



LEGAL PROTECTION AND USE OF CULTURAL HERITAGE OBJECTS

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Abstract

This article examines the measures for the preservation, legal protection and use of cultural heritage objects, and their transfer to future generations in their entirety. The article studies and analyzes the opinions of historians, historians and lawyers. As a result of studying the opinions of historians and historians, practical proposals are made on the preservation of cultural heritage objects, and legal measures for the legal protection of cultural heritage objects are revealed by lawyers. As a result of this scientific research, articles, legislative acts, literature, archival information and other decisions on the legal protection of cultural heritage objects of the Republic of Uzbekistan were studied and analyzed.

Keywords: Cultural heritage, monument, ensemble, monument.

INTRODUCTION:

Today, significant work is being carried out in the world in the field of preservation and effective use of cultural heritage and architectural monuments. However, issues such as the fact that in the repair and restoration of architectural monuments in regional historical cities, traditional methods and principles inherent in them are sometimes not taken into account, the use of unscientific solutions and, as a result, their incompatibility with the environment of historical cities, indicate that there are still some shortcomings in this area. In this regard, there is a need to study and take into account the progressive architectural traditions that have been historically formed in world architecture and developed on the basis of national values and have reached us. It is no secret to anyone how many cultural heritage sites we know and do not know in our country, it is advisable to identify the monuments in need of repair, develop a repair project by specialists, and carry out repair work.

The systematic adoption of international documents such as the Convention Concerning the Protection of the World Cultural and Natural Heritage (1972) by authoritative organizations such as the UN, UNESCO, and ICOMOS; the International Charter for the Protection of Historic Cities (Washington Charter, 1987); the Basic Rules for the Registration of Monuments, Groups of Structures and Places of Interest (1996); the Basic Rules for the Analysis, Conservation and Restoration of Architectural



Heritage (2003); and the Xi'an Declaration on the Preservation of the Surroundings of Structures and Ruins of Objects of Cultural Heritage (2005) demonstrate the importance of this area.

From the first years of independence, the protection of cultural heritage sites has been elevated to the level of state policy. In 2001, the State Resolution “On the Protection and Use of Cultural Heritage Sites” was adopted. The Strategy of Actions for the Rapid Development of our Country set out measures to further improve urban planning and architecture, and to solve problems related to the preservation and rational use of architectural monuments. “Cultural heritage sites are the invaluable wealth of the people, and it is the duty of all of us to preserve them and pass them on to future generations. We still have many tasks to do in preserving and restoring historical monuments in our country, and in beautifying the places of our great ancestors.” Therefore, if we take into account the need to repair the existing registered architectural monuments in our republic over time and their inclusion in the constantly developing tourism routes in our country, the relevance and necessity of the topic of this monograph becomes even more evident. The program of additional measures on “Further improvement of the sphere of protection and use of cultural heritage objects” was approved by the Resolution of the President of the Republic of Uzbekistan No. 200 dated July 21, 2014, the Decrees No. PF-5030 dated May 1, 2017 “On measures to radically improve the activities of the State Committee for Architecture and Construction of the Republic of Uzbekistan”, “On the Strategy of Actions for the Further Development of the Republic of Uzbekistan” dated February 7, 2017, and other regulatory and legal documents related to this area, as well as the repair of existing architectural monuments in our republic This research will serve to a certain extent in implementing the tasks set for preserving and passing them on to the next generation.

KEY WORDS :

Cultural heritage is the tangible and intangible heritage of a group or society inherited from its ancestors. Not all ancestral heritage is “cultural heritage”; rather, cultural heritage is the product of the choices made by society. Cultural heritage includes tangible cultures (such as buildings, monuments , landscapes, archival materials, books, works of art and artifacts), intangible cultures (such as folklore, traditions, language and knowledge), and natural heritage , such as biological diversity (including culturally significant landscapes). [2] These terms are often used in relation to issues related to the protection of indigenous intellectual property. [3]

The legal protection of cultural property is protected by a number of international treaties, domestic laws, and international agreements. The United Nations Organization , UNESCO and Blue Shield International, which are organizations involved in the protection of cultural heritage. This also applies to the integration of United Nations peacekeeping.

