

Issues of improving prosecutorial control over the implementation of legislation in the field of agriculture and food

Davurkhon Nodirov

The Academy of the General Prosecutor's Office of the Republic of Uzbekistan

Abstract. *This article discusses the organization of prosecutorial control over the implementation of legislation in the agricultural and food sectors, its legal framework, main directions, development trends and problems in this area and their solutions.*

Keywords: *agro-industrial complex, agriculture, regulatory act.*

Introduction Particular attention to the development of agricultural legislation is due to the importance of addressing the needs of the population with agricultural products and food produced in Uzbekistan, raising the standard of living of the rural population, set in accordance with the decree of the President of the Republic of Uzbekistan on approval of the development strategy of the agriculture of the Republic of Uzbekistan for 2020 - 2030 (No. par-5853 10/23/2019), the task of increasing the competitiveness of the Uzbekistan agricultural complex, aggravated during the global economic crisis, the problems of ensuring the country's food security.

As an independent branch of the legislation, as well as the field of scientific research, agricultural law and legislation (the term "agricultural law" was formerly more commonly used) stood out from about the 70s. of the last century¹, while some authors consider agrarian law as a separate branch of law, justifying the presence of a specific subject and method [2].

From our point of view, agricultural legislation is a complex industry consisting of public law and private law blocks. The public law block includes laws and other normative acts containing the norms of administrative, financial, tax, environmental law that regulate relations in the field of agricultural management, state regulation of agricultural production, supervision and control over activities in this sector of the economy. The private law block is a normative legal act, containing mainly the norms of civil, land, labor law and regulating entrepreneurial activity in agriculture, its organizational and legal forms and contractual relations.

Modern agricultural legislation was almost completely formed in the post-perestroika period; its predecessor in the Soviet period of the history of our state was collective farm legislation, which after the collective transformation of collective farms into state enterprises, the emergence of inter-farm and agro-industrial associations was transformed into agricultural legislation, characterized by detailed regulation of all processes of production activities of economic entities.

Since the mid 90's. of the last century, a number of laws were passed regulating both individual areas of agricultural activity, especially the status of agricultural producers, as well as more general issues related to the implementation of agricultural and food policies.

It can be said that the structure of agrarian legislation is currently largely established, although there are controversial issues in identifying individual institutions of this branch of legislation [3].

In accordance with the Decree of the President of the Republic of Uzbekistan dated October 9, 2017 No. UP-5199 “On measures to radically improve the system for protecting the rights and legitimate interests of farmers, dekhkan farms and owners of household lands, and efficient use of agricultural sown areas,” general provisions and state regulation agroindustrial production, agricultural producers, agricultural sectors, agricultural contracts.

In our opinion, this classification of legal acts on agriculture as a whole corresponds to the current structure of agricultural legislation, in which the following main institutions can be distinguished:

- state regulation of agricultural production, including a system of agricultural management bodies, state regulation of the agricultural market, financing and lending, implementation of state support measures for rural producers, control and supervision of the quality of agricultural products;
- state regulation of certain types of agricultural activities, including veterinary medicine, pedigree farming, breeding, seed production, agrochemical services, land reclamation;
- the legal status of agricultural commodity producers: business companies and partnerships, agricultural cooperatives and their unions, peasant (farmer) farms, personal subsidiary farms;
- legal regulation of contracts in agriculture: contracts in the field of material and technical support of agricultural organizations, in the field of production and technical services, in the field of financial relations (credit relations, relations with banks and other financial organizations), in the field of agricultural products sales.

Currently, a new institute of sustainable development of rural territories is being formed, which is caused by the special social significance of these issues, but at the level they are only mentioned as one of the directions of the state agrarian policy. Programs are being prepared (and in a number of regions have already been adopted) for the development of rural territories, but so far there are no normative acts regulating this sphere of public relations. Suggestions are being made on the development of a special law, which, in our opinion, is not necessary. Despite the fact that the term “sustainable development of rural territories” itself is quite new for our legislation, this direction is largely covered by a block of acts that are traditional for the agrarian sector and regulate social development of rural areas (development of education, health care, rural services, improvement of rural settlements and etc.).

