

THE SYSTEM OF ENVIRONMENTAL LEGISLATION OF THE REPUBLIC OF KARAKALPAKSTAN

Tanirbergenov Sultanbek Bazarbaevich

Candidate for the degree of Doctor of Philosophy (PhD)

Karakalpak State University named after Berdakh, Nukus, The Republic of Uzbekistan

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Abstract. *The article is devoted to the analysis of the meaning and essence of the concept of the ecological legal system, to the actual problems of the connection between the legal system and the legal system.*

Keywords: *constitution, legal system, normative legal acts, environmental legal system, environmental safety, environmental legislation, environmental rights of citizens, environmental information, environmental education, environmental protection.*

The term system is derived from the Greek word "systeme", which in Uzbek means "whole", "consisting of parts". In the encyclopedic dictionaries of philosophy, the term "system", "system (a whole consisting of parts)" is defined as a set of parts (elements) that form a certain wholeness, interacting and communicating [1, 398].

At this point, it should be noted that a number of scholars, speaking about the legal system, are limited to citing its general comparison with the legal system. In this regard, it is necessary to highlight the following points of Prof. Z.M.Islamov: "When considering the legal system and the legislative system, they cannot be contrasted with each other or completely separated from each other (but they should be able to distinguish between them), because they are closely related events and concepts of legal life and legal science" [2, 508].

The need to consider the concepts of legal system and legal system on the basis of mutual comparison is required by the following scientific situations:

First, both the legal system and the legal system represent a single phenomenon, namely law; one internally and the other externally.

Second, the legal system and the legislative system are interrelated in terms of form and content.

Thirdly, the legal system serves as a basis for the systematization of legislation. In particular, codification, which is the highest form of systematization of legislation, is carried out on a sectoral basis. Most codified legal documents correspond to specific areas of law.

Fourth, the legal system and legal system represent the essence of the legal system of any democratic state.

Fifth, the interrelationship of the legal system and the legislative system makes it possible to implement the legal regulation of the system of social relations in a more qualitative and effective manner.

Legislation is a phenomenon that should be systematized as an external form of expression of law. Systematization significantly eases the use of legislation, creates certain conveniences for the population. In a word, the legal system is a structural structure of legislation, which is reflected in the stable grouping of normative legal documents and rules organized into legal spheres and institutions, and emerges as a common set of legal norms that

regulate social relations, based on the interrelationship between them. Their legal force serves as the main criterion in the integration of legislative documents into a single system [3, 206].

The role and importance of legislation is important in the regulation of complex environmental relations that arise in the process of environmental protection, rational use of natural resources, and environmental safety. The status and perfection of legislation in this area directly affects the effectiveness of the state's environmental policy. The successful implementation of the state environmental policy directly depends on the status and improvement of legislative documents. Therefore, gradual and systematic improvement of environmental legislation is one of the most important tasks of the state [4, 7].

The ecological legal system as one of the branches of legislation has all the characteristics of its independence and uniqueness. Distinctive features of the independent branch of legislation are, first of all, its hierarchical structure, subordination to each other and mutual compatibility of the documents that make it up, the clarification and completion of the provisions of the legally dominant document in the documents contained in it. A mandatory sign of a legislative network is the existence of a main document (several documents) that determines the content and form of other documents of this network, and their close interdependence.

Environmental legislation, while having all the common features characteristic of the legal branch, is also characterized by a number of specific features. Therefore, environmental law primarily represents a unique system of legal norms regulating environmental social relations as a branch of law. Environmental legislation is the source of environmental law and represents regulatory legal documents embodying environmental legal norms.

At this point, it should be noted that various aspects of the emergence and development of environmental legislation have been researched by environmental-legal scientists of our country [5.]. In particular, we can find an acceptable definition of environmental legislation in Sh.Kh. Fayziev's scientific research. According to it, "ecological legislation is a set of regulatory legal documents that regulate social relations that arise in the process of protecting the natural environment, using natural resources, and ensuring the environmental safety of the population" [6, 76].

While researching the system and content of the environmental legislation of Uzbekistan, Y. O. Joraev, the environmental legislation of Uzbekistan includes norms regulating the general issues of nature protection and use of natural resources, as well as a number of legislative branches: land, water, forest, mining, flora, fauna and consists of legislative documents on the use and protection of atmospheric air [7, 31].

