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Prospects for improving the environmental legislation of Uzbekistan and the Republic of Karakalpakstan

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Prospects for improving the environmental legislation of Uzbekistan and the Republic of Karakalpakstan

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Abstract. The article examines the conceptual and methodological foundations for the development of environmental legislation in the Republic of Uzbekistan and the Republic of Karakalpakstan in the context of modern reforms and the improvement of the healthcare system. Attention is also paid to improving environmental legislation aimed at ensuring citizens' rights to a favorable environment, implementing real mechanisms for applying disciplinary, civil, administrative, and criminal sanctions for environmental violations. The article analyzes legislative measures aimed at improving environmental legislation in the republic.

INTRODUCTION

In the concept of "environmental legislation", there are two independent, but related terms that require detailed consideration and precise definition: "legislation" and "environmental".

In the theory of law, there is no unambiguous approach to the definition of the term "legislation". However, most researchers of the concept of legislation agree that it is "an external form of expression of objective law, those acts in which the will of the ruling class is embodied and formally fixed in the form of universally binding rules". Depending on the range of normative legal acts included in this concept: legislation is considered either in a broad or narrow sense.

In a broad sense, it is expressed either in the inclusion in this concept of the entire set of normative acts issued in the country, or in the fact that it consists only of acts of the highest representative body and the Government. It is logical to include the normative decrees of the President of the Republic of Uzbekistan in this understanding of legislation.

In a narrow sense, in the modern understanding, it consists either only of laws or normative acts of the highest legislative body, or represents a system of normative acts issued by the highest bodies of state power and administration.

Consequently, the second of the presented approaches to understanding legislation in a broad sense coincides with the second view on understanding legislation in a narrow sense. In other words, one can derive three main varieties of interpreting the term "legislation" in accordance with the existing structure of state bodies: 1) this is the entire complex of normative legal acts issued in the Republic of Uzbekistan; 2) this is a set of normative legal acts of the highest legislative body, the President of Uzbekistan and the Government of Uzbekistan, as well as the relevant state bodies of the Republic of Karakalpakstan; 3) this is a set of laws adopted at the level of the Republic of Uzbekistan and the Republic of Karakalpakstan.

RESULTS

The ecological situation in Uzbekistan, including the Republic of Karakalpakstan, requires the implementation of a scientifically based state policy aimed at environmental protection, rational use of natural resources, and ensuring the environmental safety of the population. For this very reason, the strategic goal of our state's environmental policy is the sustainable development of society, improving the quality of life, preserving the ecological system to ensure

citizens' right to a favorable environment, improving the state of natural resources, and supporting their integrity and life support functions [1, 48].

In turn, when assessing the effectiveness of the implementation of state policy, which includes the above goals, it should be recognized that, first of all, ensuring human rights, including the right of citizens to a favorable environment, is one of the main indicators. At the same time, it cannot be said that ensuring this right is fully realized not only in our country, but also in the world community. Objective factors include: insufficient financing of environmental protection activities; rapid development of urbanization processes; changing climatic conditions, and others. Subjective factors are manifested in the following: the extensive development of industry and agriculture, the fact that the norms of national legislation are not at the level of environmental requirements, environmental management is not aimed at ensuring environmental quality, the level of ecological and legal awareness and culture of the population is quite low, environmental education, propaganda and awareness-raising work is not properly organized, and others.

At the same time, life itself testifies to the fact that in the Republic of Karakalpakstan, the right of citizens to a favorable environment cannot be ensured only by improving environmental legislation. It is necessary to seek solutions to these pressing problems in all spheres of the state and society, that is, in economic, social, and political life. Here we are talking about the need for fundamental changes in environmental policy aimed at the sustainable development of our republic. In this regard, first of all, based on the concept of sustainable development, it is necessary to develop a thorough environmental policy in Uzbekistan, in particular in the Republic of Karakalpakstan, to clarify it in accordance with modern requirements, to define the content and essence of environmental policy from the point of view of human rights, to indicate principles and actions aimed at the future.

First of all, the "Sustainable Development Strategy of the Republic of Uzbekistan" should also be expressed as a national law with supreme legal force. When developing a sustainable development strategy, real economic opportunities, social and environmental conditions must be taken into account. Evaluation, planning of policy-making actions, their implementation, monitoring, and constant informatization should also cover the content of measures in this area.

In the sustainable development strategy, the individual becomes an important subject of state environmental policy. This policy should be aimed at respecting the environmental rights and interests of other peoples living in the region, creating political, economic, social, and legal conditions for the realization of the constitutional rights of every citizen to a favorable environment.

