

COMPARATIVE ANALYSIS OF NATIONAL AND FOREIGN EXPERIENCES ON THE EXAMPLE OF THE CONSTITUTIONAL AND LEGAL BASIS OF ECOLOGICAL RELATIONS

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ANNOTATION:

The Constitution sets out the main provisions of Uzbekistan's environmental development strategy, requirements for environmental and environmental safety of the population, and this political and legal document defines the most important and basic rules for the protection of the environment and use of natural resources in our country. There are separate chapters and articles in the constitutions of the countries of the world, as well as many normative and legal acts in this regard.

KEYWORDS: Constitution, Environment, Environmental Law, Code of Law, Ireland, India.

It is known that the role and importance of constitutional norms in the implementation of environmental policy is invaluable. It is the Basic Law that strengthens the basic principles of formation of ecological activity of state bodies and public associations, defines ecological duties of citizens, sets priorities for ecologically sustainable development of society and sets legal limits in this regard.

The system of constitutional norms can be conditionally divided into two parts - general and special environmental norms, based on the description of social relations that arise and are regulated in the interaction of society and nature. General constitutional norms play an important role in building a democratic state and civil society, defining the basic principles of organizing the activities of public authorities, guaranteeing the basic rights and freedoms of citizens, strengthening environmental law and order.

In particular, chapter 10 of our Constitution is devoted to the guarantees of human and civil rights and freedoms, which state that the state guarantees the rights of citizens enshrined in the Constitution and laws (including environmental).

Also, in the fifth section of our Constitution, the Basic Rules for the organization of state power are established, these norms serve as an important legal basis for the formation of environmental legislation and the formation of state bodies in this area. In particular, Article 50 states: "Citizens are obliged to treat the environment with care." As a logical continuation of this article, the third part of Article 12 of the law of the Republic of Uzbekistan² on protection of nature", paragraph VIII of the Code of administrative responsibility of the Republic of Uzbekistan³ ("administrative responsibility for violations in the field of Ecology, Environmental Protection and use of nature", the fourth part of the special part of the Criminal Code") It is clear from this that in the constitutional order, the norm of ecology and environmental protection and relations with it is determined on the basis of an effective mechanism.

In addition to the above, the Constitution also defines the powers of the President and the Cabinet of Ministers of the Republic of Uzbekistan, which are the basis for the development of national legislation determining the legal status of these bodies in the field of ecology. The importance of general constitutional norms is further determined by the fact that

- First, they do not directly regulate environmental relations;
- Secondly, these norms set out the basic rules that are important in the formation and development of environmental legislation.
- Thirdly, it is the primary source of legislation and mechanisms for determining the order of work of subordinate bodies on the basis of these rules.

At the same time, American lawyers describe the country's Constitution as an "indirect source" that serves as the basis for the legal system in which environmental law is formed. We can divide all the general constitutional norms of the United States, which should be taken into account in the development of environmental legislation, into three main groups:

- 1) Norms establishing the powers of Congress to implement legal regulations in the field of environmental protection;
- 2) Norms limiting this authority;
- 3) Norms on the rights of citizens that may affect the legal regulation of the protection of the environment. Judicial commentary on constitutional provisions is central to U.S. environmental law, and it provides for the application of environmental law in any field.

In contrast to the US Constitution, the Constitution of our country, along with socio-political norms, also contains special environmental norms governing the protection of the environment and the use of natural resources. In particular, the system of special environmental norms of the Constitution of the Republic of Uzbekistan is as follows: environmental duty of citizens (Article 50); environmental requirements for the use of property (Article 54); norms determining the principles of implementation of the state ecological policy (Article 55); powers of local authorities in the field of ecology (Article 100). In accordance with Article 50 of the Constitution of the Republic of Uzbekistan, which was commented above, citizens are obliged to treat the environment with caution. The importance of this norm is determined by the fact that, firstly, the environmental duty of citizens is strengthened at the constitutional level; secondly, due to the legal meaning of the concept of the natural environment, this norm of the Constitution implies not only the obligation of citizens to protect nature, but also to rational use of natural resources. As set out in Article 54 of our basic Law, the proprietor shall own, use and dispose of his property at his own discretion. The use of property must not cause damage to the ecological environment, violate the rights of citizens, legal entities and the state, as well as interests protected by law. A distinctive feature of this legal norm is that the property rights, property rights, property rights in relation to natural resources are regulated and the demand for such economic and production activities is strengthened, so as not to cause damage to the natural environment.

