

UDC: 349.6(045)(575.1)

SCIENTIFIC AND THEORETICAL ANALYSIS OF NORMATIVE AND LEGAL ACTS ON THE PROTECTION AND USE OF WILDLIFE

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Abstract. This article provides suggestions and comments on the development of new legislation on the basis of new definitions, improvement of normative and legal documents and their analysis related to the protection and rational use of wildlife. The article also analyzes the most important issues that serve the further development of the theory of environmental law in the field of protection and the use of wildlife. The problems in terms of environmental law the problems of legal protection and legal regulation of wildlife, the role and importance of wildlife in the system of natural resources, the origin of the right to the protection and use of wildlife in the context of research, legal relations related to compliance, the content of the norms aimed at regulating them, essence and problems of application in practice, management system in the field of use and protection of wildlife, powers of governing bodies, as well as the issue of legal liability for violations of the legislation on the protection and use of wildlife are analysed.

Keywords: biodiversity, ecological code, genetically modified, forest, wildlife, wildlife objects, cadastre, natural resources, wild animals, aquatic animals, reptiles, birds, hunting, fishing rules, law, improvement legislation.

HAYVONOT DUNYOSINI MUHOFAZA QILISH VA UNDA FOYDALANISHGA OID NORMATIV- HUQUQIY HUJJATLARNING ILMIY-NAZARIY TAHLILI

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Toshkent davlat yuridik universiteti dotsenti

Annotatsiya. Mazkur maqolada hayvonot dunyosini muhofaza qilish va undan oqilona foydalanish bilan bog'liq yangi qonun hujjatlarini yangi ta'riflar asosida ishlab chiqish, normativ-huquqiy hujjatlarni takomillashtirish hamda ularni tahlil qilish yuzasidan taklif va mulohazalar bildirilgan. Shuningdek, hayvonot dunyosini muhofaza qilish va undan foydalanish sohasidagi ekologik huquq nazariyasini yanada rivojlantirishga oid eng muhim masalalar tahlil qilindi. Hayvonot dunyosini huquqiy muhofaza qilish va huquqiy tartibga solish muammolari, tabiat resurslari tizimida hayvonot dunyosining o'rni va ahamiyati, hayvonot dunyosini muhofaza qilish va undan foydalanish huquqining kelib chiqishi ilmiy-tadqiqot doirasida ekologiya huquqi nuqtayi nazaridan o'rganildi. Hayvonot dunyosi bilan bog'liq huquqiy munosabatlar, ularni tartibga solishga qaratilgan normalarning mazmuni, amaliyotda qo'llash mohiyati va muammolari, hayvonot dunyosidan foydalanish va muhofaza qilish sohasidagi boshqaruv tizimi, boshqaruv organlarining vakolatlari, qonun hujjatlarida belgilangan tartibda javobgarlik masalalari tadqiq etildi.

Kalit so'zlar: biologik xilma-xillik, genetik modifikatsiyalangan, o'rmon, hayvonot dunyosi, hayvonot dunyosi obyektlari, kadastr, tabiiy resurslar, yovvoyi hayvonlar, suv hayvonlari, sudraluvchilar, qushlar, ovchilik, baliq ovlash qoidalari, qonun.

НАУЧНО-ТЕОРЕТИЧЕСКИЙ АНАЛИЗ НОРМАТИВНО-ПРАВОВЫХ АКТОВ ПО ОХРАНЕ И ИСПОЛЬЗОВАНИЮ ЖИВОТНОГО МИРА

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***Аннотация.** В данной статье представлены предложения и комментарии по разработке нового законодательства на основе новых определений, совершенствованию нормативно-правовых документов и их анализу, связанных с охраной и рациональным использованием животного мира. Также анализируются важнейшие вопросы, которые служат дальнейшему развитию теории экологического права в области защиты и использования животного мира. Исследовали проблемы с точки зрения экологического права, проблемы правовой защиты и правового регулирования животного мира, роль и значение животного мира в системе природных ресурсов, происхождение права на защиту и использование животного мира в контексте исследования, правоотношения, связанные с соблюдением, содержание норм, направленных на их регулирование, сущность и проблемы применения на практике, система управления в области использования и охраны животного мира, полномочия органов управления, а также вопрос юридической ответственности за нарушения законодательства об охране и использовании животного мира.*