It is well known that the state's environmental policy is manifested in the creation of an appropriate environmental legal framework. Analysis of the state of modern environmental legislation of the Republic of Karakalpakstan allows us to conclude that our laws in this area correspond to international standards in the field of human rights to a favorable environment, taking into account the positive experience accumulated in developed countries in ensuring the environmental interests of citizens. At the same time, improving environmental legislation, bringing it closer to international standards, and bringing it into line with the growing interests of citizens in the field of the environment is a pressing issue today.

As mentioned above, the improvement of environmental legislation begins precisely with the expression of imperative environmental conditions in the Constitutions of Uzbekistan and Karakalpakstan. In this regard, we previously noted the expediency of using the experience of constitutional legislation formed in foreign countries.

It is also necessary to indicate in the relevant laws the real mechanisms for applying disciplinary, civil, administrative, and criminal sanctions for environmental violations. This, in turn, serves as an important factor in ensuring the viability of the norms contained in these sanctions. We believe that the following aspects must be reflected in the mechanism for applying these sanctions:

- the obligation to fully compensate for damage caused by environmental offenses;
- the procedure for compensation for damage caused by environmental offenses;
- compensation for damage caused to the environment from especially dangerous sources;
- compensation for harm caused to the health of citizens due to the negative impact on the environment;
- compensation for damage caused to the property of citizens as a result of negative impact on the environment;
- claims for the termination of environmentally hazardous activities, etc.

In improving environmental legislation, it is also important to eliminate some gaps in it. In particular, the current legislation does not sufficiently regulate issues related to environmental safety, environmental insurance, environmental monitoring, public environmental control, and public environmental expertise. At the same time, it should be noted that separate research work has been carried out to address these issues. In particular, Sh.Kh. Fayziev proposes to adopt a new Law "On Environmental Protection" instead of the Law "On Environmental Protection", and in the chapter "Legal Basis for Ensuring Environmental Safety of the Population", the requirements for ensuring environmental safety in industry, agriculture, transport, and other areas, regulating relations concerning

environmentally hazardous zones, zones of ecological crisis, and zones of ecological disaster [2, 342-343], M.M. Nurmatov proposes to adopt a Regulation "On Environmental Insurance" [3, 168-175], and Kh.R. Isanov proposes to adopt a Law "On Environmental Monitoring" [4, 115-125].

In our opinion, Article 27 of the Law "On Environmental Protection" [5, 7] should provide for the further development of public environmental expertise as the main guarantee of public participation, in particular, including citizens' self-government bodies among its subjects; its financial support should be carried out not only by a public association or citizens who have initiated such an initiative, but also by the subject whose activities are requested for public environmental expertise. At the level of state policy, attention is paid to the further development of environmental and legal norms aimed at expanding public participation in the context of building a civil society.

In general, the improvement of this area requires the solution of a number of tasks: a) elimination of gaps and contradictions in current legislation; b) creation of organizational mechanisms that reflect legal, organizational, economic, and ideological methods of influencing the subjects of environmental relations; c) clear delineation of the sphere of legal regulation of environmental relations of the legislation of the Republic of Uzbekistan and the Republic of Karakalpakstan; d) preparation of a regulatory framework for the phased codification of environmental legislation; e) ensuring the compliance of the environmental legislation of Uzbekistan, including Karakalpakstan, with the norms of international law and bringing it closer to the legislation of developed countries (in particular, the CIS countries) on environmental protection. Based on the analysis and generalization of approaches in scientific research on this issue, as well as current environmental legislation, it is necessary to develop a Concept for the Development of Environmental Legislation of the Republic of Karakalpakstan.

In this case, the necessary stage in the development of the concept is the definition of the main directions for the development of environmental legislation. At the same time, the following areas are envisaged: 1) introduction of amendments and additions to existing regulatory legal acts; 2) presentation of current regulatory legal acts in a new edition (from the legal point of view - a type of the first direction); 3) cancellation of existing and adoption of new regulatory legal acts; 4) development of new regulatory legal acts on unregulated social relations.

When analyzing the possible paths of development of environmental legislation, it is necessary to remember that the development process should proceed from simple to complex. That is, the adoption of a new version of a normative legal act is allowed only if the volume of amendments and additions to the current law is large. After all, the adoption of a new normative legal act instead of the current one is important only when it is impossible to apply the previous two methods of developing environmental legislation.

