

**TOSHKENT DAVLAT YURIDIK UNIVERSITETI HUZURIDAGI  
ILMIY DARAJALAR BERUVCHI DSc.07/30.12.2019.Yu.22.02  
RAQAMLI ILMIY KENGASH**

---

**TOSHKENT DAVLAT YURIDIK UNIVERSITETI**

**AXROROV ADXAMJON ASRORKUL O‘G‘LI**

**EKOLOGIYA SOHASIDA MAXSUS VAKOLATLI DAVLAT  
BOSHQARUV ORGANLARI FAOLIYATINI HUQUQIY TARTIBGA  
SOLISH**

12.00.02. – Konstitutsiyaviy huquq. Ma’muriy huquq.  
Moliya va bojxona huquqi

**Yuridik fanlar bo‘yicha falsafa doktori (PhD) dissertatsiyasi  
AVTOREFERATI**

**Toshkent shahri – 2024**

**Falsafa doktori (PhD) dissertatsiyasi avtoreferati mundarijasi**

**Оглавление автореферата диссертации доктора философии (PhD)**

**Contents of the abstract of the dissertation of the Doctor of Philosophy (PhD)**

**Axrorov Adxamjon Asrorkul o‘g‘li**

Ekologiya sohasida maxsus vakolatli davlat boshqaruv organlari faoliyatini huquqiy tartibga solish.....3

**Akhrorov Adkhamjon Asrorkul ugli**

Legal Regulation of the Activities of Specially Authorized Public Administration Bodies in the Sphere of Ecology .....20

**Ахроров Адхамжон Асроркул угли**

Правовое регулирование деятельности специально уполномоченных органов государственного управления в сфере экологии .....37

**E‘lon qilingan ilmiy ishlar ro‘uxati**

Список опубликованных научных работ

List of published scientific works .....42

**TOSHKENT DAVLAT YURIDIK UNIVERSITETI HUZURIDAGI  
ILMIY DARAJALAR BERUVCHI DSc.07/30.12.2019.Yu.22.02  
RAQAMLI ILMY KENGASH**

---

**TOSHKENT DAVLAT YURIDIK UNIVERSITETI**

**AXROROV ADXAMJON ASRORKUL O'G'LI**

**EKOLOGIYA SOHASIDA MAXSUS VAKOLATLI DAVLAT  
BOSHQARUV ORGANLARI FAOLIYATINI HUQUQIY TARTIBGA  
SOLISH**

12.00.02. – Konstitutsiyaviy huquq. Ma'muriy huquq.  
Moliya va bojxona huquqi

**Yuridik fanlar bo'yicha falsafa doktori (PhD) dissertatsiyasi  
AVTOREFERATI**

**Toshkent shahri – 2024**

**Falsafa doktori (PhD) dissertatsiyasi mavzusi O‘zbekiston Respublikasi Oliy ta’lim, fan va innovatsiyalar vazirligi huzuridagi Oliy attestatsiya komissiyasida B2021.2.PhD/Yu526 raqam bilan ro‘yxatga olingan.**

Falsafa doktori dissertatsiyasi (PhD) Toshkent davlat yuridik universitetida bajarilgan.  
Dissertatsiya avtoreferati uch tilda (o‘zbek, ingliz, rus (rezyume)) Ilmiy kengashning veb-sahifasida (www.tsul.uz) va “ZiyoNet” Axborot-ta’lim portalida (www.ziynet.uz) joylashtirilgan.

**Ilmiy rahbar:**

**Fayziyev Shuxrat Xasanovich**  
yuridik fanlar doktori, professor

**Rasmiy opponentlar:**

**Axmedshayeva Mavlyuda Axatovna**  
yuridik fanlar doktori, professor

**Yuldashev Djaxongir Xayitovich**  
yuridik fanlar doktori, professor

**Yetakchi tashkilot:**

**Berdaq nomidagi Qoraqalpoq Davlat Universiteti**

Dissertatsiya himoyasi Toshkent davlat yuridik universiteti huzuridagi DSc.07/30.12.2019.Yu.22.02 raqamli Ilmiy kengashning 2024-yil 15-iyun kuni soat 10:00 dagi majlisida bo‘lib o‘tadi (Manzil: 100047, Toshkent shahri, Sayilgoh ko‘chasi, 35-uy. Tel.: (99871) 233-66-36 faks: (99871) 233-37-48, e-mail: info@tsul.uz).

Dissertatsiya bilan Toshkent davlat yuridik universiteti Axborot-resurs markazida tanishish mumkin (1198-raqam bilan ro‘yxatga olingan) (Manzil: 100047, Toshkent shahri, Amir Temur ko‘chasi, 13-uy. Tel.: (99871) 233-66-36).

Dissertatsiya avtoreferati 2024-yil 3-iyun kuni tarqatildi.  
(2024-yil 3-iyundagi 8-son reyestr bayonnomasi).

**R.R. Xakimov**

Ilmiy darajalar beruvchi ilmiy kengash raisi, yuridik fanlar doktori, professor

**F.B. Maxmudov**

Ilmiy darajalar beruvchi ilmiy kengash kotibi, yuridik fanlar bo‘yicha falsafa doktori, dotsent

**I.R. Bekov**

Ilmiy darajalar beruvchi ilmiy kengash huzuridagi Ilmiy seminar raisi, yuridik fanlar doktori, professor

## **KIRISH (falsafa doktori (PhD) dissertatsiyasi annotatsiyasi)**

**Dissertatsiya mavzusining dolzarbligi va zarurati.** Dunyoda mavjud ekologik muammolarni bartaraf etish, atrof-muhitni muhofaza qilish va tabiiy resurslardan oqilona foydalanish xalqaro tashkilotlar va barcha davlatlar oldida turgan dolzarb vazifalardan biri bo‘lib qolmoqda. Chunki iqlim o‘zgarishi, biologik xilma-xillikning kamayib ketishi, cho‘llanishning tobora kengayishi, ozon qatlamining yemirilishi, global isish, chuchuk suv resurslarining tanqisligi natijasida ko‘plab ekologik muammolar vujudga kelmoqda. Ekologiya sohasidagi mavjud muammolarni bartaraf etishning muhim omillaridan biri sifatida sohani tartibga soluvchi davlat boshqaruv organlari faoliyatining to‘g‘ri yo‘lga qo‘yilganligiga alohida e‘tibor qaratilmoqda.

Jahonda ekologiya sohasidagi davlat boshqaruv organlari faoliyati samaradorligini oshirish, ushbu sohadagi davlat nazoratini amalga oshiruvchi maxsus vakolatli davlat boshqaruv organlari tizimini optimallashtirish, davlat ekologik nazoratining ta’sirchanligini oshirish zarurati bu borada chuqur ilmiy-tadqiqot ishlari olib borilishini taqozo etmoqda. Sohadagi davlat boshqaruvini amalga oshiruvchi maxsus vakolatli davlat boshqaruv organlariga yuklatilgan funksiyalar takrorlanishining oldini olish, qonunchilik hujjatlaridagi ziddiyatlar va qarama-qarshiliklarni bartaraf etish, mazkur sohadagi davlat boshqaruvida davlat-xususiy sheriklikni kengaytirish kabi masalalarning nazariy va amaliy yechimini topish muhim ahamiyat kasb etmoqda.

O‘zbekiston Respublikasida mavjud ekologik muammolarni bartaraf etish, tabiiy resurslardan samarali va oqilona foydalanishga erishishda davlat boshqaruv organlari faoliyatini to‘g‘ri tashkil etish davlat siyosatining muhim yo‘nalishlaridan biri hisoblanadi. “Iqlim muammolari barqaror rivojlanish yo‘lida eng asosiy tahdidga aylanib ulgurdi. Bu xavf-xatarlar hatto dunyo geosiyosiy arxitekturasiga ham ta’sir ko‘rsatmoqda. Iqlim o‘zgarishining salbiy oqibatlari Orol fojiasi tufayli Markaziy Osiyoda ayniqsa jiddiy sezilmoqda. Mintaqamizda havo haroratining oshishi jahondagi o‘rtacha ko‘rsatkichdan ikki baravar ko‘pdir. Favqulodda issiq kunlar soni ikki marta ortib, muzliklar maydonining uchdan bir qismi yo‘qoldi”<sup>1</sup>. Mamlakatimizda fuqarolarning qulay ekologik muhitga bo‘lgan konstitutsiyaviy huquqlarini ta’minlash bo‘yicha muhim huquqiy, tashkiliy va ijtimoiy-iqtisodiy chora-tadbirlar amalga oshirilayotganiga qaramasdan, ekologiya sohasidagi vakolatli davlat boshqaruv organlari tizimining tarqoqligi va bir-birining funksiyalarini takrorlovchi davlat organlarining mavjudligi; mazkur sohada davlat boshqaruvini amalga oshiruvchi ayrim ijro etuvchi hokimiyat organlariga yuklatilgan vazifalarning deklarativ xususiyatga egaligi va ularni amalga oshirishning tashkiliy-huquqiy mexanizmlari yetarli emasligi; davlat ekologik nazorati turli organlar tomonidan amalga oshirilishi hamda ular faoliyatiga bevosita va bilvosita ta’sir ko‘rsatish imkoniyatining mavjudligi; davlat ekologik nazoratini amalga oshiruvchi maxsus vakolatli davlat boshqaruv organlari vakolatlarining cheklangani; davlat boshqaruv organlari tomonidan ekologiya sohasida ruxsat berish

---

<sup>1</sup> “Xalq so‘zi” gazetasi № 257, 02.12.2023.

tizimi va shartlaridagi bo'shliqlarning mavjudligi; ushbu sohadagi davlat boshqaruvida davlat-xususiy sheriklik tizimining to'g'ri yo'lga qo'yilmagani va jamoatchilik nazoratining sustligi kabi muammolar mazkur sohada tadqiqot olib borish zaruratini vujudga keltirmoqda.

O'zbekiston Respublikasining "Tabiatni muhofaza qilish to'g'risida"gi O'RQ-754-XII-son (1992), "Ekologik nazorat to'g'risida"gi O'RQ-363-son (2013), "Suv va suvdan foydalanish to'g'risida"gi O'RQ-837-XII-son (1993), "Atmosfera havosini muhofaza qilish to'g'risida"gi O'RQ-353-I-son (1996), "O'simlik dunyosini muhofaza qilish va undan foydalanish to'g'risida"gi O'RQ-409-son (2016) qonunlari, O'zbekiston Respublikasi Prezidentining 2017-yil 8-sentabrdagi PF-5185-son "O'zbekiston Respublikasida Ma'muriy islohotlar konsepsiyasini tasdiqlash to'g'risida"gi, 2019-yil 30-oktabrdagi PF-5863-son "2030-yilgacha bo'lgan davrda O'zbekiston Respublikasining atrof-muhitni muhofaza qilish konsepsiyasini tasdiqlash to'g'risida"gi, 2023-yil 11-sentabrdagi PF-158-son "O'zbekiston – 2030" strategiyasi to'g'risida"gi, 2024-yil 21-fevraldagi PF-37-son "O'zbekiston – 2030" strategiyasini "Yoshlar va biznesni qo'llab-quvvatlash yili"da amalga oshirishga oid davlat dasturi to'g'risida"gi farmonlari hamda 2019-yil 4-oktabrdagi PQ-4477-son "2019–2030-yillar davrida O'zbekiston Respublikasining "Yashil" iqtisodiyotga o'tish strategiyasini tasdiqlash to'g'risida"gi qarori hamda sohani tartibga soluvchi boshqa normativ-huquqiy hujjatlarda belgilangan vazifalarni amalga oshirishda mazkur dissertatsiya tadqiqoti muayyan darajada xizmat qiladi.

**Tadqiqotning respublika fan va texnologiyalari rivojlanishining ustuvor yo'nalishlariga mosligi.** Mazkur tadqiqot ishi respublika fan va texnologiyalar rivojlanishining I. "Axborotlashgan jamiyat va demokratik davlatni ijtimoiy, huquqiy, iqtisodiy, madaniy, ma'naviy-ma'rifiy rivojlantirishda innovatsion g'oyalar tizimini shakllantirish va ularni amalga oshirish yo'llari" ustuvor yo'nalishiga mos keladi.

**Muammoning o'rganilganlik darajasi.** Ekologiya sohasidagi davlat boshqaruvini amalga oshiruvchi maxsus vakolatli davlat boshqaruv organlari faoliyatini huquqiy tartibga solish masalalari huquqshunos olimlar tomonidan muayyan darajada tadqiq etilgan bo'lib, mavjud tahlillar asosan umumiy yondashuvga asoslangan.

O'zbekistonlik huquqshunos olimlardan Axmedshayeva M.A., Artikov D.R., Bahronov Sh.X., Bozorov U.B., Fayziyev Sh.X., Hayitov Sh.R., Ikramov Sh.T., Odilqoriyev X.T., Islomov Z.M., Ismoilov N.M., Jurayev Y.O., Jurayev Sh.Y., Maxkamov D.N., Najimov M.K., Narzullayev O.X., Nematov J.N., Qosimov B.E., Rajabov N.Sh., Safarov Dj.I., Saydullayev Sh.A., Sultanova S.A., Toshboyeva R.S., Tursunov A.S., Usmonov M.B., Uzakova G.Sh., Xakimov G.T., Xojjiyev E.T., Xujanazarov A.A., Xvan L.B., Xolmo'minov J.T.<sup>2</sup> tomonidan davlat boshqaruvi, davlat boshqaruv organlari, shuningdek, ekologiya sohasidagi maxsus vakolatli davlat boshqaruv organlari faoliyatining ayrim jihatlarini tadqiq etilgan.

---

<sup>2</sup> Mazkur olimlarning ilmiy ishlari dissertatsiya ishining foydalanilgan adabiyotlar ro'yxatida berilgan.

Xorijiy davlatlar olimlaridan Devid L., Emerson G., Fayol A., Ford G., Killen K., Kunts G., Ma Sin, O'Donnel S., Otto M., Robert E., Teylor F., Jirou T., Zahar A. tomonidan ekologiya sohasidagi maxsus vakolatli davlat boshqaruv organlari faoliyatining ba'zi muammolari o'rganilgan.

MDH davlatlaridan Atamanchuk G.V., Balashenko S.A., Bogolyubov S.A., Boltanova Y.S., Brinchuk M.M., Vinokurov V.A., Vinokurov A.Y., Vlasov V.A., Golichenkov A.K., Dubovik O.L., Yerofeyev B.V., Kurashvili B.Y., Lazarev B.M., Pirogova Y.Y., Chirkin V.Y. kabi olimlar tomonidan mazkur tadqiqot mavzusining ayrim jihatlarini yuzasidan izlanish olib borilgan.

