



# THEORETICAL ISSUES OF ECONOMIC AND LEGAL MECHANISMS OF ECOLOGICAL POLICY OF UZBEKISTAN

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## ABSTRACT

*The article provides a scientific and theoretical analysis of the concepts of environmental protection, use of natural resources, environmental security and sustainable development policy, environmental policy, economic and legal mechanisms in environmental policy of Uzbekistan. In addition, models of environmental policy are classified and their content is revealed.*

**KEYWORDS:** *politics, environmental policy, natural resources, environmental security, use of nature, environment, economic and legal mechanism.*

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## INTRODUCTION

From the first days of its socio-economic, cultural, enlightenment, political and legal development, Uzbekistan has chosen a well-thought-out path, in the words of our people, "cut into seven dimensions", taking into account all conditions, correctly assessed in all respects, far-sighted. In this way, our motherland, our innumerable natural resources, will serve as a foundation, an economic basis for us. Unfortunately, because of the policy pursued by the former center, Uzbekistan has not gone beyond the supply of raw materials. He couldn't use what he had "[1].

Indeed, the First President of the Republic of Uzbekistan I.A.Karimov as noted, "When considering threats to national security, the issue of environmental security and environmental protection deserves special attention. It must be openly admitted that for many years this problem has not been seriously addressed in the context of the old administrative-command system. More precisely, this problem was a source of research only for some passionate scientists, who were not indifferent to the future of their country, the preservation of its natural resources, and were "the cry of the heart" of those who were deeply concerned about it [2].

"In today's world, the role and importance of the right policy is growing," he said. This is determined by both the internal conditions of development of nations and states, as well as the international situation. At present, most countries in the world have undergone significant changes, not

only in the economic sphere, but also in the balance of social forces, the nature of power, ideology, and this, of course, requires the development of appropriate policies [3].

It should be noted that any society that has chosen the path of democratic development feels the need for public policy. Indeed, our country, which has chosen its own path of independent development, has set its own prudent policy in all spheres of state and public life.

Of course, "the Republic of Uzbekistan, as a full-fledged subject of international law, pursues a consistent and effective policy aimed at protecting the environment, protecting public health, rational use of natural resources and environmental security" [4].

## OBJECTIVES

When we talk about "politics", we must first clarify the essence of this concept. Turning to the definition of the concept of politics, it should be noted that in the literature there are a number of definitions of it as a multifaceted phenomenon. In particular, politics (Greek. "Politics" - "state or public affairs") - originally meant various forms of state administration. The term was first used by Aristotle in his treatise *La Politika*, which literally means "everything that belongs to the state" [5].

In the National Encyclopedia of Uzbekistan "Politics is the art of governing the state. Politics is concerned with the relationship between different socio-political institutions, social classes



and groups. Its essence is the forms of state power, its implementation and management. Politics in the broadest sense reflects the political system of society, political life, state power, its internal and external activities, the attitude of political organizations and movements to power, the priorities of the implementation of political interests in its management.

Politics as a social phenomenon covers the spheres of public life: economic, social, national, scientific and technical, ecological, cultural, military and others. In this way, economic policy, social policy, national policy, demographic policy, agrarian policy, technical policy, environmental policy, cultural policy, personnel policy, military policy and other areas are reflected. Policy is also expressed through subjects. For example, the policy of the state, parties and public associations and actions, etc [6].

The National Encyclopedia of Uzbekistan defines the concept of "politics" in terms of its close relationship with government. Until the twentieth century, the concept of "politics" was considered mainly as a doctrine of the state, power, but today the development of science, changes in human thinking, the enrichment of his ideas about the state and power have led to a separate study of the doctrine of the state and its management.

It should be noted that, "Although scholars have been dealing with the problems of politics since ancient times, with great emphasis on it in the Middle Ages and the New Age, what politics is and why it is needed, what its subject is, whether it has laws and categories, if any, the exact answer to the question of what their essence is has not yet been found. As a result, politics continues to function not as a science but as an art" [7].

## LITERATURE REVIEW

Professor A. Kadyrov defines politics as "a means of uniting people's activities around a specific goal, encouraging them to work together to achieve this goal" [8].

According to other sources, "Politics is a complex, multifaceted, complex phenomenon and a very broad concept. According to the aspects of social life, economic, social, scientific, national, ecological, military, etc. "Policy differs according to its direction - domestic and foreign policy, according to the level of priority - neutral, open doors, national reconciliation, policy of reconciliation, content and nature - progressive and reactionary, science-based and voluntaristic policy" [9].

