

LEGAL FUNDAMENTALS OF WATER RESOURCES PROTECTION IN THE REPUBLIC OF UZBEKISTAN

Khayitov Kh.Sh.,

**Candidate of Legal Sciences, Independent researcher at Tashkent State
University of Law, Uzbekistan**

Abstract: The article discusses the content of the legal framework for the protection of water resources of the country at the stage of new reforms, the content of decrees and resolutions of the President of the Republic of Uzbekistan in this area.

Keywords: water, water law, water legislation, right, offense, law, decree, decision, drinking water.

Introduction: At the current stage of reforms, special attention is paid to improving the legal framework for water resources protection in the Republic of Uzbekistan. This problem was not given sufficient attention in the period before the new reform. As a result, serious damage was caused to water resources, especially freshwater.

In particular, the irrational use of water resources that is a source of human housing for agricultural, industrial and social needs, the discharge of waste water from industrial enterprises and the population into rivers and lakes without proper treatment, pollution with chemical poisons, radioactive substances and plastic products.

For this reason, special attention is being paid to further improvement of the foundations of water legislation in the new Uzbekistan. First of all, it should be said that in the system of water legislation, constitutional norms are of great importance and they are strengthened in the relevant norms of the Constitution of the Republic of Uzbekistan. Article 50 of the Basic Law states that citizens are obliged to treat the environment with caution, while 54 states that the use of property does not cause environmental damage, 55 states that the rational use of Natural Resources is reflected in such matters as the state authorities in the field of Ecology (Article 80), the powers of local government authorities (Article 100)¹.

In the Basic Law, Article 55, which recognizes that water and other natural resources are national wealth, as well as reinforcing the need for rational use, is of great importance. In general, the Constitution defines the demand for the rational use of Water Resources, which carries great responsibility for citizens as the preservation of water resources, causing less damage to their use, using them on a scientific basis. The definition of the rational use of Water Resources at the constitutional level makes

it one of the Central printing houses of the right to water and implies the imposition of such a demand not only by Special users of water, but also by all citizens.

If the Constitution of the Republic of Uzbekistan establishes the main directions of the state's policy in the water sector, the laws adopted in accordance with these constitutional rules strengthen the requirements and mechanism for the protection of Water Resources, rational use of them. In the years of independence, a number of normative-legal acts regulating the rational use and protection of Water Resources have been adopted in the country. Indeed, the laws of the Republic of Uzbekistan "on the protection of Nature"², "on water and the use of water"³, "on the protected natural territories"⁴, "on environmental expertise"⁵, "on waste"⁶ are one of the main sentences. In addition, the Labor Code, the code of administrative responsibility, the Criminal Code, the Civil Code, The Land Code also serve to regulate the relations of the protection of water wealth at this or that level.

The law of the Republic of Uzbekistan "on protection of Nature" on December 9, 1992 is the first legislative document in the field of water relations adopted in the conditions of independence. The importance of this law in regulating the rational use of Water Resources is great. In particular, the law "on protection of Nature" provides for the definition of the legal, economic and organizational framework for the rational use of water resources as one of its functions. It can be said that to a certain extent the law has been able to solve these tasks, including the protection of natural objects from irrational use (Article 2); that one of the goals of nature protection is to create favorable conditions for the rational and sustainable use of nature in the interests of effective and sustainable socio-economic development of the republic (Article 3); the need for rational use of natural resources (Articles 5, 12); implementation of environmental control to ensure the rational use of natural resources (Articles 29, 32); economic and legal order of rational use of natural resources (Articles 33, 37, 50)⁷.

The Law of the Republic of Uzbekistan "on protection of Nature" establishes the rational use of water resources as the main condition for sustainable development. The rational use of water resources in the norms of this law is the use (Article 2), effective and stable, its use as non-renewable (Article 3), the restoration of natural resources that harm the natural environment and human health, not allowing irreparable consequences (Article 4) careful management of natural resources, their use in accordance with environmental requirements (Article 12), taking into account the requirements of environmental protection (Article 12). In addition, the use of natural pollution of the environment (Article 18)⁸ is expressed as the content.

It should be noted that the environmental legislation also establishes special rules that take into account the specifics of each natural resource. For example, in

article 106 of the Law "on the use of water and water resources"⁹ on the rational use of water, the rational use of water and the protection of water resources, water resources are used as economic measures to reduce weight, water supply services and other water services provided, water use, pollution of water bodies and other harmful effects; it was established that the introduction of water-saving technologies provides for tax, credit and other benefits to legal entities and individuals in the implementation of activities effective in the field of water conservation and environmental protection; provides for the application of a system of effective legal, economic, social, organizational, environmental incentives and other incentive measures.

