

Issues of improving the system of the prosecutor's office of the Republic of Uzbekistan based on the tasks of ensuring legality in the field of environmental protection and agriculture

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Abstract: *This article analyzes the system of prosecutor's offices of the Republic of Uzbekistan and offers suggestions for improving their structure based on the areas of activity in the field of ecology and agriculture.*

Keywords: *system management, legislation, economic and legal reform, efficiency, improvement, nature management, legal environmental protection.*

If we agree with the definition of the general concept of management as a process of targeted impact on the system (mechanical, technological, biological, social), as a result of which it is ordered, developed in accordance with the goals¹, then under the management in the field of environmental management and environmental protection it is proposed to understand the process deliberate impact through a system of regulatory legal acts ensuring nature management and environmental protection, as a result of which its rational use, protection, reproduction and (or) restoration is achieved. The legal regulation of environmental management and environmental protection in the Republic of Uzbekistan (RUz) is provided by more than 50 laws and more than 200 by-laws. Among them, the main role is played by natural resource normative legal acts: on land use; water use; subsoil use; on the use of biological diversity (plant, including forests, and wildlife), as well as acts on the protection of the environment, for example, laws "On Nature Protection", "On Environmental Control", "On Environmental Expertise", "On Air Protection" ", "On Protected Natural Areas" and others. Focusing on normative legal acts ensuring the management of use and protection, natural resources and the environment, one cannot but refer to the Decree of the President of the Republic of Uzbekistan dated February 7, 2017 No. UP-4947 "On Strategy actions for the further development of the Republic of Uzbekistan" for the period 2017-2021, which is directly related to management. The legislative process that began after the adoption of this Strategy contributed to the intensive development and improvement of the regulatory framework in the field of state and economic management in all areas, including nature management and environmental protection[1-3].

In the field of environmental management and environmental protection, much depends on what priority areas we choose in the course of the study. You can go the way of the chronological sequence of adopted regulatory legal acts, you can proceed from the main components (components) of management in this area - these are cadastres, monitoring, accounting, control, examination. You can follow the path of in-depth disclosure of the types and functions of management, as well as studies of the competence and functions of management bodies in the field of nature management and environmental protection. But it

seems that the most successful direction will be management research, based on the consideration of issues depending on the objects of nature. That is, revealing the peculiarities of land use, subsurface use, water use, biodiversity management, including the plant world, including forests, as well as wildlife and other nature objects and their protection, it seems possible to provide a comprehensive study in all or almost all of the designated areas [2].

Recognizing management as the most effective research in this area, proceeding from the objects of nature, we turn to the earth, the most important object of nature. Land relations in the Republic of Uzbekistan, including management in the field of land use and land protection, are regulated by the Constitution of the Republic of Uzbekistan, adopted on December 8, 1992, the Land Code of April 30, 1998, laws of August 28, 1998 No. 666-1 “On Land cadastre”, dated December 9, 1992 No. 754-KhP “On Nature Protection”, Decree of the President of the Republic of Uzbekistan dated July 24, 2006 No. UP-3780 “On the privatization of land occupied by buildings and structures of legal entities and citizens” and several others normative legal acts. Focusing on improving land use management and land protection, it seems important to note that in Art. 8 of the Land Code of the Republic of Uzbekistan, all lands (more precisely, the land fund of the Republic) are divided into eight categories, depending on the purpose, and the management of each category has its own specifics. Firstly, in addition to the legislative acts cited, the management of agricultural lands is carried out by the laws “On the agricultural cooperative”, “On the farm” and “On Dekhkan Farm” adopted on April 30, 1998. In addition, the management of land use and protection of agricultural land is significantly different from the management of land in the other seven categories: settlements; industry, transport, communications, defense and other purposes; environmental, recreational, recreational purposes; historical and cultural purposes; forest fund; water fund; land reserve. An important role is played by the types of management: state, departmental, production and public. The main distinguishing features of management in terms of land categories are subjects of government. The main management entities for all land categories are: Cabinet of Ministers of the Republic of Uzbekistan; The State Committee of the Republic of Uzbekistan for Land Resources, Geodesy, Cartography and the State Cadastre; local authorities, based on their competence and functions, respectively determined by the Constitution of the Republic of Uzbekistan, the Law “On the Cabinet of Ministers of the Republic of Uzbekistan”, the Land Code, the Regulation on the State Committee on Geodezcadastre, the laws “On state power in the field”; “On the bodies of self-government of citizens” and other legislative and by-laws. Management, carried out depending on the specific category of land, has a differentiated structure. For example, the management of agricultural land, in addition to these entities, is carried out by: the Ministry of Agriculture; Ministry of Water; Council of farmers, dekhkan farms and owners of personal land; public authorities of the relevant regions, districts; local government bodies of citizens. Considering that the state of the Ministry of Agriculture and Water Management in recent years did not meet modern requirements, especially in the field of introducing market relations and improving the efficiency of agricultural production, on February 13, 2018, the President of the Republic of Uzbekistan signed a resolution on the reorganization of the Ministry of Agriculture and Water Management. According to this resolution, two independent ministries were formed in Uzbekistan - the Ministry of Agriculture and the Ministry of Water Resources with specific tasks assigned to each of them [4-8].

