

**TOSHKENT DAVLAT YURIDIK UNIVERSITETI HUZURIDAGI  
ILMIY DARAJALAR BERUVCHI DSc.07/03.06.2023.Yu.22.04  
RAQAMLI ILMIY KENGASH**

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**TOSHKENT DAVLAT YURIDIK UNIVERSITETI**

**NURULLAYEV SHOXRUX SHUXRATILLAYEVICH**

**QURILISH SOHASIDA ATROF-MUHITNI HUQUQIY  
MUHOFAZA QILISH MASALALARI**

12.00.06 –Tabiiy resurslar huquqi. Agrar huquq. Ekologik huquq

**yuridik fanlar bo'yicha falsafa doktori (PhD) dissertatsiyasi  
AVTOREFERATI**

**Toshkent – 2025**

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**Оглавление автореферата диссертации доктора философии (PhD)**

**Nurullayev Shoxrux Shuxratillayevich**

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AVTOREFERATI**

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**Yuridik fanlar bo'yicha falsafa doktori (PhD) dissertatsiyasi mavzusi O'zbekiston Respublikasi Oliy ta'lim, fan va innovatsiyalar vazirligi huzuridagi Oliy attestatsiya komissiyasida B2024.2.PhD/Yu1462 raqam bilan ro'yxatga olingan.**

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## KIRISH (falsafa doktori (PhD) dissertatsiyasi annotatsiyasi)

**Dissertatsiya mavzusining dolzarbligi va zarurati.** Dunyoda aholi sonining ortishi va urbanizatsiya jarayonlarining jadallashayotganligi qurilish ishlarining ko‘lamini kengayishiga, tabiiy resurslarga bo‘lgan ehtiyoj ortib, atrof-muhitga antropogen ta’sir kuchayishiga olib kelmoqda. 2024-yil holatiga ko‘ra, dunyo aholisi taxminan 8,1 milliard kishini tashkil qilib, har yili taxminan 73 million kishiga ko‘payishi<sup>1</sup> insonlarning muhim ehtiyoji sanalgan qurilish sanoatining rivojlanishiga sabab bo‘ladi. 2022-yilda global qurilish bozorining umumiy hajmi 9,7 trillion AQSh dollarini tashkil etgan va bu raqam 2037-yilga kelib 13,9 trillion AQSh dollariga yetishi prognoz qilinmoqda.<sup>2</sup> Ta’kidlash lozimki, qurilish ishlari natijasida vujudga keladigan chiqindilar dunyodagi umumiy chiqindilarning uchdan bir qismini tashkil qiladi.<sup>3</sup> Ayniqsa, qurilishda ishlatiladigan kimyoviy moddalar, masalan, bo‘yoqlar, yelimlar, beton va boshqa qurilish materiallari ko‘p hollarda atrof-muhitga zarar yetkazadi.

Jahonda barqaror rivojlanish maqsadlariga erishishda qurilish jarayonida atrof-muhitni muhofaza qilish va tabiiy resurslardan oqilona foydalanishga oid ilmiy jihatdan yondashuvlar tobora yangilanib, raqamli texnologiyalar orqali boshqarishning huquqiy tartibini ishlab chiqish, qurilish sohasida ekologik qoidalarni sun’iy intellekt yordamida tartibga solish, “Yashil qurilish”ning huquqiy tartibini ishlab chiqish, qurilish sanoatida insonning qulay atrof-muhitga bo‘lgan huquqiga daxl qilmaslik, qurilish sohasida ekologik talablarni buzganlik uchun javobgarlik choralarini kuchaytirish bo‘yicha tadqiqotlar o‘tkazishga alohida ahamiyat berilmoqda.

