

ANALYSIS OF LEGAL PROVISIONS DEFINING CRIMINAL LIABILITY FOR ENVIRONMENTAL CRIMES IN CIS MEMBER STATES

S. Sh. Utemuratova

Karakalpak State University named after Berdakh

Abstract:

This article analyzes the legal provisions defining criminal liability for environmental crimes in the criminal legislation of the Commonwealth of Independent States (CIS) member states. The study highlights the general principles and differences within the criminal legislation of CIS countries and examines the distinctive features of legislation in establishing liability for environmental offenses.

Keywords: Environmental crimes, CIS member states, criminal legislation, liability, environmental offenses, legislative analysis, environmental security, legal harmonization.

Introduction

Today, environmental issues are among the most pressing global challenges, with their impact also being felt at the regional level. CIS member states are strengthening cooperation to combat environmental issues through a range of legal measures. These measures primarily include harmonizing national legislation, aligning with international environmental protection standards, and implementing regional initiatives.

CIS countries are developing effective mechanisms for international cooperation to address environmental issues. All CIS member states have undertaken obligations under the Paris Agreement on Climate Change. Across the Commonwealth, environmental monitoring is conducted, relevant agencies operate, and national development concepts have been adopted with a strategic focus on alternative energy, environmental security, and environmental protection.

In recent years, Uzbekistan has initiated reforms and international projects aimed at ensuring the ecological sustainability and socio-economic development of the Aral Sea region. These include the establishment of the United Nations Multi-Partner Human Security Trust Fund for the Aral Sea region and the International Innovation Center for the Aral Sea under the President of Uzbekistan.

One of the most significant achievements in this field is the special resolution “On Declaring the Aral Sea Region a Zone of Environmental Innovations and Technologies,” adopted at the 75th session of the UN General Assembly on May 18, 2021, under the initiative of President Shavkat Mirziyoyev of Uzbekistan.

CIS member states have achieved significant progress in areas such as improving legislation, fostering regional and international cooperation, and introducing innovative technologies to combat environmental challenges. These measures for environmental protection have become an integral part of the CIS countries’ policies, serving as a cornerstone of sustainable development. However, further strengthening of regional cooperation and aligning national legislation with international standards is required.

Environmental issues, as global challenges, demand the creation of effective legal mechanisms by



CIS member states. Each country is working to improve its criminal law system to ensure environmental safety and protect natural resources.

Legal Provisions in CIS Member States

Each state applies unique laws and penalties regarding environmental crimes. Below, key aspects of criminal liability for environmental offenses in some CIS countries are presented.

In CIS member states, legal norms defining criminal liability for environmental crimes are organized into separate chapters or sections, but their content varies.

For instance, the Criminal Code of Belarus contains a specific chapter on environmental crimes¹. Chapter 26, titled “Crimes Against Environmental Safety, the Environment, and the Order of Nature Use,” includes 21 articles. Penalties for environmental crimes in Belarus are generally not severe, with many offenses punished by fines or short-term imprisonment. However, more serious penalties, such as 2 to 7 years of imprisonment, are prescribed for violations of environmental safety requirements, water pollution, and air pollution.

Similarly, the Criminal Codes of Azerbaijan², Kyrgyzstan³, and Moldova⁴ dedicate specific chapters to crimes in the environmental sphere under titles like “Crimes in the Sphere of Environmental Protection and Use of Natural Resources.”

Kazakhstan and Uzbekistan’s Criminal Codes share several similarities in terms of liability for environmental crimes but also exhibit differences⁵. Kazakhstan’s Criminal Code explicitly outlines environmental crimes such as pollution, illegal logging, poaching, and improper waste disposal, with particular attention to industrial activities and natural resource management.

In contrast, Uzbekistan’s Criminal Code emphasizes issues related to water resources and land degradation, primarily concerning agriculture, with a central focus on the protection of water and land resources.

Ukraine’s Criminal Code also devotes a chapter to “Crimes Against the Environment,” addressing offenses such as environmental pollution, improper waste management, and harm to natural resources⁶. Strict penalties are enforced for such crimes to ensure environmental safety and resource conservation.

In Russia, criminal liability is detailed in Chapter 26 of the Criminal Code, titled “Crimes in the Sphere of Ecology,” which includes 18 types of offenses⁷. The Russian Criminal Code sets stringent penalties for air, water, and land pollution, illegal logging, and improper waste disposal,

¹ Уголовный кодекс Республики Беларусь 9 июля 1999 г. № 275-з. // URL: <https://pravo.by/document/?guid=3871&p0=xk9900275>.

² Уголовный кодекс Азербайджанской Республики. (Утвержден Законом Азербайджанской Республики от 30 декабря 1999 года № 787-ІК). // URL: https://continent-online.com/Document/?doc_id=30420353

³ Уголовный кодекс Кыргызской Республики от 28 октября 2021 года № 127. // URL: <https://cbd.minjust.gov.kg/112309/edition/3548/ru>

⁴ Уголовный кодекс Республики Молдова от 18 апреля 2002 года № 985-XV. // URL: <https://continent-online.com/Document/?docid=30394923>

⁵ Уголовный кодекс Республики Казахстан от 3 июля 2014г. №226-V. // <https://adilet.zan.kz/rus/docs/K1400000226>

⁶ Уголовный кодекс Украины от 5 апреля 2001 года № 2341-III. // https://legislationline.org/sites/default/files/documents/32/Ukraine_CC_2001_am2016_ru.pdf.

⁷ Уголовный кодекс Российской Федерации от 13.06.1996 N 63-ФЗ (ред. от 06.04.2024) URL: https://www.consultant.ru/document/cons_doc_LAW_10699.



emphasizing the preservation of natural resources and the prevention of industrial harm to the environment.

Commonalities and Challenges in Criminal Liability

Most CIS countries include the following crimes under their environmental legislation:

- Air pollution.
- Pollution or misuse of water and land resources.
- Illegal logging and poaching.
- Improper waste management.
- Damage to protected natural areas.

The commission of such crimes is assessed as a significant factor causing considerable harm to human health and the environment. Therefore, many countries establish strict liability measures for these offenses.

Punishments for environmental crimes typically include financial fines, community service, and imprisonment. Each country's system of penalties varies depending on the severity of the crime and the extent of the damage caused to the environment.

Many CIS countries impose substantial fines for environmental crimes. In most cases, imprisonment for environmental crimes ranges from 2 to 10 years (e.g., in the Russian Federation), particularly in instances of significant environmental harm or serious damage to human health. In Russia, liability for environmental crimes is under strict control, especially concerning large forest resources and industrial areas. Severe penalties are imposed for polluting water, air, and soil resources.

Many CIS countries are parties to international treaties and conventions in the field of ecology. These states strive to align their environmental legislation with international standards. In particular, they are fulfilling international obligations related to waste management and biodiversity conservation.

State policy plays a crucial role in preventing and protecting against environmental crimes. Each country develops its national programs, strengthens environmental legislation, and establishes monitoring mechanisms to enhance environmental protection.

In CIS countries, liability for environmental crimes is extensive, with the overarching goal of protecting the environment and preserving natural resources. By implementing various levels of punitive measures, states aim to achieve environmental sustainability. At the same time, each country adapts its environmental safety requirements to local conditions and strives to apply international best practices.

Overall, although the legal norms defining liability for environmental crimes in CIS countries are largely similar, their enforcement and penalties differ. This disparity impacts the effectiveness of environmental protection measures.

