

CRIMINAL LIABILITY FOR VIOLATIONS OF LAND LAW

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Abstract

The article examines the legal measures of land protection, features of applying criminal liability in this process, and analyzes the experience of the Republic of Uzbekistan in this field. Opinions on improving the national legislation in this field were also expressed.

Keywords

Land, natural resource, criminal responsibility, natural environment, land protection, legal responsibility, legal attitude.

Introduction

In the process of implementing the environmental function of the state, the relevant state bodies carry out these legislation in the prescribed manner. It is known that land resources are the main source of the production process, the material basis for ensuring well-being [1].

Despite the fact that there is effective legislation aimed at the legal protection of lands and a certain mechanism that implements it, it should also be noted that in recent years there have been violations by various economic entities, citizens and officials [2].

Legal liability for violations of land law is one of the main methods of legal protection of land. Legal liability in itself, as a subject of land law, manifests a system of coercive measures that apply to the lawful acts of legal entities and individuals. Coercive measures can have the nature of warning, preventing the lawful acts of the subjects, or punishing them for committing such acts. A person who commits acts of violation is an offender, while acts of violation themselves are an infraction. The measures that apply to offenders are legal sanctions. The content of sanctions in the quality of the content of the offense, in violation of the requirements of the norms of the law, as well as in the quality of a measure of state influence on offenders should be noted in the law [3].

Trespass under land law is also one of the forms of trespass, manifested in the form of a guilty Act or inaction that is contrary to the norms of land law. Issues of land law infringement and liability for such offenses have always been the focus of law. In the following years, the work of legal scholars associated with the study, analysis of these problems and the improvement of legislation in this area has been much revived.

Taking into account the fact that in a market economy, economic entities pay attention to more interests and income in the use of Natural Resources, and in this case, there are many cases of non-compliance with environmental requirements, we realize that special attention to the issue of rational use of land resources and their protection is a vital necessity [4].

The need for such protection is again explained by the fact that, no matter how great the role of scientific, organizational and Technical Recommendations is, they are forcibly fulfilled by state

bodies, officials, economic entities and citizens only after they are enshrined in the law in the form of a legal norm. Otherwise such recommendations may go unnoticed, not being followed [5].

These norms make it possible to treat the wealth of the land with caution, to comply with the rules for the continuous increase in land productivity, to take appropriate measures in case of violation of land use rules.

Feedback on legal measures aimed at the protection of land resources indicates that there are problems with the legal promotion of the protection and use of land. The Land is the basis of all our material assets. Hence, the application of effective punishments against individuals and legal entities that violate these rules, facing the rules for the protection of lands and their rational use, is important at the moment [6].

Criminal legal liability, which is established for land offenses, differs from other types of liability (disciplinary, administrative, civil) in its severity and rigor. This liability is applied only by the court and only in proportion to acts with a high level of social risk, which is strictly specified in the Criminal Code. Therefore, in the total volume of land offenses, this socially dangerous act directed against the environmental and legal procedure established in our country stands out. In the presence of the grounds established in Article 47 of the law on Nature Protection, Article 90 of the Land Code and Article 16 of the Criminal Code of the Republic of Uzbekistan, as well as the content specified in the relevant articles of a special part of this code, guilty persons are subject to criminal liability.

The Criminal Code provides for responsibility for violations of the land use law in Chapter XIV of the section "crimes in the field of Ecology" - crimes in the field of Environmental Protection and use of nature, as well as in Chapter XV of the section "crimes against the order of activity of authorities, management and public associations"-crimes against the Order of Management [7].

In the commission of a number of crimes, for example, in violation of norms and requirements regarding the safety of Ecology (art. 193); Intentionally hiding or distorting information about environmental pollution (art. 194.); in failing to take measures to address the consequences of environmental pollution (art. 195); Pollution of the natural environment (art. 196); violation of the terms of use of land, subsurface wealth, or requirements for their protection (art. 197); Failure to take steps to prevent arbitrary occupation of irrigated land (art. 197¹); in violation of the rules for the treatment of harmful chemicals (art. 201.); Arbitrary seizure of plots of land (art. 229¹); construction, reconstruction and overhaul of buildings, structures or other objects in violation of established prohibitions (restrictions) (art. 229³); violation of the land grant procedure (art. 229⁴); illegal seizure of a plot of Land (art. 229⁵); in the case of the sale of the right to or part of an irrigated land plot, or the commission of crimes of unlawful otherwise alienation (art. 229⁶), it can be seen that crimes related directly to the land, and sometimes also to the violation of the state of other natural resources or violation of the order of power management, are committed [8].

