

LEGAL FOUNDATIONS OF ENVIRONMENTAL ETHICS AND CIVIL ENFORCEMENT

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ABSTRACT

This article analyzes the concept of environmental ethics and law and its foundations, the participation of environmental law in protecting the rights of citizens in its implementation, problems associated with the civil approach to environmental law and proposals for their solution, as well as its prospects and civil legal foundations. A comparative analysis of international experience and national legislation is carried out, and scientific conclusions are drawn about the development of civil approaches to environmental ethics and law enforcement.

Keywords: *Environmental ethics, rights and obligations, civil society, public control, sustainable development, code, law, justice, equal rights, society, citizen, experience, perspective.*

INTRODUCTION

In the 21st century, environmental problems are not limited only to the protection of natural resources, but also require the moral and legal responsibility of man for the environment. Therefore, the concept of “ecological ethics and law” is being formed as a separate scientific direction in jurisprudence.

Article 50 of the Constitution of the Republic of Uzbekistan establishes the duty of every citizen to protect the environment. Also, the Law "On Environmental Protection" (1992), the Law "On Ecological Expertise" (2000), the Law "On State Ecological Control" (2013) and the newly adopted Environmental Code of the Republic of Uzbekistan (2021) guarantee the active participation of citizens in environmental processes.

Today, the activity of civil society is an important factor in the effective implementation of environmental ethics and the legal system. Because, along with environmental control by state bodies, raising the environmental awareness of citizens, implementing public control and supporting environmental initiatives is a pressing issue today. Therefore, this article is aimed at studying the legal foundations, practical mechanisms and prospects of civil approaches to environmental ethics and

law protection. Environmental ethics and law are a legal category formed as a result of the combination of environmental legislation and moral norms, which determines the rights and duties of man before nature. Article 50 of the Constitution of the Republic of Uzbekistan states that “Citizens shall be obliged to treat the environment with care” This norm is interpreted not only as a legal, but also as a moral obligation. Also, Article 12 of the Law “On Environmental Protection” enshrines the environmental rights of citizens, including the right to live in a healthy environment, receive environmental information, and participate in environmental decision-making¹

THE MAIN PART.

The state created conditions for public control in order to ensure the environmental rights of citizens and prevent harmful effects on the environment. By the middle of the 20th century, the connection between “Ethics” and “Ecology” was eliminated cause the emerging ecological crisis situation necessitated a radical change in the attitude of man to nature.² Now the prevention of global environmental problems depends on the sociolect-moral attitude of man to nature and allows creating a legal basis for the relationship between nature and society. A civil approach to nature protection is a prerequisite for maintaining ecological balance for human health, effective and sustainable socioeconomic development, rational use of nature and serve to regulate legal processes.³

In environmental ethics and law enforcement, civil approaches to preserving and protecting the diversity of ecological systems, landscapes and natural objects that are considered natural, which are in need of preservation and protection, are of great importance, preserving them in their pure state for future generations.

Therefore, we believe that improving the ecological ethical views of the civil approach to nature protection will be beneficial in achieving the main goal of our article. Thus, in environmental protection, ensuring environmental safety from the destruction of natural resources above ground and underground, damage to water bodies, the extinction of flora and fauna, and air pollution is the preservation of material and cultural heritage objects associated with natural objects. We can observe that ensuring ecological safety in the country, improving the ecological situation in the approach of citizens, maintaining a favorable ecological situation and restoring natural resources, preventing irreparable harmful consequences of the natural environment on human health, ensuring transparency in solving existing

¹ Law of the Republic of Uzbekistan, No. 754-XII dated 09.12.1992.

² Ministry of Justice of the Republic of Uzbekistan Tashkent State Law Institute “Ethics and Aesthetics” Tashkent-2006

³ <https://lex.uz/acts/-107115> Law of the Republic of Uzbekistan on Nature Protection.

shortcomings in nature protection, harmonizing national, regional and international interests in nature protection, encouraging the rational use and protection of nature, and increasing the effectiveness of environmental protection.

Today, measures taken to prevent violations of the environmental and ecological system, such as the improvement of landscapes, waste recycling, the prevention of waste generation and atmospheric pollution, emphasize the importance of environmental ethics and civic positions, the role of citizens and the need for responsible approaches in them. At the same time, the participation of citizens in environmental ethics and legal systems and civic positions are important in managing and developing these processes.

Today's measures aimed at ensuring the protection of ecological systems from damage and pollution, improving the ecological situation, and maintaining a favorable ecological state in the country are aimed at forming and activating criteria based on existing and applicable legal and ethical approaches.

Ensuring the effectiveness of civil enforcement in the field of ecology and environmental protection, systematization and stabilization of various ecological objects of the atmosphere on the basis of environmental ethics and legislation serves to maintain an ecologically clean environment.

LITERATURE REVIEW.