***Ключевые слова:** биоразнообразие, экологический кодекс, генетически модифицированные, лес, животный мир, объекты животного мира, кадастр, природные ресурсы, дикие животные, водные животные, рептилии, птицы, охота, правила рыболовства, закон, совершенствование законодательства.*

Introduction

Biological and landscape diversity of Uzbekistan's nature is an integral part of our national wealth. This wealth is a huge legacy that has been created over thousands of years of evolution, as well as left to us by our ancestors. We have a huge and responsible task to leave this legacy to future generations in the form of a diverse and sustainable system.

Over the past few decades, Uzbekistan's natural diversity has been severely damaged. First of all, this was due to the fact that in the former USSR on the basis of centralized planning large-scale agricultural and industrial projects were carried out without considering their impact on the environment and social environment. In such planning, Uzbekistan is considered a domestic exporter of cheap agricultural and geological raw materials. All this has led to the

development of negative processes that lead to the deterioration of the environmental situation in Uzbekistan.

One of the main achievements of the independence of the Republic of Uzbekistan is that it will remain the real owner of the country's natural resources forever. It is now an urgent task to use these resources wisely in the interests of the people and to ensure the right of citizens to live in an environmentally safe environment. Uzbekistan should not become a country of natural resources, but a developed industrial country and strive for a great future. There are opportunities and conditions for this. In recent years, the country has begun to regulate environmental relations on the basis of national legislation.

It should be noted that the relevance of this dissertation research in the field of improving the legal mechanisms of relations

related to the protection and use of wildlife is explained by the following:

first, for many years man has tried to subdue nature completely to himself, regarding natural resources as inexhaustible and treating them only as objects of consumption. As a result, an ecologically dangerous situation has arisen on the planet, including in the Central Asian region, biological diversity, the balance in the ecosystem have been disturbed. Therefore, in the current context of changing natural climate, the problems of regulating the impact of man on the biosphere, combining the interaction of social development with the preservation of a favorable natural environment, achieving a balance in the relationship between man and nature remain increasingly relevant.

secondly, without taking into account the possibilities of human nature and the laws of its development, intensive economic activities - soil erosion, overfishing, salt rains, and atmospheric pollution have led to the depletion of the ozone layer. These negatives necessitate a comprehensive study of the relationship between wildlife conservation and its rational, efficient use.

third, at present, special attention is paid to the development and support of research in the field of fauna in the country. The normative legal acts adopted in this regard are proof of our opinion. In particular, "On Nature Protection", "On protected natural areas", "On the protection and use of wildlife." Regulations "On regulation of protection and use of rare and endangered plant and animal species", "On regulation of import and export of birds of prey to the Republic of Uzbekistan", "About the procedure for use of objects of fauna, their import and export in the Republic of Uzbekistan and management of hunting and fishing", Regulations on the maintenance of the state cadastre of the fauna of the Republic of Uzbekistan of the Oliy Majlis of

the Republic of Uzbekistan and a number of other normative legal acts have a positive impact on the development of research in the field of fauna.

However, despite a large number of adopted laws and other normative documents, the processes and actions that harm the environment (fauna) in our country have not decreased. For example, the report of the Inspectorate for Control over Ecology and Environmental Protection for 2019, in the field of protection and use of wildlife, identified violations – 3274, fines of 1.19 billion soums, in 2771 cases – 871 mln. soums were fined. Damage to wildlife – 1923, according to the claim 4.2 billion. soums, of which 1.63 bln. soums were collected on 1497 administrative cases.

fourth, in recent decades, as a result of increased use of nature, many animal species in Uzbekistan have come under strong anthropogenic influence, their habitats and numbers have shrunk, and some have become completely extinct. Large species of mammals and birds, which are particularly important as hunting grounds, as well as ecosystems that are poorly tolerated by humans and are less resistant to external influences, have limited distribution and endemic species are at great risk. In particular, animals such as the Turan tiger, cheetah, Turkmen slave, Aral Sulaiman fish have completely disappeared. Tigers, hyenas, small and large snouts of the Syrdarya and Amudarya rivers, the Aral Sea - are on the verge of extinction. Although the number of many animal species is not at the end of the current crisis, it is steadily declining. All this is due to the development of the territory for economic purposes, environmental pollution, and abnormal use of biological resources.

