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OBJECTS OF RADIATION RISK INFLUENCE: SCIENTIFIC LEGAL CONCEPT

Abstract

This article presents theoretical-legal studies about natural objects and human health which radiation risk can impact. The article is also dedicated to legal foundations of protecting these objects which were indicated by the legality. There are different opinions about the concepts relating to the state and quality of natural environment in special scientific literatures about ecology.

Key words: radiation, radiation safety, natural environment, natural objects, radiation risk, sectoral legislation.

Studying in a scientific way, the problems of objects of radiation risk influence in protection of natural environment purity and human health, theoretically, plays an important role in the development of ecological legality and in practice problems of providing ecological safety. Wisely using natural resources for providing steady development in today's globalizing environment, protecting them from various risk and negative effects, and saving natural objects' purity are seen as inseparable necessity of human society.

At present the concept of steady development is applied by world society, in this protecting natural environment, wisely using natural objects are indicated as one of the main problems. As indicated in the conception of steady development, when person reclamates natural resources the border of steadiness of biosphere should be provided in a way that the foundation for human living should not be destroyed. As indicated in the main rules of steady development, steady development of society cannot be done without saving natural environment [1. P.141.].

The problem of providing safe natural environment for human health was also discussed in "Thousand year's seminar" which was held in New York (in 2000), and there were discussed the problems as how to stop breaking natural resources; economic development for the health of the

present and future generation, how to find steady similarity between social demands and safe environment.

Whole world Johannesburg conference of UNO on steady development serviced for the development of the idea of steady development (2002). Leaders of 200 countries who participated in the whole world conference took responsibility on them three factors of steady development – economical rising, social development and saving natural environment. As shown in accounted international documents, the main indicators of steady development are defined with the help of indicators as the quality indicator of life (human health, their age of living, income, safety); the indicator of ecological comfortable environment (condition of environment, the level of using natural resources, the state of ecotism, the state of biodiversity and etc).

Radiation influence in different levels occur risk for the requirements of providing steady development. Having exact notion about the objects which radiation risk can effect plays an important role in making abilities for protecting environment from this risk and developing the present legality.

Generally, there are objects which radiation risk can influence on, first, the influence is the state and quality of environment which comes across the risk, second, citizens' rights of owning, using natural resources, and third, citizens' rights of having comfortable environment for saving human health. Or, as indicated in the first article of the law "About radiation risk" [2.] of the Republic of Uzbekistan, this law orders relations dependent on protecting radiation safety, citizens' life, health and property, as well as, protecting environment from the negative effect of ion radiation.

Before talking about the state and quality of environment, it is expedient to analyze some concept and phrases which were used in the laws of the Republic of Uzbekistan. Especially, in the Constitution of the Republic of Uzbekistan[3. P.26.] the concepts: "natural resource" (55-a), "ecological environment" (54-a), "natural environment" (50-a) and "environment" (100-a) were indicated as this kind of phrases. Phrases as "nature", "natural environment", and "environment" were used in the law of the Republic of Uzbekistan "About protecting nature" [4]. According to the main point of legal norm and laws which order ecological relationship, we can see nature and its wealth, the state or quality of "natural environment" as the object of radiation influence.

There are different opinions about the concepts relating to the state and quality of natural environment in special scientific literatures about ecology. For example, as emphasized in them, the concept of "nature"

("natural resources") is the collection of the objects and systems of financial world in natural state which is not accounted as the outcome of human working activity in natural - scientific meaning[5. P.4.]. As written in other scientific literatures, the concept of "nature" encompasses some natural objects which were made as the result of human activity, forest which were made in artificial way, fish which were increased in fish rearing farms and exported to natural water basin or wild animals which were looked after and then exported to permanent natural living places, as well as, objects and systems of financial world in natural state[6. P.7.].

As Y.O.Juraev emphasized truly, there are main criterias to define if an object which is like nature from its appearance is the object of nature or not, they are its inseparability from natural conditions, its ecological connection not to be torn and its dependence to the natural elemental impact of strength[7. P.23.].

"Generally in scientific-natural meaning nature means whole world which involves space, sun, earth as the collection of financial world objects and systems in natural condition, - writes B.K.Kalonov, - but it borders on the sphere of human using and impact possibilities as the object which is ordered with ecological right. So, the impact power of right will be in use only till the object which human "possibility" is capable, the concept "nature" in juridical meaning is narrower than the concept "nature" in scientific meaning" [8. P.21].

According to the legal system of Uzbekistan, nature is consisted of some separate independent objects: earth, natural resources, water, air of the atmosphere, world of plants and animals. Therefore, according to the law of ecology, relations of protecting and using natural objects are ordered with the laws about using and protecting of earth, natural resources, water and other natural objects more than general bases. Taking into consideration natural object relations were divided into right system branches, it is appropriate to emphasis coming into existence radiation influence and separate natural objects (earth, water, air of the atmosphere, world of plants and animals etc).

Therefore, the concept which is the most used in ecological law is the phrase "natural environment". It should be emphasized when talking about the meaning of the concept "natural environment", as in other foreign countries also in Uzbekistan not "nature" but "natural environment" appears as the object of legal ordering. We can come to conclusion from this, that as the object of radiation influence, in the first place, is condition of environment and its quality.

The phrase “natural environment” is became one of the most used main concepts and it is seen as very important factor to the development of human society, it is in one line with the concepts peace, economical abundance in the sphere of steady development orders. Reasons for seriously taking relations connected with condition and quality of natural environment in the sphere of steady development orders into right influence, firstly, the more exceeds development of human society and its influence on nature the orders for legality becomes more necessary demand, secondly, it is expedient to explain taking “natural environment” into the sphere of legality with seeing concerned saving comfortable condition of nature as human living place in the condition of human development science-technological processes, rising of population, urban and etc. as in the first degree.