According to the opinion of Professor of SamDAQU, PhD in History **ASUralov**, it is known that when we say cultural heritage objects, we mean not only architectural or urban planning monuments, but cultural heritage objects in general are much broader and affect other areas as well. If we speak from an architectural point of view, we, as architects, include mainly these buildings and structures, architectural monuments , urban planning monuments, which have remained from the past, which



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have been preserved or not, from the past. Now, if we come to the issue of using such objects, the number of objects that have been preserved to us is very large, and unfortunately, the number of those that have not been preserved to us is even greater. We need to find ways to preserve, repair and use these preserved things well, pass them on to future generations. Today, it is known that tourism is developing very much. Tourism is not only in our republic, but also has international significance, in this regard, urban planning and architectural monuments within cultural heritage sites are also of great importance in serving cultural and tourist needs. When we talk about the use of cultural heritage sites, we should pay more attention to this aspect. Today, we really need to take measures to preserve, repair and protect cultural heritage sites, what is the purpose of protecting their specific zones? The purpose is, first of all, to pass on this heritage, a very large heritage, to future generations, and, in addition, we need to find ways to effectively use it today. How do we use them in these ways of use? One of its effective ways is to use those objects for today's social needs, for example, for tourist purposes. So, if we use this heritage effectively, they will be preserved for future generations, if we pay attention to them every day, then the goal is not to simply repair the objects, but to effectively preserve and use them today and in the future, they are of great importance in improving the country's economy, increasing the funds received from tourism. That is why we need to preserve cultural heritage objects, including the above-mentioned urban architectural objects, and their use is viewed from this perspective. Now, if we turn to the issue of their legal protection, we can confirm that this is indeed recognized in the Constitution of the Republic of Uzbekistan. Now, to protect them, not to negatively affect them, not to allow their destruction, we even turn to our Constitution from this perspective. Each of us, whether an architect or another person, is responsible for this, so we need to pay special attention to this, understand the concept of legal protection correctly, and implement such legal protection, understanding the culture of preserving and protecting our cultural heritage objects in order to pass them on to future generations, without leaving the matter to specialists. What can we do about it? When such situations occur, that is, when objects begin to deteriorate, there will be deterioration due to objective and subjective reasons, we have a hot, dry climate, snow, rain in winter, earthquakes, and of course, for these reasons, deterioration naturally begins. In addition, during its operation, the foundation of the facility is destroyed due to errors, especially when water leaks from the roof and enters the facility. If we, ordinary citizens, see such situations, we have the opportunity to report them to the relevant organizations, report them, and generally raise awareness. This is not just our opportunity, but our duty, an immutable truth written in our constitution.

The protection of cultural heritage is of great importance in our modern life. Therefore, we are an experienced lawyer, a lawyer from the Tashkent city law firm "JUSTICYe LAW", We talked with Makhammadiyev Sherzod Elmuradovich and learned about the importance of legal protection of cultural heritage sites. According to Sherzod Elmuradovich, it is our duty to protect cultural heritage sites. "By legal protection of cultural heritage, we must understand the protection of cultural monuments from all dangers, including vandalism, illegal excavations in places where cultural heritage sites are located, and natural disasters," he emphasizes. In addition, he repeatedly reiterates the need to protect cultural sites from tourism pressure, suggesting that protective barriers be installed to



prevent the monuments from being touched by hand as much as possible. There are also cases of the appropriation of certain historical environments by entrepreneurs or local residents, we must prevent such situations and take the necessary measures. Serkatnov believes that in order to protect monuments located near roads, restrictions should be imposed on the movement of certain types of transport, for example, trucks can damage objects. In addition, it is necessary to prevent factors that destroy historical significance and lead to the loss of historical significance, for example, although it is emphasized that modern high-rise buildings should not be built near monuments, we are witnessing such constructions in some places. He emphasizes that these and similar problems should be resolved legally.