Materials and methodology

Philosophy, economic and legal doctrines on the right to use and protect natural resources, the mutual unity of

subjectivity and objectivity in the regulation of social relations, taking into account the environmental factor in the socio-economic development of society. In writing this article, the author used such methods as comparative-legal, logical analysis, and generalization of practical materials.

The problems associated with the research in the context of this article have been studied to some extent by some legal scholars in the past on a general basis. Research in this area can be viewed in the following three areas. The first may include specialized research aimed at studying the legal problems of environmental protection and the use of natural resources. For example, Yu.O. Juraev, Sh.H. Fayziev, the second direction includes scientific research on the protection of wildlife, the rational use and management of natural resources, scientific and theoretical issues of control over wildlife, that is, the works of scientists such as M.M. Brinchuk, B.V. Erofeev are noteworthy. The third area is devoted to the study of issues such as environmental protection, philosophical problems of ecology. In this regard, first of all, the research of such scientists as A. Nigmatov, E. Hoshimova is noteworthy. The scientific-theoretical ideas, opinions, research methods, grounded conceptual views developed in these studies, which are directly related to our research, helped us to determine the goals and objectives of the article, the object and subject of research, to determine the accuracy of the conclusions.

Legislation in the field of democratization of society and nature protection is improving in independent Uzbekistan. As a result, international cooperation in this area is harmonizing, and the public's interest and concern for environmental issues are growing. They are actively cooperating with government agencies to form environmental awareness among the population and preserve wildlife. Adoption of laws such as

“On Nature Protection”, “On Protection and Use of Wildlife”, Issuance of decrees of the Oliy Majlis “On strengthening the protection and regulation of the use of valuable and endangered species of plants and animals”, “On the regulation of import and export of birds of prey in the Republic of Uzbekistan” and other legislative acts has become very important for the protection and use of nature in our republic.

Research findings

We assume that the main purpose of the legislation in the field of fauna, *first*, to regulate the activities of legal entities and individuals using wildlife in accordance with the requirements of the law on wildlife; *secondly*, protection of the established legal order concerning fauna, from illegal actions or inactions of legal entities and physical persons who are subjects using objects of fauna; *third*, to ensure social justice by guaranteeing the legitimate rights and interests of the subjects using wildlife.

Legislation related to wildlife is conditionally interrelated, regardless of how it is divided into several types and is of incomparable importance in its regulatory role. Along with the constitutional rules and laws, the role of by-laws in socio-legal relations related to the animal world is important. The Law of the Republic of Uzbekistan “On protection and use of wildlife” has developed legal norms and their implementation is mandatory. Including: *first*, the protection of wildlife; *secondly*, the protection and rational use of wildlife objects; *thirdly*, to prevent the arbitrary use of wildlife and other violations of the established procedure for its use; *fourth*, the organization of protection of the habitat of animals, their breeding conditions and migration routes; *fifth*, to carry out economic and other activities, to prevent the death of animals during the use of the vehicle; *sixth*, the establishment of protected natural areas; *seventh*, captive breeding of rare and

endangered animal species; *eighth*, to help animals when they are sick when they are in danger of dying from natural disasters and other causes.

In the literature devoted to the legal order of protection and use of wild animals, the concept of wildlife is incomprehensible, often interpreted in a general sense. Due to the need to protect and effectively use wildlife in the context of the development of science and technology, this concept is being introduced into law and has legal content.

Special attention is paid to the concept of the animal world in special literature. According to the definition of R.H. Gizzatullin, the animal world is a complex of all appearances of living wild animals of natural origin, belonging to animals, which are in free natural conditions.

N.N. Vedenin understands the animal world as a collection of living organisms, wild animals that grow naturally in the water, soil, and atmosphere of the country [1].