At this point, during the study of one or another normative legal document, which is part of the environmental legislation, we can witness that they are united by the feature of environmentalization to a certain extent. However, the presence of an ecological norm in a regulatory legal document does not mean that it is fully applicable to environmental legislation. After all, ecological norms are also found in constitutional, international, civil, economic, administrative, criminal, financial legislation [8, 17].

N.K. Skripnikov conditionally divides the system of environmental legislation into four: 1) the main law of a complex nature; 2) laws on environmental relations: laws on environmental protection, use of natural resources and environmental safety; 3) ecologized laws of other branches of law; 4) environmental law and order [9, 13].

The adoption of the Constitutions of the Republic of Uzbekistan and the Republic of Karakalpakstan was an important step in the formation of all legislation, including environmental legislation. The importance of these documents in the regulation of environmental relations is incomparable, they have a higher legal force than other normative legal documents and they are directly applicable in the territory of Uzbekistan and Karakalpakstan.

At this point, it should be noted that the Constitution of the Republic of Karakalpakstan enshrines the main provisions in the field of environmental policy. It regulates the threefold activity of man in the field of ecology: use of nature, protection of the natural environment and provision of ecological safety. In particular, in the Constitution of the Republic of Karakalpakstan, the duties of citizens in the field of ecology (Article 48), taking into account ecological requirements in the use of property (Article 52), that land, mineral resources, water, flora and fauna and other natural resources are national wealth, and the need to use them wisely and issues such as the fact that they are under state protection (Article 53), the powers of local state authorities in the field of environmental protection (Article 93) have also been reflected [10, 123].

As the highest and most basic level of environmental legislation, the laws on protection of the natural environment, use of natural resources and provision of environmental safety are shown. They are followed by normative legal documents related to the use of natural resources and protection of the natural environment. This framework is completed by the documents of other legislative branches, which already embody special environmental legal norms.

Constitutional provisions regulating ecological relations, laws of the Republic of Uzbekistan and the Republic of Karakalpakstan; decrees and orders of the President of the Republic of Uzbekistan and decisions of the Chairman of the Dzhokorgi Council of the Republic of Karakalpakstan; Decisions of the Cabinet of Ministers of the Republic of Uzbekistan and the Council of Ministers of the Republic of Karakalpakstan, normative documents of specially authorized state management bodies and local state authorities form the system of environmental legislation documents. At the same time, in the legal literature, the environmental legal system is classified as follows:

1. Sources of legal force - laws and statutory documents.
2. According to directions of regulation of ecological relations: environmental protection legislation; legislation on the rational use of natural resources; legislation to ensure environmental safety of the population.
3. On the subject of regulation of relations: general and special environmental legislation documents.
4. Legislative documents of material and procedural significance regarding the state of legal regulation.
5. Simple and codified documents on the system of legislative documents.
6. According to scope of application of legislative documents: territorial-regional; on the republican scale; international documents [11, 46].

Ecologist A. Nigmatov, unlike Sh. Fayziev, classifies the system of environmental legislation as follows:

-according to the purpose and task: protection of the natural environment, rational use of natural resources;

-according to the scope of application: local, national, regional (regional);

- according to the legal force: constitutional, legal, normative under the law;
- according to orientation: protection of the natural environment, restoration of nature, reproduction of resource capacity, environmental sanitation and health improvement; on rational use of natural resources;
- according to regulation: general; special;
- according to the degree of greening: greened, insufficiently greened, not greened;
- according to its use in the national economy: generalized, branched, functionalized;
- according to the state of legal norms: material, procedural [12, 64].

At the same time, Sh.Kh. Fayziev's approach regarding the classification of environmental legislation can be considered logically appropriate. In our opinion, the classification of A. Nigmatov in this regard was carried out contrary not only to legal theory, but also to the rules of ecological law. For example, a scientist divides ecological laws into environmental protection and rational use of natural resources according to their purpose and function. The question arises, is the scientist not aware of the requirements for environmental legislation in recent years? The goals and objectives of the legislation in this field are focused on ensuring their mutual harmony (compatibility) rather than dividing the environmental protection and rational use of natural resources into two. For example, the laws of the Republic of Uzbekistan "On water and water use", "On protection and use of flora", "On protection and use of animal world" are proof of our opinion that the goals in this regard are given in harmony. After all, it is clear as day that the use of nature cannot take place without its protection.

Environmental laws are closely related to laws of other spheres and have in common the application of principles, methods, and rules of regulation of social relations. But in addition to this, it also has its own characteristics, which differ from the content of other legal documents. They are important, firstly, they recognize the priority of natural laws in the regulation of social relations in the field of ecology, and secondly, they use all available means and measures of the society-state in the protection of the natural environment and the rational use of natural resources.

