

## **Legal issues of participation of citizens' self-government bodies in environmental monitoring in Uzbekistan**

**Senior teacher of Jizzakh State Pedagogical Institute  
Suvankulov Jamshid Abdulahadovich**

### **Annotation**

This scientific article critically analyzes the insufficiency of legal mechanisms for the participation of self-government bodies of Uzbek citizens in environmental monitoring. For the first time, the author characterized the concept of public environmental monitoring of citizens' self-governing bodies, and makes suggestions for improving legislation on this issue.

### **Introduction**

As a result of reforms made in the Address of the President of the Republic of Uzbekistan Shavkat Mirziyoev to the Oliy Majlis on the most important priorities for 2019, the program “Obod qishloq” and “Obod mahalla” were received with great pleasure by our people” [1].

As a result of these reforms being implemented on the initiative of the head of our state in our communities and villages, environmental rights of citizens for the environment are also guaranteed.

The law envisages participation of citizens' self-government bodies, which are important subjects of civil society, in addition to state and public administration bodies and public associations in environmental monitoring in Uzbekistan.

### **Review of the literature on the topic**

The legal issues of participation of citizens' self-government bodies in environmental monitoring in Uzbekistan have been partially investigated. Such studies highlight the general aspects of the participation of self-government bodies in environmental monitoring processes rather than as a separate research object. For example, Sh.Fayziev [2], J. In the scientific works of Holmuminov [3], Yu.

### **Research methodology**

In the course of the research, the following general scientific methods were used: objectivity, abstractions to concrete, systematic analysis, comparative analysis.

## **Analysis and Results**

According to Article 20 of the Law of the Republic of Uzbekistan dated December 27, 2013 "Environmental Monitoring", environmental monitoring is a form of environmental control and participation of citizens' self-government bodies in its implementation is important [9].

In addition, Article 11 of the Law of the Republic of Uzbekistan "On self-government bodies" of April 22, 2013 sets out the following environmental authorities of self-government bodies:

- carries out public control over the implementation of laws and other legislative acts in the relevant territory, including the implementation of the Law "On Environmental Control";
- carries out public control over the use and protection of lands,
- Hear reports of the heads of enterprises, institutions and organizations located in the relevant territory, including the heads of environmental organizations, which carry out environmental monitoring, within their competence on issues of environmental protection, sanitation, improvement and planting of the territory;
- promotes the protection of the environment.

Of course, this state of the legislation has ambitious goals. However, there are still a number of problems in achieving this goal.

Firstly, although the law establishes a norm for environmental monitoring by self-government bodies, the organizational and legal framework for its implementation is insufficient. Secondly, the experience of civil self-governance bodies on environmental monitoring is poorly developed. Third, there is an urgent need to establish legal mechanisms to enforce the participation of citizens' self-government bodies in environmental monitoring. Fourth, the need for a clear definition of the competence of citizens' self-governing bodies in public environmental monitoring and improvement of mechanisms for their implementation has become a requirement of the time.

It should be noted that environmental monitoring is a multi-purpose information system whose task is to monitor, evaluate and forecast environmental impact sources and emissions [11].

At the same time, the fact that the general public and public bodies are also participating in environmental relations shows that, along with the state

environmental monitoring, the concept of public environmental monitoring is developing and developing.

The urgency of the problem is that today there is insufficient involvement of citizens' self-government bodies in the process of environmental monitoring, the lack of practice of civil self-government bodies on environmental monitoring, and the lack of legal mechanisms for implementing legislative acts envisaging the participation of citizens' self-government bodies. , exercise the powers of citizens' self-government bodies to conduct environmental monitoring Malnutrition in the development and implementation of mechanisms will be very important role in our country.

Therefore, there is a need for a comprehensive study of environmental activities of citizens' self-government bodies, in particular, their environmental monitoring based on the implementation of scientific research, and making recommendations for the development of relevant scientific conclusions, legislation and practice.