Shunga qaramasdan, O'zbekiston Respublikasida ekologiya sohasida maxsus vakolatli davlat boshqaruv organlari faoliyatini huquqiy tartibga solish masalasi ma'muriy huquq nuqtayi nazaridan alohida monografik tadqiqot ishi sifatida o'rganilmagan.

**Dissertatsiya tadqiqotining dissertatsiya bajarilgan oliy ta'lim muassasasining ilmiy-tadqiqot ishlari rejalarini bilan bog'liqligi.** Tadqiqot Toshkent davlat yuridik universiteti ilmiy-tadqiqot ishlari rejasining "Demokratik islohotlarni chuqurlashtirish sharoitida davlat boshqaruvini yanada erkinlashtirishning asosiy yo'nalishlari" mavzusidagi fundamental loyihasi (2017–2021-y.) doirasida bajarilgan.

**Tadqiqotning maqsadi** O'zbekistonda ekologiya sohasidagi maxsus vakolatli davlat boshqaruv organlari faoliyatini huquqiy tartibga solish tizimini takomillashtirishga qaratilgan ilmiy-amaliy taklif va tavsiyalar ishlab chiqishdan iborat.

#### **Tadqiqotning vazifalari:**

ekologiya sohasidagi maxsus vakolatli davlat boshqaruv organlari tushunchasi va o'ziga xos xususiyatlarini tahlil qilish;

ekologiya sohasidagi maxsus vakolatli davlat boshqaruv organlarining shakllanish va rivojlanish bosqichlarini tahlil qilish;

ekologiya sohasidagi davlat boshqaruvi prinsiplari, metodlari, shakllari va ularning davlat boshqaruvi mexanizmida tutgan o'rnini tadqiq etish;

ekologiya sohasidagi maxsus vakolatli davlat boshqaruv organlarining norma ijodkorligi faoliyatini takomillashtirish yuzasidan takliflar ishlab chiqish;

ekologiya sohasida ruxsat berish tartib-taomillarini takomillashtirish yuzasidan takliflar shakllantirish;

davlat ekologik nazoratini amalga oshirishdagi mavjud huquqiy muammolarni aniqlash va ularni bartaraf etish yuzasidan takliflar ishlab chiqish;

O'zbekiston Respublikasining amaldagi qonunchilik hujjatlari va xorijiy mamlakatlarning ilg'or tajribalarini tadqiq etish orqali mamlakatimizda ekologiya sohasidagi maxsus vakolatli davlat boshqaruv organlarining samarali faoliyat yuritishini ta'minlashga qaratilgan ilmiy-amaliy taklif va tavsiyalar ishlab chiqish;

mazkur sohadagi davlat boshqaruvida davlat-xususiy sheriklik va jamoatchilik nazoratini kengaytirish istiqbollari tahlil qilish.

**Tadqiqotning obyekti** sifatida O'zbekistonda ekologiya sohasidagi davlat boshqaruvini amalga oshiruvchi maxsus vakolatli davlat boshqaruv organlari

tomonidan boshqaruv faoliyatini amalga oshirish bilan bog'liq ijtimoiy munosabatlar olingan.

**Tadqiqotning predmetini** O'zbekiston Respublikasi va xorijiy mamlakatlarning ekologiya sohasidagi maxsus vakolatli davlat boshqaruv organlari faoliyatini tartibga soluvchi normativ-huquqiy hujjatlar va huquqni qo'llash amaliyoti, ilmiy-nazariy qarashlar hamda huquqiy kategoriyalar tashkil etadi.

**Tadqiqotning usullari.** Tadqiqot olib borishda ilmiy bilishning tarixiy, tizimli, mantiqiy (analiz, sintez), induksiya, deduksiya, qiyosiy-huquqiy, statistik, ijtimoiy so'rovlar o'tkazish kabi usullaridan foydalanilgan.

**Tadqiqotning ilmiy yangiligi** quyidagilardan iborat:

davlat ekologik nazoratining turli organlar tomonidan amalga oshirilishi natijasida manfaatlar to'qnashuvining vujudga kelishi, ushbu organlarda nazoratni amalga oshirish uchun zarur tashkiliy-huquqiy mexanizmlar va kadrlar resurslari mavjud emasligi nazoratning samaradorligiga salbiy ta'sir ko'rsatayotgani sababli uni amalga oshiruvchi maxsus vakolatli davlat boshqaruv organlari tizimini optimallashtirish lozimligi asoslab berilgan;

tadbirkorlik subyektlari faoliyati erkinligini ta'minlash hamda ularni ekologiya sohasidagi maxsus vakolatli davlat boshqaruv organlari mansabdor shaxslarining asossiz aralashuvlaridan himoya qilish, shuningdek, ular tomonidan o'z mansab vakolatlari suiiste'mol qilinishining oldini olish zaruriyati vujudga kelayotgani sababli ekologiya sohasidagi maxsus vakolatli davlat boshqaruv organlari mansabdor shaxslarining diskretion vakolatlarini aniqlashtirish lozimligi asoslantirilgan;

atrof-muhitni muhofaza qilish, unga yetkazilayotgan zararlarning oldini olish maqsadida noqonuniy kesilgan va yo'q qilingan daraxtlar hamda butalarning o'rniga qimmatbaholigi jihatidan ulardan kam bo'lmagan daraxt va buta ko'chatini aynan ular kesilgan yoki yo'q qilingan joyga daraxtlar va butalarni kesgan yoki yo'q qilgan shaxslar tomonidan ekologiya sohasidagi maxsus vakolatli davlat boshqaruv organi qaroriga ko'ra ekilishi lozimligi asoslab berilgan;

suv resurslaridan oqilona foydalanish va suv resurslarini boshqarish tizimini takomillashtirish maqsadida suv xo'jaligi obyektlarini boshqarish sohasida davlat sherigi va xususiy sherikning o'zaro foydali hamkorligi hamda davlat boshqaruvining samaradorligini oshirishga yo'naltirilgan davlat-xususiy sheriklikni keng joriy etish lozimligi asoslantirilgan.

**Tadqiqotning amaliy natijalari** quyidagilardan iborat:

ekologiya sohasidagi maxsus vakolatli davlat boshqaruv organlarining norma ijodkorligi samaradorligini oshirishga qaratilgan takliflar ishlab chiqilgan;

ekologiya sohasida ruxsat etish xususiyatiga ega hujjatni berish tartib-taomillarini takomillashtirish hamda unga qo'yilgan talablarni qat'iylashtirishga oid takliflar ishlab chiqilgan;

davlat ekologik nazoratini amalga oshirish vakolatining turli organlar o'rtasida taqsimlanishi nazoratning ta'sirchanligiga salbiy ta'sir ko'rsatishi sababli nazorat qiluvchi maxsus vakolatli davlat boshqaruv organlari tizimini optimallashtirish lozimligi hamda uning boshqa organlardan moliyaviy va tashkiliy jihatdan mustaqil



bo'lishi kerakligi asoslantirilgan hamda qonunchilik hujjatlarini takomillashtirish yuzasidan takliflar ishlab chiqilgan;

maxsus vakolatli davlat boshqaruv organi tomonidan davlat ekologik ekspertizasini o'tkazish amaliyotini takomillashtirish bo'yicha tavsiyalar ishlab chiqilgan;

atrof-muhitni muhofaza qilish va tabiiy resurslardan oqilona foydalanish sohasida nazorat qilish samaradorligini ta'minlash bo'yicha qonunchilik hujjatlariga takliflar ilgari surilgan;

davlat ekologik nazoratini amalga oshiruvchi maxsus vakolatli mansabdor shaxslari qarorlarining nazorat ostidagi subyektlar harakatlariga mutanosib bo'lishini ta'minlash muhim ekanligi asoslab berilgan;

ekologiya sohasidagi davlat boshqaruvida davlat-xususiy sheriklikni kengaytirish yuzasidan tavsiyalar ishlab chiqilgan;

O'zbekiston Respublikasi Prezidentining "O'zbekiston Respublikasida davlat ekologik nazoratini amalga oshirish tizimini tubdan takomillashtirish chora-tadbirlari to'g'risida"gi Farmoni va "O'zbekiston Respublikasi Prezidenti huzuridagi Davlat ekologik nazorat inspeksiyasi faoliyatini tashkil etish chora-tadbirlari to'g'risida"gi qarori loyihasi tayyorlangan;

O'zbekiston Respublikasi Prezidenti huzuridagi Davlat ekologik nazorat inspeksiyasi to'g'risida nizom konsepsiyasi tayyorlangan.

**Tadqiqot natijalarining ishonchliligi.** Dissertatsiya natijalari milliy qonunchilik hujjatlari, rivojlangan davlatlar tajribasi va huquqni qo'llash amaliyoti tadqiq qilinib, ekologiya sohasidagi maxsus vakolatli davlat boshqaruv organlarida faoliyat yurituvchi xodimlar va keng jamoatchilik orasida ijtimoiy so'rovlar o'tkazilib, statistik ma'lumotlarni tahlil qilish natijalari umumlashtirilib, tegishli hujjatlar orqali rasmiylashtirildi hamda olingan xulosa, taklif va tavsiyalar aprotatsiyadan o'tkazilib, ularning natijalari yetakchi milliy va xorijiy nashrlarda e'lon qilindi, vakolatli tuzilmalar tomonidan tasdiqlandi va amaliyotga tatbiq qilindi.

**Tadqiqot natijalarining ilmiy va amaliy ahamiyati.** Tadqiqot natijalarining ilmiy ahamiyati unda ilgari surilgan ilmiy-nazariy xulosalar, taklif va tavsiyalardan kelgusi ilmiy faoliyatda, norma ijodkorligida, huquqni qo'llash amaliyotida, milliy qonunchilikni takomillashtirish hamda Ma'muriy huquq va Ekologiya huquqi kabi fanlarni ilmiy-nazariy va uslubiy jihatdan yanada boyitishda foydalanish mumkinligida ifodalanadi.

Tadqiqot natijalarining amaliy ahamiyati shundaki, birinchidan, ushbu sohadagi davlat boshqaruv organlari faoliyatini optimallashtirish asosida samarali davlat boshqaruvini ta'minlashga qaratilgan bir qator qoida va amaliy tavsiyalar ishlab chiqilgan, ikkinchidan, uning natijalaridan sohaga oid qonunchilik hujjatlari va huquqni qo'llash amaliyotini takomillashtirishda foydalanish mumkinligi bilan belgilanadi.

**Tadqiqot natijalarining joriy qilinishi.** Ekologiya sohasida maxsus vakolatli davlat boshqaruv organlari faoliyatini huquqiy tartibga solish mavzusidagi tadqiqot bo'yicha olingan ilmiy natijalardan quyidagilarda foydalanilgan:

davlat ekologik nazoratini amalga oshiruvchi maxsus vakolatli davlat boshqaruv organlari tizimini optimallashtirishga oid taklifdan O'zbekiston

Respublikasining 2021-yil 30-noyabrdagi “Suv va suvdan foydalanish to‘g‘risida”gi O‘zbekiston Respublikasi qonuniga o‘zgartish va qo‘shimchalar kiritish haqida”gi O‘RQ–733-son Qonuni bilan “Suv va suvdan foydalanish to‘g‘risida”gi Qonunning 9-moddasi ikkinchi qismiga o‘zgartirish va qo‘shimchalar kiritishda foydalanilgan (O‘zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasining Agrar va suv xo‘jaligi masalalari qo‘mitasi tomonidan 2024-yil 16-yanvardagi 04/8-10-08-son dalolatnomasi). Mazkur taklifning amaliyotga joriy etilishi suv resurslaridan oqilona foydalanish, yer osti va yer usti suvlarining zaxiralarini ko‘paytirish hamda ulardan maqsadli foydalanish ustidan davlat nazoratini amalga oshiruvchi ijro hokimiyati organlarining mas’uliyatini oshirishga xizmat qilgan;

tadbirkorlik subyektlari faoliyatini ekologiya sohasidagi maxsus vakolatli davlat boshqaruv organlari mansabdor shaxslarining asossiz aralashuvlaridan himoya qilish hamda ular tomonidan mansab vakolatlari suiiste‘mol qilinishining oldini olish maqsadida ularning diskretsion vakolatlari chegarasini aniq belgilashga doir taklifdan O‘zbekiston Respublikasining 2024-yil 6-fevraldagi “O‘zbekiston Respublikasining ayrim qonun hujjatlariga o‘zgartirishlar kiritish to‘g‘risida”gi O‘RQ-904-son Qonuni bilan “Tabiatni muhofaza qilish to‘g‘risida”gi Qonun 10-moddasi uchinchi qismi, 48- va 50-moddalarining ikkinchi qismlari, “Ekologik nazorat to‘g‘risida”gi Qonunning 22-moddasi birinchi qismining uchinchi xatboshisiga o‘zgartirish kiritishda foydalanilgan (O‘zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasining Ekologiya va atrof-muhitni muhofaza qilish masalalari qo‘mitasi tomonidan 2024-yil 12-martdagi 04/12-10/14-son dalolatnomasi). Mazkur taklifning amaliyotga joriy etilishi ekologiya sohasidagi maxsus vakolatli davlat boshqaruv organlarining vakolatlarini aniqlashtirishga, aholi hayoti va sog‘lig‘iga xavf yuzaga kelishining oldini olishga xizmat qilgan;

atrof-muhitni muhofaza qilish, unga yetkazilayotgan zararlarning oldini olish maqsadida noqonuniy kesilgan va yo‘q qilingan daraxtlar hamda butalarning o‘rniga qimmatbaholigi jihatidan ulardan kam bo‘lmagan daraxt va buta ko‘chatini ular kesilgan yoki yo‘q qilingan joyga maxsus vakolatli davlat boshqaruv organi qarori bilan ekilishi lozimligi aks etgan taklifdan O‘zbekiston Respublikasining 2024-yil 29-fevraldagi “O‘zbekiston Respublikasining ayrim qonun hujjatlariga o‘zgartirish va qo‘shimchalar kiritish to‘g‘risida”gi O‘RQ-916-sonli Qonuni bilan “O‘simlik dunyosini muhofaza qilish va undan foydalanish to‘g‘risida”gi Qonunning 49<sup>1</sup>-moddasini ishlab chiqishda foydalanilgan (O‘zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasining Ekologiya va atrof-muhitni muhofaza qilish masalalari qo‘mitasining 2024-yil 12-martdagi 04/12-10/14-son dalolatnomasi). Mazkur taklifning amaliyotga joriy etilishi daraxtlar va butalarning noqonuniy kesilishining oldini olishga xizmat qilgan;

suv xo‘jaligi obyektlarini boshqarish sohasida davlat-xususiy sheriklikni joriy etishga oid taklifdan O‘zbekiston Respublikasi Vazirlar Mahkamasining 2022-yil 12-dekabrdagi “Qashqadaryo viloyati tajribasi asosida suv resurslarini boshqarish tizimini yanada takomillashtirish chora-tadbirlari to‘g‘risida”gi 703-son qarori 1-bandi birinchi xatboshisini ishlab chiqishda foydalanilgan (O‘zbekiston Respublikasi Vazirlar Mahkamasining Yuridik ta‘minlash boshqarmasi tomonidan 2023-yil 20-fevraldagi 12-15-20-son dalolatnomasi). Mazkur taklifning amaliyotga

joriy etilishi suv resurslarini samarali boshqarish, ularning hisobi va hisobotini zamonaviy texnologiyalar asosida yuritishga xizmat qilgan.

