IMPROVEMENT OF THE METHOD OF DETERMINING THE SIZE OF PENALTIES IN CASES ON AGRICULTURAL SETTLEMENT OF AGRICULTURAL LANDS

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ABSTRACT
This article analyzes violations of the use of agricultural land in the republic. A proposal has been developed to improve the methodology for determining the amount of fines and violations of existing fines based on new methods for calculating fines.
KEYWORDS: amount of fines, rural settlement of lands, agricultural purposes, methods of determination.

INTRODUCTION
As a result of land reform in the 90s of the last century, a system of incentives for the use of agricultural land in the agricultural sector, its management and improvement of land use efficiency in farms, which are the basis of a newly formed class of owners, has been formed. In particular, changes in property relations. Alienation of property the establishment of farms and dehkan farms has changed people's attitude to property. A lot of practical work was done during the reform period. These have already had positive results. But these reforms have created some drawbacks. And it covers the issues that need to be addressed today. Since 1991 the legal basis for the creation of farms and dehkan farms has been established in the Republic. In this regard, the basic legal and regulatory framework for the establishment and functioning of farms in 1991-1998 was developed. In 1999-2002 the process of liquidation of unprofitable shirkats and creation of their own farms was developed. The development of farms as a priority has been identified since 2003, and in 2008 the process of optimization of land plots of farms was implemented, which laid the foundation for sustainable economic activity. However, these reforms are not only ineffective, but also have their negative consequences. At the same time, the absence of a clear system of incentives for the use of agricultural land has its negative effect. That is why in recent years, the leadership of our country has paid serious attention to this issue. In particular, as noted by the Honorable President Sh.Mirziyoev, "unfortunately, the situation with the sale, arbitrary acquisition and plundering of irrigated land by farmers and other responsible managers due to lack of strict control on the ground, unfortunately continues. The time has come for those who sell fertile land, take tough measures and give legal advice to those who illegally build houses". Based on these views expressed by the President of the country, it is important to note that at the next stage of the reforms, the development of land use processes, expanding the scope of scientific research to improve the system of incentives for the rational and targeted use of land by agricultural land users, the issues of increase should be solved. In general, agriculture as a material production sector differs from other sectors by the fact that the main and indispensable means of production are land. In addition, the high population growth in the country will also lead to an increase in the demand for agricultural land. On one side, on the other hand, part of agricultural land is withdrawn from agriculture as a result of population growth, development of industrial sectors, and road construction. As a result, land resources are depleted. In agriculture, due to the biological processes involved in the reproduction process, the fertility features required for the growth of livestock and plants are directly related to the activity of the microorganisms in the soil. This requires certain training from agricultural producers. Otherwise, toxic chemicals applied to various pests and diseases may have a detrimental effect on the activity of microorganisms in the soil as a result of improper use of defoliants. This leads to the deterioration of land reclamation and reduced soil fertility.

LITERATURE REVIEW
Scientific researches aimed at solving problems of improving the system of incentives and improving efficiency of use of land resources in agriculture have been conducted not only by our republic, but also by many foreign economists. Processes of increasing the efficiency of land use in general and its incentives. The scientific and theoretical and fundamental foundations of the organization and development are reflected in the scientific works of such great classical economists as A. Smith, D. Recardo, U. Petty, K. Marks, S. Mill, A. Marshall. A number of economists in the CIS have done their research on intensive use of land resources,

state support, improvement of land use incentives, and motivation of agricultural land use efficiency. Such economists include M.Buzdalov, A.Varlamov, S.Volkov, V.Verhinin, N.Komov, V.Karatnev, Yu.Lutih, S.Mindrin, V.Narenko, M.Ushachev, A.Yugay, V.M. It will be possible to include scholars such as Shamanov. In our republic, the scientific researches on improvement of economic efficiency and system of financial incentives in agrarian sphere with the purpose of solution of various purposes and tasks in conditions of transition to the business economy before and after independence are carried out. In these directions in the republic U.Umurzakov, N.Hushmatov, K.Khoriev, B.Sultonov, G.Dabudoglo, M.Hashimjonov, Z.Hashimov, G.Mixteeva, A.Tamutali, A.Mamatkazin, A.Malikov, R.Ismoilov. Scientists of agrarian economists, V. Kim, E. Kurbonov, A. Tashkulov, Sh.Hasanov, A.Altiev. However, it should be noted that the issue of improving the system of financial incentives for land use in agriculture of the republic has not been studied so far as a separate research topic.