According to B.V. Erofeev, the animal world as an integral part of nature has an impact on the state of the environment, the biological properties of water, the formation of plants, soil fertility and metabolic processes in nature [2].

The above ideas are precisely aimed at defining the concept of the animal world and they are different. It is possible to agree with the definition of the concept of fauna given by the Russian lawyer R.H. Gizzatullin.

According to B.V. Erofeev, "As an integral part of nature, the animal world has an impact on the state of the environment, the biological properties of water, plant formation, soil fertility and metabolic processes in nature."

By fauna, we mean a herd of animals that exist in the animal kingdom and live in a naturally free environment, as well as a complex of all the wild animals that live in water and in the desert.

This definition of wildlife is derived from the content of the Law «On protection and use of wildlife».

There are other theoretical views on the concept of the «animal world». For example; «The forest is the whole forest environment as an ecological complex, ie grass, shrubs, fruits, mushrooms are animals, birds, etc. that live in the forests» [2].

According to F.S. Namazov, it is impossible to include animals in the concept of the forest [4]. Wildlife relations are regulated not by the scope of relations regulated by forest legislation, but by another area of law.

We imagine that, says the lawyer R.Kh. Gizzatullin, the laws can not clearly define the concept of the «animal world» [5]. At a glance above, the concept of 'animals' remains ambiguous. It is clear that such notions confuse not only the concept of «animal world», but also the concept of «forest».

According to J.T. Kholmuminov, legal ecological protection and use of wildlife mean a combination of state and social legal environmental measures aimed at preserving its ecological significance, meeting the economic, scientific, cultural, aesthetic, natural, educational and other needs of society, established by law [6].

According to G.I. Zaychuk, the legal protection of wildlife is a set of legal norms that protect animals, use them wisely, protect them, implement measures that lead to their reproduction and help to improve the fauna [7]. The above theoretical views require the implementation of the following measures.

The need for legal protection of wildlife can be explained by the fact that, as noted in the legal literature on the rational use and protection of wildlife, «no matter how important the role of natural-scientific, production-organizational, technical recommendations, their implementation

will become mandatory for officials of the institution, organization and citizens only after it is strengthened in legal norms. Otherwise, these recommendations may not be implemented» [8].

In this regard, the establishment of legal measures for the protection and rational use of wildlife serves as an important legal tool in the transmission of various illegal encroachments and objects of wildlife to future generations.

It should be noted that international agreements on the protection of birds, fish and some animals, which are the object of fauna, are relevant [9]. It should also be noted that the natural landscape of the world is rapidly and irreversibly losing its richness of colors. If biological diversity is disappearing as rapidly as it is now, no one can even estimate the scale of environmental and spiritual catastrophes for now. An electronic version of the Red Book has been posted on the Nature of Uzbekistan website, which lists more than 300 endangered plant species and 180 endangered species [10].

In 1995, the Republic of Uzbekistan acceded to the Convention on Biological Diversity[11], This convention covers many issues related to the rational use of bioresources by the state, its reproduction, basic principles of conservation, the jurisdiction of states, cooperation in the protection of bioresources, monitoring of bioresources, personnel issues in the use and protection of bioresources, genetic resources, information exchange in the rational use of bioresources, scientific and technical cooperation. Prior to the independence of the Republic of Uzbekistan, there were very few scientific and theoretical monographs and articles on the legal aspects of wildlife relations in Uzbekistan, and the first research in this area is being conducted.

In this context, the disclosure of the concept of the right to use wildlife, the

conduct of scientific research on this issue is important not only from a theoretical but also from a practical point of view. Because without a clear understanding of the concept of the right to use wildlife, it is impossible to study the understanding of other legal relations arising from the consequences of the exercise of the right to use wildlife. In this context, it is necessary to have a clear and deep scientific understanding of the right to use wildlife, to reveal its essence, first of all, to work on a central issue.

The right to use wildlife is the exploitation of the useful properties of wildlife by unknown individuals. Based on the above, the right to use wildlife is a set of norms that ensure the rights and obligations of legal entities and individuals in the use of wildlife, defined in the relevant legal framework [12].