**Tadqiqot natijalarining aprobatsiyasi.** Mazkur tadqiqot natijalari 4 ta ilmiy-amaliy konferensiyada, xususan, 2 ta xalqaro va 2 ta respublika ilmiy-amaliy konferensiyalarida muhokamadan o'tgan.

**Tadqiqot natijalarining e'lon qilinganligi.** Tadqiqot mavzusi bo'yicha jami 15 ta ilmiy ish, shu jumladan, O'zbekiston Respublikasi Oliy ta'lim, fan va innovatsiyalar vazirligi huzuridagi Oliy attestatsiya komissiyasi tomonidan dissertatsiyaning asosiy ilmiy natijalarini chop etishga tavsiya etilgan nashrlarda 11 ta maqola (7 ta respublika va 4 ta xorijiy jurnallarda) chop etilgan.

**Dissertatsiyaning tuzilishi va hajmi.** Ilmiy tadqiqot ishi kirish, uch bob, 8 paragraf, xulosa, foydalanilgan adabiyotlar ro'yxati va ilova qismlaridan iborat bo'lib, uning hajmi 136 betni tashkil etadi.

## DISSERTATSIYANING ASOSIY MAZMUNI

Dissertatsiyaning Kirish (falsafa doktori (PhD) dissertatsiyasining annotatsiyasi) qismida tadqiqot mavzusining dolzarbligi va zarurati, respublika fan va texnologiyalari rivojlanishining ustuvor yo'nalishlariga bog'liqligi, mavzu bo'yicha xorijiy ilmiy tadqiqotlar sharhi, muammoning o'rganilganlik darajasi, mavzuning dissertatsiya bajarilayotgan oliy ta'lim muassasasining ilmiy tadqiqot ishlari bilan aloqasi, uning maqsad va vazifalari, obykti va predmeti, usullari, ilmiy yangiligi va amaliy natijasi, tadqiqot natijalarining ishonchligi, ilmiy va amaliy ahamiyati, amaliyotga joriy qilinishi, aprobatsiyasi, tadqiqot natijalarining e'lon qilinganligi, dissertatsiyaning hajmi va tuzilishi haqida ma'lumotlar keltirilgan.

Dissertatsiyaning birinchi bobi "**Ekologiya sohasida maxsus vakolatli davlat boshqaruv organlari faoliyatini huquqiy tartibga solishning nazariy-huquqiy tavsifi**" deb nomlanib, unda ekologiya sohasida maxsus vakolatli davlat boshqaruv organlari tushunchasi, maqsadi, tizimi va ularning o'ziga xos xususiyatlari, shuningdek, O'zbekistonda ekologiya sohasida maxsus vakolatli davlat boshqaruv organlarining rivojlanish bosqichlari va ular faoliyatining prinsiplari, metodlari hamda shakllari kabi masalalar tahlil qilingan.

Tadqiqotchi ekologiya sohasidagi davlat boshqaruvi tushunchasini tahlil qilishda ko'plab olimlarning (Z. Islomov, M. Axmedshayeva, X. Odilqoriyev, E. Xojiyev, A. Isaboyev, J. Xolmo'minov, Y. Jurayev, Sh. Fayziyev, N. Muxidinov, D. Maxkamov, A. Golichenkov, S. Balashenko, V. Vlasov, Y. Pirogova, A. Kramnik, Y. Kozlov, G. Atamanchuk) fikrlaridan foydalanib, ular bilan munozaraga kirishgan. Ekologiya sohasidagi davlat boshqaruvi tushunchasiga quyidagi mualliflik ta'rifini ishlab chiqqan:

"Ekologiya sohasidagi davlat boshqaruvi – vakolatli davlat organlarining fuqarolar uchun qulay ekologik muhitni yaratish, ekologik xavfsizlikni ta'minlash maqsadida atrof-muhitni muhofaza qilish, tabiiy resurslardan oqilona foydalanishga yo'naltirilgan, ekologik qonunchilik bilan tartibga solingan tizimli ravishda amalga oshiriladigan, normativ-huquqiy hujjatlar ijrosini ta'minlashga oid ijrochilik va farmoyish berish faoliyatidir".

Dissertant tomonidan ekologiya sohasidagi davlat boshqaruv organlarini umumiy, maxsus va funksional organlarga ajratish mumkinligi tahlil qilingan va ushbu organlarni toifalarga ajratishda ularning kompetensiyasi muhim mezon ekanligi asoslab berilgan.

Tadqiqotchi tomonidan ekologiya sohasidagi maxsus vakolatli davlat boshqaruv organlarining umumiy va funksional vakolatli organlardan farqli jihatlari huquqshunos olimlar (D. Maxkamov, M. Brinchuk, S. Balashenko) fikrlari asosida tahlil qilinib, uning o'ziga xos xususiyatlari ochib berilgan. Xususan, sohadagi maxsus vakolatli davlat boshqaruv organlarining faoliyati atrof-muhitni muhofaza qilish tadbirlarini rejalashtirish va ularni amalga oshirish; qoida va standartlarni ishlab chiqish; litsenziyalash, sertifikatlash, davlat ekologik nazorati va ekologik ekspertizalarni amalga oshirishga yo'naltirilgan. Yuqoridagi vakolatlar umumiy vakolatli organlarda mavjud emasligi asoslab berilgan hamda ekologiya sohasida maxsus vakolatli davlat boshqaruv organlari tushunchasiga quyidagi mualliflik ta'rifi ishlab chiqilgan:

“Ekologiya sohasida maxsus vakolatli davlat boshqaruv organlari – atrof tabiiy muhitni muhofaza qilish va tabiiy resurslardan oqilona foydalanish sohasida davlat siyosatini amalga oshirish, sohada majburiy talablarni belgilash, ruxsat berish, davlat ekologik nazoratini amalga oshirish, funksional organlar faoliyatini muvofiqlashtirish kabi vakolatlarga ega bo'lgan davlat organlari tizimidir”.

Tadqiqotchi tomonidan ekologiya sohasidagi maxsus vakolatli davlat boshqaruv organlarining rivojlanish tendensiyalarini tahlil qilish natijasida sohani boshqarish maqsadi hamda qonunchilik hujjatlarining takomillashtirish tendensiyalaridan kelib chiqib maxsus vakolatli davlat boshqaruv organlarining rivojlanish bosqichlarini shartli ravishda uch qismga ajratgan holda davrlashtirish taklif qilingan. Birinchi bosqich 1925-yilda O'zbekiston SSR tashkil etilishidan boshlab 1991-yilga qadar bo'lgan davrni qamrab olib, mazkur davrda sohadagi davlat boshqaruvi bir tomonlama bo'lib, mamlakatdagi mavjud tabiiy resurslardan cheklanmagan tarzda foydalanish va ko'proq foyda ko'rishga qaratilgan. Ikkinchi bosqich O'zbekiston Respublikasi mustaqillikka erishganidan boshlab 2017-yilgacha bo'lgan davrni o'z ichiga olib, ushbu bosqich sohadagi davlat boshqaruv organlari faoliyatini tartibga soluvchi normativ-huquqiy hujjatlarni takomillashtirish jarayonlari bilan xarakterlanadi. Uchinchi bosqich 2017-yildan hozirgi kungacha bo'lgan davrni qamrab olib, ushbu davr sohadagi davlat boshqaruvi organlarining faoliyatini kuchaytirish, mamlakatda ekologik barqarorlikni ta'minlash va fuqarolar uchun qulay ekologik muhitni yaratishga qaratilgani bilan xarakterlanishi qonunchilik hujjatlari orqali asoslab berilgan.

Ushbu bobda dissertant tomonidan ekologiya sohasidagi davlat boshqaruvini amalga oshirish prinsiplari, metodlari va shakllari tahlil qilinib, sohadagi davlat boshqaruvini amalga oshirishda ma'muriy-huquqiy metodlardan keng foydalanilishi qonunchilik hujjatlari orqali asoslab berilgan.

Dissertatsiyaning ikkinchi bobi **“O'zbekistonda ekologiya sohasida maxsus vakolatli davlat boshqaruv organlari faoliyatini huquqiy tartibga solishning ma'muriy-huquqiy mexanizmlari”** deb nomlangan bo'lib, ushbu bobda ekologiya sohasidagi maxsus vakolatli boshqaruv organlarining norma ijodkorligi faoliyati, mazkur

organlar tomonidan davlat ekologik nazoratni amalga oshirish hamda sohada ruxsat berish tizimidagi mavjud muammoli jihatlar amaliy misollar yordamida tahlil qilinib, milliy qonunchilikni takomillashtirish yuzasidan takliflar ilgari surilgan.

Tadqiqotchi tomonidan ekologiya sohasidagi maxsus vakolatli davlat boshqaruv organlarining norma ijodkorligi faoliyatini takomillashtirish hamda qabul qilinayotgan normativ-huquqiy hujjatlar loyihalari va qabul qilingan normativ-huquqiy hujjatlarning atrof-muhitga salbiy ta'sirini baholash maqsadida ularning atrof-muhitga ta'sirini baholash indikatorlarini ishlab chiqish lozimligi asoslantirib berildi.

Tadqiqotchi tomonidan ruxsat berish tizimi davlat boshqaruv organlarining jismoniy va yuridik shaxslarga muayyan faoliyat bilan shug'ullanish huquqini berish hamda ular o'z faoliyatini ruxsat etish talablari asosida amalga oshirishi yuzasidan nazoratni amalga oshirishga doir vositalar majmui ekanligi tahlil qilingan.

Mamlakatimizda mavjud ekologik muammolar vakolatli davlat boshqaruv organlari tomonidan ruxsat berish tizimi va shartlaridagi bo'shliqlar va sohani tartibga solishda tanlangan pozitsiyaning maqsadga nomuvofiqligi bilan bog'liq ekanligi isbotlangan hamda mavjud muammolarni bartaraf etishga oid takliflar ishlab chiqilgan.

Dissertant tomonidan davlat ekologik nazorati vakolatli davlat organlari tomonidan muntazam amalga oshiriladigan atrof-muhitni muhofaza qilish, tabiiy resurslardan oqilona foydalanish, shuningdek, mazkur sohada davlat xizmatlarini ko'rsatishda qonuniylikni ta'minlash vositasi ekanligi ta'kidlangan hamda uning quyidagi belgilari mavjud ekanligi isbotlangan: ekologiya sohasida amalga oshirilishi; vakolat berilgan davlat boshqaruv organlari tomonidan amalga oshirilishi; nazorat yakunida nazorat obyektiga nisbatan bevosita yoki bilvosita ta'sir chorasini qo'llash imkoniyati mavjudligi; nazoratning muntazam amalga oshirilishi.

Tadqiqotchi davlat ekologik nazoratini amalga oshirish tartibini belgilovchi yagona normativ-huquqiy hujjatning mavjud emasligi, nazorat qilish funksiyasi turli organlar tomonidan amalga oshirilishi hamda davlat ekologik nazoratini amalga oshiruvchi maxsus vakolatli organlar faoliyatiga bevosita va bilvosita ta'sirining mavjudligi kabi muammolar maxsus vakolatli organlar tomonidan nazorat funksiyasining samarali amalga oshirilishiga imkon bermayotganini asoslab bergan.

Tadqiqotchi tomonidan Sh. Fayziyev, L. Gamidullayeva va A. Golichenkovlarning ilmiy ishlari tahlili asosida davlat ekologik nazoratining samaradorligi uni amalga oshiruvchi subyektning mustaqilligi va boshqa organlarning ushbu subyektlar faoliyatiga ta'siri mavjud emasligiga bog'liq ekanligi asoslantirilgan hamda davlat ekologik nazoratini amalga oshiruvchi organning faoliyati boshqa organlar aralashuvidan, xususan, boshqa tuzilmalardan moliyaviy va tashkiliy jihatdan to'liq mustaqil bo'lishi kerakligi amaliy misollar yordamida asoslab berilgan.

Amalga oshirilgan tahlillar natijasida tadqiqotchi tomonidan boshqa davlat organlaridan mustaqil bo'lgan va to'g'ridan to'g'ri O'zbekiston Respublikasi Prezidentiga bo'ysunadigan hamda o'z faoliyatida O'zbekiston Respublikasi Oliy Majlisi hamda Prezidentiga hisobdor bo'lgan Davlat ekologik nazorat inspeksiyasini tashkil etish taklif etilgan.

Davlat ekologik ekspertizasi xulosalari tahlili asosida manfaatdor shaxslarga taqdim etilgan ekspertiza xulosalarining aksariyati xulosada keltirilgan muayyan talablarni

bajarish sharti bilan ekspertiza markazi tomonidan ijobiy xulosa berish amaliyoti noto‘g‘ri ekanligi va bu amaliyotni bekor qilish zaruriyati asoslab berilgan.

Dissertatsiyaning uchinchi bobi **“Ekologiya sohasida maxsus vakolatli davlat boshqaruv organlari faoliyatini huquqiy tartibga solishni takomillashtirish: milliy va xorijiy tajriba”** deb nomlanib, ekologiya sohasida maxsus vakolatli davlat boshqaruv organlari faoliyatini huquqiy tartibga solish borasidagi xorijiy mamlakatlar tajribasi, mamlakatimizda ekologiya sohasida maxsus vakolatli davlat boshqaruv organlari faoliyatini huquqiy tartibga solish tizimini takomillashtirish istiqbollari tahlil qilingan.

