



## Legal Analyze of Ecological Norms in the Constitution of the Republic of Uzbekistan

*Mamanarov Khayitmurot*

*Law faculty of Termez state university*

*Lecturer of the department*

*“The theory and history of state and law”*

*E-mail: [mamanarov\\_kh@gmail.com](mailto:mamanarov_kh@gmail.com)*

**Abstract:** In this article legal analyzed of ecological norms in the constitution of the republic of Uzbekistan. Moreover in this article focused on environmental protection and rational use of natural resources and regulation by law of its. In addition, some articles of the constitution of the republic of Uzbekistan also analyzed one by one. As a result of analyzed norms author tried to give some suggestions and recommendation for the development of ecological legislation of Uzbekistan.

**Keywords:** ecology, environment, legal norms, constitution, Uzbekistan, protection of ecology, legal analyze, law, nature

### INTRODUCTION

Environmental protection and rational use of natural resources are recognized as one of the main requirements for maintaining individual society, ensuring national security and sustainable development at the present stage of civilization development. In particular, at present, the problem of ecology manifests itself in extremely serious manifestations of risk, such as the reduction of biodiversity worldwide, environmental pollution, water scarcity, reduced soil fertility, depletion of the ozone layer, an increase in the average temperature of atmospheric air, exposure to human life and health to various environmental threats.

Referring to the fact that this problem is of a global nature, the President of the Republic of Uzbekistan Sh.Mirziyoyev noted in his speech at the 72nd session of the UN General Assembly: "I would like to draw your attention once again to one of the most acute environmental problems of our time - the island catastrophe, the elimination of the consequences associated with the construction of the sea requires active integration of international efforts." [1]

Also, speaking about the relevance of the environmental problem, the President of the Republic of Uzbekistan Sh.Mirziyoyev rightly noted: "... the issue of providing the population with clean drinking water, especially in rural areas, remains relevant. The issue of collection, processing and disposal of household waste is also the most difficult problem we face. We need to seriously think about the most important issue – improving the ecological culture of the population."

According to the data, today there are various diseases in the world associated with the deterioration of the ecological situation, the penetration of the animal and plant world, the disappearance of their unique species, the mass morbidity of people, a decrease in average life expectancy, the emergence of new diseases associated with a violation of the metabolism of substances in the human body, the reason Today the imbalance in ecoticism turned out to be so serious that as a result, the problem of practical ensuring the right of people to a comfortable ecological environment becomes urgent. [2]

I must say that nature and society will be in a mutually inextricable connection and close relationship with each other. This requires continuity and interaction in order to comply with the general laws of nature, to be in equal balance with each other. Otherwise, this imbalance would cause serious negative states and would endanger the survival of a living being. Consequently, the protection of the natural environment is one of the global, most urgent problems that requires regulation on the basis of the Basic Law of the state, that is, the Constitution. Proceeding from this, it should be said that among the most important public relations regulated on the basis of the Constitution is the protection of the natural environment, that is, environmental relations.

For this reason, it is worth noting that articles 50, 54, 55 and 100 of the Constitution of the Republic of Uzbekistan enshrine the strengthening of environmental legal norms related to the protection of the natural environment and the rational use of natural resources. These constitutional and legal norms establish the basic principles of environmental protection and the health of citizens. The Constitution of the Republic of Uzbekistan establishes that natural objects are national property, they must be used rationally and effectively, protected by the State in a special manner (article 55).

### **ANALYZE AND RESULT**

In the modern sense, the Constitution is a complex historical, social and legal phenomenon, which in a political and legal form establishes the foundations of the relationship between the state and society, and also acts as a logical continuation of the democratic development of a civilized state. It is constructive in nature, representing the legal basis for the successful functioning of civil society institutions and the rule of law, for the proper realization of human and civil rights and freedoms.

The Constitution (from Lat. "constitution" – "establishment, device") is a fundamental normative legal act, acting as a starting point of the legal principle not only in relation to the current, but also in relation to the constitutional laws themselves. The Constitution of independent Uzbekistan, a new subject of international law, adopted on December 8, 1992 at the XI session of the Supreme Council of the Republic of Uzbekistan, reflecting the accumulated experience of the constitutional development of democratic states, complies with international standards of constitutional lawmaking and is designed to guarantee the state's observance of human rights and freedoms.

The Constitution of the Republic of Uzbekistan, as noted by President Sh.Mirziyoyev, – is a qualitatively new document in its core essence, philosophy, ideals. Of all the world values, we have singled out the greatest – man and on this basis we sought to find a rational legal solution to the relationship between a citizen, society and the state." Confirmation of this statement is art . 13 of the Constitution of the Republic of Uzbekistan, which states that "Democracy in the Republic of Uzbekistan is based on universal principles, according to which the highest value is a person, his life, freedom, honor, dignity and other inalienable rights."