In this regard, as rightly noted in the scientific literature, an incorrect assessment of the form of the new version of the law leads to the adoption of unnecessary normative acts, the repetition of certain legal norms in various acts, and the emergence of contradictions between normative legal acts [6, 11].

In the process of developing the Concept for the Development of Environmental Legislation, first of all, it is necessary to pay attention to the information support of this activity, that is, it should provide for the following: collection of relevant information on current regulatory legal acts included in the system of environmental legislation and similar legislative acts of foreign countries; collection and generalization of information on the practice of applying environmental legislation and its effectiveness, as well as relevant statistical data; generalization of approaches to improving environmental legislation put forward in scientific literature, etc.

As noted above, one of the most important factors in improving environmental legislation is the safety of the environment in which each person lives and the "environmentally hazardous" objects located in it for health and life, the fact that measures aimed at preventing losses in the event of any catastrophe at these objects are planned in advance, and most importantly, awareness of environmental legislation. If the population is not convinced of the safety of the reservoir in their area or is unaware of its malfunctions, and also if they are unaware of the safety measures taken during a flood caused by an accident at this reservoir, this should be considered a criminal attitude towards ensuring environmental safety. The same can be said about "toxic" industrial enterprises, objects and substances with a high risk of fire or explosion, rivers and canals, built-up residential buildings, settlement areas, subsoil use facilities, and other objects that can pose a danger. Therefore, having detailed and objective information about objects (events) that can be sources of environmental danger is one of the main factors guaranteeing people's rights to an environmentally safe environment.

The widespread use of information and communication technologies in social reality accelerates the integration of our republic into the developing world community and forms a national system of informatization. At the same time, environmental legal informatization also serves as an important factor in the implementation of the country's environmental function. Because the state carries out its activities in this area on legal grounds. Environmental legal informatization is an important tool for raising the environmental legal awareness and culture of the population. Awareness of the basics of environmental legislation has a positive impact on the prevention of environmental offenses

among citizens.

The right to environmental information is recognized worldwide as one of the most important human rights. This right is enshrined in Article 19 of the Universal Declaration of Human Rights [7, 6]. The Rio de Janeiro Declaration on Environmental Protection and Development [8, 3] also enshrined the right of every person to receive information on the environment at the national level, which is at the disposal of state bodies (Principle 10).

Of course, today, due to the increase in the volume of regulatory legal acts included in the legislative system on environmental protection, it is natural that improving legislation requires a lot of time and significant funds. In turn, the state budget of the Republic of Uzbekistan and the Republic of Karakalpakstan, environmental insurance funds, financial support from international organizations and other environmental public organizations, and environmental rent from enterprises that organize economic activities in exchange for the use of natural resources can be cited as the financial basis for improving environmental legislation. Within the framework of the Concept for Improving Environmental Legislation and from the point of view of developing the legal framework for financing environmental activities, we consider it expedient to include in the Tax Code the Laws of the Republic of Uzbekistan, as well as the Republic of Karakalpakstan "On Environmental Funds", "On Environmental Insurance", as well as norms providing for certain benefits for enterprises using environmentally friendly, safe, secondary raw materials.

Scientific support for the development of environmental legislation requires the involvement of representatives of natural and environmental sciences, along with lawyers, at all stages of this process. Consequently, on this basis, it is possible to predict the impact of the adoption of a certain environmental law not only on today's social reality, but also on the future environmental situation. In this regard, it is advisable to create special working groups with the participation of environmental law scholars and practicing specialists in the field of ecology, as mentioned above, to develop a Concept for the Development of Environmental Legislation. Furthermore, studying the legislation of foreign countries, taking into account Uzbekistan's international obligations, and acting based on historical experience will also contribute to improving the quality and effectiveness of this concept.

Ideological support for the development of environmental legislation includes raising the environmental legal awareness and culture of society with the help of mass media, environmental education and training, and environmental ethics. In this regard, one of the main goals of improving environmental legislation should be to increase the effectiveness of the activities of environmental mass media, introduce a system of continuous environmental education in educational institutions, and enshrine the legal basis of environmental advocacy and awareness-raising work in current environmental legislation.

CONCLUSIONS

In conclusion, the main result of creating a concept for the development of environmental legislation and its implementation should be ensuring environmental protection and environmental safety, rational use of natural resources in modern conditions, effective guarantees of citizens' rights to a favorable environment, and, on this basis, the creation of a sustainable environmental legal system.

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