Mazkur bob doirasida bir qator xorijiy mamlakatlarda ekologiya sohasida davlat boshqaruvini amalga oshiruvchi maxsus vakolatli davlat boshqaruv organlari faoliyatining o‘ziga xos xususiyatlari tahlil qilinib, ularni shartli ravishda Yevropa va MDH modeliga ajratish mumkinligi ilgari surilgan. Yevropa modelining o‘ziga xos xususiyati mazkur sohadagi davlat boshqaruvi yagona tashkiliy tuzilma tomonidan amalga oshirilishida namoyon bo‘lib, asosan G‘arbiy Yevropa va AQShda qaror topgan. Yevropa modelidan farqli ravishda MDH modelida davlat boshqaruvi yagona tashkiliy tuzilma tomonidan emas, balki tarqoq holda bir nechta organ tomonidan amalga oshirilishi asoslantirilgan. Ekologiya sohasidagi davlat boshqaruv organlarining MDH modeli Xitoy Xalq Respublikasi, Rossiya Federatsiyasi, Belarus Respublikasi, O‘zbekiston kabi davlatlarda mavjud ekanligi asoslantirib berilgan.

Tadqiqotchi tomonidan ekologiya sohasidagi maxsus vakolatli davlat boshqaruv organlarining yagona tashkiliy tuzilma sifatida tashkil etilmagani tufayli sohadagi muammolar samarali yechim topmayotgani asoslantirilgan. Shuningdek, O‘zbekistonda ham ekologiya sohasidagi davlat boshqaruv organlari tarqoqligiga chek qo‘yib, bosqichma-bosqich Yevropa modeliga o‘tish lozimligi hamda hozirda mazkur sohada mavjud barcha organlarni yagona vazirlikka birlashtirish va yagona ekologik siyosat yuritish maqsadga muvofiq hisoblanishi asoslab berilgan.

Dissertant tomonidan mamlakatimizda ekologiya sohasidagi davlat boshqaruv organlari faoliyatini takomillashtirish istiqbollari sifatida nazorat qiluvchi organ vakolatlarini kengaytirish, ularning moddiy-texnik bazasini mustahkamlash va sohada zamonaviy boshqaruv mexanizmlarini joriy etish, davlat boshqaruv organlari faoliyati ustidan jamoatchilik nazoratini kuchaytirish hamda sohadagi davlat boshqaruvida davlat-xususiy sheriklikni kengaytirish lozimligi asoslantirib berilgan.

Tadqiqotchi tomonidan rivojlangan xorijiy mamlakatlar tajribasi hamda O‘zbekistonning geografik xususiyatlaridan kelib chiqib, ekologiya sohasining quyidagi tarmoqlarida davlat-xususiy sheriklikni joriy qilish taklif etilgan:

- 1) muqobil energiyadan foydalanish sohasida;
- 2) suv xo‘jaligi obyektlarini boshqarish sohasida;
- 3) ekoturizm sohasida;
- 4) kompensatsiya evaziga ekilgan daraxtlarni parvarishlash sohasida;
- 5) oqova suvlarni tozalash sohasida.

Tadqiqotchi tomonidan mazkur sohada davlat-xususiy sheriklikni joriy qilish quyidagi afzalliklarga ega ekanligi asoslantirilgan: mazkur sohaga tadbirkorlar mablag‘larini jalb qilish orqali davlat mablag‘lari sezilarli darajada tejab qolinadi; samarali davlat boshqaruvi mexanizmlarini joriy etish hisobiga ko‘rsatilayotgan xizmatlarning sifati va raqobatbardoshligi ortadi; davlat o‘z oldida turgan asosiy

vazifalaridan biri – fuqarolar uchun qulay ekologik muhit yaratilishiga erishadi; mamlakatda yangi potensial soliq to‘lovchilar vujudga keladi; fuqarolarning ekologik madaniyati yuksalishiga erishiladi; chiqindilar uchun ajratiladigan katta hududlarning qisqartirilishiga erishiladi; aholini elektr energiyasi bilan ta‘minlash darajasi oshadi; ekoturizmning rivojlanishi hisobiga mamlakatimizda tashrif buyuruvchi turistlar oqimini yanada ko‘paytirishga erishiladi.

Tadqiqot davomida ekologiya sohasidagi davlat boshqaruv organlari faoliyatining holati to‘g‘risidagi so‘rovnoma o‘tkazilganda unda ishtirok etgan respondentlarning 90 foizi mamlakatimizdagi ekologik holat yomon ekanligini va mazkur sohani davlat tomonidan tartibga solish tizimini takomillashtirish lozimligini ta‘kidlaganlar. Shu sababli ushbu fikrlar asosida sohadagi davlat boshqaruv organlari tizimini optimallashtirish, ularning vazifa va funksiyalarining takrorlanishiga barham berish masalasi tahlil qilingan.

## XULOSA

Amalga oshirilgan tadqiqot natijasida quyidagi ilmiy-nazariy xulosalar, qonunchilik hujjatlarini takomillashtirishga doir takliflar va huquqni qo‘llash amaliyotini rivojlantirishga qaratilgan tavsiyalar ilgari surildi:

### **I. Ilmiy-nazariy xulosalar:**

1. Ekologiya sohasida davlat boshqaruvi tushunchasiga quyidagi mualliflik ta‘rifi ishlab chiqildi:

“Ekologiya sohasida davlat boshqaruvi – vakolatli davlat organlarining fuqarolar uchun qulay ekologik muhitni yaratish, ekologik xavfsizlikni ta‘minlash maqsadida atrof-muhitni muhofaza qilish, tabiiy resurslardan oqilona foydalanishga yo‘naltirilgan, ekologik qonunchilik bilan tartibga solingan tizimli ravishda amalga oshiriladigan, normativ-huquqiy hujjatlar ijrosini ta‘minlashga oid ijrochilik va farmoyish berish faoliyatidir”.

2. Ekologiya sohasida maxsus vakolatli davlat boshqaruv organlari tushunchasiga quyidagi mualliflik ta‘rifi ishlab chiqildi:

“Ekologiya sohasida maxsus vakolatli davlat boshqaruv organlari – atrof tabiiy muhitni muhofaza qilish va tabiiy resurslardan oqilona foydalanish sohasida davlat siyosatini amalga oshirish, sohada majburiy talablarni belgilash, ruxsat berish, davlat ekologik nazoratini amalga oshirish, funksional organlar faoliyatini muvofiqlashtirish kabi vakolatlarga ega bo‘lgan davlat organlari tizimidir”.

3. Ekologiya sohasidagi davlat boshqaruv organlarining umumiy, maxsus va funksional organlarga ajratishda asosiy mezon ularning kompetensiyasi ekanligi asoslab berildi.

4. Davlat ekologik nazoratini amalga oshirish vakolati berilgan organning boshqa organlar ta‘siridan xoli, moliyaviy va tashkiliy jihatdan to‘liq mustaqil bo‘lishi lozimligi hamda mazkur organ O‘zbekiston Respublikasi Prezidenti huzurida tashkil etilishi lozimligi ilmiy jihatdan asoslantirildi.

5. Dissertant tomonidan mamlakatimizda ekologiya sohasidagi davlat boshqaruv organlarining rivojlanish bosqichlarini shartli ravishda 3 bosqichga bo‘lish mumkinligi izohlab berildi. Birinchi bosqich 1925-yilda O‘zbekiston

SSRning tashkil etilishidan boshlab 1991-yilga qadar bo‘lgan davrni qamrab olib, mazkur davrda sohadagi davlat boshqaruvi bir tomonlama bo‘lib, mamlakatdagi mavjud tabiiy resurslardan cheklanmagan tarzda foydalanish va ko‘proq foyda ko‘rishga qaratilgan. Ikkinchi bosqich O‘zbekiston Respublikasi mustaqillikka erishganidan boshlab 2017-yilgacha bo‘lgan davrni o‘z ichiga olib, ushbu bosqich sohadagi davlat boshqaruv organlari faoliyatini tartibga soluvchi normativ-huquqiy hujjatlarni takomillashtirish jarayonlari bilan xarakterlanadi. Uchinchi bosqich 2017-yildan hozirgi kungacha bo‘lgan davrni qamrab olib, ushbu davr sohadagi davlat boshqaruvi organlarining faoliyatini kuchaytirish, mamlakatda ekologik barqarorlikni ta‘minlash va fuqarolar uchun qulay ekologik muhitni yaratishga qaratilganligi bilan xarakterlanishi qonun hujjatlari orqali asoslab berilgan.

6. Ekologiya sohasidagi davlat boshqaruvida ma‘muriy-huquqiy metodlardan keng foydalanilishi qonun hujjatlari orqali asoslab berildi.

7. Mazkur sohadagi davlat boshqaruvini tashkil etishda “Ifloslantiruvchi to‘laydi” prinsipini amaliyotga keng joriy etish lozimligi asoslantirib berildi.

8. Xorijiy mamlakatlar tajribasi tahlili asosida ekologiya sohasidagi davlat boshqaruv organlari faoliyatining o‘ziga xos xususiyatlarini inobatga olib, ularni Yevropa va MDH modeliga ajratish mumkinligi asoslab berildi.

## **II. Normativ-huquqiy hujjatlarni takomillashtirishga oid taklif va tavsiyalar:**

9. O‘zbekiston Respublikasining “Ekologik nazorat to‘g‘risida”gi Qonuni 11-moddasini quyidagi tahrirda bayon qilish taklif etiladi:

“O‘zbekiston Respublikasi Prezidenti huzuridagi Davlat ekologik nazorat inspeksiyasi maxsus vakolatli davlat organidir.

Maxsus vakolatli davlat organlari:

ekologik nazorat sohasida yagona davlat siyosatini amalga oshirishda ishtirok etadi;

davlat ekologik nazoratini amalga oshiradi;

davlat ekologik dasturlari va boshqa ekologik dasturlarni, shu jumladan, atrof-muhitning davlat monitoringi dasturini ishlab chiqishda ishtirok etadi hamda ularning amalga oshirilishini ta‘minlaydi;

belgilangan tartibda ekologik nazorat sohasidagi normativ-huquqiy hujjatlarni ishlab chiqishda ishtirok etadi, shuningdek, ekologik nazorat sohasidagi normativ-huquqiy hujjatlarni ishlab chiqadi va tasdiqlaydi;

davlat boshqaruv organlari va ommaviy axborot vositalari bilan davlat ekologik nazorati masalalari bo‘yicha hamkorlik qiladi;

tabiatni muhofaza qilish faoliyatining samaradorligini oshirish hamda fuqarolar, fuqarolarning o‘zini o‘zi boshqarish organlari, nodavlat-notijorat tashkilotlari, ommaviy axborot vositalari bilan jamoatchilik ekologik nazoratini amalga oshirishda hamkorlik qiladi;

idoraviy, ishlab chiqarish ekologik xizmatlarini davlat ekologik nazoratida ishtirok etish uchun jalb qiladi;

idoraviy, ishlab chiqarish va jamoatchilik ekologik nazoratini amalga oshirishda uslubiy yordam ko‘rsatadi hamda ko‘maklashadi.



Maxsus vakolatli davlat organlari qonunchilikka muvofiq boshqa vakolatlarni ham amalga oshirishi mumkin”.

10. O‘zbekiston Respublikasining “Ekologik nazorat to‘g‘risida”gi Qonuni 12-moddasini quyidagi tahrirda bayon qilish taklif etiladi:

“Mahalliy davlat hokimiyati organlari:

davlat ekologik dasturlari va boshqa ekologik dasturlarning amalga oshirilishida ishtirok etadi;

hududiy ekologik dasturlarni tasdiqlaydi va ularning amalga oshirilishini ta’minlaydi;

ekologik nazoratning boshqa subyektlari va ommaviy axborot vositalari bilan davlat ekologik nazorati masalalari bo‘yicha o‘zaro hamkorlik qiladi.

Mahalliy davlat hokimiyati organlari qonunchilikka muvofiq boshqa vakolatlarni ham amalga oshirishi mumkin”.

11. O‘zbekiston Respublikasining “Ekologik nazorat to‘g‘risida”gi Qonuniga quyidagi yangi normani kiritish taklif etiladi:

“Majburiy talablarning buzilishining oldini olish va (yoki) bartaraf etish bo‘yicha jismoniy va yuridik shaxslarga nisbatan qo‘llanadigan ta’sir chorasi maxsus vakolatli organ tomonidan ko‘zlangan qonuniy maqsadga erishish uchun mos va yetarli bo‘lishi hamda manfaatdor shaxslarga imkon qadar qiyinchilik tug‘dirmasligi kerak”.

12. O‘zbekiston Respublikasining “Suv va suvdan foydalanish to‘g‘risida”gi Qonuni 9-moddasi ikkinchi qismini quyidagi tahrirda bayon qilish taklif etiladi:

“Suvdan foydalanish va uni muhofaza qilish ustidan davlat nazorati O‘zbekiston Respublikasi Prezidenti huzuridagi Davlat ekologik nazorat inspeksiyasi tomonidan qonunchilikda belgilangan tartibda amalga oshiriladi”.

13. O‘zbekiston Respublikasining “Ekologik ekspertiza to‘g‘risida”gi Qonuni 13-moddasi ikkinchi qismini quyidagi holda tahrir qilish taklif etiladi:

“Davlat ekologik ekspertizasi O‘zbekiston Respublikasi Prezidenti huzuridagi Davlat ekologik nazorat inspeksiyasi va Qoraqalpog‘iston Respublikasi davlat ekologik nazorat inspeksiyasi, viloyatlar va Toshkent shahri davlat ekologik nazorat inspeksiyalarining ixtisoslashtirilgan ekspert bo‘linmalari tomonidan o‘tkaziladi”.

14. O‘zbekiston Respublikasining “O‘simlik dunyosini muhofaza qilish va undan foydalanish to‘g‘risida”gi Qonuni 37-moddasi ikkinchi qismini quyidagi tahrirda bayon qilish taklif etiladi:

“Davlat o‘rmon fondiga kirmaydigan daraxtlar va butalarni kesishga faqat sanitariya maqsadlarida hamda binolar, inshootlar va kommunikatsiyalarni qurish hamda rekonstruksiya qilish bilan bog‘liq holda kesish Davlat ekologik nazorat inspeksiyasining ijobiy xulosasi asosida amalga oshiriladi”.

15. O‘zbekiston Respublikasining “Tadbirkorlik faoliyati erkinligining kafolatlari to‘g‘risida”gi Qonuni hamda O‘zbekiston Respublikasi Prezidentining 2022-yil 13-sentabrdagi PQ-374-son qarori bilan tasdiqlangan “Nazorat qiluvchi organlar tomonidan tadbirkorlik subyektlari faoliyatida tekshiruvlar va profilaktika tadbirlarini o‘tkazish tartibi to‘g‘risida”gi nizomga quyidagi yangi normani kiritish taklif etiladi:

“Davlat ekologik nazorat inspeksiyasi tomonidan tadbirkorlik subyektlariga

tegishli hududlarda tabiatni muhofaza qilish, shu jumladan, atmosfera havosi, yer, yer osti boyliklari, suv resurslari, hayvonot va o‘simlik dunyosini muhofaza qilish, chiqindilar bilan bog‘liq qonunchilikka rioya qilish bo‘yicha ekologik monitoring doirasida o‘tkaziladigan tadbirlar tadbirkorlik faoliyatini tekshirish hisoblanmaydi hamda ular mansabdor shaxslar va davlat organlari bilan kelishilmaydi”.