Yangi O‘zbekistonda ham qurilish sohasida atrof-muhitni huquqiy muhofaza qilishga alohida e’tibor berilib, “yashil hududlar”ni kengaytirish hamda barqaror rivojlanishning turli jihatlarini qo‘llab-quvvatlashga, qurilish sohasida zamonaviy va ekologik yondashuvlar joriy etish, energiya samaradorligini oshirish va qayta tiklanuvchi energiya manbalaridan foydalanish orqali atrof-muhitga salbiy ta’sirlarni kamaytirish borasida ijobiy ishlar amalga oshirilmoqda. Jumladan “qurilishga ruxsat berilganda, mavjud infratuzilmaga yuklama bo‘yicha aniq hisob-kitob qilinmayotgani, yashil maydonlar tashkil qilish ishlari qurilishlar bilan hamohang olib borilmayotgani sababli, shaharning bosh rejasi tasdiqlanmaguncha yangi qurilishlarga moratoriy e’lon qilinishi”<sup>4</sup> belgilandi. Shu bois, qurilish jarayonida atrof-muhitga zarar yetkazish bilan bog‘liq huquqbuzarliklarni kamaytirish, ekologik shaharlarni barpo etish ishlarini tizimlashtirish, qurilish uchun yer ajratishda shaharsozlik zonalashtirish bilan bir qatorda ekologik zonalashtirish ishlarini tashkil etish, qurilish sohasida atrof-muhitni muhofaza

<sup>1</sup> Official website of the worldometer // <https://www.worldometers.info/world-population/>

<sup>2</sup> Official website of the Oxford Economics // <https://www.oxfordeconomics.com/resource/global-construction-futures/>

<sup>3</sup> Norman Miller // The industry creating a third of the world's waste // <https://www.bbc.com/future/article/20211215-the-buildings-made-from-rubbish#:~:text=Roughly%20half%20of%20the%20raw%20materials%20we%20extract,least%2040%25%20of%20the%20world%E2%80%99s%20carbon%20dioxide%20emissions>

<sup>4</sup> O‘zbekiston Respublikasi Prezidentining rasmiy veb-sayti // <https://president.uz/uz/lists/view/5883>

qilishning huquqiy asoslarini yanada mustahkamlash, ilmiy asoslangan hamda islohotlarga hamohang bo'lgan mexanizmlarini ishlab chiqishga oid tadqiqotlar olib borishning zaruratini vujudga keltirmoqda.

Ushbu dissertatsiya tadqiqoti O'zbekiston Respublikasi Prezidentining 2019-yil 30-oktyabrdagi "2030-yilgacha bo'lgan davrda O'zbekiston Respublikasining atrof-muhitni muhofaza qilish konsepsiyasini tasdiqlash to'g'risida"gi PF-5863-son, 2017-yil 8-sentyabrdagi "O'zbekiston Respublikasida ma'muriy islohotlar konsepsiyasini tasdiqlash to'g'risida"gi PF-5185-son, 2023-yil 11-sentyabrdagi "O'zbekiston - 2030" strategiyasi to'g'risida"gi PF-158-son, 2024-yil 21-fevraldagi "O'zbekiston - 2030" strategiyasi "Yoshlar va biznesni qo'llab-quvvatlash yili"da amalga oshirishga oid davlat dasturi to'g'risida"gi PF-37-son Farmonlari, 2019-yil 4-oktyabrdagi "2019-2030-yillar davrida O'zbekiston Respublikasining "Yashil iqtisodiyotga o'tish strategiyasini tasdiqlash to'g'risida"gi qarori hamda sohani tartibga soluvchi boshqa normativ-huquqiy hujjatlarda belgilangan vazifalar ijrosini amalga oshirishda muayyan darajada xizmat qiladi.

**Tadqiqotning respublika fan va texnologiyalari rivojlanishining asosiy ustuvor yo'nalishlariga mosligi.** Mazkur tadqiqot ishi respublika fan va texnologiyalari rivojlanishining I. "Axborotlashgan jamiyat va demokratik davlatni ijtimoiy, huquqiy, iqtisodiy, madaniy, ma'naviy-ma'rifiy rivojlantirishda innovatsion g'oyalar tizimini shakllantirish va ularni amalga oshirish yo'llari" ustuvor yo'nalishiga mos keladi.

**Muammoning o'rganilganlik darajasi.** Qurilish sohasida atrof-muhitni huquqiy muhofaza qilish bilan bog'liq ayrim masalalar mamlakatimiz olimlaridan Y.O.Jo'rayev, M.B.Usmonov, J.T.Xolmo'minov, Sh.X.Fayziyev, G.Sh.Uzakova, O.D.Utegenov, O.X.Narzullayev, N.Sh.Rajabov, M.M.Nurmatov, J.I.Safarov, Q.Bobonazarov, A.Nurudullayev, D.Aripovlarning ilmiy ishlarida antropogen ta'sir ostida atrof tabiiy muhitga ta'sirini bartaraf etishning huquqiy masalalariga doir tadqiqot ishlari amalga oshirilgan<sup>1</sup>.

