

UDC 343.97

THE ROLE AND IMPORTANCE OF INTERNATIONAL EXPERIENCE IN IMPROVING NATIONAL ENVIRONMENTAL LEGISLATION

J.B.Kdirniyazov

*Master's student of the Supreme School of Judge under the
Supreme Judicial Council of the Republic of Uzbekistan*

Improving the norms of national legislation on the basis of international experience, when introducing into national legislation the norms substantiated in foreign experience, it is necessary to translate not the norms of law, but the historical development of the Uzbek people, traditions, mentality and traditions of national statehood, the rights of citizens and must be implemented taking into account the interests.

Today, in solving and preventing environmental problems, in the rational use and protection of natural resources, the role of environmental legislation is of particular importance, which requires the widespread use of modern deep environmental and legal knowledge and foreign experience.

In the Message of the President of the Republic of Uzbekistan to the Oliy Majlis dated January 24, 2020, the government decided to develop a comprehensive program of measures to prevent the impact of industrial development on the environment until 2025, and with the involvement of authoritative experts, a project should be developed in the Environmental Code by October 1 of this year, which for the first time in the history of our country has become a legal basis for further improvement of legislation in the field of ecology, and indicates that work in this area, corresponding to the model of the world, has begun.¹

In European countries, the experience of France in the field of codification of environmental legislation aroused great interest; in France, the fundamental foundations for the development of the Environmental Code² were created. In particular, the Environmental Code of France consists of a general and a special part (975 articles). The general part (the first book) covers the principles, purpose of the law and issues of environmental responsibility. The special part (second to sixth books) regulates the protection of nature, forests, water and air.³

¹ Ўзбекистон Республикаси Президенти Шавкат Мирзиёевнинг Олий Мажлисга Мурожаатномаси. // <http://uza.uz/oz/politics/zbekiston-respublikasi-prezidenti-shavkat-mirziyeevning-oliy-25-01-2020>

² Code de l'environnement Republique de France. Version consolidee au 15 avril 2010. (Интернетсайти: www.imdr.eu/v2/extranet/cie-lettre32-envir.htm)

³ Меньших А.А. Охрана окружающей среды во Франции. Уголовно-правовые аспекты. //Журнал Российского права. -Москва, 2000. - №10. - С. 149.

The first book is devoted to principles and general issues. The next four books cover issues related to the environment, flora and fauna. The sixth book is wholly devoted to the overseas regions of France. Article 1 of the French EC declares biodiversity and biological balance to be part of the nation's common heritage. The first book also contains instructions on the right to information in the field of environmental protection, which includes air, waste, water, chemical and genetic engineering. Another section in the first book regulates the relationship of environmental legal relations, administrative and criminal liability.⁴

Its legislative part consists of 7 books (Livre). Book I is called "General Rules" and consists of 5 sections (Titre): basic principles (section I), information and participation of citizens (section II), organizations (section III), environmental protection associations (section IV)., Financial Regulations (Section V). Book II is called "Physical Environment" and consists of 2 sections: water and aquatic environment (section I), air and atmosphere (section II). The book entitled "Natural Environment" consists of 6 sections: accounting and evaluation of natural resources (section I); coastal buoy (Part II); park and playgrounds (section III); plots (section IV); landscapes (part V); stay in nature (section VI). Book IV is devoted to "Fauna and Flora" and consists of 3 sections: protection of flora and fauna (section I); hunting (Part II); Freshwater fisheries and water and fisheries management (Section III). Book V, known as "Prevention of pollution, risk and damage", is the largest book in terms of volume and includes 8 sections: categories of structures for environmental protection (section I); chemicals and biocides (Part II); genetically modified (modified) organisms (section III); waste (section IV); special rules for certain buildings and structures (section V); disaster prevention (section VI); prevention of healthy tusks (section VII); protection of living conditions (Section VIII). Book VI reinforces the rules concerning "overseas territories" (New Caledonia, French Polynesia, etc.). Book VII is devoted to the protection of the environment of Antarctica.

Sweden has some experience in codifying environmental legislation in the world. In particular, in Sweden, on January 1, 1999, the Environmental Code came into force. Swedish experts characterize it as a comprehensive document, defining the scope of environmental legislation to a limited extent. The Code operates together with a number of resolutions (decisions) and orders issued in accordance with them.⁵

The limitation of the Code is manifested in the fact that, as a general rule, it does not determine the scope of certain actions and does not regulate in detail various interests. The scope of legal regulation of this document is characterized by a wide range. It is surrounded by natural environment⁶

⁴ Кромакер П. О чудо-кодексе Франции // Экологическое право. - Москва, 2002.-№ 5. - С. 39-40.