16. O‘zbekiston Respublikasining Ma‘muriy javobgarlik to‘g‘risidagi kodeksi 197<sup>6</sup>-moddasida nazarda tutilgan javobgarlik miqdorini quyidagi miqdorda belgilash taklif etiladi:

“fuqarolarga bazaviy hisoblash miqdorining ellik baravaridan yetmish besh baravarigacha, mansabdor shaxslarga esa – yetmish besh baravaridan yuz baravarigacha miqdorda jarima solishga sabab bo‘ladi”.

17. Normativ-huquqiy hujjatlardagi takrorlanishlarning oldini olish maqsadida O‘zbekiston Respublikasining “Tabiatni muhofaza qilish to‘g‘risida”gi qonuni 29-moddasini chiqarib tashlash taklif etiladi.

18. Davlat ekologik nazoratini yagona organ tomonidan amalga oshirilishini ta‘minlash maqsadida “Atmosfera havosini muhofaza qilish to‘g‘risida”gi, “Chiqindilar to‘g‘risida”gi, “O‘simlik dunyosini muhofaza qilish va undan foydalanish to‘g‘risida”gi qonunlardagi mahalliy davlat hokimiyatining tegishli hududda davlat ekologik nazoratini amalga oshirish vakolatini bekor qilish taklif etiladi.

19. O‘zbekiston Respublikasi Vazirlar Mahkamasining 2022-yil 22-fevraldagi 86-son qarori bilan tasdiqlangan “Maxsus elektron tizim orqali ruxsat etish xususiyatiga ega ayrim hujjatlarni berish tartib-taomillari to‘g‘risida”gi yagona nizomning 20-bandi uchinchi xatboshisini quyidagi tahrirda bayon qilish taklif etiladi:

Ushbu bandning birinchi xatboshisida nazarda tutilgan holatda talabgor pasportlarning 7-bandida belgilangan hujjatni berganlik uchun undiriladigan yig‘imni to‘lagandan keyin (yig‘im to‘lanishi nazarda tutilmagan hollar bundan mustasno) “Litsenziya” AT da QR-kod (matrik shtrixli kod) qo‘yilgan ruxsat etish xususiyatiga ega hujjat shakllantiriladi va talabgorning “Litsenziya” AT yoki YIDXPdagi shaxsiy kabinetiga elektron shaklda yuboriladi (ekologiya sohasida ruxsat etish xususiyatiga ega hujjatlar bundan mustasno). Bunda talabgor faoliyat bilan ruxsat etish xususiyatiga ega hujjatsiz shug‘ullanganlik uchun javobgarlikka tortilishi mumkin emas va vakolatli organlar vujudga kelishi mumkin bo‘lgan barcha oqibatlar uchun javobgar bo‘ladi”.

20. O‘zbekiston Respublikasi Vazirlar Mahkamasining 2022-yil 20-apreldagi “Qurilish sohasiga oid yagona ma‘muriy qurilish reglamentlarini tasdiqlash to‘g‘risida”gi 200-son qarori 6-ilovasi bilan tasdiqlangan “Qurilish-montaj ishlari tugallangan obyektдан foydalanish uchun ruxsatnoma berish bo‘yicha davlat xizmatlari ko‘rsatishning ma‘muriy reglamenti” 4-bandini quyidagi xatboshi bilan to‘ldirish taklif etiladi:

“...davlat ekologik nazorat inspeksiyalari ko‘p kvartirali uylarning atrofida “yashil hududlar” yaratilganligi yuzasidan tegishli xulosa beradilar”.

21. O‘zbekiston Respublikasi Vazirlar Mahkamasining 2022-yil 15-noyabrdagi 658-son qarori bilan tasdiqlangan “O‘zbekiston Respublikasi fuqaro

va davlat aviatsiyasida uchuvchisiz uchadigan apparatlardan foydalanish hamda ularni saqlash tartibi to‘g‘risida”gi nizomni quyidagi band bilan to‘ldirish taklif etiladi:

“Davlat ekologik nazorat inspeksiyasi xodimlari tomonidan davlat ekologik nazoratini amalga oshirish jarayonida uchuvchisiz uchadigan apparatlardan foydalanish uchun ruxsat talab etilmaydi”.

22. O‘zbekiston Respublikasi Vazirlar Mahkamasining 2022-yil 22-avgustdagi “Davlat o‘rmon fondiga kirmaydigan daraxtlar va butalarni ekish, parvarish qilish va ulardan foydalanish tartibini yanada takomillashtirish to‘g‘risida”gi 464-son qarori ikkinchi bandi ikkinchi xatboshisi hamda “Davlat o‘rmon fondiga kirmaydigan daraxtlar va butalarni ekish, parvarish qilish hamda ulardan foydalanish tartibi to‘g‘risida”gi nizomning 34-bandini quyidagi tahrirda bayon qilish taklif etiladi:

“...kompensatsiyaviy ekish daraxt va buta kesilgan va (yoki) yo‘q qilingan joyda amalga oshiriladi. Ushbu joyda daraxt va buta ko‘chatlarini ekish uchun yer maydoni yetarli bo‘lmagan hollarda maxsus vakolatli organ tomonidan tanlangan obodonlashtirish va ko‘kalamzorlashtirish uchun mo‘ljallangan boshqa hududda ekiladi”.

23. O‘zbekiston Respublikasi Adliya vazirining 2014-yil 28-fevraldagi 53-mh-son buyrug‘i bilan tasdiqlangan “Idoraviy normativ-huquqiy hujjatlarni tayyorlash va qabul qilish qoidalari”ning 21-bandini quyidagi xatboshi bilan to‘ldirish taklif etiladi:

“...atrof-muhitga belgilangan normativdan ortiq darajada salbiy ta’sir ko‘rsatadigan hamda tabiiy resurslarni nobud qilishga olib keladigan”.

24. Ushbu qoidalarning 94-bandini quyidagi a<sup>2)</sup> xatboshisi bilan to‘ldirish taklif etiladi:

“a<sup>2)</sup> atrof-muhitga belgilangan normativdan ortiq darajada salbiy ta’sir ko‘rsatadigan hamda tabiiy resurslarni nobud qilishga olib keladigan normalar mavjud bo‘lsa”.

### **III. Ekologiya sohasini tartibga solish bilan bog‘liq amaliyotni takomillashtirishga oid taklif va tavsiyalar:**

25. Normativ-huquqiy hujjat loyihalari va qabul qilingan normativ-huquqiy hujjatlarning atrof-muhitga ta’sirini baholash indikatorlarini tasdiqlash taklif etildi.

26. Hokim qarori asosida daraxtlarni xatlovdan o‘tkazish tartibini bekor qilib, Davlat ekologik nazorat inspeksiyasi tomonidan har yili bir marta o‘tkazilishini aniq belgilab qo‘yish taklif etildi.

27. Davlat ekspertiza markazlari tomonidan xulosada keltirilgan muayyan talablarni bajarish sharti bilan ijobiy xulosa berish amaliyotini bekor qilish taklif etildi.

28. O‘zbekiston Respublikasi Vazirlar Mahkamasining 2024-yil 24-fevraldagi 101-son qarori bilan tasdiqlangan “Jamoatchilik ekologiya nazoratchisi to‘g‘risida”gi nizomga jamoatchilik ekologiya nazoratchisining shaxsiy daxlsizligini ta’minlashga doir normani kiritish maqsadga muvofiq.

**SCIENTIFIC COUNCIL № DSc.07/30.12.2019.Yu.22.02  
FOR AWARDING SCIENTIFIC DEGREES  
AT TASHKENT STATE UNIVERSITY OF LAW**

---

**TASHKENT STATE UNIVERSITY OF LAW**

**AKHROROV ADKHAMJON ASRORKUL UGLI**

**LEGAL REGULATION OF THE ACTIVITIES OF SPECIALLY  
AUTHORIZED PUBLIC ADMINISTRATION BODIES IN THE SPHERE  
OF ECOLOGY**

12.00.02. – Constitutional law. Administrative law.  
Finance and Customs law

**Abstract of doctoral (PhD) dissertation  
on legal sciences**

**Tashkent – 2024**

**The theme of the doctoral dissertation (PhD) is registered at the Supreme Attestation Commission under the Ministry of Higher Education, Science and Innovations of the Republic of Uzbekistan under number B2021.2.PhD/Yu526.**

The dissertation is prepared at Tashkent State University of Law.

The abstract of the dissertation is posted in three languages (Uzbek, Russian, and English (summary)) on the website of the Scientific Council (<https://tsul.uz/uz/fan/avtoreferatlar>) and the Information and educational portal “ZiyoNet” ([www.ziynet.uz](http://www.ziynet.uz)).

**Scientific adviser:**

**Fayziev Shukhrat Khasanovich**  
Doctor of Science in Law, Professor

**Official opponents:**

**Akhmedshayeva Mavlyuda Akhatovna**  
Doctor of Science in Law, Professor

**Yuldashev Djakhongir Khayitovich**  
Doctor of Science in Law, Professor

**The leading organization:**

**Karakalpak State University named after Berdak**

The defense of the dissertation will be held on June 15, 2024 at 10:00 at the Session of the Scientific Council No. DSc.07/30.12.2019.Yu.22.02 at Tashkent State University of Law (Address: 100047, Sayilgoh Street 35, Tashkent city. Phone: (99871) 233-66-36; Fax: (99871) 233-37-48; e-mail: [info@tsul.uz](mailto:info@tsul.uz)).

The doctoral dissertation (PhD) is available at the Information Resource Center of Tashkent State University of Law (registered under No 1546), (Address: 100047, Sayilgoh Street 35, Tashkent city. Phone: (99871) 233-66-36; Fax: (99871) 233-37-48; e-mail: [info@tsul.uz](mailto:info@tsul.uz)).

The abstract of dissertation was distributed on June 3, 2024.  
(Registry protocol No.8 on June 3, 2024).

**R.R.Khakimov**

Chairman of the Scientific Council for awarding scientific degrees, Doctor of Science in Law, Professor

**F.B.Makhmudov**

Secretary of the Scientific Council for awarding scientific degrees, Doctor of Philosophy (PhD) in Law, Associate professor

**I.R.Bekov**

Chairman of the Scientific Seminar under the Scientific Council for awarding scientific degrees, Doctor of Science in Law, Professor

## **INTRODUCTION (Abstract of the Doctor of Philosophy (PhD) dissertation)**

**Relevance and necessity of the dissertation theme.** The elimination of existing environmental problems in the world, environmental protection, and rational use of natural resources remain one of the urgent tasks facing international organizations and all countries. This is because various ecological issues arise as a result of climate change, biodiversity loss, deforestation, depletion of the ozone layer, global warming, and the scarcity of fresh water resources. As one of the important factors of solving the existing problems in the sphere of ecology, special attention is paid to the correct implementation of the activities of public administration bodies that regulate the sphere.

The necessity to increase the efficiency of the activities of public administration bodies in the sphere of ecology in the world, to optimize the system of specially authorized public administration bodies that carry out state control in this sphere, and to increase the effectiveness of state environmental control requires that in-depth scientific and research work be carried out in this regard. It is important to find a theoretical and practical solution to issues such as preventing the duplication of functions assigned to specially authorized public administration bodies that implement public administration in the sphere, eliminating conflicts and contradictions in legislative acts and expanding public-private partnership in public administration in this area.

One of the important directions of the state policy is to eliminate existing environmental problems in the Republic of Uzbekistan, to achieve effective and rational use of natural resources and to properly organize the activities of public administration bodies. President of the Republic of Uzbekistan Sh. Mirziyoyev expressed the following views on climate change during his speech at the 28<sup>th</sup> Conference of the Parties to the UN Framework Convention on Climate Change held in Dubai, United Arab Emirates, from November 30 to December 12, 2023: “Climate issues have become the main threat to sustainable development. These risks are affecting even the geopolitical architecture of the world. The negative consequences of climate change are particularly felt in Central Asia due to the Aral Sea disaster. The increase in air temperature in our region is twice the world average. The number of extremely hot days has doubled and a third of the glacier area has disappeared”<sup>1</sup>. Despite the fact that important legal, organizational and socio-economic measures are being implemented in our country to ensure the constitutional rights of citizens to a favorable ecological environment, the fragmentation of the system of competent public administration bodies in the sphere of ecology and the existence of state bodies that duplicate each other’s functions; the declarative nature of the duties assigned to some executive authorities implementing public administration bodies in this area and the lack of organizational and legal mechanisms for their implementation; state environmental control is carried out by various bodies and the possibility of direct and indirect influence on their activities;

---

<sup>1</sup> Newspaper “Xalq so‘zi” № 257, 02.12.2023.

the limitation of the powers of specially authorized public administration bodies that carry out state environmental control; the existence of gaps in the system and conditions of permits in the sphere of ecology by public administration bodies; the problems such as the lack of public-private partnership system in public administration in this area and weak public control make it necessary to conduct research in this area.

This dissertation research serves to a certain extent in the implementation of the tasks set forth in the Laws of the Republic of Uzbekistan "On Environmental Protection" No. LRU-754-XII (1992), "On Environmental Control" No. LRU-363 (2013), "On Water and Water Use" No. LRU-837-XII (1993), "On Air Protection" No. LRU-353-I (1996), "On the Protection and Use of the Plant World" No. LRU-409 (2016), the decrees of the President of the Republic of Uzbekistan No. PD-5185 dated September 8, 2017, "On Approval of the Concept of Administrative Reforms in the Republic of Uzbekistan," No. PD-5863 dated October 30, 2019, "On Approval of the Environmental Protection Concept of the Republic of Uzbekistan for the Period Until 2030," No. PD-158 dated September 11, 2023, "On the Strategy of Uzbekistan – 2030," and No. PD-37 dated February 21, 2024, "On the State Program for the Implementation of the Strategy of Uzbekistan – 2030 in the 'Year of Support for Youth and Business,'" as well as in the decision No. PD-4477 dated October 4, 2019, "On Approval of the Strategy for Transition to a “Green” Economy in the Republic of Uzbekistan for 2019-2030," and other regulatory legal documents governing the sector.

**Correspondence of the research to the priorities of the development of science and technology of the republic.** This research work corresponds to the priority direction of the republican development of science and technology I. “Formation of the system of innovative ideas and ways of their realization in social, legal, economic, cultural, spiritual, and educational development of information society and democratic state.”

