

LEGAL POWERS OF CITIZENS' SELF-GOVERNMENT BODIES IN ENVIRONMENTAL PROTECTION IN UZBEKISTAN

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Abstract

The article analyzes the problems of increasing the role of local governments in the implementation of the powers of citizens' self-government bodies in the field of environmental protection.

Keywords: Environmental protection, environmental powers of citizens' self-government bodies, powers of citizens' assemblies on issues of legal protection of nature.

Introduction

Currently, the role of citizens' self-government bodies in implementing tasks in the environmental sphere is increasing around the world. In particular, the implementation of the powers of these structures in understanding, preventing and eliminating environmental problems is one of the urgent issues.

The Decree of the President of the Republic of Uzbekistan Sh. Mirziyoyev dated January 30, 2025 No. PF-16 “On the State Program for the Implementation of the Strategy “Uzbekistan - 2030” in the Year of Environmental Protection and “Green Economy”” sets as a priority task “improving the ecological appearance of neighborhoods, increasing the level of greenery on the streets, and creating an environmentally friendly and prosperous living environment”¹.

From this point of view, the role of citizens' self-government bodies in exercising their powers in the field of ecology is manifested in the impact on the environment by the relevant town, aul, rural citizens' gatherings and individuals and legal entities within their composition, as well as citizens' gatherings in cities, and in the appeals of the mahalla structures to the relevant authorized bodies with proposals to restore or prevent or eliminate the violation of their environmental rights, in the conduct of public environmental control and public environmental expertise of mahalla structures within the scope of their powers in the relevant territory, and in hearing reports from the leaders of the relevant territory on environmental issues.

Therefore, “it is necessary to strengthen the role and powers of self-governing bodies - neighborhood, neighborhood committees, and village civic gatherings”².

1 www.lex.uz

2 Қаранг: Каримов И.А. Бизнес бoш мақсадимиз - жамиятни демократлаштириш ва янгилаш, мамлакатни модернизация ва ислоҳ этишдир. // Ўзбек халқи ҳеч қачон, ҳеч кимга қарам бўлмайди. Т.13.Т.: Ўзбекистон, 2005. 181-б.



The environmental powers of citizens' self-government bodies are the rights and obligations of representative and other bodies of the population and citizens' self-government bodies, established by law, necessary for the implementation of self-government tasks and functions in the territory of the town, village, aul citizens' assembly and makhallas in the town, village, aul.³ Research scientist Z. Ruziev partially studied the powers of citizens' self-government bodies in the field of ecology from a constitutional and legal perspective. In his opinion, “Powers of citizens' self-government bodies” is a comprehensive system of rights and obligations necessary for the implementation of the tasks and functions assigned to citizens' self-government bodies and their officials by relevant regulatory legal acts. According to the scope of the powers of these bodies, it is reasonable to divide them into “main power” and “additional powers”⁴.

Appreciating the scientific works of relevant legal scholars, it is worth noting that they expressed their views on the environmental powers of citizens' self-government bodies in a general way. However, they did not specifically research the legal issues of environmental authority of neighborhood structures.

In our opinion, the powers of citizens' self-governing bodies in environmental protection are a system of rights and obligations that represent the social relations that arise in the implementation of the powers set by citizens' self-governing bodies in the relevant area in the protection of the natural environment.

Chapter 2 of the Law of the Republic of Uzbekistan “On Citizens' Self-Government Bodies” is devoted to the powers of citizens' self-government bodies. In particular, Article 11 of this Law contains the main norms regulating the powers of citizens' self-government bodies in the field of environmental protection⁵.

Currently, the neighborhood performs more than 30 social and economic tasks that were previously under the authority of state authorities.⁶

According to Article 11 of the Law “On Self-Governing Bodies of Citizens”, the following environmental powers of the citizens' assembly are listed:

- listens to the reports of the heads of enterprises, institutions and organizations located in the relevant area within the scope of his authority regarding the issues of environmental protection, sanitary condition of the area, its beautification and greening, and makes decisions based on their results;
- approval of the activity program and cost estimates of the citizens' meeting, plans of activities aimed at ensuring comprehensive development of the territory, beautification, greening and improvement of sanitary conditions within the relevant territory;
- beautification, greening and sanitary cleaning of the relevant area;

3 Г.С.Исмаилова. Ўзбекистон Республикасида фуқароларнинг ўзини ўзи бошқариш органлари фаолиятининг ташкилий-ҳуқуқий муаммолари. Юрид.фан. номзоди..дисс. автореф. Т.-2005.14-б.