In addition, given the specifics of agricultural production (livestock and crop production), land use management and land protection in this area needs a further in-depth differentiated approach.

Similar differentiated approaches to improving land use management and land conservation are also required in the development of crop production. For example, in the last two years, a significant reduction in sown area with a minimum percentage or yield point of soils used under cotton and cereals and yielding a low yield, allowed using modern innovative technologies to grow expensive products such as saffron on the released areas, as well as to develop gardening and viticulture [15].

An important innovation in the use of agricultural land was the Law of April 18, 2018, which introduced additions and amendments to the Law on Farming (Article 30). In particular, farming is recognized as the main subject of agricultural production in the Republic of Uzbekistan. At the level of the law, the multidisciplinary nature of farms is fixed, which, along with the production of agricultural products, is involved in the processing, storage and sale of agricultural products, industrial production, work, services and other activities not prohibited by law. The register of multidisciplinary farms is maintained by the Council of farms, dekhkan farms and owners of private land in Uzbekistan. The procedure for maintaining the register of multi-profile farms is established by the Cabinet of Ministers of the Republic of Uzbekistan [11].

In addition, in clause 15 of the Decree of the President of the Republic of Uzbekistan dated April 26, 2018 No. PP-3680 "On Additional Measures to Improve the Activities of Farmers, Dekhkan Farms and Owners of Home Gardens", it is envisaged to provide subsidies for the installation of light greenhouses, the purchase of seeds, seedlings and irrigation funds in the amount of 3 to 10 times the minimum wage on the basis of tripartite agreements and the allocation of grants for vocational training in vocational training centers, colleges and higher educational institutions, retraining and advanced training of managers and workers of farm and dekhkan farms and owners of household lands in the field agricultural technologies, horticulture, vegetable and animal husbandry, poultry farming, fish farming and beekeeping [12].

The main regulatory legal acts directly providing management in the field of subsoil use, water use and biological diversity, respectively, are the Law of December 13, 2002 No. 444-11 "On Subsoil", the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated July 13, 2017 No. 494 "On Approval of the updated Regulation on the State Committee of the Republic of Uzbekistan on geology and mineral resources and measures to stimulate workers in the geological industry ", resolution of the President of the Republic of Uzbekistan dated March 1, 2018 No. PP-3578 "On measures to radically improve the activities of the State Committee of the Republic of Uzbekistan on geology and mineral resources", Law of May 6, 1993 No. 837-KhP "On water and water use", resolution of the President of the Republic of Uzbekistan dated August 9, 2007 No. PP-683 "On Accession to International Treaties", Decree of the President of the Republic of Uzbekistan dated April 17, 2018 No. UP-5418 "On Measures for the Fundamental Improvement of the System of State Administration of Agriculture and Water Management"; 1992 Convention on Biological Diversity; Laws dated September 19, 2016 No. UP-408 "On Protection and Use of the Animal World" (in the new edition), dated September 21, 2016 No. UP-409 "On Protection and Use of the Plant World" (in the new edition), dated April 16, 2018 No. UP-475 "On the Forest" (new edition), Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated October 20, 2014 No. 290 "On the regulation of the use of biological resources and on the procedure for licensing procedures in the field of nature management" and other [14-15].