According to the British economist's opinion, the capital city of Uzbekistan - Tashkent ranked 58th out of 140 cities in the world rankings in terms of comfort and livelihood [12].

This was the conclusion of the World Media on the results of the monitoring of the state of the environment.

President of Uzbekistan Sh.Mirziyoyev also highlighted the conceptual idea of providing decent living standards and quality of life for the population at the very essence of the reforms ”.

It should be recognized that the participation of citizens' self-government bodies in environmental monitoring has been acknowledged by some researchers previously [14].

Kh.Isanov's research work on legal issues of state environmental monitoring is of particular importance, concluding that environmental monitoring is an activity of both civil self-government and citizens [15].

Researcher H. Sharapov also noted that citizens' self-government bodies participate in the implementation of public environmental control [16].

In addition, the participation of citizens' self-government bodies in environmental monitoring is mentioned in the work of prominent jurists.

M. Najimov, a well-known representative of the theory of state and law, touched upon the general issues of monitoring and discussed his understanding [17].

However, although the mandate of environmental monitoring is recognized in law and in scientific sources, the study of such activities is currently slow.

In this regard, understanding the enhancement of environmental functions of self-governing bodies of citizens, whose empowerment of scientific work is of political and social importance, we will present some points on this topic.

The legal basis for the participation of citizens' self-government bodies in environmental monitoring is consolidated in general and specific national legislation.

In particular, Article 19 of the Environmental Control Act 2013 stipulates that public environmental control is carried out by citizens' self-government bodies, non-governmental non-profit organizations and citizens, and Article 20 (1) provides environmental monitoring as a form of environmental control. defined in [18].

If this norm reflects the general principle of environmental monitoring by the citizens' self-government bodies, it should be noted that according to Article 5 of Article 20 of this Law, public environmental control is an analysis and evaluation of the state of rational use of environment and natural resources (ie environmental monitoring - author's opinion). ) can also be done by examining public opinion.

This means that it is clear that citizens' self-government can participate in environmental monitoring, which is a form of environmental control.

However, the process of examining the implementation of these provisions of the Law on Ecological Control shows that it is difficult to find any document on cases of citizens' self-government participation in environmental monitoring. This means that there is no practice, it is desirable to once again draw the attention of the state and the public to the establishment and implementation of specific mechanisms, to identify important measures for its implementation.

Participation of local self-government bodies in environmental monitoring is also determined by foreign sources.

According to Article 12 of the Constitution of the Russian Federation, local self-government bodies are not part of the system of state power.

This means that the study of the system of environmental and legal competence of citizens' self-government in Uzbekistan can be compared with the norms of Russian and other countries' legislation.

Section 63.1 of the Russian Law on Environmental Protection stipulates that local self-government bodies participate in environmental monitoring.

In addition, the Law on the Ozone Layer and the Radiation Safety Act adopted in Turkmenistan cover environmental monitoring.

Article 1, Paragraph 7 of Article 1 of the Turkmenistan Law on Nature Protection also states that the activities of local self-government bodies, as well as the participation of local self-government bodies in Article 11, paragraph 3, are aimed at protecting the environment. is one of the basic principles of protection [19].

The essence of the above norms is that the citizens can participate in environmental monitoring as a subject of public environmental control.

This means that citizens' self-governing bodies can monitor the environmental situation that occurs during the activities of enterprises, institutions and organizations in their regions, report to the relevant authorities, issue recommendations to address the negative impact on the environment, and assess their impact on public health. environmental monitoring.

Citizens' meetings hear the report of the Ecology and Nature Protection, Improvement and Gardening Commission on the state of the environment, hear reports of enterprises and organizations, the state of the environment, hear the opinion of the population on the monitoring results. In establishing, evaluating and identifying remedial actions, we follow community environmental monitoring mechanisms of the growth of the Earth.