G.Z. Abdullaeva, who conducted a special study on the environmental policy of the Republic of Uzbekistan in the context of gradual integration into the world community, notes that "politics" as a general concept is a field of activity related to the organization, management, independent leadership [10].

Thus, "Politics as a complex category covers various aspects of social life. There are the following types of public policy in the implementation of this or that goal and the corresponding tasks: domestic and foreign, economic, social, scientific and technical, demographic, national, cultural, environmental, etc [11].

Before focusing on the concept, significance and specific features of the economic and legal mechanism in the environmental policy of Uzbekistan, it is expedient to give a scientific and theoretical definition of the concept of "environmental policy". However, scholars have different approaches to this concept, and we may sometimes encounter complementary, contradictory opinions in the literature.

It should be noted, "Currently, the confrontation and interaction between politics and the environment is growing. The processes of greening of politics and politicization of ecology are becoming inevitable. All socio-political institutions, parties, social groups, nations, public organizations, foundations, numerous associations of people, international institutions are involved in these processes taking place around the world.

In the political system of any state, in the theory and practice of political relations, the concept of "environmental policy" has taken its rightful place. At present, it is impossible to imagine social development without a specific policy of the state in the field of ecology (along with economic, technical, industrial, social, legal, cultural, national policy of the state). It is an integral part of the political system of society and integrates harmoniously with all types and directions of social activity. While political ecology is the science of environmental policy, environmental policy itself incorporates the state's tactical and strategic policies to rationally address current environmental problems, end environmental crises, create guaranteed natural living conditions for people, and provide them with social and environmental protection [12].

It should be noted that "the sustainable development of any state depends on the proper protection of the environment, the rational use of natural resources. This will require the gradual implementation of a unified state policy in the field of ecology" [13].

Professor Sh.H. Fayziev, who conducted a special study on the theoretical problems of legal support of environmental policy of the Republic of Uzbekistan, said that "environmental policy is the protection of the environment, rational use of natural resources and a set of socio-political, socio-economic, cultural-educational, organizational-legal measures aimed at ensuring the environmental safety of the population [14].



According to the literature, environmental policy (from the Greek. Oikos - home, homeland and the Greek. Logos - from the word, doctrine) - is part of the state's policy in the field of environmental harmonization. The emergence of the problem is associated with a sharp increase in the impact of society and man on nature. The industrial revolution and, in particular, scientific and technological progress (50s of the XX century) led to a significant deterioration of the state of nature. A society based on the half-hearted activity of subjects based on market relations excludes nature from the sphere of its interests. This leads to the need to unite private producers. Such mergers are mainly in the field of politics.

Domestic environmental policy Adoption of a law aimed at preserving and rehabilitating (restoring) natural resources, which are declining as a result of human activities; creation of state programs in the field of nature protection and related areas; allocation of funds to various institutions of society to support the environment, etc [15].

Professor JT Kholmuminov believes that the basis of state environmental policy is to strengthen, organize and conduct public administration and control in the field of ecology [16]. In this regard, it would be appropriate to note that the state environmental policy is based primarily on public administration. But it is not about strengthening management and control, but about getting it right.

European and American legal scholars, including Professor of Political Science J. McCormick, describe environmental policy as "the organization's adherence to environmental laws, regulations, and other policy mechanisms." He writes, "These issues typically cover air and water pollution, solid waste management, ecosystem management, biodiversity conservation, and the protection of natural resources, wildlife, and rare species. Policies to regulate energy or toxic substances, including pesticides and many other industrial wastes, are also part of environmental policy" [17]

In his Guide to Environmental Principles and Policy, Professor S. Beder identifies six key principles of environmental policy (sustainable development, polluter pay, precautionary measures, equality, human rights, participation principles) and the two main principles of environmental policy - environmental legislation and economic. methods such as methods [18].

Neil Carter, a British political scientist, discusses the four basic principles of environmental policy - environmental responsibility, local democracy, social justice and non-use of force, and identifies environmental parties, groups and movements as key players in environmental policy. The author also points to regulatory, persuasive, and

economic-market approaches as tools of environmental policy [19].

Conducting a comparative analysis of environmental policy, the American scientist L.J. Lundkvist writes that environmental policy is provided by the mechanism of state control, institutional structures and implementation by the participants of the legal system [20].

