

ANALYSIS OF THEORETICAL RESEARCH ON THE IMPROVEMENT OF
WATER LEGISLATION<https://doi.org/10.5281/zenodo.14963502>**Hayitov Hasan Shermatovich**

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Annotatsiya. Ushbu maqolada suv qonunchiligini takomillashtirishga oid huquqshunos va boshqa olimlar fikrlari tahliliy yoritilgan. Shuningdek, maqolada suv qonunchiligini takomillashtirish zaruriyati ilmiy jihatdan asoslab berilgan.

Kalit so’zi: suv qonunchiligi, suv resurslari, toza ichimlik, iqtisod, huquq, iqlim, globallashuv, chuchuk suv, qishloq ho’jaligi, suvdan foydalanish madaniyati, ijtimoiy muammolar.

Абстрактный. В статье представлен аналитический обзор взглядов юристов и других ученых на совершенствование водного законодательства. В статье также научно обоснована необходимость совершенствования водного законодательства.

Ключевое слово: водное законодательство, водные ресурсы, чистая питьевая вода, экономика, право, климат, глобализация, пресная вода, сельское хозяйство, культура водопользования, социальные проблемы.

Abstract. This article provides an analytical review of the views of lawyers and other scientists on improving water legislation. The article also provides a scientific justification for the need to improve water legislation.

Keywords: water legislation, water resources, clean drinking water, economy, law, climate, globalization, fresh water, agriculture, water use culture, social problems.

Global climate change, population growth, and the expansion of economic sectors worldwide are increasingly driving the demand for water while exacerbating water resource scarcity year by year. According to UN data, “nearly 40% of the world's population living in 80 countries faces a shortage of clean drinking water. By 2025, 10 out of every 6 people, or approximately 5.5 billion individuals, may be living in areas with insufficient access to clean drinking water.

Currently, nearly 3 billion people consume contaminated water, resulting in approximately 2 billion cases of waterborne diseases. By 2050, it is estimated that 40% of the world's population will experience freshwater shortages, while 20% may be forced to live without access to freshwater.”¹. This, in turn, necessitates water conservation, reducing pollution levels, and improving the legal framework for efficient water use. Enhancing water legislation has become a pressing issue both for individual nations and the global community, as it plays a crucial role in protecting water resources and developing legal norms aimed at their long-term sustainability.

Therefore, the systematic improvement of water legislation is considered one of the most crucial tasks of the state. Indeed, “in the current stage of new reforms, establishing effective legal mechanisms to implement fundamental transformations in all areas of social life and enhancing the legal foundations of new social relations are among the most urgent and priority objectives.”².

First of all, it should be said that many lawyers and other scientists have been engaged in our country with the problems of improving the documentation of water legislation. The prelude to scientific work in this area is M.P. Ishimov. He defended his 1962 candidate thesis on “the right to use water in the Republic of Uzbekistan. M.P. Ishimov's dissertation research and a number of published scientific articles reveal the concept, content, principles, issues of legal regulation of the law of water legislation in Uzbekistan.

In the 1970s, this issue was studied by F.M. Tyulpanov. His candidate dissertation, titled “The right of agricultural enterprises to use water on the example of collective and state Agriculture of the Republic of Uzbekistan” explored the legal challenges, juridical nature, and specific characteristics of water use in agriculture.

Additionally, I.A. Cherkashina's works pay special attention to the problems of improving the documentation of water legislation. His scientific research is focused on the rights of inter-farm agricultural enterprises to use water, examining the essence of the subjective rights and obligations of inter-farm agricultural organizations in utilizing water resources designated for agriculture.

Another notable Uzbek scholar in the field of water law is L.P. Eshangulova. His research delves into the legal challenges faced by citizens in using water for agricultural purposes. The study provides an in-depth analysis of the concept and

¹ Xalq so'zi, 2020-yil 27-iyul

² Hayitov H.SH. Suv qonunchiligi hujjatlarining umumiy tavsifi va yuridik tabiati // Innovation in the modern education system: a collection scientific works of the International scientific conference (25 th January, 2022) – Washington, USA: "CESS", 2022. Part 14 – 376 p. 282-287 pp.

content of citizens' rights to water use and the legal responsibilities associated with violations of water law.

Among the researchers addressing the legal aspects of water use and conservation in Uzbekistan is F.T. Buranov. His work explores various dimensions of water usage, including its economic and legal mechanisms, regulatory frameworks, and the monitoring and protection of water resources.

Another Uzbek scholar who conducted research on the organization and legal aspects of Uzbekistan's rational use of regional water resources is M.X. Ashirbaeva. Her research examines the nature and legal framework of the state's function in managing regional water resources, as well as issues related to improving the legal foundations for their efficient utilization.

Additionally, J.T. Kholmominov, in his doctoral dissertation, conducted an in-depth study of the ecological and legal issues related to the use and protection of irrigated lands.