This law defines the goals, functions, objects and subjects of water legislation, the legal status of waters, the rights and obligations of individuals and legal entities having the right to use water resources, the powers of government in this area, the procedure, duration and requirements for the protection of water resources, the procedure for their use, as well as the requirements for their protection .; water monitoring and control, on the basis of which the right to use water is established and abolished, the norm-requirements for the use of water resources for the needs of the population, drinking and cultural needs, agricultural, industrial and energy purposes, fishing and hunting purposes, water needs, reservoirs, waterworks and other structures, the resolution of disputes related to the use of water resources.,

Legal norms on the right to use water provide that water protection is primarily related to measures to improve their natural state, restore, prevent pollution, reduce evaporation and other processes, prevent and eliminate natural and technological conditions that affect the state of water including a system of measures. According to article 97 of the Law of the Republic of Uzbekistan "on water and the use of water"¹⁰, the main tasks aimed at water protection include damage to public health, reduction of fish stocks, deterioration of water supply and physical, chemical and biological properties of water, hydrological and other adverse phenomena caused by violation of the hydrogeological regime.

Water legislation contributes to solving the problem of rational use of water resources by ensuring the protection of water resources. In particular, the rational use of water resources is closely related to the protection of water resources, and this relationship is established in a certain order in the water legislation. When it comes to the content of the water legislation governing these relations, the rational use of water resources is understood without affecting the quality of water in order to meet the water needs of individuals and legal entities, their use on the basis of requirements established by the Law, providing targeted, protective measures. The main goal of

rational use of water is, firstly, to use as much water as possible sparingly, and secondly, it is an indicator of reducing the harmful effects on the state of water.

Particular attention is paid to the regulation of the rights and obligations of water users and water consumers in the norms of water legislation. These rights and obligations are enshrined in articles 32, 32, 35 and 35 of the Law "on the use of water and water resources"¹¹. In accordance with them, if water users are provided with access to water bodies of any purpose, then only for these purposes constructions, devices and other objects are used, built and reconstructed in the manner established by law for water use, verification of the quantity and quality of water supplied, except stipulated by law require compensation for losses. They have the right to make proposals on changing the limits of water withdrawal in connection with the calculated and actual water content of the source, violation of their rights and legitimate interests, including claiming compensation for damage in accordance with the established limits of water intake and in the manner established legislation on the place of damage as a result of violation of the established water withdrawal limits.

An important role in the system of water legislation is played by legislative acts. It is known that social relations in the field of water use are events in the nature-society system that are constantly changing and developing, obeying the laws of nature. In order to take into account the characteristics of these workers, to pay attention to the natural and environmental features of water resources, as well as to the local-territorial conditions and features, to timely resolve issues, normative acts are envisaged by law. This means that the main goal and objective of normative acts in accordance with the law is, firstly, to promote the practical application of special norms and requirements established by constitutional principles and laws, and secondly, the establishment of normative norms and requirements based on the natural state of water bodies various administrative regions for the sake of which special normative acts are created.

In the system of water legislation, decrees of the President of the Republic of Uzbekistan and resolutions of the Cabinet of Ministers that determine the rules and requirements related to the protection of water resources, their rational use and will have a national character in the appropriate framework are important.

Today, at the stage of new reforms in the field of water resources protection, a number of comprehensive measures have been implemented in the Republic of Uzbekistan. In particular, in 2017-2020, a number of decrees and resolutions of the President of the Republic of Uzbekistan on the prevention of violations committed in the field of water resources protection in the country were adopted.

Such normative documents include the Decree of the President of the Republic of Uzbekistan dated April 18, 2017 No.PD-5018 "on the establishment of the State Inspectorate for Control over Drinking Water Use under the Cabinet of Ministers of the Republic of Uzbekistan"¹², Decree No. PF-5241 of November 16, 2017 "On measures to radically improve payment discipline in the field of water supply and drainage services"¹³, Resolution of the President of the Republic of Uzbekistan dated September 25, 2017 No.PD-3286 "on measures to further improve the system of protection of water bodies"¹⁴, No.PD-2899 of April 18, 2017 "on the organization of the State Inspectorate for Control over Drinking Water Use under the Cabinet of Ministers of the Republic of Uzbekistan"¹⁵, No.PD-2910 of April 18, 2017 "On the program of integrated development and modernization of drinking water supply and sewerage systems for 2017-2021"¹⁶, No.PD-3730 "on measures to further improve the implementation system"¹⁷ dated May 18, 2018.

In particular, in the Resolution of the President of the Republic of Uzbekistan dated April 20, 2017 No.PD-2910 "On the program of integrated development and modernization of drinking water supply and sewerage systems in 2017-2021" to implement comprehensive measures to improve water supply, water supply, construction of new sewerage facilities and water supply networks, equipping them with modern equipment, machines, mechanisms, maintenance and measuring equipment, introduction of modern information and communication technologies in the field of water supply, including automated systems for accounting of consumed water and services; ensuring the quality of water in accordance with the established requirements has been identified as one of the main priorities.

It is known that uncontrolled mining of sand and gravel materials, carried out in the form of cleaning the rivers themselves, lakes, water protection zones, canals, collars and other water bodies, as well as works to strengthen their banks, causes washing of the river depths, kissing the banks, which, in in turn, creates the conditions for harming life and human health.