**The degree to which the problem has been studied.** The issues of legal regulation of the activities of specially authorized public administration bodies regulating the sphere of ecology have been studied to a certain extent by legal scholars, and existing analyzes are mainly based on a general approach.

Legal scholars from Uzbekistan, such as Akhmedshaeva M.A., Artikov D.R., Bakhronov Sh.Kh., Bozorov U.B., Fayziev Sh.Kh., Khaitov Sh.R., Ikramov Sh.T., Odilqoriev Kh.T., Islamov Z.M., Ismailov N.M., Juraev Yu.O., Juraev Sh.Yu., Makhkamov D.N., Najimov M.K., Narzullaev O.Kh., Nematov J.N., Kasimov B.E., Rajabov N.Sh., Safarov Dj.I., Saydullaev Sh.A., Sultanova S.A., Toshboeva R.S., Tursunov A.S., Usmanov M.B., Uzakova G.Sh., Khakimov G.T., Khojiev E.T., Khujanazarov A.A., Khvan L.B., Kholmuminov J.T<sup>2</sup> have conducted research on some aspects of the activities of public administration bodies, as well as specially authorized public administration bodies in the sphere of ecology.

Scientists from foreign countries, such as David L., Emerson G., Fayol A., Ford G., Killen K., Kuntz G., Ma Sin, O'Donnell S., Otto M., Robert E., Taylor F., Giroux

---

<sup>2</sup> The scientific works of these scientists are given in the reference.

T., and Zahar A.<sup>3</sup> studied some problems of the activities of specially authorized public administration bodies in the sphere of ecology.

Some aspects of this research subject were researched by scientists from the CIS countries, such as Atamanchuk G.V., Balashenko S.A., Bogolyubov S.A., Boltanova Y.S., Brinchuk M.M., Vinokurov V.A., Vinokurov A.Yu., Vlasov V.A., Golichenkov A.K., Dubovik O.L., Yerofeev B.V., Kurashvili B.Y., Lazarev B.M., Pirogova Y.Y., and Chirkin V.Y.<sup>4</sup>

Nevertheless, the issue of legal regulation of the activities of specially authorized public administration bodies in the sphere of ecology in the Republic of Uzbekistan has not been studied as a separate monographic research work from the point of view of administrative law.

**The relatedness of the research to the research plans of the scientific organization or educational institution where the dissertation was completed.**

The research was carried out within the framework of the fundamental project (2017–2021) of the scientific research work of Tashkent State University of Law on the topic “The main directions of further liberalization of public administration bodies in the context of deepening democratic reforms.”

**The aim of the research** is to develop scientific and practical proposals and recommendations aimed at improving the legal regulation system of the activities of specially authorized public administration bodies in the sphere of ecology in Uzbekistan.

**The research objectives are to:**

analyze the concept and specific characteristics of specially authorized public administration bodies in the sphere of ecology;

analyze the stages of formation and development of specially authorized public administration bodies in the sphere of ecology;

research the principles, methods, forms of public administration in the sphere of ecology and their place in the mechanism of public administration;

develop suggestions on improving the rule-making activity of specially authorized public administration bodies in the sphere of ecology;

formulate the proposals for improvement of permitting procedures in the sphere of ecology;

identify the existing legal problems in the implementation of state environmental control and develop proposals for their elimination;

develop the scientific and practical proposals and recommendations aimed at ensuring the effective functioning of specially authorized public administration bodies in the sphere of ecology in our country by researching the current legislative acts of the Republic of Uzbekistan and the best practices of foreign countries;

analyze the prospects of expanding public-private partnership and public control in public administration in this area.

---

<sup>3</sup> The scientific works of these scientists are given in the reference.

<sup>4</sup> The scientific works of these scientists are given in the reference.



**The object of the research** is social relations related to the implementation of management activities by specially authorized public administration bodies that implement public administration in the sphere of ecology in Uzbekistan.

**The subject of the research** is the normative legal acts regulating the activities of specially authorized public administration bodies in the sphere of ecology of the Republic of Uzbekistan and foreign countries and law enforcement practice, scientific and theoretical views, and legal categories.

**Research methods.** Methods such as historical, systematic, logical (analysis, synthesis), induction, deduction, comparative-legal, statistical, social survey methods of scientific knowledge were used in this research.

**Scientific novelty of the research** is as follows:

it has been substantiated that the optimization of the system of specially authorized state management bodies for the implementation of state environmental control is necessary because the involvement of various bodies leads to conflicts of interest, and these bodies lack the necessary organizational-legal mechanisms and human resources to effectively carry out control, negatively impacting the efficiency of supervision;

the necessity to ensure the freedom of entrepreneurial activity and protect them from unreasonable interventions by officials of specially authorized state management bodies in the field of ecology, as well as to prevent the abuse of their official powers, has been substantiated by the need to clarify the discretionary powers of these officials;

in order to protect the environment and prevent damage, it has been substantiated that illegally cut and destroyed trees and shrubs must be replaced by planting tree and shrub seedlings of equal value in the same location where they were cut or destroyed, as determined by the decision of the specially authorized state management body in the field of ecology by the persons who cut or destroyed them;

it has been substantiated that, to use water resources rationally and improve the management system of water resources, it is necessary to widely introduce public-private partnerships aimed at mutually beneficial cooperation between the state partner and the private partner in the management of water management facilities and increasing the efficiency of state management.

**Practical results of the research** are as follows:

proposals aimed at increasing the effectiveness of rule-making of specially authorized public administration bodies in the sphere of ecology are developed;

proposals for improving the procedures for issuing a permit act in the sphere of ecology and the requirements are developed;

proposals for the distribution of the authority to implement state environmental control among different bodies have a negative effect on the effectiveness of control, the system of specially authorized public administration bodies should be optimized and it should be financially and organizationally independent from other bodies and improving legislative acts are developed;

recommendations on improving the practice of conducting state environmental expertise have been developed by a specially authorized public administration body;

proposals for legislative acts on ensuring the effectiveness of control in the sphere of environmental protection and rational use of natural resources are put forward;

decisions for specially authorized officials carrying out state environmental control are proportional to the actions of the subjects under control is justified;

proposals for the expansion of public-private partnership in public administration in the sphere of ecology are developed;

drafts of the Decree of the President of the Republic of Uzbekistan “On measures to fundamentally improve the system of implementation of state environmental control in the Republic of Uzbekistan” and “On measures to organize the activities of the Inspection of State Environmental Control under the President of the Republic of Uzbekistan” are prepared;

concept of the regulation on the Inspection of State Environmental Control under the President of the Republic of Uzbekistan is prepared.

**The reliability of research results.** The reliability of the research result depends on the fact that national legal acts, the experience of developed countries, and the practice of law enforcement are researched, social surveys among employees working in specially authorized public administration bodies in the sphere of ecology and the general public are conducted, the results of the analysis of statistical data were summarized and formalized through relevant acts, and the obtained conclusions, suggestions, and recommendations were approved, and their results were published in leading national and foreign publications, approved by authorized bodies, and put into practice.

**The scientific and practical significance of the research results.**

The scientific significance of the research results is expressed in the fact that the scientific-theoretical conclusions, proposals, and recommendations put forward in them can be used in future scientific activities, in rule-making, in law enforcement practice, in the improvement of national legislation, and in the scientific-theoretical and methodological enrichment of such disciplines as Administrative Law and Environmental Law.

The practical significance of the results of the research is that, firstly, a number of rules and practical recommendations aimed at ensuring effective public administration have been developed based on the optimization of the activities of public administration bodies in this sphere, and secondly, its results can be used to improve the legislation and law enforcement practices in the sphere.

**The implementation of the research results.** The scientific results of research on the legal regulation of the activities of specially authorized public administration bodies in the sphere of ecology were used in the following:

the proposal that the optimizing the system of specially authorized public administration bodies that implement state environmental control has been submitted in the development of the amendments and additions to the Second part of Article 9 of the Law “On Water and Use of Water” with “On Amendments and Additions to the Law of the Republic of Uzbekistan “On Water and Use of Water” on November 30, 2021, LRU-733 (Reference of the Committee on Agrarian and Water Management of the Legislative Chamber of the Oliy Majlis of the Republic

of Uzbekistan on January 16, 2024, No. 04/8-10-08). The implementation of this proposal served to increase the responsibility of the executive authorities that exercise state control over the rational use of water resources, the increase of underground and surface water reserves and their targeted use;

the proposal that to clearly define the limits of their discretionary powers in order to protect the activities of business entities from unreasonable interference by officials of specially authorized public administration bodies in the sphere of ecology and to prevent abuse of official powers has been submitted in the development of the third part of Article 10, the second parts of Articles 48 and 50 of the Law “On Nature Protection” with the Law of the Republic of Uzbekistan “On Amendments to Certain Legislative Acts of the Republic of Uzbekistan” on February 6, 2024, No. LRU–904, the third paragraph of the first part of Article 22 of the Law “On Environmental Control” (Reference of the Committee on Ecology and Environmental Protection of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan on March 12, 2024, No. 04/12-10/14). The implementation of this proposal served to clarify the powers of specially authorized public administration bodies in the sphere of ecology, and to prevent the occurrence of risks to the life and health of the population;

the proposal that to protect the environment and prevent damage caused to it, the trees and bushes that were illegally cut and destroyed should be replaced by tree and bush saplings that are not inferior to them in terms of value has been submitted in the development of Article 49<sup>1</sup> of the Law of the Republic of Uzbekistan “The Right to Protect and Use the Flor” with the Law “On Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan” on February 29, 2024, No. LRU–916 (Reference of the Committee on Ecology and Environmental Protection of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan on March 12, 2024, No. 04/12-10/14). Implementation of this proposal served to prevent illegal cutting of trees and bushes;

the proposal that the introduction of public-private partnership in the sphere of water management has been submitted in the development of the first paragraph of Section 1 of the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan “On measures to further improve the water resources management system based on the experience of Kashkadarya region” on December 12, 2022, No. 703 (Reference of the the Department of Legal Support of the Cabinet of Ministers of the Republic of Uzbekistan on February 20, 2023, No. 12-15-20). The implementation of this proposal served to effectively manage water resources, their accounting and reporting based on modern technologies.

**Approbation of the research results.** The results of this research were discussed at 4 scientific-practical conferences, in particular, at 2 international and 2 national scientific-practical conferences.

**Publication of the research results.** A total of 15 scientific works on the topic of research, including 11 articles (in 7 republican and 4 foreign journals) were published in the publications recommended by the Higher Attestation Commission under the Ministry of Higher Education, Science and Innovation of the Republic of Uzbekistan to publish the main scientific results of the dissertation.

**The structure and volume of the dissertation.** The dissertation consists of an introduction, three chapters involving 8 paragraphs, a conclusion, a list of references, and appendices. The volume of the dissertation is 136 pages.

## THE MAIN CONTENT OF THE DISSERTATION

The introduction of the dissertation includes the relevance and necessity of the research theme (abstract of the Doctor of Philosophy (PhD) dissertation), the relation of the dissertation theme to the scientific research work of higher education institution where the dissertation is written, a review of foreign scientific research on the theme, the level of studying the problem, the aim and tasks, object and subject, methods, scientific novelty and results of the research, reliability of the research results, scientific and practical significance of the research results, their implementation, the approbation, announcement of the results, structure and volume of the dissertation.

The first chapter of the dissertation is entitled **“Theoretical-legal description of the legal regulation of the activities of specially authorized public administration bodies in the sphere of ecology”** and it analyzes issues such as the concept, purpose, system of specially authorized public administration bodies in the sphere of ecology and their characteristics, as well as the stages of development of specially authorized public administration bodies in the sphere of ecology in Uzbekistan and the principles, methods and forms of their activity.

In the analysis of the concept of public administration in the sphere of ecology, the researcher used many scientists (Z. Islamov, M. Akhmedshaeva, Kh. Odilqoriev, E. Khojiev, A. Isaboev, J. Kholmuminov, Y. Juraev, Sh. Fayziev, N. Mukhidinov, D. Makhkamov, A. Golichenkov, S. Balashenko, V. Vlasov, Y. Pirogova, A. Kramnik, Y. Kozlov, and G. Atamanchuk) and entered into a discussion with them. He developed the following author’s definition of the concept of public administration in the sphere of ecology:

“Public administration bodies in the sphere of ecology are the executive power of the competent state bodies to ensure the implementation of normative legal acts regulated by environmental legislation, aimed at the creation of a comfortable ecological environment for citizens, environmental protection and the rational use of natural resources in order to ensure ecological safety is the activity of giving orders.”

The researcher analyzed the possibility of dividing public administration bodies in the sphere of ecology into general, special, and functional bodies and justified that their competence is an important criterion for categorizing these bodies.

The researcher analyzed the different aspects of the special authorized public administration bodies in the sphere of ecology from the general and functional authorized bodies based on the opinions of legal scholars (D. Makhkamov, M. Brinchuk, S. Balashenko) and revealed their specific features. In particular, the activity of specially authorized public administration bodies in this sphere is the planning and implementation of environmental protection measures; the development of rules and standards; and the focus on the implementation of licensing, certification, state environmental control, and environmental expertise. It is justified that the above authorities do not exist in general authorized bodies, and the following author’s definition of the concept of specially authorized public administration bodies in the sphere of ecology has been developed:

“Special authorized public administration bodies in the sphere of ecology – the environment is a system of state bodies that have the authority to implement state policy in the sphere of natural environment protection and rational use of natural resources, set mandatory requirements in the sphere, issue permits, implement state environmental control, and coordinate the activities of functional bodies.”

The researcher proposed that the analysis of the development trends of the specially authorized public administration bodies in the sphere of ecology, periodization, conditionally dividing the development stages of the specially authorized public administration bodies into three parts based on the goals of the management of the sector and the improvement trends of the legislative acts. The first stage included the period from the establishment of the Uzbekistan SSR in 1925 to 1991, in this period, the public administration bodies in the sphere were one-sided and aimed at the unrestricted use of the available natural resources in the country and more profit. The second stage included the period from the Republic of Uzbekistan's independence until 2017. This stage is characterized by the processes of improvement of normative legal acts regulating the activities of public administration bodies in the sphere. The third stage included the period from 2017 to the present day, and this period is characterized by strengthening the activities of public administration bodies in the sphere, ensuring ecological stability in the country, and creating a comfortable ecological environment for citizens.

In this chapter, the researcher analyzed that the principles, methods and forms of public administration in the sphere of ecology and the wide use of administrative and legal methods in the implementation of public administration in the sphere were justified through legislative acts.