It should be noted that the research works of the aforementioned scholars were written in the context of the socio-economic and political conditions of the Soviet era. Their findings and analyses were based on the legislation of that period and, therefore, do not fully align with the requirements of the modern market economy, the state-building process, and the judicial and legal reforms currently being implemented. However, their works can still be referenced for scientific observation and theoretical discussions.

During the years of Uzbekistan's independence, issues related to improving water legislation have been studied to various extents by the country's leading environmental law scholars, including Y.O. Juraev, M.B. Usmonov, J.T. Kholmominov, Sh.X. Fayziev, J.I. Safarov, M.M. Nurmatov, N.K. Skripnikov, and M.R. Mirzaabdullaev. Their works analyze the general principles of the use and protection of natural resources, the state's environmental policy and functions, citizens' environmental rights, and other related legal issues.

A significant focus on water law is also found in the textbook "Water Law", published in 2004 by a group of authors at Tashkent State Law Institute.

To better understand the scope of scientific research in water legislation, it is useful to briefly highlight some scholars' approaches to this issue. In particular, Sh.X. Fayziev paid special attention to the content, distinctive features, and system of water legislation. He emphasized that "at different stages of social development, the use of water resources has inevitably led to negative factors such as the deterioration of water quality and a decrease in its volume."

Professor M.B. Usmonov, who analyzed the emergence and development of water legislation in Uzbekistan, stated that "regulating social relations related to

water resources has been a key concern for our ancestors who lived in this region. The sacred texts of "Avesto" and Islamic teachings, particularly the "Qur'an" emphasized the protection of nature and the rational use of its resources."³.

Professor M.B. Usmonov, who analyzed the emergence and development of water legislation in Uzbekistan, stated that "the regulation of social relations related to water resources has long been a matter of great concern for our ancestors who lived in this region. In ancient times, the sacred texts of Avesto and Islamic teachings, particularly the Qur'an, placed special emphasis on the protection of nature and the rational use of its resources"⁴.

Regarding the problems of state management in the field of water fund utilization (consumption) and its protection, U.T. Ayubov states that "the executive and regulatory activities of state management bodies in the field of water use (consumption) and protection are aimed at ensuring the implementation of water legislation."⁵.

According to J.T. Kholmominov, "the promotion of water use and its ecological-legal protection should be regulated based on existing environmental and legal norms. This regulation reinforces the rights and obligations of legal and physical entities using water resources, including preserving the natural ecological properties of water, preventing pollution, avoiding disruptions to its hydrological and hydrogeological regime, preventing the deterioration of its chemical, physical, and biological properties, and implementing various other environmental measures."⁶.

Regarding the issues of water legislation, M.M. Nurmatov emphasizes that "water legislation regulates the procedure for the use of water resources, the purposes and types of use, the conditions for water conservation, ownership rights to water, the rights and obligations of water users, guarantees for water use, the protection of water use rights, the termination of water use, and liability for violations of water use regulations."⁷.

According to M.X. Rustamboev, "legal norms that establish penalties for illegal water use play a crucial role in ensuring strict compliance with the existing water legislation of the Republic of Uzbekistan by state authorities, enterprises, institutions, organizations, officials, and citizens. These norms are essential for

³ Сув ҳукуки. –Т.:ТДЮИ нашриёти, 2011, 8-9- бетлар.

⁴ Ўша жойда.

⁵ Давлат сув кадастри. //Сув ҳукуки. –Т.:ТДЮИ нашриёти, 2011, 82-бет.

⁶ Сув ресурсларини экологик-ҳуқуқий муҳофаза қилиш. //Сув ҳукуки. –Т.:ТДЮИ нашриёти, 2011, 126-бет.

⁷ Сув ресурсларидан фойдаланиш ва истеъмол қилиш ҳуқуқи. //Сув ҳукуки. –Т.:ТДЮИ нашриёти, 2011, 128-129-бет.

restoring violated rights of water users and ensuring consistent adherence to legal regulations in the field of water relations.”⁸.

The issues of water legislation have been reflected in the scientific works of N.K. Skripnikov, one of the prominent scholars in our country. According to him, the Law of the Republic of Uzbekistan “On Water and Water Use” dated May 6, 1993, initially defined the concept of “water use” as encompassing both the extraction and non-extraction of water resources from water bodies. However, after the amendments and additions introduced on December 25, 2009, a clear distinction was established between the concepts of water use and water consumption. According to the current Law “On Water and Water Use,” the following entities are recognized as water users: “water management organizations, water consumer associations, municipal and household sectors, hydropower enterprises, other enterprises, institutions, and organizations, citizens of the Republic of Uzbekistan, foreign nationals and stateless persons⁹ (Article 18); “enterprises, institutions, organizations, farms and peasant households, as well as citizens of the Republic of Uzbekistan, foreign nationals, and stateless persons, may be recognized as water consumers.”¹⁰ (Article 18¹). Water bodies or their parts serve as objects of water use or consumption and may be allocated for use or consumption in accordance with the legally established procedures. ¹¹.