MATERIALS AND METHODS
The methods of abstract thinking, economic and statistical analysis, questionnaires, comparative comparisons, grouping and other methods are widely used in the process of research.

RESULTS
To date, the total land fund of the country is 44.4 million. UAH. ha, of which 25.3 million UAH ha or 56.9% of agricultural land, of which 4.3 million UAH. ha (16.9%). About 3.7 million hectares of irrigated land is cultivated. The total rainfall in the country is about 770 million acres, most of which are located in Tashkent, Jizzakh, Samarkand and Kashkadarya regions. 22.8 million. Dollars of land fund ha of desert pastures. Of this, 10 million hectares with brown soil, 13 million. Almost sandy soil. The rest consists of blackberries, meadow and saline soils. The total irrigated area of desert pastures is about 12 million hectares. per hectare. That is why it is necessary to carry out large-scale land reclamation measures on a significant part of arable land only to reduce soil salinity and groundwater levels. To date, saline soils in the country account for 66% of the total irrigated land (33.9% of saline soils, 19.4% of the average salinity and 12.6% of saline lands) [3].

In recent years, there has been a steady decline in agricultural land, which requires serious measures. For example, in 1990 the area of agricultural land in the republic was 3316.8 thousand ha, in 2000 - 25736.0 thousand ha, in 2010 - 22259.2 thousand ha, in 2017 - 4.0 thousand ha. That is, over the past quarter century, the area of agricultural land has decreased by 12,993,800 ha, or by 39.2%. The reclamation state of existing land plots is also unsatisfactory. According to the analysis, 1,795,672 thousand ha or 63.4% of the total irrigated land area is saline, of which 158,034.7 ha, or 5.5%, are strong, and 11,153.5 thousand ha are saline. In addition, there are many irregularities in land use by farmers that have yet to be addressed.

As the President of the Republic of Uzbekistan Sh. Mirziyoyev noted, "... the situation with the sale, arbitrary acquisition and plunder of irrigated land by farmers and other responsible managers due to the lack of tight local control. "the time has come to take strict measures and give a legal assessment to the builders."

Based on these views of the President of the country, it should be noted that at the next stage of reforms, the development of land use processes, the expansion of the scope of scientific research in order to improve the incentive system for the efficient and rational use of land by agricultural land users, issues of increase should be addressed.

It should be noted that the Decree of the President of the Republic of Uzbekistan dated June 17, 2019 "On measures for the efficient use of land and water resources in agriculture" by the Decree of the President of the Republic of Uzbekistan "Concept" This Decree was adopted by the Decree- "land users who reduced land productivity due to inefficient the use of agricultural land and the deterioration of land reclamation. " administrative and criminal liability of officials who authorized the allocation of irrigated arable land for other purposes" [1,2].

Currently, the State Inspectorate for Agriculture, the Committee on Dvergeodezcadastre and other authorized state bodies are taking a number of practical measures to prevent violations of the law and take appropriate measures in the field of land use and land management. For example, in 2017, the Committee on Daverodezkadastr and its structural divisions registered 24.0 thousand ha of land violations in 361 cases in 2017 as a result of inspections of land use violations in 943000 ha in 2018. This also indicates a growing number of cases of violation of land legislation. As a result, in 2017,

317 heads of business entities should be subjected to administrative measures in accordance with the relevant articles of the Administrative Code of the Republic of Uzbekistan and article 85 of the Land Code of the Republic of Uzbekistan. measures have been taken.

It should be noted that in accordance with article 65 of the Code of the Republic of Uzbekistan on administrative responsibility "Landless use, failure to obtain fertile layers in the construction of facilities, use of land for other purposes. Violation of the established procedure for the conservation of degraded agricultural land - one of the minimum wages entails a fine of up to three times, and officials from three to five times".