The second chapter of the dissertation is entitled “**Administrative and legal mechanisms of legal regulation of the activities of specially authorized public administration bodies in the sphere of ecology in Uzbekistan**”, in this chapter, the rule-making activities of the specially authorized public administration bodies in the sphere of ecology, the implementation of state environmental control by these bodies, and the existing problematic aspects in the system of permitting in the sphere are analyzed with the help of practical examples, and proposals are put forward for the improvement of national legislation.

The researcher substantiated the necessity to develop indicators for environmental impact assessment in order to improve the rule-making activities of specially authorized public administration bodies in the sphere of ecology and to assess the negative impact of adopted normative legal acts and drafts of adopted normative legal acts on the environment.

It was analyzed by the researcher that the authorization system is a set of tools of the public administration bodies to give physical and legal entities the right to engage in certain activities and to exercise control over their activities based on the authorization requirements.

Existing ecological problems in our country have been proven to be related to gaps in the permit system and conditions and the inconsistency of the chosen position in the regulation of the sphere by the authorized public administration bodies and proposals have been developed to eliminate the existing problems.

The researcher emphasized that state environmental control is a means of ensuring the legality of environmental protection, rational use of natural resources, and the provision of public services in this sphere, which is regularly carried out by competent state bodies, and it has been proven that it has the following characteristics: implementation in the sphere of ecology; implementation by authorized public administration bodies; at the end of control, there is a possibility of applying a direct or indirect impact measure against the object of control; regular implementation of control.

The researcher emphasized the absence of a single normative legal acts defining the procedure for the implementation of state environmental control, the fact that the control function is performed by different bodies, and the presence of direct and indirect influence on the activities of special authorized bodies that carry out state environmental control, affect the effective implementation of the control function by special authorized bodies.

Based on the analysis of the scientific works of Sh. Fayziev, L. Gamidullaeva, and A. Golichenkov, the researcher justified that the effectiveness of state environmental control depends on the independence of the entity that implements it and the absence of influence of other bodies on the activities of these entities, and the activity of the body that implements state environmental control is protected from the interference of other bodies. In particular, it is justified, with the help of practical examples, that it should be completely independent financially and organizationally.

As a result of the conducted analysis, the researcher proposed to establish the Inspection of State Environmental Control, independent from other state bodies, directly subordinate to the President of the Republic of Uzbekistan, and accountable to the Oliy Majlis and the President of the Republic of Uzbekistan.

Based on the analysis of the conclusions of the state environmental expertise, most of the expertise conclusions presented to the interested parties are based on the fact that the practice of giving a positive conclusion by the expert center on the condition of fulfilling certain requirements stated in the conclusion is wrong and the necessity to cancel this practice.

The third chapter of the dissertation is entitled **“Improving the legal regulation of the activities of specially authorized public administration bodies in the sphere of ecology: national and foreign experience,”** the experience of foreign countries in the legal regulation of the activities of specially authorized public administration bodies in the sphere of ecology, the prospects of improving the system of legal regulation of the activities of specially authorized public administration bodies in the sphere of ecology in our country are analyzed.

Within the volume of this chapter, the specific characteristics of the activities of specially authorized public administration bodies that implement public administration in the sphere of ecology in a number of foreign countries are analyzed and it is suggested that they can be conditionally divided into the European and CIS models. The unique feature of the European model is that public administration in this sphere is carried out by a single organizational structure which is mainly located in Western Europe and the USA. In contrast to the European model, in the CIS model, it is justified that public administration is carried out not by a single organizational structure, but by several bodies

in a dispersed manner. It is justified that the CIS model of public administration bodies in the sphere of ecology exists in countries such as the People's Republic of China, the Russian Federation, the Republic of Belarus, and Uzbekistan.

The researcher justified the fact that the problems in the sphere are not effectively solved due to the fact that the special authorized public administration bodies in the sphere of ecology are not organized as a single organizational structure. In addition, it is justified that it is necessary to put an end to the fragmentation of public administration bodies in the sphere of ecology and gradually move to the European model in Uzbekistan and that it is appropriate to unite all existing bodies in this sphere into a single ministry and conduct a single environmental policy.

According to the researcher, as prospects for improving the activities of public administration bodies in the sphere of ecology in our country, it is necessary to expand the powers of the supervisory body, strengthen their material and technical base, and introduce modern management mechanisms in the sphere, strengthen public control over the activities of public administration bodies, and expand public-private partnership in public administration in the sphere is justified.

Based on the experience of developed foreign countries and the geographical features of Uzbekistan, the researcher proposed to introduce public-private partnership in the following sectors of ecology:

- 1) in the sphere of alternative energy use;
- 2) in the sphere of water management;
- 3) in the sphere of ecotourism;
- 4) in the sphere of maintenance of trees planted for compensation;
- 5) in the sphere of wastewater treatment.

It is justified by the researcher that the introduction of public-private partnership in this sphere has the following advantages: state funds will be significantly saved by attracting the funds of entrepreneurs to this sector; the quality and competitiveness of the provided services will increase due to the introduction of effective public administration mechanisms; the state achieves one of its main tasks - creation of a favorable ecological environment for citizens; the new potential taxpayers will appear in the country; the rise of ecological culture of citizens is achieved; reduction of large areas allocated for waste is achieved; the level of providing electricity to the population; the development of ecotourism, the flow of tourists visiting our country will be further increased.

During the research, when a survey was conducted on the state of the public administration bodies in the sphere of ecology, 90 percent of the respondents who participated in it stated that the ecological situation in our country is bad and that it is necessary to improve the system of state regulation of this sphere. Thus, on the basis of these opinions, the issue of optimizing the system of public administration bodies in the sphere, eliminating the duplication of their tasks and functions was analyzed.



## CONCLUSION

The results of the scientific-theoretical and the solution of the tasks set for the research led to the following scientific and practical conclusions, as well as suggestions and recommendations for further improvement of the normative legal basis and law enforcement practice:

### **I. Scientific and theoretical conclusions**

1. The following author's definition of the concept of state management in the sphere of ecology was developed:

“Public administration bodies in the sphere of ecology are the executive branch of the competent state bodies to ensure the implementation of normative legal acts regulated by environmental legislation, aimed at the creation of a comfortable ecological environment for citizens, environmental protection and the rational use of natural resources in order to ensure ecological safety is the activity of giving orders”.

2. The following author's definition of the concept of specially authorized state management bodies in the sphere of ecology has been developed:

“Special authorized public administration bodies in the sphere of ecology – the environment is a system of state bodies that have the authority to implement state policy in the sphere of natural environment protection and rational use of natural resources, set mandatory requirements in the sphere, issue permits, implement state environmental control and coordinate the activities of functional bodies.”

3. It was justified that the main criterion for the division of state management bodies in the sphere of ecology into general, special and functional bodies is their competence.

4. It was scientifically justified that the body authorized to implement state environmental control should be completely independent from the influence of other bodies, financially and organizationally and this state body should be established under the President of the Republic of Uzbekistan.

5. The researcher proposed that the analysis of the development trends of the specially authorized public administration bodies in the sphere of ecology, periodization, conditionally dividing the development stages of the specially authorized public administration bodies into three parts, based on the goals of the management of the sector and the improvement trends of the legislative acts. The first stage included the period from the establishment of the Uzbekistan SSR in 1925 to 1991, in this period, the public administration bodies in the sphere were one-sided and aimed at the unrestricted use of the available natural resources in the country and more profit. The second stage included the period from the Republic of Uzbekistan's independence until 2017, this stage is characterized by the processes of improvement of normative legal acts regulating the activities of public administration bodies in the sphere. The third stage included the period from 2017 to the present day, and this period is characterized by strengthening the activities of public administration bodies in the sphere, ensuring ecological stability in the country, and creating a comfortable ecological environment for citizens.

6. The widespread use of administrative and legal methods in the public administration bodies in the sphere of ecology was justified by legislation.

7. It was justified that the “polluter pays” principle should be widely implemented in the organization of public administration in this sphere.

8. It was justified that based on the analysis of the experience of foreign countries, taking into account the specific characteristics of the activities of state management bodies in the sphere of ecology, they can be divided into European and CIS models.

## **II. Proposals and recommendations for further improving the normative legal base:**

9. It is proposed to state Article 11 of the Law of the Republic of Uzbekistan “On Environmental Control” as follows:

“The Inspection of State Environmental Control under the President of the Republic of Uzbekistan is a specially authorized state body.

Special authorized state bodies:

participates in the implementation of the unified state policy in the sphere of environmental control;

carries out state environmental control;

participates in the development of state environmental programs and other environmental programs, including the state environmental monitoring program, and ensures their implementation;

participates in the development of normative legal documents in the sphere of environmental control in the prescribed manner, as well as develops and approves normative legal documents in the sphere of environmental control;

cooperates with state management bodies and mass media on issues of state environmental control;

improves the effectiveness of nature protection activities and cooperates with citizens, self-government bodies of citizens, non-governmental organizations, and mass media in the implementation of public environmental control;

attracts departmental, industrial environmental services to participate in state environmental control;

provides methodological support and assists in the implementation of departmental, production and public environmental control.

Specially authorized state bodies may exercise other powers in accordance with the law.”

10. It is proposed to be stated that Article 12 of the Law of the Republic of Uzbekistan “On Environmental Control” as follows:

“Local government bodies:

participates in the implementation of state environmental programs and other environmental programs;

approves regional environmental programs and ensures their implementation;

interacts with other subjects of environmental control and mass media on issues of state environmental control.

Local government bodies may exercise other powers in accordance with the law.”

11. It is proposed to submit the following new rule in the Law of the Republic of Uzbekistan “On Environmental Control”:

“The measure of influence applied to individuals and legal entities to prevent and/or eliminate the violation of mandatory requirements should be suitable and sufficient to achieve the legal goal set by the specially authorized body and should not create difficulties for the interested parties as much as possible”.

12. It is proposed to state the Second part of Article 9 of the Law of the Republic of Uzbekistan “On Water and Use of Water” as follows:

“State control over the use of water and its protection is carried out by the Inspection of State Environmental Control under the President of the Republic of Uzbekistan in the manner established by legislation”.

13. It is proposed to edit the Second part of Article 13 of the Law of the Republic of Uzbekistan “On Ecological Expertise” as follows:

“The state environmental expertise is conducted by the Inspection of State Environmental Control under the President of the Republic of Uzbekistan and the Inspection of State Environmental Control of the Republic of Karakalpakstan, specialized expert units of the Inspection of State Environmental Controls of the regions and Tashkent city.”

14. It is proposed to state the Second part of Article 37 of the Law of the Republic of Uzbekistan “On Protection and Use of Flora” as follows:

“Cutting of trees and bushes that are not part of the state forest fund is carried out only for sanitary purposes and in connection with the construction and reconstruction of buildings, structures and communications, based on a positive conclusion of the Inspection of State Environmental Control.”

15. It is proposed to submit the following new rule to the Law of the Republic of Uzbekistan “On Guarantees of Freedom of Entrepreneurial Activity” and the Regulation “On the procedure for conducting inspections and preventive measures in the activities of business entities by supervisory bodies” approved by the Resolution of the President of the Republic of Uzbekistan on September 13, 2022, No. RP–374:

“Inspection of business activities carried out by the State Environmental Control Inspectorate within the framework of environmental monitoring of environmental protection in the areas belonging to business entities, including the protection of atmospheric air, land, underground resources, water resources, animal and plant life and compliance with legislation related to waste are not considered and they are not agreed with officials and state bodies.”

16. It is proposed to determine the amount of responsibility provided for in Article 197<sup>6</sup> of the Code of Administrative Responsibility of the Republic of Uzbekistan as follows:

“causes citizens to be fined from fifty to seventy-five times the base calculation amount and officials - from seventy-five to one hundred times.”

17. It is proposed to exclude Article 29 of the Law of the Republic of Uzbekistan “On Nature Protection” in order to prevent repetitions in normative legal acts.

18. It is proposed to exclude that in order to ensure that state environmental control is carried out by a single body, the law “On Protection of Atmospheric Air”,

“On Waste”, “On the Protection and Use of Flora” provides for the cancellation of the authority of local state authorities to carry out state environmental control in the relevant area.

19. It is proposed to be depicted that Paragraph 20 of the third section of the Regulation of the Cabinet of Ministers of the Republic of Uzbekistan “On the procedures for issuing certain acts with the nature of authorization through a special electronic system” approved by the Resolution on February 22, 2022, No. 86, as follows:

“In the case provided for in the first paragraph of this section, after the applicant has paid the fee charged for issuing the document specified in paragraph 7 of the passports (except for cases where the payment of the fee is not provided for), a document with the nature of authorization with a QR code (matrix bar code) is created in the AT “License” and it is sent electronically to the applicant’s “License” IT or the interactive public services portal office (with the exception of acts with the nature of permission in the sphere of ecology). In this case, the applicant cannot be held responsible for engaging in activity without a document that has the nature of permission and the competent authorities will be responsible for all the consequences that may arise.”

20. It is proposed to supplement Paragraph 4 of Resolution of the Cabinet of Ministers of the Republic of Uzbekistan “On approval of uniform administrative construction regulations in the sphere of construction” approved by Appendix 6 “Administrative regulation of the provision of state services on the issuance of a permit for the use of an object whose construction and assembly work has been completed” on April 20, 2022 No. 200, as follows:

“...inspections of state environmental control develop appropriate conclusions regarding the creation of "green zones" around multi-storey buildings.”

21. It is proposed to submit the following paragraph to the Regulation “On the use of unmanned aerial vehicles in civil and state aviation of the Republic of Uzbekistan” approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan on November 15, 2022, No. 658, as follows:

“the permission is not required for the use of unmanned aerial vehicles by employees of the Inspection of State Environmental Control during the implementation of state environmental control.”

22. The second paragraph of the second section of the resolution of the Cabinet of Ministers of the Republic of Uzbekistan “On further improvement of the procedure for planting, care and use of trees and shrubs not included in the state forest fund” on August 22, 2022, No. 464 and section 34 of the Regulation “On the procedure for planting, care and use of trees and shrubs not included in the state forest fund” should be supplemented as follows:

“...compensatory planting is carried out where trees and shrubs are cut and (or) destroyed. In cases where there is not enough land for planting tree and shrub seedlings in this place, they are planted in another area designated for beautification and greening, selected by a specially authorized body.”

23. Complete with the following section 21 of the “Rules for preparation and adoption of departmental normative legal act” approved by the Order of the Minister of Justice of the Republic of Uzbekistan on February 28, 2014, No. 3:

“...which has a negative impact on the environment in excess of the established rules and leads to the destruction of natural resources.”

24. Complete with the following section 94 of these Regulations with the following paragraph a<sup>2</sup>):

“a<sup>2</sup>) if there are norms that have a negative impact on the environment in excess of the established rules and lead to the destruction of natural resources.”