Along with the State Committee on Geology and Mineral Resources in Uzbekistan, there is a State Inspectorate for Supervision of Geological Subsoil Research, the safe conduct of work in industry, mining and the public utilities sector under the Cabinet of Ministers of

the Republic of Uzbekistan. The State Inspectorate is a public administration body specially authorized in the field of industrial and radiation safety, mining relations, carrying out state supervision of compliance by all legal and physical persons in the republic with the requirements of the legislation and regulatory technical documents on industrial and radiation safety, use and protection of mineral resources, and also other measures of state regulation in the prescribed manner. The Regulation on the State Inspectorate for the Supervision of Geological Subsoil Research, the safe conduct of work in industry, mining and the public utilities sector under the Cabinet of Ministers of the Republic of Uzbekistan was approved by resolution No. 131 of May 11, 2011 [13].

Significant innovations in the management of the use and protection of water resources are prescribed by the Decree of the President of the Republic of Uzbekistan “On measures to radically improve the system of state administration of agriculture and water management”. Paragraph 3 of this Decree defines the main tasks and activities of the Ministry of Water Resources of the Republic of Uzbekistan, in particular:

implementation of a unified policy in the field of water resources management, coordination of activities of state bodies, economic management bodies and other organizations in the field of rational use and protection of water resources, prevention and elimination of harmful effects of water;

sustainable and rational provision of territories and sectors of the economy with water resources, adoption of measures to ensure the improvement and sustainability of land reclamation conditions;

ensuring reliable functioning of the irrigation and land reclamation system, reservoirs, pumping stations and other water management and hydraulic structures, organization of protection of large and especially important water facilities;

increasing the responsibility of water users and water consumers for the careful and rational use of water resources, increasing the level of water use culture;

introduction of the achievements of science and technology, modern water-saving technologies, best practices in the water sector, innovative methods of managing the system of water management and water use, etc [6].

In order to ensure the most complete and rational use of the rich potential of the forest resources of the republic, further improve the forest management system, increase the efficiency of forest land use, introduce advanced scientific and technical achievements into the industry, modernize and strengthen the material and technical base of forestry, as well as actively attracting foreign investment and the development of eco-tourism in accordance with the Cabinet of Ministers Decree No. 530 of July 19, 2017 “On Measures to Further Improve the Forest Management System”, the State Forestry Committee of the Republic of Uzbekistan was formed. The State Committee has territorial divisions in the Republic of Karakalpakstan and regions. In addition, the State Committee of the Republic of Uzbekistan for Forestry is part of the complex of the Cabinet of Ministers of the Republic of Uzbekistan on issues of agriculture and water management, processing of agricultural products and consumer goods [3,8].

In connection with systemic reforms in management, on August 8, 2017, the President of the Republic of Uzbekistan adopted Resolution No. PP-3182 “On Priority Measures to Ensure the Accelerated Socio-Economic Development of Regions”. Based on this decision, for the first time in Uzbekistan, a completely new system of organizing the management of

socio-economic development, including nature management and environmental protection throughout the republic, was introduced. The territories of the Republic of Karakalpakstan, regions, districts, cities are divided into sectors, which are headed respectively by the chairman of the Zhokarga Kenes (parliament) of Karakalpakstan, khokims of the regions and the city of Tashkent, districts (cities), heads of territorial bodies of the prosecutor's office, internal affairs and the state tax service [6].

Sector leaders have been given authority to organize and solve the tasks of integrated socio-economic development of territories, including important problems of the population. Five tasks are assigned to the main ones, among which the fourth problem is directly related to the research topic: it is necessary to take measures for the targeted use of land allocated for dekhkan farms, household plots, the development of horticulture, animal husbandry, poultry farming, fishing, beekeeping and other activities, assistance to farmers in the organization of agricultural production. For failure to perform the designated tasks, personal responsibility of sector leaders is provided. The work of the sectors is carried out on the principle of “mahalla (municipality) - district (city) - region - republic” [4].

It should be noted that the prosecution authorities of Uzbekistan are actively involved in management processes in the field of environmental protection. The powers of the prosecution authorities in this area are enshrined in a series of legal acts that give the prosecutor a large number of tasks and functions.

Thus, the Constitution of Uzbekistan determines that the supervision of the accurate and uniform implementation of laws on the territory of Uzbekistan is carried out by the Prosecutor General of Uzbekistan and prosecutors subordinate to him. This norm applies to all subordinate legislative acts, including acts in the field of environmental protection.