Special in this area was the resolution of the Cabinet of Ministers of the Republic of Uzbekistan on the program for the development of the social infrastructure of the village of the Republic of Uzbekistan for the period until 2000 (No. 182 05.21.1996), which has lost force. However, from the moment of its adoption, this Law was largely declarative in view of the lack of development of its financial and economic justification, the mismatch of the tasks set in it with the possibilities of budget financing. In essence, this problem continues to exist today.

“Sustainable rural development” is a broader concept than “rural social development”. It includes urban planning, environmental issues, and many other issues, including the return of the concept of agricultural resettlement, as well as the regulation of new promising phenomena such as agritourism. Today, certain issues of sustainable development of rural territories are resolved by separate acts; their complex legal regulation is hampered by the lack of a sound economic concept to ensure such development. It is a comprehensive solution to the problems of rural territories in close connection with the development of agricultural production (which is mainly able to provide employment for the rural population and increase

the standard of living in the countryside) and will allow us to attribute the regulations on the development of such territories to agricultural legislation (and not to housing, urban planning, socio-cultural and other legislation regulating similar issues).

Indeed, for the first time, he secured at the legislative level the principles, goals, main directions and measures for the implementation of the state agrarian policy as an integral part of the state socio-economic policy aimed at the sustainable development of agriculture and rural territories. This Law gives legal definitions of the concepts of agriculture, agricultural production, agricultural products market, agricultural producers.

However, one cannot fail to notice that the content of the Law under consideration is already narrower than its name: the Law does not regulate all relations in the field of agriculture and does not cover all areas of its development. In essence, it concerns only directions, forms and methods of state influence on agricultural production in order to stimulate its development, the main of which is state support for agricultural producers.

In our opinion, such a decision of the legislator should be recognized as justified. During preliminary discussions of numerous draft laws on the development of agriculture, individual scientists put forward the idea of adopting such a law in the form of a kind of agrarian code, “a single consolidated law regulating the whole range of agrarian relations that take shape in the field of entrepreneurial activity of agricultural producers” [4]. Accordingly, its structure was proposed, which would include sections on state regulation in agriculture, on the peculiarities of the right to use natural resources and environmental protection in agriculture, on the peculiarities of the legal regulation of labor relations in agriculture, on financing, lending and pricing in the agricultural sector, agreements in rural agriculture, inter-industry relations of agriculture and on ensuring equivalent exchange in the agricultural sector, on the insurance system in agriculture, on liability for violations of agricultural legislation, on legal services in agriculture, scientific support for agriculture, international cooperation in the field of agriculture [5].

In the context of the global economic crisis, it is especially important in the development of agriculture and, accordingly, in the further improvement of agricultural of Uzbekistan legislation that is increasing attention to solving the problems of ensuring the country's food security.

The Decree of the President of the Republic of Uzbekistan on measures to further ensure the food security of the country (No.up-5303 01/16/2018), recognizing food security as one of the main directions of ensuring the national security of the country in the medium term, a factor in maintaining its statehood and sovereignty, an important component of population policy, approved a prerequisite for the implementation of a strategic national priority - improving the quality of life of Uzbekistan citizens by guaranteeing high standards of livelihood, determines that the state agricultural policy is an integral part of the state economic policy in the field of food security and establishes that this Doctrine is the basis for the development of regulatory legal acts in the field of ensuring food security, the development of agriculture and fisheries [12].

Thus, all normative legal acts regulating agrarian and related relations should be oriented toward solving the problems of ensuring food security of the country, but first of all, in our opinion, this concerns legislation on state support for agricultural production, regulation of the agri-food market and quality control of agricultural products, raw materials and food.