Shu bilan birga mavzuga doir bilvosita masalalar MDH davlatlarida A.P.Anisimov, V.Y.Yejova, A.N.Grechneva, K.I. Zuyev, Y.M.Galitskova, O.A.Lapina, U.V.Lazerov, V.L.Baxnov, R.R.Sadikov, N.Y.Popov, I.P.Avilova kabi olimlarning asarlarida tahlil qilingan.<sup>2</sup>

Xorijiy mamlakatlarda qurilish sohasida atrof-muhitni huquqiy muhofaza qilishga oid ayrim masalalar Lars Jensen, Fatima Khan, Wei Li, Nguyen Minh, Erin Daly, David Boyd, Hari Osofsky, Daniel Farber, Jutta Brunnée, Nicholas Robinson, Richard Lazarus, Joseph Sax, Cinnamon Carlarne kabi huquqshunos olimlarning asarlarida tadqiq etilgan.<sup>3</sup>

Yuqoridagi mualliflarning ilmiy izlanishlarida qurilish maqsadida yer uchastkalarini ajratish, qurilish jarayonida aholining ekologik xavfsizligini ta'minlash, tabiiy resursdan foydalanishning huquqiy tartibi, uning iqtisodiy-

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<sup>1</sup> **Izoh 1.:** Mazkur olimlarning asarlari foydalanilgan adabiyotlar ro'yxatida keltirilgan.

<sup>2</sup> **Izoh 2.:** Mazkur olimlarning asarlari foydalanilgan adabiyotlar ro'yxatida keltirilgan.

<sup>3</sup> **Izoh 3.:** Mazkur olimlarning asarlari foydalanilgan adabiyotlar ro'yxatida keltirilgan.

huquqiy mexanizmi kabi tashkiliy-huquqiy jihatlar u yoki bu darajada tadqiq qilingan bo'lsa-da, aynan qurilish sohasida atrof-muhitni huquqiy muhofaza qilish, ushbu sohaga oid qonunchilikni qo'llash amaliyoti va uni takomillashtirish masalalari ekologiya huquqi fani nuqtai nazardan kompleks tadqiqot obyekti sifatida o'rganilmagan.

**Dissertatsiya tadqiqotining dissertatsiya bajarilgan oliy ta'lim muassasasining ilmiy-tadqiqot ishlar rejasi bilan bog'liqligi.** Tadqiqot Toshkent davlat yuridik universitetining ilmiy-tadqiqot ishlari rejasiga muvofiq "Ekologik barqaror rivojlanish maqsadlariga erishish" mavzusidagi loyiha doirasida bajarilgan.

**Tadqiqotning maqsadi** qurilish sohasida atrof-muhitni huquqiy muhofaza qilish masalalarini tahlil qilish asosida qonunchilikni takomillashtirishga qaratilgan ilmiy-amaliy taklif va tavsiyalar ishlab chiqishdan iborat.

**Tadqiqotning vazifalari:**

qurilish sohasida atrof-muhitni huquqiy muhofaza qilishga oid ilmiy konsepsiyalar, doktrinalar va prinsiplarni tahlil qilish;

qurilish sohasida atrof-muhitni huquqiy muhofaza qilishga oid muammolarni aniqlash va bartaraf etish yuzasidan taklif ishlab chiqish;

qurilish sohasida atrof-muhitni huquqiy muhofaza qilish sohasida davlat boshqaruvi faoliyatini huquqiy tartibga solish mexanizmlari yuzasidan tavsiyalar ishlab chiqish;

qurilish sohasida atrof-muhitni huquqiy muhofaza qilishga doir xalqaro tajribani tahlil qilish;

atrof-muhitni huquqiy muhofaza qilishga oid munosabatlarni tartibga soluvchi milliy qonunchilikka zamonaviy ekologik-huquqiy modellarni joriy qilish;

qurilish sohasida ekologik talablarni tahlil qilgan holda mavjud qonunchilikni takomillashtirishga qaratilgan taklif ishlab chiqish.