Taking into account the above norm and with the existing minimum wage (223,000 soums), violation of the land will be fined from 223 thousand to 669 thousand soums. Failure to do so will result in a fine of between 669,000 and 1,115,000 rupees.

The analysis shows that if the difference between the amount of income and the amount of penalties paid by "legal entities" as a result of violation of the law in most cases, such as land use, the amount of fines applied is ten times less than profit.

Taking into account the above circumstances, penalties for violation of land use rights should be further strengthened. At the same time, it is advisable to determine the amount of damage caused by the use of land for other purposes or other purposes, and to impose fines. Because fined landowners are not afraid of fines, since their income from land used for other purposes is several times higher than the amount they pay. That is, they do not feel the necessary responsibility. For example, in 2018, according to the Kashkadarya Regional Department of Land Resources and the State Cadastre, the total fine imposed on 15 cases of violation of land rights in Guzarsky and Karshi districts amounted to 6 545 201 soums. The average fine for each violation of the land is 436 341 soums. The area of illegally used land amounted to 26.2 hectares. These crops were illegally planted with relatively lucrative crops such as alfalfa, vegetables, potatoes, and sunflowers. For example, potatoes were planted on 1.0 ha of irrigated land with an area of 682 contours allocated by Norov Allaer Keldiyorovich, chairman of the farm Adham Allayor uulu in the Charogil rural area of Karshi district. Norov Allayar Keldiyarovich was fined 516,720 soums in the first part of Article 656 of the Code of Administrative Responsibility. Now, if we calculate the income from potatoes planted on 1.0 ha, the average potato yield will be 102.2 cents from 1 to 51.1 points with a standard yield of 2.0. The average selling price of potatoes in the market is 2000 soums, and the yield is 20 million soums. Given that the fine is small compared to income, the profit will be 10 million soums, and the fine will be 516,720 soums. This leads to the fact that land users are not afraid of fines and do not feel responsibility for land use.

In addition, if you calculate the income from potatoes planted on 1.0 ha, the average potato yield will be 102.2 centners versus 51.1 points with a standard yield of 2.0. With an average market price of potatoes an average of 2000 soums, the harvest is $ 20 million. soums. Given that the fine is small compared to income, the profit will be 10 million soums, and the fine will be 516,720 soums. The amount of fines for each violation is from one to five minimum salaries. The size, size or indicators of land productivity were not taken into account at all. That's why fines seem to fall into a certain order.

The penalties mentioned above are not sufficient to prevent cases of land offenses, since each punishment is the sole purpose of preventing and repeating violations of the law. In addition, this law does not indicate the minimum wage equal to one to five, and in which cases the minimum wage is two, three, four and five times. This, of course, does not impose fines on certain calculations.

In this regard, the fines imposed are not sufficient to prevent cases of land offenses, since each punishment should be a prerequisite to prevent violations of the law and to ensure that it is not repeated in the future.

In addition, the existing laws and regulations do not indicate the minimum wage in the amount of one to five, in each case two, three, four and five times in case of violation of land legislation. This, of course, does not justify the imposition of fines and the accuracy of the calculations. Based on the foregoing, we propose to determine the amount of fines for violations of the law, for example, for the use of land, as follows. In other words, in case of illegal use of agricultural land and for other purposes, the fine should be calculated by calculating the income from the land plot. This is calculated using the following formula:

$$DI_{ssh} = DI_{zg} \times DI_d \times K_1 \times K_2 \times K_3 \qquad (1)$$

You are here: DI_{ssh} – the amount of the fine, excluding the use of the parcel in soums;

DI_{zg} - land used for other purposes;

DI_d - the average annual income from the use of land (calculated by formula 2);

K_1 - regional coefficient taking into account the intensity of management and agricultural production;

K_2 - a coefficient that takes into account the method of drainage of irrigation water;

K_3 - coefficient taking into account the percentage of crop losses;

$K1, K2, K3$ - Clause 18 of the Regulation "On the procedure for determining the normative value of agricultural land" in accordance with the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated August 18, 2014 No. 235 These are mainly the coefficients:

$K1$ - calculated on the basis of the coefficients specified in Appendix 4 to the Regulation "On the procedure for determining the normative value of sown areas".