In this regard, it should be noted that since the last years of the Soviet period in the history of our country, the question has been raised of the need to consider, including under legal regulation, agriculture in conjunction with other closely related sectors of the economy involved in procurement, processing, transportation of agricultural products, trade in it, production and supply of agricultural machinery, chemicals for agriculture, etc., together constituting the country's agro-industrial complex. Today, there is a need to consider the agri-food complex as an object of legal regulation, which in this case should be understood as branches of the economy directly related to food production (given that agriculture also produces industrial crops and raw materials that are not used as products nutrition, for example flax, cotton, tobacco, etc.). Accordingly, if the agrarian policy is the measures taken by the state to increase agricultural production, create conditions for the efficient operation of agricultural producers, and social development of the village, then when it comes to the country's agri-food policy, the emphasis should be on the issues of food production and providing the population with it, including the food security dimension [5,8].

Legal support of food security is much wider than the legal regulation of agricultural development. It also includes legislation on the fishery complex, food industry, trade in food products, and quality control. Ultimately, the level of food security depends on the state of the economy of the country as a whole, and any measures, including legislative, aimed at ensuring economic security, will contribute to solving food security problems, in particular, lower prices for food will contribute to food as a result of a decrease in transportation costs, the number of resellers, trade and other markups, as well as the introduction of subsidies for certain products, an increase in social payments (along with such measures - the replacement of certain categories of citizens with monetary compensation), the introduction of a network of social stores [4,7].

Therefore, it is hardly possible to recognize as rational the proposals on the development of a special law on food security (note that at one time two versions of the draft of such a law were even developed). An analysis of the texts of laws on food safety adopted by individual subjects of Uzbekistan confirms this conclusion: such laws contain mainly norms on supporting agricultural producers and other measures for the development of the state agro-industrial complex at the regional level, as well as norms on ensuring quality and food safety. At the level of Uzbekistan, there are separate laws for each of these areas [11].

Another important promising direction for the development of agricultural legislation is the regulation of relations associated with innovative activity in agriculture. Such activities in the agricultural sector are the cultivation of new varieties of agricultural plants and breeds of farm animals, the propagation of varietal seeds and breeding of pedigree animals, providing them with agricultural organizations, farmers and owners of personal subsidiary plots. Innovative activity is regulated by the laws of the Republic of Uzbekistan on pedigree animal husbandry (No. 165-i 12/21/1995)

Until recently, the Law of the Republic of Uzbekistan On Breeding Achievements of August 29, 2002, No. 395-II, which had expired, was also in force in this area.

It can be stated that in relation to the regulation of breeding rights, legislation was unified, which essentially always encompassed the relationship to consolidate and use the rights to the results of intellectual activity, which is the breeding of new varieties and breeds, but constituting an independent regulatory framework, traditionally referred to as agricultural legislation. It seems that the decision to include these issues in the Civil Code is rational and timely, since copyright and patent rights, including to selection achievements, are civil in their essence. At the same time, a number of issues related to activities in the field of

breeding continue to be regulated by agrarian legislation due to its close connection with agricultural production: almost all breeding activities, including scientific research, approbation in experimental plots, implementation in production, are carried out by organizations included in the system of the Ministry of Agriculture of the Uzbekistan, which is engaged in both normative and methodological regulation of issues related to breeding activities, and which is responsible for the State Commission for Testing and Protection of Breeding Achievements, which registers breeding achievements and grants patents for them.

Serious changes are needed in legislation on seed production and livestock breeding. First of all, the need to improve it is connected with bringing it into line with the legislation on technical regulation, as well as with the principles and norms of international agreements in this area. The current complex licensing system for certification of seed and pedigree products, which does not allow its use and circulation without obtaining relevant documentation, not only contradicts these principles, but also creates additional administrative barriers to the widespread introduction of innovative achievements. At the same time, it is necessary to maintain positive norms that have proved themselves in practice and which are directed against the appearance on the market of low-quality seeds and unproductive breeds, including those coming from abroad [6].

Important in considering the problems of the formation of modern agricultural legislation is to determine the place and role of rule-making of the subjects of Uzbekistan in this process.