Today, the violation of environmental and ethical standards and criteria of legal legislation by citizens and the occurrence and retention of waste in various unspecified objects during the commission of these violations cause the destruction of the air layer and significant pollution of the surrounding areas, causing very sad consequences. This condition threatens the health of existing nearby residents and causes a sharp decrease in life expectancy.

Destruction of ecologically protected objects leads to a decrease in the water content of lakes, coasts, and seas. Damage to green landscapes leads to their reduction and decrease in productivity, which requires environmental moral education and legal protection. In this regard, the legal literacy of citizens' attitudes and moral education play a major role. The use of methods and means of moral education in improving the environment through civic positions and preserving it for future generations is distinguished by the need to introduce legal and legal norms in them.

In order to further intensify protective measures to prevent the occurrence of these situations in the approach of citizens, the Resolution of the Republic of Uzbekistan No. 171 dated May 31, 2023 established the organization of territories

where the ecologically clean zone regime is applied, the prohibition of the organization of car washes in areas without a water circulation system in the centers in order to protect water, land resources and subsoil resources in the republic, and the implementation of promising non-profit assistance (grant) projects in the fields of ecology, environmental protection, forestry and hydro-meteorology.⁴ According to the new edition of the Constitution of the Republic of Uzbekistan, Citizens are obliged to treat the environment with care, In accordance with Article 49, everyone has the right to a favorable environment and reliable information about its condition the norms enshrined in the Constitution of the Republic of Uzbekistan determine the rights and obligations of citizens.⁵

The state has created conditions for public control in order to ensure the environmental rights of citizens and prevent harmful impacts on the environment.

A number of systematic works have been carried out to promote a civil approach to nature protection for human health, effective and sustainable socioeconomic development, and rational use of nature In particular, a civic approach to environmental ethics and law enforcement is crucial for preserving the richness of the genetic fund and species of increasingly rare living nature, as well as for preserving the diversity of natural objects.⁶

If we look at international experience, Principle 10 of the 1992 Rio de Janeiro Declaration established the participation of citizens in the information and decision-making processes on environmental issues as a global standard. The role of civil society in the effective implementation of environmental ethics and law is of particular importance. Environmental ethics and law are conceptual approaches that emerged as a result of the integration of environmental legislation and moral norms. Civic approaches include the legal participation of citizens, public control over environmental decisions, environmental education and social initiatives.

Environmental law protection is the preservation of the stability of the biosphere and ecological systems, which are the human habitat, the environmental safety of people, and the care of the genetic fund of man and his future generations.

The need to restore natural resources, combining the ecological, economic and social interests of society on a scientifically based basis, and to prevent harmful, irreversible consequences for the environment and human health are actions towards this goal.

⁴ Decree of the President of the Republic of Uzbekistan No. PF-81 dated May 31, 2023 "On measures to transform the sphere of ecology and environmental protection and organize the activities of the authorized state body."

⁵ <https://lex.uz/docs/-6445145> Constitution of the Republic of Uzbekistan dated 30.04.2023,

⁶ [<https://lex.uz/acts/-107115> Law of the Republic of Uzbekistan on Nature Protection.]

Transparency in solving nature protection tasks, combines national, regional and international interests in the field of nature protection.⁷ Thus, in a civil approach, responsibility for violation of the requirements of nature protection legislation is determined by the following conditions: in relation to the use of natural resources, in relation to negligence in preserving the integrity of natural complexes, in relation to not allowing the destruction of the habitat and growth of living nature objects, in compliance with nature protection legislation, in violation of the rights of other users of natural resources.

The main tasks of environmental control are as follows:

1. Environmental protection and rational use of natural resources
2. Prevention of violations of legislative requirements in the field
3. Actively engaged in issues such as identifying and stopping violations of the law.

Environmental protection is an important factor in identifying and preventing situations that can lead to environmental pollution, irrational use of natural resources, and threaten the life and health of citizens.

ANALYSIS

The issue of approaches to civil enforcement in ensuring legal protection through environmental ethics is a very important and complex topic. There are a number of approaches to this issue aimed at ensuring environmental rights and the safety of society. Below we will consider several important aspects of them:

1. Environmental ethics:

Environmental ethics studies the relationship of people with nature and ecological systems. This concept sets out the basic rules for humanity's relationship with ecological systems, including:

- ☐ Respect for nature and its preservation.
- ☐ Accounting for the environmental impact of human decisions based on these relationships.
- ☐ Promoting the principles of sustainability in society.

Environmental ethics is especially important for environmental legislation and civil enforcement, as it helps to fill the gap and ensure the implementation of environmental laws.

2. Ensuring civil enforcement in law enforcement:

Civil enforcement in law enforcement is the desire of citizens to comply with laws and norms established by the state. There are a number of approaches to this:

⁷ [[HTTP://lex.uz/acts/-107115](http://lex.uz/acts/-107115) Law of the Republic of Uzbekistan on Nature Protection.

□ Improving the legal culture of citizens: Increasing citizens' understanding of environmental rights and promoting their responsibility for environmental protection.

