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TAM METIN BILDIRILER

ÖZBEKİSTAN'DA ÇEVREDE YAPILAN DEĞİŞİKLİKLERİN KORUNMASININ YASAL DAYANAĞI

Samadova Sarvinoz Samed kızı*

ÖZET

Bu makale, Özbekistan'da antropojenik olarak değiştirilmiş doğal çevrenin korunmasına yönelik yasal çerçeveyi analiz etmektedir. Antropojenik olarak değiştirilmiş bir doğal çevre, bu bölgelerdeki antropojenik çevresel değişikliklerin ana nedenlerinin bilimsel bir analizinin yapıldığı ve bu bölgelerin hangi düzenleyici yasal düzenlemelere dayanarak korunduğu kentsel, endüstriyel ve tarımsal (tarım) bölgeler olarak anlaşılmaktadır.

Anahtar kelimeler: çevre hukuku, flora ve fauna, epidemiyolojik durum, kullanım, doğal kaynaklar.

LEGAL BASIS FOR PROTECTION OF ANTHROPOGENE-CHANGED NATURAL ENVIRONMENT IN UZBEKISTAN

Samadova Sarvinoz Samad kizi*

ABSTRACT

This article analyzes the legal framework for the protection of anthropogenically changed natural environment in Uzbekistan. Anthropogenically changed natural environment refers to urban, industrial and agrarian (agricultural) areas, which provide a scientific analysis of the main causes of anthropogenic changes in the environment in these areas and on the basis of what normative legal acts protect such areas.

Keywords: environmental law, flora and fauna, epidemiological situation, utilization, natural resources

ПРАВОВАЯ ОСНОВА ОХРАНЫ ТЕХНОГЕННЫХ ИЗМЕНЕНИЙ ПРИРОДНОЙ СРЕДЫ В УЗБЕКИСТАНЕ

Самадова Сарвиноз Самед кызы*

АБСТРАКТ

В данной статье анализируется правовая база охраны антропогенно измененной природной среды в Узбекистане. Под антропогенно измененной природной средой

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понимаются городские, промышленные и аграрные (сельскохозяйственные) территории, в которых проводится научный анализ основных причин антропогенных изменений окружающей среды на этих территориях и на основании каких нормативных правовых актов охраняются такие территории.

Ключевые слова: экологическое право, растительный и животный мир, эпидемиологическая ситуация, использование, природные ресурсы.

MAIN TEXT

In many legal literatures, experts distinguish the object of environmental law natural objects, natural resources and natural complexes, or objects that are integrated, differentiated and protected, and branched out in the national economy. However, in order for these authors to be the object of ecological law, correctly described that it should be the element of the environment must be of natural origin, be part of the ecological system, meet the economic, ecological, cultural, social, political needs of people and ensure the quality of living environment. Another aspect of them is that these facilities should be regulated by applicable law. We are also satisfied with such a legal definition given in relation to the objects of the right of Ecology and, proceeding from this concept, the development of the system of protection of nature and their legal management in the fields of national economy does not correspond to the laws of nature, that is, the "complexity" nature of environmental systems. In addition, industry, transport, energy and other sectors of the economy can become the object of environmental control and expertise, rather than the object of environmental laws. Therefore, environmental laws are traditionally developed on the basis of specific objects of environmental law or their complexes, and environmental relations in society are regulated by these objects.

Taking into account the laws of nature and society described above, we take anthropogenically altered natural environments as one of the objects of environmental law that must be regulated separately.

Anthropogenically changed natural environment - a state of the environment that has changed radically in certain areas in the course of human economic activity. Depending on the set of factors that cause such areas, we can divide them into urban, industrial and agrarian (agricultural) areas.

The level of anthropogenic change in the environment in cities depends largely on its size, industrialization and areas of activity, the level of consumer services and the infrastructure of transport networks.

More than 170 millionaire cities on earth (population over 1 million). According to the rules of population science, the number of large cities will increase by 2-3 times, taking into account the fact that large cities include settlements with a population of more than 0.5 million. In addition, if large cities merge in any area, they form megacities.

The compactness of the population in cities has a positive impact on the development of industry, as well as a negative impact on the level of environmental safety. Due to the high level of use of soil, flora and fauna, water and mineral resources

in cities, the condition of natural objects in them is completely anthropogenically changed. The process of movement of ecological systems in them is inextricably linked with economic activity of people. In ecological systems, not only biological or chemical, but also physical changes (electromagnetic field oscillations) are manifested in a very strong way.

One of the factors that significantly affects the state of the environment in cities is the provision of public utilities. Its ecological impact on the environment is directly proportional to the level of sewerage and water supply in cities, central heating. Lack of centralized public utilities leads to pollution of natural facilities and, consequently, the deterioration of the sanitary-epidemiological situation. Another environmental aspect of public utilities is the solution to the problem of collection and disposal of solid waste. 30 million m³ of household waste is produced annually in Uzbekistan and dumped in suburban reservoirs.

