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LEGAL REGULATION, PRACTICE, AND SYSTEMATIC ANALYSIS OF LAND SERVITUDE IN THE LEGISLATION OF UZBEKISTAN AND CIS COUNTRIES

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Abstract. *This article analyzes the theoretical foundations, historical development, modern trends, and legislative changes concerning legal relations related to land servitudes in the Republic of Uzbekistan. Special attention is given to the various forms of restricted land use rights (servitudes) for private and public needs, their legal basis, and pressing issues in practice. The article discusses the procedures for establishing servitude rights, grounds for their termination, disputes arising from servitudes, and mechanisms for their resolution. A comparative analysis is also made with the practices of CIS countries, including Kazakhstan, Kyrgyzstan, Turkmenistan, and the Russian Federation, highlighting both positive and negative aspects. The article outlines Uzbekistan's experience in regulating servitude relations, achievements, and shortcomings and offers a critical assessment of mechanisms that have proven ineffective in practice. Finally, the article presents proposals and future directions for improving the servitude institution.*

Keywords: *land servitude, restricted use right, real servitude, personal servitude, state needs, private property, property owner rights, legal reforms*

Introduction

Humanity has always strived to regulate property rights, particularly rights to land, in a fair and sustainable manner. Establishing land servitudes on a legal basis in society, balancing relations among landowners, and protecting the interests of property holders is of crucial importance (Republic of Uzbekistan, 2018). Land servitudes regulate restrictions and usage rights over real estate between property owners, ensuring effective and equitable utilization of land resources.

In recent years, the legal framework for regulating and improving the institution of land servitudes in our country has been strengthened (Karimov, 2021, pp. 30–33). Legal mechanisms have been developed to ensure clarity and transparency in land servitude relations, guaranteeing their legal force and implementation in accordance with

agreements between property owners. Mechanisms for resolving disputes concerning land servitudes have been improved, with particular attention paid to preventing legal conflicts among property owners.

Although disputes related to land servitudes among the population may persist for extended periods, the precision of regulatory norms and the strengthening of legal mechanisms have significantly reduced the time required to resolve such disputes. This contributes to balancing the interests of property owners and safeguarding property rights in land servitude relations (Lee, 2016, pp. 15–17). Additionally, continuous study and analysis of legislation and practices concerning land servitudes are conducted. These processes assist in ensuring the effective and sustainable functioning of the land servitude institution (United Nations Development Programme, 2022, pp. 60–62). Training sessions and practical workshops are organized to enhance the knowledge and skills of specialists and property owners working in the field of land servitudes, strengthening their practical expertise.

Legal regulations, contracts, and obligations are clearly defined to establish fair relations among property owners. This ensures the stability and reliability of the land servitude institution (Republic of Uzbekistan, 2018). In recent years, significant progress has been made in resolving disputes and issues related to land servitudes. Disputes among property owners have decreased on average by 30–40%, reflecting the effectiveness of current legislation and regulatory mechanisms (Karimov, 2021, pp. 45–47).

This improvement is due, firstly, to the systematic updating of laws and norms regulating land servitude relations, and secondly, to the introduction of digital systems for registering, monitoring, and promptly resolving disputes regarding land servitude contracts. Key legislative reforms include:

- Improvement of normative-legal acts defining the clear legal basis for land servitudes;
- Creation of mechanisms for the rapid and effective resolution of disputes related to land servitudes;
- Implementation of electronic systems for registering land servitude contracts and related documents via e-government services;
- Enhancement of the qualifications of property owners and specialists, as well as the development of legal advisory services.

All of these measures have increased transparency, legality, and stability in land servitude relations, significantly strengthening the protection of property owners' rights. Consequently, a legal, prompt, and fair system has been established for resolving land servitude issues, promoting consistency among property owners and reducing the number of disputes.

Methods

This article provides an in-depth analysis of the legal foundations of the land servitude institute, its practical problems, and the legislative norms regulating its relations. Particular attention was paid to the formation, development, and practical application of land servitude relations. The following scientific methods were employed during the research process:

- Legal analysis method — normative-legal acts, laws, and regulations governing land servitudes, as well as relevant cases from judicial practice, were analyzed;
- Historical method — the stages of development of the land servitude institute, the formation of its legal framework, and its changes were studied;
- Comparative-legal method — legislative experiences and practices related to land servitudes in different countries were compared, and ways to improve national legislation were identified;

- Empirical method — conflicts arising in practical land servitude cases, their resolution, and reforms implemented through digitalization were analyzed.

The research results indicate that a solid legal foundation for the land servitude institute and its effective regulation in practice are crucial for protecting property owners' rights and ensuring rational use of land resources.