In order to prevent such violations, a decree of the President of the Republic of Uzbekistan "on measures to further improve the protection of water bodies" was adopted, which defined the tasks of cleaning the rivers themselves and strengthening their banks, preventing illegal mining of non-metallic minerals

In addition, the fact that the water supply, consumption and consumption metering system is practically non-existent, water supply and sewerage networks, water supply facilities are outdated, their renewal and modernization rates are low, jeopardizes the sustainable water supply of the population, leads to excessive use of water resources and prevents the introduction of modern water-saving technologies.

In this regard, the Decree of the President of the Republic of Uzbekistan dated November 16, 2017 No.PD-5241 "On measures to radically improve payment discipline in the field of water supply and sanitation" was adopted, in accordance with which the mandatory executive board of the General Prosecutor's Office of the Republic of Uzbekistan determined the procedure for implementing payment discipline in the field of water supply and sanitation, the task was assigned to participate in the accounting of sales and consumption of water.

In accordance with this resolution, the Ministry of Housing and Communal Services of the Republic of Uzbekistan provides water supply and sanitation services in accordance with agreements concluded by water supply and sanitation organizations, provides sustainable water supply to consumers, ensures the replacement, installation and operation of installed consumer water metering equipment, and also provides uninterrupted water supply to consumers., According to the mandatory application of the bureau, some consumers are responsible for ensuring that the mains is disconnected from the water pipes in the prescribed manner.

The aforementioned decrees and resolutions of the President of the Republic of Uzbekistan determined the tasks of protecting the population's rights to water, protecting water resources, preventing violations committed during their use, and played a fundamental role in the development of the Criminal Code of the Republic of Uzbekistan, the Code of Administrative Responsibility, and the Law of the Republic of Uzbekistan "On water conservation."

It should be said that although the construction of sewage treatment facilities and sewage collection facilities in water protection zones and coastal regions is prohibited, household and other wastes, including sewage water, are being dumped from arbitrarily constructed facilities and structures to rivers and water bodies. As a result of this, the natural environment is polluted, endangering the life and health of a person who is a consumer of water. It follows that the sanction of Article 82 of the code of the Republic of Uzbekistan "on administrative responsibility" imposed a fine on citizens and officials for violation of the state reserve regime.

According to the results of monitoring conducted by the state agency for Ecology and Environmental Protection of the Republic of Uzbekistan, the reason for the deterioration of the sanitary and ecological situation in the regions of the population is due to the abandonment of the wastes into areas, streets, irrigation networks, water protection zones, Rivers, cultural and household needs of the population and For example, according to the state of June 1, 2018, 13,1 thousand (in 2017 – 6,3 thousand units) illegal dumping of waste was detected in uncharted

places¹⁸. Therefore, Article 2 of the law "on waste" of the Republic of Uzbekistan was supplemented in the edition "maintaining and controlling the account of waste, maintaining the state cadaster of the places of disposal and sterilization".

In conclusion, it should be noted that the water legislation of the Republic of Uzbekistan, aimed at ensuring legal protection of water resources, is currently at the stage of new reforms providing for enforcement in the field of water relations, realization of the right of legal entities and individuals to water resources, radical improvement of the water supply system in the country creating conditions for the efficient use of water resources.

References

-
- ¹ Constitution of the Republic of Uzbekistan. –T .: Uzbekistan, 2018
 - ² Bulletin of the Supreme Assembly of the Republic of Uzbekistan, 1993, No. 1, Article 38
 - ³ Bulletin of the Supreme Assembly of the Republic of Uzbekistan, 1993, No. 5, Article 221
 - ⁴ Collection of Legislation of the Republic of Uzbekistan, 2005, No. 1, Article 1
 - ⁵ Bulletin of the Supreme Assembly of the Republic of Uzbekistan 2000 No. 5-6, Article 144
 - ⁶ Bulletin of the Supreme Assembly of the Republic of Uzbekistan 2000, No. 5-6, Article 144
 - ⁷ Bulletin of the Supreme Assembly of the Republic of Uzbekistan, 1993, No. 1, Article 38
 - ⁸ Bulletin of the Supreme Assembly of the Republic of Uzbekistan, 1993, No. 1, Article 38
 - ⁹ Bulletin of the Supreme Assembly of the Republic of Uzbekistan, 1993, No. 5, Article 221
 - ¹⁰ Bulletin of the Supreme Assembly of the Republic of Uzbekistan, 1993, No. 5, Article 221
 - ¹¹ Bulletin of the Supreme Assembly of the Republic of Uzbekistan, 1993, No. 5, Article 221
 - ¹² National Database of Legislation, 26.09.2017, No. 07/17/3286/0015
 - ¹³ Collection of legislation of the Republic of Uzbekistan. 2017. 16. Article 271
 - ¹⁴ Collection of legislation of the Republic of Uzbekistan. 2017. 18. Article 314, National Database of Legislation, 31.07.2018, 06/18/5483/1594
 - ¹⁵ National Database of Legislation, 22.05.2018, No. 07/18/3730/1242
 - ¹⁶ <http://parliament.gov.uz/ru/>
 - ¹⁷ <http://parliament.gov.uz/ru/>
 - ¹⁸ National Database of Legislation, 17.11.2017, No. 06/17/5241/0266