General use of wildlife facilities is free of charge. The use of wildlife objects that do not belong to the general use is a special use. Special use is subject to payment for permits. Payment for the use of wildlife does not exempt wildlife users from the implementation of measures for the protection of wildlife and their habitats, the conduct of biotechnical activities [13].

Legal protection of wildlife is the legal protection of wildlife on the basis of rules and regulations sanctioned by the competent authority of the state, which is reflected in the Constitution, laws and regulations. In particular, the role of law in the legal protection of wildlife is invaluable. Measures taken by the state in this regard include the definition of protected areas, the adoption of laws on protection, ensuring the implementation of these laws, and more. It should be noted that the Law «On protection and use of wildlife» should reflect the provisions of international agreements. «Animals recognized as migratory under a treaty are protected by states.» Indeed, according to legal scholars, the development

of international agreements on the protection of birds, fish and some animals, which are the object of the animal world, is urgent* [14].

The establishment of protected natural areas is important in determining the legal measures in the field of protection and use of wildlife. An analysis of the legislation in this regard shows that the Law «On Protected Natural Areas» stipulates that state reserves must conduct scientific research and promote environmental knowledge. These verses do not resemble literal legal norms. For example, if a team of state reserves superficially conducts scientific research, ineffectively, or does not carry out environmental advocacy at all, then what specific legal responsibility (sanctions) is applied to this community? Unfortunately, the law does not provide an answer to this.

Laws in the field of nature protection and rational use should contain strict rules expressing specific rights and duties. There should be no place in the law for general expressions, appeals, ownerless instructions, such as «actively participate», «strengthen», «apply», «consider», and “take action”, which do not impose any duties and obligations.

There are many reference norms in the legislation of the Republic of Uzbekistan on wildlife, which do not have a direct impact. This could not have been a shortcoming if these questions had been answered in other regulations. For example, the Regulation of the Republic of Uzbekistan “On hunting and fishing in the territory of Uzbekistan” establishes administrative liability for violation of the legislation related to hunting. The charter lists a number of offenses for which administrative liability is provided. At the same time, the charter does not say anything about specific sanctions for a particular offense. That is, the norms set out in this statute refer to other laws in the matter of liability.

In the process of improving and developing the legislation of the Republic of Uzbekistan on wildlife, there are still unresolved issues. But the main focus here should be on something else, that is, first and foremost, it should be interested in the adoption of such legislation that would facilitate the achievement of its goals and objectives related to the legal protection of wildlife.

Legal scholars Doctor in Law, prof. Yu.A. Juraev, Doctor in Law J.T. Kholmuminov note that the time has come to reform the legislation on nature protection and rational use, that is, to recognize the need to bring laws in this area in the form of an environmental code [15]. Unfortunately, the parliament (in the early days) tended to abandon the existing codes and adopt simple laws instead. For example, at the twelfth session of the Supreme Council, the Forest Code of Uzbekistan was replaced by the Law on Forests, and the Water Code was replaced by the Law on Water and Water Use.

In our opinion, such a tradition cannot be considered positive. “Return from an act in the form of a code to a simple law is a return back” [16]. The Code retains its significance for a long time.

It should be noted that environmental security in society is considered an internal and external threat to development, and its scope is gradually reduced and eliminated on the basis of strategies [17] and concepts [18] set by the President of the Republic of Uzbekistan Sh.M. Mirziyoev. Also, as a result of legal reforms in our country, unprecedented innovations are taking place in the social, political, cultural and other spheres.

In the Address of the President of the Republic of Uzbekistan to the Oliy Majlis, 2020 was named the Year of Science,

* There is experience of international agreements in world practice. For example, Q., Treaty on the Protection of Wildlife in the Antarctic Basin.

Enlightenment and Development of the Digital Economy. The statement stressed the need to pay special attention to the issues of public administration and the rule of law, the rule of law, development of economic and social spheres, ie the protection of the environment and the improvement of the ecological situation. "It is also necessary to develop a draft Environmental Code by October 1 this year, with the involvement of leading international experts," he said [19].