**Tadqiqotning obyekti** sifatida qurilish sohasida atrof-muhitni muhofaza qilish bilan bog'liq ekologik-huquqiy munosabatlar olingan.

**Tadqiqotning predmeti** qurilish sohasida atrof-muhitni huquqiy muhofaza qilish sohasidagi qonunchilik hujjatlari, ularni qo'llash amaliyoti hamda yuridik fanda mavjud bo'lgan konseptual yondashuvlar va ilmiy-nazariy qarashlarni tashkil etadi.

**Tadqiqotning usullari.** Dissertatsiyani yozishda induksiya, deduksiya, tarixiy, mantiqiylik, tizimlilik, qiyosiy-huquqiy, statistik, so'rovnoma o'tkazish, analiz, sintez kabi usullardan foydalanilgan.

**Tadqiqotning ilmiy yangiligi** quyidagilardan iborat:

qurilish jarayonida barqaror rivojlanishga erishishning dolzarbligini hisobga olgan holda insonlar hayoti uchun ekologik xavfsiz texnologiyalarni qo'llash va rivojlantirish, qurilish jarayonida energiyani tejovchi, ekologik xavfsiz, ijtimoiy foydali texnologiyalarni qo'llash va ulardan foydalanganlik uchun rag'batlantirishni joriy etish asoslantirilgan;

gidrotexnika inshootlarida yuzaga kelishi mumkin bo'lgan xavf-xatarlarni minimallashtirish, ekologik barqarorlikni saqlash hamda davlat siyosatida inson va tabiat manfaatlarini birinchi o'ringa qo'yish maqsadida gidrotexnika inshootlarini

qurishda quruvchi tomonidan inson hayoti va salomatligini himoya qilish hamda atrof-muhitni asrash ustuvor yoʻnalish ekanligini inobatga olish shartligi hamda asosiy prinsip boʻlishi asoslab berilgan;

tuproq muhofazasida ekologik barqarorlikni taʼminlash, tuproq resurslaridan oqilona foydalanish va ekologik xavflarni kamaytirish, shuningdek, atrof-muhitni himoya qilish orqali aholi salomatligiga yetkazilishi mumkin boʻlgan salbiy oqibatlarining oldini olish maqsadida qurilish jarayonida tuproqdan foydalanuvchi oʻz faoliyatini amalga oshirishda inson sogʻligining va atrof-muhit xavfsizligining ustuvor yoʻnalishi ekanligini inobatga olish shartligi hamda asosiy prinsip ekanligi asoslab berilgan;

shaharsozlikda aholi punktlari bosh rejalariga muvofiq shahar va boshqa aholi punktlarida qurilishlarni suv bosish hududlarini hisobga olgan holda amalga oshirish, shuningdek, tabiiy ariqlarni saqlab qolish va yogʻingarchilik suvlarini chiqarib yuboruvchi tizimlarni yaratishning huquqiy mexanizmini joriy etish asoslantirilgan.

**Tadqiqotning amaliy natijalari** quyidagilardan iborat:

yashil qurilishni ragʻbatlantirish, xususan davlat tomonidan grant va soliq imtiyozlari belgilash zarurati mavjudligi asoslab berilgan;

shaharlar yoki tumanlarning bosh qurilish rejasi tasdiqlanmagunga qadar qurilish loyihalarini tasdiqlash ishlarini toʻxtatib turish zarurligi asoslab berilgan;

qurilish sohasida atrof-muhit muhofazasida barqaror rivojlanish maqsadlariga erishish, yaʼni atrof-muhitga salbiy taʼsirni kamaytirishga erishishda ekologik toza va barqaror materiallar hamda mahsulotlarni tanlashni taʼminlash uchun “green shopping” amaliyotini ham keng joriy qilish lozimligi asoslangan;

qurilish sohasida atrof-muhitni huquqiy muhofazasida jamoatchilik nazorati ishtirokini oshirish, aholining qurilish sohasida atrof-muhit muhofazasi borasidagi huquqiy ongini oshirish maqsadida ommaviy axborot vositalari va ijtimoiy tarmoqlar orqali shu sohaga oid ijtimoiy reklamalarni koʻpaytirish lozimligi va uning samarasi asoslab berilgan;