$K2$ - calculated on the basis of the coefficients specified in Appendix 5 to the Regulation "On the procedure for determining the normative value of sown areas".

$K 3$ - Based on the coefficients specified in Appendix 6 to the Regulation "On the procedure for determining the normative value of sown areas":

STCd in Formula 1 is the average annual income received from land used for its intended purpose, calculated according to the following formula:

$$ISSCd = Np \times Bb \times Scp \quad (2)$$

Np - standard productivity, kg / ha;

When determining it, it is determined in accordance with Appendix 2 to the Regulation "On the procedure for determining the normative value of crops in agriculture";

BB - bonnitet score;

Scp - the average annual value of the corresponding types of agricultural products sold on dekhkan markets, thousand hectares;

Now, as an example, we are calculating a fine for 1.0 ha of illegally planted potatoes on the Allior Angles Adham collective farm in the Karshi district of Kashkadarya region according to the above formula. in the same time:

Firstly, based on formula 2, we calculate the average annual income from the use of land.

$$ISSCd = Np \times Bb \times Scp$$

$$ISDC = 0.4 \times 51.1 \times 4000 = 8176000$$

Then we calculate the damage caused by the arbitrary occupation of the land according to formula 1.

$$DI_{ssh} = DI_{zg} \times DI_d \times K_1 \times K_2 \times K_3$$

$$DI \ ss = 1 \times 8176000 \times 0.7 \times 0.938 \times 0.83 = 4455740$$

The above calculations show that the fine for sowing others (potatoes) per 1 hectare of land on the Allayor ugli Adham farm in Karshi district of Kashkadarya region is 4,455,740 soums. If the number of violations in the field is determined, the amount of damage can be determined by district. Thus, we can conclude that the current fines for violations of land rights in the present case are not based on a more accurate calculation. This does not change the access of land users to land, especially to agricultural land. In fact, the approach to determining the size of the fine, based on its advantages and performance, is fair and more realistic. In addition, the amount of fines imposed on the proposal will increase the penalty by 5.6 times compared with the first case. This, of course, will increase budget revenues, which will help improve the condition of the land and further increase the number of agricultural land. At the same time, this is one of the factors contributing to the prevention of illegal use of agricultural land.

BIBLIOGRAPHIC REFERENCES

1. Speech by the President of the Republic of Uzbekistan Shavkat Mirziyoev at the ceremony dedicated to the day of Agriculture // Narodnoe Slovo, 2017. No. 81 (31.817), 2017. - B. 2-3.

2. Paragraph 19 of the Road Map of the President of the Republic of Uzbekistan on the implementation of the concept of efficient use of land and water resources in agriculture of Appendix 2 to PF-5742 dated June 17, 2019.

3. "National Report" of the State Committee on Land Resources, Geodesy, Cartography and State Cadaster of the Republic of Uzbekistan, 2019

4. Decree of the President of the Republic of Uzbekistan "On the Strategy of Action for the Further Development of the Republic of Uzbekistan" № UP-4947.

5. Mirziyoev Sh.M. We will build a free and prosperous, democratic Uzbekistan with our courageous and generous people. Speech by Mirziyoev at a joint meeting of the Chambers of the Oliy Majlis on the occasion of the inauguration of the President of the Republic of Uzbekistan. December 15, 2016

6. Durmanov A.S., Sangirova U.R., Abdurazakova N.M., Abraev N.K., Xoliyorov U.E. Implementation of innovative technologies as a mean of resource saving in greenhouses (through the example of the Republic of Uzbekistan), Proceedings of the 34th International Business Information Management Association Conference - Vision 2020: Sustainable Economic Development and Application of Innovation Management from Regional expansion to Global Growth, 13-14 November 2019, Madrid, Spain.

7. Umarov, S. R., Durmanov, A. S., Kilicheva, F.B., Murodov S.M. and Sattorov O.B. (2019). Greenhouse Vegetable Market Development Based on the Supply Chain Strategy in the Republic of Uzbekistan, *International Journal of Supply Chain Management (IJSCM)*, 8(5).