⁵The Swedish Environmental Code.A resume of the text of the Swedish Environmental Code./www.Sweden.govwww.Sweden.gov.se

⁶Duner K. The Environmental Code // Swedish Environmental Protection Agency. 8 June 2004.

Among the CIS countries, the Republic of Kazakhstan was one of the first to adopt the Ecological Code (January 9, 2007). The Ecological Code of the Republic of Kazakhstan consists of 9 sections, 47 chapters and 326 articles.⁷ It contains the laws "On Environmental Protection", "On Ecological Expertise", "On Protection of Atmospheric Air". In particular, the Law "On Specially Protected Natural Areas", which is not codified in the Ecological Code of Kazakhstan, is still in force. Therefore, the adoption of the Ecological Code did not significantly reduce the size of the current environmental legislation of Kazakhstan. In other words, a number of laws are currently in force in the Republic of Kazakhstan, along with the Ecological Code, as well as the Land, Water and Forest Codes.

It is noteworthy that until now there are some scientific and theoretical opinions on the issue of development and adoption of the Ecological Code in the environmental legal system, and to date there are several options for the development and adoption of the "Ecological Code" in the environmental legal system. .

The first project is to radically change the environmental legislation, as well as to amend it in a different way, that is, the laws "On the Protection of the Environment", "On the Use of Nature and on the Protection of the Environment" were proposed to be adopted in the form

The second project was related to the adoption of a unified environmental code, and there were also opinions proposing a specific system of environmental code.⁸

Based on the foregoing, first of all, the current state of environmental legislation and environmental policy in Uzbekistan requires the codification of environmental legislation in the near future.

Secondly, the improvement of water and forestry legislation has become the imperative of the times. Today, the water problem in Central Asia, including in our country, has become aggravated. This, in turn, requires a revision of the foundations of the legal regulation of relations in the water sector in accordance with the requirements of the time.

The current ecological situation in Uzbekistan requires the improvement of forest legislation. It is advisable to follow the path of their codification while improving legislation in this area. The Forest and Water Codes are already in force in most of the CIS countries. Moreover, this practice is not new for Uzbekistan. Indeed, at that time, relations in this area in our country were regulated by a code.

Thirdly, it is necessary to pay attention to the issue of international cooperation in solving environmental problems, especially transboundary ones. In our opinion, it is

⁷Қозоғистон Республикаси Агрофмухитнимухофазақилишвазирлигининграсмийсайти:
<http://www.nature.kz/ru/strategy/ecologycode/>.

⁸Холмўминов Ж.Т. Ўзбекистон Республикаси Экология Кодексини қабул қилиштиқ боллари. // Баркамол авлод нитарбиялашда экологик қонунчиликнинг ўрни: Илмий-амалий конференция материаллари. -Т.: ТДЮИ нашриёти, 2010. -16-26 бетлар.

expedient for the countries of Central Asia to coordinate their activities in solving transboundary environmental problems, and cases devoted to this issue should be expressed in the "Environmental Code", as well as the adoption of a separate Convention in this area express now.

FOURTHLY

with the adoption of the "Environmental Code", serious changes may occur in the system of environmental legislation and some norms may become invalid. In this regard, it is advisable to widely use the experience of foreign countries in this area and the state of its use in modern practice.

Therefore, the adoption of the Environmental Code is aimed at protecting the natural environment, improving it, creating a comfortable natural environment for the population, ensuring the right of citizens of our republic to a comfortable natural environment, and implementing sustainable development. in general, it serves to protect mother nature and ensure environmental safety for present and future generations.

REFERENCES:

1. Менших А.А. Охрана окружающей среды во Франции. Уголовноправовые аспекты. //Журнал Российского права.-Москва, 2000.№10.С. 149.
2. Кромакер П. О чудо-кодексе Франции // Экологическое право.- Москва, 2002.- № 5. - С. 39-40.
3. The Swedish Environmental Code.A resume of the text of the Swedish Environmental Code.//www. Sweden. govwww. Sweden. gov. se
4. Duner K. The Environmental Code // Swedish Environmental Protection Agency. 8 June 2004.
5. Code de 1 environnement Republique de France. Version consolidate au 15 avril 2010