



ISSUES OF IMPROVING PROSECUTOR'S SUPERVISION OVER LEGISLATIVE IMPLEMENTATION IN THE FIELD OF ENVIRONMENTAL PROTECTION

Arzikulov Adham Alimardon ugli

Graduate student of the Academy of law enforcement of the Republic of Uzbekistan

aaarzikulov@mail.ru

Article history:	Abstract:
Received: March 21 st 2023 Accepted: April 26 th 2023 Published: May 26 th 2023	this article covers the legal framework for ensuring prosecutorial supervision over the protection of the environment and the tasks of the prosecutor's office, the bodies carrying out the protection of the environment in Uzbekistan, the current state of environmental protection and the problems and threats facing this area, as well as the issues of solving the tasks facing the state in this area.

Keywords: prosecutor's supervision, specialized prosecutor's office, Environmental Protection, environmental crisis, migration, state program, ecology code.

INTRODUCTION

The climate change that occurs in the whole world today, the widespread pollution of the environment, as well as the continuing anthropogenic impact on nature, have a greater impact on human health year by year. Despite the environmental policies in all countries and regions, researchers note that by 2100 the average global temperature could exceed 29°C, and the temperature that is considered normal for a person to live: — above the range of 13-25°C [1].

Such situations force each country to pay serious attention to such issues as maintaining the health of citizens, ensuring a favorable natural environment, protecting the environment, maintaining biodiversity. In particular, in the process of reforms carried out in the Republic of Uzbekistan, the issues of preserving the health of people, ensuring a favorable environmental situation, preserving the natural environment, biodiversity and protection have become one of the main problems of state policy. Of course, the right of its citizens to live in a conducive environment to their own health and the health of future generations, to protect their health from the negative effects of the environment, will come true only if it is enshrined in the law of the country.

In our country, the environmental rights of citizens are proclaimed at the level of the Constitution. In particular, this right was established in the Constitution of the Republic of Uzbekistan in the new edition adopted by the nationwide referendum held in Uzbekistan on April 30, 2023. Article 49. of the Constitution establishes that the state will carry out measures to improve, restore and protect the environment, maintain environmental balance, in order to ensure the environmental rights of citizens and prevent harmful effects on the environment. In order to

realize this norm, many laws have been adopted in the Republic of Uzbekistan. Of particular importance in this regard is the law of Uzbekistan "on the Nature Protection" [2].

Declaring and legislating the norms on the protection and preservation of the environment and the environmental rights of people does not always mean that these rights are practically guaranteed. In particular, during an in-depth analysis conducted in our country, it was found that there are a number of factors that prevent the appropriate implementation of the established tasks, the implementation of reforms in the field of ecology and environmental protection at the specified pace and effectively.

These factors are the reason, in 2017-2021, the "Strategy of Actions" on the five priority areas of development of the Republic of Uzbekistan and the "Conception of Administrative Reforms" in the Republic of Uzbekistan, a number of tasks were established to ensure the effectiveness of Public Administration in the field of ecology and environmental protection, to maintain a favorable environmental. Also, a number of decisions have been made aimed at ensuring environmental safety, effective environmental management, strengthening the potential for the detection and prevention of environmental crimes [3], as well as introducing effective mechanisms in the field of environmental protection, preventing, identifying and ending violations of environmental legislation [4].

In Particular, The President Of The Republic Of Uzbekistan Sh.M. Mirziyoyev in his address to the Supreme Assembly of the Republic of Uzbekistan on December 29, 2020, from the priorities in this regard, to strengthen the focus on environmental problems in our country and improve the environmental situation, in the framework of efforts to mitigate the effects of



environmental tragedies caused by the Aral Sea disaster, together with neighboring countries and the world community, it is necessary to expand the forests and shrublands on the dry bottom of the sea, and in this regard, the practical work for human health within multilateral framework of the Trust Fund of the United Nation.

We can cite the concept of "Environmental Protection of the Republic of Uzbekistan in the period up to 2030" as evidence of reforms aimed at setting the priorities of state policy in the field of environmental protection in Uzbekistan, improving the system of Public Administration in the field of Ecology and environmental protection. The concept established the task of developing a code of Ecology by combining many reforms in the field of environmental protection, including legislative acts in the field of environmental protection, in the form of a single document. It is also worth noting that the tasks for creating "green belts" around the regional centers and large cities of the Republic are set [6].

