной деятельности.

Структура и объем диссертации. Диссертация состоит из введения, 3 глав, содержащих девять параграфов, заключения, списка использованной литературы и приложений. Объем диссертации - 156 страниц.

E'LON QILINGAN ISHLAR RO'YXATI
LIST OF PUBLISHED WORKS
СПИСОК ОПУБЛИКОВАННЫХ РАБОТ

II bo'lim (I part; I часть)

1. To'xtashev H.I. Fermer xo'jaliklari faoliyatini huquqiy tartibga solish masalalari. Monografiya. –Toshkent: TDYU, 2021 y. – 160 b.
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