□ Enforcement of environmental laws: Introducing legislative reforms, environmental laws and new mechanisms to ensure the effective implementation of laws.

□ Cooperation between the state and civil society: Involving civil society in environmental protection issues, increasing their confidence in laws and law enforcement.

□ Monitoring the implementation of laws: Identifying violations of environmental law and taking appropriate measures against them, for example, conducting environmental inspections and combating violations.

3. Civil expression of environmental rights:

Environmental rights allow citizens to protect their environment and promote their environmental rights. This includes, for example, activities such as detection of environmental degradation, taking actions to solve environmental problems, involvement in environmental activities.

4. Strengthening the role of the state and state organizations:

The role of the state and state organizations and law enforcement agencies in ensuring the implementation of environmental laws is very important. These agencies play a major role in protecting environmental rights and promoting their importance.

Ensuring environmental ethics and civil enforcement play an important role in protecting environmental rights. Along with citizen participation in law enforcement and environmental ethics, it is important to introduce effective mechanisms to increase sustainability and the environmental responsibility of each citizen.

Determining the compliance of planned or implemented economic and other activities with environmental requirements, ensuring compliance with the rights and legitimate interests of legal entities and individuals in the field of environmental protection and rational use of natural resources, and fulfilling their obligations, is determined by the approaches to environmental ethics and law implemented by citizens.

As is known, informing state organizations and other organizations, as well as citizens, about changes in the environment, its forecast state, the use of natural resources and the appropriate measures being taken is important in environmental protection.

Of course, the legal relations arising in connection with the implementation of environmental control and the exercise of the powers of environmental control entities are regulated by legislation.

CONCLUSIONS AND PROPOSALS

In recent decades, environmental problems have brought to the agenda not only the issue of the use of natural resources, but also the issue of human moral responsibility. Environmental ethics and law have formed a system that, along with legal norms, also includes the moral obligations of citizens in these matters. From this point of view, it has been established that the active participation of citizens in environmental processes is a guarantee of environmental safety and sustainable development.

Today, the implementation of "green" campaigns, environmental monitoring, volunteering in public control - in environmental expertise, in the implementation of civic initiatives against environmental violations - is becoming a pressing issue. Civic approaches - legal participation of citizens, public control over environmental decisions, environmental education and social initiatives, and the ecological ethical and legal positions and approaches of citizens as a result of activities aimed at the environment and its ecological purity, are determined not only by the fulfillment of legal obligations, but also by their systematic implementation. In this regard, the stabilization of moral and legal processes in the development of their social activities, environmental awareness and moral responsibility determine the priority tasks of state policy. Taking into account the above considerations, the following proposals have been formulated:

1. Issues of environmental ethics and civil enforcement are the demands of the time and are aimed at strengthening the environmental responsibility of society.

2. Environmental protection and ensuring civil enforcement are one of the important tasks in Uzbekistan. Therefore, environmental ethics is not only about preserving nature, but also a set of relations aimed at improving the relationship between man and society with nature.

3. Law enforcement agencies should strive to form civil enforcement by combating violations of environmental legislation and providing society with legal education.

Recommendations:

1. Strengthening environmental education: Organizing special classes in schools and higher educational institutions to form a culture and educate citizens about the importance of environmental ethics.

2. Increasing civil responsibility: Strengthening the search for legislation and sanctions against violators of environmental rights.

3. Improving the implementation of legislation: Introducing a special monitoring system for the accurate implementation of environmental laws.

4. Partnership with the public: Increasing the participation of public organizations in the introduction of ecological ethics and ensuring civic performance.

5. Development direction: Development and implementation of modern strategies in the field of ecological ethics and civic performance in cooperation with state and non-state organizations.

6. State support for non-state organizations and citizen initiatives and the effective implementation of environmental ethics and law are achieved through the integration of legal norms, moral values, and civic participation. Civic approaches are of great importance in ensuring ecological security. Therefore, it is recommended to include environmental education in compulsory curricula, encourage rational use and protection of nature, and strengthen mechanisms for supporting environmental NGO.

REFERENCES:

1. "Constitution of the Republic of Uzbekistan" dated 30.04.2023
2. Law "On Ecological Expertise", 2000
3. Law "On State Ecological Control", 2013
4. "Environmental Code of the Republic of Uzbekistan", 2021
5. Law "On Environmental Protection", 1992
6. Constitution of the Republic of Uzbekistan dated 30.04.2023. <https://lex.uz/docs/-6445145>
7. Law of the Republic of Uzbekistan on Nature Protection. <https://lex.uz/acts/-107115>
8. Law of the Republic of Uzbekistan on Nature Protection. <https://lex.uz/acts/-107115>
9. "Environmental Ethics: An Introduction to Environmental Philosophy" (Joseph R. DesJardins) A comprehensive guide explaining the theoretical foundations and practice of environmental ethics.
10. "Environmental Law and Policy" (Richard L. Revesz, Michael A. Livermore) International experience of environmental law and policy and opportunities for adaptation to Uzbekistan.