

LEGAL ASPECTS OF THE PUBLIC ECOLOGICAL CONTROL AS THE MAJOR FORM OF THE PARTICIPATION OF INSTITUTES OF THE CIVIL SOCIETY IN THE ENVIRONMENTAL PROTECTION

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Abstract: Legal aspects of the public ecological control, as the major form of the participation of institutes of the civil society in the solution of environmental problems are analyzed in the article. Particularly concept, subjects, system and forms of the public ecological control, form of realization of results of the public ecological control, and also legal status of the public inspector of the ecological control on the basis of the analysis of the ecological legislation of the Republic Uzbekistan are defined.

Key words: ecological control, public ecological control, public inspector of the ecological control, institutes of civil society, environmental problems, results of the public ecological control.

Introduction. Nowadays civil institutes, nongovernmental non-profit organizations become the important factor of the protection of democratic values, rights, freedom and legal interests of the people. They promote realization of citizens' potential to increase their public, social and economical activities and legal culture, maintenance of balance of interests in a society [1].

The importance of the participation of institutes of the civil society in the solution of environmental problems is represented in their functions related with human rights and their capability to influence the quality of environment. So, the public activity is important stimulus of enhancement of the rights and management in the sphere of preservation of the environment.

Participation of institutes of the civil society in the solution of environmental problems is performed through interaction between empowered bodies, companies and institutes of the civil society; mutual assistance of institutes of the civil society and empowered bodies in development of the civil society for the purpose of preservation of the environment, rational use of natural resources, provision of ecological safety.

When talking about reflection of the ecological rights and about implementation of participation practice of civil society institutes, it is necessary to analyze forms and methods of such participation. The majority of scientists agrees in opinion that the basic form of such participation is public ecological control.

In particular, according to V.F.Petrenko, "Public ecological control is the concept including all kinds of activities of citizens and the public ecological organizations on implementation of constitutional and other legitimate rights for favorable environment and compensation of a damage, caused to health and property"[2].

B.H.Kalonov notices that the ecological control is performed through the direct initiative of the public organizations and the mutual agreement between special representative bodies in the sphere of preservation of the environment and users of nature [3, p.34].

In the system of public ecological control, R.E.Turdiboeva proposed such action as an "increase ecological-legal consciousness and behavior of the population in preservation of nature for the future generations" [4], and so did O.H.Narzullaev, such as "forming ecological thinking and active cooperation with the official bodies in wildlife management sphere" [5], etc.

Public ecological control also includes measures on provision of the rights of citizens on favorable environment; on compensation of harm caused to the health and the property of citizens; on reception of the ecological information and other ecological rights of the citizens established by the ecological legislation. At the same time the public ecological control is performed through such methods as the public notification about the revealed environmental offences; requirements and circulations in the law enforcement bodies and in court of citizens about measures on prevention of infringements of the ecological legislation [6].

It is necessary to notice that the public ecological control is the kind of activity shown in the precautionary form accurately regulated by the ecological legislation (at carrying out public ecological inspections under projects of planned activities) or in the form of the current control (of environment, including revealing placements of production wastes and consumption, observance of ecological requirements at buildings etc.).

Important values in legal adjustment of public relations in the field of ecological control have been described on the Law of the Republic of Uzbekistan «On ecological control» dated December, 27th, 2013 [7]. An innovation of the given Law is that the institutes of a civil society and citizens along with the state structures are fixed as the subjects of ecological control which performs public ecological control. Thus, public ecological control can be performed jointly by special representatives of the state bodies in the field of ecological control, a board of departmental ecological control and legal entities [8].

As one of the major institutes of a civil society, not governmental non-profit organizations according to their charters have the following rights:

- to participate in the preparation of decisions concerning provision of preservation of the environment, rational use of natural resources, and also in development and implementation of state and other ecological programs;
- to perform the public ecological control;