At the same time, on the basis of hotel legislative acts, the prosecutor's office of Uzbekistan has more specific functions in this area. In particular, in accordance with the Decree of the President of the Republic of Uzbekistan dated 08.08.2017, local prosecutors are identified as heads of the network for the comprehensive socio-economic development of the regions. Among other things, sector leaders are entrusted with the responsibility for implementing comprehensive measures for the efficient use of the natural potential of the regions, the targeted use of land and more.

Also, in accordance with the Decree of the President of the Republic of Uzbekistan “On strengthening the role of prosecution bodies in implementing socio-economic reforms and modernizing the country, ensuring reliable protection of human rights and freedoms” dated 04/18/2017, the priority task of prosecution bodies is to ensure the targeted and rational use of natural resources , land area.

In addition, there are a number of other normative legal acts that in one way or another entrust the prosecution authorities with the task of ensuring the legality and supervision of the implementation of legislation in the field of environmental protection.

At present, several units in the system of prosecution bodies are responsible for overseeing the implementation of environmental legislation.

So, on the basis of the Decree of the President of the Republic of Uzbekistan “On measures to further improve the management system of the agrarian and food sectors” dated March 18, 2020, the posts of the Deputy Prosecutor General and prosecutors of the regions responsible for complying with the requirements of legislation in the field of agriculture were introduced in the structure of the General Prosecutor's Office and local prosecutors economy

and food security, units were established to oversee the implementation of legislation on the development of agricultural and food sectors. These units are entrusted with the tasks of assisting, among other things, in ensuring the rational use of natural resources in the field of agriculture, the widespread introduction of water-saving technologies, and the reintroduction of lands that have been withdrawn from circulation.

Also, in the structure of the prosecutor's bodies, there are units for monitoring the implementation of legislation in the social sphere, which are charged with ensuring environmental safety and environmental protection, improving environmental security, and preventing the harmful effects of waste on the health status of citizens.

It should be noted separately that the structure of the prosecutor's office of the Republic of Karakalpakstan has a separate Aral Sea environmental prosecutor's office, whose specialization is environmental activity.

A special activity will also be carried out by the Office of the General Prosecutor's Office for Supervision of Implementation of Legislation in the Field of Development of the Aydar-Arnasay Lakes System, which is entrusted with the functions of supervising the implementation of legislation on ensuring environmental safety, environmental protection and improving the ecological situation in the region, and taking measures to identify environmental offenses, their suppression and the adoption of measures against offenders.

Despite the presence of the above units, to date, there are no specialized units in the entire structure of the prosecution authorities, and the existing units are fragmented. It should be noted that to date there is also no single departmental act regulating the activities of the prosecution authorities of Uzbekistan in the field of environmental protection.

These shortcomings indicate the need for further improvement of the structure of the prosecution authorities of Uzbekistan.

Based on the analysis, we can conclude that the effectiveness of environmental management and environmental protection in Uzbekistan will depend on: the availability of highly qualified specialists at all levels of management who are able to correctly understand and fulfill the tasks assigned to them; an in-depth, differentiated approach to managing the use and protection of individual nature objects (land, subsoil, water, flora and fauna, etc.) with the possibility of coordinating these activities in a single republican center under the Cabinet of Ministers of the Republic of Uzbekistan; the use of world-class achievements of innovative technologies and management technical support.

Also, based on the study of organizational and regulatory issues, it seems appropriate:

- To establish a single specialized unit in the structure of the Procurator's Office of Uzbekistan, which will be charged with overseeing the implementation of legislation in the field of environmental protection on the basis of the units supervising the implementation of legislation on the development of agricultural and food sectors. This subdivision will have separate departments in regional prosecutor's offices;

- to adopt a single departmental act that will regulate the activities of prosecutors in the field of environmental protection with a detailed description of all tasks, functions and powers of prosecutors in this area;

- to establish specialized prosecutor's offices in regions with the worst environmental situation, following the example of the Priaralskaya Environment Protection Prosecutor's Office, and to give them powers to check environmental legislation in business entities

without obtaining permission from competent authorities. These measures will enable the prosecutors to react promptly to environmental offences.

These measures will help to improve the efficiency of the prosecutor's supervision in the field of ecology and agriculture, ensure environmental legislation in the field and ultimately ensure a favorable environment and human health.