At present, we can see the phrase “natural environment” as the main concept in the rules of “The model law about protecting natural environment” which was accepted in 1994 by Europe Council. The concept “natural environment” which was strived in this model law involves the natural resources as air, external space, water, soil, climate, fauna and flora in the same place objects connected to natural environment which were done by human being, also conditions influences and can influence on human living.

Therefore, the concept “natural environment” in world practice also involves objects which influence on human living condition and appeared in artificial way. The concept of natural environment in foreign countries and international documents are not the same as the concept which is expressed in ecological laws of the Republic of Uzbekistan. For example, there is no difference between “nature” and “natural environment” in the laws of the Republic of Uzbekistan. Laws of the Republic of Uzbekistan do not enter social environment, human living condition, working and other social relations into the concept “natural environment”. So, natural environment – natural systems, natural objects, natural resources is understood as the object of radiation risk in mutual relation and connected with each other.

The next object of radiation risk – is the right of juridical and physical person related to natural resources concerning to ownership. It is known that condition and quality of natural environment is related to beginning of relations in one form of subjects. It should be said that legal relations to the objects of natural environment could be done in some forms. These are, first, by legal relations to the natural objects, second, by relations of the right of owning, using and protecting to these kinds of objects, third, not taking natural objects to own and use, but with the facility of the right of influence.

Influence of radiation risk can prevent rights of juridical and physical person related to owning, using and protecting natural objects from doing in a full level.

It is known that according to the 4-article of the law “About radiation safety”[9.] of the Republic of Uzbekistan not to increase citizens’ radiation individual doze from all resources of ionizing radiation from the safety level, if the profit for society is not more than risk, all kinds of activities about using ionizing radiation resources should be prohibited, when using any resource of ionizing radiation individual dose of radiation should be in the limit of safety for human health and the number of people who take radiation should be few.

Otherwise citizens have rights: covering according to the law damages for their life, health and property in the result of radiation from ionizing radiation resources; taking full and objective information about radiation state of the using objects of environment, activities doing for providing radiation safety, their taking radiation doze; participating in discussions of problems of providing radiation safety. Citizens, who live in territories which have possibility of increasing from marked main limit radiation taking dozes, have a right of social protection. According to the 153-article of Work codex of the Republic of Uzbekistan, region coefficient and additional salary are indicated into salary in places of uncomfortable natural-climate and living condition[10]. As such, according to the 33-article of the law “About citizens’ state pension providing”[11] of the Republic of Uzbekistan, when designating pension for families and people who live in territories where regional coefficient was indicated to the salary of workers, the salary which is in valid counting taking into consideration regional coefficient is accounted.

As arranging in 15-article of the law “About radiation safety”[12] of the Republic of Uzbekistan, when natural radionuclide influencing in order to providing radiation safety it should be accounted to choose plots, projecting and building constructions and buildings, and destroying to come down natural radionuclide to the room air, producing construction materials, accepting buildings and constructions to use, taking into account the level of being radionuclide in the air of buildings’ and constructions’ using rooms, prohibiting to use construction materials and objects which is not response for radiation safety norms, in living and producing places taking radiation of people and workers in the result of natural radionuclide should not arise from the marked limit. As such, food raw materials, food products, drinking water and in the process of making, keeping, carrying and realization of them

materials and objects which are with them should response to the requirements of providing radiation safety (16-article).

Human's right of having comfortable natural environment plays an important role in the objects of radiation risk influence. As this right being a separate object is explained by, providing citizens' right, freedom and benefits is the main task of the state in independent years. Human's right of having comfortable natural environment is the most important one in his natural rights.

According to this reason, taking into consideration the importance of human's right of having comfortable natural environment, its guarantees are marked in ecological law and they are:

- a) joining social organizations about protecting natural environment;
- b) right of demanding and taking reports about the condition of natural environment and activities doing for protection;
- c) taking damage for human health and property;
- d) doing ecological society control and etc.

There cannot be no doubt about condition and quality of natural environment, ownership of juridical and physical person to natural objects, right of using and protecting, right of having comfortable natural environment for saving human health servicing for protecting radiation risk influence in fully providing to use in practice as these kinds of guarantees which arranged in ecological law.

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REVIEW

to the scientific article on the theme “Objects of radiation risk influence: scientific legal concept” of senior scientific researcher of Karakalpak State University Babanazarov Kalbay Rustamovich

Today, in connection with civilization and human development, serious risk is appearing to natural environment and human health in the sphere of radiation risk influence and because of negative outcome. In this field, in the sphere of solving the problem, representatives of each branch, for example, scientists are doing certain works.

Because of scientific and technical development, defining from theoretical-legal side to the objects of radiation risk influence about legal protection of natural environment and human health from radiation influence, especially, for giving legal assessment to the object, analysing criterias which open the content, in scientific article of K.R.Babanazarov, who is senior scientific researcher of Karakalpak State University, on the theme “Objects of radiation risk influence: scientific legal concept” given attention.

The article analyses in a wide content scientific outlook of national and foreign jurist scientists which open the content of the above mentioned ecological-legal concept. Likewise, the author gives his opinions and recommendations about scientific theoretical peak and appearing issues and their solving, given legal definition of the concept.

I recommend publishing the article according to the above mentioned bases and peakness of the theme of the scientific article.

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