

THE ROLE AND SIGNIFICANCE OF STATE-LEGAL REGULATION OF LEGAL RELATIONS ON ENVIRONMENTAL SAFETY

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ABSTRACT: The article analyzes the content of the right to an environmentally safe life, which is part of the natural human rights to environmental protection and environmental safety, analyzes the views of scientists from foreign countries and its features. In addition, Uzbekistan pays great attention to human rights and their guarantees, the growing importance of law and legislation in society, as well as the establishment of human rights guarantees by the State, which not only develop relations between a person and the state, but also expand individual freedom.

KEYWORDS: State control, environmental control, state mechanism, environmental safety.

INTRODUCTION

It is known that the state mechanism consists of state bodies, organizations and institutions, as well as a system of state enterprises through which state power is exercised and the leadership of the state over society is ensured. Within the framework of this structure, tasks related to the regulation of legal relations on environmental safety, including state functions, will be performed. A.K.Golichenkov and G.A.Volkov describe state mechanism as a legal system on issues of nature management and environmental protection, emphasizing that the basis of which are the means and methods (methods) of state influence (in the embodiment of its authorized bodies).

The state mechanism is not only an instrument of implementation of the function of ensuring environmental security of the state, but is also responsible before citizens and society in this area. Speaking about the responsibility of the state at the stages of development of independent Uzbekistan, President of the Republic of Uzbekistan I.A.Karimov said: “the most

important essence of our new Constitution is that it says that state bodies and officials are responsible before society and citizens, that is, the priority of the citizens' interests is legally strengthened and guaranteed" [1].

THE MAIN FINDINGS AND RESULTS

The implementation of tasks such as studying the activities of state bodies that implement the function of ensuring the environmental safety of the state, proposing ways to improve them and increasing the role of law in this is of paramount importance today.

It is known that in most legal relations, if the state participates as an equal participant, then in some cases it is represented as a special participant who has power over other participants in legal relations. The State may be a participant in legal situations that are not necessarily similar to each other, performing various functions. This situation encourages the State to put into effect the whole range of powers as a subject of law.

Charters, as a rule, are dictated by the process of state regulation of a particular network of rights. The process of ensuring the right will be associated with the individual functional activity of a particular power structure. Here we are talking about creating certain conditions for the maximum realization of the right provided for by the competent entity. In addition, the regulation of a particular process refers to one "regulatory" entity (all other entities are "regulatory"). In contrast to regulation, it can be seen that when granting the right, several subjects simultaneously, that is, each of the parts of the state apparatus, complement and participate in each other within their powers.

It is noted in the literature that various state bodies, within their competence, can not only adopt regulatory legal acts, but also apply measures of education, encouragement and coercion. State bodies carry out constant monitoring of the exact observance of the acts adopted by them and other relevant regulations. And in necessary cases, state coercion is used.

The State mechanism for ensuring environmental safety is the system of existing state bodies that carry out activities in this area. "The environmental safety system is an organizational and functional association of entities that ensures safety by finding and combining them into a single goal. In order to ensure the environmental safety of the facility (population, territory) to the extent necessary, taking into account local goals, of course, and to

achieve these goals, it is carried out within the framework of generally accepted legal, organizational, economic, material and other restrictions".

The structure of the environmental safety system is organized by legislative and executive bodies, self-government bodies, state and public associations and citizens within their respective powers.

The principles governing environmental safety include:

- 1) Organization of environmental safety, along with the system of functional and information communications, creation of a system of protection of the population and territories from emergency situations and other security measures (organizational principle);
- 2) Coordination of the activities of enterprises and organizations existing in a separate territory within the framework of an organized system (territorial principle);
- 3) aggregation (territorial-sectoral principle), taking into account the belonging of enterprises and objects concentrated in a certain territory to one sphere;
- 4) Organization of territorial associations of environmental safety.

The role of the legislative body in the state system of ensuring environmental safety is important. In the legal literature, taking into account the role of the legislative body in regulating legal relations, its priority in relation to the executive and judicial authorities is noted.

In fact, the section of the Constitution of the Republic of Uzbekistan on the establishment of State power also begins with the norms on the legislative body. When researchers talked about the priority of the legislature, DJ. They come to the following idea of Locke: "the body that creates laws for others should stand above others. The legislative power, according to which all members and other parts of society have the right to adopt laws defining the rules of conduct and capable of punishing their violation, should be higher, and the other authorities should "push off" from it and obey it.

Currently, when expressing an opinion on the activities of the Oliy Majlis of Uzbekistan on the issues of human-nature-society relations, comments are made from the point of view of its implementation of the ecological function of the state. Indeed, speaking about the ecological function of the Oliy Majlis of the Republic of Uzbekistan, it should be understood that it is necessary to understand the state environmental policy aimed at environmental protection, rational use of natural resources, ensuring environmental safety of the population, the adoption

of environmental legislation, amendments to it and the implementation of parliamentary control over the implementation of these laws.