Results

In recent years, large-scale reforms have been implemented in the Republic of Uzbekistan aimed at strengthening the protection of the rights and legitimate interests of citizens and entrepreneurs in the field of land servitudes. The main objective of these reforms is to enhance legal guarantees in regulating land servitude relations, prevent disputes in this sphere, and ensure fair land relations. In particular, the full implementation of the principle of legality and the establishment of land servitudes exclusively through lawful procedures play an essential role in creating stability in land relations.

The Constitution of the Republic of Uzbekistan clearly stipulates that land rights shall be regulated independently and within the framework of the law, and that land relations shall be exercised only based on legislation. As legal scholars note, granting land servitudes solely in accordance with legal procedures and ensuring judicial independence and impartiality in the protection of land rights are fundamental constitutional guarantees for fair dispute resolution and the stability of land relations (Mamatov, 2022, p. 61).

Academics and legal experts emphasize the need to ensure legal clarity and equality in the process of granting land servitudes, as well as to maintain judicial independence and impartiality in resolving related disputes. For example, Professor Kh. Qodirov points out that legal gaps and ambiguities in the regulation of land servitudes have caused numerous local conflicts, stressing the necessity to further improve legislation and ensure strict legality in practice (Qodirov, 2020, p. 27). Meanwhile, legal scholar O. Mirzaev proposes the introduction of digitalization systems to increase transparency in the granting of land servitudes and to protect the rights of landowners and users (Mirzaev, 2021, p. 14).

Based on these perspectives, it can be concluded that both scholars' arguments are well-founded. In previous years, there were observable legal gaps in civil and land legislation related to servitudes, and the mechanisms for resolving disputes between the parties involved were not clearly defined. Currently, amendments and additions to laws are being introduced, and new legislative acts are being developed to strengthen the role of the servitude institution and address existing normative gaps (Rustamova, 2023, p. 35).

One of the pressing issues today is the consideration of environmental and social aspects in granting land servitudes. In recent years, particular attention has been paid to land conservation and sustainable land use. Consequently, the practice of granting land servitudes increasingly emphasizes compliance with environmental protection requirements and consideration of the interests of local communities. This approach contributes to ensuring social justice and sustainable development (Akhmedov, 2022, p. 19).

Land servitudes are limited rights over another's property or land that are regulated by law and serve to protect citizens' rights and interests concerning land. Traditionally, the establishment of land servitudes involved complex bureaucratic procedures. However, through recent reforms, these processes have been digitized, making them more convenient for citizens and business entities (Yuldashev, 2023, p. 48).

In Uzbekistan, significant legal reforms have been implemented in recent years to develop the institution of limited land rights—namely, servitudes. In particular, the Law of the Republic of Uzbekistan No. LRU-871 “On Introducing Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan Regarding Servitudes,” adopted

on October 23, 2023, serves to comprehensively update the legal framework in this area (Republic of Uzbekistan, 2023, p. 2). This law introduced key amendments to the Civil Code and the Land Code of the Republic of Uzbekistan regarding the establishment, implementation, and termination of servitudes. Primarily, the law provides a clearer and more coherent legal definition of servitude. It stipulates that the right to use another's land (i.e., servitude) shall be formalized based on the consent of the landowner or land user and that, in the event of disputes, such rights shall be enforced through a court decision. This serves as an important tool for maintaining legal balance and stability (Republic of Uzbekistan, 2023, p. 3).

Another significant provision of the law establishes a clear procedure for determining payment for servitudes, ensuring that the amount is not less than the land tax or rental fee, thereby protecting the economic interests of landowners. This mechanism is particularly important in cases of public servitudes, such as the construction of engineering-communication networks and transport infrastructure. Furthermore, the law consolidates procedures for establishing public servitudes for state and public needs, providing for compensation, transparency of the process, and the protection of stakeholders' rights. In previous years, a lack of clear legal regulation in this area often resulted in numerous land disputes; the adoption of Law No. LRU-871 is now effectively preventing such issues (Republic of Uzbekistan, 2023, p. 5).

According to legal scholars, the establishment of land servitudes solely on a legal basis and by an independent court constitutes a constitutional guarantee (Karimova, 2021, p. 41). Professor I.F. Ibratova emphasizes that *“Land servitudes must be established and implemented only in accordance with the law. This serves as a necessary constitutional safeguard for ensuring fairness and impartiality in resolving land rights”* (Ibratova, 2020, p. 52).

Similarly, Academician B. Muhammadiyev underscores that the legality of land servitudes represents an integral guarantee for the protection of citizens' rights and freedoms (Muhammadiyev, 2021, p. 38). Professor A. Jurayev, in turn, interprets the requirement for land servitudes to be established based on law and through independent judicial authority as a democratic standard ensuring the rule of law (Jurayev, 2022, p. 44).

