

Strategic Approaches to Improving the Efficiency of Public Administration and Improving Environmental Legislation of the Republic of Uzbekistan

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Received: 15 July 2024

Accepted: 26 August 2024

Published: 30 September 2024

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Abstract

The article analyzes the views of foreign experience of public administration in the field of ecology and environmental protection, its current state and relevance. Based on the geographical and ecological characteristics of the country, over the years of independence and its specificity of measures taken in Uzbekistan for the use and protection of the environment, their compliance with international standards, factors have been identified for improving legislation in the field of ecology and environmental protection. To improve public administration and environmental legislation in the field of environmental protection, scientific and theoretical views on the future adoption of the "Environmental Code" were substantiated, as well as, further consolidation of these ideas in practice, scientific, theoretical and practical recommendations were given for a positive solution to environmental issues and environmental protection, summarized and expressed the author's reasoned views on the integration of environmental science. The place and role of national legislation for development in the field of ecology and environmental protection is noted, which is of great importance for the study of foreign experience and the application of legislation in this area. In this regard, special interest is shown in the study of environmental law in the USA, Japan, Germany, France, Great Britain, Switzerland, Sweden and other economically developed countries. These countries have accumulated extensive experience in the creation of environmental legislation in the field of the environment and its implementation.

Keywords

Environmental Policy, Environmental Legislation, Environmental Problems, Global Change, Public Administration

Introduction

Development and improvement of environmental management is inextricably linked with the main transformations of society and objective conditions for the development of mankind. At present, it is no longer possible to solve these problems correctly and in a timely manner using traditional methods, relying on previous experience, and using old measures. The use of only old administrative methods in solving increasingly complex problems can lead, as practice shows, to negative consequences that are much easier to prevent than to correct.

Based on the goal, the article defines the following tasks: firstly, a historical study of the formation of the system of management bodies in this area; secondly, a theoretical analysis of the concept and content of environmental management; thirdly, the regulatory framework and improvement of the legal foundations of the management mechanism in this area, as well as recommendations for improving the legal regulation of nature management and a review of internationally agreed standards and recommendations; fourthly, the experience of foreign countries and scientific substantiation of the conclusions of the need to improve the management system in the field of ecology and environmental protection [1].

The scientific novelty of the article is determined primarily by the fact that the consideration of the problem of environmental protection and management in this area is not limited to national frameworks, but reasonably moves to a new level of legal relations – international[1]. The work provides a comprehensive analysis of the main issues of management during the transition to economic methods of management in all sectors of production, the proclamation of independence of the Republic of Uzbekistan [2].

It should be emphasized that Islam also preaches the power of people over the environment. The Muslim "Exposition" (Koran, 14:32) proclaims: "Allah created the heavens and the earth. He sends rain from the sky, with which he produces fruits for your food. He guides the ships that sail the ocean for your needs. He has created for you the rivers and the sun and the moon, which invariably follow their course. And he has subjected the night and the day to you" [2].

Particular interest is shown in the study of ecology and environmental protection in the USA, Japan, Germany, France, Great Britain, and other economically developed countries [3]. These states have made and continue to make the "lion's" share in the global degradation of nature, since thanks to the introduction of scientific and technological achievements, these states have highly developed industry, agriculture, transport, energy [3], which are a powerful and main factor in the negative impact on the state of the environment and environmental protection. At the same time, they have accumulated extensive experience in creating environmental legislation and implementing it [4].

Methods

M.F. Reimers substantiates the need to adopt a law on integrated environmental management and determines that its main goals should be the creation of organizational and legal prerequisites for the practical implementation of the constitutional right of citizens to a favorable environment and the transition to sustainable, environmentally safe socio-economic development [5].

Having conducted an analysis on this issue, V.G. Atamanchuk comes to the following conclusion: "The competence of government bodies is defined as a legal expression of the totality of functions and powers of the body in the relevant area of public life [4]. The functions of a government agency reflect the content of the impact, the nature of the relationship between it and

the managed objects, the powers of which legally enshrined methods of government administration and legal forms of implementation of management activities" [6]. A.B. Bronina, O.I. Krassov understand management as the executive and administrative activities of government agencies, the main principles of which, in particular, they include: recognition of the national ecological, economic and social significance of natural resources; a clear separation of the functions of management and the functions of their economic use; continuous, inexhaustible and rational use of natural resources based on the creation of permanently operating integrated enterprises; an effective combination of sectoral and territorial forms of management in ensuring the prudent use of natural resources; the leading role of economic methods and forms in management, the widespread use of leasing and payment; a differentiated approach to the organization of management of various natural objects [7].

V.V. Petrov examines in sufficient detail the development of philosophical concepts on the interaction of society and nature and offers the following classification: naturalistic and consumer concepts, alarmism, concepts of global governance, environmental crisis, behavioral strategies, Marxist and environmental revolutions [8].

A.D. Sharkauskene rightly believes that the system of government bodies in this area unites various government bodies, which have in common the fact that they carry out a homogeneous type of activity - government administration in the field of use of natural resources and environmental protection [9].