It should be noted that our scientific sources do not specify the activities of the Oliy Majlis of the Republic of Uzbekistan in the field of environmental safety. However, article 7 of the Law of the Republic of Uzbekistan "On Nature Protection" provides for the powers of the Oliy Majlis on issues of nature protection and rational use of its riches, as well as on cases and events characterizing environmental safety. These include the exercise of such powers as "an environmental emergency, declaring regions an ecological disaster and an ecological disaster," "determining the legal regime of such regions and the status of those who suffer".

It is worth noting that when it comes to environmental safety issues, the powers of Parliament are somewhat broader than the scope recognized in the relevant literature (adoption of laws and control of parliament over their implementation). When it comes to environmental safety issues of the Oliy Majlis of the Republic of Uzbekistan, it also exercises powers that are not inherent in its nature, that is, do not fall under the task of "exercising legislative power" defined in article 76 of the Constitution. However, the powers of the Oliy Majlis are somewhat broader than those specified in article 76 of the Constitution. In addition to laws and decisions, it carries out, as stated in article 78 of the Constitution, "the definition of the main directions of domestic and foreign policy of the Republic of Uzbekistan and the adoption of state strategic programs" (paragraph 5), "the adoption of the state budget and control over its execution" (paragraph 8), hearing reports of state bodies specified in the Constitution (paragraph However, the study of the norms on the constitutional powers of the Oliy Majlis of the Republic of Uzbekistan shows that they do not specify the exercise of powers to ensure environmental safety, provided for by the Law of the Republic of Uzbekistan "On Nature Protection". This means that the Oliy Majlis should not come to the conclusion that, although it does not fulfill the powers specified in laws other than the Constitution.

Paragraph 21 of article 78 of the Constitution states that the Legislative chamber and the Senate of the Oliy Majlis of the Republic of Uzbekistan may jointly exercise other powers provided for by the Constitution. Based on this rule, it should be said that the chambers of the Oliy Majlis must fulfill the powers provided not only by the Constitution, but also by other laws.

A special place in the system of state security is occupied by management bodies engaged in ensuring environmental safety. They are considered "performers" in the implementation of the function of ensuring the environmental safety of the state. Such activity of these bodies is manifested in the practical application of the convention on environmental safety.

As you know, public administration is understood as a certain activity within the society, the main purpose of which is to create and strengthen the regulatory framework for effective activities in various spheres of public life, as well as its practical support and guarantee.

The State administration for ensuring environmental safety is understood as the organization and activity of state bodies for the implementation of environmental policy, that is, the development and implementation of measures aimed at ensuring the environmental safety of society and creating optimal living conditions.

M.K.Najimov believes that "the Cabinet of Ministers of the Republic of Uzbekistan, which is the highest executive body, adopts regulations (resolutions, regulations, rules and procedures) on the protection and use of natural resources; conducts a unified state policy; develops measures to prevent environmentally critical situations, natural disasters and catastrophes; implements measures to eliminate the consequences of natural disasters and major accidents; carries out international relations in the field of ecology".

In this regard, it should be noted that in the recent past, management in the field of nature protection and environmental safety was organized mainly in the form of rational use of natural resources. By the 80s of the last century in the former Soviet Union, activities related to the protection and rational use of the environment were carried out by close ministries and departments of the detachment. A number of natural objects (water, air) are regulated not by one, but by several departments. Ministries and departments, whose activities are usually aimed at managing economic spheres, simultaneously monitored the safety of the natural object under their jurisdiction. There is no single coordinating body that would unite all environmental measures into a single whole. All this in its essence led to a criminal attitude towards nature, and the saddest thing is that this attitude was carried out by the same ministries and departments.

The relevant activities of legislative and regulatory bodies in the field of environmental safety cover a number of processes of this safety. The study of legal relations in this area based

on the experience of the countries of Russia, Germany, the USA, Canada allows us to identify the following main stages:

- 1) identify the types of sources that can cause disaster and risk;
- 2) definition of the risk allowed by certain entities as an integral description of the risk;
- 3) to ensure the sustainable development of the state on the basis and based on the general principles of environmental development, etc.

When ensuring environmental safety, public authorities are guided by a number of principles in their activities. Among them are the principles of legality, the priority of ensuring the quality of an environmentally safe environment, the priority of an environmentally safe residence permit for a person, subordination of state activities to the interests of the people and society.

CONCLUSION

If we talk about the legal form of state participation in the provision of environmental security, we can conditionally say that they are in the following three forms: the creativity of the right, the implementation of the right and the protection of the right. Therefore, in ensuring environmental security, the state must simultaneously adopt the necessary legal framework and apply it in relation to the existing situation and, finally, ensure the necessary protection of the newly created legal relationship.

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