### **Conclusions and Suggestions**

From the aforementioned considerations it is possible to give the following definition of participation of citizens' self-government bodies in environmental monitoring:

Public Environmental Monitoring of Citizens' Self-Government Bodies is the participation of citizens in self-government by examining the state of the

environment and its impact on the relevant territory, analyzing, recording, evaluating and summarizing the use of natural resources.

Consequently, the process of participation of Citizens' Self-Government bodies in conducting public environmental monitoring is manifested in five ways: to study, analyze, record, evaluate, summarize the processes of use and protection of natural objects in the respective territory.

So how is public environmental monitoring of civil self-governance bodies implemented? How to solve problems in its legal mechanism?

In accordance with paragraph 17 of the Model Regulation on the Procedure for the Implementation of Public Ecological Control, adopted by the Cabinet of Ministers of the Republic of Uzbekistan dated October 8, 2015, citizens' self-government bodies will study the issues of environmental protection and the rational use of natural resources.

Paragraph 28 of this Regulation states that public environmental monitoring can be carried out by analyzing and evaluating the state of rational use of the environment and natural resources, as well as by examining public opinion.

Paragraph 30 of this Regulation also stipulates that citizens' self-government bodies can participate in environmental monitoring.

The forms of public environmental control reflect the processes of public environmental monitoring, but no specific procedure for their implementation is specified.

Therefore, in order to address this legal issue in practice, we think it is expedient to develop and implement a model provision on the procedure for conducting public environmental monitoring.

This Charter may include the concept of public environmental monitoring, objects and subjects, forms, terms and conditions of public environmental monitoring, rights and obligations of entities, and responsibilities.

In our opinion, the process of public environmental monitoring by citizens' self-government bodies may be as follows.

According to the paragraph 12 of Part 1 of Article 11 of the Law of the Republic of Uzbekistan "On self-government bodies" of April 22, 2013, citizens' gatherings in towns, villages, and auls, as well as in cities, towns, villages, and

villages. decide on environmental issues [21]. They may also make such a decision on public environmental monitoring.

This decision will serve as the basis for public environmental monitoring.

The reasons for this decision may be:

Direct appeals of citizens;

Survey results of citizens;

Application of the residents of the Civil Assembly;

Initiative of the Chairman of the Citizens' Assembly;

Appeals of the Commission of Ecology and Environmental Protection of the Citizens' Assembly;

Appeals from public authorities or governments;

Submission from the prosecution or the Committee on Environment and Environment;

Documents of judicial authorities;

On other grounds provided by law or not contrary to law.

These grounds may be oral, written, or electronic.

This resolution may also include experts (experts), other than members of the council of citizens' assemblies, as members of the commission on public environmental monitoring.

The decision on public environmental monitoring, adopted by citizens' self-government bodies, should include the objectives and object of monitoring, the timing of the monitoring, the reason for monitoring, the decision makers, the conclusions section and other issues.

Upon completion of the relevant studies and analyzes by the Commission on Environmental Monitoring, a conclusion shall be drawn up and signed by the members of the Commission.

The conclusion shall state the date and place of the public environmental monitoring; the basis of environmental monitoring; information on citizens' assemblies carrying out ecological monitoring; information about the subjects studied; proper notification of the studied objects; questions posed to members of environmental monitoring; objects of ecological monitoring, materials of work; study documents, information on persons present during public environmental monitoring; the content and results of the studies with indication of the methods

used and by whom those studies and analyzes were performed; assessment of the results of the analysis, valid answers to the questions asked; circumstances relevant to the case and established by initiative of a civic gathering.

Materials describing the conclusion and its results are attached to this conclusion and serve as an integral part thereof.

This conclusion is sent to the relevant authorities, to the studied facilities. The results will be reported to the citizens of the respective area.

In conclusion, the implementation of the legal authority of citizens' self-government bodies in the area of environmental monitoring has become a requirement of the present time.

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