

# Ecological Code: Integration of Theory and Practice

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## **Abstract:**

Environmental protection has become a global priority, requiring systematic legal responses to ensure sustainability and ecological safety. Uzbekistan, in line with its national development strategy and legal reforms, has initiated the development of a comprehensive Ecological Code to consolidate fragmented environmental laws into a unified regulatory framework. Despite having over 30 environmental laws and more than 450 regulatory acts, there exists no single codified legal document that holistically governs environmental relations, leading to inconsistency, legal uncertainty, and enforcement difficulties. This article aims to analyze the theoretical necessity and practical potential of codifying Uzbekistan's environmental law through an Ecological Code, drawing comparisons with international practices and assessing the legal and institutional implications. The study identifies the core challenges in current legislation, such as declarative norms, sectoral fragmentation, and weak enforcement mechanisms. It presents a structured concept for the Ecological Code that includes general, special, and separate parts addressing rights, environmental responsibilities, and sector-specific regulations. The research proposes a two-stage reform model tailored to the Uzbek legal context, emphasizing the integration of sectoral laws and the eventual adoption of a unified Ecological Code that aligns with international legal standards. The implementation of the proposed code is expected to improve environmental governance, reinforce citizens' constitutional rights to a healthy environment, and ensure the rational use of natural resources across generations.

**Keywords:** Ecological Code, Environmental Law, Environmental Protection, Natural Resources, Rational Use, Environmental Safety, Legislation, State Bodies, Environmental Education, Enlightenment Work, Public Control, International Experience, Biosecurity, Climate Change, Green Economy, Legal Framework, Institutional Measures

## Introduction

Environmental security in society is considered as an internal and external factor threatening development, and its sphere of influence is gradually being reduced and eliminated based on the Development Strategy and Concepts of New Uzbekistan, set forth by the President of the Republic of Uzbekistan Sh.M. Mirziyoyev. Also, as a result of the legal reforms being implemented in our country, unprecedented innovations are taking place in the social, political, cultural and other spheres [1].

The Resolution of the President of the Republic of Uzbekistan “On measures to organize the activities of state bodies in the field of environmental protection and environmental control” was adopted. In accordance with this regulatory legal document, the State Committee for Ecology was tasked with developing a draft Environmental Code by December 1, 2022 and submitting it to the Cabinet of Ministers. It is planned to develop the Code with the involvement of representatives of the general public, scientific and research institutions, civil society institutions and the media [2].

If a codified law is developed, this Ecological Code should include chapters on the issue of biodiversity, i.e. the rational use and protection of biological resources, the creation and protection of forests in the protected area of the Aral Sea. Also, it is difficult to carry out production today without direct impact on the environment, so in this regard, there should be standards on environmental control and auditing in production, and on waste [3].

We imagine that the current issue before lawyers in the field of ecology is the important task of codifying legislation regulating issues related to environmental law. In this area, the great achievement of lawyers in improving legislation was the codification of Civil Law in the 19th century (first in France) [4].

The countries that have developed in terms of adopting an Environmental Code are currently France, Sweden, and Côte d'Ivoire. In France, the fundamental foundations for the development of an Environmental Code have been created. In France, the first draft of the Environmental Code was submitted to parliament in 1996. The Environmental Code consists of a general and a special part (Article 975) [6]. Article 1 of the French Environmental Code declares biological diversity and biological balance to be an integral part of the common heritage of the nation. It also reflects environmental protection and other issues related to genetic engineering. The general part (in the first book) includes the principles of the code, its implementation, environmental responsibility, issues related to the natural environment, flora and fauna. The special part (in the second book-sixth) covers nature protection, forests, water, air, hazardous waste and garbage. In this part of the code, each natural resource is classified into separate chapters [5].

## Methods

Based on the above, extensive work has been carried out in these countries on the codification of environmental legislation. Codification through the development and adoption of the environmental legislation of the Republic of Uzbekistan corresponds to global trends in the development of this area of law. If we analyze the legislative process of foreign countries, we can see that environmental legislation has been codified in a number of countries, and in some of them active work is being carried out in this regard [6].

In the countries that have adopted environmental codes in the world, namely France, Sweden, Italy, Estonia, Côte d'Ivoire and Kazakhstan, environmental relations are regulated by a special codified law [7].

Considered as an object of study in scientific and legal literature. Currently, work and efforts to codify environmental legislation are being carried out in Belgium, the Netherlands, Denmark, Poland, Hungary and Slovenia, and in the CIS countries, in the Russian Federation, the Republic of Belarus, Ukraine, and the Kyrgyz Republic. It should also be noted that the issue of developing the

Environmental Code is being considered in all European countries [8].