8. Tkachenko S., Berezovska L., Protas O., Parashchenko L. and Durmanov A.. (2019). Social Partnership of Services Sector Professionals in the Entrepreneurship Education, *Journal of Entrepreneurship Education,* 22(4), 6.

9. Durmanov, A.S., Tulaboev A.T., Li, M.R., Maksumkhanova A.M., Saidmurodzoda, M.M. and Khafizov O. (November, 2019). Game theory and its application in agriculture (greenhouse complexes). International Conference on Information Science and Communications Technologies ICISCT 2019, pg. 6.

10. Durmanov, A. S., Tillaev, A. X., Ismayilova, S. S., Djamalova X. S. and Murodov, S. M. ogli. (2019). Economic-mathematical modeling of optimal level costs in the greenhouse vegetables in Uzbekistan, *Espacios,* 40(10), 20.

11. Durmanov, A.S., Li, M.R., Maksumkhanova A.M., Khafizov, O. Kilicheva, F.B. and Rozikov J. (November, 2019). Simulation modeling, analysis and performance assessment. International Conference on Information Science and Communications Technologies ICISCT 2019, pg. 6.

12. Durmanov, A., Bartosova, V., Drobyazko, S., Melnyk, O., Fillipov, V. 2019. Mechanism to ensure sustainable development of enterprises in the information space. *Entrepreneurship and Sustainability Issues*, 7(2), 1377-1386. http://doi.org/10.9770/jesi.2019.7.2(40)

13. Hilorme, T., Tkach, K., Dorenskyi, O., Katerna, O., & Durmanov, A. (2019). Decision making model of introducing energy-saving technologies based on the analytic hierarchy process. *Journal of Management Information and Decision Sciences, 22*(4), 489-494

14. Durmanov, A., Kalinin, N., Drobyazko, S., Yanishevska, K., Shapovalova, I. (2019). Strategic support of innovative activity of modern enterprises. 34th IBIMA Conference: 13-14 November 2019, Spain

15. Eshev A. S., Nazarova F. Kh. (2019). Influencing factors for the development of agricultural strategy in the republic of Uzbekistan. International journal for innovative research in multidisciplinary field. V - 5, I - 7, July – 2019. 151-160 p.

16. Eshev A. S., (2019). Competitiveness management products of the agricultural sector. International journal for innovative research in multidisciplinary field. V - 5, I - 7, July – 2019. 214-222 p.

17. Durmanov A., Umarov S. (2018). Economic-mathematical agricultural production. Asia Pacific Journal of Research in Business Management Vol. 9, Issue 6, June 2018, 10-21.

18. Umarov S.R. (2017). Innovative development and main directions of water management. Economy and Innovative Technologies, (1). Available at: https://goo.gl/eEHSJK. (in Uzbek).

19. Umarov S. (2018). Scientific-theoretical basis of the innovative development of water resources of Uzbekistan. Bulletin of Science and Practice, 4 (12), 409-415. (in Russian).

20. A. Sh. Durmanov SR Umarov, EO Bozorov. (2019). Evaluation of the technical - economic effectiveness of electric energy. Sustainable Agriculture Vol. 1, Issue 2, June 2019, 22 -2 4.

21. Umarov SR (2017). Features of innovative water management . TRANS Asian Journal of Marketing & Management Research (TAJMMR). Vol. 6, Issue 1, 2017, 45-53.

22. Umarov S.R., Umurzakov UP (2010) Increasing investment activity portfolio in Uzbekistan. "Water management - prospects of development" // Collected articles of young scientists. Rivne, 2010. 128-130 p.

23. Durmanov A. Sh. Cooperation as a basis for increasing the economic efficiency of production of open ground vegetables. "Bulletin of science and practice" in number 8 (August), 2018.

24. Durmanov A. Sh. Foreign experience of organizational greenhouse farms. Economics and Finance. 2018. № 7

25. Durmanov A.Sh. (2018). Economic interests of producers and consumers of products in the greenhouse vegetable market. VII International Scientific and Practical Conference of Young Scientists "Achievements of Young Scientists in the Development of Agricultural Science and the AIC", held July 18-19, 2018 in p. Salt Zamische based on FSBI "Caspian Research Institute of Arid Farming". 506 -509 p.