References:

- [1] FayziyevShokhrudFarmonovich Medical law and features of legal relations arising in the provision of medical services. International journal of pharmaceutical research Volume 11, Issue 3, July - Sept, 2019 P. 1197-1200 doi:10.31838/ijpr/2019.11.03.088 <http://www.ijpronline.com/ViewArticleDetail.aspx?ID=11016>
- [2] Bryanskaya Elena, FayzievShokhrud, Altunina Anna, Matiukha Alena Topical Issues of an Expert Report in the process of Proving in a Criminal Examination. International Journal of Engineering and Advanced Technology (IJEAT) ISSN: 2249 – 8958, Volume-9 Issue-1, October 2019 5345-5349 DOI: 10.35940/ijeat.A2946.109119
a. <https://www.ijeat.org/wp-content/uploads/papers/v9i1/A2946109119.pdf>
- [3] FayzievShokhrud (2019) Legal Aspects of Transplantology in the Republic of Uzbekistan. Systematic Reviews in Pharmacy, ISSN: 0976-2779, Vol: 10, Issue: 2, Page: 44-47 doi:10.5530/srp.2019.2.08 <http://www.sysrevpharm.org//fulltext/196-1575419211.pdf?1586863081>
- [4] Shokhrud F. Fayziev The problem of social stigma during a pandemic caused by COVID-19 International Journal of Advanced Science and Technology Vol. 29, No. 7, (2020), pp. 660-664. <http://serisc.org/journals/index.php/IJAST/article/view/13965/7188>
- [5] Dae-Hyun Choe Prosecutors' role and their relationship with the police in South Korea: In a comparative perspective International Journal of Law, Crime and Justice Volume 55 December 2018 Pages 88-96
- [6] Gordon D. Reed, Anita Symonds, Amy Stier, Sarah Peluso, Sarah O. Watson Prosecutor Preference for Forensic Nurse Testimony: Outcome of Expanding a Forensic Program Journal of Emergency Nursing Volume 46, Issue 3 May 2020 Pages 310-317
- [7] ShiraLeiterdorf-Shkedy, Tali Gal The sensitive prosecutor: Emotional experiences of prosecutors in managing criminal proceedings International Journal of Law and Psychiatry Volume 63 March–April 2019 Pages 8-17
- [8] EmelieErnberg, Inga Tidefors, Sara Landström Prosecutors' reflections on sexually abused preschoolers and their ability to stand trial Child Abuse & Neglect Volume 57 July 2016 Pages 21-29
- [9] Hans Henseler, Sophie van Loenhout Educating judges, prosecutors and lawyers in the use of digital forensic experts Digital Investigation Volume 24, Supplement March 2018 Pages s76-s82
- [10] Heodore P. Cross, Debra Whitcomb A Microeconomic Model of Opportunistic Financial Crimes: Prosecutorial Strategy When Firms are too Big to Jail Procedia Economics and Finance Volume 282015 Pages 76-84
- [11] Theodore P. Cross, Debra Whitcomb The practice of prosecuting child maltreatment: Results of an online survey of prosecutors Child Abuse & Neglect Volume 69 July 2017 Pages 20-28
- [12] Igor Radun, JussiOhisalo, Jenni Radun, MattiasWahde, GöranKecklund Driver fatigue and the law from the perspective of police officers and prosecutors Transportation Research Part F: Traffic Psychology and Behaviour Volume 18 May 2013 Pages 159-167

- [13] Robyn Robertson, Ward Vanlaar, Herb Simpson, Paul Boase Results from a national survey of Crown prosecutors and defense counsel on impaired driving in Canada: A “System Improvements” perspective *Journal of Safety Research* Volume 40, Issue 12 2009 Pages 25-31
- [14] Katherine Polzer, Johnny Nhan, John Polzer Prosecuting the prosecutor: The makings of the Michael Morton Act *The Social Science Journal* Volume 51, Issue 4 December 2014 Pages 652-658
- [15] Paola Castelli, Gail S. Goodman Children's perceived emotional behavior at disclosure and prosecutors' evaluations *Child Abuse & Neglect* Volume 38, Issue 9 September 2014 Pages 1521-1532
- [16] Kathleen A. Fox, Jodi Lane Perceptions of gangs among prosecutors in an emerging gang city *Journal of Criminal Justice* Volume 38, Issue 4 July–August 2010 Pages 595-603
- [17] Smilja Teodorović, Dragan Mijović, Una Radovanović Nenadić, Marina Savić Attitudes regarding the national forensic DNA database: Survey data from the general public, prison inmates and prosecutors' offices in the Republic of Serbia *Forensic Science International: Genetics* Volume 28 May 2017 Pages 44-51