- to participate in the supervision over a state of environment and situations which can lead to environmental contamination and irrational use of natural resources, creation of danger for life and health of citizens;
- to participate in the development of regulatory legal acts in the field of ecological control;
- to invite a special representative from the state bodies, regional public authorities, managers of enterprises for participation on implementation inspection of the state, departmental and enterprising ecological control;
- to inform special representatives of the state bodies, regional public authorities, managers of enterprises on the fact of infringement of the legislation in the field of preservation of the environment and rational use of natural resources;
- to make an offer on accepting of measures on prevention of infringement of the legislation in the field of preservation of the environment and rational use of natural resources in cooperation with the corresponding state bodies;
- to address the corresponding state bodies to receive the information on a current state of environment, rational use of the natural resources, accepted measures on elimination of the revealed fact of infringement of the legislation in the given sphere;
- to conduct studying of the public opinion concerning preservation of the environment and rational use of natural resources, public ecological examination;
- to participate in the hearings of the information and reports by heads of the relevant organs of the government and management, the enterprises and the organizations concerning preservation of the environment, a sanitary condition, an accomplishment and territory gardening;
- to co-operate with other subjects of the ecological control and mass media concerning public ecological control, including forming the system of public inspectors of ecological control;
- to assist in the work of increasing ecological culture of the population, development of ecological formation and education (Article 16).

Also Ecological movement of Uzbekistan, along with the specified rights, according to the authorized tasks develops the recommendations directed on the further strengthening participation of governmental non-profit organizations in implementation of ecological control.

Moreover, with a view of implementation of the public ecological control self-administered institutions of citizens and non-governmental non-profit organizations can form system of public inspectors of ecological control and co-ordinate their activity. The citizen of the Republic of Uzbekistan trained under special preparation and having the right to participate in ecological control can become the public inspector of ecological control.

The public inspector of ecological control has the rights:

- to perform supervision over observance of legal and physical persons for the legislation in the field of preservation of the environment and rational use of natural resources;
- to take part in quality of the observance at implementation of the state, departmental and enterprise ecological control;
- to take part in preparation of measures for self-governed institutions of the citizens and (or) non-governmental non-profit organization, corresponding state structures for reception of the information on a current state of environment, rational use of the natural resources, accepted measures on elimination of the revealed fact of infringement of the legislation in the given sphere;
- to receive from legal and physical persons necessary documents and the information for carrying out of the public ecological control;
- to participate in carrying out of studying of public opinion concerning preservation of the environment and rational use of natural resources, public ecological examination;
- to participate in the hearings of the information and reports by heads of the relevant organs of the government and management, the enterprises and the organizations concerning preservation of the environment, a sanitary condition, an accomplishment and territory gardening;
- to participate in works on increase of ecological culture of the population, development of ecological formation and education.

Besides, according to the Law it is specified four forms of public ecological control which are:

- supervision over a state of environment and its changes under the influence of economic and other activity, observance of legal and physical persons of the requirements of the legislation in the field of preservation of the environment and rational use of natural resources, implementation of state and other ecological programs;
- participation in the quality of the observer at implementation of the state, departmental and enterprise ecological control;
- hearing the information and reports of heads of relevant organs of the government and management, the enterprises and the organizations concerning preservation of the environment, a sanitary condition, an accomplishment and territory gardening;
- carrying out of the public ecological examination.

Public ecological control can be performed by the analysis and estimation of a state of environment and rational use of natural resources, and also public opinion studying. From here follows, results of the public ecological control can be arranged by drawing up when due hereunder inquiries or information. Forms of implementation of results of public ecological control are: 1) informing special representative of the state structures, public authorities on places and citizens about results of the public ecological control; 2) entering offers into corresponding state structures

for accepting of measures on the revealed fact of infringement of requirements of the legislation in the field of preservation of the environment and rational use of natural resources.

Conclusions. In the conclusion it would be desirable to notice that the public ecological control is the most effective and major form of the participation of institutes of a civil society in the solution of environmental problems. And for the purpose of the most complete implementation of the public control and public participation, it is considered reasonable accepts of following necessary measures: international convention ratification "About an influence estimation on environment in a transnational context" (the Convention of Espoo); joining the international convention "On the access to the information, participation of the public in decision-making and access to justice on the questions, concerning environment" (the Orhussky Convention); entering respective alterations into the legislation, in connection with participation of the Republic of Uzbekistan in the above-named international conventions; accepting acts on implementation of rates of the Law of the Republic of Uzbekistan "On ecological control", connected with the implementation of the public ecological control; allocation of citizens and institutes of a civil society with high-grade powers of the public ecological control and obliges to consider opinion of the interested public at the implementation of design decisions in corresponding territories; improvement of access of the public to the ecological information, in particular, regarding the possibility of the reception of the objective data of monitoring the atmospheric air, water objects, statistics of the checks of enterprise entities conducted by supervising departments and reception of their results; access of citizens to the expert judgments of results of the state ecological examinations and public examinations, etc.

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