

**TOSHKENT DAVLAT YURIDIK UNIVERSITETI HUZURIDAGI ILMIY
DARAJALAR BERUVCHI DSc.07/30.12.2019.Yu.22.01 RAQAMLI ILMIY
KENGASH**

TOSHKENT DAVLAT YURIDIK UNIVERSITETI

MAXKAMOV DURBEK NEMATOVICH

**O‘SIMLIK DUNYOSINI MUHOFAZA QILISH VA UNDAN
FOYDALANISHNI HUQUQIY TARTIBGA SOLISH MASALALARI**

12.00.06 – Tabiiy resurslar huquqi. Agrar huquq. Ekologik huquq

**yuridik fanlar doktori (DSc) dissertatsiyasi
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KIRISH (Doktorlik (DSc) dissertatsiyasi annotatsiyasi)

Dissertatsiya mavzusining dolzarbligi va zarurati. Dunyoda bugungi kunda biologik resurslarning tobora qisqarib borayotganligi dolzarb muammoga aylanmoqda. Xususan, Xalqaro tabiatni muhofaza qilish ittifoqining “Qizil ro‘yxati”ga yo‘q bo‘lib ketish xavfi ostida turgan 40 mingdan ziyod o‘simlik turlari kiritilgan¹. London zoologiya jamiyati tomonidan tayyorlanadigan “Tirik sayyora indeksi” (Living Planet Index) ham biologik xilma-xillik qisqarishi tezligi oxirgi 20 yilda 2-3 baravarga ortganligini ko‘rsatmoqda². 2022-yil dekabrda “Science Advances” jurnalida e‘lon qilingan ilmiy tadqiqot natijalariga ko‘ra, “iqlim o‘zgarishi oqibatida 2050-yilga kelib sayyoramizdagi jami o‘simlik va hayvonot turlarining 6-10 foizi hamda 2100-yilda 27 foizi yo‘q bo‘lib ketishi mumkin”³. Ushbu raqamlar, o‘simlik dunyosini muhofaza qilish va undan oqilona foydalanishni huquqiy tartibga solishga qaratilgan yanada samarali mexanizmlarni ishlab chiqish lozimligini ko‘rsatadi.

Jahonda o‘simlik dunyosi obyektlarini muhofaza qilish, ulardan ekologik talablarga qat’iy rioya etgan holda foydalanishni tashkil etish, kamyob va yo‘qolib borayotgan o‘simlik dunyosi obyektlaridan foydalanishni cheklash, o‘simlik dunyosi obyektlaridan foydalanish sohasidagi qonunchilikni va ekologik talablarni buzganlik uchun javobgarlik choralari kuchaytirish, “yashil energiya”ni joriy etish orqali o‘simlik dunyosiga ta’sirni qisqartirish bo‘yicha tadqiqotlar o‘tkazishga alohida ahamiyat berilmoqda.

Respublikamizda, so‘nggi besh yilda qimmatbaho navli daraxt va butalar kesishni taqiqlash, fuqarolarning ekologik-huquqiy madaniyatini oshirish orqali ularni o‘simlik dunyosini muhofaza qilish va undan foydalanish sohasidagi ekologik huquqbuzarliklarga qarshi kurashishga faol jalb qilishga e‘tibor berildi. Yangi O‘zbekistonning Taraqqiyot strategiyasida “Yashil makon” umummilliy loyihasi doirasida har yil kamida 200 million tup daraxt ekish, “Yashil makon” umummilliy loyihasi tashabbuslariga mos tarzda respublikaning 10 ta hududida aerobiologik monitoring tizimini yo‘lga qo‘yish, Toshkent shahrini aholiga qulay, ekologik toza va yashash uchun barcha imkoniyatlar mavjud bo‘lgan hududga aylantirish, ko‘kalamzorlashtirish darajasini 30 foizga yetkazish, Orol dengizining qurigan tubida qo‘shimcha 500 ming gektar yashil maydonlarni barpo etgan holda 2026-yil yakuniga qadar ularning umumiy hajmini 2,5 million gektarga yoki hududning 78 foiziga yetkazish, cho‘l hududlarida o‘simliklarni ko‘paytirish, hududlarda himoya o‘rmonzorlari barpo etish⁴ kabi ustuvor yo‘nalishlar belgilab berilgan. Biroq, o‘simlik dunyosi obyektlariga nisbatan sodir etilayotgan huquqbuzarliklar soni ortib borayotganligi, jamiyat a‘zolarida ekologik huquqiy madaniyatning to‘liq shakllanmaganligi kelgusida bajarilishi lozim bo‘lgan ishlarning mavjudligini ko‘rsatadi. Shu bois, o‘simlik dunyosini muhofaza qilish va undan foydalanishni

¹ <https://www.iucn.org>

² <https://www.zsl.org>

³ <https://russian.rt.com/inotv/2022-12-19/France-info-k-2050-godu>

⁴ O‘zbekiston Respublikasi Prezidentining 2022-yil 28-yanvardagi “2022 – 2026-yillarga mo‘ljallangan Yangi O‘zbekistonning Taraqqiyot strategiyasi to‘g‘risida”gi PF-60-son Farmoni // Qonunchilik ma‘lumotlari milliy bazasi, 29.01.2022-y., 06/22/60/0082-son.

huquqiy asoslarini yanada mustahkamlash, ilmiy asoslangan hamda islohotlarga hamohang bo‘lgan mexanizmlarini ishlab chiqish dolzarb ahamiyat kasb etmoqda.

O‘zbekiston Respublikasining “Tabiatni muhofaza qilish to‘g‘risida”gi (1992), “Muhofaza etiladigan tabiiy hududlar to‘g‘risida”gi (2004), “Ekologik nazorat to‘g‘risida”gi (2013), “O‘simlik dunyosini muhofaza qilish va undan foydalanish to‘g‘risida”gi (2016), “O‘rmon to‘g‘risida”gi (2018) qonunlari, O‘zbekiston Respublikasi Prezidentining 2022-yil 28-yanvardagi “2022 – 2026-yillarga mo‘ljallangan Yangi O‘zbekistonning Taraqqiyot strategiyasi to‘g‘risida”gi PF–60-son, 2019-yil 30-oktyabrdagi “2030-yilgacha bo‘lgan davrda O‘zbekiston Respublikasining Atrof muhitni muhofaza qilish konsepsiyasini tasdiqlash to‘g‘risida”gi PF–5863-son, 2021-yil 30-dekabrda “Respublikada ko‘kalamzorlashtirish ishlarini jadallashtirish, daraxtlar muhofazasini yanada samarali tashkil etish chora-tadbirlari to‘g‘risida”gi PF–46-son Farmonlari, 2021-yil 30-dekabrda “Atrof-muhitni muhofaza qilish hamda ekologik nazorat sohasidagi davlat organlari faoliyatini tashkil etish chora-tadbirlari to‘g‘risida”gi PQ–76-son qarori va sohaga oid boshqa qonun hujjatlarining ijrosini muayyan darajada amalga oshirishga ushbu dissertatsiya tadqiqoti xizmat qiladi.

Tadqiqotning respublika fan va texnologiyalari rivojlanishining asosiy ustuvor yo‘nalishlariga mosligi. Mazkur tadqiqot ishi respublika fan va texnologiyalari rivojlanishining I. “Axborotlashgan jamiyat va demokratik davlatni ijtimoiy, huquqiy, iqtisodiy, madaniy, ma‘naviy-ma‘rifiy rivojlantirishda innovatsion g‘oyalar tizimini shakllantirish va ularni amalga oshirish yo‘llari” ustuvor yo‘nalishiga mos keladi.

Dissertatsiyaning mavzusi bo‘yicha xorijiy ilmiy tadqiqotlar sharhi⁵. O‘simlik dunyosini muhofaza qilish va undan foydalanishni huquqiy tartibga solish bo‘yicha ekologik-huquqiy tadqiqotlar dunyoning yetakchi ilmiy markazlari va oliy ta‘lim muassasalari, jumladan, Cambridge University (Buyuk Britaniya), Monash University (Avstraliya), Stockholm Environmental Law and Policy Centre (Shvesiya), Instituto de Investigaciones en Ecosistemas y Sustentabilidad (Meksika), Kyoto University (Yaponiya), Northeast Forestry University, Chinese Academy of Sciences, College of Life Sciences (XXR), University of Delhi, Wildlife Institute of India (Hindiston), University of Malta (Malta), University of Port-Harcourt (Nigeriya), Moskva davlat universiteti (Rossiya), Belarus davlat universitetida (Belarus) olib borilmoqda.

O‘simlik dunyosini muhofaza qilish va undan foydalanishni huquqiy tartibga solish masalalarga oid qayd etilgan xorijiy ilmiy tadqiqotlar natijasida quyidagi ilmiy natijalar olingan: o‘simlik dunyosi obyektlarini xalqaro-huquqiy muhofazasini kuchaytirish (Monash University, Avstraliya), hududlarni rejalashtirishda o‘simlik dunyosini muhofaza qilish chora-tadbirlarini belgilash (Instituto de Investigaciones en Ecosistemas y Sustentabilidad, Meksika), yovvoyi o‘simlik dunyosi obyektlarini saqlab qolish va boshqarish tizimini takomillashtirish (Northeast Forestry University,

⁵ Dissertatsiyaning mavzusi bo‘yicha xorijiy ilmiy tadqiqotlar sharhi: <http://www.ox.ac.uk>; <https://www.cam.ac.uk>; <http://www.hu-berlin.de>; <http://www.kyoto-u.ac.jp/en>; <https://www.useoul.edu>; <http://www.uu.se>; <https://www.uu.nl/en>; www.rug.nl; <https://www.era.int>; <https://www.ut.ee>; <https://www.k6k.ee>; <https://www.msu.ru>; www.iseu.bsu.by

Chinese Academy of Sciences, College of Life Sciences, XXR), suv o'simliklarini muhofaza qilish (Wildlife Institute of India, Hindiston), mahalliy o'simliklar turlarini muhofaza qilish (University of Delhi, Hindiston), o'simliklar yashash muhitini saqlab qolishning o'simlik dunyosi obyektlarini muhofaza qilishdagi ustun roli (University of Malta (Malta), barqaror rivojlanish uchun kamyob va yo'qolib borayotgan o'simlik dunyosi obyektlarini muhofaza qilish zarurati (University of Port-Harcourt, Nigeriya), muhofaza etiladigan tabiiy hududlarda o'simlik dunyosini muhofaza qilish (Moskva davlat universiteti, Rossiya), o'simlik dunyosi obyektlarini muhofaza qilishning tashkiliy-huquqiy asoslarini takomillashtirish (Belarus davlat universiteti, Belarus) bilan bog'liq taklif va tavsiyalar ishlab chiqilgan.

Bugun dunyoda o'simlik dunyosini muhofaza qilish va undan foydalanishni huquqiy tartibga solishga oid quyidagi ustuvor yo'nalishlar bo'yicha tadqiqotlar olib borilmoqda: o'simlik dunyosini muhofaza qilishning qonuniy asoslarini yanada takomillashtirish; o'simlik dunyosidan oqilona foydalanishni ta'minlash va bu borada davlat va jamoatchilik nazorati choralari kuchaytirish; kamyob va yo'qolib borayotgan o'simliklar turlarini saqlab qolish bo'yicha xalqaro tashabbuslarni kuchaytirish; o'simlik dunyosi obyektlaridan keng foydalanishni cheklash orqali biologik xilma-xillikni ta'minlash.

Muammoning o'rganilganlik darajasi. O'simlik dunyosini muhofaza qilish va undan foydalanish bilan bog'liq ayrim masalalar mamlakatimiz olimlaridan J.T.Xolmo'minov, M.B.Usmonov, Sh.X.Fayziyev, Y.A.Jurayev, U.T.Ayubov, N.K.Skripnikovlarning ilmiy ishlarida ekologiya huquqining muhim instituti sifatida yoritilgan. Bundan tashqari bir nechta olimlar o'z tadqiqot mavzulari doirasida o'simlik dunyosi obyektlari bilan bevosita bog'liq jihatlarini ham tadqiq etishgan. Xususan, B.H.Kalonov (o'simlik dunyosini muhofaza qilishda davlat ekologik nazorati masalalari), D.M.Umarov (davlat qo'riqxonasida o'simliklarni muhofaza qilish jihatlarini), G.Sh.Uzakova (aholi punktlarida o'simlik dunyosini muhofaza qilish masalalari), M.M.Nurmatov (o'simlik dunyosidan foydalanishning iqtisodiy huquqiy mexanizmiga oid jihatlarini), O.D.Utegenov (o'simlik dunyosini muhofaza qilishda jamoat ekologik nazoratiga oid jihatlar), R.S.Toshboyeva (o'simlik dunyosi obyektlarining davlat kadastriga oid jihatlarini), J.I.Safarov (o'simlik dunyosiga oid qonunchilik hujjatlarini kodifikatsiyalash masalalari), A.A.Nuridullayev (o'simlik dunyosidan foydalanishda ekologik ekspertizaga oid masalalar), A.A.Xodjayev (o'simlik dunyosidan oqilona foydalanish prinsipiga oid masalalar) va boshqalarning ilmiy ishlarida muayyan darajada ko'rib chiqilgan. Shu bilan bir qatorda bevosita o'simlik dunyosini muhofaza qilish va undan foydalanishga oid huquqiy munosabatlarni tartibga solishga qaratilgan o'quv va ilmiy manbalar mavjud. Jumladan, M.B.Usmonov "Flora huquqi" darsligida o'simlik dunyosini muhofaza qilish va undan foydalanish tartibi va bu boradagi qonunchilik tahlil qilingan. Shuningdek, O.X.Narzullayevning "O'zbekistonda biologik resurslarni muhofaza qilish va ulardan foydalanishni huquqiy tartibga solishni takomillashtirish" mavzusidagi ilmiy ishida biologik resurslarning turi sifatida o'simlik dunyosi obyektlarini muhofaza qilish va foydalanishning o'ziga xos xususiyatlariga to'xtalib o'tilgan.

Xorijiy mamlakatlarda o‘simlik dunyosini muhofaza qilish va undan foydalanishga oid ayrim masalalarni E.Ratko, Y.Summer, M.Denney kabi olimlarning asarlarida uchratish mumkin. Bundan tashqari L.Kremer (Yevropa davlatlarida o‘simlik dunyosini muhofaza qilish masalalari), G. Lubbe-Wolff (Yevropa Ittifoqi davlatlarining ekologik siyosatida o‘simliklarning o‘rni), G.Winter (o‘simliklarni biologik jihatdan rivojlanishi va jamiyatning ta’siri), D.Czybulka (qishloq xo‘jaligida biologik xilmaxillikni saqlash masalalari), U.Doyle (o‘simliklarni muhofaza qilishda xorijiy tashkilotlarning o‘rni), U.Muller (biologik resurslarning huquqiy-himoyaviy rejimi), K.Rodi (tabiatni muhofaza qilish va uni moliyalashtirishda davlat organlarining vakolatlari), Cyrill De Klemm (yovvoyi o‘simliklarni muhofaza qilish masalalari), R.Amos (Xalqaro jihatdan tabiatni muhofaza qilishda o‘simliklarning maqomi) kabi huquqshunos olimlar asarlarida tadqiq etilgan.

O‘simlik dunyosini muhofaza qilish va undan foydalanish bilan bog‘liq masalalar MDH davlatlarida M.M.Brinchuk, V.V.Petrov, I.V.Girenko, A.K.Golichenkov, O.L.Dubovik, B.V.Yerofeev, N.V.Makarova, A.V.Kukushkina, A.N.Sapogin, A.A.Stepanova, I.S.Shaxray, I.Sheverdina, Y.I.Shuplesova, A.N.Shekolodkin, Y.I.Yefimova, A.A. Solovyanov kabi olimlarning asarlarida tahlil qilingan⁶.

Garchand ushbu olimlarning ilmiy izlanishlarida o‘simlik dunyosini muhofaza qilish va undan foydalanish bilan bog‘liq tashkiliy-huquqiy jihatlar, o‘simlik dunyosidan foydalanishning yoki uni muhofaza qilishga oid chora-tadbirlarning aniq bir turi u yoki bu darajada tadqiq qilingan bo‘lsa-da, o‘simlik dunyosini muhofaza qilish va undan foydalanishni huquqiy tartibga solish, ushbu sohaga oid qonunchilikni qo‘llash amaliyoti va uni yanada izchil takomillashtirish masalalari ekologiya huquqi fani nuqtai nazaridan kompleks tadqiqot obyekti sifatida o‘rganilmagan.

Ta’kidlash lozimki, mazkur tadqiqot mavzusining ayrim qirralari (o‘simlik dunyosining bir turining huquqiy muhofazasi) muallif tomonidan 2011-yilda amalga oshirilgan nomzodlik dissertatsiyasi doirasida ham tahlil qilingan⁷. O‘tgan yillarda ushbu yo‘nalishda amalga oshirilgan keng ko‘lamli islohotlar, ayniqsa, o‘simlik dunyosini muhofaza qilish davlat ekologik siyosatining eng ustuvor yo‘nalish etib belgilanganligi, keng jamoatchilikning diqqat markazida bo‘lgan ijtimoiy-ekologik mavzuga aylanganligi, o‘simlik dunyosini muhofaza qilish va undan foydalanish bilan bog‘liq tartib-taomillarning tubdan o‘zgarganligi, shuningdek, ushbu sohada turli ishlanmalarning paydo bo‘lishi bilan bog‘liq kuzatuv va o‘rganishlar davomida dastlab bildirilgan fikr-mulohazalar yanada takomiliga yetdi va mazkur tadqiqot ishi tayyorlandi.

Dissertatsiya mavzusining dissertatsiya bajarilayotgan oliy-ta’lim muassasasining ilmiy-tadqiqot ishlari bilan bog‘liqligi. Tadqiqot ishining mavzusi Toshkent davlat yuridik universiteti Kengashining 2019-yil 30-dekabrda (3-son bayonnoma) majlisida tasdiqlangan va universitet ilmiy-tadqiqot rejalari dasturiga kiritilgan.

⁶ **Izoh:** Olimlarning asarlari foydalanilgan adabiyotlar ro‘yxatida keltirilgan.

⁷ Mahkamov D.N. Kamyob va yo‘qolib borayotgan o‘simlik dunyosi obyektlarini huquqiy muhofaza qilish: Yurid. fan. nomz. ...diss. – Toshkent: TDYI, 2011. – 156 b.

Tadqiqotning maqsadi o‘simlik dunyosini muhofaza qilish va undan foydalanishni huquqiy tartibga solish muammolarini tahlil qilish asosida qonunchilikni takomillashtirish bo‘yicha xulosa va takliflar ishlab chiqishdan iborat.

Tadqiqotning vazifalari:

o‘simlik dunyosidan foydalanish va ularni muhofaza qilishning huquqiy tabiati, tarixiy rivojlanishi, uni tushunish bo‘yicha ilmiy konsepsiyalar, doktrinalar va prinsiplarni tahlil qilish orqali yangi ilmiy-nazariy g‘oyalar ishlab chiqish;

o‘simlik dunyosidan foydalanish va ularni muhofaza qilish sohasidagi qonunchilikning rivojlanish bosqichlarini tadqiq etish va huquqiy kvalifikatsiyasini amalga oshirish;

o‘simlik dunyosidan foydalanishni huquqiy ta‘minlashning doktrinal asoslarini tadqiq qilish;

o‘simlik dunyosini muhofaza qilish undan foydalanish sohasida davlat boshqaruvi faoliyatini huquqiy tartibga solish mexanizmlari yuzasidan tavsiyalar ishlab chiqish;

o‘simlik dunyosidan foydalanish va ularni muhofaza qilishga doir xalqaro tajribani tahlil qilish;

o‘simlik dunyosidan foydalanish va ularni muhofaza qilishda jamoatchilik va fuqarolik jamiyati institutlari ishtiroki yuzasidan takliflar shakllantirish;

o‘simlik dunyosidan foydalanish va ularni muhofaza qilishga oid qonunchilikni takomillashtirishga qaratilgan tavsiyalar kiritish;

o‘simlik dunyosiga oid munosabatlarni tartibga soluvchi milliy qonunchilikka zamonaviy ekologik-huquqiy modellarni joriy qilishga oid tavsiyalar berishdan iborat.

Tadqiqotning obyektini o‘simlik dunyosini muhofaza qilish va undan foydalanishni huquqiy tartibga solish bilan bog‘liq ekologik-huquqiy munosabatlar tashkil etadi.

Tadqiqotning predmeti O‘zbekiston Respublikasi va xorijiy mamlakatlarning o‘simlik dunyosini muhofaza qilish va undan foydalanish sohasidagi qonunchilik hujjatlari, ularni qo‘llash amaliyoti hamda yuridik fanda mavjud bo‘lgan konseptual yondashuvlar va ilmiy-nazariy qarashlardan iboratdir.

Tadqiqotning usullari. Tadqiqot ishini yozishda induksiya, deduksiya, tarixiy, mantiqiylik, tizimlilik, qiyosiy-huquqiy, statistik, so‘rovnoma o‘tkazish, analiz, sintez kabi usullardan foydalanilgan.

Tadqiqotning ilmiy yangiligi quyidagilardan iborat:

o‘simlik dunyosi obyektlariga qonunga xilof ravishda zarar yetkazilgan holatni foto yoki videoyozuvlarini yuborish hamda rag‘batlantirish orqali o‘simlik dunyosini muhofaza qilish, shu jumladan, daraxtlarni noqonuniy kesish bilan bog‘liq huquqbuzarliklarga qarshi kurashishda jamoatchilik nazoratini kuchaytirish zarurati asoslangan;

haydovchilar tomonidan o‘simlik dunyosi obyektlariga zarar yetkazmaslikni ta‘minlash majburiyatini qonunchilikda aniq belgilab qo‘yish orqali o‘simlik dunyosi obyektlari o‘sadigan muhitni saqlash bo‘yicha qo‘shimcha chora-tadbirlar belgilash lozimligi asoslab berilgan;

o‘simlik dunyosining kamyob va yo‘qolib ketish xavfi ostida turgan yovvoyi holda o‘suvchi o‘simliklar turlarini muhofaza qilish, Botanika bog‘larining huquqiy

maqomi, kamayib ketish xavfi ostida turgan o‘simlik turlarini tabiiy muhitdan ajratib olish qonun bilan belgilanish kerakligi asoslantirilgan;

muhofaza etiladigan tabiiy hududlardan xo‘jalik maqsadlarida foydalanishda kamyob va yo‘qolib borayotgan o‘simlik dunyosi obyektlarini muhofaza qilishning alohida huquqiy rejimini belgilash asoslab berilgan;

o‘simlik dunyosi obyektlari bo‘yicha olingan monitoring ma‘lumotlarini tizimlashtirishning huquqiy asoslarini ishlab chiqish hamda o‘simlik dunyosi obyektlarini davlat kadastrini yuritish mexanizmini huquqiy ta‘minlash zarurligi asoslangan;

o‘simlik dunyosi obyektlaridan foydalanishni nazorat qiluvchi davlat organlarining funksiyalarini qonunchilikda mustahkamlash hamda Qizil kitobga kiritilgan yovvoyi o‘simliklardan foydalanish tartibini takomillashtirish va ulardan foydalanishda ruxsat berish mexanizmini huquqiy ta‘minlash zarurligi asoslab berilgan.

Tadqiqotning amaliy natijalari quyidagilardan iborat:

o‘simlik dunyosini muhofaza qilish va undan foydalanishni huquqiy tartibga solishda huquqiy mexanizmning yanada samarali bo‘lishi va huquqni qo‘llashni soddalashtirish maqsadida O‘zbekiston Respublikasining “O‘rmon to‘g‘risida”gi, “Muhofaza etiladigan tabiiy hududlar to‘g‘risida”gi hamda “O‘simlik dunyosini muhofaza qilish va undan foydalanish to‘g‘risida”gi qonunlarni tegishlicha inkorporatsiya qilish va ushbu tartibni belgilovchi normativ-huquqiy hujjat ishlab chiqish lozimligi asoslab berilgan;

bugungi kunda O‘zbekiston Respublikasining o‘simlik dunyosini muhofaza qilish va undan foydalanish sohasidagi ekologik siyosati huquqiy barqaror rivojlanish konsepsiya tamoyillarini ifoda etuvchi modernizatsiyalashuv bosqichi vujudga kelganligini inobatga olgan holda “O‘zbekiston Respublikasining 2023-2028-yillarga mo‘ljallangan o‘simlik dunyosini muhofaza qilish Konsepsiyasi”ni ishlab chiqish zarurligi asoslangan;

xorijiy davlatlar qonunchiligi tahlili asosida O‘zbekiston Respublikasining “Ma‘muriy javobgarlik to‘g‘risida”gi kodeksga o‘zgartirish kiritish va unda o‘simlik dunyosi obyektlarini noqonuniy kesish, shikastlash va yo‘q qilish, o‘rmonlar va o‘simlik dunyosining boshqa obyektlarida yong‘in xavfsizligi talablarini buzish uchun javobgarlikni kuchaytirish lozimligi asoslab berilgan;

barcha tabiiy resurslar – yer, suv, o‘rmon, yer qa‘ri, atmosfera havosi, o‘simlik va hayvonot dunyosining joylashuvi (geografik ko‘rsatkichlari, ma‘muriy-hududiy tegishlilik va boshqa ma‘lumotlar), ularning xo‘jalik maqomi (kimga tegishli, qaysi hujjat asosida, qancha muddatga foydalanishga berilgan va boshqalar), miqdori to‘g‘risidagi ma‘lumotlar, statistik hisobotlar va boshqa zarur ma‘lumotlarni o‘z ichiga olgan tabiiy resurslar kadastrlarining yagona elektron tizimini joriy etish lozimligi asoslantirilgan;

dunyo tobora raqamli bo‘lib borayotganligi, innovatsion yechimlarni talab qiladigan ekologik muammolarga duch kelinayotganligi sababli atrof-muhitga, xususan o‘simlik dunyosiga oid ma‘lumotlarni kiber tahdidlardan himoyalash va kibermudofaa vositalari atrof-muhitni muhofaza qilish qoidalariga muvofiqligini

ta'minlanish maqsadida O'zbekiston Respublikasining ekologik qonunchiligiga kiberxavfsizlik masalalarini joriy etish lozimligi asoslangan.

Tadqiqot natijalarining ishonchliligi. Tadqiqot natijalari xalqaro va milliy qonun normalari, rivojlangan davlatlar tajribasi, huquqni qo'llash amaliyoti, statistik ma'lumotlarni tahlil qilish natijalari umumlashtirilib, tegishli hujjatlar bilan rasmiylashtirilgan. Xulosa, taklif va tavsiyalar aprobatsiyadan o'tkazilib, ularning natijalari yetakchi milliy va xorijiy nashrlarda e'lon qilingan. Olingan natijalar vakolatli organlar tomonidan tasdiqlangan va amaliyotga joriy qilingan.

Tadqiqot natijalarining ilmiy va amaliy ahamiyati. Tadqiqot ishining ilmiy ahamiyati undagi ilmiy-nazariy xulosalar, amaliy taklif va tavsiyalardan kelgusi ilmiy faoliyatda, qonun ijodkorligida, huquqni qo'llash amaliyotida, shu jumladan, o'simlik dunyosi obyektlarini muhofaza qilish bo'yicha maxsus vakolatli davlat organlarining faoliyatida, ekologiya sohasidagi qonun hujjatlarining tegishli normalarini sharhlashda, milliy qonunchilikni takomillashtirish hamda "Ekologiya huquqi", "Tabiiy resurslar huquqi", "Xalqaro ekologiya huquqi" fanlarini ilmiy-nazariy jihatdan yanada boyitishda foydalanish mumkinligida namoyon bo'ladi. Tadqiqot ishining nazariy jihatlariga tayanish kelgusida o'simlik dunyosini muhofaza qilish va undan foydalanishning tashkiliy-huquqiy asoslarini tartibga solish, ushbu sohadagi qonun hujjatlarini takomillashtirish bilan bog'liq yangi ilmiy tadqiqotlar olib borish imkonini beradi.