Thus, the degree and type of impact of anthropogenic factors on the environment in cities is more specific than in other anthropogenically changed areas. According to experts, the requirements for environmental protection in cities should include:

- improving the sanitary and epidemiological situation;
- > ensuring the level of environmental safety of economic activities;
- > strict regulation of waste and household waste and their utilization;
- > ensuring noise;
- > establishment of landscaping;
- > widespread use of alternative energy in transport (electricity, solar energy, hydrogen fuel, non-motorized transport);
 - > wide introduction of ecological technologies in production;
 - > establishment of green protection zones;
 - industrial and energy enterprises, airports to the outskirts of the city;
- ➤ to carry out construction works with minimal impact on natural components and to comply with the requirements of reclamation;
- ➤ introduction of measures for treatment of domestic and industrial waters and their secondary use;
- ➤ design, construction of buildings and structures (especially in the most harmful enterprises) depending on the seismic requirements of the site, etc.

The above-mentioned environmental requirements are very large in order to ensure environmental safety in cities and prohibit the implementation of specific socioeconomic, cultural-household, political-mass, architectural-construction, economic work, the development and implementation of the environmental, management and control system of state and public bodies. Therefore, it is expedient to make cities and settlements a separate object of environmental law. In order to bring the regulation of environmental relations to the level of modern requirements, they adopted the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated February 18, 2020 No. 95 "On ensuring environmental safety".

In this resolution, the use of machinery and equipment with constructive characteristics that ensure the reduction of negative impact on the environment, safety of personnel and prevention of accidents, as well as the use of technological processes, the negative impact on the environment It is noted that this will be done through the use of effective methods and technologies for the treatment of exhaust gases and effluents, technologies for the disposal of waste, which will reduce the risk of emissions [8].

Currently, the legal requirements for nature protection in the cities of Uzbekistan: Nature Protection, Land Code, Water and Water Use, Protection of Atmospheric Air [5], On the Protection and Use of Wildlife [7], State Sanitary Laws and by-laws on control, highways, state land cadastre, protection of public health, protection of the population and territories from natural and man-made emergencies are reflected and regulated by them.

Along with the Constitution of the Republic of Uzbekistan, the purpose of the Law "On Nature Protection" is to protect the nature of certain objects (including cities), to guarantee the right of citizens living in them to a favorable environment (Article 1). Such a guarantee is carried out in the cities by the Cabinet of Ministers of the Republic of Uzbekistan, the State Committee for Nature Protection, city committees, local city and district government agencies. According to Article 9 of this law, the Cabinet of Ministers of the Republic of Uzbekistan pursues a unified policy for the protection of nature in cities, establishes a single procedure for use of natural resources, their assessment and payment for their use and pollution, natural disasters and major disasters develops ways to save and eliminate the population. Creates an ecological system of education and upbringing and carries out ecological measures of national importance in this direction [2]

In accordance with Article 100 of the Constitution of the Republic of Uzbekistan [1] and Article 10 of the Law on Nature Protection, local state authorities and administration determine the main directions of nature protection in their territories; determine the procedure for cadastre of natural resources, logistics, use of nature, its pollution, waste disposal and utilization; they also exercise the powers provided for in the laws of restriction, prohibition, termination, collection of payments and other laws [2].

It is a very important legal measure to reduce the negative impact of the activities of economic sectors in cities on the environment and the population, as well as to establish norms and standards that guarantee the restoration of natural resources. Environmental standards in cities are maintained by the State Committee for Local Nature Protection, the Department of Health, the Department of Industrial Safety and Mining Control in accordance with their powers. According to these standards, the highest level (PDK,

PDV, PDS, PDXV) of enterprises, organizations and institutions, citizens and stateless persons in the city, which can have a negative impact on the environment, is determined. Such limits are set in cities for PDK (maximum concentration of toxic substances) for atmospheric air and water. The level of substances that can not cause any pathological changes in the human body in atmospheric air or water is set in the Instruction No. SN 245-71 on the permissible level of air pollution in 160 different substances and 35 types of combinations of sanitary norms of PDK. For example, the level of carbon monoxide pollution is 1.0 mgHm³ per day, for inactive objects - 20 mgHm³.

PDV is the amount of harmful substances emitted by certain enterprises or entities that are a source of emissions in cities. It is carried out in accordance with SN-369-74 and calculated in accordance with GOST 17.2.3.02-78. If a certain facility has 2 or more sources of emissions (from ventilation and power plants), the general parameters of PDV for this enterprise are determined. Disposal inventory (passport) is created for each PDV. It provides information on the quantity and quality of waste, methods of waste treatment and ways to improve environmental technologies. These passports are reviewed every 5 years on the basis of a separate application form. Similar processes are developed by the State Department of Standardization and Metrology on PDS, PDXV and other normative indicators and approved by the city sanitary-epidemiological service.