The scientific research conducted by O.X. Narzullaev on the topic “The Right to Use Water Bodies for Fisheries and Hunting Purposes in the Republic of Uzbekistan”¹² is noteworthy. According to this scholar, the inclusion of water resources in the Constitution has laid the foundation for the development of other normative-legal documents in the field of water and water use.

According to Dj.I. Safarov, “As stated in the Charter of Inland Water Transport, the regulation of the use of navigable waterways, along with exceptions determined by the government, as well as the list of inland waterways open for navigation, is established and announced by state management bodies in water transport. Additionally, orders and instructions of ministries, agencies, and other

⁸ Сув қонунчилигини бузганлик учун юридик жавобгарлик. //Сув ҳуқуқи. –Т.:ТДЮИ нашриёти, 2011, 156-бет

⁹ Suv va suvdan foydalanish to'g'risidagi 1993 yil 6 may, 837-XII-son qonuni // O'zbekiston Respublikasi Oliy Kengashining Axborotnomasi, 1993 y., 5-son, 221-modda.

¹⁰ Suv va suvdan foydalanish to'g'risidagi 1993 yil 6 may, 837-XII-son qonuni // O'zbekiston Respublikasi Oliy Kengashining Axborotnomasi, 1993 y., 5-son, 221-modda.

¹¹ Ижтимоий-маиший ва соғломлаштириш мақсадларида сувдан фойдаланиш ва истеъмол қилиш ҳуқуқи. //Сув ҳуқуқи. –Т.:ТДЮИ нашриёти, 2011, 173-бет.

¹² O'zbekiston respublikasida suv ob'ektlaridan baliqchilik va ovchilik xo'jaligi ehtiyojlari uchun foydalanish huquqi. //Suv huquqi. –Т.:ТДЮИ нашриёти, 2011, 236-бет.

organizations concerning navigation interests may only be issued in coordination with the authorities regulating the use of navigable waterways.”¹³.

Scientific research on the regulation of water reservoirs, hydro-junctions, and other water facilities, which are considered a distinct area governed by water legislation, has been conducted by D.M. Umarov. According to him, recognizing the critical importance of water resources in human life, Uzbekistan was among the first CIS countries to adopt the Law “On Water and Water Use,” which established regulations on the use of water reservoirs, hydro-junctions, and other water structures in Articles 78-82. However, this law does not provide a comprehensive definition of which category water reservoirs and hydro-junctions belong to, nor does it specify what should be included under “other water structures”.¹⁴. According to D.M. Umarov, water reservoirs and hydro-junctions fall under the category of hydraulic structures. Hydraulic structures refer to technological and engineering facilities designed to control, regulate, and utilize water flow power.¹⁵

Special attention to the improvement of water legislation has been given in the scientific works of Y.O. Juraev. According to him, all water bodies (sources) in Uzbekistan are protected by law. However, certain water bodies require a special protection regime, meaning that specific environmental legal requirements are established for them.

The concept of “special environmental legal requirements” aims to reduce, restrict, or completely prohibit human economic activity that may affect these designated water bodies. Specifically, as Y.O. Juraev notes, according to Article 4¹⁶ of the Law of the Republic of Uzbekistan "On Protected Natural Areas," there are two main characteristics of specially protected natural sites: The natural site (land, water, flora, fauna, etc.) must have priority scientific, cultural, aesthetic, ecological, recreational, or health-improving significance¹⁷. It must be subject to a special protection regime, meaning that it is completely or partially exempt from permanent or temporary economic use. In this law, specially protected water bodies are referred to as “having priority significance.” Meanwhile, Article 20 of

¹³ Ўзбекистон Республикасида сув объектларидан балиқчилик ва овчилик хўжалиги эҳтиёжлари учун фойдаланиш ҳуқуқи. //Сув ҳуқуқи. –Т.:ТДЮИ нашриёти, 2011, 237-бет.

¹⁴ Сув омборлари, гидроузеллар ва бошқа гидротехника иншоотларидан фойдаланиш. //Сув ҳуқуқи. –Т.:ТДЮИ нашриёти, 2011, 258-бет.

¹⁵ Сув омборлари, гидроузеллар ва бошқа гидротехника иншоотларидан фойдаланиш. //Сув ҳуқуқи. –Т.:ТДЮИ нашриёти, 2011, 258-бет.

¹⁶ O'zbekiston Respublikasining “Muhofaza etiladigan tabiiy hududlar to'g'risida”gi 2004-yil 3-dekabr, 710-II-son qonuni // O'zbekiston Respublikasi qonun hujjatlari to'plami, 2005 y., 1-con, 1-modda.

¹⁷ O'zbekiston Respublikasining “Muhofaza etiladigan tabiiy hududlar to'g'risida”gi 2004-yil 3-dekabr, 710-II-son qonuni // O'zbekiston Respublikasi qonun hujjatlari to'plami, 2005 y., 1-con, 1-modda.

the Law “On Water and Water Use” highlights the special significance of such water bodies, outlining their distinctive characteristics.¹⁸ and protection measures¹⁹.