In general, this type of legal liability can be indicated by the following main characteristics:

- limitation of the grounds for the occurrence of liability;
- the presence of a special procedure for establishing liability (criminal liability for a person can be established only on the basis of an indictment issued by a court, strictly observing the requirements specified in the Code of Criminal Procedure);

- criminal liability is of a personal nature.

As can be seen from the above, an offense is a crime when the Criminal Code establishes legal liability for this offense [9].

At the same time in practice, it is rare to apply the above-mentioned articles of the Criminal Code. Often such crimes are not registered by law enforcement agencies.

In addition to traditional legal responsibilities, there are also special types of legal liability provided for in separate regulatory acts for violations of land law. Responsibility for violations of land law traditional legal responsibilities are provided [10]. In addition to the codes of Labor, criminal, civil, administrative responsibility, it is also defined in the Land Code of the Republic of Uzbekistan, the law on nature protection and other regulatory legal acts. In this, these legislative acts establish that full material responsibility for damage to the natural environment of the environment, including land resources, is established in relation to the relevant economic entities and citizens.

The existence of special liability for violations of land legislation is explained by the following circumstances:

- the Land's ecosystem element, as an object of nature, has its own character, unlike other objects of the material world. The types of traditional responsibility that are established for the damage caused to it are not enough to ensure law enforcement in this area;

- the land, as part of nature, will also be inextricably linked with other objects of nature, since as a result of land infraction, other objects of nature protected by legislation will also be damaged. These objects of nature are protected by laws "On the protection of Nature", "On the use of water and water", "On protected natural areas", "On underground resources", "On the protection of atmospheric air", "on the protection and use of the animal world", "On the protection and use of the Flora", "On the Forest". The liability provided for in these laws may also apply to land offenses.

Law No. 526, passed on March 4, 2019, established criminal liability for violations of land grant procedures. According to this law, administrative and criminal sanctions are also imposed for failure to take measures to prevent the arbitrary occupation of irrigated land. Landowners, land users or tenants are liable for this [11].

Fines are also doubled for arbitrary possession of plots of land. An alternative to administrative detention style was also retained until 15 days.

Norms have been introduced into Uzbek law that strengthen liability measures for violations of land legislation. In particular, according to Section 197¹ of the Criminal Code, failure to take action by the landowner, land user or tenant in order to prevent the arbitrary occupation of irrigated land should occur after the administrative penalty for doing so, a fine of one hundred to one hundred and fifty times the minimum monthly wage is punishable by a fine or compulsory public works for up to three hundred and sixty hours or correctional work for up to two years or a restriction of freedom for one to three years or imprisonment for up to three years.

That act:

(a) repeated;

(b) a fine of one hundred and fifty to three hundred times the minimum monthly wage, or correctional work of two to three years, or a restriction of freedom from three to five years, or imprisonment of three to five years, if committed by a group of persons in advance.

A person who has committed a crime for the first time is exempt from liability if he ensures the return of an arbitrarily occupied plot of land and eliminates the consequences of arbitrary occupation";

2) be supplemented by art. 229⁴ of the following content:

"According to art. 229⁴, a violation of the procedure for granting land, if it was committed after the application of an administrative penalty for such an act, a fine of one hundred and fifty to three hundred times the minimum monthly wage, or up to two years of correctional labor or deprivation of a certain right, shall be punishable by imprisonment for one to three years or imprisonment for up to three years.

That act:

a) if committed repeatedly;

b) if the reason for the release of irrigated land from agricultural turnover,

- a fine of three hundred to six hundred times the minimum monthly wage, or two to three years of correctional labor, or deprivation of a certain right, punishable by imprisonment for three to five years or imprisonment for three to five years" [12].

In **conclusion**, it can be said that in order to ensure the effective use of land resources, our main wealth, it is necessary, first of all, to improve our legislation based on current requirements, and to further increase the responsibility of the court and other law enforcement agencies in establishing established responsibilities for land offenses specified in our legislation.

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