



LEGAL FOUNDATIONS OF NATURE PROTECTION: LIABILITY FOR ENVIRONMENTAL VIOLATIONS

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Annotation: This article covers the important information about legal foundations of nature protection: liability for environmental violations. On the other hand, the term environment widely analyzed and key functions of responsibility for environmental offenses were noted.

Key words: *protecting nature, water pollution, human-made material, legal responsibility, environmental offenses, environmental liability, environmental licensing.*

The term environment is a very wide term it takes into account all those factors which directly or indirectly have bearing on the natural surroundings of human beings. It is fact that, nature is our home. Preserving nature is a sacred duty of every human being. Due to the wise initiatives of the Esteemed President, great works are being carried out in order to transform our beautiful nature into a wilderness. In the era of the advanced development of human civilization, considering the close relationship between mankind and nature, the systematic use of nature's natural resources has become the most critical problem of mankind while protecting nature. It is very necessary to protect the environment so as to curb and decrease the amount of destruction caused due to a myriad of anthropogenic activities to the environment. It is a moral obligation on us humans to protect the environment from pollution and other activities which are leading to environmental degradation such as –

- Global warming



- Acid rain
- Smog
- Deforestation
- Wildfires, etc.

For the sustainability of life on this planet, it is really necessary that the environment is protected[1]. In recent years, there has been a significant deterioration of the environmental situation in the Republic of Uzbekistan, which is partly explained by an increase in the number of environmental offenses. Air and water pollution, illegal felling of trees and shrubs, violation of hunting and fishing rules are just some of the numerous offenses in the field of ecology. In this regard, amendments have recently been made to the Code of the Republic of Uzbekistan on Administrative Responsibility and other acts, and a Decree of the President of the Republic of Uzbekistan “On measures to transform the sphere of ecology and environmental protection and the organization of the activities of the authorized state body” was adopted[2].

Unlike technology or other human-made material, the environment is not replaceable, for example, no technology can replace the ozone layer, to protect us from the harmful UV rays of the sun, if the ozone layer depletion continues and no action is taken to stop it, existence on this planet will become highly difficult. Moreover, we have to not just think about the present population but also about our future generation, even wildlife, and other living creatures. A good number of environmental problems and issues traverse national, other administrative boundaries, and many of the natural resources which are affected are examples of global concern. These transboundary challenges highlight the need for decision-making processes, management agreements, and procedures for dispute resolution that go beyond the borders of individual nation-states. They illustrate the requirement of creating administrative and legal structures capable of enabling ecologically and sustainable and socially acceptable development. In the late



1960s, the international community began to realize that an international approach to environmental issues is required. The legal responsibility for environmental offenses is the ratio between the state, represented by the specially authorized body in the field of environmental protection, law enforcement agents and other authorized person responsible for committing environmental offenses (physical or legal officer) using the appropriate penalty to the violator. The essence of legal responsibility is to adverse consequences, for advancing environmental violators. Environmental liability refers to the legal responsibility individuals or organizations have for any harm caused to the environment. This harm could be the result of pollution, contamination, or other activities that negatively impact the air, water, or land. Understanding environmental liability is crucial for businesses and individuals alike, as it helps ensure compliance with environmental regulations and minimizes the risk of legal and financial consequences[3].

Through the application of legal liability implements the state enforcement of environmental requirements, bearing in mind that the legal liability is not the only tool enforcing environmental regulations in the mechanism of environmental law. Given the specific features of the mechanism such as the role played by the state ecological expertise, environmental licensing, environmental certification, environmental control, to some extent, all these environmental measures (such as payments for environmental pollution). In the structure of environmental and legal norms (Eco legal) plays a role sanction - as is the norm and measure of state foreclosure and legal liability in the mechanism of environmental management and environmental protection. As we already know from the general theory of law, rule of law, which is the basic unit of environmental law, consists of three interrelated elements - hypotheses, dispositions and sanctions. Sanction - a member of the legal norm, which defines the actions of the state and other penalties to be applied to the offender, provided the disposition rules. Thus, the sanction is a measure of legal liability for environmental offenses. In the absence



of sanctions is virtually no legal norm. Lack of sanctions doomed to inaction environmental requirements. Responsibility for environmental offenses performs several key functions:

- Stimulating to comply with environmental law;
- Compensation directed against losses in the natural environment and compensation for harm to human health;
- preventing providing warning of new offenses;
- Punitive, is punishment of the perpetrator in the commission of environmental offenses.

The basis of laying the legal responsibility in this sphere is the environmental offenses.

Environmental offenses - is not guilty, the wrongful act violating environmental regulations and causes damage to the environment and human health. Thus, environmental offenses defined Environmental Code. This definition seems to be inaccurate. In characterizing environmental offenses should pay attention to the following two circumstances. The first concerns the fact that environmentally significant wrongful act is not always to be found guilty. In accordance with the Civil Code of the Republic of Kazakhstan harm caused by a source of danger, must be compensated regardless of fault of the causer. The second factor is related to the fact that the commission of environmental offenses are not always accompanied by the injury. With that said, environmental offenses can be defined as illegal, as a rule, the guilty act (action or inaction) committed entity causing or carrying a real threat of environmental damage or violate the rights and lawful interests of environmental law[4]. Nature and the environment acts as the subject of environmental offenses. Consequently, the Law "On Environmental Protection" object ecological offense serves the environment. The subjects of environmental offenses may be legal, officials and individuals who have committed offenses related to environmental or protection of the



environment in the Republic of Kazakhstan under its jurisdiction.

Administrative and criminal responsibility of individuals for environmental offenses comes from 16 years of age. In civil proceedings citizens have limited liability from 14 to 18 years, with the full responsibility of 18 years. From this age a person becomes fully operational. For the objective side of environmental offenses are characterized by three elements:

- a) the wrongfulness of the conduct;
- b) Causing or real threat of environmental damage, or infringement of any other legal rights and interests of environmental law;
- c) caused by the connection between the wrongful conduct and applied environmental harm or real threat of such harm, or other violation of the legitimate rights and interests of Eco law.

Under fault understood the mental attitude of the offender to his unlawful behavior, which may manifest itself in action or inaction. The law provides for two forms of guilt: intent (direct or indirect), and negligence. Intentional is ecological offence at which the offender foresees the occurrence of socially harmful consequences of their behavior and desires or knowingly permit them (for example, an entrepreneur dumps toxic waste of its production at the forest edge, t. E. Not established for this site). Carelessness is of two kinds, the arrogance and carelessness. Overconfidence occurs when a person who violates environmental requirements, anticipating socially harmful consequences of their activities, but lightly counts on the possibility to avoid them. Negligence is manifested in the fact that the person does not anticipate an adverse effect, although it should have and could have foreseen them.

To sum up all given facts above it should be noted that we can analyze the importance of an International Environmental Law by looking at the current condition of the earth, where global warming is getting worse and almost all regions of the earth have been acquisition under the domination of sovereign



countries (except Antarctica). The island states also have their own jurisdiction over their territorial sea. Nearly 200 of them are responsible for the management and protection of their own territorial environment. The basic principle of international law itself states that every sovereign State can create laws for themselves and no institution can create laws that bind them without their consent. definition of international environmental law is the principles that govern the conversion and control of the environment that are cross-borders of states (international). While environmental law itself is a set of rules and legal principles that are applied to protect interest in the environment management. The main purpose of creating International Environmental Law is as a law that regulates to maintain, control the level of pollution and depletion of natural resources in the framework of sustainable development.

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