It should be emphasized that the development of the scientific doctrine of water legislation improvement in our country, along with the refinement and expansion of previously proposed scientific and theoretical ideas, has led to the emergence of this monographic research study.

Before discussing the concept of water legislation documents, it is necessary to clarify the concepts of the legal system and the legislative system.²⁰ The legal system refers to the objective interconnection of legal norms, their integrated structure, coherence, mutual consistency, and their classification into branches and institutions of law. Meanwhile, the legislative system refers to the system of forms in which legal norms are expressed, that is, their sources.²¹

In specialized legal literature, the legislative system is defined as “a set of normative-legal documents that formalize, materialize, and consolidate the internal structure and content of law.”²² Thus, while the legal system reflects the essence and substance of law, the legislative system represents the form in which law is expressed.

According to Article 6 of the Law of the Republic of Uzbekistan “On Normative-Legal Documents,” “normative-legal documents are legislative acts and constitute the legal framework of the Republic of Uzbekistan”²³. It is important to emphasize that within this legislative framework, water legislation documents form an independent branch, possessing all characteristics that define its distinctiveness, independence, and uniqueness. The key distinguishing features of an independent legislative branch include: its hierarchical structure, the consistency and coherence of legal acts within the branch, the clarification and supplementation of higher-ranking legal provisions in subordinate legal documents.

According to Y.O. Juraev, “the environmental legislation system of the Republic of Uzbekistan is structured based on horizontal and vertical principles.” Horizontally, environmental legislation encompasses general regulatory norms, as well as specific legal frameworks governing land, water, forests, mining, air, fauna, and flora-related relations. Vertically, environmental legislation consists of laws

¹⁸ Suv va suvdan foydalanish to'g'risidagi 1993-yil 6-may, 837-XII-son qonuni // O'zbekiston Respublikasi Oliy Kengashining Axborotnomasi, 1993 y., 5-son, 221-moddasi.

¹⁹ Алоҳида ҳуқуқий муҳофаза этиладиган сув объектлари. // Сув ҳуқуқи. – Т.: ТДЮИ нашриёти, 2011, 277-бет

²⁰ Конституциявий ҳуқуқ. Энциклопедик лугат. – Т.: Ўзбекистон, 2006. – 584 б.

²¹ Раянов Ф.М. Проблемы теории государства и права: Учебный курс. – М., 2003. – С. 282 - 283.; Никишин В.В. Экологического законодательства субъектов Российской Федерации // Журнал Российского права. – 2004. – №10.

²² Теория государства и права. Учебник. Коллектив авторов: Х.Т.Адилкариев, И.Т.Тулътеев, Н.П.Азизов и др. // Под общ. ред. Х.Т.Адилкариева. – Ташкент: Академия МВД РУз, 2014. – С.330-331. (522 с.)

²³ O'zbekiston Respublikasining “Normativ-huquqiy hujjatlar to'g'risida”gi Qonuni (Yangi tahriri) // “O'zbekiston Respublikasi qonun hujjatlari to'plami”, 2012 yil, 52-son, 583-moddasi.

adopted at different administrative levels, including national legislation, laws specific to the Republic of Karakalpakstan, regional regulations, and legal acts issued by local government and administrative bodies within their respective jurisdictions²⁴.

A.K. Golichenkov proposes defining environmental legislation in both narrow and broad senses: in the narrow sense, environmental legislation refers to a system of laws and other normative-legal acts that contain legal norms specifically related to environmental protection. In the broad sense, it encompasses not only environmental protection regulations but also normative-legal acts governing the use of natural resources and ensuring environmental safety²⁵.

Ye.Vistorobes classifies environmental legislation into the following categories: 1) Normative-legal documents in the field of environmental protection – these regulate relations concerning environmental protection and ecological safety, including: comprehensive environmental protection laws, laws on medicinal resources, sanitary and epidemiological well-being, environmental impact assessments, waste management regulations. 2) Normative-legal documents related to natural resources, covering: Air, land, water, forests, subsoil, fauna, and flora laws. 3) Eco-integrated normative-legal documents, which include: product distribution agreements, genetic research regulations, Criminal and administrative laws related to environmental issues. ²⁶. A similar classification is also proposed by S.A. Bogolyubov²⁷.

R.A. Guseva classifies environmental legislation into five groups: Laws regulating general principles, Laws governing organizational aspects, Laws addressing economic aspects, Laws regulating environmental conditions and human impact, Laws establishing legal liability for environmental violations²⁸. Meanwhile, N.A. Karpovich categorizes environmental legislation into six groups: 1) System-forming laws – These define the state's main goals and responsibilities, incorporating fundamental norms for regulating environmental and other social relations (e.g., the Constitution, laws on internal and external policies). 2) Eco-integrated laws – These prioritize environmental protection and

²⁴ Жураев Й.О. Экологическое законодательство Республики Узбекистан // Государство и право. – Москва, 1996. – №6. – С. 99.

