

# Entrepreneurship and Cadastral Activity in the Sphere of Natural Resources: Problems and Development Prospects in the Digital Economy

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**Abstract**--*The legal basis of conducting cadastre activities as well as the nature of legal disproportions in the distribution of powers of competent bodies dealing with natural cadastres are revealed in the article. The author analyzes the legislative base of natural resources cadastres, domestic and scientific literature, as well as international experience of natural cadastres conducting and develops the corresponding proposals and recommendations on improving the legislation in the sphere of cadastre activity of natural resources.*

**Keywords**--*public administration, digital economy, digitization, cadastral activity, public-private partnership, cadastral information, legal disparity, bodies of general competence, specialized body, natural resources cadastres, Unified electronic information center.*

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## I. INTRODUCTION

President of the Republic of Uzbekistan Shavkat Mirziyoyev, in his Address to the Parliament from January 24, 2020, noted the need for further improvement of cadastral activity, in particular, the digitalization of land cadaster [1].

For prevention of the future and the decision of modern ecological problems constant perfection of the existing system of granting of the real information on a condition of natural resources in an inseparable connection with achievements of technical progress is required.

In the modern world, every subject of law is guaranteed the right to receive information, in particular, information on natural resources of the state, which is contained in the state cadasters.

Proper management of the collection, processing, storage and provision of information on natural resources is one of the critical problems of environmental legislation as a whole since practice shows that any modern activity is primarily based on statistical data.

The solution of this problem will primarily serve the task of rational use of natural resources, set by the President of the Republic of Uzbekistan Shavkat Mirziyoyev in his Message to the Oliy Majlis on December 28, 2018[2], the essence of which is the wasteful use of them today and convey them to the younger generation tomorrow.

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According to the statistical data Uzbekistan is among the world leaders in terms of reserves of silver, tungsten and phosphorites, potassium salt, rare-earth metals and other valuable minerals, in particular, the explored reserves of gold in the fourth place, uranium - seventh, molybdenum - eighth, on confirmed reserves of copper - tenth, natural gas - 14th place in the world; By area of artificially irrigated land - 11th place in the world; by cadmium - third, uranium - sixth, gold and natural gas - eighth place, and also among 15 most significant countries on a planet on extraction of molybdenum, feldspar and some other kinds of industrial raw materials.[3]

Our task is to preserve this position of Uzbekistan in the international arena and the primary mechanism for its achievement is to establish competent management in the formation of cadastral information.

In this regard, under conditions of global climate warming, which is also acutely felt in Uzbekistan, the need of the population for natural resources is increasing, which in turn leads to the destruction of the environment.

We support the opinion of German scientists, who believe that the problem of climate change can be solved by educating and training business entities with environmental social and cultural responsibility. [4] This proposal is fully applicable to legal entities whose competence is to generate and provide information on natural resources.

The relevance of this topic, in our view, is dictated by the following points:

Firstly, in the current legislation, there is a particular legal imbalance in the powers of the competent authorities involved in the maintenance of state cadastres, which requires its immediate elimination;

Secondly, as of today, we do not have a single body, the principal and only function of which would be the maintenance of state cadastres;

Thirdly, the lack of a mechanism for non-State cadastral regulation hinders its further improvement.

Turning directly to the essence of the subject under study, it should be noted that the state cadastre is one of the tools of state control over the environment, the essence of which has recently changed significantly due to the expansion of its goals, tasks and functions.

Today, Uzbekistan has an integral legal and regulatory framework for public administration in the area of state cadastre of natural resources, determined the order of its formation, distributed powers among the relevant bodies.

The main components of its regulatory and legal framework are the Land Code of the Republic of Uzbekistan [5], laws of the Republic of Uzbekistan "On state cadastres" [6] and "On state land cadastre" [7], Regulations on the order of creation and maintenance of the Unified system of state cadastres [8], Regulations on the order of maintenance of the state land cadastre [9], Regulations on the order of development and maintenance of the state water cadastre [10], Regulations on the order of maintenance of state registration, accounting of volumes of use and state cadastre of natural resources.

Despite this, the legislation governing this area requires further improvement because of its imperfections, which manifest themselves in the following.

According to the current legislation, we have a three-stage system of state bodies that maintain state cadastres of natural resources. These include:

1. Bodies of general competence. These are the Cabinet of Ministers of the Republic of Uzbekistan, local government bodies.
2. Bodies of special competence that maintain the Unified State Cadastre System. These include the State Committee for Land Resources, Geodesy, Cartography and State Cadastre of the Republic of Uzbekistan.
3. Bodies directly responsible for maintaining the State Cadastre of Natural Resources. These include ministries, State committees and departments.