Of course, ensuring the protection of the environment, as a result of which the issues of maintaining human life and health require the constant attention of state bodies, including prosecutors, who carry out environmental protection functions.

THE MAIN RESULTS AND DISCUSSION

According to Article 1. of the Law of the Republic of Uzbekistan "On the Prosecutor's Office", the main task of the prosecutor's office is to carry out control over the exact and uniform implementation of laws on the territory of the Republic of Uzbekistan [7]. Therefore, the prosecutor's Office of the Republic of Uzbekistan takes an important place in ensuring the realization of the environmental rights of citizens, in addition to controlling the implementation of legislation on ecology and environmental protection, which is a girl of the country's legal system on the territory of the country.

Among the state bodies that ensure compliance with legislative norms in the field of environmental protection and ensuring the right of each person to a healthy environment, undoubtedly, the prosecutor's office occupies an important place. This is explained by the peculiarities of its structure, tasks and functions, including the fact that the prosecutor's office is independent of other state bodies, and only obeys the law, as well as the presence of important powers not to comply with the requirements of the law, to identify violations of rights, and to take effective response measures [8].

In view of that, the priority is given to the organization of effective prosecutorial control over the implementation of one of the main areas of the prosecutor's office's activities – legislation in the field of environmental protection.

When the prosecutor's supervision is called, on behalf of the Republic of Uzbekistan, on its territory is understood the special activities of the prosecutor's office as a public body, which exercises control over the clear and uniform implementation of the Constitution of the Republic of Uzbekistan and other laws [9].

The organization of prosecutor's supervision in the field of environmental protection and coordination of the activities of the prosecutor's office in this regard is carried out on the basis of the Regulation approved by the Department of supervision of the General Prosecutor's Office of the Republic of Uzbekistan on legislative implementation in the social sphere. According to this regulation, prosecutors in the field of environmental protection of ecology are tasked with ensuring environmental safety and strengthening control over the implementation of legislation aimed at protecting the environment, preventing the harmful effects of waste on the health of citizens.

The effectiveness of prosecutorial supervision directly depends on the prosecutor's knowledge of the environmental situation, since these are the main indicators that characterize the state of the environment, accurate reliable information about environmental problems and negative trends in this area allows prosecutors to exercise the delegated powers in a timely and appropriate manner.

The effectiveness of work to know the state of legislation in the relevant area, in particular the state of legislation in the field of environmental legislation, and to put an end to identified violations, is considered to be high in the importance of effective and regularly established prosecutorial analysis in this area. The importance of environmental analysis has been noted by a number of authors. In Particular, E. Baldescu argues that environmental analysis focuses on providing regulatory bodies with analytical data to improve the effectiveness of management decision-making. It should also be noted that the analysis and assessment of the state of the environment plays an important role in the development of an environmental strategy [10].

At the same time, some researchers consider the development of a strategy for the activities of the prosecutor's office in the field of ecology and environmental protection and the creation of an information base; it is necessary to systematically and critically analyze the effectiveness of measures taken to prevent violations and combat crime, as well as to study the state of legality and law enforcement in the field of ecology once every six months, and at the same time highlight the issues of the state of environmental legislation, legality in the field of ecology, according to regulatory authorities [11].

In our opinion, the introduction of effective prosecutor's analysis in the field of ecology and



environmental protection, as well as the development of a strategy for the activities of the prosecutor's office in this area and the creation of an information base will serve to increase the effectiveness of prosecutor's supervision in this area with several features:

- 1) it is a qualitative and timely determination of violations of environmental legislation;
- 2) the identification of the guilty, as well as the identification of the causes and conditions that caused environmental offenses;
- 3) to eliminate the identified violations of legislation in the field of environmental protection;
- 4) to bring to justice those who have committed offenses in the field of Ecology and to take measures to compensate for the damage caused by an environmental offense;
- 5) to prevent subsequent violations of legislation in the field of ecology;

At the same time, it should be noted that the supervision of the prosecutor, which is competently carried out by prosecutors on the basis of the analysis of the state of legality, makes it possible to carry out activities in a particular area most effectively and carry out the main functions of the prosecutor's bodies.