As a general conclusion, scholars concur that defining and implementing land servitudes exclusively through lawful procedures and independent judicial review embodies key constitutional principles — namely, legal certainty, the supremacy of law, and impartiality (Makhmudov, 2023, p. 19). The restriction of proprietary land rights (including the establishment of servitudes) solely under the law and with judicial participation ensures the balance of interests between landowners and users.

Currently, one of the most urgent issues in the process of granting land servitudes in Uzbekistan is the expansion of digital services, the reduction of bureaucratic barriers, and the development of electronic platforms for administrative procedures. Pursuant to a recent resolution of the Cabinet of Ministers, automation processes in this field have been strengthened, and practical measures have been taken to improve the quality of public services (Cabinet of Ministers of the Republic of Uzbekistan, 2024, p. 6).

In conclusion, the reforms aimed at automating the process of granting land servitudes and improving electronic governance in Uzbekistan are designed to create convenience for citizens and entrepreneurs, reduce bureaucratic obstacles, and ensure the fair and lawful protection of land rights. These initiatives contribute not only to the strengthening of property rights but also to the broader development of the rule of law in the country (Akbarov, 2024, p. 9).

Discussion

Relations concerning *land servitudes* are of significant socio-economic and legal importance not only in Uzbekistan but also in neighboring states. Regional experience shows that approaches to regulating limited land rights differ across countries—some have achieved effective outcomes, while others face persistent legal and administrative challenges.

In the Republic of Kazakhstan, the *Land Code* adopted on June 20, 2003, clearly defines the concept of servitude. The notion of “restricted use of land plots” serves as the legal foundation for servitude regulation. Kazakhstan distinguishes between personal and legal servitudes, with separate procedures for public and private needs. Since 2021, Kazakhstan has introduced the eGov (electronic government) portal, enabling digital registration of land-related services, including servitudes (Republic of Kazakhstan, 2003, p. 89). This experience is relevant to Uzbekistan, where similar automation steps were implemented through the *Resolution No. 87 of 2024*. However, in practice, the granting of servitudes in Kazakhstan has faced criticism due to the subjective discretion of local authorities (Republic of Kazakhstan, 2003, p. 93).

In the Kyrgyz Republic, the *Civil Code* defines the concept of servitude mainly within the scope of civil rights. Servitudes in Kyrgyzstan often arise in connection with transport and infrastructure projects. Nonetheless, the limited digitalization of the national land cadastre, inconsistent court interpretations, and challenges in ensuring legality hinder the effective application of servitude mechanisms (Kyrgyz Republic, 1998, p. 147). Compared to this, Uzbekistan’s creation of a unified electronic platform and clearer legislative framework demonstrates a more efficient model (Kyrgyz Republic, 1998, p. 149).

In Turkmenistan, land legislation remains highly centralized and closed. Although certain servitude provisions exist in the *Civil Code of Turkmenistan*, their practical implementation is minimal. Excessive centralization of property and land use rights has resulted in the de facto non-recognition of servitudes, creating legal uncertainty for both citizens and investors (Turkmenistan, 2000, p. 57). In contrast, Uzbekistan’s open, digital, and modernized approach provides greater legal transparency and predictability in land use relations (Turkmenistan, 2000, p. 59).

The experience of the Russian Federation is highly systematized and complex, yet it has accumulated many years of practical experience. Article 274 of the Russian Civil Code defines the legal foundations for servitudes. The mandatory registration procedure in the state registry ensures the inviolability of property rights. In Russia, compulsory servitudes for public needs (e.g., gas pipelines, electrical networks) are widely used. However, in some cases, these compulsory servitudes have led to violations of citizens’ property rights. Therefore, when implementing this experience in Uzbekistan, it is necessary to develop a balanced mechanism that protects property owners’ interests (Ivanov, 2022, pp. 90–98).

A comparative analysis of legislation and reforms in the Commonwealth of Independent States (CIS) shows that in practice, servitude rights are often not formally registered, not recorded in the cadastre, or not notarized. This results in legal uncertainty, disputes, and litigation between landowners and users, especially when communications or infrastructure construction for state or public purposes are being carried out (Karimov, 2023, pp. 45–52).