The State Cadastre Act specifies the powers of the Cabinet of Ministers of the Republic of Uzbekistan, local government bodies and a specialized body in the area of State cadastre maintenance.

The powers of the Cabinet of Ministers include implementation of the unified state policy, determination of priority directions of development of state cadastres, solution of financing and investment issues; determination of the procedure for keeping the unified system of state cadastres; establishment of the procedure for state registration of rights to cadastre objects, provision of cadastre information to users, etc.

Local public authorities are competent:

organization of state registration of rights to cadastre objects; in the order established by the legislation, financing from the local budget of the work on maintaining the state land cadastre, state cadastre of buildings and structures; organization of maintaining the state cadastre of relevant territories, etc.

The State Committee of the Republic of Uzbekistan for Land Resources, Geodesy, Cartography and State Cadastre is a specially authorized body in the field of state cadastre maintenance. Its competence includes:

coordination of activities of ministries, state committees, agencies and local authorities in the field of state cadastre maintenance; implementation of the Unified System of State Cadastres; provision in the established order of ministries, state committees and agencies with cartographic materials necessary for maintenance of the respective state cadastres; approval in the established order of normative acts on maintenance of the state cadastres; organization of preparation and increase of the state cadastre.

Ministries, state committees, departments carrying out direct maintenance of state cadastres of natural resources include:

State Committee of the Republic of Uzbekistan on land resources, geodesy, cartography and state cadastre, which maintains state land cadastre;

The State Committee of the Republic of Uzbekistan on geology and mineral resources, which maintains the state cadastre of deposits, manifestations of minerals and technogenic formations;

Center of Hydro meteorological Service under the Ministry of Emergency Situations of the Republic of Uzbekistan, State Committee on Geology and Mineral Resources of the Republic of Uzbekistan, Ministry of Water Resources of the Republic of Uzbekistan, which keep state water cadastre;

State Committee for Forestry of the Republic of Uzbekistan, which maintains the State Forest Cadastre;

State Committee on Ecology and Environmental Protection of the Republic of Uzbekistan, which maintains a state cadastre of flora and fauna, state cadastre of specially protected natural areas, state cadastre of landfills and waste disposal sites.

As can be seen from the analysis of the current legislation, there is a certain legal disparity in the powers of state bodies. We can observe this imbalance in the following cases:

a) The State water cadastre, which is a separate cadastre, is maintained by three authorities simultaneously: The Hydro meteorological Service Centre under the Ministry of Emergency Situations of the Republic of Uzbekistan (natural water sources), the State Committee on Geology and Mineral Resources of the Republic of Uzbekistan (groundwater), the Ministry of Water Management of the Republic of Uzbekistan (use of water resources and land reclamation), which in turn leads to fragmentation of existing responsibilities and the lack of a unified approach to cadastral data.

b) While the State Committee on Ecology and Environmental Protection of the Republic of Uzbekistan alone maintains four independent state cadastrals of natural resources at the same time: state cadastre of flora and fauna objects, state cadastre of specially protected natural areas, state cadastre of landfills and waste disposal sites;

c) Resolution of the Cabinet of Ministers of July 17, 2019, No. 599 introduces the concept of "cadastre of agricultural land", which includes information only on agricultural land (whereas the current legislation enshrines the concept of "state land cadastre".) and defines bodies and criteria for information on agricultural land. [16] In accordance with this Resolution:

bodies of the State Committee on Land and Geodeskadastre shall provide information on the name of users of a land plot, its economic and legal status, location, border, contours, area, categories and types of lands, soil fertility;

water management bodies shall provide information on the degree of water supply to lands, methods of water intake for irrigation, ameliorative condition of the soil, level and composition of ground waters, condition of collector-drainage networks, programs for capital and current repair of irrigation networks and facilities, pumping stations, etc.;

agricultural authorities should provide information on the types of crops intended for sowing, the condition of orchards, vineyards and other plantations, information on the available types of livestock, poultry, as well as beekeeping, fish farming, suggestions for better direction of future agricultural organizations;

Councils of farmers, dekhkanskie farms of owners of plots of land should provide information on operating farms.

Such "crushing" of the state land cadastre into categories of lands included in the land fund of the Republic of Uzbekistan and its distribution (as in the abovementioned case with the state water cadastre.) into several bodies

is another example of obvious disproportions of powers of state bodies involved in maintaining natural resources cadastres.