Particular attention is paid to the formation of a legislative framework that creates legal conditions for effective interaction between the state, environmental authorities, public organizations and civil society in this area [5]. To date, more than 30 laws, more than 500 by-laws on environmental protection and rational use of natural resources have been adopted. Uzbekistan has joined, signed and ratified more than 15 international conventions and protocols to them in the field of environmental protection and rational use of natural resources. Also, about 50 multilateral, bilateral agreements and memorandums have been signed. In addition, more than 120 laws and codes establish separate legal, economic and organizational requirements or separate articles devoted to environmental issues.

These legislative and organizational-institutional measures ensured the solution of many problems related to environmental protection, protection of the population from the negative impact of various sources of pollution at the initial stage of the country's development. The adoption of these laws in Uzbekistan was preceded by serious work to create a comprehensive system of economic regulation of nature management and environmental protection.

Results and Discussion

We should talk about the need for codification as a type of systematization of legal norms in the area under consideration, the need to adopt the Environmental Code is substantiated. The conclusions are supported by a study of the history of systematization of material in the field of environmental law both in Russia and abroad.

It should be noted that the development of the Environmental Code was considered necessary and was conceived back in Soviet times. Thus, N.D. Kazantsev noted: "In the context of the extensive construction of communism, the legislation on environmental protection in the USSR is separated into a separate branch of Soviet legislation" [10]. However, these undertakings were not destined to come true: "the turbulent decade of perestroika postponed a detailed discussion of the Environmental Code". Therefore, the codification of environmental legislation is not only a means of streamlining regulatory legal acts, but also the most effective way to solve environmental

problems, contributing to the creation of an integral branch of legislation, increasing the level of significance of this area in comparison with other branches.

In solidarity with the opinion of S.A. Bogolyubov, I would like to emphasize: "the preparation and adoption of a new main environmental law in the form of an environmental code is a matter calculated to earn the gratitude of not only current but also future generations" [11]. The main idea of developing the draft Environmental Code is to systematize all current legislative acts in this area in a single codified law of direct action, unify all environmental requirements and standards enshrined in these acts, eliminate existing contradictions and discrepancies in the norms, "blank spots" in environmental legislation, implement generally recognized international standards and the experience of foreign countries in the domestic environmental legislation, as well as ensure the fulfillment of Uzbekistan's international obligations in this area. An analysis of current legislation and law enforcement practice has revealed a number of problems and shortcomings: the multiplicity and fragmentation of regulatory legal acts governing environmental activities; difficulty in accessing them for the general public; the presence of contradictions between natural resource and environmental standards, as well as reference standards; various standards, criteria and requirements imposed on business entities in matters of ensuring the environmental friendliness of production; the lack of mechanisms for environmental audit, environmental insurance, licensing, standardization, technical regulation of nature management [12]; vagueness of mechanisms of state support and stimulation in the field of environmental protection and rational use of natural resources; lack of mechanisms to stimulate the introduction of innovative best technologies, quality management systems that meet international standards, etc.

All these circumstances have brought to the fore the need to create an Environmental Code of Uzbekistan, during the development of which it will be possible to eliminate the above-mentioned shortcomings and incorporate the most effective legal norms and best practices of developed countries into domestic environmental legislation.

In order to systematize the structure and simplify the use of norms, the proposed draft Environmental Code of the Republic of Uzbekistan is composed of 10 sections, 62 chapters, which include 547 articles[13].

The main provisions of the draft Environmental Code: establish the basic principles of environmental protection and rational use of natural resources, the main directions of state policy, the mechanism for implementing public administration, the powers of the Cabinet of Ministers, 15 ministries and state committees, local government bodies, as well as the powers of self-government bodies of citizens, the rights and obligations of non-governmental non-profit organizations, legal entities and individuals in this area; disclose the mechanisms for implementing parliamentary, state, departmental, industrial and public control; The provisions on permitting procedures, licensing, environmental standardization, technical regulation in the field of environmental protection and rational use of natural resources, the procedure for the implementation and application of international standards and rules of the Conventions and international treaties in this area are introduced; the provisions on improving the procedure for conducting environmental assessments, environmental certification, environmental auditing, environmental insurance,[14] environmental management are included, and the mechanisms of strategic environmental assessment are consolidated; the economic mechanisms of nature management, economic instruments of environmental protection activities are determined; the provisions on the list of permitting documents in this area and the procedure for their issuance and registration are established; the procedure for environmental declaration, environmental labeling and application

of environmental marks to products, goods (works and services) are determined; legal mechanisms are introduced to support and encourage government agencies to implement environmental measures, provide tax and credit benefits and provide subsidies; the provisions defining the types of state cadastres, environmental monitoring and the procedure for their implementation are established; environmental safety requirements for the protection and rational use of natural resources, as well as the handling of waste, hazardous chemicals, radioactive and nuclear materials are defined; standards are introduced for environmental education and training, scientific research in this area, international cooperation, as well as standards concerning environmental information for the population and citizens' access to information on environmental protection; administrative, economic and criminal liability, compensation mechanisms and damage for violations in this area are defined.