N.F. Reimers, in his dictionary, divides environmental policy into two, that is, global and national environmental policy. Implementation of legal, political and foreign economic measures. State environmental policy, in the author's opinion, is a socio-economic policy, including international, based on an understanding of the ecological condition of the country's territory and basins (including airspace) and the advantages and disadvantages associated with the existing natural resources within them [21].

According to a number of European environmental lawyers, such as J. McCormick, J. Roberts, J. Norman, M. Kraft, D. Helm, environmental policy is a system of measures related to the impact of society on nature. Environmental policy is a set of intentions and principles of the organization in relation to the environmental performance of its activities, which forms the basis for the development of specific goals and objectives. Environmental policy is a set of ways to achieve the goals and objectives set by the environmental strategy, global (international, political and foreign economic measures, taking into account the environmental constraints of socio-economic development, the world's natural resources and their distribution between countries), state ( socio-economic policy formed on the basis of understanding the shortcomings and impacts on the ecological status of regions and basins), regional ecosystem (environmental policy pursued by states in certain regions, as well as directly implemented by regions), local environmental policy (local monitoring, local environmental there are five types: environmental policy through the organization of the development of programs and projects) and corporate environmental policy (system of environmental and social values of enterprises, institutions, organizations, reflected in their future plans) [22].

E.V. Matveeva believes that "environmental policy is a policy aimed at improving and protecting the quality of the environment, protection of human health, rational use of natural resources, the development of measures to address regional and global environmental problems" [23].

V.I. Mineeva believes that environmental policy is an integral part of state legal policy, which is closely linked with other types of state political activity and is determined by the current state of economic, social, demographic, cultural, ideological development [24]. It is impossible to agree with the author's opinion that environmental policy is an



integral part of state legal policy. In our opinion, it is expedient to approach environmental policy as a set of socio-political, socio-economic, cultural-educational, organizational and legal measures.

According to G.Z. Abdullaeva, "Environmental policy is an activity to protect and improve the existing environmental environment in order to ensure the sustainable development of the nation and environmental security. Relations in this area are aimed at ensuring environmental security and creating favorable conditions for harmonious interaction between society and nature. Depending on its forms and methods, the solution of environmental problems can have a political character, a direct environmental feature, as well as socio-economic, legislative, administrative, ideological and other features. But the object of this solution will always be man and the environment. Nature does not imply political, socio-group differences between people. All people, regardless of their race, nationality, social class and other characteristics, eat, drink, dress, have a place to live, breathe air, perceive information, feel the effects of natural phenomena - heat, cold, light, sound, etc. should. Communication with nature itself is a common feature for all. Therefore, environmental policy must be based on universal values, taking into account the natural conditions of certain countries and regions [25].

In this regard, M.K. Najimov writes that the state nature protection policy is implemented through the ecological function of the state, aimed at ensuring its protection in the process of using natural resources. At the heart of the state's environmental policy should be the principle of "the priority of protection and restoration of the natural environment, which is conducive to the protection of human life and health, life and recreation of the population" [26]. At this point, the author puts forward the idea that man should serve nature, not nature, as a priority for man to preserve the natural environment. In our opinion, it is expedient for us to protect nature by looking at man as a part of it. It is no coincidence that our Constitution also defines the duty of citizens to have a favorable environment or other environmental rights, but also the obligation to treat the environment with care.

Another group of scientists believes that environmental policy is a security policy, a reduction of environmental risk. Eco-politics is the art of maintaining an optimal balance between different interests through science-based decisions embodied in environmental law [27].

Ukrainian scientists also consider environmental policy as an environmental security policy, that is, a form of community development based on the priority of security, implemented in the interests of both the subject of the ecological system and the object (environment) [28].

E.N. Lysitsin considers environmental policy as a direction of "optimal and effective regulation of complex socio-ecological relations in the" nature - society "system of the political system as a whole and its individual links, the activities of the state and its bodies" [29].

Yu.Sh. Shadimetov also believes that "environmental policy can be assessed as a kind of socio-economic policy aimed at the selection and implementation of a certain type of relationship between society and nature, based on a form of socio-economic life" [30].

## METHODOLOGY

In the above definitions, first, all aspects of social life are combined; secondly, it identifies the subjects - the actors in environmental policy, including international non-governmental organizations, thereby emphasizing the responsibility of each individual and humanity as a whole for the state of the environment; thirdly, the areas of activity of the subjects of environmental policy will be determined.