Environmental legislation documents firstly combine the priority laws of nature with society-state legislative documents, and secondly, in defining and guaranteeing the legal status of environmental protection and their use, other areas of law, i.e. constitutional law, administrative law, labor law, financial law, agricultural law directs the legislative documents of others to solve environmental issues.

The ecological legal system is divided into small systems according to the type of ecological relations. They include normative legal acts that regulate relations on a) protection of the natural environment and ecological safety - according to the legal acts of protection of the natural environment, b) use of nature - according to the legal acts of natural resources.

In the Republic of Karakalpakstan, the laws aimed at protecting the natural environment can be referred to as the laws "On nature conservation" dated March 3, 2006, "On natural areas of crows" dated August 29, 2005, and "Ecological expertise" dated October 5, 2007.

The legal documents of the Republic of Karakalpakstan on the use of natural resources are "About Jer" dated August 29, 2006, "Jer asty baylyqlary haggkynd" dated November 12, 2003, "Hayoanat dunyasyn korgao' ham onnan paidalanyo' haggkynd" dated December 30, 2017, October 14, 2010 Laws on the use of land, on March 22, 2022, on Togay, and on December 15, 1997, are the laws. As can be seen from the above, legal regulation of relations regarding the use

of natural resources is carried out either in relation to specific types of natural resources (land, water, underground, etc.) or in relation to their location (separate economic zone).

At this point, it is worth mentioning that the legislative system is defined more clearly than the legal system. Because it is always a clear set of normative legal acts. At the same time, the law consisting of a set of legal norms has unclear boundaries: environmental law includes not only norms of environmental legislation, but also norms of other spheres of legislation, which are seen as an element of greening of this sphere.

The normative legal documents of the Cabinet of Ministers of the Republic of Uzbekistan and the Council of Ministers of the Republic of Karakalpakstan are an important component of environmental legislation. Depending on the instrument of legal regulation, the normative legal documents of the Governments of the Republic of Uzbekistan and Karakalpakstan can be divided into the following groups: a) documents defining the special authority of state bodies in the field of environmental protection and use of nature; b) documents defining the procedure for the implementation of state management tasks in the field of environmental protection; c) documents defining the legal regime of specially protected natural areas, protected zones, natural objects under special protection regime and other areas; g) acts defining the procedure for using natural resources for specific purposes; documents on the procedure for permitting the use of natural resources; d) documents confirming the assessment made to calculate the amount of compensation for damage; e) documents on regulatory fees for environmental pollution and use of natural resources; j) documents on standardization of environmental quality, norms of emergence and limit of waste disposal; z) documents on target programs for environment and nature use; i) documents defining the direction of implementation of international agreements; k) documents specifying measures for environmental protection and specific natural resources; l) documents defining the rules for providing and using information on the state of the environment and natural resources; m) documents on the legal regime of reserves, national parks, and specially protected natural areas; n) other regulatory legal documents; o) documents introducing changes and additions to the mentioned group of regulatory legal documents.

Departmental regulatory legal documents, that is, documents of executive authorities regulating environmental relations, also constitute a large part of the massif of environmental legislation.

The instrument of legal regulation of these normative legal documents in most cases is compatible with the instrument of legal regulation of the documents of the Government of the Republic of Uzbekistan and Karakalpakstan, because departmental documents are adopted in order to fully open the documents of higher bodies.

At the departmental level, all normative legal documents are divided into 10 groups depending on the means of legal regulation: a) documents regulating the implementation of certain tasks of environmental management (as well as environmental impact assessment); b) documents on the implementation of sanitary regulations and other regulatory and technical documents; c) documents defining the waste storage and transportation procedure; g) documents confirming various forms of documents; d) documents on regulatory payments for the use of natural resources and pollution of the natural environment; e) documents specifying the representation of officials of relevant state bodies of the executive power; j) documents on granting a permit for the use of natural resources, as well as for the disposal of harmful

substances; z) documents on environmental insurance procedure; i) documents and other documents on state registration of potentially dangerous substances and objects.

As can be seen from the above analysis, the environmental legislation of the Republic of Uzbekistan and the Republic of Karakalpakstan plays an important role in the organizational and legal mechanism of environmental protection in the Republic of Karakalpakstan. To sum up, the ecological legal system is a set of legal documents that regulate social relations that arise in the processes related to the protection of the natural environment, the rational use of natural resources, and the provision of environmental safety of the population.

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