Tadqiqot natijalarining amaliy ahamiyati ekologiya sohasidagi qonun hujjatlarini takomillashtirish hamda huquqni qo'llash amaliyotini rivojlantirish, ekologiya sohasidagi qonun hujjatlarini inventarizatsiyadan o'tkazish, shuningdek, ekologiya va atrof-muhitni muhofaza qilish sohasidagi vakolatli organlar va jamoatchilik tuzilmalarining ekologiya sohasidagi faoliyatini takomillashtirishga bag'ishlangan qonun hujjatlarini ishlab chiqishga xizmat qilgan.

Tadqiqot natijalarining joriy qilinishi. Tadqiqot natijalaridan quyidagilarda foydalanilgan:

o'simlik dunyosi obyektlariga qonunga xilof ravishda zarar yetkazilgan holatni foto yoki videoyozuvlarini yuborish hamda rag'batlantirish mexanizmiga oid takliflar Vazirlar Mahkamasining "Davlat ekologik nazorati hamda moddiy madaniy meros obyektlarini muhofaza qilish va ulardan foydalanish sohasida nazoratning zamonaviy mexanizmlarini joriy etish chora-tadbirlari to'g'risida"gi 2022-yil 7-apreldagi 165-son qarorining 1-ilovasi bilan tasdiqlangan Jismoniy shaxslar tomonidan qayd etilgan huquqbuzarliklar to'g'risidagi fotosuratlar va (yoki) videoyozuvlarni qabul qilish, ko'rib chiqish hamda ularni taqdim etgan shaxslarni rag'batlantirish tartibi haqida nizomning 15-bandini ishlab chiqishda foydalanilgan. (O'zbekiston Respublikasi Vazirlar Mahkamasi Yuridik ta'minlash boshqarmasining 2022-yil 3-avgustdagi 12/21-50-son dalolatnomasi). Ushbu taklifning amalga oshirilishi o'simlik dunyosini muhofaza qilish sohasidagi normativ-huquqiy hujjatlarning sifatli ijrosini tashkil etish hamda ushbu sohadagi huquqbuzarliklarga qarshi samarali kurashishga xizmat qiladi;

haydovchilar tomonidan o'simlik dunyosi obyektlariga zarar yetkazmaslikni ta'minlashga doir taklifdan Vazirlar Mahkamasining 2022-yil 14-apreldagi 172-son qarori bilan tasdiqlangan Yo'l harakati qoidalarining 125-bandini ishlab chiqishda foydalanilgan. (O'zbekiston Respublikasi Vazirlar Mahkamasi Yuridik ta'minlash

boshqarmasining 2022-yil 3-avgustdagi 12/21-50-son dalolatnomasi). Ushbu taklifning amalga oshirilishi o‘simlik dunyosi obyektlarining yashash muhitini saqlab qolishning tashkiliy-huquqiy asoslarini mustahkamlashga hamda yo‘l bo‘ylarida o‘sayotgan o‘simlik dunyosini muhofaza qilishga xizmat qiladi;

o‘simlik dunyosini muhofaza qilishda tabiiy hududlar, jumladan Botanika bog‘larining huquqiy maqomini belgilash hamda kamyob va yo‘qolib ketish xavfi ostida turgan yovvoyi holda o‘suvchi o‘simlik turlarini tabiiy muhitdan ajratib olishga oid berilgan takliflar O‘zbekiston Respublikasi “O‘simlik dunyosini muhofaza qilish va undan foydalanish to‘g‘risida”gi Qonunning 18 va 31-moddalarini ishlab chiqishda foydalanilgan (O‘zbekiston Respublikasi Oliy Majlis Qonunchilik palatasining 2016-yil 4-noyabrdagi 04/4-04-189/2 son dalolatnomasi). Mazkur taklif o‘simlik dunyosini genefondini saqlash, kamyob o‘simliklarning turlarini sun‘iy yaratilgan sharoitda o‘rganish, iqlimga moslash, ko‘paytirish, ilmiy hamda o‘quv ishlarini olib borish, o‘simlik dunyosini muhofaza qilish va undan foydalanish bo‘yicha bilimlarni targ‘ib qilishga xizmat qiladi;

muhofaza etiladigan tabiiy hududlardan xo‘jalik maqsadlarida foydalanishda kamyob va yo‘qolib borayotgan o‘simlik dunyosi obyektlarini muhofaza qilishning alohida huquqiy rejimini belgilashga oid taklif Vazirlar Mahkamasining 2021-yil 5-maydagi 282-son qarori bilan tasdiqlangan Muhofaza etiladigan tabiiy hududlarning qo‘riqlanma zonalarini to‘g‘risida nizomning 9-bandida o‘z aksini topgan (O‘zbekiston Respublikasi Vazirlar Mahkamasi Yuridik ta‘minlash boshqarmasining 2021-yil 9-dekabrda 12/21-53-son dalolatnomasi). Bildirilgan taklif natijasida o‘simlik dunyosini muhofaza qilish maqsadida muhofaza etiladigan tabiiy hududlarning qo‘riqlanma zonalarida uning salbiy tas‘ir ko‘rsatadigan faoliyatni cheklash yoki ta‘qiqlash uchun yer uchastkalarini saqlash vazifasi belgilandi;

o‘simlik dunyosi obyektlari bo‘yicha olingan monitoring ma‘lumotlarini tizimlashtirishning huquqiy asoslarini ishlab chiqish hamda o‘simlik dunyosi obyektlarini davlat kadastrini yuritish mexanizmini ta‘minlashga oid taklif Vazirlar Mahkamasining 2021-yil 3-iyundagi “Atrof-muhitning ifloslanish darajasini baholash tizimini yanada takomillashtirish to‘g‘risida”gi 343-son qarori bilan tasdiqlangan dasturda o‘z ifodasini topgan (O‘zbekiston Respublikasi Vazirlar Mahkamasi Yuridik ta‘minlash boshqarmasining 2021-yil 9-dekabrda 12/21-53-son dalolatnomasi). Ushbu taklif natijasida tegishli davlat organlari tomonidan o‘simlik dunyosi obyektlarini tabiiy ekotizmlardan kelib chiqqan holda monitoringini amalga oshirish, monitoring ma‘lumotlarini Yagona davlat kadastr tizimiga kiritish kabi muhim vazifalarni bajarishi belgilandi;

o‘simlik dunyosi obyektlaridan foydalanishni nazorat qiluvchi davlat organlarining funksiyalarini qonunchilikda mustahkamlash hamda Qizil kitobga kiritilgan yovvoyi o‘simliklardan foydalanish tartibini takomillashtirish va ulardan foydalanishda ruxsat berish mexanizmini huquqiy ta‘minlashga oid takliflar Vazirlar Mahkamasining 2014-yil 20-oktyabrdagi 290-son qarori bilan tasdiqlangan O‘simlik dunyosi obyektlaridan foydalanish va o‘simlik dunyosi obyektlaridan foydalanish sohasida ruxsat berish tartib-taomillaridan o‘tish tartibi to‘g‘risidagi nizomning 69-bandida o‘z ifodasini topgan (O‘zbekiston Respublikasi Vazirlar Mahkamasi Yuridik ta‘minlash boshqarmasining 2021-yil 9-dekabrda 12/21-53-son dalolatnomasi).

Ushbu taklif o‘simlik dunyosi obyektlarini muhofaza qilish, ulardan foydalanish va ularni ko‘paytirish yuzasidan davlat nazoratini tizimli ravishda amalga oshirilishini ta‘minlashga xizmat qiladi.

Tadqiqot natijalarining aprobatsiyasi. Mazkur tadqiqot natijalari 10 ta ilmiy-amaliy anjumanda, jumladan 4 ta xalqaro, 6 ta respublika ilmiy-amaliy anjumanlarida muhokamadan o‘tkazilgan.

Tadqiqot natijalarining e‘lon qilinganligi. Dissertatsiya mavzusi bo‘yicha jami 23 ta ilmiy ish, jumladan, 1 ta monografiya, O‘zbekiston Respublikasi Oliy attestatsiya komissiyasining doktorlik dissertatsiyalari asosiy ilmiy natijalarini chop etish tavsiya etilgan ilmiy nashrlarda 16 ta (11 ta respublika va 3 ta xorijiy jurnallarda) maqola chop etilgan.

Dissertatsiyaning tuzilishi va hajmi. Dissertatsiya tarkibi kirish, beshta bob, xulosa, foydalanilgan adabiyotlar ro‘yxati hamda ilovalardan iborat. Dissertatsiyaning hajmi 256 betni tashkil etadi.

DISSERTATSIYANING ASOSIY MAZMUNI

Dissertatsiya ishining **kirish** qismida ilmiy-tadqiqot mavzusining dolzarbligi va zarurati asoslantirilgan, tadqiqotning maqsadi va vazifalari, obyekti va predmeti yoritilgan, shuningdek, dissertatsiyaning mavzusi bo‘yicha xorijiy ilmiy tadqiqotlar sharhi, respublika fan va texnologiyalari rivojlantirishning ustuvor yo‘nalishlariga mosligi asoslantirilgan, muammoning o‘rganilganlik darajasi, mavzuning dissertatsiya bajarilayotgan oliy ta‘lim muassasasining ilmiy-tadqiqot ishlari rejasi bilan aloqadorligi, usullari, ilmiy yangiligi va amaliy natijalari, tadqiqot natijalarining ishonchliligi, ilmiy va amaliy ahamiyati ochib berilgan. Shuningdek, tadqiqot natijalarining amaliyotga joriy qilinishi, aprobatsiyasi, nashr etilgan ishlar va dissertatsiyaning tuzilishi hamda hajmi haqida ma‘lumotlar keltirilgan.

Dissertatsiyaning **“O‘simlik dunyosini muhofaza qilish va undan foydalanish huquqining umumiy tavsifi”** deb nomlangan birinchi bobida o‘simlik dunyosini muhofaza qilish va undan foydalanish huquqi tushunchasi, prinsiplari va yuridik tabiati, mavjud ilmiy-nazariy konsepsiyalar, O‘zbekiston Respublikasida o‘simlik dunyosini muhofaza qilish va undan foydalanish huquqining vujudga kelishi va rivojlanishi, o‘simlik dunyosini muhofaza qilish va undan foydalanish huquqi bilan bog‘liq munosabatlarni tartibga soluvchi normalarning o‘ziga xos xususiyatlari ilmiy tahlil etilgan.

Bugungi kunda iqtisodiyotdagi tarkibiy o‘zgarishlar, sanoatlashuv darajasining ortishi, urbanizatsiya jarayonlarining jadallashuvi va shaharsozlikning rivojlanishi, tabiiy muhitga bo‘lgan antropogen ta‘sir va yuklamaning sezilarli oshishi natijasida o‘simlik dunyosi obyektlaridan g‘ayriqonuniy foydalanish, unga zarar yetkazish yoki yo‘q qilish kabi huquqbuzarliklar soni ortishiga sabab bo‘lmoqda. Bu esa, o‘simlik dunyosini muhofaza qilish va undan foydalanishni huquqiy ta‘minlash zaruratini keltirib chiqarmoqda.

Buning uchun fundamental qoidalar, doktrinalar va konsepsiyalar nazariy poydevor sifatida xizmat qilishi, shundagina inson, jamiyat va davlat manfaati uchun samarali bo‘lishini prognoz qilish mumkin.

Shu sababli, dissertatsiyada xorijiy va milliy olimlarning ilmiy-nazariy qarashlari hamda tadqiqotlari tahlili natijasida o‘simlik dunyosi obyektlarini muhofaza qilishga nisbatan **doktrinal yondashuvlar** tasniflangan. Bunda **biologik, ijtimoiy** hamda **huquqiy** jihat va xususiyatlarga ega bo‘lgan tadqiqotlar sifatida uch guruhga ajratib ko‘rsatilgan. Tahlillar natijasi shuni ko‘rsatadiki, ayrim olimlar tomonidan o‘simlik dunyosi va uni muhofaza qilish yuzasidan berilgan tushunchaning dastlabki qismi huquqiy jihatdan yondashilgan bo‘lsa, ikkinchi qismi sof biologik tushunchani o‘zida ifoda etadi. Zamonaviy ekologik konsepsiya tarafdorlari bo‘lgan xorij olimlari hamda so‘nggi besh yilda tadqiqot olib borgan milliy olimlar tomonidan berilgan ta’rifda o‘simlik dunyosini muhofaza qilishda hudud va maqsad nuqtai nazaridan yondashilganligini ko‘rish mumkin. MDH olimlari tomonidan berilgan ta’riflarda o‘simlik dunyosini o‘rmon tushunchasiga nisbatan va u bilan qiyoslagan holda bayon qilinganligi namoyon bo‘ladi. G‘arbiy Yevropa olimlarining ta’riflari davlatning mutloq muhofazasi nuqtai nazaridan ifoda etilganligi asoslantirilgan.

Shu sababli dissertant o‘simlik tushunchasiga huquqiy jihatdan yondashishda to‘rtta element: **maqsad, funksiya, hudud** va **maqom** jihatdan yondashuvni taqozo etadi, degan nuqtai nazarni ilgari surgan.

Dissertatsiyada milliy qonunchilikni takomillashtirish maqsadida, “o‘simlik”, “o‘simlik dunyosi obyektlari”, “o‘simlik dunyosini muhofaza qilish”, “o‘simlik dunyosidan foydalanish”, “o‘simlik dunyosini muhofaza qilish va undan foydalanishning asosiy prinsiplari” kabi tushunchalarga ta’riflar ishlab chiqilgan va normativ-huquqiy hujjatlarga o‘zgartirish kiritish taklif etilgan.

Bundan tashqari insoniyat o‘z tamaddunining eng qadimgi, ilk davrlaridayoq o‘simliklardan foydalanish va keyinchalik muhofaza qilish taraqqiyotini tadrijiy jihatdan shakllangan turli davrlarning huquqiy asoslari, qadimgi manbalar bayon qilingan va muhim jihatlari huquqiy jihatdan tahlil etilgan.

Tadqiqot jarayonida o‘simlik dunyosini muhofaza qilish va undan foydalanish huquqining tarixiy rivojlanishi va mavjud ekologik konsepsiyalar tahlili shuni ko‘rsatadiki, o‘simlik dunyosini muhofaza qilish va undan foydalanishni huquqiy tartibga solish sohasidagi qonunchilikning tub burilishini ifodalovchi naturalistik konsepsiyasining ayrim elementlari mavjud bo‘lgan modernizatsiyalashuv bosqichi sifatida **2017-yildan hozirgi davrga qadar bo‘lgan ekologik siyosatdagi “renessans” jarayonlari ekanligini bayon etadi.**

Dissertant tomonidan tarixiy-tadrijiy bosqichlar u yoki bu davr xususiyatidan kelib chiqqan holda nazariyotchi olimlar, futuralistlar tomonidan ishlab chiqilgan turli ekologik konsepsiyalar yuzasidan mulohaza yuritilgan, ayrim nazariy konsepsiyalar tanqidiy tahlil qilinib, muhim mualliflik yondashuv va g‘oyalar bayon etilgan. Bunda O‘zbekistonda Respublikasida 2016-yilga qadar o‘simlik dunyosiga oid qabul qilingan normativ-huquqiy hujjatlarda “iste’molchilik konsepsiyasi” elementlari namoyon bo‘lganligi, bugungi kunda O‘zbekiston Respublikasining o‘simlik dunyosini muhofaza qilish va undan foydalanish sohasidagi ekologik siyosati umumiy mazmuniga ko‘ra “Baraqaqaror rivojlanish konsepsiyasi” qoidalari asosida shakllanayotganligi, zamonaviy “yashil iqtisodiyot” konsepsiyasini O‘zbekiston Respublikasiga tadbiiq qilishda o‘simlik dunyosi muhofaza obyekti sifatidagi e’tirof va munosabatlarning kengayib borishi, ushbu munosabatlarda o‘rmonning huquqiy holati,

ushbu huquqiy munosabatlarning bir yoki alohida huquqiy obyekt sifatida belgilanishi borasidagi masalalarning mavjudligi yuzasidan mustaqil pozitsiyalar bildirilgan. Yevropa Ittifoqi davlatlari (Daniya, Norvegiya, Finlandiya, Shveysariya) to'liq “naturalistik konsepsiya” elementlarini o'z qonunchiligiga singdirganligi, hududlarni zonalashtirishga urg'u berilganligi natijasida erishilgan ijobiy yutuqlari ularning qonunchilik tizimi orqali ifoda etilgan hamda O'zbekiston Respublikasi davlat ekologik siyosatida ham mazkur konsepsiyaning elementlari uchrayotganligi tahlil qilingan. Bunga o'simliklardan foydalanishda o'rnatilgan “moratoriy” yoki “Yashil makon” umummilliy loyihasining tadbiri etilganligi yaqqol misol ekanligi qayd etilgan.

Disertatsiyada ustuvor g'oya sifatida - ekologik barqaror muhit, atmosfera, iqlim o'zgarishlariga ta'siri yuqori bo'lgan **o'simlik dunyosi obyektlarini huquqiy muhofaza qilishning aniq ekologik konsepsiya asosida ta'minlanishi**, pirovard maqsad bo'lmish kelajak avlodga sof ekologik tabiatni qoldirish, qolaversa, O'zbekistonga iqtisodiy manfaat keltiruvchi sohalarga investorlarni jalb qilish, turizm salohiyatini oshirish va davlatning tabiiy muhiti orqali jozibadorligini ko'rsatishni taqozo etishi bayon etilgan.

Bunda **“resurslarni tejash” (ресурсосбережение) modelini** keng doirada, ya'ni **barcha normativ-huquqiy hujjatlarga singdirish**, eng avvalo **ekologik ta'lim orqali joriy qilish** zarurati mavjudligi, natijada ekologik madaniyatning rivojlanishi va **o'simliklarni “muhofaza qiluvchi qonun emas, ong birlamchi” prinsipiga o'tish** imkoni yaratilishi muhimligi bildirilgan.

Dissertatsiyaning **konseptual jihatlaridan biri bu - o'simlik dunyosi muhofazasi zaminida o'rmonni ham tushunish, o'rmon mustaqil va alohida obyekt emasligi, o'rmon ham o'simlik dunyosi o'z ichiga qamrab olgan va uning tushunchasini nazarda tutuvchi muhofaza etiladigan tabiiy hudud maqomidagi tabiiy kompleks sifatida bayon etilishidir**. Shu sababli, mamlakatimizda o'rmonlar asosan muhofaza etiladigan tabiiy hududlarda joylashganligi, o'rmon bilan qoplangan hudud 2 %, o'rmon bilan qoplanmagan hudud 98% ni tashkil etishi, mazkur hududlardagi o'rmonlar muhofaza etiladigan tabiiy hududlar to'g'risidagi qonunchilik bilan muhofaza qilinishini inobatga olib, **“O'rmon to'g'risida”gi Qonunni bekor qilib, uning normalarini tegishligicha “Muhofaza etiladigan tabiiy hududlar to'g'risida”gi hamda “O'simlik dunyosini muhofaza qilish va undan foydalanish to'g'risida”gi qonunlarga kiritish maqsadga muvofiq degan taklif ilgari surilgan**.

Dissertatsiyaning ikkinchi bobi **“O'simlik dunyosini muhofaza qilish va undan foydalanish huquqining tashkiliy-huquqiy muammolari”ga bag'ishlanadi**. Bunda o'simlik dunyosini muhofaza qilish va undan foydalanish huquqini davlat tomonidan tartibga solishning o'ziga xos xususiyatlari, ekologik talablarni ta'minlashning ilmiy-nazariy mohiyati, kamyob va yo'qolib ketish xavfi ostida turgan o'simlik dunyosini muhofaza qilish huquqini ta'minlashning o'ziga xos jihatlari, o'simlik dunyosini muhofaza qilishda fuqarolik jamiyati institutining o'rnini va roli to'g'risida ilmiy tadqiqatlar amalga oshirilgan.

Mazkur bobda dissertant tomonidan aynan o'simlik dunyosini muhofaza qilish va undan foydalanish sohasidagi davlat boshqaruvi o'ldiruvchi huquqiy masalalar tahlil etilgan.

Bugungi kunda mamlakatimiz o'simlik dunyosini muhofaza qilish va undan foydalanish sohasida faoliyat yurituvchi davlat boshqaruvi organlarini ham umumiy va

maxsus vakolatli davlat organlariga bo'lish mumkin. Umumiy vakolatli davlat boshqaruvi organlariga Vazirlar Mahkamasi va mahalliy davlat hokimiyati organlari kiritiladi. Ushbu organlarning sohaga oid vakolatlari esa, ular faoliyatiga oid qonun hujjatlarida hamda ekologiya sohasiga oid qonun hujjatlarida belgilangan.

Xususan, 2019-yil 10-dekabrda yangi tahrirda qabul qilingan "O'zbekiston Respublikasining Vazirlar Mahkamasi to'g'risida"gi Qonunda ilk marotaba Hukumatning ekologiya va atrof-muhitni muhofaza qilish sohasidagi 5 ta vakolati belgilab berildi (14-modda). Muallif tomonidan Vazirlar Mahkamasining ekologiya va atrof-muhitni muhofaza qilish sohasidagi vakolatlarini hozirgi ekologik siyosat mazmunidan kelib chiqib qo'shimchalar bilan to'ldirish maqsadga muvofiqligini ta'kidlagan.

Shu bilan birga, "Mahalliy davlat hokimiyati to'g'risida"gi Qonunning tahlili unda hokimlik va mahalliy kengashlarning atrof muhitni muhofaza qilish bo'yicha vakolatlari va mas'uliyati yetarli darajada mustahkamlanmaganligi yuzasidan tanqidiy fikrlar bildirilgan.

Shuningdek, Qonunning 24-moddasida xalq deputatlari Kengashining vakolatlari sifatida "har chorakda ekologiya va atrof muhitni muhofaza qilish organlarining hududda atrof muhitni muhofaza qilish hamda "Yashil makon" umummilliy loyihasining amalga oshirilishi holati yuzasidan hisobotlarini eshitish"ni ham kiritish maqsadga muvofiqligini taklif etgan.

Ta'kidlash lozimki, mahalliy davlat hokimiyati organlarining ekologiya sohasidagi vakolatlari konstitutsiyaviy vakolat hisoblanishini inobatga olib, hozirgi vaqtda yangi tahrirda ishlab chiqilayotgan "Mahalliy davlat hokimiyati to'g'risida"gi Qonun loyihasida mahalliy davlat hokimiyati organlarining vakolatlarini sohalarga ajratgan holda belgilash hamda bunda **ekologiya va atrof muhitni muhofaza qilish sohasidagi vakolatlarini** alohida belgilash lozimligi bayon etilgan.

Dissertant o'simliklarni muhofaza qilish va ulardan foydalanish sohasida davlat boshqaruvining tarqoqligi o'z navbatida mazkur faoliyat samaradorligiga salbiy ta'sir ko'rsatayotganligini, maxsus qonunlar tahlili o'simlik dunyosini muhofaza qilish bilan bog'liq davlat siyosati ham Tabiat resurslari vazirligi, ham O'rmon xo'jaligi davlat qo'mitasi tomonidan amalga oshirilishini ko'rsatayotganligini ifoda etgan va quyidagi ayrim muammolarni yechishda o'zining mustaqil pozitsiyasini bildirgan:

O'zbekiston Respublikasi Prezidentining "Yangi O'zbekiston ma'muriy islohotlarini amalga oshirish chora-tadbirlari to'g'risida" 2022-yil 21-dekabrda PF-269-son Farmoni asosida Tabiat resurslari vazirligi tashkil etilganligi muhim ahamiyatga ega bo'ldi. **Biroq, Tabiat resurslari vazirligi nomlanishi faqatgina tabiatdan resurs sifatida foydalanishni nazarda tutadi.** Bu borada ilg'or xorijiy tajribadan kelib chiqib, vazirlik nomida albatta, ekologiyani muhofaza qilish bilan bog'liq siyosatni singdirishimiz lozim. Qolaversa, ushbu vazirlik tizimiga O'rmon xo'jaligi davlat qo'mitasi va Suv xo'jaligi vazirligi ham kiritilishi hamda ekologiya sohasida yagona, markazlashgan davlat boshqaruvini ta'minlovchi **Ekologiya va atrof muhitni muhofaza qilish vazirligini** tashkil etish maqsadga muvofiq.

Ushbu vazirlik ekologiya sohasidagi tarqoq boshqaruvni yagona tizimga solish hamda samarali harakat qilish imkonini beradi. Ekologiya masalalari bo'yicha yagona maxsus vakolatli davlat organi bo'lishi shubhasiz bir nechta davlat organining

takrorlanuvchi vazifa va funksiyalarining oldini olishga hamda davlat ekologik siyosatining samarali amalga oshirilishiga xizmat qiladi. Bunday yagona davlat organi Fransiyada (Ekologiya, barqaror rivojlanish, transport va uy-joy qurilishi vazirligi), Germaniyada (Atrof muhitni muhofaza qilish, yadroviy xavfsizlik va iste'molchilarning huquqlarini himoya qilish vazirligi), Ozarbayjonda (Ekologiya va tabiiy resurslar vazirligi), Turkiyada (Tabiiy resurslar va energetika vazirligi), Yaponiyada (Atrof muhit vazirligi), Koreyada (Atrof muhitni muhofaza qilish vazirligi), Qozog'istonda (Ekologiya, geologiya va tabiiy resurslar vazirligi), Rossiya Federatsiyasida (Tabiiy resurslar va ekologiya vazirligi), Belarusda (Tabiiy resurslar va atrof muhitni muhofaza qilish vazirligi), Ukrainada (Atrof muhitni muhofaza qilish va tabiiy resurslar vazirligi), Armanistonda (Atrof muhit vazirligi), Qirg'izistonda (Tabiiy resurslar, ekologiya va texnik nazorat vazirligi) kabi ko'plab xorijiy davlatlarda yo'lga qo'yilgan.

Dissertatsiyada muallif tomonidan o'simlik dunyosini muhofaza qilish va undan foydalanish huquqiga oid ekologik talablarni ta'minlashning ilmiy-nazariy mulohazalarini bayon etgan. Jumladan, o'simlik dunyosini muhofaza qilish biologik xilma-xillikni saqlash, tabiiy o'simlik resurslaridan oqilona foydalanish, zararli antropogen ta'sirlardan himoya qilishga yo'naltirilgan huquqiy, tashkiliy, iqtisodiy, texnologik va boshqa tadbirlar tizimidan iboratligi ifodalangan.

Tadqiqot jarayonida, ekologik qonunchilik tahlili amalga oshirilib, qonun hujjatlari tizimida "Tabiatni muhofaza qilish to'g'risida"gi Qonun va "O'simlik dunyosini muhofaza qilish va undan foydalanish to'g'risida"gi Qonuni (yangi tahriri) alohida o'rin tutishi, biroq mazkur qonunlardagi ayrim normalarning o'zaro nomuvofiqligi huquqni qo'llashda sohada qiyinchiliklarga olib kelayotganligi isbotlangan. Shu sababli, normalarni o'zaro muvofiqlashtirish maqsadida "Tabiatni muhofaza qilish to'g'risida"gi Qonunning 21-moddasi ("**O'simlik va hayvonot dunyosi obyektlaridan foydalanishga oid asosiy talablar**") hamda "O'simlik dunyosini muhofaza qilish va undan foydalanish to'g'risida"gi Qonun (yangi tahriri) 26-moddasi ("**O'simlik dunyosidan foydalanishga oid asosiy talablar**")ni yangi tahrirda bayon etish maqsadga muvofiqligi taklif etilgan.

Ushbu Qonunlarda fuqarolarning (ular tashkil qiladigan jamoatchilik birlashmalarining) o'simlik dunyosi muhofaza qilish bo'yicha faoliyatni amalga oshirish huquqi mexanizmi yetarlicha ochib berilmaganligi huquqiy jihatdan tahlil etilgan.

