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## **STATE REGISTRATION OF RIGHTS FOR REAL ESTATE**

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### **Abstract:**

This article describes the legal foundations, essence, and practical significance of the institute of state registration of rights to real estate. The author analyzes the legal nature of rights to real estate objects and substantiates their role in ensuring the security of civil process. They also considered the procedure for state registration, legal results, problems encountered in the current procedure and proposals for their elimination. A comparative analysis with foreign experience is carried out, scientific and practical recommendations are given to improve the system of Uzbekistan. The study is aimed at strengthening the system of legal reinforcement of real estate rights and protection of the interests of owners.



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**Keywords:** Real estate, property rights, state registration, registration, cadastre, legal regulation, electronic registry, rights of owners, legal security, public services.

## **Introduction**

Legal regulation of property relations and reliable protection of property rights of citizens are among the most important factors of sustainable socio-economic development. In particular, the process of determination, registration and state registration of rights to real estate is the main tool for guaranteeing the legality of these rights.

Ownership of real estate provides not only for personal interests, but also opportunities for participation in economic transactions, mortgages, leases and other civil law transactions. It is, therefore, of great importance that these rights are recognized and officially registered by the state.

The legislation of the Republic of Uzbekistan defines a number of legal norms on state registration of rights to real estate. In particular, rights related to land, buildings, housing, production facilities and other types of real estate are registered by special state bodies.

This article analyzes the legal foundations of the institution of state registration of rights to real estate, the procedure and place of this process in practice. The article examines existing problems in the system, ways to improve it based on foreign experience and practical proposals.

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The concept of real property plays an important place in civil law. According to Article 132 of the Civil Code of the Republic of Uzbekistan, real estate includes land plots, buildings and structures that are firmly connected with the land, that is, their movement (displacement) is detrimental to its designation, other objects that are subject to state registration as real estate. It is submitted that immovable property is not any tangible object but an object to be regulated in a separate legal and economic manner.

Also, the following laws reflect the rights to real estate in different contexts:

The Law of the Republic of Uzbekistan (Law of the Republic of Uzbekistan "On State Cadastres", 2020) specifies the procedure for registering real estate through the cadastral system, ensuring their clarity and legal force.

Law No. 535 (On Amendments and Addenda to the Land Code, 2018) establishes the procedure for registration and state registration of land plots.

Law No. 1060 ("On State Registration of Rights to Real Estate" of 2021) defines types of rights, such as property rights, rights to rent, use, inherit.

Law No. 424 ("On Measures for Maintaining a Unified Electronic Database of Information on Real Estate", 2017) provides for the openness of information on real estate and the mechanisms for their electronic storage.

The rights to real estate until 2018 were divided into 5 types. According to the Law No. 1060 of 2018 adopted by the Cabinet of Ministers, it is mentioned that it is divided into 3 types. They are listed below;

Property rights - providing the opportunity to own, use and dispose of it;

Rental rights - means the right to temporarily use and earn income;

Right of use – a limited use (for example, an easement) by a person who is not the owner of an object;

Inheritance - the possibility of transferring real estate to another person on the basis of a legal or testamentary will.



In addition, certain technical means and equipment - if they are firmly connected with the earth or are used as an integral part of the production process - are recognized as real estate in legislation. For example, heavy industrial equipment, industrial machines firmly installed in the ground, or stations of irrigation systems. However, motor vehicles (automobiles, tractors, etc.) do not fall under the category of immovable property, they are registered separately, through the GDDXP (Single Automated Database).

State registration of property rights for real estate is a system of official recognition and legal strengthening of the rights of citizens, legal entities and the state to this property. The main task of the institution of registration is to ensure legal accuracy and guaranteed protection of property rights. The rights to the real estate are carried on open, transparent and securely through this system.

There are a number of normative legal acts on state registration of rights to real estate in the Republic of Uzbekistan, the main of which are:

**The Civil Code** of the Republic of Uzbekistan defines the right to property , use and possession, the rights of other persons to use property. Articles 132-151 cover the concept of real estate and rights to it.