It should be noted that the norms of the Basic Law of our country are also permeated with the ideas of environmental protection, careful attitude to the environment, rational use of natural resources. In particular, environmental issues are regulated in such chapters of the Constitution of Uzbekistan as "Duties of citizens" (Chapter XI), "Economic foundations of society" (Chapter XII), "Oliy Majlis of the Republic of Uzbekistan" (Chapter XVIII) and "Fundamentals of local government" (Chapter XXI), compliance with which is guaranteed by the Constitution. There can be no doubt that the consolidation of ecological and legal relations at the constitutional level is an important legal guarantee of their implementation.

Speaking about the potential of constitutional provisions as general, as well as specialized environmental ones, I mean that they define specific tasks for the development of environmental law. For example, the constitutional norm on the protection of lands and other natural resources is addressed to all subjects of environmental law, including the state. For state bodies, this norm implies the task of creating legislative mechanisms that ensure rational use of natural resources and environmental protection, as well as their implementation. [3]

So further, we will consider in more detail exactly the constitutional foundations of the environmental powers of public authorities and management. In particular, based on Article 78 of the Constitution of the Republic of Uzbekistan, it can be concluded that the joint competence of the Legislative Chamber and the Senate of the Oliy Majlis of the Republic of Uzbekistan includes the adoption, introduction of amendments and additions to laws aimed at regulating environmental legal relations.

In particular, it should be noted that about 30 laws have been adopted in our country aimed at regulating relations in the field of nature protection, nature management and ensuring environmental safety. As an example, the Land Code, the laws "On Nature Protection", "On Subsoil" (New edition), "On water and water Use", "On Protection and Use of Flora", "On Protection and use of Wildlife", "On Forest", "On Protection of atmospheric air" can be cited, "On protected natural territories", "On waste", "On the State Land Cadastre", "On environmental expertise", "On environmental control", "On sanitary and epidemiological welfare of the population", etc.

The Oliy Majlis also determines the main directions of the internal and external environmental policy of the Republic of Uzbekistan and adopts strategic state programs in the field of ecology. Thus, the definition of the main directions of the foreign environmental policy of the Republic of Uzbekistan is carried out through the ratification and denunciation of international treaties in this area [2, p. 22]. To clarify the above, the Oliy Majlis has ratified (joined) about a dozen international acts, such as the Convention on the Conservation of Biodiversity (1995), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (1997), Bonn Convention "On the Protection of Migratory Species of Wild Animals" (1998), Ramsar Convention "On Wetlands of International Importance, Especially as Habitats for Waterfowl" (2001), Vienna Convention "On the Protection of the Ozone Layer" (1993), Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (1995). In addition, the Oliy Majlis annually adopts the State Budget of the Republic of Uzbekistan and monitors its execution. Moreover, according to the latest amendments to Article 78 of the Constitution of 2014, the Oliy Majlis exercises parliamentary control in the field of ecology.

The Oliy Majlis also establishes taxes and other mandatory payments. In particular, the Law of December 27, 2005 No. ZRU-17 abolished the environmental tax in the Republic of Uzbekistan. The Oliy Majlis is also authorized to approve decrees of the President of the Republic of Uzbekistan on the formation and abolition of ministries, state committees and other public administration bodies in the field of ecology. For example, Presidential resolutions on the formation of the Ministry of Agriculture and Water Resources (November 01, 1996), Presidential Decree on the formation of the State Committee of the Republic of Uzbekistan on Land Resources, Geodesy, Cartography and State Cadastre (October 15, 2004), etc. were approved by the Oliy Majlis.

In addition to the above, according to Article 80 of the Constitution, the exclusive powers of the Senate of the Oliy Majlis of the Republic of Uzbekistan include the appointment and dismissal of the Chairman of the State Committee of the Republic of Uzbekistan for Nature Protection on the proposal of the President of the Republic of Uzbekistan, as well as hearing his reports (paragraphs 5, 12). So, following the results of hearing the report of the Chairman of the State Committee of the Republic of Uzbekistan on Nature Protection on the activities of the State Committee in 2014, the Senate was to adopt Resolution No. SK-36-III dated May 16, 2015, which provides recommendations and assessment for the activities of the committee.

The President of the Republic of Uzbekistan is vested with important powers in the field of ecology. In particular, according to Article 93, the President of the Republic of Uzbekistan: negotiates and signs contracts and agreements of the Republic of Uzbekistan, ensures compliance with the contracts concluded by the Republic, agreements and obligations assumed by it; forms and abolishes ministries, state committees and other public administration bodies on the proposal of the Cabinet of Ministers of

the Republic of Uzbekistan, followed by the introduction of decrees on these issues for approval by the chambers Oliy Majlis of the Republic of Uzbekistan; submits candidates to the Senate of the Oliy Majlis of the Republic of Uzbekistan for the position of Chairman of the State Committee of the Republic of Uzbekistan for Nature Protection; in exceptional cases of major disasters, natural disasters, epidemics, introduces a state of emergency, etc.