Dissertant quyidagicha amaliy takliflarni bildirgan holda boshqaruv mexanizmini takomillashtirish lozimligini bayon etgan: "Maxsus vakolatli davlat organlarining davlat ekologik nazorati sohasidagi faoliyatini muvofiqlashtirish maqsadida Tabiat resurslari vazirligi huzurida ularning vakillaridan iborat muvofiqlashtiruvchi kengash tashkil qilinadi. Huquqni qo'llash amaliyotida ushbu muvofiqlashtiruvchi kengashning faoliyati samaradorligi yetarli darajada emas. Ayniqsa o'simlik dunyosi obyektlaridan foydalanish va muhofaza qilish sohasida davlat ekologik nazorati Tabiat resurslari vazirligidan tashqari Qishloq xo'jaligi vazirligi, O'rmon xo'jaligi davlat qo'mitasi, mahalliy davlat hokimiyati organlari tomonidan ham amalga oshirilishini inobatga olib, muvofiqlashtiruvchi kengashni maqomini takomillashtirish, xususan, uni **Vazirlar Mahkamasi huzuridagi Davlat ekologik nazorati sohasidagi maxsus vakolatli**

davlat organlari faoliyatini muvofiqlashtiruvchi kengash sifatida tashkil etish taklif etiladi. Bunda muvofiqlashtiruvchi kengash raisi vazifasi tabiat resurslari vaziri zimmasiga yuklatiladi. Muvofiqlashtiruvchi kengash zaruratga ko‘ra, lekin har oyda kamida bir marotaba yig‘ilishi, yig‘ilishda davlat ekologik nazorati natijalari muhokama qilinishi hamda aniqlangan kamchiliklarni bartaraf etish yuzasidan takliflar ishlab chiqishini belgilash maqsadga muvofiq.”

Dissertatsiyada o‘simlik dunyosini muhofaza qilishda **ekologik ekspertiza** instituti ham muhim ahamiyatga egaligi bayon etilgan va ayrim mulohazalar bildirilgan. Jumladan, Vazirlar Mahkamasining 2020-yil 7-sentyabrdagi 541-son qarori bilan tasdiqlangan Davlat ekologik ekspertizasidan o‘tkaziladigan faoliyat turlarining ro‘yxatida “O‘simlik dunyosini muhofaza qilish va undan foydalanish to‘g‘risida”gi Qonunning 29-moddasida belgilangan o‘simlik dunyosini muhofaza qilish va undan foydalanish bilan bog‘liq davlat ekologik ekspertizasidan o‘tkazilishi lozim bo‘lgan loyihalar nazarda tutilmagan. Shuni inobatga olib, **Davlat ekologik ekspertizasidan o‘tkaziladigan faoliyat turlarining ro‘yxatini “O‘simlik dunyosini muhofaza qilish va undan foydalanish to‘g‘risida”gi Qonunga muvofiqlashtirish maqsadida ushbu ro‘yxatga tegishli qo‘shimcha kiritish maqsadga muvofiqligi bayon etilgan.**

O‘simlik dunyosi obyektlarining **davlat kadastri** o‘simlik dunyosining muhofaza qilinishini va undan oqilona foydalanilishini ta‘minlash maqsadida Tabiat resurslari vazirligi tomonidan Fanlar akademiyasi bilan birgalikda yuritiladi.

Disertant aynan shu masalada, ilg‘or xorijiy tajriba asosida kelgusida barcha tabiiy resurslar bo‘yicha yuritiladigan tarmoqlararo axborot tizimi sifatida **Tabiiy resurslar kadastrlarining yagona elektron tizimini joriy etish lozimligini ta‘kidlaydi.** Bunda tabiiy resurslar kadastrlarining yagona elektron tizimi barcha tabiiy resurslar – yer, suv, o‘rmon, yer qa‘ri, atmosfera havosi, o‘simlik va hayvonot dunyosi bo‘yicha yuritilishi, ushbu tizimda tabiiy obyektlarning joylashuvi (geografik ko‘rsatkichlari, ma‘muriy-hududiy tegishliligi va boshqa ma‘lumotlar), ularning xo‘jalik maqomi (kimga tegishli, qaysi hujjat asosida, qancha muddatga foydalanishga berilgan va boshqalar), miqdori to‘g‘risidagi ma‘lumotlar, statistik hisobotlar va boshqa zarur ma‘lumotlar kiritilishi zarurligini izohlaydi.

O‘simlik dunyosi obyektlarini muhofaza qilish chora-tadbirlaridan yana biri bu – **o‘simlik dunyosi monitoringi** hisoblanadi. Ta‘kidlash lozimki, O‘zbekiston Respublikasida atrof tabiiy muhitning davlat monitoringi to‘g‘risida nizomning 2-bandida “atrof tabiiy muhitning davlat monitoringi” tushunchasiga biroz boshqacha ta‘rif berilgan. Xususan, Qonun va Nizomni o‘zaro taqqoslaydigan bo‘lsak, Qonunda monitoring “kuzatish, aniqlash, baholash va prognoz qilish” sifatida, Nizomda esa, “tabiiy resurs holatini va undagi o‘zgarishlarni kuzatish tizimi” sifatida ta‘riflangan.

Umuman olganda, tabiiy resurslar monitoringi bilan bog‘liq boshqa hujjatlarni o‘rganish monitoringga turlicha ta‘riflar berilganligini ko‘rishimiz mumkin, masalan: “o‘zgarishlarni aniqlash, baholash va prognoz qilishga doir muntazam kuzatuvlardan iborat axborot tizimi”, “kuzatish, axborot yig‘ish, to‘plash, qayta ishlash, tahlil qilish, chamalash, o‘zgarishlarni prognoz qilish”, “o‘zgarishlarni aniqlash, baho berish, salbiy jarayonlarning oldini olish va oqibatlarini tugatish maqsadida kuzatib borish tizimi” kabi tushunchalardir. Muallifning fikricha, bu borada yagona yondashuvni ta‘minlash maqsadida tabiiy resurslar monitoringi bilan bog‘liq barcha hujjatlarni yagona hujjatga

tizimlashtirish hamda **tabiiy resurslar monitoringi bo'yicha alohida qonun hujjatini ishlab chiqish va qabul qilish maqsadga muvofiq.**

Dissertant tomonidan o'simlik dunyosi tarkibida kamyob va yo'qolib borayotgan o'simlik dunyosi alohida va muhim o'rinni egallaganligi sababli uning huquqiy maqomi ajratib ko'rsatilgan. Shu sababli, muallif kamyob va yo'qolib borayotgan o'simlik dunyosi obyektlarini quyidagicha tasniflaydi: yo'qolish arafasidagi turlar – bir necha yillar davomida tabiatda uchratilmagan hamda faqatgina ayrim yig'ib olish qiyin bo'lgan joylardagina yoki madaniy sharoitda saqlanib qolish ehtimoliga ega bo'lgan o'simlik turlari; **yo'qolib borayotgan turlari** – yo'qolib ketish xavfi ostida turgan, saqlab qolish uchun maxsus muhofazani talab etadigan turlar; **kamyob turlar** – o'ziga xos sharoitlarda saqlanib qolgan, o'simlik dunyosi obyektlari ichida alohida qimmatga ega bo'lgan, tez yo'qolib ketishi mumkin bo'lgan kam uchraydigan o'simlik turlari; **kamayib borayotgan turlar** – ma'lum vaqt ichida soni va tarqalgan maydonlari tabiiy sabablarga ko'ra yoki insonlar ta'siri ostida qisqarib ketayotgan turlar bo'lib, ular har tomonlama nazorat qilib turishni talab etadi.

Bundan tashqari, kamyob va yo'qolib borayotgan o'simlik dunyosi obyektlarini muhofaza qilishda quyidagi huquqiy chora-tadbirlar alohida e'tiborga molikligini e'tirof etadi:

1) o'simlik dunyosining obyektlarini muhofaza qilish, ulardan foydalanish va ularni takror yetishtirish qoida va me'yorlarini zamon talabiga mos ravishda ishlab chiqish;

2) O'zbekiston Respublikasi Qizil kitobiga kiritilgan o'simlik dunyosining tarqalish arealini yoki o'sish sharoitlarini alohida muhofaza etiladigan tabiiy hududlarni yaratish orqali amalga oshirish;

3) o'simlik dunyosi obyektlaridan foydalanishni cheklash va taqiqlash;

4) davlat va jamoat nazoratini hamda ekologik ekspertizani kuchaytirish, huquqbuzarlarga nisbatan yuridik javobgarlik choralarini qo'llash mexanizmini takomillashtirish;

5) ilmiy-tadqiqot, ma'rifiy-madaniy, o'quv-uslubiy ishlarni talab darajasida yo'lga qo'yish va ijobiy natijalarni ommalashtirish.

Tadqiqot ishida ushbu alohida e'tibor talab etiladigan o'simlik dunyosini muhofaza qilishda ekologik nazoratning muhim turi – **jamoatchilik ekologik nazoratiga** urg'u beriladi. So'nggi 2-3 yil ichida jamiyatimizda "moratoriy", "noqonuniy daraxt kesish", "kesilgan daraxt uchun zarar qoplandi" qabilidagi ma'lumotlar ijtimoiy tarmoqlar orqali juda tez tarqalayotganligi, o'simlik dunyosini muhofaza qilish yoki undan foydalanish bilan bog'liq masalalarda fuqarolarimiz o'z pozitsiyalarini ochiq-oydin bildirayotganligi, aniqlangan holatlar yuzasidan normativ-huquqiy hujjatlarda belgilangan tartibda choralar ko'rilayotganligi ijobiy holat sifatida ko'rsatilgan. Mazkur jarayonlarda jamoatchilik nazorati, xususan, jamoatchilik ekologik nazorat instituti jadallashayotganligi ilmiy-huquqiy jihatdan tahlil qilish imkonini yaratayotganligi izohlangan.

Shularni inobatga olib, tadqiqotchi tomonidan jamoatchilik ekologik nazorati imkoniyatlarini yanada kengaytirish va kuchaytirish maqsadga muvofiqligini, xususan, **jamoatchilik ekologik nazoratini amalga oshirish tartibi to'g'risida namunaviy nizomni tubdan qaytadan ko'rib chiqib, uni namunaviy nizom emas, balki nizom**

sifatida qabul qilish lozimligini taklif etgan. Ushbu hujjat loyihasida jamoatchilik ekologik nazoratining har bir shaklini amalga oshirish tartib-taomillarini, jamoatchilik ekologik nazoratini amalga oshirayotgan fuqarolar, jamoat birlashmalari, nodavlat notijorat tashkilotlar va fuqarolarning o‘zini o‘zi boshqarish organlarining vakillarining huquq va majburiyatlari, ekologik masala bo‘yicha qaror qabul qilayotgan mansabdor shaxsning qaror qabul qilishidan oldin, albatta, jamoatchilik muhokamasidan o‘tkazishi lozimligi to‘g‘risidagi qoidalarni batafsil yoritib berish zarurligi bildirilgan.

Dissertatsiyaning uchinchi bobi “**O‘simlik dunyosidan foydalanishni huquqiy ta‘minlash mexanizmlari**”ga bag‘ishlangan bo‘lib, unda tadqiqotchi tomonidan **o‘simlik dunyosi obyektlariga nisbatan mulk huquqi va ulardan foydalanish turlarining ekologik-huquqiy tavsifi, o‘simlik dunyosi obyektlaridan foydalanuvchilarning huquqiy maqomi, o‘simlik dunyosidan foydalanishga oid asosiy talablarni huquqiy ta‘minlashga oid masalalar tadqiq qilingan.**

Ushbu bobda O‘zbekistonda so‘nggi yillarda amalga oshirilgan islohotlar tufayli xususiy mulk asosida fuqarolar va yuridik shaxslarga tegishli bo‘lishi mumkin bo‘lgan obyektlar ro‘yxati sezilarli ravishda kengayotganligi, **o‘simlik dunyosi obyektlari ham shular jumlasidan ekanligi bayon etilgan.**

Dissertant fikricha, “O‘simlik dunyosini muhofaza qilish va undan foydalanish to‘g‘risida”gi Qonun yangi tahririda qabul qilinganda, uning 4-moddasida tabiiy muhitda yovvoyi holda o‘sovchi o‘simliklar davlat mulki ekanligi bilan bir qatorda, sun‘iy yaratilgan sharoitlarda yetishtiriladigan yovvoyi holda o‘sovchi o‘simliklar yuridik yoki jismoniy shaxsning mulki bo‘lishi mumkinligi ham nazarda tutilganligini, ya‘ni, Qonunning yangi tahririda yovvoyi holda o‘sovchi o‘simliklarga nisbatan xususiy mulk huquqi instituti ham tan olinganligini huquqiy jihatdan isbotlagan.

Jumladan, sun‘iy yaratilgan sharoitlarda yetishtiriladigan barcha yovvoyi holda o‘sovchi o‘simliklar ham xususiy mulk huquqi obyekt bo‘lavermasligini, shu sababdan ham Qonunning yangi tahririda imperativ norma belgilanmaganligi hamda bunday o‘simliklar yuridik va jismoniy mulki “bo‘lishi mumkin” degan dispozitiv qoidani belgilash bilan cheklanilganligiga tanqidiy yondashilgan.

Shundan kelib chiqib, “O‘simlik dunyosini muhofaza qilish va undan foydalanish to‘g‘risida”gi Qonun (yangi tahriri) 32-moddasi to‘rtinchi xatboshisiga quyidagi tushuncha bilan to‘ldirish taklif qilingan: “**sun‘iy yaratilgan sharoitlarda yetishtirilgan** yovvoyi holda o‘sovchi o‘simliklarga va ularning yashash faoliyati mahsulotlariga nisbatan **qonunchilikda belgilangan asoslarda va tartibda** mulk huquqiga ega”.

Dissertant tomonidan o‘simlik dunyosi obyektlaridan foydalanishga oid ekologik talablarning quyidagi o‘ziga xos xususiyatlarini ajratib ko‘rsatgan holda tasniflagan:

Birinchi, ekologik talablar o‘zida atrof tabiiy muhitni muhofaza qilish hamda tabiiy resurslardan foydalanishga oid majburiy qoidalarni belgilab beradi;

Ikkinchi, ekologik talablar nafaqat ekologik qonunchilikda, balki boshqa qonunchilikda ham belgilanadi va shu tariqa tarmoqlararo, komplekslilik xususiyatini kasb etadi;

Uchinchi, ekologik talablar tabiiy resurslardan foydalanish huquqini amalga oshirishning zaruriy sharti hisoblanadi hamda unga rioya etmaslik foydalanish huquqining cheklanishi yoki bekor bo‘lishi uchun asos bo‘lib xizmat qilishi mumkin;

To'rtinchi, ekologik talablar amaldagi qonunchilikda texnik, fizikaviy, kimyoviy, biologik, akustik, texnologik, gidrologik va boshqa preventiv xususiyatga ega bo'lgan me'yorlar sifatida aks etadi;

Beshinchi, ekologik talablar tabiatdan foydalanuvchilar va maxsus vakolatli davlat organlari zimmasiga o'simlik dunyosi obyektlarining holatini saqlab qolish va yaxshilash, qayta tiklash, ko'paytirish bo'yicha majburiyat yuklaydi.

Shu bilan birga "O'simlik dunyosini muhofaza qilish va undan foydalanish to'g'risida"gi Qonunning 37-moddasida davlat o'rmon fondiga kirmaydigan daraxtlar va butalarni binolarni, inshootlarni va kommunikatsiyalarni qurish hamda rekonstruksiya qilish bilan bog'liq holda kesishga yo'l qo'yilishi belgilangan. Vaholanki, O'zbekiston Respublikasi Prezidentining "Respublikada ko'kalamzorlashtirish ishlarini jadallashtirish, daraxtlar muhofazasini yanada samarali tashkil etish chora-tadbirlari to'g'risida" 2021-yil 30-dekabrda PF-46-son Farmoni bilan davlat o'rmon fondiga kirmaydigan daraxtlar va butalar qimmatbaho navlarining kesilishiga moratoriyning amal qilishi muddatsiz davrga uzaytirilgan. Shu munosabat bilan "O'simlik dunyosini muhofaza qilish va undan foydalanish to'g'risida"gi Qonunning 37-moddasida **daraxtlar va butalarni binolarni, inshootlarni va kommunikatsiyalarni qurish hamda rekonstruksiya qilish bilan bog'liq holda kesishga yo'l qo'yilmasligi** to'g'risidagi qoidani belgilash maqsadga muvofiq.

"O'simlik dunyosini muhofaza qilish va undan foydalanish to'g'risida"gi Qonunda "o'simlik dunyosi obyektlari doimiy yoki vaqtincha (uzoq muddatli va qisqa muddatli) foydalanishga berilishi mumkin"ligi nazarda tutilgan. Biroq, amaldagi qonunchilik tahlili o'simlik dunyosidan doimiy va vaqtinchalik foydalanish tartibi, shu jumladan, uzoq va qisqa muddatli foydalanishning muddatlari to'g'risidagi masala tartibga solinmaganligini ko'rsatmoqda.

"O'simlik dunyosini muhofaza qilish va undan foydalanish to'g'risida"gi Qonunning 33-moddasi tahlili asosida o'simlik dunyosi obyektlaridan ovchilik va (yoki) baliq ovlash xo'jaligi ehtiyojlari uchun foydalanish, o'simlik dunyosi obyektlaridan ilmiy va nazorat ishlarini o'tkazish, madaniy-ma'rifiy, o'quv-tarbiyaviy, sog'lomlashtirish, rekreatsiya va estetik yoki tabiatni muhofaza qilish maqsadlarida foydalanish, shuningdek, botanika kolleksiyalarini yaratish va to'ldirib borish uchun foydalanish muddatsiz bo'lishi mumkinligi to'g'risida xulosaga kelish imkonini beradi.

Dissertantning fikricha, qonunchilikdagi ushbu bo'shliqni bartaraf etish hamda o'simlik dunyosi obyektlaridan oqilona va samarali foydalanishni ta'minlash maqsadida "O'simlik dunyosini muhofaza qilish va undan foydalanish to'g'risida"gi Qonunni **30¹-modda (O'simlik dunyosi obyektlaridan doimiy yoki vaqtincha foydalanish)** bilan to'ldirish maqsadga muvofiqligi bildirilgan.

Ta'kidlash lozimki, o'simlik dunyosidan foydalanishga oid ekologik talablarni tasniflash ham muhim nazariy ahamiyatga ega. Shu sababli dissertant **ekologik talablarni quyidagicha tasniflash** maqsadga muvofiqligini bayon etadi: 1) yuridik tabiatiga ko'ra – tabiiy resurslardan foydalanishga oid ekologik talablar; atrof tabiiy muhitni muhofaza qilishga oid ekologik talablar; 2) xususiyatiga ko'ra – umumiy ekologik talablar (barcha tabiiy obyektlar uchun taalluqli bo'lgan ekologik talablar; maxsus ekologik talablar (har bir tabiiy resursdan foydalanish uchun belgilanadigan alohida ekologik talablar); 3) mazmuniga ko'ra – texnikaviy ahamiyatga ega bo'lgan

ekologik talablar; atrof muhitga ta'sirga oid ekologik talablar; 4) shakliga ko'ra – qonun va qonun osti normativ-huquqiy hujjatlar normalarida belgilangan ekologik talablar; ekologik me'yorlar; limitlar, kvotalar; ekologik standartlar; 5) subyektlariga ko'ra ekologik talablar – tabiatdan umumiy foydalanuvchilar uchun belgilangan ekologik talablar; tabiatdan maxsus foydalanuvchilar uchun belgilangan ekologik talablar; 6) tabiiy resurslardan foydalanuvchi uchun ahamiyatiga ko'ra – muayyan harakatlarni sodir etishni ko'zda tutuvchi pozitiv (ijobiy) ekologik talablar; muayyan harakatlarni sodir etishni ta'qiqlovchi negativ (salbiy) ekologik talablar.

Tadqiqot ishining to'rtinchi bobida **“O'simlik dunyosini muhofaza qilish va undan foydalanish huquqini ta'minlash vositasi sifatida yuridik javobgarlik masalalari”** yoritilgan.

Tadqiqot asosida, o'simlik dunyosini muhofaza qilish va undan foydalanish sohasidagi huquqbuzarliklar ham ekologiya sohasidagi huquqbuzarliklar singari to'rt turga tasniflaydi. Shuningdek, har bir huquqbuzarliklar kesimida ilmiy-nazariy fikrlarni keltirib o'tadi.

Muallif o'simlik dunyosini muhofaza qilish va undan foydalanish sohasidagi ma'muriy huquqbuzarliklarni quyidagi ikki turga tasniflash mumkin deb ta'kidlaydi:

Birinchi “Bevosita ma'muriy huquqbuzarlik” - o'simlik dunyosi obyektlariga bevosita taalluqli ma'muriy huquqbuzarliklarga Qizil kitobga kiritilgan o'simliklarni yig'ish, o'simliklarni himoya qilish vositalari va boshqa dorilarni tashish, saqlash va qo'llanish qoidalarini buzish, Qizil kitobga kiritilgan hayvonlar va o'simliklar turlarini saqlashga zarar keltiradi deb topilgan hayvonlar yoki o'simliklarni qonunga xilof ravishda olib kelish kabi huquqbuzarliklarni kiritish mumkin;

Ikkinchi “Bilvosita ma'muriy huquqbuzarlik” - o'simlik dunyosi obyektlariga taalluqli bo'lgan ma'muriy huquqbuzarliklarni kiritish mumkin.

Ma'lumki, O'zbekiston Respublikasi Prezidentining “Respublikada ko'kalamzorlashtirish ishlarini jadallashtirish, daraxtlar muhofazasini yanada samarali tashkil etish chora-tadbirlari to'g'risida” 2021-yil 30-dekabrda PF-46-son Farmoni 2-bandida davlat o'rmon fondiga kirmaydigan daraxtlar va butalar qimmatbaho navlarining kesganlik uchun huquqbuzarlarga ma'muriy jarimalar miqdori besh baravarga oshirilgan holda qo'llanilishi nazarda tutilgan.

Shu bilan birga, Ma'muriy javobgarlik to'g'risidagi kodeksning 1-moddasida ma'muriy javobgarlik to'g'risidagi qonunchilik tarkibiga O'zbekiston Respublikasi Prezidentining farmonlari ham kiritilgan. Tadqiqotchining fikricha, huquqni qo'llash amaliyotida sudlar tomonidan ushbu Farmon normalarini qo'llashda tushunmovchiliklar kelib chiqmoqda. Chunki, sudlar Ma'muriy javobgarlik to'g'risidagi kodeksga muvofiq, ushbu Kodeksda belgilangan jazodan yuqori jazoni qo'llay olmaydi.

Shu munosabat bilan hozirgi vaqtda moratoriy muddatsiz joriy etilganligi, ya'ni mazmunan doimiy taqiq o'rnatilganligini inobatga olib, **Ma'muriy javobgarlik to'g'risidagi kodeksning 79-moddasi birinchi va ikkinchi qismining sanksiyasida ma'muriy jarimaning miqdorini besh barobarga oshirish lozimligi taklif etilgan.**

Dissertatsiyaning so'nggi bobi **“O'simlik dunyosini muhofaza qilish va undan foydalanish huquqi sohasida xalqaro tajriba va undan O'zbekiston**

Respublikasida flora qonunchiligini takomillashtirishda foydalanish istiqbollari

Ushbu bobda o‘simlik dunyosini muhofaza qilish maqsadlariga erishish uchun xo‘jalik, boshqaruv hamda boshqa faoliyatni amalga oshirish jarayonida milliy, regional va xalqaro manfaatlarni uyg‘unlashtirish lozimligi, bu borada xalqaro huquqiy hujjatlar muhim o‘rin egallashi e’tirof etiladi.

Ta’kidlash joizki, O‘zbekiston Respublikasi “Tabiatni muhofaza qilish to‘g‘risida”gi Qonunining 53-moddasida “Basharti, O‘zbekiston Respublikasi tuzgan xalqaro shartnomada ushbu Qonundagidan yoki O‘zbekiston Respublikasining tabiatni muhofaza qilishga doir boshqa qonun hujjatidagidan o‘zga qoidalar belgilangan bo‘lsa, xalqaro shartnoma qoidalari qo‘llaniladi, O‘zbekiston Respublikasining qonunchiligida birmuncha qattiqroq talablar belgilangan hollar bundan mustasno” deb ta’kidlangan.

O‘zbekiston Respublikasi “O‘simlik dunyosini muhofaza qilish va undan foydalanish to‘g‘risida”gi Qonunning 2-moddasida “Agar O‘zbekiston Respublikasining xalqaro shartnomasida O‘zbekiston Respublikasining o‘simlik dunyosini muhofaza qilish va undan foydalanish to‘g‘risidagi qonunchiligida nazarda tutilganidan boshqacha qoidalar belgilangan bo‘lsa, xalqaro shartnoma qoidalari qo‘llaniladi.”

Dissertant mazkur ikki Qonunning normalarini o‘zaro muvofiqlashtirish lozimligini, bunda “Tabiatni muhofaza qilish to‘g‘risida”gi Qonunda bayon qilingan normani tegishli ekologik qonunchilik hujjatlarida aks ettirish zarurligini qayd etadi. Bundan tashqari Yo‘qolib ketish xavfi ostidagi yovvoyi flora va fauna turlarining xalqaro savdosi to‘g‘risida”gi konvensiya (CITES) hamda milliy qonunchilik tizimi bilan bog‘liq mulohazalar bildirilgan.

Bundan tashqari, “Muhofaza etiladigan tabiiy hududlar to‘g‘risida”gi va “O‘rmon to‘g‘risida”gi qonunlarni xorijiy tajribadan kelib chiqqan holda qayta ko‘rib chiqish va yagona qonun sifatida qabul qilish, shaharlarda uning infratuzimasidan qat’iy nazar Germaniya, Avstriya, Italiya davlatlaridagi kabi “yadro zona”, “tabiiy zona”, “A” zona kabi huquqiy maqomga ega bo‘lgan qattiq rejimdagi hududlarni qonun darajasida belgilash va mazkur hududlarni faqat hukumat va jamoatchilik kengashlari boshqaruvi doirasida bo‘lishini ta’minlash, o‘simlik dunyosidan foydalanish tartibi va ruxsat berish xususiyatiga ega bo‘lgan normalar faqat qonunda belgilanishini ta’minlash, ayrim ekologik munosabatlarda subyektiv xarakterga ega bo‘lgan va foydalanuvchilarning teng huquqlilik prinsipiga zid bo‘lgan qonun osti hujjatlarni bekor qilish kabi takliflar bildirilgan.

Muallif bir nechta xorijiy davlatlar: Xitoy, Singapur, Germaniya, Fransiya, Ispaniya, Polsha, Avstriya, Shveysariya, Norvegiya, Avstraliya, Litva, Latviya, Estoniya, Rossiya Federatsiyasi, Balarus Respublikasida o‘simlik dunyosini muhofaza qilishni huquqiy tartibga solish tajribasini tahlil qilgan holda, ushbu davlatlarda turli modellar ilgari surilishini, o‘simlik dunyosini muhofaza qilish qonunchiligini qiyosiy tahlil qilish natijasida ularda huquqiy tartibga solishning **uch modeli mavjudligini** ko‘rsatdi.

Birinchi model - o‘simlik dunyosini muhofaza qilish bo‘yicha hajmi katta maxsus qonun va me’yoriy-huquqiy hujjatlarning butun boshli guruhiga ega bo‘lishi;

Ikkinchi model - o‘simlik dunyosi obyektlarini muhofaza qilishga qaratilgan maxsus qonunning Yo‘qolib ketish xavfi ostidagi yovvoyi fauna va flora turlari bilan xalqaro savdo-sotiq qilish to‘g‘risidagi Konvensiya (CITES) asosiga qurilgani bilan ahamiyatli bo‘lishi;

Uchinchi model - o‘simlik dunyosini muhofaza qilishni tartibga soladigan yaxlit (federal) qonun hujjatining yo‘qligi va ayrim jihatlari tabiiy obyektlarga tegishli katta miqdordagi me‘yoriy-huquqiy hujjatlar qabul qilinishi.