mamlakatimizda qurilish sohasida atrof-muhitni huquqiy muhofaza qilishda raqamlashtirishning huquqiy imkoniyatlari tahlil qilingan;

byudjet mablagʻlari hisobidan qurilish jarayonida “yashil” standartlarni ommalashtirish maqsadida ekologik sertifikatlariga ega boʻlgan qurilish mahsulotlarni sotib olish boʻyicha tender hujjatlari talablarini belgilashga oid taklif ishlab chiqilgan;

qurilish uchun yer uchastkasini auksion (tender) asosida ajratishda qurilishni “yashil” standartlarga binoan amalga oshirishni taklif etayotgan talabgorga ustunlik berish amaliyotini joriy etish taklifi ishlab chiqilgan.

**Tadqiqot natijalarining ishonchliligi.** Tadqiqot natijalari milliy qonunchilik normalari, huquqni qoʻllash amaliyoti materiallari, xalqaro va xorijiy mamlakatlarning qonunchilik normalarini tahlil qilinganligi, rasmiy manbalar hamda ilmiy adabiyotlarga asoslanganligi, olingan xulosalar hamda takliflarning joriy etilganligi tegishli organlar tomonidan tasdiqlangani bilan izohlanadi.

**Tadqiqot natijalarining ilmiy va amaliy ahamiyati.** Tadqiqot natijalarining ilmiy ahamiyati undagi ilmiy-nazariy xulosalar, amaliy taklif va tavsiyalardan

kelgusi ilmiy faoliyatda, qonun ijodkorligida, huquqni qo‘llash amaliyotida, shu jumladan, qurilish sohasida atrof-muhitni huquqiy muhofaza qilish bo‘yicha maxsus vakolatli davlat organlarining faoliyatida, ekologiya sohasidagi qonun hujjatlarining tegishli normalarini sharhlashda, milliy qonunchilikni takomillashtirish hamda “Ekologiya huquqi” va “Tabiiy resurslar huquqi” fanlarini ilmiy-nazariy jihatdan yanada boyitishda foydalanish mumkinligida namoyon bo‘ladi.

Tadqiqot natijalarining amaliy ahamiyati ekologiya va shaharsozlik sohasidagi qonun hujjatlarini takomillashtirish hamda huquqni qo‘llash amaliyotini rivojlantirish, ekologiya sohasidagi qonun hujjatlarini inventarizatsiyadan o‘tkazish, shuningdek, ekologiya va atrof-muhitni muhofaza qilish sohasidagi vakolatli organlar va jamoatchilik tuzilmalarining faoliyatini takomillashtirishga bag‘ishlangan qonun hujjatlarini ishlab chiqishga xizmat qiladi.

**Tadqiqot natijalarining joriy qilinishi.** “Qurilish sohasida atrof-muhitni huquqiy muhofaza qilish masalalari” mavzusi bo‘yicha olingan ilmiy natijalar quyidagilarda foydalanilgan:

qurilish jarayonida insonlar hayoti uchun ekologik xavfsiz texnologiyalarni qo‘llash va rivojlantirishni rag‘batlantirish tartibini joriy etilishi bilan bog‘liq takliflaridan O‘zbekiston Respublikasi Shaharsozlik kodeksining 61-modda, ikkinchi xatboshisini ishlab chiqishda foydalanilgan (O‘zbekiston Respublikasi Oliy Majlisining Inson huquqlari bo‘yicha vakili (Ombudsman)ning 2024-yil 19-iyundagi 01-07/321-son dalolatnomasi). Ushbu taklifning amalga oshishi qurilish jarayonida ekologik xavfsizlik standartlarini kuchaytirish, inson salomatligiga salbiy ta’sirlarni minimallashtirish va barqaror qurilish amaliyotlarini shakllantirishga xizmat qilgan;