²⁵ Голиченков А.К. Основные подходы к разработке концепции проекта Экологического кодекса РФ // Право и политика. – 2000. – №10. – С.126.

²⁶ Высторобец Е.А. Элементы системы экологического законодательства // Материалы научно-практической конференции (Оренбург, апрель 2003 г.). – Оренбург: РИК ГОУ ОГУ, 2003. – С. 78-84

²⁷ Боголюбов С.А. Концепция развития экологического законодательства // Черные дыры в российском законодательстве. – Москва, 2003. – №2.; Боголюбов С.А. Перспективы развития экологического законодательства // Вестник ОГУ. – 2003. – №4. – С.98. (98-102).

²⁸ Гусева Р.А. Формирование системного регионального экологического законодательства // На пути к устойчивому развитию России. Выпуск 22. – М., 2003. – С.42-43.; Гусев А.А. Региональные проблемы экологической политики в Российской Федерации: Автореф. дисс. ... д-ра полит. наук. – М., 2004. – С. 12.

ecological security and may be included within broader legal frameworks (e.g., general environmental protection laws, environmental impact assessments, and waste management laws). 3) Eco-differentiated (sectoral) laws – These regulate the use and protection of specific elements of the natural environment and establish regulations for economic and other activities (e.g., laws on land, subsoil, and other natural resources). 4) Eco-adapted laws – Although these laws are not directly related to environmental regulation, some of their provisions establish environmental rights and responsibilities (e.g., tax, technical regulation, architecture, urban planning, and construction laws). 5) Institutional laws – These define the legal status and general operating conditions of environmental governance entities, including laws regulating the powers of parliament, the president, and other institutions. 6) Eco-enforcement laws – These ensure environmental law enforcement and regulate legal liability for non-compliance with environmental standards (e.g., budgetary, customs, and administrative liability laws).²⁹.

According to S.A. Bogolyubov, environmental regulation is carried out in two main directions: natural resources and environmental protection. The law on natural resources and legislative acts regulate the use and protection of specific parts and elements of nature, focusing on land, subsoil, water, forests, and wildlife conservation, as well as ensuring their sustainable use. This branch of law predates environmental law, as historically, society's primary focus was on utilizing and consuming natural resources. As a result, legal frameworks for managing natural resources developed earlier and more comprehensively. The law on environmental protection and its legislative framework only emerged in the second half of the 20th century, when gaps and deficiencies in natural resource legislation became evident. The non-renewable nature of many natural resources and their interconnectedness led to the development of a broader and more integrated approach to environmental protection³⁰.

The scientific study of the general concept and distinctive features of water legislation documents plays a crucial role in understanding the essence of laws and subordinate legal acts regulating water relations and in effectively applying these normative documents in practice.

The primary function and essence of water legislation is to regulate relations related to the use and protection of water resources. Through water legislation, the

²⁹ Карпович Н.А. Теоретические проблемы реализации экологической функции государства: Автореф. дисс. ... докт. юрид. наук. – Минск: НЦЗПИ, 2012. – С.24-25.

³⁰ Боголюбов С.А. Сочетание правовых международных и национальных терминов и принципов в экологической сфере // Международно-правовое и национальное регулирование экологической сферы общества: сборник статей / сост. Ю.С.Шемшученко, С.А.Боголюбов. – М.: ИЗСП, 2011. – С. 37. (35-59).

following aspects are defined and regulated: the procedure for granting water resources for ownership and use, rules and requirements for water use, purposes and types of water use, requirements for water conservation, ownership rights to water resources, rights and obligations of water users, guarantees for water use, protection of water use rights, legal liability for violations of water use regulations

Within the system of water legislation documents, the laws of the Republic of Uzbekistan hold a special place. Following its independence, Uzbekistan adopted dozens of laws aimed at regulating social relations related to the rational use and protection of water resources.

These laws can be categorized based on their role in regulating water-related relations into three groups: general laws, special laws, conservation laws.

The general laws of the Republic of Uzbekistan play a crucial role in regulating social relations related to the protection and rational use of water resources. These laws define the principles and requirements for water conservation and establish mechanisms for regulating water-related social relations. Examples of such general laws include: The Law of the Republic of Uzbekistan "On Environmental Protection"³¹ The Law of the Republic of Uzbekistan "On Protected Natural Areas"³² And other relevant legislative acts.