The basis of the state environmental policy is reflected in Article 55 of the Constitution of the Republic of Uzbekistan. According to him, land, underground resources, water, flora and fauna, as well as other natural reserves, are a national wealth, rational use of which is necessary and they are protected by the state. This constitutional norm represents the following basic principles of state environmental activity:

First of all, the natural resources of the Republic are national wealth, that is, in the legal sense, they constitute people's property and act on their behalf within the limits of the powers established by the law of the state authorities and management bodies.

Second, it is necessary to use natural resources wisely. Environmental law refers to the rational use of natural resources in strict compliance with environmental norms and standards. Third, natural objects and resources are protected by the state. This means that the state ensures the rational use and protection of natural resources and guarantees the observance of environmental rights and interests of individuals and legal entities, as well as environmental law and order. As for Article 100 of the Constitution, the main powers of local state authorities are considered, and as a priority direction of the activities of these representative bodies the powers on "protection of the environment" are strengthened on their territory. The importance and necessity of this norm is manifested in the following: firstly, it sets out the main tasks for the protection of the surrounding natural environment; secondly, it imposes on the governors of all levels personally responsibility for compliance with environmental legislation within the framework of their territory.

Analysis of foreign countries testifies to the fact that the environmental and legal norms of their constitutions are regulated in different ways in a number. Specially:

1. In the constitutions of foreign countries for the protection of nature of the state, the rational use of Natural Resources, the existence of such independent functions as provision (Article 15, Article 31 of the Constitution of Bulgaria, if any, etc.) is strengthened.

2. The right to natural objects and resources of the state in relation to the exclusive property (Constitution of Vengria Article 8, Constitution of Romania Article 12, etc.) is established.

3. In the development of the national economy and the use of nature, norms such as the planning of the national economy, taking into account the need for raw materials and resources, their planned taqsimlash and rational use are strengthened. (Article 7 of the Constitution of Venice.).

4. Formation of the rights and obligations of legal entities and individuals for the protection of the environment natural environment. It is worth noting that in many cases the right of citizens to live in a comfortable environment in a natural environment is associated with the obligation to protect the environment at the same time (Article 34 of the Constitution and others)⁵ 5. The role of Public Associations and actions in the protection of nature is strengthened (Article 29 of the Constitution, Article 24 of the Constitution of Romania, etc.)⁶

6. Integrity of the principles of the state and domestic and foreign policy of the state and society on nature protection (Article 20 of the Hungarian Constitution, etc.).

Also clearly defined are the rights and obligations of citizens and the state in the field of Ecology in such countries as Austria, Albania, Bulgaria, Vengria, Lithuania, Poland, Slovakia, Slovenia, Croatia, Czech Republic and Estonia. In particular, the Constitution of Greece (1975 y.) It is established in Article 24 that "the protection of the natural and cultural environment is the state's obligation". In Austria, however, the Federal Constitutional Law "on the comprehensive protection of the environment"(1920.) the validity of this is evidenced by the fact that this country strives for the protection of the environment. Article 20a of the German Constitution also states that the state must protect the environment, and that today's generation is accountable to future generations. In Italy also entrusted to the state the task of environmental natural protection. Article 9 of the Italian Constitution (1947 y.) it is noted that "the Republic protects the nature of the country". The constitutional and legal basis for the protection of the environment in India determines that the state is obliged to strive to protect and improve the environment of the natural environment, and this is required of every Indian Citizen .⁷

A brief analysis of the constitutional and environmental norms of different countries confirms once again that the Constitution establishes the priority directions of the state environmental policy, further clarifies them in the normative legal acts, and the culture of the application of the law allows for the development of environmental sustainability. Just as a comparative analysis showed, the main environmental and legal norms enshrined in the Constitution of the Republic of Uzbekistan are consistent with the experience of the most advanced foreign countries and serve to ensure sustainable development in our country, to maintain environmental prosperity, to protect nature and Population Health .Just as a comparative analysis showed, the main environmental and legal norms enshrined in the Constitution of the Republic of Uzbekistan are consistent with the experience of the most advanced foreign countries and serve to ensure sustainable development in our country, to maintain environmental prosperity, to protect nature and population health . In conclusion, our Constitution is an important document that is not only compatible with the world legal requirements and experience, but also in terms of its content and content rights. Consequently, the norms of environmental relations and Environmental Law⁸ control also serve as complementary to the content of all the legislation, sources of which have become clear in our Constitution.

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