The use of certain natural objects in cities is regulated by differential law, normative acts adopted by local governments and control bodies. Lands in urban areas are included in the land fund of settlements in accordance with Article 8 of the Land Code. That is why there is a special procedure for their special protection and use. According to Article 59 of this law, urban lands are divided into the following categories: construction; general use; agriculture; woodlands; lands for industry, transport, communications, defense and other purposes; specially protected areas; water fund lands; spare places [3].

If we mean the efficient use of land in agrarian areas, we mean high yields and maintaining soil fertility, and the rational use of urban land means the construction and improvement of science in a scientifically sound manner, in accordance with the obligations of land planning. Urban lands are limited by urban planning and land management documents and permits are issued for their intended use. Users must comply with the environmental requirements for the protection of land set out in Chapter 11, Articles 79-82 of this law:

- ➤ obtaining permits from the State Committee for Nature Protection for the introduction of new technologies that adversely affect the condition of land in the placement, construction and operation of facilities, buildings and structures;
 - > environmental expertise of each economic process;
 - > green area, preservation of giant trees as much as possible;
 - > rectification;
 - > -organization of reservoirs that throw out household and industrial waste, etc.

Article 11 of the Law of the Republic of Uzbekistan "On water and water use" states: use of water in the design, placement, construction and commissioning of housing, enterprises, structures and other facilities in cities, taking into account the needs of the population for drinking water and household needs in the first place [4] This law requires the prevention of evaporation, pollution and depletion of circulating water, the prevention of damage to other natural objects, protection from salinization, sedimentation and drying.

In accordance with Article 17 of the Law of the Republic of Uzbekistan "On Subsoil" [6], the use of certain subsoil blocks is restricted or prohibited in cities and settlements, and in the surrounding green areas.

In order to ensure environmental safety in agricultural production, it is necessary to consider the existing agricultural areas as a separate anthropogenic and unique "object" of environmental law. It is necessary to develop a concept of legal management of public relations in agrarian areas, and to ensure that this system of views remains one of the key elements of the concept of national security of the state.

Fayziev's SH.X. research [9.73] rightly requires that the legal regulation of social relations based on the rules and requirements of environmental safety in agriculture be considered a task of the state and law. The author argued that the requirements for environmental security in agriculture should be reflected in a separate "Environmental policy of the State" section of our Constitution. The inclusion of a separate article in the Law of the Republic of Uzbekistan on Nature Protection "Requirements for environmental safety in agriculture" is quite appropriate.

In industrial areas, as we mentioned above, the requirements of environmental pollution, degradation and environmental safety are specific to other anthropogenically modified objects, in which the global environmental requirements are:

- > ensuring the completeness and efficiency of technological processes;
- reduction of pollution and poisoning and neutralization of harmful substances;
- widespread use of alternative energy sources;
- > production of environmentally friendly products;
- > continuous improvement of cleaning technologies and keeping them under state control:
- ➤ widespread application of scientific and technological processes or the establishment of highly efficient use of natural resources, etc.

Such universal environmental requirements require the application of enterprises in industrial areas at all stages of production:

> planning,

- > design,
- > placement,
- > build.
- ➤ the process of launching and introducing new technologies that affect the environment.

Planning for the location of industrial zones or any industrial enterprise in them should begin with the consideration of environmental safety requirements in the sectoral or general economic development programs of the national economy.

Article 41 of Chapter X of the Law of the Republic of Uzbekistan on Nature Protection sets out environmental requirements for the location, design, construction, reconstruction, operation and liquidation of enterprises, organizations and other facilities.

Issuance of environmental certificates to enterprises that have established production is carried out in accordance with Article 46 of the Law on Nature Protection. Enterprises that do not have an environmental or hygiene certificate, as well as those that violate the established environmental and sanitary criteria in the course of business, are prohibited from using raw materials, introducing technological processes and producing finished products. The procedure for issuing environmental certificates is approved by the Cabinet of Ministers and implemented by the State Committee for Nature Protection and the Ministry of Health.

Limits and norms of use of natural resources in industrial zones, legal norms of compensation of damage to the environment by enterprises are regulated by a number of articles listed in Chapters IV, V, XI of the Law on Nature Protection. To those who have not grossly violated the environmental requirements by economic entities in industrial zones, it is desirable to first apply economic responsibility measures (Article 50), when these violations are repeated several times or grossly violated in a single case, to apply criminal, administrative types of legal responsibility.

It should be noted that the system of legal measures aimed at regulating the use and protection of nature, related social relations and the scope of their impact will depend on the level of development of Science, Science and technology available at each historical stage, as well as the state of the surrounding natural environment. In any society, the use of nature, protection, the inheritance of natural resources to the future generation is one of the priority tasks.

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