Dissertant tomonidan O‘zbekiston Respublikasida o‘simlik dunyosini muhofaza qilish va undan foydalanish huquqiga oid qonunchilikni takomillashtirish istiqbollarini dissertatsiyaga ilova qilingan **“O‘zbekiston Respublikasining 2023-2028 yillariga mo‘ljallangan o‘simlik dunyosini muhofaza qilish Konsepsiyasi”**ni ro‘yobga chiqarish hamda quyidagi institutlarni rivojlantirish orqali ifodalaydi:

birinchidan, o‘simliklarni muhofaza qilish muhim chorasini bu - ularni yaxlit hududga ajratgan holda muhofazasini ta‘minlash, ya‘ni zonalashtirish ekanligi;

ikkinchidan, mamlakatimizda o‘simlik dunyosini muhofazalash uchun barqaror rivojlanish konsepsiyasidan qoidalarini to‘liq joriy etish kerakligi, bu esa jamiyatning iqtisodiy, ijtimoiy va ekologik manfaatlarini muvozanatga keltirishga xizmat qilishi;

uchinchidan, bugungi kunda ekologik huquqiy munosabatlarning raqamlashtirishga oid islohotlar asosan avtomatlashtirish bilan cheklanib qolinayotganligi hamda galdagi maqsad sohani sun‘iy intellekt orqali tartibga solish konsepsiyasi asosida tashkil etish muhimligi;

to‘rtinchidan, atrof-muhitga, xususan o‘simlik dunyosiga oid ma‘lumotlarni kiber tahdidlardan himoyalash, kibermudofaa vositalari atrof-muhitni muhofaza qilish qoidalariga muvofiqligini ta‘minlanishi lozimligi, shu sababli O‘zbekiston Respublikasining ekologik qonunchiligiga kiberxavfsizlik masalalarini joriy etish lozimligini taklif etadi.

XULOSA

O‘simlik dunyosini muhofaza qilish va undan foydalanishning huquqiy tartibiga oid huquqni qo‘llash amaliyoti, sohaga oid yuridik adabiyotlar, statistik ma‘lumotlar hamda xorijiy davlatlar qonun hujjatlarini o‘rganish va tahlil qilish o‘simlik dunyosini muhofaza qilish va undan foydalanishning huquqiy masalalariga oid quyidagi ilmiy-nazariy qoidalar va amaliy takliflar ishlab chiqilishiga asos bo‘ldi:

I. Ilmiy-nazariy xulosalar:

1.1. O‘simliklar tushunchasiga quyidagicha mualliflik ta‘rifi berildi: “tabiiy muhitda o‘sadigan yoki sun‘iy yaratilgan sharoitlarda yetishtiriladigan daraxtlar, butalar, o‘tsimonlar, qirqquloqsimonlar, yo‘sinsimonlar, suvo‘tlar, lishayniklar va zamburug‘lar hamda ularning yashash faoliyati natijasida hosil bo‘ladigan mahsulotlar”.

1.2. “O‘simlik dunyosini muhofaza qilish va undan foydalanish to‘g‘risida”gi Qonunda “o‘simlik dunyosi” va “yovvoyi holda o‘suvi o‘simliklar” tushunchasi qo‘llanilgan holda “o‘simlik” tushunchasi qo‘llanilmaganligini inobatga olib, mazkur Qonunning 3-moddasida o‘simlik tushunchasini yuqoridagi tahrirda aks ettirish

maqsadga muvofiq.

1.3. O‘simlik dunyosi muhim ijtimoiy, iqtisodiy va ekologik funksiyalarni bajarishi asoslantirib berildi. Bunda o‘simliklarning: a) *ijtimoiy funksiyasi* – estetik, sog‘lomlashtiruvchi, rekreatsion, madaniy va ilmiy-tadqiqot maqsadlari uchun qo‘llanilishida namoyon bo‘ladi; b) *iqtisodiy funksiyasi* – pichan o‘rish, chorva o‘tlatish, meva tayyorlash, qishloq xo‘jaligi mahsulotlarini yetishtirish, farmasevtika, ov, sport, asalarichilik va ishlab chiqarishning turli tarmoqlarida foydalanishda namoyon bo‘ladi; v) *ekologik funksiyasi* – atmosfera havosini kislorod bilan to‘yintirish, suvni muvozanatlashtirish, tuproqning unumdor qatlamini shakllantirish, eroziyaning oldini olish va boshqa muhim ekologik ahamiyatga ega bo‘lgan xossalari bilan belgilanadi.

1.4. O‘simlik dunyosini muhofaza qilish tushunchasiga quyidagicha mualliflik ta’rifi berildi: “o‘simliklarning yashash muhitining qulay va xavfsiz shart-sharoitlarini yaratish orqali ularning ko‘payishini ta’minlashga, o‘simliklar kamayib yoki yo‘q bo‘lib ketishining oldini olishga, o‘simlik dunyosiga salbiy, zararli ta’sirini cheklagan, o‘simliklardan foydalanish darajasini tartibga solgan holda ularning kamayib va (yoki) yo‘q bo‘lib ketishining oldini olish, tabiiy holatini yaxshilash hamda ekologik muvozanatni saqlashga qaratilgan huquqiy, tashkiliy-xo‘jalik, texnik, meliorativ va iqtisodiy chora-tadbirlar majmui”.

1.5. O‘simlik dunyosidan foydalanish tushunchasiga quyidagicha mualliflik ta’rifi berildi: “qonunchilik talablariga muvofiq jamiyatning ekologik, iqtisodiy va madaniy va boshqa ehtiyojlarini qanoatlantirish maqsadida o‘simlik dunyosining foydali xossalari o‘zlashtirish, shu jumladan, o‘simlik dunyosi obyektlaridan foydalanib, xo‘jalik va ishlab chiqarishni amalga oshirish faoliyati”.

1.6. Kamyob va yo‘qolib borayotgan o‘simlik dunyosi obyektlarini quyidagicha tasniflash mumkin: *yo‘qolish arafasidagi turlar* – bir necha yillar davomida tabiatda uchratilmagan hamda faqatgina ayrim yig‘ib olish qiyin bo‘lgan joylardagina yoki madaniy sharoitda saqlanib qolish ehtimoliga ega bo‘lgan o‘simlik turlari; *yo‘qolib borayotgan turlari* – yo‘qolib ketish xavfi ostida turgan, saqlab qolish uchun maxsus muhofazani talab etadigan turlar; *kamyob turlar* – o‘ziga xos sharoitlarda o‘ziga xos sharoitlarda saqlanib qolgan, o‘simlik dunyosi obyektlari ichida alohida qimmatga ega bo‘lgan, tez yo‘qolib ketishi mumkin bo‘lgan kam uchraydigan o‘simlik turlari; *kamayib borayotgan turlar* – ma’lum vaqt ichida soni va tarqalgan maydonlari tabiiy sabablarga ko‘ra yoki insonlar ta’siri ostida qisqarib ketayotgan turlar bo‘lib, ular har tomonlama nazorat qilib turishni talab etadi.

1.7. O‘simlik dunyosini muhofaza qilishni zonalashtirishning funksiyalarini quyidagicha tasniflash maqsadga muvofiq:

Birinchi funksiya - fuqarolarning toza ekologik muhitda yashashini ta’minlovchi tabiiy muhitdagi o‘simlik dunyosi obyektlarini muhofaza qilish;

Ikkinchi funksiya - kamayib borayotgan o‘simlik dunyosi obyektlarini muhofaza qilish jihatdan ekologik tahdid va inqirozdagi hududlarning xavfsizligini ta’minlash.

1.8. Ekologik talablarni quyidagicha tasniflash maqsadga muvofiq: 1) *yuridik tabiatiga ko‘ra* – tabiiy resurslardan foydalanishga oid ekologik talablar; atrof tabiiy muhitni muhofaza qilishga oid ekologik talablar; 2) *xususiyatiga ko‘ra* – umumiy ekologik talablar (barcha tabiiy obyektlar uchun taalluqli bo‘lgan ekologik talablar;

maxsus ekologik talablar (har bir tabiiy resursdan foydalanish uchun belgilanadigan alohida ekologik talablar); 3) *mazmuniga ko'ra*, ekologik talablar – texnikaviy ahamiyatga ega bo'lgan ekologik talablar; atrof muhitga ta'sirga oid ekologik talablar; 4) *shakliga ko'ra*, ekologik talablar – qonun va qonun osti normativ-huquqiy hujjatlar normalarida belgilangan ekologik talablar; ekologik me'yorlar; limitlar, kvotalar; ekologik standartlar; 5) *suby'ektlariga ko'ra* ekologik talablar – tabiatdan umumiy foydalanuvchilar uchun belgilangan ekologik talablar; tabiatdan maxsus foydalanuvchilar uchun belgilangan ekologik talablar; 6) *tabiiy resurslardan foydalanuvchi uchun ahamiyatiga ko'ra* – muayyan harakatlarni sodir etishni ko'zda tutuvchi pozitiv (ijobiy) ekologik talablar; muayyan harakatlarni sodir etishni ta'qiqlovchi negativ (salbiy) ekologik talablar.

1.9. O'zbekiston Respublikasining o'simlik dunyosini muhofaza qilish va undan foydalanish sohasidagi ekologik siyosatidan kelib chiqib, ilmiy konsepsiyalar tahlil qilindi va quyidagicha mualliflik pozitsiya bildirildi:

1. O'simlik dunyosining 2 ta muhim yo'nalishi – o'simlik dunyosini muhofaza qilish hamda o'simlik dunyosidan foydalanish jihatlariga yo'naltirilgan hamda huquqiy doktrinalarni o'zida ifoda etgan konsepsiyalar mavjud.

2. O'zbekiston Respublikasining o'simlik dunyosini muhofaza qilish va undan foydalanish sohasidagi ekologik siyosati “*yashil iqtisodiyot konsepsiyasi*” va “*naturalistik konsepsiya*” elementlarini ifoda etgan “*Baraqaqaror rivojlanish konsepsiyasi*” qoidalari asosida shakllanmoqda.

1.10. O'simlik dunyosini muhofaza qilish va undan foydalanishning 7 ta asosiy prinsiplari ishlab chiqildi va O'zbekiston Respublikasining “O'simlik dunyosini muhofaza qilish va undan foydalanish to'g'risida” Qonunini quyidagi tahrirdagi 3¹-modda bilan to'ldirish maqsadga muvofiqligi asoslab berildi:

“3¹-modda. O'simlik dunyosini muhofaza qilish va undan foydalanishning asosiy prinsiplari

O'simlik dunyosini muhofaza qilish va undan foydalanishning asosiy prinsiplari quyidagilardan iborat:

o'simlik dunyosining foydali xususiyatlarini saqlab qolish;

o'simlik dunyosi obyektlaridan o'zboshimchalik bilan foydalanishga yo'l qo'yilmasligi;

o'simlik dunyosidan oqilona, kompleks va atrof-muhitga zarar keltirmaydigan usullar yordamida foydalanishni rag'batlantirish;

biologik xilma-xillikni saqlab qolish ustuvorligi va o'simlik dunyosini takroran ko'paytirish;

o'simlik dunyosidan maxsus foydalanishni haq evaziga amalga oshirish;

kamyob va yo'qolib borayotgan o'simlik dunyosi obyektlarining alohida muhofaza ostiga olinishi;

o'simlik dunyosini muhofaza qilish bo'yicha chora-tadbirlarda jamoatchilik ishtiroki”.

II. O'zbekiston Respublikasining qonun hujjatlarini takomillashtirish bilan bog'liq bo'lgan taklif va tavsiyalar:

2.1. “O'simlik dunyosini muhofaza qilish va undan foydalanish to'g'risida”gi

Qonun va Vazirlar Mahkamasining 2014-yil 20-oktyabrdagi 290-son qarori bilan tasdiqlangan O‘simlik dunyosi obyektlarini olib kirish va chetga olib chiqib ketishda ruxsat berish tartib-taomillaridan o‘tish tartibi to‘g‘risidagi nizomda belgilangan o‘simlik dunyosi obyektlari ro‘yxatini o‘zaro muvofiqlashtirish maqsadida “O‘simlik dunyosini muhofaza qilish va undan foydalanish to‘g‘risida”gi Qonunning 5-moddasini quyidagi tahrirda bayon etish taklif etildi:

“5-modda. O‘simlik dunyosi obyektlari
O‘simlik dunyosi obyektlari quyidagilardan iborat:
yovvoyi holda o‘suvchi o‘simliklar;
yovvoyi organizmlardan tashkil topadigan tabiiy o‘simlik guruhlari yoki ularning har qanday majmui;

yovvoyi holda o‘suvchi o‘simliklarning mevalari, urug‘lari va boshqa qismlari yoki ularning o‘sish davridagi va yashash faoliyati mahsulotlari;
kamyob va yo‘qolib ketish xavfi ostidagi o‘simlik turlari;
botanika kolleksiyalari.”

2.2. O‘simlik dunyosi obyektlarining rivojlanishi uchun ularning yashash muhiti sifati muhim ahamiyat kasb etishini inobatga olib, O‘zbekiston Respublikasining “Suv va suvdan foydalanish to‘g‘risida”gi Qonunining 35 va 35¹-moddalarida suvdan foydalanuvchilar va suv iste‘molchilarining majburiyatlari sifatida “o‘simlik va hayvonot dunyosi obyektlarining yashash muhiti sifatini yomonlashtirmaslik” majburiyatini ham belgilash maqsadga muvofiq.

2.3. “O‘simlik dunyosini muhofaza qilish va undan foydalanish to‘g‘risida” Qonunning “Daraxtlar va butalarni kesish” deb nomlangan 37-moddasini quyidagi mazmundagi ikkinchi qism bilan to‘ldirish maqsadga muvofiq: “Davlat o‘rmon fondiga kirmaydigan daraxtlar va butalar qimmatbaho navlarini kesishga yo‘l qo‘yilmaydi”.

2.4. Mamlakatimizda o‘rmonlar asosan muhofaza etiladigan tabiiy hududlarda joylashganligi hamda mazkur hududlardagi o‘rmonlar muhofaza etiladigan tabiiy hududlar to‘g‘risidagi qonunchilik bilan muhofaza qilinishini inobatga olib, “O‘rmon to‘g‘risida”gi Qonunni bekor qilib, uning normalarini tegishligicha “Muhofaza etiladigan tabiiy hududlar to‘g‘risida”gi hamda “O‘simlik dunyosini muhofaza qilish va undan foydalanish to‘g‘risida”gi qonunlarga kiritish maqsadga muvofiq (Qonun loyihasi ilova qilinmoqda).

2.5. “O‘zbekiston Respublikasining Vazirlar Mahkamasi to‘g‘risida”gi Qonunning 14-moddasida Vazirlar Mahkamasining ekologiya va atrof-muhitni muhofaza qilish sohasidagi vakolatlarini quyidagi mazmundagi qo‘shimchalar bilan to‘ldirish maqsadga muvofiq:

“biologik xilma-xillikni ta‘minlash, o‘simlik va hayvonot dunyosini asrash, ularning yashash muhitini saqlash, qayta tiklanishi va rivojlanishi uchun zarur shart-sharoitlar yaratishni ta‘minlaydi;

respublikada daraxtlar, butalar va yashil hududlarni muhofaza qilish hamda ularning maydonlarini kengaytirish, qimmatbaho navli daraxt va butalar muhofazasini tashkil etish choralarini ko‘radi, shuningdek, “Yashil makon” umummilliy loyihasini respublika miqyosida samarali amalga oshirilishini ta‘minlaydi;

investitsion faollik, sanoat ishlab chiqarish, qurilish va urbanizatsiya ko‘lamining kengayishi natijasida aholi punktlariga tushayotgan ekologik yuklamani kamaytirish choralarini ko‘radi”.

2.6. “Mahalliy davlat hokimiyati to‘g‘risida”gi Qonunning 24-moddasida xalq deputatlari Kengashining vakolatlari sifatida “har chorakda ekologiya va atrof muhitni muhofaza qilish organlarining hududda atrof muhitni muhofaza qilish hamda “Yashil makon” umummilliy loyihasining amalga oshirilishi holati yuzasidan hisobotlarini eshitish”ni ham kiritish maqsadga muvofiq.

2.7. Mahalliy davlat hokimiyati organlarining ekologiya sohasidagi vakolatlari konstitutsiyaviy vakolat hisoblanishini inobatga olib, hozirgi vaqtda yangi tahrirda ishlab chiqilayotgan “Mahalliy davlat hokimiyati to‘g‘risida”gi Qonun loyihasida mahalliy davlat hokimiyati organlarining vakolatlarini sohalarga ajratgan holda belgilash hamda bunda ekologiya va atrof muhitni muhofaza qilish sohasidagi vakolatlarini alohida belgilash lozim.

2.8. “O‘simlik dunyosini muhofaza qilish va undan foydalanish to‘g‘risida”gi Qonun (yangi tahriri) hamda “Tabiatni muhofaza qilish to‘g‘risida”gi qonunlarni o‘zaro muvofiqlashtirish maqsadida “Tabiatni muhofaza qilish to‘g‘risida”gi Qonunning 21-moddasini quyidagi tahrirda bayon etish taklif etiladi:

“21-modda. O‘simlik va hayvonot dunyosi obyektlaridan foydalanishga oid asosiy talablar

O‘simlik dunyosidan foydalanishga oid asosiy talablar quyidagilardan iborat:

o‘simlik dunyosining turlari xilma-xilligini, qayta tiklanish qobiliyatini va genetik fondini tabiiy sharoitlarda saqlab qolish;

o‘simlik dunyosi o‘sadigan muhitni saqlab qolish;

o‘simlik dunyosidan oqilona foydalanish, uni tiklash va takror ko‘paytirish;

yovvoyi holda o‘suvchi o‘simliklarning tarqalishini va sonini tartibga solish;

atrof muhitning biologik jihatdan ifloslanishiga yo‘l qo‘ymaslik.

Hayvonot dunyosidan foydalanishga oid asosiy talablar quyidagilardan iborat:

yovvoyi hayvonlarning tur bo‘yicha xilma-xilligini va ular tabiiy galalarining hamda zotga oid turlarining bir butunligini, to‘dalarining barqarorligini hamda ko‘payish qobiliyatini tabiiy erkinlik holatida saqlab qolish;

yovvoyi hayvonlarning yashash muhiti, urchish joylari va ko‘chib o‘tish yo‘llarini saqlab qolish;

yovvoyi hayvonlardan oqilona foydalanish, ularni tiklash va takror ko‘paytirish;

yovvoyi hayvonlarning sonini tartibga solish”.

2.9. “O‘simlik dunyosini muhofaza qilish va undan foydalanish to‘g‘risida”gi Qonun (yangi tahriri) 26-moddasini quyidagi tahrirda bayon etish taklif etiladi:

“26-modda. O‘simlik dunyosidan foydalanishga oid asosiy talablar

O‘simlik dunyosidan foydalanishga oid asosiy talablar quyidagilardan iborat:

o‘simlik dunyosining turlari xilma-xilligini, qayta tiklanish qobiliyatini va genetik fondini tabiiy sharoitlarda saqlab qolish;

o‘simlik dunyosi o‘sadigan muhitni saqlab qolish;

o‘simlik dunyosidan oqilona foydalanish, uni tiklash va takror ko‘paytirish;

yovvoyi holda o‘suvchi o‘simliklarning tarqalishini va sonini tartibga solish;

atrof muhitning biologik jihatdan ifloslanishiga yo‘l qo‘ymaslik”.

2.10. Ma'muriy javobgarlik to'g'risidagi kodeksni quyidagi mazmundagi 79²-modda bilan to'ldirish maqsadga muvofiq:

“79²-modda. O'simlik dunyosi obyektlaridan foydalanish va muhofaza qilish bo'yicha taqiqlarni buzish

O'simlik dunyosi obyektlaridan foydalanish va muhofaza qilish bo'yicha taqiqlarni buzish, shu jumladan, o'simlik dunyosini muhofaza qilish va undan foydalanishga oid talablarga javob bermaydigan ishlab chiqarish obyektlarini ishga tushirish hamda texnologiyalarni qo'llash, kamyob va yo'qolib ketish xavfi ostida turgan yovvoyi holda o'suvchi o'simliklar turlarining soni kamayib ketishiga yoki ularning o'sadigan muhiti buzilishiga olib kelishi mumkin bo'lgan harakatlarni sodir etish, –

fuqarolarga bazaviy hisoblash miqdorining uch baravaridan besh baravarigacha, mansabdor shaxslarga esa – besh baravaridan o'n baravarigacha miqdorda jarima solishga sabab bo'ladi”.

2.11. “Ekologik nazorat to'g'risida” Qonunning 20-moddasida rejali va rejadan tashqari tekshirishlar hamda reydtartibidagi ekologik nazoratning huquqiy maqomini belgilash maqsadga muvofiq.

2.12. “Ekologik nazorat to'g'risida”gi Qonun va Ishlab chiqarish ekologik nazoratini amalga oshirish tartibi to'g'risida namunaviy nizom o'rtasida o'zaro muvofiqlikni ta'minlash hamda ushbu sohadagi munosabatlarning qonuniy asoslarini kuchaytirish maqsadida “Ekologik nazorat to'g'risida”gi Qonunning 14-moddasiga xo'jalik yurituvchi subyektlarning ekologik nazorat sohasidagi majburiyatlarini to'ldirishni bo'yicha quyidagi mazmundagi qo'shimchalar kiritish maqsadga muvofiq:

“tabiatni muhofaza qilish va tabiiy resurslardan oqilona foydalanish to'g'risidagi qonun hujjatlari talablari buzilishi holatlariga yo'l qo'ymaslik;

atrof muhit muhofazasi va tabiiy resurslardan oqilona foydalanish sohasidagi majburiyatlarni, ishlab chiqarish ekologik rejaları va dasturlar bajarilishini ta'minlash;

o'z faoliyati oqibatida atrof muhitdagi o'zgarishlar, uning prognoz qilinayotgan holati, tabiiy resurslardan foydalanish va vakolat doirasida ko'rilayotgan choratadbirlar to'g'risida maxsus vakolatli davlat organlari hamda fuqarolarni xabardor qilish”.

2.13. “Ekologik nazorat to'g'risida”gi Qonunning 19-moddasiga faoliyati tabiiy resurslardan foydalanish va ularni qayta tiklash, atrof muhitga ko'p miqdorda ifloslantiruvchi moddalarni chiqarish va oqizish hamda chiqindilarni joylashtirish bilan bog'liq bo'lgan xo'jalik boshqaruvi organlari va xo'jalik yurituvchi subyektlarida ekologik xizmatlarni tashkil etish majburiy ekanligi to'g'risida qo'shimcha kiritish lozim.

2.14. Jamoatchilik ekologik nazorati imkoniyatlarini yanada kengaytirish va kuchaytirish maqsadida Jamoatchilik ekologik nazoratini amalga oshirish tartibi to'g'risida namunaviy nizomni tubdan qaytadan ko'rib chiqib, uni namunaviy nizom emas, balki nizom sifatida qabul qilish lozim. Bunda yangi hujjat loyihasida jamoatchilik ekologik nazoratining har bir shaklini amalga oshirish tartib-taomillarini, jamoatchilik ekologik nazoratini amalga oshirayotgan fuqarolar, jamoat birlashmalari, nodavlat notijorat tashkilotlar va fuqarolarning o'zini o'zi boshqarish organlarining vakillarining huquq va majburiyatlari, ekologik masala bo'yicha qaror qabul qilayotgan

mansabdor shaxsning qaror qabul qilishidan oldin, albatta, jamoatchilik muhokamasidan o'tkazishi lozimligi to'g'risidagi qoidalarni batafsil yoritib berish zarur.

2.15. “O‘simlik dunyosini muhofaza qilish va undan foydalanish to‘g‘risida”gi Qonunning 29-moddasida o‘simlik dunyosini muhofaza qilish va undan foydalanish sohasida davlat ekologik ekspertizasini o‘tkazish masalasi tartibga solingan. Fikrimizcha, ushbu ro‘yxatga O‘zbekiston Respublikasining Qizil kitobiga kiritilgan kamyob va yo‘qolib ketish xavfi ostidagi o‘simlik turlarini tabiiy muhitdan olish bilan bog‘liq bo‘lgan loyihalarni ham kiritish lozim.

2.16. Vazirlar Mahkamasining 2020-yil 7-sentyabrdagi 541-son qarori bilan tasdiqlangan Davlat ekologik ekspertizasidan o‘tkaziladigan faoliyat turlarining ro‘yxatida “O‘simlik dunyosini muhofaza qilish va undan foydalanish to‘g‘risida”gi Qonunning 29-moddasida belgilangan o‘simlik dunyosini muhofaza qilish va undan foydalanish bilan bog‘liq davlat ekologik ekspertizasidan o‘tkazilishi lozim bo‘lgan loyihalar nazarda tutilmagan. Shuni inobatga olib, davlat ekologik ekspertizasidan o‘tkaziladigan faoliyat turlarining ro‘yxatini “O‘simlik dunyosini muhofaza qilish va undan foydalanish to‘g‘risida”gi Qonunga muvofiqlashtirish maqsadida ushbu ro‘yxatga tegishli qo‘shimcha kiritish maqsadga muvofiq.

2.17. O‘zbekiston Respublikasining 2000-yil 15-dekabrda “Davlat kadastrlari to‘g‘risida”gi Qonunida “tabiiy resurslar kadastrini foydali qazilma konlari, belgilari va texnogen mineral hosilalar davlat kadastrini, davlat suv kadastrini hamda davlat o‘rmon kadastrini” mavjud. Biroq, Tabiat resurslari vazirligining ushbu kadastrlarni amalga oshirishdagi roli O‘zbekiston Respublikasi Tabiat resurslari vazirligining faoliyatini tartibga soluvchi hujjatda nazarda tutilmagan. Fikrimizcha, O‘zbekiston Respublikasining “Davlat kadastrlari to‘g‘risida”gi Qonunida hamda O‘zbekiston Respublikasi Tabiat resurslari vazirligi faoliyatini tartibga soluvchi hujjatda tabiiy resurslar kadastrini amalga oshirishda Tabiat resurslari vazirligining muvofiqlashtiruvchi rolini belgilash lozim. Xususan, O‘zbekiston Respublikasi Ekologiya va atrof muhitni muhofaza qilish davlat qo‘mitasi (hozirgi – Tabiat resurslari vazirligi) to‘g‘risida nizomning 10-bandini “tabiiy resurslarning davlat hisobiga olish va ulardan foydalanish hajmlarini hisobga olish, tabiiy resurslarning davlat kadastrini yuritish hamda tabiiy resurslar holati ustidan monitoringni amalga oshirish, shuningdek, maxsus vakolatli davlat organlarining ushbu sohadagi faoliyatini muvofiqlashtirish” degan norma bilan to‘ldirish hamda ushbu vazifa doirasi qo‘mita tomonidan amalga oshiriladigan funksiyalarni mustahkamlash maqsadga muvofiq.

2.18. Yagona yondashuvni ta‘minlash maqsadida tabiiy resurslar monitoringi bilan bog‘liq barcha hujjatlarni yagona hujjatga tizimlashtirish hamda tabiiy resurslar monitoringi bo‘yicha alohida qonun hujjatini ishlab chiqish va qabul qilish maqsadga muvofiq. Ta‘kidlash lozimki, “Ekologik monitoring to‘g‘risida”gi alohida qonun Braziliyada, Kanadada, Tojikiston Respublikasida qabul qilingan, Turkmanistonda 2022-yilda ushbu qonunni ishlab chiqish bo‘yicha ishlar boshlangan.