4 Қаранг : Рузиев З. Фуқаролар ўзини ўзи бошқариш органларининг ваколатлари (конституциявий – ҳуқуқий таҳлил). Юридик фанлари доктори ... дисс. автореферати.-Т., 2016. -24-25 б.

5 www.lex.uz

6 Саидов А. Ноёб ва бетакрор ижтимоий бошқарув тузилмаси. // Маҳалла газетаси, 2011 йил 5 май.



- at least once every quarter to hear the reports of the chairman of the citizens' assembly, his deputies (the advisers of the chairman of the citizens' assembly on the affairs of the elderly and veterans and youth issues) and their advisers, the heads of commissions and audit commissions on the main directions of the citizens' assembly, as well as the heads of educational institutions in the region;

- to help protect the environment;

- carrying out activities on economical use of hot and cold water, beautification and greening of the relevant area.

Also, “self-governing bodies of citizens ... act in the core of national economic, social, and ecological policies, can perform certain state powers, participate in the implementation of state programs”⁷.

It is one of the urgent legal problems that we observe the manifestation of the established order in the relevant territory of the citizens' self-government of such environmental powers.

Ensuring the implementation of the legal powers of the self-governing bodies of citizens in all local areas of our country on environmental protection can be one of the important factors that serve to prevent existing environmental problems.

In addition, special environmental laws reflect the legal powers of citizens' self-government bodies regarding environmental protection.

In particular, Article 11 of the Law “On Pastures” of May 29, 2019 establishes the powers of citizens' self-government bodies in the field of pasture protection⁸. According to it, citizens' self-government bodies exercise the following powers:

participation in the implementation of state programs, territorial and other programs on the use and protection of pastures;

support for activities on the use and protection of pastures;

implementation of public control over the use and protection of pastures.

This law clearly specifies the powers of citizens' self-government bodies in the field of ecology. However, practical actions to implement these powers provided for in the legislation are not visible. When studying the scale of pasture use by the population in the mahallas, it is clear that the area of pastures has sharply decreased in some places, the authorities have transferred these areas to entrepreneurs for the purpose of running peasant farms in the appropriate manner, which is a major obstacle to the population's livestock breeding, and the remaining areas for pastures are on the verge of disappearing, indicating that their rights to pastures are being violated. Therefore, it is extremely important to increase the responsibility of mahalla authorities in the implementation of these powers.

Also, the Decree of the President of the Republic of Uzbekistan No. PF-149 dated September 26, 2024 “On measures to ensure transparency in the fields of ecology and environmental

7 Г.Р.Маликова, Г.С.Исмаилова. “Фуқароларнинг ўзини ўзи бошқариш органлари тўғрисида”ги Ўзбекистон Республикаси Қонунига шарҳ. Т., Ўзбекистон, 2009. 32-бет.

8 www.lex.uz



protection and further improve the management system” grants the following powers to citizens' self-government bodies regarding waste 9:

participate in the development and implementation of state, regional and other programs in the field of work related to solid household waste;

participate in resolving issues related to the placement and use of facilities for solid waste management in the relevant territory;

Implementation of public control over activities related to solid household and construction waste.

Speaking about the issue of legally ensuring the powers of neighborhoods in solving problems in the field of waste management, it is worth noting that the role of environmental commissions of citizens' self-government bodies in developing state programs in this area, organizing waste collection points in neighborhoods, and other waste-related work is almost non-existent.

Based on the above, we believe that it is in line with our goals to adequately ensure the environmental powers of citizens' assemblies in this legislation, to thoroughly study the powers granted to citizens' self-government bodies in the relevant territory and resolve them within the scope of their powers, to assist these public structures in implementing their powers in the field of environmental protection, to further develop environmental reforms in makhallas, and to form an experience in transforming makhallas into a reference point for resolving environmental and legal problems.

9 www.lex.uz