Thus, the development of the draft and adoption of the Environmental Code of the Republic of Uzbekistan will allow for the qualitative improvement of legislation in the field of environmental safety, environmental protection and rational use of natural resources and its practical implementation for the benefit of the life and health of every citizen of the Republic of Uzbekistan.

Conclusion

The idea of developing a codified set of laws in the field of ecology has been discussed in Uzbekistan for several years, but its implementation has been delayed for many objective and subjective reasons. One of the main ones is the difficulty, on the one hand, of covering the entire vast array of environmental regulatory legal acts, and on the other hand, of defining the boundaries and limits of legislative regulation in this area.

Currently, work on the draft Environmental Code of the Republic of Uzbekistan continues. Deputies of the Legislative Chamber and participants in the working group, representatives of the scientific and expert community are making the necessary efforts to effectively solve the following tasks.

1. Conduct a deep inventory of regulatory legal acts in the field of environmental protection and nature management in order to identify outdated, inactive, duplicate or contradictory documents. This work made it possible to determine the legal array, systematize all legislative acts in individual areas of ecology and nature management, unify the conceptual apparatus and the main institutions related to ecology. Thus, it has been established that environmental protection and rational use of natural resources are currently regulated by about 30 laws and more than 500 by-laws and regulations.
2. Conduct an audit of the international treaties signed by our country in the area under consideration, study the state of their implementation in national legislation and the effectiveness of fulfilling the obligations assumed, analyze the effectiveness of these agreements in improving the environmental situation in the republic and the rational use of natural resources.
3. To conduct a comprehensive and integrated study of the legislative experience of regulation and the practice of functioning of environmental legislation, especially environmental codes in developed countries, as well as in neighboring countries. The analysis showed that a codified environmental set of laws exists in a small number of countries. Currently, environmental codes are in force in France, Sweden, Kazakhstan, Russia (in certain regions), and elsewhere. Such countries of Eastern and Central Europe as Poland, Hungary, and the Czech Republic have a fairly developed law regulating the environmental sphere. Comprehensive laws on environmental protection have been adopted here.

4. To develop an Environmental Code in the form of a direct-action law based on the goals of the Concept for Improving Norm-Making Activities, approved by the Decree of the President of the Republic of Uzbekistan dated August 8, 2018. This will allow the environmental requirements, norms, and standards currently contained in numerous departmental documents that are difficult to access for citizens to be enshrined in the code itself. This approach is intended to have a positive impact on improving the investment attractiveness of our country, since foreign investors will be able to familiarize themselves with the environmental rules for doing business in Uzbekistan and the conditions for using available natural resources at the legal level in the public domain.

We hope that a comprehensive discussion of the draft Environmental Code will make it possible to give the regulatory framework of Uzbekistan in the field of environmental protection a comprehensive and holistic character, ensuring reliable protection of public and state environmental interests as the most important type of public interests protected by law, the absence of internal contradictions, collisions, gaps and discrepancies, the effective functioning of norms that contribute to the development of market mechanisms for nature management and environmental protection, and improving the investment attractiveness of the sphere of nature management.

To achieve this, it is necessary, firstly, to strengthen the educational component for introducing young people to ecology and environmental protection; secondly, to properly organize training, both in the system of higher education and in the system of advanced training of personnel on various legal aspects in the field of ecology and environmental protection; thirdly, to pay special attention to the rational use and protection in the field of ecology and environmental protection of each country of the Commonwealth of Independent States separately; fourthly, it should be recognized that the environmental and legal practice in the field of conservation in the field of ecology and environmental protection is very vague due to the lack of a single comprehensive state policy in this area; fifthly, to develop an Environmental Code in the form of a direct-action law based on the goals of the New Strategy for Improving Norm-Setting Activities, approved by the Decree of the President of January 28, 2022 "On the Development Strategy of the New Uzbekistan for 2022-2026" [15].

This will allow the environmental requirements, norms and standards currently contained in numerous departmental documents that are difficult to access for citizens to be enshrined in the code itself.

Thus, in recent years, the republic has shown great activity in joining international treaties in the field of environmental protection and rational use of natural resources that are generally recognized in the democratic community. As a result, important international documents have been signed and ratified. This is the Paris Agreement of 2015 within the framework of the UN Framework Convention on Climate Change, regulating measures to reduce carbon dioxide levels in the atmosphere from 2020. And also the Cartagena Protocol on Biosafety to the Convention on Biological Diversity, which was adopted in 2000. Its purpose is to promote an adequate level of protection in the area of safe transfer, processing and use of living modified organisms resulting from the application of modern biotechnology and capable of having an adverse effect on the conservation and sustainable use of biodiversity, taking into account the risks to human health. As monitoring of the aforementioned and other international legal documents has shown, individual provisions of them have not yet found their corresponding consolidation in national environmental legislation.

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