The Constitution of Uzbekistan does not mention agricultural legislation, however, based on the norms of its articles, we can conclude that the jurisdiction of Uzbekistan includes:

- the establishment of the legal foundations of a single food market and the foundations of pricing policies in the field of agricultural production;
- civil law governing contractual relations in agriculture and the status of agricultural producers, as well as relations of intellectual property (in the field of selection achievements).

Recent years have been characterized by rapid development of regional legislation on agriculture. Moreover, while before the constituent entities of the Uzbekistan, agrarian laws were often adopted in the manner of leading lawmaking, which essentially filled the gaps in legislation, in the last five years they have mainly adopted laws aimed at developing and supplementing the provisions of similar laws, as well as laws on issues constituting the exclusive specifics of the region and on which laws are not only absent at present, but are not supposed to be developed [12].

In this regard, the main problem of regional rulemaking in the agricultural sector is, in our opinion, excessive duplication of law. For example, similar acts of the subjects, adopted after the Law “On the Development of Agriculture”, often fully reproduce articles on the directions of the state agrarian policy and methods of its implementation. In principle, even such laws that, judging by their name, are designed to regulate the legal status of agricultural entities, mainly reproduce the norms of legislation, adding articles on measures of state support at the regional level.

Actually original and applicable are mainly specific rules on supporting agricultural producers and the most important sectors of agricultural production for a region. In our opinion, the experience of the subjects of the Uzbekistan that have passed laws on issues whose subjects at the level was deemed undeserving of legislative regulation. The study of

such laws and the practice of their application allows us to conclude that it is advisable to legislatively regulate these issues at the level of Uzbekistan.

It should be said about the urgent need to improve law enforcement practices in the field of agriculture. Despite the fact that recently the authority of law and the level of legal education have somewhat increased in the agricultural sector, nevertheless it is still significantly lower than the corresponding indicators in other sectors [11].

It is necessary to increase the level of contractual discipline in the agro-industrial complex, the legal education of agricultural participants, and to prevent the application of the norms of the law on the basis of their illiterate or incorrect interpretation. Separate steps in this direction are already being taken, and the most promising and requiring further development are the following:

- organization of the provision of more complete legal information and assistance from state authorities, which is primarily the task of the Ministry of Agriculture of Uzbekistan;
- teaching of agricultural and land law in agricultural universities;
- the formation of a wide network of unions and associations of agricultural producers, which are called upon, inter alia, to provide legal assistance to agricultural organizations.

In order to improve prosecutorial control over the implementation of legislation in the field of agriculture and food, the President of the Republic of Uzbekistan signed a document to further improve the management system of the agricultural and food sectors (PP-4643 of 03/18/2020).

According to the adopted law, the Deputy Prime Minister for Development of the Agrarian and Food Spheres was entrusted with additional tasks, such as ensuring the implementation of the agricultural development strategy for 2020–2030, monitoring the progress of public administration reform in the sphere, modernizing ministries and departments, etc.

In addition, the Prosecutor General, the prosecutors of Karakalpakstan and the oblasts received a deputy, and the transport prosecutor - a senior assistant, responsible for observing the requirements of the legislation in the field of agriculture and food security and overseeing their implementation. The new deputy head of the Ministry of Internal Affairs will be responsible for preventing the seizure of sown areas, monitoring the state of agricultural machinery, the targeted use of fertilizers, public order and road safety when harvesting cotton and grain.

According to the adopted law, the listed officials must assist the Deputy Prime Minister in carrying out his tasks. In creating an information system that accumulates information about the state of land, crops, water resources in agriculture, etc., he will be assisted by one deputy head of the Ministry of Finance and one separate responsible employee of regional administrations.

Obviously, success in the agricultural sector is impossible without decent legal support for agricultural development. Summing up the general result, it should be noted that the improvement of agricultural legislation is currently a necessary and indispensable condition for the reconstruction, and in the future, the development of the agro-industrial complex. The development of agrarian laws is the most important task of modern economists and agricultural lawyers.

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