

DISTINCTIVE FEATURES OF CIVIL LIABILITY FOR ENVIRONMENTAL OFFENSES AGAINST NATURAL OBJECTS

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Abstract: This thesis examines civil liability for environmental offenses and the legal mechanisms for compensating damage caused to natural resources. It analyzes compensation procedures relating to land, atmospheric air, water resources, and forests, with particular attention to the relevant legislation of the Republic of Uzbekistan. The importance of effective environmental protection measures and the prevention of environmental offenses is also highlighted.

Keywords: environmental offense, civil liability, environmental protection, land legislation, atmospheric air, water resources, forests, compensation for damage, environmental risk, legislation.

Despite existing challenges, humanity must protect the natural environment, hold offenders legally accountable, ensure compensation for environmental damage, and thereby prevent further ecological harm. Land, as one of the principal objects of civil-law relations, also requires effective legal protection.

Damage caused to land and soil as a result of environmental offenses has a direct adverse impact on the environment. Such damage may lead to a decline in soil fertility and agricultural productivity, a reduction in income derived from land use, the destruction of microorganisms, and disruption of ecological chains. Furthermore, environmental damage to land may negatively affect subsoil resources, groundwater, forest ecosystems, and mineral deposits.

These circumstances increase the importance of applying civil liability measures to environmental offenses related to land and land use. The Land Code of the Republic of Uzbekistan establishes the legal framework governing land relations and land use and provides for compensation for damage caused to land.

Land use should not be understood as referring solely to the use of the land surface. In a broader legal and environmental sense, it may also involve the use and protection of soil, groundwater, and subsoil resources, subject to the requirements of the relevant legislation.

According to Article 48 of the Law of the Republic of Uzbekistan “On Subsoil” No. 444-II of December 13, 2002, damage caused to a subsoil user by other persons must be compensated in accordance with the law.

Where high-grade areas of mineral deposits are selectively exploited, or where other acts or omissions result in the abandonment of a mine or create conditions that partially or completely prevent the future use of a subsoil area, the damage caused to the State by the subsoil user responsible for such acts or omissions must be compensated at the expense of that subsoil user in accordance with the law.

Another natural object for which the calculation of environmental damage is particularly complex within the framework of civil liability is atmospheric air. Air pollution adversely affects not only human health but also flora and fauna. Today, industrial development and the growth of production volumes are contributing to a significant increase in air pollution. Therefore, in addition to establishing liability for violations of atmospheric air protection legislation, it is also important to ensure compensation for the damage caused.

Article 29 of the Law of the Republic of Uzbekistan “On the Protection of Atmospheric Air” establishes liability for violations of atmospheric air protection legislation. Under this provision, individuals and legal entities are required to compensate for damage caused as a result of such violations.

The protection of water and water bodies, which constitute essential sources of life for all living organisms, is also of particular importance today. Many water bodies are polluted as a result of the discharge of household waste and various chemical substances by individuals and legal entities, as well as through violations of established water-use requirements. Such conduct constitutes a violation of water protection legislation.

According to Article 117 of the Law of the Republic of Uzbekistan “On Water and Water Use” No. 837-XII of May 6, 1993, enterprises, institutions, organizations, agricultural cooperatives, farms, and individuals are required to compensate for damage caused by violations of water legislation in the amount and manner prescribed by law.

Any person who commits an environmental offense must compensate for damage caused to water, water bodies, and water resources. The amount of compensation is determined on the basis of the nature of the violation, the consequences of the unlawful conduct, and the actual costs incurred in eliminating the damage.

In certain cases, where damage has been caused by enterprises or organizations as a result of the termination of water use or changes in the conditions of water use, the responsible entity may, instead of paying monetary compensation, restore the violated conditions of water use through its own efforts and resources. Such restoration may be permitted where monetary compensation is considered inappropriate or where restoration is regarded as the more effective remedy.

Forests constitute another natural resource of vital importance not only to humanity but also to all living organisms and the environment as a whole. Since forest ecosystems are closely interconnected with wildlife, soil, water resources, and atmospheric air, their effective protection is essential.

Unfortunately, forests are currently being damaged as a result of illegal logging, fires caused by negligence, and other forms of unlawful human activity. In order to prevent such damage, it is necessary to strengthen forest protection, ensure the rational use of forest resources, prevent environmental offenses, and establish effective mechanisms of legal liability.

In the Republic of Uzbekistan, the protection of forests and the assessment of damage caused to them as a result of environmental offenses are regulated by Resolution No. 290 of the Cabinet of Ministers of the Republic of Uzbekistan dated October 20, 2014, “On Regulating the Use of Biological Resources and the Procedure for Obtaining Permits in the Field of Nature Use,” as well as by other relevant legislative acts.

The amount of property damage caused to forests is calculated on the basis of officially established compensation rates. Such calculation takes into account the number and species of unlawfully cut or damaged trees, the extent of the damage, and the degree to which the natural condition of the forest has deteriorated.

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