gidrotexnika inshootlarini qurishda fuqarolarning hayoti va sog‘ligini himoya qilishning ustuvorligiga oid takliflaridan O‘zbekiston Respublikasining “Gidrotexnika inshootlarining xavfsizligi to‘g‘risida”gi Qonunining 4-moddasi, uchinchi xatboshisini ishlab chiqishda foydalanilgan (O‘zbekiston Respublikasi Oliy Majlisining Inson huquqlari bo‘yicha vakili (Ombudsman)ning 2024-yil 19-iyundagi 01-07/321-son dalolatnomasi). Ushbu taklifning amalga oshishi gidrotexnika inshootlarini qurishda fuqarolarning hayoti va sog‘ligini samarali himoya qilishga xizmat qilgan;

qurilish uchun tuproqlarni ko‘chirish jarayonida yerdan foydalanuvchilarning qonuniy manfaatlarining ustuvorligini ta’minlashga oid takliflari O‘zbekiston Respublikasi “Tuproqni muhofaza qilish va uning unumdorligini oshirish to‘g‘risida”gi Qonunining 4-moddasini ishlab chiqishda foydalanilgan (O‘zbekiston Respublikasi Oliy Majlisining Inson huquqlari bo‘yicha vakili (Ombudsman)ning 2024-yil 19-iyundagi 01-07/321-son dalolatnomasi). Ushbu taklifning amalga oshishi yerdan foydalanuvchilarning qonuniy manfaatlarini himoya qilish va qurilish jarayonida tuproqning unumdorligini saqlab qolishga xizmat qilgan;

shahar va boshqa aholi punktlarida qurilishlarni suv bosish hududlarini hisobga olgan holda amalga oshirish, shuningdek, tabiiy ariqlarni saqlab qolish va yog‘ingarchilik suvlarini chiqarib yuboruvchi yangi tizimlarni yaratishga oid

takliflaridan O‘zbekiston Respublikasi Vazirlar Mahkamasining 2023-yil 11-avgustdagi “Iqlim o‘zgarishi va tabiiy ofatlar xavfiga nisbatan milliy harakatlar rejasini ishlab chiqish hamda samarali amalga oshirishni tashkil etish to‘g‘risida”gi 362-son Qarorining 50-band, yettinchi xatboshisini ishlab chiqishda foydalanilgan (O‘zbekiston Respublikasi Bosh vaziri kotibiyatining Axborot-tahlil va yuridik ta‘minlash departamentining 2024-yil 12-iyundagi 18-son dalolatnomasi). Ushbu taklifning amalga oshishi suv toshqini xavfini kamaytirish, tabiiy suv oqimlarini muhofaza qilish va yog‘ingarchilik suvlarini samarali boshqarishga xizmat qilgan.

**Tadqiqot natijalarining aprobatsiyasi.** Mazkur tadqiqot natijalari 9 ta ilmiy-amaliy anjumanda, jumladan 2 ta xalqaro, 7 ta respublika ilmiy-amaliy anjumanlarida muhokamadan o‘tkazilgan.

**Tadqiqot natijalarining e‘lon qilinganligi.** Dissertatsiya mavzusi bo‘yicha jami 17 ta ilmiy ish, jumladan, Oliy attestatsiya komissiyasi tomonidan ilmiy natijalarni chop etish tavsiya etilgan ilmiy jurnallarda 8 ta (2 ta xorijiy, 6 ta respublika jurnallarda) maqola chop etilgan.

**Dissertatsiyaning tuzilishi va hajmi.** Dissertatsiya tarkibi kirish, uchta bob, xulosa hamda foydalanilgan adabiyotlar ro‘yxatidan iborat bo‘lib, uning hajmi 152 betni tashkil etadi.

## DISSERTATSIYANING ASOSIY MAZMUNI

Dissertatsiyaning kirish qismida tadqiqot mavzusining dolzarbligi va zarurati, tadqiqotning respublika fan va texnologiyalari rivojlanishining asosiy ustuvor yo‘nalishlariga muvofiqligi, tadqiq etilayotgan muammoning o‘rganilganlik darajasi, dissertatsiya mavzusining dissertatsiya bajarilayotgan oliy ta‘lim muassasasining ilmiy-tadqiqot ishlari bilan mosligi, tadqiqotning maqsad va vazifalari, obyekti va predmeti, usullari, tadqiqotning ilmiy yangiligi va amaliy natijasi, tadqiqot natijalarining ishonchliligi, tadqiqot natijalarining ilmiy va amaliy ahamiyati, ularning joriy qilinganligi, tadqiqot natijalarining aprobatsiyasi, natijalarning e‘lon qilinganligi, dissertatsiyaning hajmi va tuzilishi haqida ma‘lumotlar yoritib berilgan.