On September 30, 2024, the Cabinet of Ministers of the Republic of Uzbekistan issued Resolution No. 614 – “On measures for the implementation of a unified classifier of permitted land uses and capital construction facilities.” This resolution created an important normative-legal framework. The approved unified classifier defines the legal

basis for identifying servitudes, classifying them, and accurately reflecting them in state cadastres. In particular:

- Discrepancies between the permitted use type of a land plot and its actual condition must be resolved by legalization or re-registration.
- Areas with existing or required servitudes are classified, and specific restrictions and permit requirements are developed for each category.
- The necessity of servitudes for capital construction facilities, their connection to infrastructure, and service zones is automatically determined, enhancing transparency and legal certainty (Republic of Uzbekistan, 2024a, pp. 102–107).

This document plays an important role in aligning Uzbekistan’s land legislation with international standards, as it allows digitalization of land data, the use of interactive maps, and integration into a unified information system to clearly regulate legal relations regarding servitudes.

A key legal innovation concerning servitudes is Presidential Decree PF-135 dated September 6, 2024 – “On measures for effective use of land resources’ investment potential in entrepreneurial and urban planning activities.” This decree stipulates that:

- Information about existing servitudes is maintained in an open, continuously updated manner via the Unified State Cadastre Information System.
- All agreements on servitudes are notarized.
- Servitudes required for state and public needs are established only by court order.
- Areas with servitude restrictions are clearly indicated on open maps, ensuring legal stability for entrepreneurs and investors.
- By the end of 2025, a blockchain-based system will be implemented for digitalizing servitude rights, restrictions, and other property rights.
- From January 2024, the “National Geo-information Platform of State Cadastres” displays all legal restrictions, including servitudes, on electronic maps.

This system allows government agencies, entrepreneurs, and citizens to access real-time information on servitudes’ existence and size (Republic of Uzbekistan, 2024b, pp. 120–127).

Comparing the CIS countries’ experience, particularly Russia, Kazakhstan, and Kyrgyzstan, Uzbekistan still has some backward aspects in the development of the servitude institute. For instance, in Russia, servitudes are separately registered in the registry, and related disputes are widely litigated. The Russian Civil Code clearly regulates compulsory servitudes, which can be introduced by court order based on the needs of the state or individuals. This ensures lawful limited use of another person’s property for electrical networks, roads, or public-use facilities.

In Kazakhstan, servitudes are regulated in a separate section of the Land Code, and compulsory and voluntary servitudes are fully formalized, notarized and entered into the State Land Cadastre. The rights to use servitudes, associated restrictions, and conditions are managed transparently. Moreover, compensation practices exist for compulsory servitudes established in favor of the state.

In Kyrgyzstan, although servitudes exist in legislation, their practical application is weak. Often, infrastructure objects are placed through agreements with landowners, showing the absence of clear legal mechanisms. Thus, in Kyrgyzstan, servitudes mostly exist in informal, undocumented agreements, which contributes to increasing disputes in courts (Sadykova, 2019, pp. 101–109).

Therefore, the experience of CIS countries shows that for the servitude institute to function effectively, legal foundations must be clearly defined, registration in the registry must be ensured, and mechanisms for resolving related disputes must be fully developed.

For Uzbekistan, the main tasks are improving the existing normative-legal base, adopting a separate law on servitudes, strengthening the system for reflecting servitudes in the digital cadastral registry, and regulating compulsory servitudes for state needs. Recent reforms indicate positive developments in this direction (Abdusamadova, 2025, pp. 130–138).

Conclusion

The development of the servitude institute and its correct application in practice is of crucial importance for any state, as it ensures the balanced implementation of property rights and maintains legal equilibrium between public and private interests. In the Republic of Uzbekistan, recent reforms aimed at improving this institute— particularly the introduction of an electronic land servitude management system under Cabinet of Ministers Resolution No. 87 in 2024—have represented a significant step toward ensuring transparency, openness, and efficiency in this area. The article, based on historical sources, revealed the roots of the servitude institute in the Central Asian region, analyzed the types of servitudes in the current legislation of the Republic of Uzbekistan, their content, and practical implementation. Additionally, discrepancies between legal norms regarding land servitudes and their real-life application were identified, and solutions to existing

problems were proposed using a scientific approach.

Regional and international experience—specifically from Russia, Kazakhstan, Kyrgyzstan, and Turkmenistan—illustrates that Uzbekistan is actively striving to form a reliable and modern legal model in this field. In particular, the country has achieved advanced results in terms of digitalization, legal guarantees, state oversight, and civil society participation. At the same time, certain technical and normative challenges remain, and difficulties in balancing the rights of landowners and users have not yet been fully resolved. Overall, the servitude institute should be considered not only as a means of developing legal relations regarding land but also as a tool to ensure harmony between property rights, entrepreneurial freedom, and public interests. Uzbekistan has laid a positive foundation in this direction and is taking decisive steps to align this institute with advanced international standards.

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