If a codified law is to be developed, this Ecological Code should contain chapters on the issue of biodiversity, ie the rational use and protection of biological resources, the establishment and protection of forests on the dried bottom of the Aral Sea. It is also difficult to carry out production today without a direct impact on the environment, which means that in this regard, there should be issues of environmental control and audit in production, norms dedicated to waste. In this regard, the proposal of Prof. J.T. Kholmuminov on the development of the draft Ecological Code and the issues specified in its approximate draft is of special importance and will be important in the future adoption of this Code [20]. We assume that the current issue in the field of ecology is an important task for lawyers, such as the codification of legislation governing issues related to environmental law. Civil law was codified in the 19th century (first in France), which was a great achievement of lawyers in this area, ie in improving the legislation [21].

Developed countries such as France, Sweden and Cote d'Ivoire have now adopted an environmental code [22]. In France, the fundamental foundations for the development of the Environmental Code have been laid. In France, in 1996, the first draft of the Environmental Code was submitted to parliament. The Environmental Code consists of general and special parts (Article 975). Article 1 of the French

Ecological Code declares biodiversity and biological balance to be an integral part of the nation's common heritage [23]. It also covered environmental protection and other issues related to genetic engineering [24]. The general part (in the first book) covers the principles of the code, its application, environmental responsibility, issues related to the natural environment, flora and fauna. In a special section (second –sixth book) on nature protection, forest, water, air, hazardous waste and waste. In this part of the Code, the relationship of each natural resource is classified into separate chapters [25].

Based on the above, extensive work has been done in these countries to codify environmental legislation. Codification through the development and adoption of environmental legislation in the Republic of Uzbekistan is in line with global trends in the development of this legal field. If we analyze the legislative process in foreign countries, we can see that in a number of countries environmental legislation is codified, and in some cases, active work is being done in this direction.

In the countries that have adopted the Environmental Code in the world, namely France, Sweden, Italy, Estonia, Ivory Coast and Kazakhstan, it is carried out according to a specially codified law aimed at regulating environmental relations. It is considered an object of research in scientific and legal literature [26]. Currently, work is underway to codify environmental legislation in Belgium, the Netherlands, Denmark, Poland, Hungary and Slovenia, and in the CIS countries, as well as in the Russian Federation, Belarus [27], Ukraine and the Kyrgyz Republic. It should be noted that the issue of developing an Environmental Code in European countries is also being considered.

According to the Russian lawyer AK Golichenkov, «If the Ecological Code of

the Russian Federation is created [28], its parts should consist of: That is General Part, Special Part, Separate Parts. In the General part, there are rights and obligations of users; ownership of natural resources; environmental management; economic mechanism; legal liability. In the Special part, there are general issues of environmental safety and nature protection; additional norms: introduction of norms on land use and protection in terms of economic importance. In Separate parts, it is necessary to establish rules governing the implementation of international norms and relations related to the protection of natural resources, land, subsoil resources, water, forests, fauna and flora [29].

In this regard, Professor H.V. Rengeling expressed his views and comments on “the improvement of nature protection legislation, ie the need to develop a codified EC in Europe” [30].

In short, the development of a codified Environmental 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 to further protecting natural resources, as well as ensuring the constitutional rights of citizens to a favorable natural environment, to preserve Mother Nature for future generations, to further ensure the implementation of laws in this area.

There is a more serious problem in our laws on the protection and use of wildlife. Complicating the situation is the fact that, in this case the law still refers to by-laws that are expected to be enacted in the future. For example, the Law of the Republic of Uzbekistan “On protection and use of wildlife” in force until September 2016 provides for the state registration of animals and the volume of their use, the procedure for maintaining the cadastre of wildlife approved by the Cabinet of Ministers. However, the mentioned regulations and

rules were adopted almost 2 years later. During this period, the legal norms on the registration of animals by the state, the maintenance of the cadastre of wildlife did not work, lay motionless. Hence, the fate of the law in this regard will depend on the decision of the government. What can be said about the rule of law in these circumstances? In such cases, of course, government decisions must be prepared before the law. This will lead to the immediate implementation of the new law.