Special laws hold a significant place in the system of water legislation documents, as they directly regulate social relations related to water conservation and its rational use. Examples of special laws include: The Land Code of Uzbekistan³³, The Law "On Water and Water Use"³⁴, The Law "On Subsoil Resources"³⁵, "The Law" "On the Safety of Hydraulic Structures"³⁶ And other relevant legislative acts. These special laws define key aspects of water legislation, including: The purpose, objectives, objects, and subjects of water-related legislation, the legal status of water resources, the rights and obligations of individuals and legal entities entitled to use water resources, the powers of state regulatory bodies in water management, rules, terms, and requirements for water conservation and use, water monitoring and control mechanisms, the grounds for the emergence and termination of water use rights, regulations on water use for drinking, domestic,

³¹ O'zbekiston Respublikasining "Tabiatni muhofaza qilish to'g'risida"gi Qonuni. O'zbekiston Respublikasi Qonun hujjatlari ma'lumotlari milliy bazasi // www.lex.uz

³² O'zbekiston Respublikasining "Muhofaza etiladigan tabiiy hududlar to'g'risida"gi Qonuni. O'zbekiston Respublikasi Qonun hujjatlari ma'lumotlari milliy bazasi // www.lex.uz

³³ O'zbekiston Respublikasining Yer kodeksi. O'zbekiston Respublikasi Qonun hujjatlari ma'lumotlari milliy bazasi // www.lex.uz

³⁴ O'zbekiston Respublikasining "Suv va suvdan foydalanish to'g'risida"gi qonuni. O'zbekiston Respublikasi Qonun hujjatlari ma'lumotlari milliy bazasi // www.lex.uz

³⁵ O'zbekiston Respublikasining "Yer osti boyliklari to'g'risida"gi Qonuni (yangi tahriri). O'zbekiston Respublikasi Qonun hujjatlari ma'lumotlari milliy bazasi // www.lex.uz

³⁶ O'zbekiston Respublikasining "Gidrotexnika inshootlarining xavfsizligi to'g'risida" gi Qonuni. O'zbekiston Respublikasi Qonun hujjatlari ma'lumotlari milliy bazasi // www.lex.uz

agricultural, industrial, and energy purposes, rules for water use in fisheries, hunting, water transport, reservoirs, hydro-junctions, and other structures, procedures for resolving water-related disputes, legal liability for violations of water laws, these laws serve as the legal foundation for ensuring effective water resource management and protection in Uzbekistan.

Conservation laws also hold an important place in the system of water legislation documents. These laws ensure the protection and regulation of water-related relations in Uzbekistan. Examples of conservation laws in Uzbekistan include: The Labor Code of the Republic of Uzbekistan³⁷, The Administrative Liability Code of the Republic of Uzbekistan³⁸, The Criminal Code of the Republic of Uzbekistan³⁹, The Civil Code of the Republic of Uzbekistan⁴⁰ These legal acts serve the following functions: Establishing rules and requirements for water use and protection, preventing violations of these rules by individuals and legal entities, regulating and ensuring enforcement of legal responsibility if these rules are violated, providing disciplinary, administrative, civil, and criminal liability measures in case of non-compliance with water protection regulations, thus, conservation laws play a crucial role in safeguarding water resources by ensuring legal accountability and enforcement mechanisms.

One of the key characteristics of water legislation documents is the establishment of a legal framework ensuring the protection of water resources. Water, unlike other natural resources, possesses unique features, necessitating special protection measures. The distinct legal status of water conservation is based on several factors: limited reuse potential – In many cases, water resources can only be used once, requiring careful and efficient management. Interdependence with other natural resources – The preservation of water in its natural state contributes to maintaining ecological balance across other environmental elements. Essential for sustaining life – Protecting water quality is crucial for the survival of all living organisms. Broader environmental impact – Rational use and conservation of water resources directly support the protection of land, forests, flora, and fauna. These factors justify the need for a specialized legal framework for water conservation, ensuring that water resources are used sustainably while preserving ecological integrity.

³⁷ O'zbekiston Respublikasining Mehnat kodeksi. O'zbekiston Respublikasi Qonun hujjatlari ma'lumotlari milliy bazasi // www.lex.uz

³⁸ O'zbekiston Respublikasining Ma'muriy javobgarlik to'g'risidagi kodeksi. O'zbekiston Respublikasi Qonun hujjatlari ma'lumotlari milliy bazasi // www.lex.uz

³⁹ O'zbekiston Respublikasining Jinoyat kodeksi. O'zbekiston Respublikasi Qonun hujjatlari ma'lumotlari milliy bazasi // www.lex.uz

⁴⁰ O'zbekiston Respublikasining Fuqarolik kodeksi. O'zbekiston Respublikasi Qonun hujjatlari ma'lumotlari milliy bazasi // www.lex.uz

Water legislation documents play a crucial role in ensuring the protection of water resources, thereby helping to resolve issues related to the rational use of water wealth. The protection of water bodies should be understood as a system of measures aimed at preserving and restoring water bodies to ensure a stable supply of water for ecosystems and economic sectors. A water protection zone is of critical legal importance, as it establishes clear regulations for maintaining water quality and ecosystem stability. A water protection zone refers to a designated natural area adjacent to a water body where a special regime for land use and economic activities is implemented to: maintain adequate sanitary conditions of water resources, prevent pollution and contamination, avoid sedimentation caused by soil erosion, ensure a stable water regime. Thus, defining and enforcing water protection zones in legislation is a fundamental aspect of sustainable water management and environmental conservation.

