



## CRIMINAL RESPONSIBILITY FOR CRIMES IN THE FIELD OF ENVIRONMENT

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**Abstract:** *In this article, a legal analysis of crimes in the field of environmental protection and use of nature of the Criminal Code of the Republic of Uzbekistan*

**Key words:** *Ecology, natural environment, underground resources, flora and fauna, natural area, damage, hunting season, poacher, veterinary medicine, harmful chemicals, pests, veterinary-sanitary regulations, natural area regime, criminal liability*

**Аннотация:** *В данной статье проводится правовой анализ преступлений в области охраны окружающей среды и природопользования Уголовного кодекса Республики Узбекистан.*

**Ключевые слова:** *Экология, природная среда, подземные ресурсы, растительный и животный мир, природная территория, ущерб, сезон охоты, браконьер, ветеринария, вредные химические вещества, вредители, ветеринарно-санитарные правила, режим природной территории, уголовная ответственность.*

Along with the development of humanity, several global problems are also emerging. The problem of environmental protection is one of them, and today it is recognized as a universal problem <sup>11</sup>.

"Ecology" comes from the combination of the Greek words "oikos" and "logos", which means the study of habitat.

Environmental protection is based on the Constitution of the Republic of Uzbekistan and other normative documents of the Republic of Uzbekistan. "Land, underground resources, water, flora and fauna and other natural resources are national wealth, they must be used wisely and are under state protection" <sup>12</sup>

In the current Criminal Code of the Republic of Uzbekistan, there are 14 types of crimes related to the field of ecology, which are as follows: Violation of norms and requirements related to ecological safety (Article 193 of the Criminal Code), intentional concealment of information about pollution of the natural environment or misrepresentation (Article 194 of the Criminal Code), failure to take measures to eliminate the consequences of pollution of the natural environment (Article 195 of the Criminal Code), pollution of the natural environment (Article 196 of the Criminal Code), conditions of use of land and underground resources or their violation of protection requirements (Article 197 of the Criminal Code), failure to take measures to prevent arbitrary occupation of irrigated land (Article 197 of the Criminal Code <sup>1</sup>), destruction of crops, forests, trees or

<sup>11</sup> Гаев Д.Я., Самарина В.С. Наши следы в природе. –М., 1991. –Б.3.

<sup>12</sup> O'zbekiston Respublikasi Konstitutsiyasi – Toshkent: "O'zbekiston", 2021y.

URL: <https://constitution.uz/oz/clause/index#section1>



damage or destruction of other plants (Article 198 of the Criminal Code), violation of requirements for the control of plant diseases or pests (Article 199 of the Criminal Code), violation of veterinary, veterinary-sanitary rules and regulations (Article 200 of the Criminal Code), harmful chemicals Violation of the rules of dealing with substances (Article 201 of the Criminal Code), Violation of the procedure for using animal or plant life (Article 202 of the Criminal Code), cruelty to animals (Article 202 1 of the Criminal Code), water <sup>or</sup> water bodies violation of conditions of use (Article 203 of the Criminal Code), violation of the regime of protected natural areas (Article 204 of the Criminal Code).

Committing an act that has all the symptoms of the crime provided by the Criminal Code is the basis for prosecution <sup>13</sup>.

Based on the nature of the object of these crimes, all crimes in the field of ecology are divided into two groups: 1. Crimes in the field of environmental protection. 2. Crimes in the field of nature use <sup>14</sup>.

The general object of crimes related to the field of ecology is the social relations that arise in order to ensure environmental safety in the field of economy and other activities through the rational use of nature and environmental protection. An additional object is human life and health.

Articles 197 and 197 <sup>1</sup> of the Criminal Code is the established procedure for the use and protection of land and underground resources.

The term "land" means any types of land plots, i.e. the surface part, the lower part. Underground resources are the property of the Republic of Uzbekistan, they must be used wisely, they are under state protection <sup>15</sup>.

Social relations related to ensuring the preservation of forests, plantations and other trees as a natural part and wealth of the natural environment by using them at an appropriate level is the object of Article 198 of the Criminal Code.

Plantation means the artificial planting of trees. Other trees are located on forest fund lands, in forests that are not part of the forest fund, on transport routes, in populated areas; in water areas or other categories means trees, bushes and lianas that grow on the ground <sup>16</sup>.

Objective aspects of crimes in the field of ecology are listed in the dispositions of the articles providing responsibility for these crimes. For example, the objective side of Article 193 of the Criminal Code is violation of the norms of design, construction, placement and operation of industry, energy, transport, communal services, agro-industry, scientific objects or other objects, and this act causes the death of people and other was expressed as having serious consequences, or the objective side of Article 194 of the Criminal Code consists in the intentional concealment or distortion of information about accidents that caused harmful environmental consequences or environmental pollution in another way.

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<sup>13</sup> \O'zbekiston Respublikasining Jinoyat kodeksi [2021 yil 1 aprelgacha bo'lgan o'zgartirishlar va qo'shimchalar bilan] – T.: «Yuridik adabiyotlar publish», 2021y.

<sup>14</sup> Qabulov R., Pulatov YU. S. Ekologiya sohasidagi jinoyatlar: O'quv qo'llanmasi. – T.: O'zbekiston Respublikasi IIV Akademiyasi, 2005.

<sup>15</sup> O'zbekiston Respublikasi 13.12.2002-yildagi 444-II-sonli "Yer osti boyliklari to'g'risida"gi qonuni

<sup>16</sup> Qabulov R., Pulatov YU. S. Ekologiya sohasidagi jinoyatlar: O'quv qo'llanmasi. – T.: O'zbekiston Respublikasi IIV Akademiyasi, 2005.



Refusal to take measures to deactivate or otherwise restore ecologically polluted areas, or insufficient performance of such works, causing mass illness of people or other serious consequences, is the objective aspect of Article 195 of the Criminal Code.

Dispositions of crimes in the field of ecology are blank. In a blanket norm, the elements of the criminal offense are expressed in the normative legal document of another field of law<sup>17</sup>.

In order to determine the nature of crimes in the field of ecology, the Law of the Republic of Uzbekistan "On Protected Natural Areas" dated 06.01.2004, "On Water and Water Use" dated 06.12.1993, 03.02.2003 Laws "On Underground Resources" of 03.02.2003, etc.

The subject of Environmental Crimes can be any sane individual or official who has reached the age of 16.

From the subjective side, the crime is committed intentionally or carelessly. If the offense is intentional, the result is recklessness.

All crimes related to ecology are considered completed from the moment of causing a large amount of damage to the object.

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