2.19. “O‘simlik dunyosini muhofaza qilish va undan foydalanish to‘g‘risida”gi Qonunning 23-moddasi o‘ta umumiy va yuzaki bo‘lib, amalda Qonun faqatgina monitoring tushunchasiga ta‘rif berish va uni amalga oshirish tartibi Hukumat tomonidan belgilanishi bo‘yicha havolaki normadan iborat bo‘lib qolgan. Hozirgi

kunda qonunlarning to'g'ridan to'g'ri amal qilishini ta'minlash maqsadida amalga oshirilayotgan islohotlar sharoitida Qonunning ushbu moddasini qayta ko'rib chiqish va quyidagi tahrirda bayon etishni taklif qilamiz:

“23-modda. O‘simlik dunyosi monitoringi

O‘simlik dunyosi monitoringi atrof tabiiy muhit holatining ularga ta’sirni aniqlash va respublikaning u yoki bu hududida o‘simlik dunyosi obyektlarining sifat va miqdor ko‘rsatkichlarini prognozlashtirish maqsadida o‘tkaziladigan muntazam kuzatuvlardan iborat.

O‘simlik dunyosi obyektlari monitoringini amalga oshirish, atrof muhit monitoringining ma’lumotlar bazasini yuritish hamda O‘zbekiston Respublikasida atrof muhit davlat monitoringi dasturini ishlab chiqish O‘zbekiston Respublikasi Tabiat resurslari vazirligi tomonidan amalga oshiriladi.

Tabiiy o‘simliklar majmuilari va yovvoyi holda o‘svuchi o‘simliklar o‘simlik dunyosi monitoringi kuzatishlarining obyektlari hisoblanadi.

Tabiiy o‘simlik majmualari va yovvoyi holda o‘svuchi o‘simliklar ustidan kuzatishlar davriyligi monitoring shartlari va usullariga bog‘liq ravishda bir yilda kamida bir marta belgilanadi”.

2.20. “Muhofaza etiladigan tabiiy hududlar to‘g‘risida”gi Qonunda davlat qo‘riqxonalarining hududida ilmiy-tadqiqot faoliyati yuritish mumkinligi belgilangan bo‘lsada, bunday faoliyat atrof tabiiy muhitga, shu jumladan o‘simlik dunyosi obyektlariga zarar yetkazmasligi zarurligi Qonunda o‘z aksini topmagan. Shundan kelib chiqib, “Muhofaza etiladigan tabiiy hududlar to‘g‘risida”gi Qonunning 19-moddasi birinchi qismiga “Davlat qo‘riqxonalarida ilmiy-tadqiqot faoliyati va atrof tabiiy muhit monitoringini yuritish o‘simlik, hayvonot dunyosiga hamda atrof tabiiy muhitga zarar yetkazmasligi shart” degan mazmundagi qo‘shimcha kiritish maqsadga muvofiq.

2.21. “O‘simlik dunyosini muhofaza qilish va undan foydalanish to‘g‘risida”gi Qonun (yangi tahriri) 32-moddasi to‘rtinchi xatboshisini quyidagi tahrirda bayon etish lozim: “sun’iy yaratilgan sharoitlarda yetishtirilgan yovvoyi holda o‘svuchi o‘simliklarga va ularning yashash faoliyati mahsulotlariga nisbatan qonunchilikda belgilangan asoslarda va tartibda mulk huquqiga ega”.

2.22. “O‘simlik dunyosini muhofaza qilish va undan foydalanish to‘g‘risida”gi Qonunda o‘simlik dunyosi obyektlariga nisbatan xususiy mulk huquqi instituti belgilanganligidan kelib chiqib, yuqoridagi ayrim qonunlarni ushbu Qonun talablariga muvofiqlashtirish talab etiladi. Shu nuqtai nazardan O‘zbekiston Respublikasining “O‘zbekiston Respublikasida mulkchilik to‘g‘risida” Qonuni 19-moddasi, “Tabiatni muhofaza qilish to‘g‘risida”gi Qonunning 5-moddasi hamda Fuqarolik kodeksining 169-moddasiga ayrim tabiiy resurslar yuridik va jismoniy shaxslar mulkchiligida bo‘lishi mumkinligi haqidagi qoidani belgilash maqsadga muvofiq.

2.23. “Litsenziyalash, ruxsat berish va xabardor qilish tartib-taomillari to‘g‘risida”gi Qonunda ham davlat o‘rmon fondiga kirmaydigan zaxira yerlarida pichan o‘rish va chorva mollarini o‘tlatish uchun Tabiat resurslari vazirligining Qoraqalpog‘iston Respublikasi, viloyatlar va Toshkent shahridagi hududiy bo‘linmalari tomonidan ruxsatnoma berilishi nazarda tutilgan. Shularni inobatga olgan holda “O‘simlik dunyosini muhofaza qilish va undan foydalanish to‘g‘risida”gi

Qonunning 34-moddasiga Tabiat resurslari vazirligining Qoraqalpog‘iston Respublikasi, viloyatlar va Toshkent shahridagi hududiy bo‘linmalari tomonidan qaror chiqarilishi emas, balki ruxsatnoma berilishi to‘g‘risida o‘zgartirish kiritish zarur.

2.24. “O‘simlik dunyosini muhofaza qilish va undan foydalanish to‘g‘risida”gi Qonunda O‘rmon xo‘jaligi davlat qo‘mitasi hamda mahalliy davlat hokimiyati organlari tomonidan ruxsat berish tartib-taomillarini amalga oshirishni nazarda tutuvchi holatlar ham nazarda tutilgan. Shularni inobatga olib, “O‘simlik dunyosini muhofaza qilish va undan foydalanish to‘g‘risida”gi hamda “Litsenziyalash, ruxsat berish va xabardor qilish tartib-taomillari to‘g‘risida”gi qonunlarni o‘zaro muvofiqlashtirish lozim.

2.25. “O‘simlik dunyosini muhofaza qilish va undan foydalanish to‘g‘risida”gi Qonunning 37-moddasida davlat o‘rmon fondiga kirmaydigan daraxtlar va butalarni binolarni, inshootlarni va kommunikatsiyalarni qurish hamda rekonstruksiya qilish bilan bog‘liq holda kesishga yo‘l qo‘yilishi belgilangan. Vaholanki, O‘zbekiston Respublikasi Prezidentining “Respublikada ko‘kalamzorlashtirish ishlarini jadallashtirish, daraxtlar muhofazasini yanada samarali tashkil etish chora-tadbirlari to‘g‘risida” 2021-yil 30-dekabrda PF–46-son Farmoni bilan davlat o‘rmon fondiga kirmaydigan daraxtlar va butalar qimmatbaho navlarining kesilishiga moratoriyning amal qilishi muddatsiz davrga uzaytirilgan. Shu munosabat bilan “O‘simlik dunyosini muhofaza qilish va undan foydalanish to‘g‘risida”gi Qonunning 37-moddasida daraxtlar va butalarni binolarni, inshootlarni va kommunikatsiyalarni qurish hamda rekonstruksiya qilish bilan bog‘liq holda kesishga yo‘l qo‘yilmasligi to‘g‘risidagi qoidani belgilash maqsadga muvofiq.

2.26. Qonunchilikdagi bo‘shliqni bartaraf etish hamda o‘simlik dunyosi obyektlaridan oqilona va samarali foydalanishni ta‘minlash maqsadida “O‘simlik dunyosini muhofaza qilish va undan foydalanish to‘g‘risida”gi Qonunning 30-moddasidan oltinchi qismini chiqarib tashlagan holda, Qonunni quyidagi mazmundagi 30¹-modda bilan to‘ldirish maqsadga muvofiq:

“30¹-modda. O‘simlik dunyosi obyektlaridan doimiy yoki vaqtincha foydalanish O‘simlik dunyosi obyektlari doimiy yoki vaqtincha (uzoq muddatli va qisqa muddatli) foydalanishga berilishi mumkin.

O‘simlik dunyosi obyektlaridan muddati avvaldan belgilanmagan holda foydalanish doimiy foydalanish hisoblanadi.

Ushbu Qonunning 33-moddasi to‘rtinchi, to‘qqizinchi – o‘n birinchi va o‘n to‘rtinchi xatboshilarida nazarda tutilgan o‘simlik dunyosi obyektlaridan foydalanish turlari doimiy yoki vaqtinchalik foydalanish uchun berilishi mumkin.

O‘simlik dunyosi obyektlaridan vaqtincha foydalanish muddati bir yildan kam bo‘lmasligi va qirq to‘qqiz yildan oshmasligi kerak.

O‘simlik dunyosi obyektlaridan foydalanishning ushbu moddaning uchinchi xatboshisida nazarda tutilgandan boshqa turlari faqatgina vaqtinchalik foydalanish huquqi asosida amalga oshiriladi.

O‘simlik dunyosi vaqtinchalik foydalanishga berilganda o‘simlik dunyosidan maxsus foydalanish uchun beriladigan ruxsat etish xususiyatiga ega hujjatda undan foydalanish muddati ko‘rsatiladi”.

2.27. “O‘simlik dunyosini muhofaza qilish va undan foydalanish to‘g‘risida”gi

Qonun hamda Vazirlar Mahkamasining 2014-yil 20-oktyabrdagi 290-son qarori bilan tasdiqlangan O‘simlik dunyosi obyektlarini olib kirish va chetga olib chiqib ketishda ruxsat berish tartib-taomillaridan o‘tish tartibi to‘g‘risidagi nizom o‘rtasidagi nomuvofiqliklarni bartaraf etish zarurligi asoslantirildi. Buning asosiy sababi Nizom eski tahrirdagi “O‘simlik dunyosini muhofaza qilish va undan foydalanish to‘g‘risida”gi Qonunga asosan ishlab chiqilgan bo‘lib, eski tahrirdagi Qonunning 7-moddasida ham o‘simlik dunyosidan foydalanishning 11 ta turi nazarda tutilgan edi. 2016-yil 21-sentyabrda Qonun yangi tahrirda qabul qilinganligini inobatga olib, Vazirlar Mahkamasining 2014-yil 20-oktyabrdagi 290-son qarori bilan tasdiqlangan O‘simlik dunyosi obyektlarini olib kirish va chetga olib chiqib ketishda ruxsat berish tartib-taomillaridan o‘tish tartibi to‘g‘risidagi nizomni takomillashtirish, xususan, uning 4-bandiga yangi tahrirdagi Qonunning 33-moddasidan kelib chiqib, tegishli o‘zgartirish va qo‘shimchalar kiritish lozim.

2.28. “O‘simlik dunyosini muhofaza qilish va undan foydalanish to‘g‘risida”gi Qonunning 25-moddasini quyidagi tahrirda bayon etish taklif etiladi:

“25-modda. O‘simlik dunyosini muhofaza qilish va undan oqilona foydalanishni rag‘batlantirish

O‘simlik dunyosini muhofaza qilish va undan oqilona foydalanishni, shuningdek, u o‘sadigan muhitning muhofaza qilinishini hamda holati yaxshilanishini ta‘minlayotgan yuridik va jismoniy shaxslarga qonunchilikka muvofiq soliq imtiyozlari, shuningdek, davlat buyurtmalarini olishda ustunlik berilishi mumkin.

O‘simlik dunyosini muhofaza qilish va undan oqilona foydalanishni, shuningdek u o‘sadigan muhitning muhofaza qilinishini hamda holati yaxshilanishini ta‘minlayotgan yuridik shaxslarga foyda solig‘i va jismoniy shaxslarga daromad solig‘idan imtiyoz belgilanishi mumkin”.

2.29. “O‘simlik dunyosini muhofaza qilish va undan foydalanish to‘g‘risida”gi Qonunning 32-moddasida o‘simlik dunyosi obyektlaridan foydalanuvchilarning majburiyatlari sifatida yana quyidagilarni ham kiritish taklif etiladi:

“o‘simlik dunyosi obyektlaridan maxsus foydalanishda qonunchilikda belgilangan tartibda ruxsatnomani rasmiylashtirishi;

boshqa o‘simlik dunyosi obyektlaridan foydalanuvchilarning huquqlari hamda qonuniy manfaatlari buzilishiga, shuningdek boshqa tabiiy resurslarga va atrof muhitga zarar yetkazilishiga yo‘l qo‘ymasligi;

o‘simlik dunyosi obyektlarini tabiiy muhitdan ajratib olishda uning hisobini yuritishi, shuningdek qonunchilikda belgilangan tartibda hisobotni taqdim etishi;

o‘simlik dunyosi obyektlaridan foydalanish va ularni muhofaza qilish ustidan davlat nazoratini amalga oshiruvchi organlarning vakillarini o‘z obyektlariga belgilangan tartibda kiritishi hamda ularga zarur axborotni taqdim etishi”.

2.30. “O‘simlik dunyosini muhofaza qilish va undan foydalanish to‘g‘risida”gi Qonunni “Litsenziyalash, ruxsat berish va xabardor qilish tartib-taomillari to‘g‘risida”gi Qonunga muvofiqlashtirish, shuningdek, “O‘simlik dunyosini muhofaza qilish va undan foydalanish to‘g‘risida”gi Qonundagi ayrim huquqiy bo‘shliqlarni bartaraf etish maqsadida uning 47-moddasini quyidagi tahrirda bayon etish taklif etiladi:

“47-modda. O‘simlik dunyosi obyektlaridan maxsus foydalanish huquqini to‘xtatib turish va bekor qilish

O‘simlik dunyosi muhofaza qilinishini ta‘minlash uchun o‘simlik dunyosi obyektlaridan maxsus foydalanish huquqi to‘xtatib turilishi yoki bekor qilinishi mumkin.

O‘simlik dunyosi obyektlaridan maxsus foydalanish huquqi quyidagi hollarda to‘xtatib turilishi mumkin:

o‘simlik dunyosi obyektlaridan foydalanuvchi tomonidan ruxsat berishga doir talablar va shartlar buzilganligi aniqlanganda;

o‘simlik dunyosi obyektlaridan foydalanuvchilar tomonidan maxsus vakolatli davlat organining aniqlangan qoidabuzarliklarni bartaraf etish majburiyatini uning zimmasiga yuklovchi qarori bajarilmaganda.

O‘simlik dunyosi obyektlaridan maxsus foydalanish huquqini o‘n kungacha muddatga to‘xtatib turish maxsus vakolatli davlat organi tomonidan, o‘n kundan ortiq, lekin olti oydan ko‘p bo‘lmagan muddatga esa – sud tomonidan amalga oshiriladi.

O‘simlik dunyosi obyektlaridan maxsus foydalanish huquqi quyidagilar asosida bekor qilinishi mumkin:

o‘simlik dunyosi obyektlaridan foydalanuvchining ruxsat etish xususiyatiga ega hujjatni bekor qilish to‘g‘risida ariza bilan murojaat etganda;

maxsus foydalanish huquqi berilgan jismoniy shaxsning muomalaga layoqatliligi belgilangan tartibda cheklanganda, u muomalaga layoqatsiz deb topilganda yoki vafot etganda, yakka tartibdagi tadbirkor davlat ro‘yxatidan o‘tkazilganligi to‘g‘risidagi guvohnomaning amal qilishi tugatilganda yoxud yuridik shaxs tugatilganda;

o‘simlik dunyosi obyektlaridan foydalanuvchi ruxsat etish xususiyatiga ega hujjatning amal qilishini to‘xtatib turishiga olib kelgan holatlarni vakolatli organ yoki sud belgilagan muddatda bartaraf etmaganda;

ruxsat etish xususiyatiga ega hujjat qalbaki hujjatlardan foydalangan holda olinganligi fakti yoxud shunday hujjatni berish to‘g‘risidagi qarorning qonunga xilofligi aniqlanganda;

o‘simlik dunyosini muhofaza qilish va undan foydalanish to‘g‘risidagi qonunchilik buzilganda;

o‘simlik dunyosi obyektlaridan foydalanuvchi tomonidan ruxsat berish talablari va shartlari muntazam ravishda (bir yil davomida ikki va undan ortiq marotaba) yoki bir marotaba qo‘pol ravishda buzilganda;

o‘simlik dunyosi obyektidan foydalanishning belgilangan muddati o‘tganda yoxud foydalanish zarurati qolmaganda yoki undan voz kechilganda;

o‘simlik dunyosi obyekti joylashgan yer uchastkalari jamoat ehtiyojlari uchun olib qo‘yilganda;

o‘simlik dunyosining yashash faoliyati uchun qaytarib bo‘lmaydigan o‘zgarishlar va sharoitlarining yomonlashuvi tahdidi yuzaga kelganda, o‘simlik dunyosi yo‘q qilib yuborilganda yoki unga boshqa zararli ta‘sir ko‘rsatilganda.

O‘simlik dunyosi obyektlaridan maxsus foydalanish huquqi qonunda belgilangan tartibda to‘xtatib turiladi yoki bekor qilinadi”.

2.31. Qonunchilikda umumiy talablar belgilangan bo‘lib, ular o‘simlik dunyosidan foydalanish bilan bog‘liq ruxsatnoma talablarini belgilamaydi. Vaholanki, so‘nggi yillarda qabul qilingan har xil faoliyat turlarini litsenziyalash (ruxsat berish) tartibi bo‘yicha hujjatlarda litsenziyalash (ruxsat berish) pasporti ilova qilinib, unda litsenziya (ruxsatnoma) talablari va shartlari aniq ko‘rsatib berilmoqda. Bu faoliyat turini litsenziyalashda (ruxsat berishda) turli xil talablar belgilash orqali huquqi qo‘llash amaliyotini turlicha qo‘llanilishining oldini oladi, “o‘yin qoidalarini” barcha uchun tushunarli va oddiy bo‘lishini ta‘minlaydi hamda korrupsiyaning oldini oladi. Shu munosabat bilan Vazirlar Mahkamasining 2014-yil 20-oktyabrdagi 290-son qarori bilan tasdiqlangan O‘simlik dunyosi obyektlarini olib kirish va chetga olib chiqib ketishda ruxsat berish tartib-taomillaridan o‘tish tartibi to‘g‘risidagi nizomga o‘simlik dunyosidan maxsus foydalanishning har bir turi bo‘yicha o‘simlik dunyosi obyektlaridan maxsus foydalanish uchun ruxsatnoma pasporti deb nomlangan alohida ilovalar kiritish zarur.

2.32. O‘zbekiston Respublikasi Prezidentining “Respublikada ko‘kalamzorlashtirish ishlarini jadallashtirish, daraxtlar muhofazasini yanada samarali tashkil etish chora-tadbirlari to‘g‘risida” 2021-yil 30-dekabrda PF–46-son Farmoni 2-bandida davlat o‘rmon fondiga kirmaydigan daraxtlar va butalar qimmatbaho navlarining kesganlik uchun huquqbuzarlarga ma‘muriy jarimalar miqdori besh baravarga oshirilgan holda qo‘llanilishi nazarda tutilgan. Huquqni qo‘llash amaliyotida sudlar tomonidan ushbu Farmon normalarini qo‘llashda tushunmovchiliklar kelib chiqmoqda. Chunki, sudlar Ma‘muriy javobgarlik to‘g‘risidagi kodeksga muvofiq, ushbu Kodeksda belgilangan jazodan yuqori jazoni qo‘llay olmaydi. Shu munosabat bilan hozirgi vaqtda moratoriy muddatsiz joriy etilganligi, ya‘ni mazmunan doimiy taqiq o‘rnatilganligini inobatga olib, Ma‘muriy javobgarlik to‘g‘risidagi kodeksning 79-moddasi birinchi va ikkinchi qismining sanksiyasida ma‘muriy jarimaning miqdorini besh barobarga oshirish lozim.

2.33. Jinoyat kodeksining 201-moddasida zararli kimyoviy moddalar bilan muomalada bo‘lish qoidalarini buzish uchun jinoiy javobgarlik belgilangan. Xususan, unda xo‘jalik faoliyatida kimyoviy vositalar, mineral o‘g‘it, o‘sish biostimulyatori yoki boshqa kimyoviy dorilar bilan muomala qoidalarini buzish “odamlarning ommaviy kasallanishi, hayvonlar, parrandalar yoki baliqlarning qirilib ketishi” ko‘rinishidagi og‘ir oqibatlar kelib chiqishiga sabab bo‘lsa jinoiy javobgarlikka tortilishi belgilangan. Fikrimizcha, zararli kimyoviy moddalar bilan muomalada bo‘lish qoidalarini buzish nafaqat hayvonot, balki o‘simlik dunyosi obyektlarining qirilib ketishiga ham sabab bo‘lishi mumkin. Shuni inobatga olib, Jinoyat kodeksining 201-moddasi dispozitsiyasidagi “hayvonlar, parrandalar yoki baliqlarning” degan so‘zlarni “hayvonlar, parrandalar, baliqlar yoki yovvoyi o‘simliklarning” degan so‘zlar bilan almashtirish maqsadga muvofiq.

2.34. Jinoyat kodeksini quyidagi mazmundagi “Jinoyat yo‘l bilan topilgan (ovlangan, tutilgan) hayvonot dunyosi yoki noqonuniy yig‘ilgan o‘simlik dunyosi obyektlarini bila turib sotib olish, saqlash, tashish yoki qayta ishlash” uchun jinoiy javobgarlikni belgilovchi norma bilan to‘ldirish zarurati asoslantirildi:

“202²-modda. Jinoyat yo‘l bilan topilgan (ovlangan, tutilgan) hayvonot dunyosi yoki noqonuniy yig‘ilgan o‘simlik dunyosi obyektlarini bila turib sotib olish, saqlash, tashish yoki qayta ishlash

Jinoyat yo‘l bilan topilgan (ovlangan, tutilgan) hayvonot dunyosi yoki noqonuniy yig‘ilgan o‘simlik dunyosi obyektlarini bila turib sotib olish, saqlash, tashish yoki qayta ishlash, xuddi shuningdek, noqonuniy tutilgan (ovlangan) hayvonot dunyosi obyekti yoki yig‘ilgan o‘simlik dunyosi obyektni ancha miqdorda, shu jumladan, Internetdan foydalangan holda noqonuniy realizatsiya qilish, bazaviy hisoblash miqdorining yuz baravaridan ikki yuz baravarigacha miqdorda jarima yoki uch yuz soatgacha majburiy jamoat ishlari yoxud ikki yilgacha axloq tuzatish ishlari bilan jazolanadi”.

2.35. Jinoyat kodeksini quyidagi mazmundagi “O‘zbekiston Respublikasining Qizil kitobiga kiritilgan hayvonot yoki o‘simlik dunyosi turlarining yashash makonini vayron qilish” uchun jinoiy javobgarlikni belgilovchi norma bilan to‘ldirish zarurati asoslantirildi:

“202³-modda. O‘zbekiston Respublikasining Qizil kitobiga kiritilgan hayvonot yoki o‘simlik dunyosi turlarining yashash makonini vayron qilish

O‘zbekiston Respublikasining Qizil kitobiga kiritilgan hayvonot yoki o‘simlik dunyosi turlarining yashash makonini vayron qilish, ancha miqdorda zarar yetishiga yoxud O‘zbekiston Respublikasining Qizil kitobiga kiritilgan hayvonot yoki o‘simlik dunyosi turlari nobud bo‘lishiga sabab bo‘lsa, – bazaviy hisoblash miqdorining uch yuz baravaridan besh yuz baravarigacha miqdorda jarima yoki uch yildan besh yilgacha ozodlikni cheklash yoxud uch yildan besh yilgacha ozodlikdan mahrum qilish bilan jazolanadi”.

2.36. O‘zbekiston Respublikasi Prezidentining “2017 – 2021-yillarda O‘zbekiston Respublikasini rivojlantirishning beshta ustuvor yo‘nalishi bo‘yicha Harakatlar strategiyasini “Yoshlarni qo‘llab-quvvatlash va aholi salomatligini mustahkamlash yili”da amalga oshirishga oid davlat dasturi to‘g‘risida” 2021-yil 3-fevraldagi PF–6155-son Farmonida faqatgina noqonuniy kesilgan daraxt haqida so‘z boradi, lekin qonunchilikda o‘simlik dunyosi obyektlarini “shikastlantirish, payhon yoxud nobud qilish” ham taqiqlangan harakatlardan sanaladi. Shu bois, Farmonda nafaqat kesish yo‘li bilan yetkazilgan zarar, balki shikastlantirish, payhon yoki nobud qilish yo‘li bilan yetkazilgan zararga ham yuqoridagi kompensatsion tartibni nazarda tutuvchi ekologik-huquqiy javobgarlik choralari qo‘llanilishini belgilash lozim.

2.37. Ekologik-huquqiy javobgarlik institutining qonuniy asoslarini yaratish hamda o‘simlik dunyosi obyektlariga yetkazilgan zararni qoplash va ularni tiklash bo‘yicha choralarni qonun darajasida belgilash maqsadida O‘zbekiston Respublikasining “O‘simlik dunyosini muhofaza qilish va undan foydalanish to‘g‘risida”gi Qonunini (yangi tahriri) 49-moddasini quyidagi tahrirda bayon etishni taklif etamiz:

“49-modda. O‘simlik dunyosi obyektlariga yetkazilgan zararning o‘rnini qoplash

Yuridik va jismoniy shaxslar o‘simlik dunyosini muhofaza qilish va undan foydalanish to‘g‘risidagi qonunchilikni buzish tufayli yetkazilgan zararning o‘rnini qonunchilikda belgilangan tartibda qoplashi shart.

Yuridik va jismoniy shaxslar qonuniy tartibda har bir kesilgan daraxt va butalar uchun kompensatsiya tarzida 10 tup qimmatligi jihatidan kesiladigan daraxt va

butalardan kam bo‘lmagan, yirik o‘lchamli ko‘chat ekish hamda ularni kamida ikki yil davomida parvarish qilishi shart, ushbu Qonunning 37-moddasi uchinchi qismida nazarda tutilgan holatlar bundan mustasno.

Yuridik va jismoniy shaxslar noqonuniy kesilgan yoki boshqacha tartibda nobud qilingan daraxt va butalar uchun uch yil davomida parvarishlash sharti bilan 100 tup ko‘chat ekishi shart.

Yuridik va jismoniy shaxslarning kesilgan daraxt va butalar uchun ko‘chat ekish va ularni parvarishlash qilish majburiyatlariga rioya etmaslik qonunda belgilangan javobgarlikka sabab bo‘ladi.

Zararning o‘rmini qoplash aybdor shaxslarni qonunga muvofiq javobgarlikdan ozod etmaydi”.

III. O‘simlik dunyosidan foydalanish va ularni muhofaza qilishning huquqiy tartibi bilan bog‘liq amaliyotni takomillashtirishga oid taklif va tavsiyalar:

3.1. Tabiat resurslari vazirligi tarkibiga O‘rmon xo‘jaligi davlat qo‘mitasi va Suv xo‘jaligi vazirligini ham kiritib, ekologiya sohasida yagona, markazlashgan davlat boshqaruvini ta‘minlovchi Ekologiya va atrof muhitni muhofaza qilish vazirligini tashkil etish maqsadga muvofiq. Chunki, Tabiat resurslari vazirligi nomlanishi faqatgina tabiatdan resurs sifatida foydalanishni nazarda tutadi. Bu borada ilg‘or xorijiy tajribadan kelib chiqib, vazirlik nomida albatta, ekologiyani muhofaza qilish bilan bog‘liq siyosatni singdirishimiz lozim.

3.2. Hozirgi vaqtda ekologik muammolar kuchayib, jamoatchilikning jiddiy va asosli xavotirlariga sabab bo‘layotganligi hamda ekologik xavfsizlik masala tobora davlat siyosati darajasida keng muhokama qilinayotganligini, shuningdek, O‘zbekiston Respublikasi Prezidentining ushbu jarayondagi faol ishtirokining ahamiyatini inobatga olib, O‘zbekiston Respublikasi Prezidenti huzurida Ekologiya, atrof muhitni muhofaza qilish va ekologik tashabbuslarni qo‘llab-quvvatlash kengashini tashkil etish taklif etiladi. Ushbu Kengash ekologiya, atrof muhitni muhofaza qilish, ekologik xavfsizlikni ta‘minlash bo‘yicha amalga oshirilayotgan ishlarni muvofiqlashtirish, ushbu yo‘nalishda ilg‘or xorijiy tajribani o‘rgangan holda Davlat rahbariga taklif va tavsiyalar kiritib borish, ekologik tashabbuslarni qo‘llab-quvvatlash kabi vazifalarni bajarib, davlat ekologik siyosatini samarali amalga oshirishga xizmat qilgan bo‘lardi.