Besides, for today conducting the Unified System of State Cadastres is entrusted to the State Committee of the Republic of Uzbekistan on land resources, geodesy, cartography and the state cadastre which covers from realization of the state management in sphere of ecology, preservation of the environment, rational use and reproduction of natural resources and up to maintenance of close interaction with the public and institutes of a civil society in questions of ecology and protection of the environment, the rights of civil society.

However, one of the thorny aspects of cadastral activity is its financing. The Law of the Republic of Uzbekistan "On State Cadastres" stipulates that the financing of state cadastre activities is carried out at the expense of the State budget of the Republic of Uzbekistan and other sources not prohibited by law.

Other sources include investments, both domestic and foreign, in the form of a mixture of capital in the form of a public-private partnership, understood as legal cooperation between a public partner and a private partner for a specified period, based on the pooling of their resources for the implementation of a public-private partnership project. All the more so as we have the legal framework ready for this.

Thus, the Public-Private Partnership Act establishes the improvement of the quality of public services and the expansion of access to them as one of the main areas of State policy on public-private partnerships[17].

Despite this, the issue of developing a public-private partnership in the field of cadastral activity is still open.

For comparison. In the Russian Federation, data on real estate objects for their state cadastral registration are prepared by licensed private specialists (in respect of land plots - land surveyors) and companies called "cadastral engineers" within the framework of cadastral activities. At the same time, a cadastral engineer carrying out cadastral activities as an individual entrepreneur should be registered in the manner prescribed by law. For its activity as an employee of a legal entity, a cadastral engineer shall conclude an employment contract with a commercial organization, which in turn shall conclude contracts of contract for cadastral work. [18].

For the decision of these problems we considered it necessary to analyze foreign experience of conducting cadastral activity.

In particular, in the federal state of **Saxony** the issues of the land cadastre are under the jurisdiction of the Ministry of the Interior and the Land Surveyor's Office, which control the activities of 18 state institutions of geodesy and land management, as well as urban institutions of geodesy, state licensed surveyors. In a number of other German states, the Ministry of Finance, the Ministry of Economic Development and others are responsible for land management and land cadastre maintenance. Cadastral work is carried out by land cadastral offices, which usually belong to the Ministry of Interior or the Ministry of Justice. Shooting is paid for by the owners of land plots and public organizations. [19].

In France, the cadastre of natural resources is maintained by the National Service of Cadastral Documents and the local area tax department. The tasks of the State Service of Cadastral Documents are the compilation of

cadastral surveys and their storage. The Zonal Tax State Departments update the available information, on the basis of which they tax taxpayers. Currently, an automated cadastre system is in operation in France, which consists of 5 Zonal Computing Centres and 306 local cadastre bureaus providing tax offices with the latest cadastre information. The main task of the automated system is to collect, store and process information on land plots and real estate objects. [20].

The French land cadastre solves problems related to taxation (land valuation and land tax justification), land accounting, identification and description of land plots - parcell, the establishment of land owners and land users, cadastral plans. There is a General Directorate of Tax Services, Tax and Land Operations (Direction General des Import Services des Operations Fiscales et Fonciers) located in Paris for land and cadastral work in the country, and each department has a separate Directorate of Tax Services. Tax centres, cadastral inspectorates, land offices, tax services and regional land cadastral information centres also exist. The French tax and cadastral units cooperate with the Ministry of Finance and the Ministry of Justice, which maintains case registers. The functions of the cadastre in France are to determine the location and identification of land plots; to describe their borders, the type of crops grown, the characteristics of structures; to calculate the base for taxation of land plots and structures; to update the cadastre plan and the accompanying text information [21].

The United States has a cadastral service that operates in 85 district courts under the Department of Justice's district courts. The Cadastral Inventory Service maintains inventories of all-natural resources, including the market price of a natural resource, and collects characteristics if the land is sown and the average yield. [22] The U.S. land registry is maintained by the Department of Agriculture's special soil protection service. It consists of a central authority, state branches, and about 2,400 district soil protection cells. USA. [23]

The land registry in Canada is maintained by the Service of land inventories. It provides a country-wide survey program with the primary objective of providing federal and provincial authorities with accurate and complete data on the potential productivity of the country's land resources. Since agricultural use of the area is closely related to other uses, four types of land assessments are carried out: for agriculture, forestry, recreation and fauna reproduction. [24].