Thus, rational use of water resources is closely linked to water conservation, and these relationships are distinctly regulated within water legislation. Based on the content of water legislation, rational water use refers to the utilization of water resources by individuals and legal entities to meet their needs without negatively affecting water quality, while complying with legal requirements and ensuring protective measures. The main objectives of rational water use are: maximizing water efficiency – Ensuring the most economical use of water resources. Minimizing harmful impacts – Reducing negative effects on water quality and ecosystem stability. By establishing clear legal frameworks for rational water use and conservation, water legislation helps balance human needs with environmental sustainability.

The establishment of a comprehensive legal framework for water extraction quotas, water use limits, and water protection measures is of critical importance, as these regulations contribute to the rational use of water resources. Water extraction quota refers to the average estimated volume of water allocated to the Ministry of Water Management of the Republic of Karakalpakstan, basin irrigation system administrations, district irrigation departments, and other water users over the next five hydrological years, distributed monthly from primary water sources. Water use limit is defined as the percentage ratio of the allocated water quota to the expected water availability in a hydrological year. This applies to water allocated during the autumn-winter and summer irrigation seasons, based on the projected water level of main water bodies. By regulating water extraction and use, these legal measures help optimize water distribution, prevent overuse, and ensure sustainable water resource management.

Additionally, “water legislation regulates the following aspects: procedures for water resource use, purposes and types of water use, conditions for water conservation, ownership rights to water resources, Rights and obligations of water users, guarantees for water use, protection of water use rights, termination of water use rights, legal liability for violations of water use regulations, these legal provisions ensure the sustainable management, protection, and equitable distribution of water resources while enforcing accountability for misuse or violations”⁴¹.

Based on the points discussed above, water legislation refers to a system of legal documents that regulate social relations related to water conservation and its rational use. In general terms, water legislation can be understood as a set of legal norms that establish the lawful framework for utilizing water resources to meet the economic and social-domestic needs of the national economy and citizens. The legal framework governing water relations consists of: constitutional provisions on water management, laws of the Republic of Uzbekistan, Presidential decrees of the Republic of Uzbekistan, resolutions of the Cabinet of Ministers, normative acts issued by specialized state management bodies, regulatory documents of local government authorities, together, these legal documents form the foundation of water legislation, ensuring the effective regulation, conservation, and sustainable use of water resources.

REFERENCES:

1. O'zbekiston Respublikasining “Suv va suvdan foydalanish to'g'risida”gi qonuni. O'zbekiston Respublikasi Qonun hujjatlari ma'lumotlari milliy bazasi // www.lex.uz
2. O'zbekiston Respublikasining “Tabiatni muhofaza qilish to'g'risida”gi Qonuni. O'zbekiston Respublikasi Qonun hujjatlari ma'lumotlari milliy bazasi // www.lex.uz
3. O'zbekiston Respublikasining “Muhofaza etiladigan tabiiy hududlar to'g'risida”gi Qonuni. O'zbekiston Respublikasi Qonun hujjatlari ma'lumotlari milliy bazasi // www.lex.uz
4. O'zbekiston Respublikasining Yer kodeksi. O'zbekiston Respublikasi Qonun hujjatlari ma'lumotlari milliy bazasi // www.lex.uz
5. O'zbekiston Respublikasining Mehnat kodeksi. O'zbekiston Respublikasi Qonun hujjatlari ma'lumotlari milliy bazasi // www.lex.uz

⁴¹ O'zbekiston Respublikasining “Suv va suvdan foydalanish to'g'risida”gi qonuni. O'zbekiston Respublikasi Qonun hujjatlari ma'lumotlari milliy bazasi // www.lex.uz