**Law No. 1060** – "On State Registration of Rights to Real Property Objects" (2021) This law regulates the consolidation of property rights through state registration, the recognition of the validity of contracts, the occurrence of legal consequences in relation to third parties.

**Law No. 803** – On State cadastres (2020). This law spells out the state cadastre of real estate objects and the mechanism of their registration.

**Resolution of the President of the Republic of Uzbekistan PP-424** – "On measures for the introduction of the Unified Electronic Register of Real Estate Objects" (2018) This decision introduces a digital cadastral system and simplifies the process of state registration.

**The Land Code** - the procedure for state registration of rights over land plots, the legal grounds for confirming the rights of ownership and use of land are presented.

The process of state registration of real estate rights is based on:

1. causative ground (contract, judgment, inheritance document, etc.);
2. an application filed through public service centers or notaries;



3. information verified and confirmed through the unified cadastral system;
4. Register entry entered by the relevant government agencies.

This institution ensures not only legal stability, but also reliable conduct of economic activity. Because it provides legal guarantees to the parties involved in real estate transactions. It is in this context that state registration is regarded as an integral element of civil treatment. State registration of real estate rights is a legal process that legally strengthens the rights of persons to own, use and dispose of real estate. The main purpose of this procedure is to ensure legal certainty, protection of civil treatment and formalization of state guarantees of property rights.

The procedure for registration of real estate in the Republic of Uzbekistan is carried out in the following stages:

1. **Preparation of legal documents**

The registration process relies on the availability of basic documents confirming the title of ownership. These may be:

2. Notarized purchase and sale or gift agreement;
3. Judgment;
4. Hujjati groupers;
5. A decree granting ownership of land allotted by the State;

Act on commissioning of a building object, etc.

1. **Submit an application**

The owner (or authorized person) **applies with an application through the public service centers, the Single interactive state services portal ([my.gov.uz](http://my.gov.uz)) or notaries**. The application will specify the object of ownership, the owner of the right and the type of rights.

1. **Verification of technical documents and surveys**

After submitting the application, the cadastral agency or the district (city) cadastral department checks the presence, location, area and other technical characteristics of the real estate object. If necessary, on-site inspection work will be carried out. At this stage, **the main sources** are geodetic and cadastral documents.



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## **2. Entering data into the Single electronic register**

Once the legal and technical grounds are finalized, the rights to the property to the real estate are entered into the Integrated State Register (maintained by the Cadastre Agency). This register is maintained electronically and includes all the basic information such as the rights holder, type of right, object description, location, etc.

## **3. Issuance of certificate of state registration**

At the last stage, the applicant is presented with a **certificate (in electronic or paper form) from the state register** of rights to real estate. This document is the primary instrument by which this right is protected against third parties.

### **Main legal sources:**

Civil Code of the Republic of Uzbekistan;

Law No. 1060 on State Registration of Rights to Real Estate Objects (2021);

Law of 2020 N 803 On State cadastres;

Resolution of the President of the Republic of Uzbekistan PD-424 (2018)

The relevant regulations of the State Tax Committee of the Republic of Uzbekistan and the Cadastre Agency.

**In conclusion, it is said** that the procedure of state registration of real estate is a legally clear and step-by-step process that is an important tool for the legal protection of property rights of citizens, as well as the creation of reliable guarantees of economic treatment.

Although the system of state registration of real estate rights in the Republic of Uzbekistan is being systematically developed, in practice there are a number of systemic problems and shortcomings associated with this process. They can relate to the activities of state cadastral bodies, the quality of technical documentation, the level of legal awareness of citizens, as well as digitalization.

## **1. Discrepancies in legal acts**

One of the most common problems in practice is when the documents of the real estate object do not match each other (for example, a land allotment decision,





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building permit, act of commissioning). These cases prolong the process of listing on the register or give rise to rejection.

