



LEGAL BASIS OF FARM OPERATIONS

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Abstract

The article analyzes the legal foundations of the activities of farms, their essence on the basis of the Law of the Republic of Uzbekistan "On Farming" and a number of regulatory legal acts. The opinions of researchers are also studied.

Keywords: Agriculture, entrepreneurial activity, farming, multidisciplinary farming, statistical information.

Introduction

As a result of the reforms carried out in the country, the sphere of agriculture is one of the main sectors of development of the republic's economy, in which farms as business entities play an important role in providing the population with agricultural products, implementing urgent tasks related to its processing and creating jobs. According to the UN Food and Agriculture Organization, farming, in particular family farming, "is the main form of agriculture in developed and developing countries and produces 80 percent of the world's food in value terms"¹. At present, one of the pressing issues is the effective legal regulation of the activities of farming, which is the main subject of growing agricultural products in our country. The Constitution of the Republic of Uzbekistan and the Civil Code of the Republic of Uzbekistan adopted on its basis, Land Code and "On the Legal Framework for the Activities of Economic Entities," the Law of the Republic of Uzbekistan "On Farming," as well as "On additional measures to fully protect private property and qualitatively improve the business climate," protection of the rights and legitimate interests of farms, dekhkan farms and owners of household land, "On measures to radically improve the system of effective use of agricultural land," "On the Development Strategy of the new

¹ <https://www.fao.org/newsroom/detail/global-forum-of-the-un-decade-of-family-farming-2019-2028-begins/ru>.



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Uzbekistan for 2022 - 2026," in the Decrees "On the Strategy of Uzbekistan - 2030" and "On additional measures for the further development of free market relations in agriculture," the Republic of Uzbekistan "On guarantees of freedom of entrepreneurial activity" and the implementation of these tasks is one of the most important tasks today.

As a result of the reforms carried out in our country, farms have become the main subject of agricultural production in the Republic of Uzbekistan as the most active participant in entrepreneurship. According to statistics, 29.8 percent of all agricultural production in the republic falls on farms². Despite the reforms, the facts of illegal interference in the activities and development of farms in the republic cause serious problems. Our people have a saying: "Whoever knows his rights will not give up his rights." Thus, knowledge of the rights of entrepreneurs is an important condition for ensuring their protection. Farms are priority areas for large-scale reforms, prevention and elimination of existing problems among entrepreneurs.

In this regard, farming is recognized as the main subject of production in the field of agriculture of the Republic of Uzbekistan, and this status is defined in article 3 of the Law "On Farming" in accordance with the subject of entrepreneurship. Farming is the main subject of agricultural production in the Republic of Uzbekistan³. Thus, farms are business entities in agriculture, mainly produce agricultural products, process them, sell finished products and from profit acquire technical means for the economy, build new production facilities.

It should be admitted that before the Republic of Uzbekistan gained independence, it was recognized as an agrarian state and for many years remained exclusively a raw material base within the former Union. Comparing the past and the present, it is worth noting that today the results of reforms in agriculture are bearing fruit.

In our opinion, the current transformation of the country from an agrarian republic into a country with a developing industry indicates the correct

² Annual Report on Agriculture of Uzbekistan. Results achieved, analysis and trends. 2023. ct. 62 <https://www.agro.uz/wp-content/uploads/2024/03/agriculture-annual-report-2023.pdf?ysclid=lwomyvrje9280937305>.

³ // Collection of legislation of the Republic of Uzbekistan, 2004, No. 40-41, Art. 433.



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implementation of phased systemic reforms in the industry, as well as an increase in the share of production. Of course, the role of farms in achieving such results is incomparable. As a result of the creation and implementation of the legal framework for the activities of farms in the republic, a farm movement arose, and farms became the main force, the subject producing agricultural products. Creating the necessary conditions and conditions for the further development of the activities of farms, ensuring their economic and financial freedom in order to increase social and political activity, solving existing problems, and constantly improving economic reforms in agriculture are among the main tasks of today.