Professor Mamatmusayev Tokhir Shaydulovich of the State University of Culture and Arts, today there are many cultural heritage sites in our country that are under state protection. Many regulatory documents have been adopted on the protection of cultural heritage sites. The most important of them is the Law "On the Protection and Use of Cultural Heritage Sites". This Law establishes the procedure for identifying, registering, protecting, repairing and using cultural heritage sites. As we all know, activities on cultural heritage sites are coordinated by the Cultural Heritage Agency, local khokimiyats and relevant ministries. Cultural heritage sites can be in various forms, including archaeological monuments (underground), architectural monuments (aboveground), attractions and art monuments. In Uzbekistan, more and more architectural monuments are being used in various directions. They are being adapted for other functions, and are also being used as tourist attractions while being preserved in their original form. The main problem we have now is the use of archaeological monuments. Because archaeological monuments are located underground, they need to be excavated. There are more than four thousand archaeological sites in our country. Excavating them requires a lot of time, effort and money. Most of the excavated archaeological sites are now buried again. Because they are built of raw bricks, adobe and similar building materials. Leaving them open leads to the destruction of cultural heritage sites. Some archaeological sites are currently closed or conserved and used as "open-air museums" for tourists. But their number is very small. In general, it is advisable for experts to conduct research on the preservation of archaeological monuments after they have been excavated.

Conclusion

We are currently living in a rapidly developing era. It is no secret that every part of our life is connected with digital technologies. As a result of scientific research, it can be concluded that there are not many scientific articles on the digitization of cultural objects in the Republic of Uzbekistan. This is primarily due to the fact that Uzbekistan is among the developing countries. We can protect historical information, architectural monuments and centuries of art from natural disasters and obsolescence by storing them in digital format. Digitized cultural objects provide students and scientists with open research without having to see physical objects. Digitization is also a convenient tool for the restoration process, facts based on accurate numbers are certainly superior to expert estimates. This process did not enter the international arena yesterday, Italy is one of the countries with the largest number of historical monuments in the world. Italian scientists have digitized many historical monuments



through the “Digital Library of Cultural Heritage” project. Uzbekistan has not completely abandoned the means of digitizing cultural objects, for example, the "Virtual Museum of Uzbekistan" was launched based on the Resolution of the Cabinet of Ministers No. 295 dated 20.05.2024, but the issue of digitizing cultural heritage objects has been somewhat neglected in scientific articles and other legislative documents.

Another gap in scientific articles on the protection of cultural heritage is the lack of real facts. Scientific articles often talk about the dangers of urbanization, emphasize caution in the process of urbanization, but there is a lack of ideas about how these processes damage cultural objects and cultural heritage that has lost its historical significance. The Shahi Zinda ensemble is located in Samarkand, and due to restoration work carried out in this complex, UNESCO experts assessed it as contrary to historical authenticity in 2015-2020, but such critical views are not discussed in domestic publications of the Republic of Uzbekistan and scientific articles by scientists.

Another issue that needs to be addressed is what is the purpose of restoration? Many articles emphasize the possibility of developing tourism through cultural heritage. Questions such as “But isn’t the main purpose of protecting cultural heritage to pass these objects on to future generations?” also arise. In fact, according to UNESCO and ICOMOS standards, the participation of local communities in the protection of cultural heritage is mandatory. However, these issues are not mentioned in articles published on the territory of the Republic of Uzbekistan, which leads to criticism that “restoration is aimed at developing tourism rather than preserving national values.” We need to combine national values with economic interests.

There are also some gaps in the financing of cultural objects. Financing of cultural heritage is mainly carried out by the state budget, with relatively little private sector participation. Due to the relatively low level of sponsorship and charity, private sponsors, companies, and foundations are refraining from participating in this process. The private sector can also be directed to the protection of cultural heritage by introducing a preferential tax system. Special attention should also be paid to the issue of transparency. Many sources talk about the allocation of funds from the state budget for cultural heritage, but the amount of funds allocated and how they were spent are often left out. If each restoration or reconstruction project is constantly announced, the public's attention to historical monuments will increase. It would be appropriate to solve the issue of financing based on international experience. For example, France has channeled lottery revenue into a heritage fund through the Heritage Lottery, while Italy has launched projects to encourage sponsorship through tax incentives.

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