Today, certain work is being carried out by the prosecutor's offices on ensuring prosecutorial supervision over the implementation of legislation on ecology and environmental protection. Let's talk briefly about the practice of prosecutor's supervision in this regard.

In particular, 528 (185) protests were cited, 258 (131) submissions were included, 128 (3) were warned against violations of the law, according to the results of 256 analyzes carried out by the prosecution authorities in 2021 (122 in 2018), respectively.

On the basis of the decision and submissions of the prosecutor, 237 persons (94) were disciplined and 577 persons (294) were administratively liable. The losses of 453 million (53 million) were voluntarily levied, and 91 (26) applications were made to the courts to recover 890 million UZS (64 million).

45 (8) criminal cases were filed in connection with serious violations of the law, and the violated rights of 201 (32) persons were restored in 2021 (in 2018), respectively.

Practice shows that many cases of violations of the law in the field of environmental protection are being identified as a result of the intervention of the prosecutor's office. At the same time, looking at the dynamics of cases of violation of the law in this area, we can see that there is a constant increase. Therefore, he himself shows how important the role of the prosecutor's office in the field of environmental protection is. With this, we are expected to further improve the prosecutor's supervision in this area today.

One of the urgent tasks of prosecutorial supervision is to specialize prosecutors in environmental law. Environmental crimes require in-depth knowledge in the field of ecology from the employees of the prosecutor's office, as they have specific characteristics associated with the need to identify damage to the components of the environment [12].

In our opinion, it would be advisable for at least one employee of the prosecutor's office in each district (city) to be attached in order to constantly carry out legislative implementation in the field of conservation and ensuring the environmental rights of citizens.

Today, in some developed countries, specialized prosecutor's offices (Russian Federation) are also established in the prosecutor's office system in order to protect ecology and the environment in the system of prosecutor's bodies and ensure the realization of the environmental rights of citizens.

In particular, specialized prosecutor's offices have been established in some regions in order to effectively ensure the implementation of environmental and environmental protection and environmental rights of citizens in our country. In particular, in order to improve the ecological environment in the Aral Sea region, a specialized prosecutor's office was established for supervision over the implementation of legislation related to the protection of the island nature in the Muynak district. Also, on the basis of the Decree of the president of the Republic of Uzbekistan dated August 28, 2020 "On measures for the accelerated development of tourism by introducing a separate order of Management in the Bostonlik district", a specialized prosecutor's office was established in the prosecutor general's office system for monitoring the implementation of legislation related to the protection of environment in the Tashkent region.

In addition, according to the Decree of the president of the Republic of Uzbekistan on April 27, 2022 "On additional measures to ensure the implementation of legislation related to the protection of nature in the Jizzakh region", a specialized prosecutor's office was established to control the implementation of legislation related to Zomin nature protection and eliminate illegal use of lands.

As a result of the establishment of these specialized environmental prosecutors, the effectiveness of prosecutorial supervision in the field of nature protection in the relevant territories, rational use of land and natural resources, control over the implementation of legislation related to improving the ecological condition of the territory and the development of ecotourism, and the prevention of arbitrary occupation of land areas and illegal constructions.



At the same time, it is worth noting that it seems advisable to expand the network of specialized environmental prosecutors like this.

CONCLUSION

It should also be noted that the work on the protection of nature and the realization of environmental rights of citizens cannot be carried out by the prosecutor's office itself. We can't help but note the importance of other law enforcement agencies, state environmental control bodies in this regard. but we cannot ignore the position of the prosecutor's office in this regard either. In particular, the practice shows that at the moment many facts of environmental legislative violations are being identified, which, due to the intervention of the prosecutor's office, make it possible to prevent serious damage to the environment. In this regard, it seems appropriate to develop and adopt the relevant Regulation on the cooperation of the prosecutor's office, law enforcement agencies and environmental control bodies with tasks in the field of ecology.

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