3.3. Ekologiya va atrof muhit masalalari tobora dolzarb ahamiyat kasb etib borayotganligini inobatga olib, Hukumatda ushbu masala bo‘yicha alohida Bosh vazir o‘rinbosari lavozimini joriy etish maqsadga muvofiq. Ekologiya va atrof muhitni muhofaza qilish masalalari bo‘yicha alohida Bosh vazir o‘rinbosari bo‘lishi ushbu masalaga Hukumat darajasida ko‘proq e‘tibor qaratish imkonini beradi.

3.4. O‘simliklar dunyosini huquqiy muhofaza qilish bo‘yicha vazifalarni hal qilish maqsadida jamiyatning iqtisodiy, ijtimoiy va ekologik manfaatlarini muvozanatga keltiradigan barqaror rivojlanish konsepsiyasidan foydalanish lozim. Xususan, Tabiat resurslari vazirligi tizimida O‘simlik dunyosini muhofaza qilish, undan foydalanish va qayta ko‘paytirishni nazorat qilish davlat inspeksiyasini tashkil qilish lozim.

3.5. O‘simlik dunyosi obyektlaridan foydalanish va muhofaza qilish sohasida

davlat ekologik nazorati Tabiat resurslari vazirligidan tashqari Qishloq xo'jaligi vazirligi, O'rmon xo'jaligi davlat qo'mitasi, mahalliy davlat hokimiyati organlari tomonidan ham amalga oshirilishini inobatga olib, muvofiqlashtiruvchi kengashni maqomini takomillashtirish, xususan, uni Vazirlar Mahkamasi huzuridagi Davlat ekologik nazorati sohasidagi maxsus vakolatli davlat organlari faoliyatini muvofiqlashtiruvchi kengash sifatida tashkil etish taklif etiladi. Bunda muvofiqlashtiruvchi kengash raisi vazifasi tabiat resurslari vaziri zimmasiga yuklatiladi. Muvofiqlashtiruvchi kengash zaruratga ko'ra, lekin har oyda kamida bir marotaba yig'ilishi, yig'ilishda davlat ekologik nazorati natijalari muhokama qilinishi hamda aniqlangan kamchiliklarni bartaraf etish yuzasidan takliflar ishlab chiqishini belgilash maqsadga muvofiq.

3.6. Ilg'or xorijiy tajriba asosida kelgusida barcha tabiiy resurslar bo'yicha yuritiladigan tarmoqlararo axborot tizimi sifatida tabiiy resurslar kadastrlarining yagona elektron tizimini joriy etish lozim. Tabiiy resurslar kadastrlarining yagona elektron tizimi barcha tabiiy resurslar – yer, suv, o'rmon, yer qa'ri, atmosfera havosi, o'simlik va hayvonot dunyosi bo'yicha yuritilishi, ushbu tizimga tizimda tabiiy obyektlarning joylashuvi (geografik ko'rsatkichlari, ma'muriy-hududiy tegishliligi va boshqa ma'lumotlar), ularning xo'jalik maqomi (kimga tegishli, qaysi hujjat asosida, qancha muddatga foydalanishga berilgan va boshqalar), miqdori to'g'risidagi ma'lumotlar, statistik hisobotlar va boshqa zarur ma'lumotlar kiritilishi zarur.

3.7. Tabiat resurslari vazirligi tomonidan mahalliy hududlarda hududiy atrof tabiiy muhit holati bo'yicha ma'ruzalar chiqarilishi yo'lga qo'yilsa maqsadga muvofiq bo'lar edi. Bu o'z navbatida hududning ekologik holati, tabiiy resurslar zahiralari hamda undagi kamyob va yo'qolib borayotgan o'simlik dunyosi obyektlari haqidagi aniq ma'lumotlar bilan manfaatdor idoralarni va qolaversa hudud aholisini ta'minlashga xizmat qilardi.

**SCIENTIFIC COUNCIL No. DSc.07/30.12.2019.Yu.22.01
FOR AWARDING OF THE SCIENTIFIC DEGREES
AT TASHKENT STATE UNIVERSITY OF LAW**

TASHKENT STATE UNIVERSITY OF LAW

MAHKAMOV DURBEK NEMATOVICH

**THE LEGAL ISSUES OF REGULATION OF THE PROTECTION AND
USE OF FLORA**

12.00.06 – Natural resources law. Agrarian law. Environmental Law

Doctoral (DSc) dissertation abstract on legal sciences

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The doctoral dissertation is available at the Information Resource Center of Tashkent State University of Law (registered under No. 1147.), (Address 100047, Amir Temur Street, 13. Tashkent city. Phone:(998971) 233-66-36).

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INTRODUCTION (abstract of DSc thesis)

The actuality and relevance of the dissertation theme. In today's world, the decreasing of biological resources is becoming an urgent problem. In particular, More than 40,000 plant species under threat of extinction are included in the "Red List" of the International Union for Conservation of Nature¹. The Living Planet Index prepared by the Zoological Society of London also depicts that the rate of biodiversity loss has increased by 2-3 times over the last 20 years². According to the results of a scientific study published in the journal "Science Advances" in December 2022, "as a result of climate change, 6-10% of all plant and animal species on our planet may disappear by 2050 and 27% by 2100"³.

These figures indicate the necessity to develop more effective mechanisms aimed at legal regulation of flora protection and its rational use.

It is important to conduct research regarding the protection of flora objects in the world, organizing their use in strict compliance with ecological requirements, limiting the use of rare and endangered flora, strengthening the legislation in the sphere of the use of flora objects and measures of liability for violations of environmental requirements, reducing the impact on the flora by introducing "green energy".

In our republic, in the last five years, attention has been paid to banning the cutting of valuable trees and shrubs, to actively involve citizens in combating environmental violations in the sphere of protection and use of flora by increasing the eco-legal culture of citizens. In the Development Strategy of New Uzbekistan, within the framework of the nationwide project "Green Space", planting at least 200 million trees per year, establishing an aerobiological monitoring system in 10 regions of the republic in accordance with the initiatives of the nationwide project "Green Space", making Tashkent city convenient for residents, to turn it into an ecologically clean area with all possibilities for living, to increase the level of greening to 30%, to build an additional 500,000 hectares of green areas on the dry bottom of the Aral Sea, and to increase their total size to 2.5 million hectares by the end of 2026 or reaching 78% of the territory, increasing vegetation in desert areas, and establishing protective forests in the areas⁴. However, the increasing number of violations committed against the objects of the flora and the incomplete formation of the eco-legal culture among the members of the society indicate the presence of work that needs to be done in the future. Therefore, it is of urgent importance to further strengthen the legal basis for the protection and use of flora, and to develop mechanisms that are scientifically based and coordinated with reforms.

This research work contributes to the implementation of the tasks stipulated in the Laws of the Republic of Uzbekistan "On Nature Protection" (1992), "On Protected Natural Areas" (2004), "On Ecological Control" (2013), "On Protection and Use of Flora" (2016), "On the Forest" (2018), in the Decrees of the President of the Republic of Uzbekistan "On the development strategy of new Uzbekistan for 2022-2026" No.

¹ <https://www.iucn.org>

² <https://www.zsl.org>

³ <https://russian.rt.com/inotv/2022-12-19/France-info-k-2050-godu>

⁴ Decree of the President of the Republic of Uzbekistan, on January 28, 2022 "On the Development Strategy of New Uzbekistan for 2022-2026" No. PF-60 // National database of legislation, 29.01. 2022, No. 06/22/60/0082.

DP-60, on January 28, 2022, “On approval of the concept of environmental protection of the Republic of Uzbekistan until 2030” No. DP-5863, on October 30, 2019, No. “On measures to accelerate greening works in the Republic, more effective organization of tree protection” No. DP-46, on December 30, 2021, the resolution “On measures to organize the activities of state bodies in the sphere of environmental protection and environmental control” No. RP-76, on December 30, 2021, and other normative legal acts related to the research topic.

The compatibility of the research on the priority areas of development of science and technologies in the country. This research was carried out in the priority direction of the development of science and technology of the republic I. “Formation of a system of innovative ideas and implement them in the social, legal, economic, cultural, spiritual and educational development of an informed society and a democratic state”.

Review of foreign scientific research on the theme of the dissertation⁵. The environmental and legal research on the legal issues of regulation of the protection and use of flora is conducted in the world leading scientific centers and higher education institutions, in particular, Cambridge University (Great Britain), Monash University (Australia), Stockholm Environmental Law and Policy Centre (Sweden), Instituto de Investigaciones en Ecosistemas y Sustentabilidad (Mexico), Kyoto University (Japan), Northeast Forestry University, Chinese Academy of Sciences, College of Life Sciences (PRC), University of Delhi, Wildlife Institute of India (India), University of Malta (Malta), University of Port-Harcourt (Nigeria), Moscow State University (Russia), Belarusian State University (Belarus).

The following scientific results were obtained as a result of foreign scientific research on the legal issues of regulation of the protection and use of flora: strengthening the international legal protection of flora objects (Monash University, Australia), determining of the plant protection measures in regional planning (Instituto de Investigaciones en Ecosistemas y Sustentabilidad, Mexico), improving the system of preservation and administration of objects of wild flora (Northeast Forestry University, Chinese Academy of Sciences, College of Life Sciences, PRC), protecting of aquatic plants (Wildlife Institute of India, India), protecting of local plant species (University of Delhi, India), the dominant role of preserving plant habitats in the protection of flora objects (University of Malta (Malta), the need to protect rare and endangered flora for sustainable development (University of Port-Harcourt, Nigeria), protecting of flora in protected natural areas (Moscow State University, Russia), improving of the organizational and legal basis of protection of flora objects (Belarusian State University, Belarus) suggestions and recommendations have been developed.

Today, in the world, the research is carried out in the following priority areas related to the legal issues of regulation of the protection and use of flora: improving the legal basis of flora protection; providing the rational use of flora and strengthen state

⁵ Review of foreign scientific research on the topic of the dissertation: <http://www.ox.ac.uk>; <https://www.cam.ac.uk>; <http://www.hu-berlin.de>; <http://www.kyoto-u.ac.jp/en>; <https://www.useoul.edu>; <http://www.uu.se>; <https://www.uu.nl/en>; www.rug.nl; <https://www.era.int>; <https://www.ut.ee>; <https://www.k6k.ee>; <https://www.msu.ru>; www.iseu.bsu.by

and public control measures in this regard; strengthening the international initiatives to conserve rare and endangered plant species; providing the biodiversity by limiting the extensive use of flora objects.

The extent of the study of the research problem. Legal issues connection with the protection and use of flora are from the scientists of our country, such as, J.T. Kholmuminov, M.B. Usmonov, Sh.Kh. Fayziev, Y.A. Jurayev, U.T. Ayubov, N.K. Skripnikov have been depicted as an important institution of environmental law in the scientific works. In addition, several scientists have also researched the aspects directly related to the objects of the flora as part of their research topics. In particular, it is considered by B.H. Kalonov (issues of state environmental control in the protection of flora), D.M. Umarov (aspects of plant protection in the state reservation), G.Sh. Uzakova (issues of protection of flora in settlements), M.M. Nurmatov (aspects related to the economic and legal mechanism of the use of flora), O.D. Utegenov (aspects related to public ecological control in the protection of flora), R.S.Toshboeva (aspects related to the state cadastre of flora objects), J.I.Safarov (issues of codification of legislative acts related to flora), A.A. Nuridullaev (issues related to ecological expertise in the use of flora), A.A. Khodjayev (issues related to the principle of rational use of flora) and a certain extent in scientific works of others. In addition, there are educational and scientific resources aimed directly at the regulation of legal relations related to the protection and use of flora. In particular, the textbook of “Flora Law” by M.B.Usmanov analyzes the procedure for protection and use of flora and related legislation. Also, the scientific work of O.Kh.Narzullaev on the topic “Improving the legal regulation of protection and use of biological resources in Uzbekistan” focused on the specific features of the protection and use of flora objects as a type of biological resources.

Some issues related to the protection and use of flora in foreign countries can found in the works of scientists, such as, E. Ratko, E. Summer, M. Denney. In addition, L. Kremer (issues of flora protection in European countries), G. Lubbe-Wolff (the role of plants in the environmental policy of European Union countries), G. Winter (biological development of plants and the influence of society), D. Czybulka (issues of biodiversity conservation in agriculture), U. Doyle (the role of foreign organizations in plant protection), U. Muller (legal protection regime of biological resources), K. Rodi (powers of state bodies in nature protection and its financing), Cyrill De Klemm (issues of wild plant protection), R. Amos (The status of plants in international conservation) have been researched in the works of lawyer scholars.

It analyzed that issues related to the protection and use of flora in the CIS member states such as M.M. Brinchuk, V.V. Petrov, I.V. Girenko, A.K. Golichenkov, O.L. Dubovik, B.V. Erofeev, N.V. Makarova, A.V. Kukushkina, A. N. Sapogin, A.A. Stepanova, I.S. Shakhray, I. Sheverdina, Y.I. Shupletsova, A.N. Shchekolodkin, E.I Efimova, A.A. Solovyanov⁶.

Although in the scientific research of these scientists, organizational and legal aspects related to the protection and use of the flora, a certain type of measures related to the use of the flora or its protection were researched to one degree or another, the

⁶ Note: The works of the scientists are listed in the list of references.

legal issues of regulation of the protection and use of flora, the practice of applying legislation in this area and its consistent improvement have not been studied as a comprehensive research object from the point of view of the science of ecological law.

It should be noted that some aspects of this research topic (legal protection of a species of flora) were also analyzed by the dissertator in the basis of his thesis of dissertation in 2011⁷. The large-scale reforms carried out in this direction in recent years, especially the fact that the protection of the flora has been designated as the most priority direction of the state environmental policy, it has become a socio-ecological topic in the center of attention of the general public, and the procedures related to the protection and use of the flora have fundamentally changed, as well as, during the observation and studies related to the emergence of various developments in this sphere, the opinions depicted at the beginning were further improved and this research work was prepared.

Relation of the dissertation's theme to the scientific-research work of higher education institution where it was implemented. The theme of the dissertation was approved at the meeting of the Council of Tashkent State University of Law, on December 30, 2019 (Protocol No. 3) and included in the program of research plans of the university

The aim of the research is to develop conclusions and proposals for improving the legislation based on the analysis of the problems of legal regulation of the protection and use of flora.

The tasks of the research:

to develop the new scientific and theoretical ideas by analyzing the legal issue of the protection and use of flora, historical development, scientific concepts, doctrines and principles for its understanding;

to research the stages of development of legislation in the sphere of protection and use of flora and to implement legal qualifications;

to research the doctrinal basis of legal support for the use of flora;

to develop the recommendations on the mechanisms of legal regulation of state administration activities in the sphere of the protection and use of flora;

to analyze the international experience in the protection and use of flora;

to form proposals regarding the participation of the public and civil society institutions in the protection and use of flora;

to make recommendations aimed at improving the legislation on the protection and use of flora;

to develop recommendations on the introduction of modern ecological-legal models into the national legislation regulating relations with the flora.

The object of the research is ecological-legal relations related to the legal issues of regulation of the protection and use of flora.

The subject of the research is the legislation of the Republic of Uzbekistan and foreign countries in the sphere of protection and use of flora, their practice, and the conceptual approaches and scientific-theoretical views available in legal science.

⁷ Маҳкамов Д.Н. Камёб ва йўқолиб бораётган ўсимлик дунёси объектларини ҳуқуқий муҳофаза қилиш: Юрид. фан. номз. ...дисс. – Тошкент: ТДЮИ, 2011. – 156 б.

Research methods. The general scientific methods were applied in this research: induction, deduction, historical, logical, systematic, comparative-legal, statistical, sociological surveys.

Scientific novelty of the research is as follows:

it is justified to protect flora by sending photos or videos of illegal damage to flora world, in particular, strengthen public control to combat illegal logging;

it is justified to establish additional measures to preserve the environment in which flora objects grow by clearly defining in legislation the obligation of drivers to provide that they do not damage flora objects;

it is justified to protect rare and endangered wild plant species of the flora, determining the legal status of botanical gardens, the exclusion of endangered plant species from the natural environment by law;

it is justified to establish a special legal regime for the protection of rare and disappearing flora objects in the use of protected natural areas for economic purposes;

it is justified to develop the legal basis for the systematization of the monitoring data obtained on the objects of the flora and legal provision of the mechanism for maintaining the state cadastre of the objects of the flora;

it is justified to strengthen the functions of the state bodies controlling the use of flora objects in legislation and improving the procedure for the use of floras included in the “Red Book” and providing legal support for the authorization mechanism for their use.

Practical results of the research include the following:

It was justified that in order to make the legal mechanism more effective in the legal issues of regulation of the protection and use of flora and to simplify the application of the law, to incorporate the Laws of the Republic of Uzbekistan “On Forests”, “On Protected Natural Areas” and “On Protection and use of Flora” and to develop a normative legal act defining this procedure;

it was justified that taking into account that today the ecological policy of the Republic of Uzbekistan in the sphere of protection and use of flora has entered the modernization stage, which depicts the principles of the concept of legal sustainable development and to develop the “Plant Protection Concept of the Republic of Uzbekistan for 2023-2028”;

it was justified that making changes to the Code of Administrative Liability of the Republic of Uzbekistan based on the analysis of the legislation of foreign countries and it is necessary to strengthen liability for illegal cutting, damage and destruction of objects of flora, violation of fire safety requirements in forests and other objects of flora;

it was justified that the location of all natural resources - land, water, forest, subsoil, atmospheric air, flora and fauna (geographic indicators, administrative-territorial affiliation and other information), their economic status (to whom it belongs, on the basis of which act, for how long it was given for use, etc), introduction of a unified electronic system of natural resources cadastres, including information on the amount, statistical reports and other necessary information;

it was justified that to the environment as the world is becoming increasingly digital, facing environmental challenges that require innovative solutions, in particular, implementing of cyber security issues into the environmental legislation of the

Republic of Uzbekistan in order to protect plant information from cyber threats and to provide compliance of cyber defense tools with environmental protection rules.

Reliability of research results. The results of the research are summarized in accordance with international and national legislation, the experience of developed countries, the law enforcement practice, statistical data and formalized with relevant acts. Conclusions, proposals and recommendations were approved and publication of their research results were published in leading national and foreign publications. The obtained results were approved by the authorities and put into practice.

The scientific and practical significance of the results of the research. The scientific significance of the research work is based on the scientific and theoretical conclusions, practical suggestions and recommendations in the future scientific activity, law-making, law enforcement practice, as well as, the activities of specially authorized state bodies for the protection of flora objects, in the interpretation of the relevant norms of legislation in the sphere of ecology, developing national legislation and using of “Ecology Law”, “Natural Resources Law”, “International Environmental Law” in scientific-theoretical enrichment. The theoretical aspects of the research work shall allow to conduct new scientific research related to the regulation of the organizational and legal bases of the protection and use of the flora and the improvement of the legislation in this sphere.

The practical significance of the research results served to improve legislation in the sphere of ecology and the development of law enforcement practice, to conduct an inventory of legislation in the sphere of ecology, as well as to develop legislation dedicated to the improvement of the activities of authorized bodies and public structures in the sphere of ecology and environmental protection in the sphere of ecology.

Implementation of the research results. The results of the research were used as follows:

the proposals to establish the mechanism of sending photos or videos of illegal damage to flora and fauna has been submitted in the development of section 15 of the regulation on the procedure for receiving and reviewing photos and (or) video recordings of violations recorded by individuals and encouraging the persons approved by Appendix 1 of the Resolution of the Cabinet of Ministers “On measures to introduce modern mechanisms of control in the sphere of state environmental control and protection and use of material cultural heritage objects” No. 165 on April 7, 2022. (Reference of the Department of Legal Support of the Cabinet of Ministers of the Republic of Uzbekistan, on August 3, 2022, No. 12/21-50). The implementation of this proposal will serve to organize the quality implementation of normative legal acts in the sphere of flora protection and effectively fight against violations in this sphere;

the proposal that the drivers do not damage the objects of the flora has been submitted in the development of Article 125 of the Traffic Rules approved by the Cabinet of Ministers Resolution No. 172 on April 14, 2022. (Reference of the Department of Legal Support of the Cabinet of Ministers of the Republic of Uzbekistan, on August 3, 2022, No. 12/21-50). The implementation of this proposal serves to strengthen the organizational and legal basis of preserving the habitat of flora and to protect the flora growing along the roads;

the proposals to fix the legal status of natural areas, including botanical gardens, and the isolation of rare and endangered wild plant species from their natural environment in the protection of flora has been submitted in the development of articles 18 and 31 of the Law of the Republic of Uzbekistan “On Protection and use of Flora”. (Reference of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan, on November 4, 2016, No. 04/4-04-189/2). This proposal serves to promote knowledge on the preserving of the gene pool of the flora, the studying of rare plant species in artificially created conditions, their adapting to the climate, reproducing, carrying out scientific and educational work, protection and use of flora;

the proposal to establish a special legal regime for the protection of rare and disappearing flora objects in the use of protected natural areas for economic purposes has been submitted in the development of section 9 of the regulation on protected natural areas, approved by the Resolutin of the Cabinet of Ministers, No. 282, on May 5, 2021. (Reference of the Department of Legal Support of the Cabinet of Ministers of the Republic of Uzbekistan on December 9, 2021, No. 12/21-53). As a result of the suggested proposals, the task of preserving land plots in order to limit or prohibit the activities that have a negative impact on the protection of natural areas protected for the purpose of protecting the flora was established;

the proposal to develop the legal basis for the systematization of the monitoring data obtained on the objects of the flora and to provide a mechanism for maintaining the state cadastre of the objects of the flora has been depicted in the program approved by the Resolution of the Cabinet of Ministers on June 3, 2021 No. 343 “On further improvement of the environmental pollution assessment system” (Reference of the Department of Legal Support of the Cabinet of Ministers of the Republic of Uzbekistan on December 9, 2021, No. 12/21-53). As a result of this proposal, it was determined that the relevant state bodies shall perform important tasks such as monitoring of flora objects based on natural ecosystems, entering monitoring data into the Unified State Cadastre System;

the proposals to strengthen the functions of the state bodies controlling the use of flora objects in legislation and to improve the procedure for the use of floras included in the Red Book and to provide legal support for the authorization mechanism for their use has been used in section 69 of the regulation on the use of flora objects and the procedure for transitioning to the authorization procedures in the sphere of use of flora objects, approved by the Resolution of the Cabinet of Ministersm on October 20, 2014, No. 290 (Reference of the Department of Legal Support of the Cabinet of Ministers of the Republic of Uzbekistan on December 9, 2021, No. 12/21-53). This proposal serves to provide the systematic implementation of state control over the protection, use and reproduction of flora objects.

Approbation of the results of the research. The results of this research have been shared at 10 scientific and practical conferences, including 4 international and 6 national scientific and practical conferences.

Publication of the research results. According to the results of this research, a total of 23 scientific works, including 1 monograph, 16 articles (in 11 republican and 3 foreign journals) were published in scientific publications recommended for

publication of the main scientific results of doctoral dissertations of the Supreme Attestation Commission of the Republic of Uzbekistan.

The structure and volume of the dissertation. The content of the dissertation consists of an introduction, five chapters, a conclusion, a list of references and appendices. The volume of the dissertation is 256 pages.

THE MAIN CONTENT OF THE DISSERTATION

In the introduction of the dissertation the relevance and necessity of the research theme, the aims and tasks, object and subject of the research are explained, as well as, the review of foreign scientific research on the subject, the relevance of the research to the main priorities of the science and technology development of republic is justified, the level of studying the problem, the relation of the dissertation theme to the scientific research work of higher education institution where the dissertation is written, methods, scientific novelty and practical results of the research, reliability of the research results, scientific and practical significance of the research results on the theme of the dissertation have been revealed. In particular, their implementation, the approbation, announcement of the results, structure and the volume of the dissertation has been revealed.

The first chapter of the dissertation is entitled “**The general description of the right to protect and use flora**” notions, principles and legal nature of the right to protect and use flora, existing scientific and theoretical notions, creation and development of the right to protect and use flora in the Republic of Uzbekistan, the peculiarities of the norms regulating the relations related to the right of protection and use of flora has been analyzed.

The result of structural changes in the economy, the increase in the level of industrialization, the acceleration of urbanization processes and the development of urban planning, as a result of the significant increase in anthropogenic impact and load on the natural environment, the number of offenses such as the illegal use, damage or destruction of flora objects is increasing. It is created that the need for the protection of flora and legal provision its use.

For this, it can predicted that fundamental rules, doctrines and notions shall serve as a theoretical foundation and only then shall they be effective for the benefit of man, society and the state.

Therefore, as a result of the analysis of scientific-theoretical views and researches of foreign and national scientists, **doctrinal approaches** to the protection of flora objects are classified in the dissertation. It is divided into three groups as studies with **biological, social and legal** aspects and characteristics. The results of the analysis show that the first part of the notion given by some scientists regarding the flora and its protection is approached from a legal point of view, while the second part depicts a purely biological notion. The definition given by foreign scientists who have supported the modern ecological notion and national scientists who have conducted research in the last five years, it can see that the protection of flora is approached from the point of view of territory and purpose. The definitions given by the scientists of the CIS, it is depicted that the flora is described in relation to the notion of forest and in comparison

with it. It is justified that the definitions of Western European scientists are depicted in terms of the absolute protection of the state.

Therefore, the dissertator examines four elements in the legal approach to the notion of plant: put forward the point of view that it requires an approach in terms of aim, function, territory and status.

In order to improve the national legislation in the dissertation, the definitions of notions such as “plant”, “objects of flora”, “protection of flora”, “use of flora”, “basic principles of protection and use of flora” have been developed and it is proposed that to amend the normative legal acts.

In addition, it is analyzed that the legal basis of different periods, ancient sources and important aspects of the development of the protection and use of plants in the earliest, earliest periods of human civilization have been described from a legal point of view.

It depicts that the analysis of the historical development of the right to protect and use the flora and existing ecological notions in the process of research, **the processes of “renaissance” in environmental policy from 2017 to the present period as a stage of modernization** in which some elements of the naturalistic notion representing a radical change in the legislation in the sphere of legal issues of regulation of the protection and use of flora are depicted

According to the historical-progressive stages by the dissertator based on the characteristics of this or that period, various ecological notions developed by theoretical scientists and futurists were discussed, some theoretical notions were critically analyzed and important approaches and ideas were presented by author. It was depicted that the elements of the “notion of consumerism” were manifested in the normative legal acts concerning the flora adopted in the Republic of Uzbekistan until 2016, forming the environmental policy of the Republic of Uzbekistan in the sphere of protection and use of flora based on the rules of the “Sustainable Development Concept”, the application of the modern notion of “green economy” to the Republic of Uzbekistan, the recognition and expansion of the flora as an object of protection, the legal status of the forest in this regard, the existence of the issue of defining this legal relation as one or a separate legal object. It was analyzed that inculcating the EU countries (Denmark, Norway, Finland, Switzerland) fully incorporate the elements of the “naturalistic concept” into their legislation, the positive achievements achieved as a result of the emphasis on zoning of territories are depicted through their legislative system and the elements of this notion are found in the state environmental policy of the Republic of Uzbekistan. It was noted that clear example of this is the implementation of the moratorium on the use of plants or the national project of “Green Space”.

Providing of legal protection of ecologically stable environment, atmosphere, flora objects with a high impact on climate changes based on a clear ecological concept, keeping a pure ecological nature to future generations, in addition, attracting investors to areas of economic benefit to Uzbekistan, increasing tourism potential and showing the attractiveness of the state through its natural environment have been stated as priority ideas in the dissertation.

In this case, it was noted that the **model of “resources saving”** is introduced in a wide range, implied into **all normative legal acts**, initially, **the existence of the need to introduce through environmental education**, as a result, the development of ecological culture and forming it possible **to switch to the principle of “consciousness is primary, not the law that protects plants”**.