6. O'zbekiston Respublikasining Ma'muriy javobgarlik to'g'risidagi kodeksi. O'zbekiston Respublikasi Qonun hujjatlari ma'lumotlari milliy bazasi // www.lex.uz
7. O'zbekiston Respublikasining Jinoyat kodeksi. O'zbekiston Respublikasi Qonun hujjatlari ma'lumotlari milliy bazasi // www.lex.uz
8. O'zbekiston Respublikasining Fuqarolik kodeksi. O'zbekiston Respublikasi Qonun hujjatlari ma'lumotlari milliy bazasi // www.lex.uz
9. O'zbekiston Respublikasining "Yer osti boyliklari to'g'risida" gi Qonuni (yangi tahriri). O'zbekiston Respublikasi Qonun hujjatlari ma'lumotlari milliy bazasi // www.lex.uz
10. O'zbekiston Respublikasining "Gidrotexnika inshootlarining xavfsizligi to'g'risida" gi Qonuni. O'zbekiston Respublikasi Qonun hujjatlari ma'lumotlari milliy bazasi // www.lex.uz.
11. O'zbekiston Respublikasining "Normativ-huquqiy hujjatlar to'g'risida" gi Qonuni (Yangi tahriri) // "O'zbekiston Respublikasi qonun hujjatlari to'plami", 2012 yil, 52-son, 583-modda.
12. Suv va suvdan foydalanish to'g'risidagi 1993 yil 6 may, 837-XII-son qonuni // O'zbekiston Respublikasi Oliy Kengashining Axborotnomasi, 1993 y., 5-son, 221-modda.
13. Сув ҳуқуқи. –Т.:ТДЮИ нашриёти, 2011, 8-9- бетлар.
14. Давлат сув кадастри. //Сув ҳуқуқи. –Т.:ТДЮИ нашриёти, 2011, 82-бет.
15. Сув ресурсларини экологик-ҳуқуқий муҳофаза қилиш. //Сув ҳуқуқи. –Т.:ТДЮИ нашриёти, 2011, 126-бет.
16. Сув ресурсларидан фойдаланиш ва истеъмол қилиш ҳуқуқи. //Сув ҳуқуқи. –Т.:ТДЮИ нашриёти, 2011, 128-129-бет.
17. Сув қонунчилигини бузганлик учун юридик жавобгарлик. //Сув ҳуқуқи. –Т.:ТДЮИ нашриёти, 2011, 156-бет
18. Ижтимоий-маиший ва соғломлаштириш мақсадларида сувдан фойдаланиш ва истеъмол қилиш ҳуқуқи. //Сув ҳуқуқи. –Т.:ТДЮИ нашриёти, 2011, 173-бет.
19. O'zbekiston respublikasida suv ob'ektlaridan baliqchilik va ovchilik xo'jaligi ehtiyojlari uchun foydalanish huquqi. //Suv huquqi. –Т.:ТДЮИ нашриёти, 2011, 236-bet.
20. Ўзбекистон Республикасида сув объектларидан балиқчилик ва овчилик хўжалиги эҳтиёжлари учун фойдаланиш ҳуқуқи. //Сув ҳуқуқи. –Т.:ТДЮИ нашриёти, 2011, 237-бет.

21. Сув омборлари, гидроузеллар ва бошқа гидротехника иншоотларидан фойдаланиш. //Сув ҳукуки. -Т.:ТДЮИ нашриёти, 2011, 258-бет.
22. Алоҳида ҳукукий муҳофаза этиладиган сув объектлари. //Сув ҳукуки. -Т.:ТДЮИ нашриёти, 2011, 277-бет
23. Конституциявий ҳуқук. Энциклопедик лугат. -Т.: Ўзбекистон, 2006. – 584 б.
24. Раянов Ф.М. Проблемы теории государства и права: Учебный курс. – М., 2003. – С. 282 - 283.;
25. Никишин В.В. Экологического законодательства субъектов Российской Федерации // Журнал Российского права. – 2004. – №10.
26. Теория государства и права. Учебник. Коллектив авторов: Х.Т.Адилкариев, И.Т.Тулътеев, Н.П.Азизов и др. // Под общ. ред. Х.Т.Адилкариева. – Ташкент: Академия МВД РУз, 2014. – С.330-331. (522 с.)
27. Жураев Й.О. Экологическое законодательство Республики Узбекистан // Государство и право. – Москва, 1996. – №6. – С. 99
28. Голиченков А.К. Основные подходы к разработке концепции проекта Экологического кодекса РФ // Право и политика. – 2000. – №10. – С.126.
29. Высторобец Е.А. Элементы системы экологического законодательства // Материалы научно-практической конференции (Оренбург, апрель 2003 г.). – Оренбург: РИК ГОУ ОГУ, 2003. – С. 78-84
30. Боголюбов С.А. Концепция развития экологического законодательства // Черные дыры в российском законодательстве. – Москва, 2003. – №2.;
31. Боголюбов С.А. Перспективы развития экологического законодательства // Вестник ОГУ. – 2003. – №4. – С.98. (98-102).
32. Гусева Р.А. Формирование системного регионального экологического законодательства //На пути к устойчивому развитию России. Выпуск 22. -М., 2003. -С.42-43.;
33. Гусев А.А. Региональные проблемы экологической политики в Российской Федерации: Автореф. дисс. ... д-ра полит. наук. – М., 2004. – С. 12.
34. Карпович Н.А. Теоретические проблемы реализации экологической функции государства: Автореф. дисс. ... докт. юрид. наук. – Минск: НЦЗПИ, 2012. – С.24-25.
35. Боголюбов С.А. Сочетание правовых международных и национальных терминов и принципов в экологической сфере // Международно-правовое и национальное регулирование экологической

сферы общества: сборник статей / сост. Ю.С.Шемшученко, С.А.Боголюбов. – М.: ИЗСП, 2011. – С. 37. (35-59).

36. Hayitov H.SH. Suv qonunchiligi hujjatlarining umumiy tavsifi va yuridik tabiati // Innovation in the modern education system: a collection scientific works of the International scientific conference (25 th January, 2022) – Washington, USA: "CESS", 2022. Part 14 – 376 p. 282-287 pp.

37. Xalq so'zi, 2020-yil 27-iyul