### **III. Proposals and recommendations for improvement of practices related to the regulation of the sphere of ecology:**

25. It was proposed to approve the environmental impact assessment indicators of draft legal acts and adopted legal act.

26. It was proposed to cancel the procedure for the inspection of trees and to specify based on the resolution of the khokim that it should be carried out once a year by the Inspection of State Environmental Control.

27. It was proposed to cancel the practice of giving a positive opinion on the condition that the state expertise centers fulfill certain requirements stated in the conclusion.

28. It is appropriate to submit a rule on ensuring the personal privacy of a public environmental inspector in the Regulation “On the public environmental inspector” approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan, on February 24, 2024, No. 101.

**НАУЧНОЙ СОВЕТ DSc.07/30.12.2019.Yu.22.02 ПО  
ПРИСУЖДЕНИЮ УЧЁНЫХ СТЕПЕНЕЙ ПРИ ТАШКЕНТСКОМ  
ГОСУДАРСТВЕННОМ ЮРИДИЧЕСКОМ УНИВЕРСИТЕТЕ**

---

**ТАШКЕНТСКИЙ ГОСУДАРСТВЕННЫЙ ЮРИДИЧЕСКИЙ  
УНИВЕРСИТЕТ**

**АХРОРОВ АДХАМЖОН АСРОРКУЛ УГЛИ**

**ПРАВОВОЕ РЕГУЛИРОВАНИЕ ДЕЯТЕЛЬНОСТИ СПЕЦИАЛЬНО  
УПОЛНОМОЧЕННЫХ ОРГАНОВ ГОСУДАРСТВЕННОГО  
УПРАВЛЕНИЯ В СФЕРЕ ЭКОЛОГИИ**

12.00.02. – Конституционное право. Административное право.  
Финансовое и таможенное право.

**АВТОРЕФЕРАТ**  
диссертации доктора философии по юридическим наукам (PhD)

**Ташкент – 2024**

**Тема диссертации доктора философии (PhD) зарегистрирована в Высшей аттестационной комиссии при Министерстве высшего образования, науки и инноваций Республики Узбекистан за номером № B2021.2.PhD/Yu526.**

Диссертация выполнена в Ташкентском государственном юридическом университете.

Автореферат диссертации размещён на трёх языках (узбекском, английском, русском (резюме)) на веб-странице Научного совета (<https://tsul.uz/uz/fan/avtoreferatlar>) и Информационно-образовательном портале Ziyonet ([www.ziyonet.uz](http://www.ziyonet.uz)).

**Научной руководитель:**

**Файзиев Шухрат Хасанович**  
доктор юридических наук, профессор

**Официальные оппоненты:**

**Ахмедшаева Мавлюда Ахатовна**  
доктор юридических наук, профессор

**Юлдашев Джахонгир Хайитович**  
доктор юридических наук, профессор

**Ведущая организация:**

**Каракалпакский государственный университет имени Бердаха**

Защита диссертации состоится 15 июня 2024 года в 10:00 часов на заседании Учёного совета за номером DSc.07/30.12.2019.Yu.22.02 при Ташкентском государственном юридическом университете. (Адрес: 100047, г. Ташкент, улица Сайилгох, 35. Тел.: (99871) 233-66-36; факс: (99871) 233-37-48; e-mail: [info@tsul.uz](mailto:info@tsul.uz)).

С диссертацией можно ознакомиться в Центре информационных ресурсов Ташкентского государственного юридического университета (зарегистрирована за № 454). (Адрес: 100047, г. Ташкент, ул. А. Темура, 13. Тел.: (99871) 233-66-36).

Автореферат диссертации разослан 3 июня 2024 года.  
(протокол реестра № 8 от 3 июня 2024 года).

**Р.Р. Хакимов**  
Председатель Научного совета по присуждению учёных степеней, доктор юридических наук, профессор

**Ф.Б. Махмудов**  
Научный секретарь Научного совета по присуждению учёных степеней, доктор философии (PhD), доцент

**И.Р. Беков**  
Председатель Научного семинара при Научном совете по присуждению учёных степеней, доктор юридических наук, профессор

## **ВВЕДЕНИЕ (аннотация диссертации доктора философии (PhD))**

**Целью исследования** является разработка научно-практических предложений и рекомендаций, направленных на совершенствование системы правового регулирования деятельности специальных уполномоченных органов государственного управления в сфере экологии в Узбекистане.

**Предмет исследования** составляют нормативно-правовые акты, регулирующие деятельность специальных уполномоченных органов государственного управления в сфере экологии Узбекистана и зарубежных стран, их правоприменительная практика, научные и теоретические взгляды, а также правовые категории.

**Научная новизна исследования** заключается в следующем:

обоснована необходимость оптимизации системы специально уполномоченных органов государственного управления, осуществляющих государственный экологический контроль, в связи с тем, что возникновение конфликта интересов в результате осуществления государственного экологического контроля различными органами, отсутствие в этих органах необходимых организационно-правовых механизмов и кадровых ресурсов для осуществления контроля негативно сказываются на эффективности контроля;

обоснована необходимость уточнения дискреционных полномочий должностных лиц специально уполномоченных органов государственного управления в области экологии в связи с необходимостью обеспечения свободы деятельности субъектов предпринимательства и защиты их от необоснованного вмешательства должностных лиц специально уполномоченных органов государственного управления в области экологии, а также предотвращения злоупотребления ими своими должностными полномочиями;

обосновано, что в целях охраны окружающей среды, предупреждения причиняемого ей ущерба на месте незаконно вырубленных и уничтоженных деревьев и кустарников должны быть высажены саженцы деревьев и кустарников, не уступающие им по ценности, лицами, вырубившими или уничтожившими деревья и кустарники именно на том месте, где они были вырублены или уничтожены, по решению специально уполномоченного государственного органа управления в области экологии;

в целях рационального использования водных ресурсов и совершенствования системы управления водными ресурсами обоснована необходимость широкого внедрения государственно-частного партнёрства, направленного на взаимовыгодное сотрудничество государства и частного партнёра в области управления водохозяйственными объектами, а также повышения эффективности государственного управления.

**Введение результатов исследования.** Научные результаты, полученные в ходе исследования по теме правового регулирования деятельности специально уполномоченных органов государственного управления в области экологии, были использованы:



предложение об оптимизации системы специального уполномоченных органов государственного управления, осуществляющих государственных экологический надзор, было использовано при внесении изменений и дополнений во вторую часть статьи 9 Закона Республики Узбекистан «О воде и водопользовании» посредством Закона Республики Узбекистан «О внесении изменений и дополнений в Закон Республики Узбекистан “О воде и водопользовании”» от 30 ноября 2021 года № ЗРУ-733 (Акт Комитета по аграрным и водохозяйственным вопросам Законодательной палаты Олий Мажлиса Республики Узбекистан от 16 января 2024 года № 04/8-10-08). Внедрение данного предложения на практике способствовало повышению ответственности органов исполнительной власти, осуществляющих государственный контроль за рациональным использованием водных ресурсов, увеличением запасов подземных и поверхностных вод, их целевым использованием;

предложение о необходимости конкретного уточнения дискреционных полномочий должностных лиц специально уполномоченных органов государственного управления в сфере экологии в целях защиты деятельности субъектов предпринимательства от необоснованного вмешательства должностных лиц специально уполномоченных органов государственного управления, а также предотвращения злоупотребления последними своими служебными полномочиями, было использовано при внесении изменений в третью часть статьи 10, во вторые части статей 48 и 50 Закона Республики Узбекистан «Об охране природы», в третий абзац части первой статьи 22 Закона Республики Узбекистан «Об экологическом контроле» посредством Закона Республики Узбекистан «О внесении изменений в некоторые законодательные акты Республики Узбекистан» от 6 февраля 2024 года № ЗРУ-904 (Акт Комитета по вопросам экологии и охраны окружающей среды Законодательной палаты Олий Мажлиса Республики Узбекистан от 12 марта 2024 года № 04/12-10/14). Внедрение данного предложения в практику послужило уточнению полномочий специально уполномоченных органов государственного управления в сфере экологии, предотвращению возникновения опасности для жизни и здоровья населения;

предложение о том, что в целях охраны окружающей среды и предотвращения причинения ей ущерба необходимо на основании решения специального уполномоченного органа государственного управления вместо незаконно вырубленных или уничтоженных деревьев и кустарников посадить равноценные деревья и кустарники в тех же местах, где они вырублены или уничтожены, было использовано при разработке статьи 49<sup>1</sup> Закона Республики Узбекистан «Об охране и использовании растительного мира» посредством Закона Республики Узбекистан «О внесении изменений и дополнений в некоторые законодательные акты Республики Узбекистан» от 29 февраля 2024 года № ЗРУ-916 (Акт Комитета по вопросам экологии и охраны окружающей среды Законодательной палаты Олий Мажлиса Республики Узбекистан от 12 марта 2024 года № 04/12-10/14). Внедрение данного

предложения в практику послужило предотвращению незаконной вырубке деревьев и кустарников;

предложение о необходимости внедрения государственно-частного партнёрства в сферу управления объектами водного хозяйства было использовано при разработке первого абзаца пункта 1 постановления Кабинета Министров Республики Узбекистан «О мерах по дальнейшему совершенствованию системы управления водными ресурсами на основе опыта Кашкадарьинской области» от 12 декабря 2022 года № 703 (Акт Управления юридического обеспечения Кабинета Министров Республики Узбекистан от 20 февраля 2023 года № 12-15-20). Внедрение данного предложения в практику послужило эффективному управлению водными ресурсами и ведению их учёта и отчётности на основе современных технологий.

**Структура и объём диссертации.** Научно-практическая работа состоит из введения, трёх глав, включающих в себя 8 параграфов, заключения, списка использованной литературы и приложений. Объём диссертации составляет 136 страниц.

**E'LON QILINGAN ISHLAR RO'YXATI**  
**СПИСОК ОПУБЛИКОВАННЫХ РАБОТ**  
**LIST OF PUBLISHED WORKS**

**I bo'lim (I part; I часть)**

1. Axrorov A.A. O'zbekiston Respublikasida ekologiya sohasidagi davlat boshqaruvi organlari tizimini takomillashtirishning ayrim masalalari // Huquqiy tadqiqotlar. – 2021. – 6-son. – 13–20-b. (12.00.00). – URL: [www.tadqiqot.uz/](http://www.tadqiqot.uz/)

2. Axrorov A.A. Ekologiya sohasini tartibga soluvchi davlat boshqaruv organlari tizimini optimallashtirish: qiyosiy-huquqiy tahlil // Jamiyat va innovatsiyalar. – 2022. – 7-son. – 39–47-b. (12.00.00). – URL: <https://inscience.uz/index.php/socinov/index/>

3. Akhrorov A.A. The role of government bodies in solving environmental problems // Web of scientist international scientific research journal. – 2022. – Vol. 3. pp. 287–291 (SJIF Impact Factor: 7.5).

4. Akhrorov A.A. Some Issues of Improving the Licensing and Permitting System in the Field of Ecology in the Republic of Uzbekistan // Eurasian Journal of Academic Research. – 2022. – Vol. 2. pp. 1344–1350 (SJIF Impact Factor: 6.7).

5. Axrorov A.A. Davlat ekologik nazoratini amalga oshiruvchi maxsus vakolatli davlat boshqaruv organlari tizimini takomillashtirishning ayrim masalalari // Yurisprudensiya. – 2022. – 5-son. – 23–31-b. (12.00.00). – URL: <https://jurisprudence.tsul.uz/>

6. Axrorov A.A. Ekologiya sohasida boshqaruv organlari faoliyati // Huquq va burch. – 2023. – 1-son. – 34–37-b. (12.00.00). – URL: <https://huquqburch.uz/>

7. Akhrorov A.A. Some Aspects of Optimizing the Activities of Executive Authorities Exercising State Control over the use of Water Resources // Scholar's Digest. – 2023. – Vol. 2. pp. 1–8 (SJIF Impact Factor: 7.7).

8. Axrorov A.A. Ekologiya va atrof-muhitni muhofaza qilishning konstitutsiyaviy asoslari // Huquqiy islohotlar sharoitida insonlarning konstitutsiyaviy huquq va erkinliklari himoyasini kuchaytirishning dolzarb masalalari: konferensiya maqolalar to'plami. – T., 2020. – 121–124-b.

9. Akhrorov A.A. Environmental control of public administration bodies in the Republic of Uzbekistan // International Scientific and Current Research Conferences. – USA, 2021. – April 5. pp. 175–179.

10. Axrorov A.A. Davlat ekologik ekspertizasini o'tkazishining tashkiliy-huquqiy jihatlari // Zamonaviy dunyoda innovatsion tadqiqotlar: nazariya va amaliyot: nomli respublika ilmiy-onlayn konferensiyasi. – T., 2024. – 7-fevral. – 18–20-b.

11. Akhrorov A.A. Some Aspects of the Improvement of the Permit System in

the Field of Ecology // Solution of Social Problems in Management and Economy: International scientific-online conference. – Spain, 2024. – February 7. pp. 11–14.

## **II bo‘lim (II part; II часть)**

12. Axrorov A.A. O‘zbekiston Respublikasida ekologiya sohasidagi maxsus vakolatli davlat boshqaruv organlari faoliyati: nazariy-huquqiy tahlil // Yuridik fanlar axborotnomasi. – 2023. – 1-son. – 16–24-b. (12.00.00). – URL: <https://review.tsul.uz/>

13. Axrorov A.A. O‘zbekiston Respublikasi ekologiya sohasidagi davlat boshqaruvida davlat-xususiy sheriklikni qo‘llashning ayrim masalalari // Yuridik fanlar axborotnomasi. – 2023. – 3-son. – 110–117-b. (12.00.00). – URL: <https://review.tsul.uz/>

14. Axrorov A.A. Ekologiya sohasidagi ma‘muriy-huquqiy nizolarni sud tomonidan hal qilishning ayrim jihatlari // Yuridik fanlar axborotnomasi. – 2024. – Maxsus son. – 25–38-b. (12.00.00). – URL: <https://review.tsul.uz/>

15. Akhrorov A.A. Some Issues in Optimizing the Activities of Subjects of State Environmental Control // International Journal of Formal Education. – 2024. – Vol. 3. – No. 2. pp. 261–263 (SJIF Impact Factor: 7.6).

Avtoreferat TDYU “Yuridik fanlar axborotnomasi” huquqiy ilmiy-amaliy jurnalining tahririyatida tahrirdan o‘tkazilib, o‘zbek, ingliz va rus tillaridagi matnlar o‘zaro muvofiqlashtirildi.