In general, based on an analysis of the available literature and different perspectives, we can, in our opinion, distinguish the following models of environmental policy:

The first model of centralization - environmental policy - is considered as a method of public administration that involves the use of imperative means of legal and economic regulation of social relations between people in the field of ecology (J.T. Kholmuminov, M.K. Najimov, Sh. Beder, Neil Carter, V. I.Mineeva, S.F.Yaroslavtsev).

The second model of ecological centralization describes environmental policy as a set of measures aimed at protecting the environment (Sh.H.Fayziev, G.Z.Abdullaeva, N.F.Reymers, E.V.Matveeva).

The third model of liberalization - environmental policy is considered as a set of voluntary actions of legal entities aimed at compliance with environmental legislation (J. McCormick, L.J. Lundkvist, VI Kovalenko, AI Kostin, NN Moiseev, S.A.Stepanov).

Based on the above, we can give the following author's definition of environmental policy: "Environmental policy is a political, legal, socio-economic, scientific, based on cooperation and harmony, aimed at environmental protection, use of natural resources, environmental security and sustainable development." A set of organizational and administrative, demographic, cultural and educational, educational and ideological, scientific and technical, national and international measures.

As we have seen above, the economic and legal mechanism plays an important role in the state environmental policy. This situation requires the need to improve the economic and legal mechanism



of regulation of social relations in our country. In particular, the development of economic and legal mechanisms in environmental relations, the improvement of measures taken in this mechanism is of great importance.

When talking about the economic and legal mechanism of state environmental policy, it is appropriate to pay special attention to its concept, significance and specific features. The legal aspects of the economic and legal mechanism in the field of ecology have been studied mainly in recent years as a separate object of study. Various terms have begun to be used in the scientific and legal literature to describe the content of this concept.

For example, in recent years in the legal literature we can find such concepts as "economic and legal mechanism of nature use and environmental protection" [31], "legal regulation of the economic mechanism of environmental protection" [32], "mechanism to ensure compliance with environmental requirements of legislation" [33]. Sometimes this concept is equated with terms such as "economic mechanism of nature use", "economic mechanism of greening the economy" [34]. However, in our opinion, the term "legal support of the economic mechanism of environmental protection" [35] has a special meaning, and it is appropriate to use this term to describe the social and economic relations in the field of environmental protection, rational use of natural resources, environmental security.

As for the definition of the concept of economic and legal mechanism of environmental policy of Uzbekistan, it should be noted that a number of its definitions are given in the legal literature. In our opinion, it is appropriate to define the concept of legal provision of economic mechanism of environmental protection as follows: legal provision of economic mechanism of environmental protection is the planning, financing of measures for environmental protection, rational use of natural resources and environmental security; is a system of comprehensive measures related to environmental payments, environmental insurance and savings, economic incentives and penalties.

We can recognize that in the implementation of measures on state environmental policy, it is necessary to pay attention to two main aspects of the economic and legal mechanism. The formation of the economic and legal mechanism, firstly, serves as a source of funding and accumulation of funds for environmental protection, and secondly, has a real impact on nature users and other economic entities - legal entities and individuals, encouraging them to comply with environmental requirements.

## CONCLUSION

In our opinion, summarizing the above-mentioned views on the concept of economic and

legal mechanism in the field of ecology, it is necessary to highlight the following features of this mechanism:

1) assessment of the economic and legal mechanism in the field of ecology as a means of economic incentives for nature users;

2) the use of state coercive measures in certain types of economic and legal mechanisms of environmental policy (for example, in the application of economic sanctions for irrational use of natural resources and violation of the requirements established by law, collection of taxes and fees for the use of natural resources);

3) interaction of administrative-legal means with methods of economic stimulation in the economic-legal mechanism of ecological relations;

4) the priority of environmental principles in ensuring the economic and legal mechanism of environmental policy;

5) ensuring economic interest in the use of natural resources and protection of the environment based on environmental requirements;

6) manifestation of the economic and legal mechanism in the field of ecology as a means of ensuring the rational, economical and efficient use of natural resources;

7) formation of the economic-legal mechanism of ecological policy as a legal institution from a set of means and methods (payment for special use of natural resources, economic incentives, application of economic sanctions, ecological insurance, ecological funds).

Analyzing the legal nature of these features, it should be noted that the improvement of the economic and legal mechanism in the field of ecology is one of the factors contributing to the sustainable socio-economic development and progress of the Republic of Uzbekistan. promotes the development of balance.

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