One of the conceptual aspects of the dissertation is **the understanding of the forest in the context of the protection of the flora, the fact that the forest is not an independent and separate object and the forest is also described as a natural complex with the status of a protected natural area that includes the flora and implies its concept**. Therefore, taking into account that forests in our country are mainly located in protected natural areas, 2% of the area covered by forests, 98% of the area not covered by forests, forests in these areas are protected by the legislation on protected natural areas, **it has been suggested that it is appropriate to repeal the Law “On Forests” and include its norms in the laws “On Protected Natural Areas” and “On the Protection and Use of Flora” respectively**.

The second chapter of the dissertation is entitled **“The organizational and legal problems of the right to protect and use flora”**. In this regard, the specific features of the state regulation of the right to protect and use flora, the scientific and theoretical nature of providing ecological requirements, the specific aspects of providing the right to protect rare and endangered flora, the role of the institution of civil society in the protection of flora and scientific researches have been carried out on its role.

It is analyzed in this chapter that the dissertator the legal issues related to state administration in the sphere of protection and use of flora.

Today, the state administrative bodies operating in the sphere of protection and use of the flora of our country divided into general and special authorized state bodies. The general competent state administrative bodies include the Cabinet of Ministers and local authoritative bodies. The sphere-related powers of these bodies are defined in the legal acts related to their activities and the legal acts related to the sphere of ecology.

In particular, the Law “On the Cabinet of Ministers of the Republic of Uzbekistan”, adopted in a new version on December 10, 2019, for the first time defined 5 powers of the Government in the sphere of ecology and environmental protection (Article 14). The dissertator emphasized that the expediency of supplementing the powers of the Cabinet of Ministers in the sphere of ecology and environmental protection with amendments based on the content of the current environmental policy.

In addition, it was noted that the analysis of the Law “On Local Authoritative Bodies” contains critical comments on the insufficient strengthening of the powers and responsibilities of khokimiyats and local councils for environmental protection.

In particular, it is proposed that in the Article 24 of the Law as powers of the Council of People’s Deputies “the expediency of including quarterly hearings of ecological and environmental protection bodies' reports on environmental protection in the area and the state of implementation of the national project “Green Space””.

It should be noted that taking into account that the powers of local authorities in the sphere of ecology are considered constitutional powers, the new version of the draft Law “On Local Authoritative Bodies” is currently being developed to define the powers of local authoritative bodies by dividing them into sectors and **it is necessary to define**

separately the competences in the sphere of ecology and environmental protection.

The dissertator was depicted that protection of plants and the fragmentation of state administration in the sphere of their use and that it has a negative impact on the effectiveness of their use, analysis of special laws to protect flora indicates that the state policy regarding and depicted his independent position in solving some of problems as follows:

The Decree of the President of the Republic of Uzbekistan “On measures for the implementation of new Uzbekistan administrative reforms” on December 21, 2022, No. DP–269, establishment of the Ministry of Nature Resources has become importance. **However, the designation of the Ministry of Nature Resources refers only to the use of nature as a resource.** In this regard, based on advanced foreign experience, we must inculcate the policy related to environmental protection in the name of the ministry. In addition, it is appropriate to include the State Committee for Forestry and the Ministry of Water Resources in this ministry system, as well as to establish **the Ministry of Ecology and Environmental Protection**, which provides unified, centralized state administration in the sphere of ecology.

This ministry allows to unify the scattered administration in the sphere of ecology and to act effectively. It served that being the only specially authorized state body on environmental issues, prevention of duplicate tasks and functions of several state bodies and effective implementation of state environmental policy. This kind of state bodies in France (Ministry of Ecology, Sustainable Development, Transport and Housing), Germany (Ministry of Environmental Protection, Nuclear Safety and Consumer Protection), Azerbaijan (Ministry of Ecology and Natural Resources), Turkey (Ministry of Nature Resources and Energy), Japan (Ministry of Environment), Korea (Ministry of Environmental Protection), Kazakhstan (Ministry of Ecology, Geology and Natural Resources), Russian Federation (Ministry of Nature Resources and Ecology), Belarus (Ministry of Nature Resources and Environmental Protection), Ukraine (Ministry of Environmental Protection and Natural Resources), Armenia (Ministry of Environment), Kyrgyzstan (Ministry of Natural Resources, Ecology and Technical Control) have been launched in many foreign countries.

The author depicted that the scientific-theoretical considerations of the protection of flora and the provision of environmental requirements for the right to use it in this dissertation. In particular, it is stated that the protection of the flora consists of a system of legal, organizational, economic, technological and other activities aimed at preserving biological diversity, rational use of natural plant resources and protection from harmful anthropogenic influences.

According to the research, the analysis of environmental legislation was carried out, the Law “On Nature Protection” in the system of legal acts and “On the Protection and Use of flora” (new version) has a special place, however, it has been proven that the inconsistency of some norms in these laws leads to difficulties in the sphere of law enforcement. Therefore, in order to harmonize the norms, it is proposed that it is appropriate to state it in a new version Article 21 of the Law “On Nature Protection” (**“Main requirements for the use of objects of flora and fauna”**) and Article 26 of

the Law “On the Protection and Use of flora” (new version) (**“Basic requirements for the use of flora”**).

It is legally analyzed that the mechanism of the right of citizens (public associations formed by them) to carry out activities on the protection of the flora is not sufficiently revealed in these Laws.

The dissertator stated that the need to improve the administration mechanism, giving practical suggestions as follows: “In order to coordinate the activities of specially authorized state bodies in the sphere of state environmental control, coordinating council consisting of their representatives shall be established under the Ministry of Nature Resources. The effectiveness of this coordinating council in law enforcement practice is insufficient. In particular, taking into account the fact that the state ecological control in the sphere of the protection and use of flora and fauna is carried out by the Ministry of Agriculture, the State Committee for Forestry and local authoritative bodies, in addition, the Ministry of Nature Resources, improving the status of the coordinating council, as well as, it is proposed to establish it as a council coordinating the activities of specially authorized state bodies in the sphere of State environmental control under the Cabinet of Ministers. In this case, the role of the chairman of the coordinating council is entrusted to the minister of natural resources. It is advisable to determine that the coordination council meets as necessary, but at least once a month, the results of state environmental control are discussed at the meeting and proposals are made to eliminate identified deficiencies”.

It is stated that the importance of the Institute of Environmental Expertise in the protection of flora and some comments are made in this dissertation. In particular, the list of activities to be carried out by the State ecological expertise approved by the Resolution of the Cabinet of Ministers No. 541, on September 7, 2020, it is specified in Article 29 of the Law “On Protection and Use of Flora” projects that need to undergo state ecological expertise related to the protection and use of flora are not provided for. Taking into account this, **it is stated that it is expedient to include a corresponding addition to this list in order to harmonize the list of activities to be carried out by the State ecological expertise with the Law “On the Protection and Use of Flora”**

The **state cadastre** of flora objects is maintained by the Ministry of Nature Resources together with the Academy of Sciences in order to provide the protection and rational use of flora.

In this matter, the dissertator emphasizes that **the need to introduce a unified electronic system of natural resources cadastres** as an intersectoral information system for all natural resources based on advanced foreign experience. In this case, the single electronic system of natural resources cadastres is maintained for all natural resources - land, water, forest, subsoil, atmospheric air, flora and fauna, location of natural objects in this system (geographic indicators, administrative-territorial affiliation and other information), their economic status (who owns it, based on which act, for how long it has been used, etc.), have been explained the need to include information on the amount, statistical reports and other necessary information.

Another of the measures for the protection of the objects of the flora is the **monitoring of the flora**. It should be noted that the notion of “state monitoring of the natural environment” is given a slightly different definition in section 2 of the

regulation on state monitoring of the natural environment in the Republic of Uzbekistan. In particular, if we compare the Law and the Regulation, the Law defines monitoring as “observation, identification, assessment and forecasting”, and the Regulation defines it as “a system for monitoring the state of natural resources and changes in it”.

In general, researching other acts related to natural resource monitoring, we can see that monitoring is given different definitions, for instance: the notions “the information system consisting of regular observations of identification, assessment and forecast changes”, “observation, information gathering, collection, processing, analysis, estimation, forecasting of changes”, “the monitoring system for identifying changes, assessment them, preventing negative processes and ending their consequences”. According to the dissertator, it is appropriate that in order to provide a unified approach in this regard, systematization of all acts related to the monitoring of natural resources into a single act and **development and adoption of a separate legal act on natural resources monitoring**.

The dissertator depicted its legal status that the rare and endangered flora occupies a special and important place in the flora. Therefore, the author classifies the objects of the rare and endangered flora as follows: **species on the verge of extinction** – plant species that have not been found in nature for several years and are likely to survive only in certain difficult to harvest places or under cultural conditions; **Endangered species** – species that are in danger of extinction and require special protection for their preservation; **rare species** – rare plant species that are preserved in specific conditions under specific conditions, have a special value among the objects of the flora and can quickly disappear; **disappearing species** – species whose numbers and distribution areas have been decreasing over a period of time due to natural causes or under the influence of humans and they require comprehensive control.

In addition, it recognizes that the importance of legal measures in the protection of rare and endangered species of flora as follows:

- 1) developing the rules and norms for the protection, use and reproduction of plant objects in accordance with the requirements of the times;
- 2) creating the natural areas with special protection of plant distribution area or growth conditions included in the Red Book of the Republic of Uzbekistan;
- 3) restricting and prohibiting the use of flora objects;
- 4) strengthening state and public control and expertise, improving the mechanism of applying legal liability measures against offenders;
- 5) launching scientific-research, educational-cultural, educational-methodological works at the level of demand and popularize positive results.

This is an important type of ecological control in the protection of flora, which requires special attention in the dissertation – special emphasis is on **public environmental control**. It was depicted that in the last 2-3 years in our society information such as “moratorium”, “illegal logging”, “damage for a cut tree has been compensated” is spreading very quickly through social networks, expressing our citizens clearly their positions on issues related to the protection or use of flora, measures are being taken in accordance with the procedure specified in the normative legal acts regarding the identified cases. It is explained that public control in these

processes, in particular, the acceleration of public environmental control institute, creating an opportunity to analyze from a scientific and legal point of view.

Taking this into account, it is appropriate to further expand and strengthen the opportunity of public environmental control by the researcher, in particular, **it is reconsidered that the model regulation on the procedure for the implementation of public environmental control and suggested that it should be accepted as a regulation rather than a model regulation.** It was stated that the provisions of this draft act should be explained in detail, procedures for the implementation of each form of public environmental control, rights and obligations of citizens, public associations, non-governmental non-commercial organizations and representatives of self-government bodies of citizens carrying out public environmental control, the official making a decision on an environmental issue must conduct a public discussion before making a decision.

The third chapter of the dissertation is entitled “**The mechanisms of legal provision of the use of flora**”, in which the dissertator researched that **the environmental and legal description of the property rights and types of use of the flora objects, the legal status of the users of the flora objects and the issues related to the legal provision of the basic requirements for the use of the flora.**

In this chapter, it is stated that due to the reforms carried out in Uzbekistan in recent years, the list of objects that can be owned by citizens and legal entities on the **basis of private property is significantly expanding** and flora objects are also among them.

According to dissertator, when the new version of the Law “On Protection and Use of flora” is adopted, article 4 of it provides that, in addition to the fact that plants growing wild in the natural environment are the property of the state, floras grown in artificially created conditions can be the property of a legal entity or an individual, that is, it is legally proven that the new version of the Law recognizes the institution of private property rights in relation to floras.

In particular, not all floras grown in artificially created conditions are objects of private property rights and for this reason, the new version of the Law does not specify an imperative norm and the legal and physical ownership of such plants is limited to the definition of the dispositive rule that “can be”.

Based on this, the fourth paragraph of Article 32 of the Law “On Protection and Use of Flora” (new version) is proposed to be supplemented with concept as follows: “has property rights to floras **grown in artificially created conditions** and the products of their living activities on the grounds and **in the manner established by legislation**”.

The dissertator classified that the ecological requirements for the use of flora objects, highlighting specific features as follows:

Firstly, the environmental requirements are determined the mandatory rules for the protection of the environment and the use of natural resources;

Secondly, the environmental requirements are determined not only in environmental legislation, but also in other legislation and thus acquires the character of inter-sectoral, comprehensiveness;

Thirdly, the environmental requirements are a prerequisite for the exercise of the right to use natural resources and failure to comply with them may serve as a basis for the restriction or cancellation of the right to use;

Fourthly, the environmental requirements are reflected in the current legislation as technical, physical, chemical, biological, acoustic, technological, hydrological and other preventive norms;

Fifthly, the environmental requirements are imposed obligations on users of nature and specially authorized state bodies to maintain and improve the condition of flora and fauna, restoration, reproduction.

In addition, in the Article 37 of the Law “On the Protection and Use of Flora” stipulates that it is allowed to cut down trees and bushes that are not part of the state forest fund in connection with the construction and reconstruction of buildings, structures and communications. However, in the Decree of the President of the Republic of Uzbekistan “On measures to accelerate greening works in the Republic, more effective organization of tree protection” on December 30, 2021, No. DP-46, the moratorium on the cutting of valuable varieties of trees and shrubs that are not part of the state forest fund has been extended indefinitely. In this regard, in the Article 37 of the Law “On the Protection and Use of flora”, it is appropriate to specify the rule that it is not allowed to cut down trees and bushes in connection with the construction and reconstruction of buildings, structures and communications.

The Law of “On the Protection and Use of Flora” stipulates that “objects of flora can provide for permanent or temporary (long-term and short-term) use”. However, it is indicated that the analysis of the current legislation depicts that the procedure for permanent and temporary use of flora, including the duration of long-term and short-term use has not been regulated.

According to the the analysis of Article 33 of the Law “On the Protection and Use of Flora” the use of objects of flora for the needs of hunting and (or) fishing, carrying out scientific and control work on plant objects, using for cultural-educational, educational, health, recreational and aesthetic or conservation purposes, as well as, concluding that use for the creation and replenishment of botanical collections may be indefinite.

According to the dissertator, in order to eliminate this gap in legislation and to provide rational and efficient use of flora objects, complete the Article 30¹ (Permanent or temporary use of flora objects) to the Law “On Protection and Use of Flora”.

It should be noted that the classification of ecological requirements for the use of flora is also of great theoretical importance. For this reason, the dissertator states that it is appropriate to **classify environmental requirements** as follows: 1) according to legal nature – ecological requirements for the use of natural resources; environmental requirements for the protection of the natural environment; 2) by nature – general environmental requirements (environmental requirements for all natural objects); special environmental requirements (specific environmental requirements determined for the use of each natural resource); 3) according to the content, ecological requirements – ecological requirements of technical importance; environmental requirements related to environmental impact; 4) according to the form, environmental requirements – environmental requirements specified in the norms of the law and

normative legal acts under the law; environmental standards; limits, quotas; environmental standards; 5) according to its subjects, environmental requirements - environmental requirements established for general users of nature; environmental requirements for special users of nature; 6) according to the importance for the user of natural resources – positive environmental requirements that provide for the performance of certain actions; negative environmental requirements prohibiting certain actions.

The fourth chapter of the dissertation is entitled **“The issues of legal liability as a means of providing the right to protect and use the flora”**.

Based on the research, violations in the sphere of protection and use of flora are classified into four types, as well as, violations in the sphere of ecology. Also, it gives scientific-theoretical opinions in each section of offenses.

In addition, the dissertator states that administrative offenses in the sphere of protection and use of flora can classify into two types as follows:

The first is “Direct administrative offense” – offenses such as collecting of plants included in the Red Book of administrative offenses directly related to flora objects, violating of the rules of transportation, storage and use of plant protection products and other drugs, illegal importing of animals or plants that are considered harmful to the conservation of species of animals and plants included in the Red Book;

The second is “Indirect administrative offense” – it is possible to include other administrative offenses related to objects of flora.

It is known that in the paragraph 2 of the Decree of the President of the Republic of Uzbekistan “On measures to accelerate greening works in the Republic and more effectively organize tree protection” on December 30, 2021, No. DP–46, it is provided that the amount of administrative fines for offenders for cutting valuable varieties of trees and shrubs that are not part of the state forest fund shall be increased by five times.

In addition, in the Article 1 of the Code of Administrative Liability, the Decrees of the President of the Republic of Uzbekistan are included in the legislation on administrative liability. According to the dissertator, there are misunderstandings in the application of the norms of this Decree by the courts in the law enforcement practice. Because, According to the Code of Administrative Liability, the courts cannot impose a higher penalty than the penalty established by this Code.

In this regard, taking into account that the moratorium has been introduced indefinitely, that is, in essence, a permanent restrict has been established, **in the sanction of the first and second part of Article 79 of the Code of Administrative Liability, it is proposed to increase the amount of the administrative fine by five times.**

The last chapter of the dissertation is entitled **“The international experience in the sphere of the protection and use of flora and the prospects of its use in the improvement of flora legislation in the Republic of Uzbekistan”**.

In this chapter, it is recognized that national, regional and international interests shall be harmonized in the process of economic, administration and other activities in order to achieve the goals of flora protection and international legal acts play an important role in this regard.

It is noted that in the Article 53 of the Law of the Republic of Uzbekistan “On Nature Protection” has been stated as “the international agreement concluded by the Republic of Uzbekistan stipulates different provisions than those in this Law or in another legal act of the Republic of Uzbekistan on nature protection, the provisions of the international agreement shall be applied, except for the cases where the legislation of the Republic of Uzbekistan stipulates somewhat stricter requirements”.

The Article 2 of the Law of the Republic of Uzbekistan “On Protection and Use of Flora” has been stated “If the international agreement of the Republic of Uzbekistan stipulates rules different from those stipulated in the legislation of the Republic of Uzbekistan on the protection and use of flora, the rules of the international agreement shall be applied”

The dissertator noted that it is appropriate to coordinate the norms of these two Laws, the norm stated in the Law “On Nature Protection” should be reflected in the relevant environmental legislation. In addition, considerations related to the Convention on International Trade in Endangered Species of Wild Flora and Fauna (SITES) and the national legal system were depicted.

In addition, it was proposed that the Laws “On Protected Natural Areas” and “On Forests” based on foreign experience, revision and adoption as a uniform law, in cities, regardless of its infrastructure, as in the countries of Germany, Austria, and Italy, the legal status of “nuclear zone”, “natural zone”, “A” zone is defined by law and to provide that these areas are under the sole control of government and public councils, to provide that the procedure for the use of flora and the norms of permitting nature are determined only by law, annulment of legal acts that are subjective in some environmental relations and contradict the principle of equal rights of users.

The dissertator depicted that several foreign countries: analyzing the experience of legal regulation of flora protection in China, Singapore, Germany, France, Spain, Poland, Austria, Switzerland, Norway, Australia, Lithuania, Latvia, Estonia, Russian Federation, Republic of Belarus, different models are promoted in these countries, as a result of a comparative analysis of the legislation on the protection of flora, there are three models of legal regulation in them.

The first model is to have a whole group of special laws and regulations on the protection of flora;

The second model is the significance of the special law aimed at the protection of flora and fauna based on the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES Convention);

The third model is the absence of a unified (federal) legal act regulating the protection of flora and the adoption of a large number of normative legal acts, some aspects of which are related to natural objects.

The dissertator depicted that the prospects of improving the legislation on the protection of flora and the right to use it in the Republic of Uzbekistan through the implementation of the “Plant Protection Concept of the Republic of Uzbekistan for 2023-2028” attached to the dissertation and the development of the institutions as follows:

firstly, the important measure for the protection of plants is to provide their protection by dividing them into a single area, i.e., zoning;

secondly, in order to protect flora in our country, it is necessary to fully implement the rules of the concept of sustainable development, which serves to balance the economic, social and ecological interests of society;

thirdly, the fact that today the reforms related to digitalization of environmental legal relations are mainly limited to automation and the importance of organizing the sphere based on the concept of regulating the sphere through artificial intelligence;

fourthly, fourthly, it is necessary to protect information on the environment, especially flora, from cyber threats, to provide compliance of cyber defense tools with the rules of environmental protection, therefore it is necessary to implement cyber security issues into the environmental legislation of the Republic of Uzbekistan have been proposed.

CONCLUSION

The practice of law enforcement on the legal issue for the protection and use of the flora, legal literature on the sphere, statistics and the study and analysis of legislation of foreign countries became the basis for the development of the following scientific-theoretical rules and practical proposals on the legal issues of the protection and use of the flora:

I. Scientific-theoretical conclusions:

1.1. The notion of plants was given the definition by author as follows: “trees, shrubs, herbivores, crustaceans, algae, lichens and fungi that grow in a natural environment or are grown in artificially created conditions and products that are formed as a result of their living activities”.

1.2. In the Law of “On Protection and Use of Flora” considering that the notion of “plant” is not used while the notion of “flora” and “plants growing in the wild” is used, it is appropriate to apply the notion of plant in Article 3 of this Law in the above version.

1.3. It was justified that the flora performs important social, economic and ecological functions. In this case, the plants:

a) *social function* – it is manifested that using for aesthetic, health-giving, recreational, cultural and research purposes;

b) *economic function* – it is manifested that using of hay cutting, livestock grazing, fruit preparation, cultivating of agricultural products, pharmaceuticals, hunting, sports, beekeeping and various branches of production;

c) *ecological function* – it is determined that the oxygen saturation of atmospheric air, water balance, formation of fertile soil layer, prevention of erosion and other important ecological properties.

1.4. The definition for the notion of flora protection was given by the author as follows: “creating of legal, organizational, technical, meliorative and economic measures aimed at providing their reproduction by favorable and safe conditions of the living environment, preventing the reduction or destruction of plants, limiting their negative, harmful effects on the flora, regulating the level of plant use, preventing their decline and (or) extinction, improving”.

1.5. The notion of the use of the flora was given the author's definition as follows: "in order to satisfy the environmental, economic and cultural and other needs of society in accordance with the requirements of the legislation, mastering the beneficial properties of the flora, including the activities of economic and production using the objects of the flora".

1.6. The objects of rare and endangered flora can be classified as follows: *species on the verge of extinction* – plant species that have not been found in nature for several years and are likely to be preserved only in certain places where it is difficult to harvest or under cultural conditions; *Endangered species* – species that are in danger of extinction and require special protection for preservation; *rare species* – rare plant species that are preserved in specific conditions under specific conditions, have a special value among the objects of the flora, and may quickly disappear; *declining species* – species that numbers and distribution areas are decreasing over a period of time due to natural causes or due to human influence, and they require comprehensive monitoring.

1.7. It is appropriate to classify the functions of zoning for the protection of flora as follows:

The first function – protecting of flora and fauna in the natural environment, which provides that citizens live in a clean ecological environment;

The second function – providing the security of areas in ecological threat and crisis in terms of protecting the objects of declining flora.

1.8. It is appropriate to classify environmental requirements as follows: 1) *according to legal nature* – environmental requirements related to the use of natural resources; environmental requirements for environmental protection; 2) *by nature* – general environmental requirements (environmental requirements applicable to all natural objects; special environmental requirements (separate environmental requirements determined for the use of each natural resource); 3) *by content*, environmental requirements – ecological requirements of technical importance; environmental requirements related to environmental impact; 4) *according to the form*, environmental requirements – environmental requirements defined in the norms of the law and normative legal acts under the law; environmental standards; limits, quotas; environmental standards; 5) *according to the subjects*, environmental requirements – environmental requirements established for general users of nature; environmental requirements for special users of nature; 6) *according to the importance for the user of natural resources* – positive environmental requirements that provide for the performance of certain actions; negative environmental requirements prohibiting certain actions.

1.9. According to the environmental policy of the Republic of Uzbekistan in the sphere of protection and use of flora, it was analyzed, scientific concepts and the position were expressed by author as follows:

1. There are two important directions of the protection of the flora: have concepts that are oriented to the aspects of the use of the flora and express legal doctrines.

2. The ecological policy of the Republic of Uzbekistan in the sphere of protection and use of flora is being formed based on the rules of the "Sustainable Development Concept", which depicts the elements of the "green economy concept" and the

“naturalistic concept”.

1.10. It was justified that developing 7 main principles of protection and use of flora and has been submitted in the development of Article 31 of the Law of the Republic of Uzbekistan “On Protection and Use of Flora” as follows: 7 main principles of protection and use of flora were developed and the feasibility of supplementing the Law of the Republic of Uzbekistan “On protection and use of flora” with Article 3¹ in the following version was justified:

**“Article 3¹. Basic principles for the protection and use of the
flora**

The main principles for the protection and use of the flora as follows:
maintaining the beneficial properties of the flora;
not allowing use of flora objects;
encouraging the use of the flora using rational, complex and environmentally friendly methods;
preserving biological diversity and reproducing of flora;
implementating of special use of the flora for a fee;
special protecting of rare and endangered flora objects;
public participating in measures to protect the flora”.

II. Proposals and recommendations related to the improvement of legislation of the Republic of Uzbekistan:

2.1. The list of the flora objects specified in the Law “On Protection and Use of Flora” and the Regulation of the Cabinet of Ministers No. 290, on October 20, 2014, on the issue for obtaining permission for the import and export of the objects of flora for the purpose of coordination, it was proposed that have been adopted in the development of Article 5 of the Law “On Protection and Use of Flora” as follows:

“Article 5. Objects of the flora
Flora objects include as follows:
wild-growing plants;
natural plant groups made up of wild organisms or any set of them;
fruits, seeds and other parts of wild-growing plants or products of their growth period and living activity;
rare and endangered plant species;
botanical collections”.

2.2. The Articles 35 and 35¹ of the Law of the Republic of Uzbekistan “On Water and Water Use” taking into account that the quality of their habitat is important for the development of the flora objects, the obligations of water users and water consumers “not to deteriorate the habitat quality of the flora and the fauna objects” is appropriate to define the obligation.

2.3. In the second part of Article 37 of the Law “On Protection and Use of the Flora” is entitled “Cutting of trees and bushes” has been supplemented as follows: “It is not allowed that to cut valuable species of trees and shrubs that are not part of the state forest fund”.

2.4. Taking into account that forests in our country are mainly located in protected natural areas and that forests in these areas are protected by the legislation on protected natural areas, canceling the Law “On Forests”, including its norms in the Laws “On Protected Natural Areas” and “On Protection and Use of Flora” is appropriate (The draft law is attached).

2.5. Article 14 of the Law “On the Cabinet of Ministers of the Republic of Uzbekistan”, the powers of the Cabinet of Ministers in the sphere of ecology and environmental protection should be supplemented as follows:

“providing biological diversity, protecting of the flora and the fauna, preserving of their habitat, creating of necessary conditions for regeneration and development;

protecting trees, bushes and green areas in the Republic and expanding their areas, organizing the protection of valuable trees and shrubs, as well as, providing the effective implementation of the national project “Green Space” on the scale of the Republic;

reducing the environmental burden on settlements as a result of the expansion of investment activity, industrial production, construction and urbanization”.

2.6. In the Article 24 of the Law “On Local Authoritive Bodies”, has been submitted as powers of the Council of People’s Deputies “to hear quarterly reports of environmental and environmental protection bodies on the status of environmental protection in the region and the implementation of the national project “Green Space”.

2.7. Taking into account that the powers of local authoritative bodies in the sphere of ecology are considered a constitutional authority, in the draft Law “On Local Authoritive Bodies”, which is currently being developed in a new version, it is necessary to define the powers of local authoritative bodies by dividing them into sectors, and to define separately their powers in the sphere of ecology and environmental protection.

2.8. It is proposed that in order to harmonize the Law “On Protection and Use of Flora” (new version) and “On Nature Protection”, Article 21 of the Law “On Nature Protection” should be supplemented as follows:

“Article 21. Basic requirements for the use of the flora and the fauna objects

The main requirements for the use of the flora as follows:

preserving of plant species diversity, regenerative capacity and genetic fund under natural conditions;

preserving the environment in which the flora grows;

rational using of the flora, its restoring and reproducing;

regulating the distribution and number of floras;

preventing biological pollution of the environment.

The main requirements for the use of the fauna are as follows:

preserving the species diversity of faunas and the integrity of their natural herds and species, the stability of their herds and the ability to reproduce in a state of natural freedom;

preserving of wildlife habitats, landing sites and migration routes;

rational using of faunas, their recovery and reproduction;

regulating the number of faunas.