Despite the comprehensive growth of farms in our country, there are serious problems that impede the development of farms, their organization, logistics, land provision, improvement of activities between local authorities, banks, state tax authorities and other service enterprises. For example, the farm "Begovat Chorva Makhalloti" of the Urgench region, according to the prepared project to establish production in empty buildings without using in the village "Chotkopir" of the region, has been allocated 400 million soums from its own funds and 600 million from the banking resource of soums and 26 new jobs⁴. However, as a result of illegal interference of officials in the activities of the farm, the work of the entrepreneur was stopped. Although part three of Article 22 of the Law "On Farming" states: "Inadmissibility of interference by state and other bodies and organizations, as well as their officials, in the economic activities of farms"⁵, Yet the "e" went unheeded.

In addition, the use of the experience of foreign countries for the further development of the farm movement in the republic, especially its introduction into economic activity, is of great scientific and practical importance.

Indeed, in developed countries, the legal regulation of farm activities is considered as an important issue, that is:

- expansion of production activities by providing various benefits in the production of agricultural products,

⁴ Khotamov Zh. Entrepreneurial activity is protected by law//Rights and obligations, 2018. –№3. 18 b.

⁵ // Collection of legislation of the Republic of Uzbekistan, 2004, No. 40-41, Art. 433.



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- study of legal problems of using science and high technologies in agricultural production by farms;

- various scientific studies are being conducted on the regulatory framework for growing a safe food crop, ensuring the property inviolability of farms as subjects of entrepreneurial activity, and the priority of their rights.

Indeed, in developed foreign countries, farms are considered the most effective form of the agricultural sector, their creation first began with family small-scale farming, and their state support and development of legislation, in addition to providing exclusively the domestic market with agricultural products, contribute to providing the population of other countries with products through export "Republic of Uzbekistan. Also, the land was used mainly in private and rental forms.

In addition to increasing knowledge in the agricultural sector, farmers have also mastered the secrets of using modern technologies. Due to the development in the agricultural sector, farm enlargement was subsequently carried out, as a result of which the experience of farmers in land reforms increased and farming contributed to the economic development of such developed countries as the USA, Canada, Germany, the Netherlands and Japan.

In this regard, the farm was recognized as the main subject of production in the agricultural sector of the Republic of Uzbekistan⁶. Article 3 of the Law of the Republic of Uzbekistan "On Courts."

Laws, decrees and decrees of the President concerning agriculture have created conditions for economic development in our country and raised economic reforms to a higher level. In particular, he eliminated the shortcomings of the administrative-command period, created socio-economic conditions for the entrepreneur to carry out his activities to enter the world market.

Republic of Uzbekistan "On Farming"⁷ Law of the Republic of Uzbekistan of April 30, 1998 "On Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan on Agricultural Issues". Thus, farms, observing market laws and requirements, based on a market economy, have proven that they are convenient in their organizational structure agricultural enterprises.

⁶ // Collection of legislation of the Republic of Uzbekistan, 2004, No. 40-41, Art. 433.

⁷ // Vedomosti Oliy Majlis of the Republic of Uzbekistan, 1998, No. 5-6, Art. 86.



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"Over the years of independence, serious and significant results have been achieved in this area. Of course, in achieving these results, it is important to correctly define the conceptual foundations of the legal framework for socio-economic reforms. Farms have been created that carry out activities to organize agricultural production on the basis of lease with the preservation of state ownership of agricultural land"⁸.

In our opinion, these legislative acts are of national importance in the development of agriculture, are important in improving legislation and the practice of its application in the development of reforms in the agricultural sector.