The main task of the cadastre in Spain is to ensure tax policy for real estate, so it is under the authority of the Ministry of Economy and Property, which is responsible for collecting taxes. Real estate in Spain is accounted for by the State Secretariat for Property, which reports to the General Directorate of Cadastre, established in 1978 to manage all land and cadastral works. Cadastral information is the Spanish cadastral centre, which includes the collection, processing, storage and updating of cadastral information. The special content of the cadastral work consists in creating cadastral maps by aerial survey and photogrammetric methods, defining and fixing the boundaries of land plots, coding, searching and justifying methods of real estate valuation. Cadastre maps and plans are prepared by private firms, which gives good results. Within six years, the Spanish government has spent 1 billion U.S. dollars on the compilation and maintenance of cadastres, while in the last three years, profits from the implementation of the cadastre amounted to 2.5 billion dollars. Currently, there are 23 million real estate units in Spain, of which 20 million are agricultural plots, updated by 70 percent. [25]

In Sweden, cadastres are also multi-purpose. Cadastral information on land plots, owners' rights to land and real estate are recorded in a special registration book, the amount of taxes is determined. The Swedish land registry is part of the land services and consists of three levels. The special feature of the Swedish land registry is that it is available to everyone, but no one can change the cadastral data. Despite the fact that there is a guarantee of information protection, there is a backup copy of the data bank in another place.

In Denmark, the cadastre is managed by the Cadastral Board and there is an automated cadastre system in which information is stored on solid disks. Land cadastre and rights registration in Denmark are dispersed among different ministries and departments. Rights registration is handled by the Ministry of Justice, through the Judicial Department, Land Management and Cadastre, the National Geodesy and Cadastre Service, which reports to the Ministry of Housing, while land management and protection is handled by a special planning department of the Ministry of Natural Resources and Energy. Land valuation is handled by the Ministry of Taxes and Levies (2001) Only certified land surveyors united in a National Association have the exclusive right to carry out land management in Denmark [27].

In the Russian Federation, the Federal Service for State Registration, Cadastral and Cartography (Rosreestre) is a federal executive body exercising the functions of state registration of rights to immovable property and transactions with it, On state cadastral registration of immovable property, land administration, state monitoring of land, Navigation support of the transport complex, as well as functions on state cadastral assessment, Federal state supervision in the field of geodesy and cartography, state land supervision, Supervision of activities of self-regulated organizations of evaluators, supervision of activities of self-regulated organizations of arbitration managers. [28]

The main feature of the land registry model used in the UK is the division of functions between survey and mapping services and services that register rights in rem and keep records of specialized land information. For example, the Royal State Land Registry of Rights to Land, including ownership, mortgages, encumbrances and easements, the State Topography Service (STS) - Ordnance Survey forms the topographic, geodesic and cartographic information, registers information on land and the Department of Agriculture takes into account data on land use and classification of agricultural land, the Department of Environmental Protection, Transport and Regions takes into account data on land use on other lands.

Royal State Land Registry Chamber (RSLRC) - The NM Land Registry is a public office of the Lord Chancellor's Department of Justice and consists of 24 regional offices of the RSA (District Offices) in England and Wales which serve a particular geographical area which includes several municipalities. Each regional office is headed by a district registrar who is to be a lawyer under the Land Registration Act. It has broad judicial rights to grant legal title to land and to resolve disputes. [29]

Proceeding from the analysis of the current legislation, which revealed the imperfections of cadastral activity, taking into account the best foreign experience in the sphere of cadastral activity of the above mentioned, with the purpose of further improvement of cadastral activity in the republic, ordering the state administration in the sphere of state cadastre conducting, we offer:

To create a single cadastral body - the Cadastral Service of the Republic of Uzbekistan under the Ministry of Justice of the Republic of Uzbekistan, the main and only function of which will be the conduct of state cadastres with the condition of public-private partnership. The establishment of this body will help:

Firstly, it will relieve the State administration of its unusual task of maintaining State cadastres;

Secondly, the establishment of a unified approach and methodology in the formation of cadastral information;

Thirdly, it will help to avoid "fragmentation" of existing natural resource cadastres and duplication of authorities with competent authorities;

Fourthly, it will increase the reliability of cadastral information, thus ensuring the authority of the state cadastre;

Fifthly, involving public-private partnerships in the cadastre area, will solve the issue of financing cadastre activities.

## II. CONCLUSION

In conclusion, I would like to note that the cadastre activity in the field of environmental protection, although not a new activity for us, but in the conditions of sustainable development of the economy requires a fundamental review of its management. The success of the ongoing social and economic reforms and, in general, the fate of the state depend on the availability of reliable information on natural resources.

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