2.9. It is proposed that Article 26 of the Law “On Protection and Use of the flora”

(new version) should be supplemented in the following version:

“Article 26. Basic requirements for the use of the flora

The main requirements for the use of the flora as follows:

preserving of plant species diversity, regenerative capacity and genetic fund under natural conditions;

preserving the environment in which the flora grows;

rational using of the flora, its restoring and reproducing;

regulating the distribution and number of floras;

preventing biological pollution of the environment”.

2.10. It is appropriate to supplement the Code of Administrative Liability with the following Article 79²:

“Article 79². Violation of prohibitions on the protection and use of flora objects

Violation of prohibitions on the protection and use of the flora and the fauna, including the operation of production facilities and the use of technologies that do not meet the requirements for the protection and use of the flora, leading to a decrease in the number of rare and endangered wild plant species or carrying out actions that may lead to the destruction of their growing environment, –

causes a fine to citizens from three to five times the amount of the basic calculation and to officials – from five to ten times”.

2.11. In Article 20 of the Law “On Environmental Control”, it is appropriate to define the legal status of planned and unplanned inspections and environmental control in the order of raids.

2.12. In order to provide compatibility between the Law “On Environmental Control” and the model regulation on the procedure for implementing environmental control of production and to strengthen the legal basis of relations in this area, it is appropriate to supplement Article 14 of the Law “On Environmental Control” the following content on filling the obligations of economic entities in the sphere of Environmental Control:

“preventing violations of the requirements of the laws on nature protection and rational use of natural resources;

providing the fulfillment of obligations in the sphere of environmental protection and rational use of natural resources, production ecological plans and programs;

informing specially authorized state bodies and citizens about the changes in the environment as a result of their activities, its forecasted state, the use of natural resources and the measures taken within the scope of their authority”.

2.13. Article 19 of the Law “On Environmental Control” should be supplemented that the organization of Environmental Services in economical administration bodies and economic entities is mandatory, the activities of which are related to the use and recovery of Natural Resources, the release and discharge of large amounts of pollutants into the environment and the placement of waste.

2.14. In order to further expand and strengthen the opportunities of public environmental control, it is necessary to fundamentally revise the model regulation on the procedure for implementation of public environmental control and adopt it as a regulation rather than a model regulation. In this new draft act, the procedures for the implementation of each form of public environmental control, the rights and

obligations of citizens, public associations, non-governmental non-commercial organizations and representatives of self-government bodies of citizens performing public environmental control and the official making a decision on an environmental issue before doing it, of course, it is necessary to explain in detail the rules about the need to conduct a public discussion.

2.15. Article 29 of the Law “On the Protection and Use of the Flora” regulates the issue of state ecological expertise in the sphere of protection and use of the flora. In our opinion, this list should also include projects related to the extraction of rare and endangered plant species from the natural environment included in the Red Book of the Republic of Uzbekistan.

2.16. In the list of activities subject to the State ecological expertise, approved by the Resolution of the Cabinet of Ministers No. 541, on September 7, 2020, the state ecological expertise related to the protection and use of the the flora specified in the Article 29 of the Law “On Protection and Use of the flora” is included projects are not provided. Taking this into account, it is appropriate to make a corresponding addition to this list in order to harmonize the list of activities subject to State environmental expertise with the Law “On Protection and Use of the flora”.

2.17. The Law of the Republic of Uzbekistan “On State Cadastres” on December 15, 2000, in addition to the above, “natural resources cadastre, mineral deposits, signs and man-made mineral derivatives, state water cadastre and state forest cadastre”. However, the role of the Ministry of Nature Resources in the implementation of these cadastres is not provided for in the act regulating the activities of the Ministry of Nature Resources of the Republic of Uzbekistan. In our opinion, the Law of the Republic of Uzbekistan “On State Cadastres” and the act regulating the activities of the Ministry of Nature Resources of the Republic of Uzbekistan should specify the coordinating role of the Ministry of Nature Resources in the implementation of the natural resources cadastre. In particular, paragraph 10 of the Regulation on the State Committee for Ecology and Environmental Protection of the Republic of Uzbekistan (currently the Ministry of Nature Resources) states that “taking into account the volumes of natural resources and their use, maintaining the state cadastre of natural resources and monitoring the state of natural resources”, as well as coordination of the activities of specially authorized state bodies in this sphere” and to strengthen the functions performed by the committee within the scope of this task.

2.18. In order to provide a unified approach, it is appropriate that to systematize all acts related to natural resources monitoring into a single act and to develop and adopt a separate legal act on natural resources monitoring. It should be noted that a separate Law “On Environmental Monitoring” was adopted in Brazil, Canada, Tajikistan, and Turkmenistan, working on the development of this law began in 2022.

2.19. Article 23 of the Law “On the Protection and Use of the Flora” is very general and superficial, it is only consists of a reference norm on the definition of the notion of monitoring and the procedure for its implementation by the Government. Currently, in order to provide the direct application of laws, we propose to revise this article of the Law and state it in the following version:

“Article 23. Flora monitoring

Flora monitoring consists of regular observations conducted in order to determine the impact of the state of the natural environment on them and to forecast the quality and quantity of flora objects in one or another region of the republic.

The Ministry of Nature Resources of the Republic of Uzbekistan implements the monitoring of the flora and the fauna objects, maintains a database of environmental monitoring and to develop the state environmental monitoring program in the Republic of Uzbekistan.

Natural plant communities and floras are the objects of the flora monitoring observations.

The periodicity of observations of natural plant communities and floras is determined at least once a year, depending on the conditions and methods of monitoring”.

2.20. Although the Law “On Protected Natural Areas” stipulates that it is possible to carry out scientific research activities in the territory of state reserves, the Law does not reflect the need for such activities not to harm the natural environment, including objects of the flora. Based on this, it has been submitted in the development of the first part of Article 19 of the Law “On Protected Natural Areas” with the following content: “Scientific-research activities and environmental monitoring in state reserves shall not harm the the flora and the natural environment.”

2.21. The fourth paragraph of Article 32 of the Law “On the Protection and Use of the Flora” (new version) should be supplemented in the following version: “the property right to floras grown in artificially created conditions and the products of their living activities on the grounds and in the manner established by the law”.

2.22. Based on the establishment of the institution of private property rights in relation to objects of the flora in the Law “On Protection and Use of the Flora”, it is required to harmonize some of the above Laws with the requirements of this Law. The Article 19 of the Law of the Republic of Uzbekistan “On Ownership in the Republic of Uzbekistan”, Article 5 of the Law “On Nature Protection” and Article 169 of the Civil Code, it is appropriate to specify the rule that certain natural resources can be owned by legal entities and individuals.

2.23. The Law “On Licensing, Permitting and Notification Procedures” also provides for the issuance of a permit by the territorial units of the Ministry of Nature Resources of the Republic of Karakalpakstan, regions and Tashkent city for mowing hay and grazing livestock on reserve lands not included in the state forest fund. Taking into account, it is necessary to amend Article 34 of the Law “On the Protection and Use of Flora” on the issue of a permit, rather than a decision, by the territorial divisions of the Ministry of Nature Resources of the Republic of Karakalpakstan, regions and the city of Tashkent.

2.24. The Law “On the protection and use of the flora” provides for the implementation of permit procedures by the State Forestry Committee and local state authorities. Taking this into account, the laws “On the protection and use of the flora” and “On licensing, permitting and notification procedures” should be coordinated.

2.25. Article 37 of the Law “On the Protection and Use of the Flora” stipulates that it is allowed to cut down trees and bushes that are not part of the state forest fund in connection with the construction and reconstruction of buildings, structures and

communications. However, with the Decree of the President of the Republic of Uzbekistan “On measures to accelerate greening works in the Republic, more effective organization of tree protection” on December 30, 2021, No. DP-46, the moratorium on the cutting of valuable varieties of trees and shrubs that are not part of the state forest fund has been extended indefinitely. In this regard, in the Article 37 of the Law “On the Protection and Use of the Flora” it is appropriate to establish the rule that it is not allowed to cut down trees and bushes in connection with the construction and reconstruction of buildings, structures and communications.

2.26. In order to eliminate the gap in the legislation and to provide rational and efficient use of flora objects, it is appropriate to supplement the Law with the following Article 30¹, removing the sixth part from Article 30 of the Law “On the Protection and Use of Flora”:

“Article 30¹. Permanent or temporary use of flora objects

Flora objects shall give for permanent or temporary (long-term and short-term) use.

The use of flora objects without an expiration date is a continuous use.

The types of use of the flora objects provided for in the fourth, ninth - eleventh and fourteenth paragraphs of Article 33 of this Law shall be granted for permanent or temporary use.

The period of temporary use of flora objects should not be less than a year and not exceed forty-nine years.

Other types of the use of objects of the flora than those provided for in the third paragraph of this article are carried out only on the basis of the right to temporary use.

When the flora is given temporary use, an act with a permissive nature that is given for special use of the flora will indicate the duration of its use”.

2.27. It was justified that the need to eliminate inconsistencies between the Law “On Protection and Use of the flora” and the Decree of the Cabinet of Ministers No. 290, on October 20, 2014, the procedure for passing permission procedures for import and export of the flora objects. The main reason for this is that the Regulation was developed based on the old version of the Law “On Protection and Use of the flora” and Article 7 of the old version of the Law also provided for 11 types of use of the flora. Taking into account that the Law was adopted in a new version on September 21, 2016, improving the Regulation on the procedure for passing the authorization procedures for the import and export of the flora objects, approved by the Cabinet of Ministers of Resolution No. 290, on October 20, 2014, in particular, it’s the paragraph 4 of Article 33 of the newly revised Law, it is necessary to make appropriate amendment and additions.

2.28. Article 25 of the Law “On the Protection and Use of the Flora” is in the following version:

“Article 25. Encouraging the protection of the flora and its rational use

In accordance with the law, legal entities and individuals who provide the protection and rational use of the flora, as well as the protection and improvement of the environment in which it grows, may be given priority in receiving tax benefits, as well as state orders.

Legal entities and individuals who provide the protection and rational use of the flora, as well as the protection and improvement of the environment in which it grows, may be given tax benefits”.

It is proposed that to include the Article 32 of the Law “On Protection and Use of the Flora” as obligations of users of the flora objects as follows:

“issuancing of a permit for the special use of flora objects in accordance with the procedure established by law;

not allowing violation of the rights and legal interests of users of other flora objects, as well as damage to other natural resources and the environment;

keeping accounts of the flora objects when separating them from the natural environment, as well as to submit a report in accordance with the procedure established by law;

introducing the representatives of the bodies exercising state control over the protection and use of the flora and the fauna objects to their objects in the prescribed manner and to provide them with the necessary information”.

2.30. In order to harmonize the Law “On the Protection and Use of Flora” with the Law “On Licensing, Permitting and Notification Procedures”, as well as to eliminate some legal gaps in the Law “On Protection and Use of Flora” it is proposed to supplement Article 47 as follows:

“Article 47. Suspension and cancellation of the right to special use of the flora objects

In order to provide the protection of the flora, the right to special use of the flora objects may be suspended or revoked.

The right to special use of the flora objects may be suspended in the following cases:

the requirements and conditions for permission by the user of the flora objects have been violated;

non-fulfillment of the decision of the specially authorized state body by the users of the the flora objects, which imposes on him the obligation to eliminate the identified violations.

suspension of the right to special use of the flora objects for a period of up to ten days is carried out by a specially authorized state body, and for a period of more than ten days, but not more than six months - by the court.

The right to special use of the flora objects can be canceled on the basis of:

when applying for the cancellation of an act with the nature of permission of the user of flora objects;

when the legal capacity of a natural person granted the right of special use is limited according to the established procedure, when he is declared incompetent or when he dies, when the certificate of state registration of an individual entrepreneur is terminated, or when a legal entity is terminated;

when the user of flora objects does not eliminate the circumstances that led to the suspension of the validity of the permit act within the period set by the competent body or the court;

when the fact that the authorization act was obtained using forged acts or the illegality of the decision to issue such an act is determined;

when the legislation on the protection and use of the flora is violated;
when the requirements and conditions of the permit are regularly (twice or more during a year) or once grossly violated by the user of the flora objects;
when the specified period of use of the object of the flora has passed or there is no need to use it or it is abandoned;
when the plots of land where the the flora object is located are taken for public needs;
when there is a threat of irreversible changes and deterioration of conditions for the living activity of the the flora, when the the flora is destroyed or other harmful effects are shown to it.

The right to special use of the flora objects shall be suspended or revoked in accordance with the law.”

2.31. The legislation sets general requirements and does not specify permit requirements related to the use of the flora. However, the licensing (permitting) passport is attached to the acts on the licensing (permitting) procedure of various types of activities adopted in recent years and the requirements and conditions of the license (permit) are clearly indicated in it. By setting different requirements for licensing (permitting) this type of activity, it prevents divergent application of law enforcement practices, provides that the "rules of the game" are clear and simple for all, and prevents corruption. In this regard, it is necessary to include in the regulation on the procedure for passing permission procedures in the import and alienation of flora objects approved by the decree of the Cabinet of Ministers No. 290, on October 20, 2014, separate applications called permit passports for special use of flora objects in each type of special use of the plant.

2.32. The section 2 of the Decree of the President of the Republic of Uzbekistan “On measures to accelerate greening work in the Republic, more effective organization of tree protection” on December 30, 2021 DP-46 provides for the application of administrative fines for offenders for cutting valuable varieties of trees and shrubs that are not part of the State Forest Fund. In the practice of applying the law, misunderstandings arise in the application of the norms of this Decree by the courts. Because, in accordance with the Code of Administrative Liability, the courts cannot impose a higher penalty than the one specified in this Code. In this regard, taking into account that the moratorium has been introduced indefinitely, that is, a permanent ban has been established, the amount of the administrative fine should be increased by five times under the sanction of the first and second part of Article 79 of the Code of Administrative Liability.

2.33. Article 201 of the Criminal Code establishes criminal liability for violating the rules of dealing with harmful chemicals. In particular, it stipulates that the violation of the rules of dealing with chemical agents, mineral fertilizers, growth biostimulators or other chemical drugs in the economic activity causes serious consequences in the form of “mass disease of people, extinction of animals, poultry or fish”. In our opinion, violation of the rules of dealing with harmful chemicals can cause the destruction of not only animals, but also plants. Taking this into account, it is appropriate to replace the words “animals, birds or fish” in the disposition of Article 201 of the Criminal Code with the words “animals, birds, fish or floras”.

2.34. The need to supplement the Criminal Code with the following norm establishing criminal liability for “knowingly buying, storing, transporting or processing objects of wildlife or illegally collected the flora found (hunted, captured) by criminal means” was justified:

“Article 202². Knowingly buying, storing, transporting or processing objects of the fauna or illegally collected flora, where the crime was found (hunted, caught)

Knowingly buying, storing, transporting or processing objects of wildlife found (hunted, caught) by criminal means or objects of the flora collected illegally, as well as objects of wildlife caught (hunted) illegally or objects of the flora collected in large quantities, including, illegal realization using the Internet shall be punished by a fine in the amount of one hundred to two hundred times the amount of the base calculation, or by compulsory community service for up to three hundred hours, or correctional work for up to two years.

2.35. The need to supplement the Criminal Code with the following norm defining criminal liability for “destruction of the habitat of animal and plant species included in the Red Book of the Republic of Uzbekistan” was justified:

“Article 202³. Destruction of habitats of animal or plant species included in the Red Book of the Republic of Uzbekistan

If it causes the destruction of the habitat of animal or plant species included in the Red Book of the Republic of Uzbekistan, significant damage or the death of animal or plant species included in the Red Book of the Republic of Uzbekistan, – shall be punished by a fine in the amount of three hundred to five hundred times the base calculation amount or restriction of freedom from three to five years or deprivation of freedom from three to five years”.

2.36. In the Decree of the President of the Republic of Uzbekistan “On the State Program for the Implementation of the Action Strategy for the Five Priority Areas of the Development of the Republic of Uzbekistan in 2017-2021 in the Year of Youth Support and Public Health Promotion” on February 3, 2021, No. DP–6155, only illegally cut trees is mentioned, but the legislation also includes “damaging, destroying or destroying” objects of the flora as prohibited actions. Therefore, in the Decree, it is necessary to specify that environmental-legal liability measures, which provide for the above compensatory procedure, are applied not only to the damage caused by cutting, but also to the damage caused by damage, exposure or destruction.

2.37. In order to establish the legal basis of the Institute of environmental and legal liability and to establish at the legislative level measures for the compensation of damage to the objects of the flora and their restoration, we propose to state Article 49 of the Law “On the Protection and Use of the Flora” of the Republic of Uzbekistan as follows:

“Article 49. Compensate for damage to flora objects

Legal entities and individuals must compensate for the damage caused due to the violation of the legislation on the protection and use of the flora in accordance with the procedure established by law.

Legal entities and individuals are legally obliged to plant large-sized seedlings and care for them for at least two years, no less than 10 bushes of pruning in terms of their

value in the form of compensation for each cut tree and shrubs, except in the case provided for in part three of Article 37 of this law.

Legal entities and individuals are obliged to plant 100 saplings for trees and shrubs that have been illegally cut down or destroyed in another manner, with the condition of maintenance for three years.

Non-observance of obligations of legal and natural persons to plant saplings and care for cut trees and shrubs is a cause of legal liability.

“Compensation of damages does not absolve the guilty parties from liability under the law.”

III. Proposals and recommendations regarding the improvement of the legal practice related to the legal issue for the protection and use of the flora:

3.8. The Ministry of Nature Resources should include the State Committee for Forestry and the Ministry of Water Resources, and establish a single, centralized state administration in the sphere of ecology, the Ministry of Ecology and Environmental Protection. Because the name Ministry of Nature Resources only implies the use of nature as a resource. In this regard, based on advanced foreign experience, we must inculcate the policy related to environmental protection in the name of the ministry.

3.9. Taking into account the fact that at present, environmental problems are increasing, causing serious and reasonable public concerns, and the issue of environmental safety is increasingly being discussed at the level of public policy, as well as the importance of the active participation of the president of the Republic of Uzbekistan in this process, it is proposed to establish a council for the support of Ecology, Environmental Protection. This council would have served to effectively implement state environmental policy by carrying out tasks such as coordinating work on Ecology, Environmental Protection, Environmental Security, introducing proposals and recommendations to the head of state, supporting environmental initiatives, studying advanced foreign experience in this direction.

3.10. Taking into account that ecology and environmental issues are becoming increasingly important, it is appropriate to introduce a separate position of Deputy Prime Minister for this issue in the Government. Having a separate Deputy Prime Minister for ecology and environmental protection issues will allow more attention to be paid to this issue at the level of the Government.

3.11. In order to solve the tasks of legal protection of the world of plants, it is necessary to use the concept of sustainable development, which balances the economic, social and ecological interests of society. In particular, it is necessary to establish a state inspectorate for the protection, use and reproduction of the flora within the system of the Ministry of Nature Resources.

3.12. Taking into account the fact that state environmental control in the sphere of Protection and use of flora objects is carried out in addition to the Ministry of Nature Resources, by the Ministry of Agriculture, the State Committee for Forestry, local authoritative bodies, it is proposed to improve the status of the Coordinating Council, in particular, to establish it as a council coordinating the activities. In this case, the role of the chairman of the coordinating council is entrusted to the Minister of Nature Resources. It is appropriate to determine that the coordinating council meets as

necessary, but at least once a month, and the results of state environmental control are discussed at the meeting and proposals are made to eliminate the identified deficiencies.

3.13. On the basis of advanced foreign experience, it is necessary to introduce a unified electronic system of natural resources cadastres as an intersectoral information system for all natural resources in the future. The unified electronic system of natural resource cadastres is used to manage all natural resources - land, water, forest, subsoil, atmospheric air, the flora and the animal world, the location of natural objects in this system (geographic indicators, administrative-territorial affiliation and other information), their economic status (to whom it belongs, on the basis of which act, for how long, etc.), information on the amount, statistical reports and other necessary information must be entered.

3.14. It would be appropriate if the Ministry of Nature Resources issues reports on the state of the local environment in local areas. This, in turn, served to provide the interested authorities and the population of the area with accurate information about the ecological status of the area, natural resource reserves and rare and endangered the flora.

3.8. It is necessary to amend the Code of Administrative Liability of the Republic of Uzbekistan and strengthen liability for the illegal cutting, damage and destruction of flora objects, violation of fire safety requirements in forests and other objects of the flora.

**НАУЧНЫЙ СОВЕТ DSc.07/30.12.2019.Yu.22.01 ПО ПРИСУЖДЕНИЮ
УЧЁНЫХ СТЕПЕНЕЙ ПРИ ТАШКЕНТСКОМ ГОСУДАРСТВЕННОМ
ЮРИДИЧЕСКОМ УНИВЕРСИТЕТЕ**

**ТАШКЕНТСКИЙ ГОСУДАРСТВЕННЫЙ ЮРИДИЧЕСКИЙ
УНИВЕРСИТЕТ**

МАХКАМОВ ДУРБЕК НЕМАТОВИЧ

**ПРАВОВЫЕ ВОПРОСЫ РЕГУЛИРОВАНИЯ ОХРАНЫ И
ИСПОЛЬЗОВАНИЯ РАСТИТЕЛЬНОГО МИРА**

12.00.06. – Право природных ресурсов. Аграрное право. Экологическое право

АВТОРЕФЕРАТ

диссертации доктора юридических наук (DSc)

Ташкент – 2023

Тема докторский диссертации (DSc) зарегистрирована Высшей аттестационной комиссией при Министерстве высшего образования, науки и инноваций под номером B2020.4.DSc/Yu144.

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Ведущая организация:

**Центр повышения квалификации юристов
при Министерстве юстиции**

Защита диссертации состоится 27 мая 2023 года в 10:00 часов на заседании Научного совета DSc.07/30.12.2019.Yu.22.01 при Ташкентском государственном юридическом университете (Адрес: 100047, г. Ташкент, ул. Сайилгох, 35. Тел.: (99871) 233-66-36; факс: (99871) 233-37-48, e-mail: info@tsul.uz).

С диссертацией можно ознакомиться в Информационно-ресурсном центре Ташкентского государственного юридического университета (зарегистрирована за № 1147). (Адрес: 100047, г. Ташкент, ул. А.Темура, 13. Тел.: (998) 71-233-66-36).

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ВВЕДЕНИЕ (Аннотация докторской диссертации)

Целью исследования является разработка выводов и предложений по совершенствованию законодательства на основе анализа проблем правового регулирования охраны растительного мира и его использования.

Объектом исследования являются эколого-правовые отношения, связанные с правовыми вопросами регулирования охраны и использования растительного мира.

Научная новизна исследования состоит в следующем:

обоснована необходимость охраны растительного мира путем установления механизма отправки фото или видео фактов незаконного нанесения ущерба растительному миру, в частности, усиления общественного контроля по борьбе с незаконными вырубками;

обосновано установление дополнительных мер по охране среды, в которой произрастают объекты растительного мира, путем четкого определения в законодательстве обязанности водителей не наносить ущерб объектам растительного мира;

обоснована необходимость охраны редких и находящихся под угрозой исчезновения дикорастущих видов растений, определения правового статуса ботанических садов, изоляции в законодательном порядке редких и находящихся под угрозой исчезновения дикорастущих видов растений от их естественной среды;

обоснована необходимость установления особого правового режима охраны редких и исчезающих объектов растительного мира при использовании особо охраняемых природных территорий в хозяйственных целях;

обоснована необходимость разработки нормативно-правовой базы для систематизации данных мониторинга объектов растительного мира и правового обеспечения механизма ведения государственного кадастра объектов растительного мира;

обоснована необходимость усиления в законодательстве функций государственных органов по контролю за использованием объектов растительного мира и совершенствованию порядка использования объектов растительного мира, занесенных в «Красную книгу», и правового обеспечения разрешительного механизма их использования.

Внедрение результатов исследования. Результаты исследования были использованы следующим образом:

предложения по установлению механизма направления фото или видеоматериалов о незаконном причинении вреда животному и растительному миру учтены при разработке пункта 15 Положения о порядке приема и рассмотрения фото и (или) видеозаписей правонарушений, зафиксированных физическими и юридическими лицами поощрение лиц, утвержденного Приложением 1 к Постановлению Кабинета Министров от 7 апреля 2022 года № 165 «О мерах по введению государственного экологического контроля и современных механизмов

контроля в области охраны и использования объектов материального культурного наследия» (справка Управления юридического обеспечения Кабинета Министров Республики Узбекистан от 3 августа 2022 года № 12/21-50). Внедрение этого предложения послужило организации качественного исполнения нормативно-правовых актов в сфере охраны растительного мира и эффективной борьбе с нарушениями в этой сфере;

предложение о том, чтобы водители не повреждали объекты растительного мира, учтено при разработке пункта 125 Правил дорожного движения, утвержденных постановлением Кабинета Министров от 14 апреля 2022 года № 172 (справка Управления юридического обеспечения Кабинета Министров Республики Узбекистан от 3 августа 2022 года № 12/21-50). Внедрение данного предложения послужило укреплению организационно-правовой базы сохранения ареалов растительного мира и охране растительности, произрастающей вдоль дорог;

предложения по закреплению правового статуса природных территорий, в том числе ботанических садов, и изоляции редких и находящихся под угрозой исчезновения дикорастущих видов растений от их естественной среды в целях охраны растительного мира учтено при разработке статей 18 и 31 Закона Республики Узбекистан «Об охране и использовании растительного мира» (справка Законодательной палаты Олий Мажлиса Республики Узбекистан от 4 ноября 2016 года № 04/4-04-189/2). Внедрение этого предложения служило популяризации знаний по сохранению генофонда флоры, изучению редких видов растений в искусственно созданных условиях, адаптации их к климату, размножению, проведению научно-просветительской работы, охране и использованию флоры;

предложение об установлении особого правового режима охраны редких и исчезающих объектов растительного мира при использовании особо охраняемых природных территорий в хозяйственных целях учтено при разработке раздела 9 Положения об особо охраняемых природных территориях, утвержденного Постановлением Кабинета Министров от 5 мая 2021 г. № 282 (справка Управления юридического обеспечения Кабинета Министров Республики Узбекистан от 9 декабря 2021 года № 12/21-53). В результате внедрения предложений определены задачи охраны земельных участков с целью ограничения или запрета деятельности, оказывающей негативное влияние на сохранение природных территорий, охраняемых в целях защиты растительного мира;

предложение о разработке правовую основу для систематизации данных мониторинга, получаемых за объектами растительного мира, и предусмотреть механизм ведения государственного кадастра объектов растительного мира отражено в программе, утвержденной постановлением Кабинета Министров от 3 июня 2021 года № 343 «О дальнейшем совершенствовании системы оценки уровня загрязнения окружающей среды» (справка Управления юридического обеспечения Кабинета Министров Республики Узбекистан от 9 декабря 2021 года № 12/21-53). В

результате внедрения предложений было определено, что соответствующие государственные органы должны выполнять такие важные задачи, как мониторинг объектов растительного мира на основе природных экосистем, внесение данных мониторинга в Единую систему государственного кадастра;

предложения по усилению в законодательстве функций государственных органов контроля за использованием объектов растительного мира и совершенствованию порядка использования объектов растительного мира, занесенных в Красную книгу, а также по правовому обеспечению разрешительного механизма их использования учтено при разработке пункта 69 Положения о порядке использования объектов растительного мира и прохождения разрешительных процедур в сфере пользования объектами растительного мира, утвержденного постановлением Кабинета Министров от 20 октября 2014 г. № 290 (справка Управления юридического обеспечения Кабинета Министров Республики Узбекистан от 9 декабря 2021 года № 12/21-53). Внедрение данного предложения послужило обеспечению систематического осуществления государственного контроля за охраной, использованием и воспроизводством объектов растительного мира.

Структура и объем диссертации. Содержание диссертации состоит из введения, пяти глав, заключения, списка литературы и приложений. Объем диссертации составляет 256 страниц.

E'LON QILINGAN ISHLAR RO'YXATI
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