**Elimination Route:** Exchange of information between cadastre, architecture and construction, notaries, and local authorities should be automated through a single electronic system. Cadastral documents should be based on modern digitized platforms, not relying on archives that were previously kept on paper.

## **2. Imperfections in digitalization**

Certain data on real estate objects has not yet been fully digitized or integrated into a single electronic database. This brings out an over-dependence on the human factor during check-in.

**Elimination Path:** It is necessary to expand the scope of the Unified Cadastral Information System, gradually digitalize all existing land and property objects and introduce automatic accuracy verification services based on artificial intelligence.

## **3. Inefficient in the activities of cadastral service and notaries**

In some regions, due to the high workload in cadastral authorities or notary offices, documents are considered in the long term. In some cases, cases of corruption or subjective decisions also occur.

**The way to overcome:** It is important to strengthen the online queue system, the ability to track documents in real time, and platforms for complaint and comment. At the same time, it is necessary to improve the qualifications of staff and strengthen legal responsibility.

## **4. Low legal awareness of the population**

Many citizens are unaware of the procedure for formalizing real estate rights. This gives rise to informal (unentitled) transactions, verbal agreements, and undocumented possessions.

**Elimination Route:** There is a need to systematically organize free awareness campaigns to provide legal advice to the population in public service centers and the media.



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## **1. Ambiguity of common property rights in apartment buildings**

The lack of determination of the legal status in multi-storey housing with respect to parts of common use, such as land, roof, basement, etc., causes conflicts between citizens.

**Way of elimination:** In each housing complex, subdivisions of common property should be included in the register as a separate object and the management procedure should be clearly defined.

Practical problems with the state registration of real estate can be eliminated with a systematic approach. In this direction, it is necessary to pay special attention to digitalization, interdepartmental information exchange, raising the legal awareness of citizens.

### **In the experiences of foreign countries:**

While the public registration of real estate rights has its own approaches in each country, the basic principles – transparency, legal certainty and legal guarantee – are a priority in all systems. Below we analyze advanced models of the institution of registration in some European countries and international experiences.

### **The German experience – the Grundbuch system**

In Germany, the rights to real estate are maintained through the **Grundbuch** (land registry) system. This register is maintained by the courts and is available electronically with comprehensive legal information (ownership, restrictions, mortgage, rights of use, etc.) for each property item.

#### **Afzalliks:**

The right is guaranteed by the state and the information listed has absolute confidence;

The involvement of a notary in each transaction is mandatory, ensuring legal certainty;

The entries in the register cannot be changed without a court decision, which strengthens the legal stability.





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### **Swedish Experience – Lantmäteriet Agency**

The real estate register in Sweden is maintained by **the Lantmäteriet** – National Land Geodetic Agency. The system is 100% digitized and open to all citizens.

#### **Afzalliks:**

Everyone has the opportunity to view and check online.

Transactions are listed quickly and without bureaucratic hurdles;

It is integrated with map data and works closely with financial institutions and the construction industry.

### **Lithuanian experience – Joint system of State Register and Cadastre**

In Lithuania, the real estate registration and cadastral system is integrated, and the process **is performed through the Nekilnojamo turto registras centras** (Center of Real Estate Registry). All information is available on a single electronic platform.

#### **Afzalliks:**

There is an electronic signature system and online registration;

There is a multi-stage verification system in place to ensure security and transparency;

Property owners have the opportunity to exercise constant control over the information in the register.