It should be noted that the adoption by the President of the Republic of Uzbekistan of decrees "On measures for the further development of alternative energy sources" dated March 01, 2013, "On measures to further improve the organization of activities and development of farming in Uzbekistan" dated October 22, 2012, "On measures to comply with the rule of law in the reorganization and optimization of the size of farm plots" dated April 18, 2011, "On approval of the Regulations on the Procedure for Issuing Licenses for the Right to Use Subsurface Areas Containing Non-metallic Minerals" dated May 02, 2011, etc. they have become an important incentive in the field of nature protection and rational use of natural resources.

Also, the Presidential Decree of December 25, 2013 approved the tax rates for the use of water resources, subsoil, land tax and unified land tax. The role and powers of the Cabinet of Ministers of the Republic of Uzbekistan in the field of ecology are also important. In particular, based on Article 98 of the Constitution, it can be concluded that the Cabinet of Ministers is responsible for conducting an effective environmental policy, developing and implementing environmental programs; implements measures to protect environmental rights and legitimate interests of citizens; coordinates and directs the work of state and economic management bodies in the field of ecology, ensures control over their activities in accordance with the procedure established by law; ensures the implementation of laws of the Republic of Uzbekistan, decisions of the Oliy Majlis, decrees, resolutions and orders of the President of the Republic of Uzbekistan in the field of ecology; submits annual reports to the Oliy Majlis of the Republic of Uzbekistan on the most important environmental issues of the country's life.

Thus, the Cabinet of Ministers of the Republic of Uzbekistan approved the environmental protection action programs of the Republic of Uzbekistan for the period 1999-2005, 2008-2012, 2013-2017; as well as environmental monitoring programs in the Republic of Uzbekistan for 2003-2005, 2006-2010, 2011-2015.

In addition, the Cabinet of Ministers has adopted a number of resolutions that play a significant role in ensuring nature protection and rational use of natural resources. As an example, the resolutions of the Cabinet of Ministers adopted in 2014-2015, such as "On measures to implement International health regulations in the Republic of Uzbekistan" dated July 31, 2015, "On approval of the Regulations on the Republican Commission on Energy Efficiency and Development of Renewable Energy Sources" dated August 13, 2015, "On measures on further improvement of the use of flora objects" dated September 30, 2015, "On regulation of the use of biological resources and on the procedure for passing licensing procedures in the field of nature management" dated October 20, 2014, "On Approval of the Regulations on the Procedure for Maintaining a Passport of a Protected Natural Area" dated June 02, 2014, "On Approval of the Regulations on the Procedure for State Environmental Control" dated August 05, 2014, "On Approval regulations on the procedure for the development and approval of draft environmental regulations" dated January 21, 2014, etc. According to art. 100 of the Constitution of the Republic of Uzbekistan environmental protection refers to the powers of local public authorities on the ground. [9-12, 45p]

The environmental powers of local public authorities are enshrined in the Land Code, the laws "On Nature Protection", "On Subsoil" (New edition), "On Water and Water Use", "On the Protection and Use of Flora", "On the Protection and Use of Wildlife", "On Forest", "On protection of atmospheric air", "On protected natural territories", "On waste", "On the State Land Cadastre", "On Environmental Expertise", "On Environmental control", "On sanitary and epidemiological welfare of the population", "On Local government", etc. [5-7, p56]

The main powers of local public authorities are focused on the regulation of land relations. Thus, according to Article 10 of the Law "On Local Government", the khokim of the region, district, city has the right to grant land for ownership, use and lease to enterprises, institutions, organizations, dehqan farms, citizens, to terminate the rights of ownership and use of land by these entities, as well as to seize land with subsequent approval of the decisions taken by the relevant Kengash people's deputies. The Kengash of People's deputies, the khokim, in accordance with the legislation of the Republic of Uzbekistan, solve other issues in the field of land relations. The competence of local public authorities in the field of regulation of land relations is also enshrined in Article 5-6 of the Land Code.

Taking into account the above, it should be noted that an integral system of constitutional bodies in the field of ecology ensures the development and implementation of an effective environmental policy, which is aimed at realizing the right of the population to a favorable environment, ensuring rational use of natural resources and nature protection, sustainable development and environmental safety. Since environmental policy is the activity of public authorities, which makes it possible to optimally regulate the relationship between man and the environment in the socio-economic and political spheres and is aimed at environmental protection, rational use of natural resources and ensuring environmental safety in the interests of current and future generations. [8, c. 12].

### CONCLUSION

From all of the above, it can be concluded that nature protection, rational use of natural resources and ensuring environmental safety in the Republic of Uzbekistan is enshrined in the Constitution and guaranteed by the state, and also has a clearly defined legal mechanism for its implementation at the level of laws and by-laws.

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