In Appendix No. 1 to Decree of the President of the Republic of Uzbekistan dated September 11, 2023 No. UP-158 "On the Strategy" Uzbekistan - 2030 "to provide 50% of the supply of seeds of domestic vegetables, melons, potatoes"⁹ as intended. On measures to effectively organize the system of retraining and advanced training of managers and specialists of farms at this stage"¹⁰ Decree No. 118 of April 21, 2016 was adopted, aimed at increasing the level of professional knowledge of farm managers and specialists on a systematic basis, widely introducing scientific achievements and advanced production experience, as well as modern management and marketing methods into agricultural production. The creation of regional centers for retraining and advanced training of managers and specialists of farms is important. On additional measures to ensure accelerated business development, full protection of private property and qualitative improvement of the business climate"¹¹ Decree No. UP-4848 of October 5, 2016 was adopted. In this decree, you can see that the republic has created ample opportunities to ensure the accelerated development of small business and private entrepreneurship, further strengthen the legal mechanisms for protecting private property and guaranteeing its inviolability, take measures to eliminate bureaucratic obstacles to the

⁸ Okyulov O. Usmanov M. Problems of improving the legal foundations of rural development//Materials of a scientific and practical conference held at the Tashkent State Law Institute dedicated to the "Year of Rural Development and Welfare." - Tashkent: T.D.Yu., 2009. Article 48.

⁹ // National Database of Legislation, 12.09.2023, No. 06/23/158/0694; 29.12.2023 No. 06/23/214/0984.

¹⁰ // Collection of legislation of the Republic of Uzbekistan, 2016, No. 17, Art. 174.

¹¹ // Collection of legislation of the Republic of Uzbekistan, 2016, No. 40, Art. 467.



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development of entrepreneurship in the republic, improve the investment and business environment. On measures to radically improve the system of protecting the rights and legitimate interests of farmers, dekhkan farms and owners of household land, the effective use of agricultural land"¹² Decree of the President of the Republic of Uzbekistan of October 9, 2017 No. UP-5199 was adopted.

The decree noted that over the past period, phased reforms have been carried out in the field of agriculture to introduce market relations, develop production, form a class of owners, and ensure their independence. One of the important aspects of the Decree is the adoption, in accordance with the decision of the conference of the Council of Farmers of Uzbekistan, of the Council of Farmers of Uzbekistan - as the Council of Farmers, Dekhkan Farms and Owners of Household Land of Uzbekistan, the Councils of Farmers of the Republic of Karakalpakstan, Regions and Districts, respectively, the transformation into Councils of Farmers, Dekhkan Farms and Owners of Household Land. In particular, paragraph 6 of the Decree provides for the phased transformation of farms into multidisciplinary farms in 2018-2021, and from January 1, 2022, land lease agreements with farms that do not carry out multidisciplinary activities will be terminated in accordance with the law. As a result, to ensure the implementation of the Decree, 61,620 multidisciplinary farms of the republic were included in the register in 2020¹³ "81,550 farms in 2022 transformed into multidisciplinary farms,"¹⁴ "As of January 1, 2023, 83,407 multidisciplinary farms were created in the republic"¹⁵. For comparison, the number of transformations and inclusion of farms in multidisciplinary farms increases from year to year.

In our opinion, the laws and decrees adopted in this area, decisions not only led to a radical change in the life of our people, but also prompted us to consider them as the main factor in the development of the activities of dehkan and farms.

¹² // National Legislation Database. 10.10.2017, 06/17/5199/0078.

¹³ Information on the activities of the Council of Farmers, Dehkan Farms and Owners of Household Lands of Uzbekistan in 2020.

¹⁴ Information on the activities of the Council of Farmers, Dehkan Farms and Owners of Household Lands of Uzbekistan in 2022.

¹⁵ Information on the activities of the Council of Farmers, Dehkan Farms and Owners of Household Lands of Uzbekistan as of January 1, 2023.



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In agriculture, he brought a new production culture, mood, lifestyle. Gradually, our citizens developed a sense of ownership. In short, farming today has become a medium-sized business entity based on individual entrepreneurship.

In conclusion, the above laws and bylaws legally strengthen the activities of farms as the legal basis for their activities.

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