The experience of European countries shows that the effectiveness of the system of state registration of real estate rights largely depends on the **level of digitalization, integration of departments, and openness to citizens**. Although Uzbekistan has initiated important reforms in this area, it is possible to further improve the system by analyzing and adapting foreign experience. Comparing the experience of foreign countries, including the above-mentioned countries, Germany, Sweden and Lithuania, with Uzbekistan's (Table 1)



**Table 1**

| Bullets                                 | Germany                                               | Sweden                                         | Lithuania                                  | Uzbekistan                                                         |
|-----------------------------------------|-------------------------------------------------------|------------------------------------------------|--------------------------------------------|--------------------------------------------------------------------|
| System Name                             | Grundbuch<br>(Location<br>Reyestri)                   | Lantmäteriet                                   | Real estate registry                       | Unified State Register<br>(State Cadastre Agency)                  |
| List Keeper                             | Courts                                                | National Geodetic<br>Agency                    | Center of the State<br>Registry            | Agency cadastre and<br>Public services centers                     |
| The level of<br>digitalization          | Higher,<br>Electronic<br>Register                     | Fully digitized                                | Fully digitized                            | Developing, not<br>complete (insufficient in<br>some areas)        |
| Notary Participation                    | Required                                              | No (free<br>transactions are<br>also possible) | Optional                                   | In some cases,<br>obligatory, sometimes<br>free transactions       |
| Registry Openness                       | Limited (with<br>rightful<br>holder)                  | Completely open                                | Closed or on<br>request                    | Mostly closed, available<br>only to the owner                      |
| Legal force of the<br>system            | Strong doesn't<br>change<br>without a<br>court ruling | Powerful and<br>Reliable                       | Based on a strong,<br>electronic signature | At a moderate level,<br>conflict arises in some<br>cases           |
| Legal Protection                        | Court<br>guaranteed                                   | There is a state<br>guarantee                  | There is a register<br>guarantee           | There is a state<br>guarantee, but there are<br>errors in practice |
| Speed of service                        | Average<br>(notarial stage<br>long)                   | Very Fast (online<br>services)                 | Quick (online<br>arizes)                   | Moderate, slow in some<br>areas                                    |
| Integration of<br>cadastre and register | Partially                                             | Integrated                                     | Fully Integrated                           | In most cases, discrete<br>systems                                 |
| Public awareness<br>and trust           | High                                                  | High                                           | High                                       | Medium, low in rural<br>areas                                      |

## Conclusion

State registration of property rights is one of the main legal institutions ensuring legal protection of the rights of property owners, stabilizing economic transaction and improving the investment climate. Whilst in the Republic of Uzbekistan important legislative foundations and institutions have been formed in this direction, a number of problems in their practical application remain.

In particular:

1. incomplete documents or inconsistencies,
2. dependence on the human factor in the census,
3. insufficient level of digitalization,
4. low legal awareness of the population,



5. The slowness of inter-agency integration complicates the practical process. Foreign experience shows that open, digital, and legally stable systems increase the flow of investment and strengthen citizens' confidence in property rights.

**Proposals for improvement of legislation:**

1. **A separate code "On the registration of real estate"** should be developed. Current normative documents are scattered and do not provide a one-size-fits-all approach.
2. **On the basis of Decrees 803, 1060 and 424**, it is necessary to develop a unified registration procedure and create an entirely electronic algorithm for them.
3. **Through introduction of the electronic guarantee system of property rights** (based on blockchain) the rights are not changed and falsification is prevented.
4. **The obligation to notify of any change in the register must be made on a legal basis (e.g., mortgage, prohibition, inheritance, disputed cases).**

**Ways to simplify and become more transparent in country registration:**

1. It is necessary to create a "Unified State Real Estate Platform". At the same time, cadastre, tax, notary, mayor's office, court and banking data should be integrated.
2. **The online application and status monitoring system should** be expanded and the share of "paperless" services should be increased.
3. **Introduction of an automatic document verification system with the help of artificial intelligence** will reduce the number of errors and reduce the dependence on the human factor.
4. **The provision of free legal consultation services for the population** serves to raise the legal awareness of citizens.

**Through a digital monitoring system over the activities of public service centers and notary offices**, efficiency will be controlled and the risks of corruption will be reduced. The system of state registration of real estate is one of the indicators of legal and economic development of the state. While the experience of Uzbekistan is at important stages, high results can be achieved through the analysis and application of foreign best practices.



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