## **Results and Discussion**

It should be noted that the Parliament of the Republic of Uzbekistan has adopted environmental legislation based on a number of conceptual principles to implement environmental policy. In addition, more than 30 special environmental laws have been adopted, aimed at ensuring the environmental safety of the population, rational use of natural resources, ensuring their protection and their transfer to future generations in a pure form, and on the basis of these special laws, many governments have developed more than 450 regulatory legal acts. However, a number of regulatory legal acts are also being adopted by specially authorized state bodies, namely, regulations, instructions, resolutions, and programs [9].

Today, there is a need to improve the legislation in the field of nature protection and use. Because most of the norms and rules of the laws in the field of nature protection have a declarative content. Also, general rules have been adopted by all sectoral laws. As a result, artificially created branches of legislation are emerging.

Thus, there are special laws aimed at regulating the relationship between nature and society, which are:

1. Law of the Republic of Uzbekistan “On Nature Protection”;
2. Law of the Republic of Uzbekistan “On Water and Water Use”;
3. Law of the Republic of Uzbekistan “On Subsoil Resources”;
4. Law of the Republic of Uzbekistan “On Protection and Use of the Flora”;
5. Land Code of the Republic of Uzbekistan;
6. Law of the Republic of Uzbekistan “On Protection of Atmospheric Air”;
7. Law of the Republic of Uzbekistan “On Forestry”;
8. Law of the Republic of Uzbekistan “On Ecological Expertise”;
9. Law of the Republic of Uzbekistan “On Metrology”;
10. Law of the Republic of Uzbekistan “On Protected Natural Areas”;
11. Law of the Republic of Uzbekistan “On Radiation Safety”;
12. The Law of the Republic of Uzbekistan "On Standardization";
13. The Law of the Republic of Uzbekistan "On Waste" and the Law of the Republic of Uzbekistan "On Waste"

These legislative acts do not regulate social relations related to nature protection, rational use of natural objects and ensuring the ecological safety of the population on a general basis, but rather specifically protect and strengthen relations related to their rational use. It should be noted that there are a lot of regulatory legal acts aimed at the protection and rational use of natural resources, and they are scattered and some of them are difficult to find, which can complicate the work on the rights and obligations of citizens and their implementation [10].

As a result, the abundance of laws and the absence of a codified regulatory legal act lead to the adoption of many decisions by the government. In this regard, we believe that the adoption of a codified single Ecological Code remains one of the most urgent issues [11].

In this regard, legal scholars of our republic also express their opinions and considerations on the issue of developing an Ecological Code. According to Y.O. Juraev, it is necessary to improve the legislation on environmental protection and reform the legal regulation in this area in two stages. The first stage: to collect the norms and rules common to all natural objects into a single fundamental law, to ensure their direct application, and this law should reflect all the rights and obligations of the individual, society and the state in relation to nature and establish guarantees. The adoption of such a fundamental law should entail a revision of the sectoral laws on each natural object based on the rules

of integration and differentiation, leaving in them mainly the rules regulating the relations specific to each natural object. The second stage: on the basis of the implementation of the laws adopted at the first stage and after the creation of state control bodies specific to them, after environmental law has undergone the appropriate integration process, that is, after the current existing sectoral (each natural object) legislation has lost its independence, it will be necessary to adopt the Ecological Code. The adoption of the Ecological Code will lead to the abolition of currently existing land rights, water rights, and other similar rights and their transformation into separate institutions of environmental law [12].

Since the idea of creating an ecological code is being put forward, the question of what the structure and system of this code should be is of course raised. First of all, this code should establish the tasks, goals, and principles of environmental protection. Also, the ecological code itself should regulate such relations as the powers of state authorities and management bodies related to environmental protection, environmental quality standards and norms, rational use and protection of biological resources, biodiversity, environmental monitoring, environmental expertise, environmental control, legal protection of natural objects (land, water, subsoil resources, flora and fauna, atmospheric air, special protected areas), and legal liability for violation of environmental protection legislation [13].

Opinions on this issue have already been put forward by foreign legal scholars. In particular, Russian legal scholar A.K. Golichenkov emphasizes that if the Environmental Code of the Russian Federation is created, its parts should consist of the following. Namely, the General Part, the Special Part, and the Separate Parts. The General Part contains the rights and obligations of users; property rights in relation to natural resources; environmental management; economic mechanism; legal liability [14]. The Special Part contains general issues in ensuring environmental safety and protecting nature; additional norms; the introduction of norms on the use and protection of land in terms of its economic significance. The Separate Part emphasizes that the rules governing the application of international norms and the relations related to the protection of natural resources, land, subsoil, water, forests, fauna and flora should be established. In this regard, Professor H.V. Rangeling expressed his views and opinions on the need to improve environmental protection legislation, that is, to develop a codified European Code of Conduct [15].

## Conclusion

In short, it can be said that the development of a codified, ecological code of the Republic of Uzbekistan, aimed at ensuring the protection and rational use of nature based on specific natural conditions, will be very useful in ensuring the further protection of natural resources, as well as ensuring the constitutional rights of citizens to a favorable environment, preserving mother nature for future generations, and further ensuring the implementation of laws in this regard.

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