Industrial hunting of legal entities is allowed in the manner prescribed by the Cabinet of Ministers of the Republic of Uzbekistan. The use of weapons and hunting methods is prohibited by the rules in the field of protection and the use of wildlife during hunting is not allowed. It is forbidden to hunt animals that have been in an accident and are in unnatural conditions for themselves.

In this regard, it should be noted that the document on industrial hunting of legal entities has not been developed by the Cabinet of Ministers of the Republic of Uzbekistan. This is the next lack of legislation. «Persons with hunting weapons and other hunting equipment, hunting products, untied hunting dogs, trained birds, as well as the sheath on public roads in places where hunting for sports, amateur and industrial purposes is prohibited, in protected natural areas (stripped), ready to use) without a document confirming the legality of the bait with a hunting weapon or hunting product».

The Republic of Uzbekistan has acceded to the Cartagena Protocol on Biosafety of the Convention on Biological Diversity (2020). The purpose of this International Convention on Biological Diversity is to preserve biodiversity on Earth; agrarian sector forest resources, use of wildlife facilities, use of methods that do not harm natural resources in the efficient use of biological resources;

issues related to genetic resources and their use, is also an incentive.

«To date, 171 of the 198 UN member states and the European Union as an international organization have joined the protocol. The adoption of the Protocol is an important step in the international regulation of the use of genetically modified organisms (GMOs) and their by-products, taking into account the tasks of environmental protection. At the same time, it allows minimizing potential risks to the environment and human health» [31].

In this regard, it should be noted that the use of modern biotechnology products will help to eliminate potential risks and expand the range of exports of local products.

Conclusions

The history of the use and legal protection of wildlife objects goes back a long way. In this regard, we can divide the development of legislation on wildlife into three stages, including the period before the socialist system; the development of legislation regulating the use and legal protection of wildlife in the former Soviet Union; the development of legislation regulating the use and legal protection of wildlife in the independent Republic of Uzbekistan.

This article is the first attempt to comprehensively research the problems of protection and use of wildlife in Uzbekistan, based on the study of scientific materials, analysis of current legislation and its application in practice.

Based on the above, the following basic conclusions and rules have been developed. Including:

The concept of the “animal world” was scientifically analyzed and defined on the basis of the main views collected in the theory of environmental law. Animal life refers to a herd of animals that exist in the animal kingdom and live in natural free conditions, as well as a complex of all wild

animals that live in water and desert.

Based on the definition of wildlife, the concept of “legal protection of wildlife” has been defined. Legal protection of wildlife is the legal protection of wildlife on the basis of rules and regulations sanctioned by the competent authority of the state, which is reflected in the Constitution, laws and regulations, that is, reflected in the norms of general importance.

The concept of “right to use wildlife” has been developed. The right to use wildlife is a set of norms that provide for the rights and obligations of legal entities and individuals in the field of use of wildlife, defined in the relevant legal framework.

The content of the right of use of fauna consists of the rights and obligations arising on the basis of the right of use and possession belonging to subjects of the right of use of fauna as a derivative of the right of property in relation to fauna.

The right to use wildlife in Uzbekistan is characterized by its uniqueness. This peculiarity is, firstly, that this right is limited in terms of satisfying economic interests; secondly, that the process involved in the democratization of society and the transition to market relations is also included mainly through the issuance of administrative permits. Therefore, a number of practical measures are envisaged for the conservation of nature conservation fauna.

It is necessary to strengthen the sanctions provided for in the Criminal Code of the Republic of Uzbekistan, aimed at protecting the environment in which animals live. In particular, the Criminal Code of the Republic of Uzbekistan should reflect the norms “On liability for cruelty to animals”.

As a natural resource of the Republic of Uzbekistan, objects of fauna are state property, ie public property. The interests of society must be taken into account in the environmental and legal regulation of relations related to the use of these facilities.

Accordingly, the norms of environmental law should also have a legal meaning and be socially oriented.

When we say the object of the animal world, we mean any multicellular animal organism.

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Jurnal 15.03.2022-yilda tipografiyaga
topshirildi. Qog'oz bichimi: A4.
Shartli 21,36 b.t. Adadi: 100. Buyurtma: № 7.

TDYU tipografiyasida chop etildi.