Dissertatsiyaning **“Qurilish sohasida atrof-muhitni huquqiy muhofaza qilishning umumiy tavsifi va zamonaviy tendensiyalar”** deb nomlangan birinchi bobida qurilish sohasida atrof-muhitning ekologik va huquqiy muhofazasiga oid nazariy va amaliy jihatlar chuqur tahlil qilingan.

Jumladan, qurilish sohasiga tegishli huquqiy tushunchalar, qurilish faoliyati va uning atrof-muhitga ta‘siri bo‘yicha asosiy ilmiy va huquqiy yondashuvlar ko‘rib chiqilgan. Shuningdek, qurilish faoliyatining atrof-muhitga zarar yetkazmasligini ta‘minlashga qaratilgan mexanizmlar va huquqiy kafolatlar o‘rganilgan.

Tadqiqotda “qurilish” tushunchasining turli huquqiy va ilmiy manbalardagi ta‘riflari tahlil qilinib, qurilish faoliyatining huquqiy mazmuni va ekologik talablarga rioya qilinishi zarurligi asoslab berilgan. Jumladan, huquqshunos olimlar G.Uzakova, J.Safarov, A.Moral, L.Choltyan, D.Killough va Ch.Kibertning qarashlariga asoslangan holda qurilish faoliyatining ekologik xavfsizlik bilan

uyg'unlashuvining nazariy jihatlarini yoritilgan. Ilmiy-nazariy tahlillar asosida mualliflik ta'riflari berilgan.

“Barqaror rivojlanish” tamoyillariga mos ravishda qurilish sohasini ekologik standartlarga asoslangan holda tartibga solish bo'yicha takliflar ilgari surilgan. Xususan, “yashil qurilish” va uning zamonaviy ahamiyati bayon etilgan. Bu jarayon ekologik talablarga rioya qilish, tabiiy resurslardan oqilona foydalanish va ekologik xavfsizlikni ta'minlash bilan bog'liq innovatsion yondashuv sifatida ko'rib chiqilgan.

Qurilish sohasida atrof-muhitni huquqiy muhofaza qilishning zamonaviy konsepsiyalari tahlil qilingan bo'lib, “tabiat-inson-shahar” tizimi asosida qurilish jarayonida atrof-muhit barqarorligini ta'minlash, ekologik qurilish, ochiq va “yashil shahar”larni barpo etish hamda qurilish jarayonida ekologik xavfsizlikni huquqiy ta'minlashga yo'naltirilgan.

Shuningdek, qurilish sohasida atrof-muhitni huquqiy muhofaza qilishning asosiy prinsiplari, jumladan, barqaror rivojlanish, ekologik xavfsizlik, ekologik kompensatsiya, integratsiyalashgan yondashuv, jamoatchilik ishtiroki va ehtiyotkorlik prinsiplari tahlil qilingan.

Muallif qurilish sohasida atrof-muhitni huquqiy muhofaza qilish sohasidagi qonunchilikning rivojlanish jarayonlarini global va mahalliy darajada davrlarga bo'lgan holda o'rgangan.

Bobda qurilish sohasida atrof-muhitni huquqiy muhofaza qilishning zamonaviy tendensiyalari, xususan, energiya samaradorligi, “yashil binolar” va infrastrukturallarni rivojlantirish, qurilishda ekologik materiallarni oqilona tanlash kabi yo'nalishlar o'rganilgan. Bu tendensiyalar jahon tajribasi bilan bog'liq holda tahlil qilingan va O'zbekistonda joriy qilish uchun tegishli tavsiyalar berilgan.

Bobning yana bir muhim yo'nalishi — qurilish sohasida atrof-muhitni huquqiy muhofaza qilishda raqamlashtirish va sun'iy intellektning o'rni, uning rivojlantirish istiqbollari qaratilgan. Ushbu bo'limda tegishli davlat organlari ekologik nazorat jarayonida foydalaniladigan yagona tizimga integratsiyalash, tabiiy resurslardan foydalanish va ularga zarar yetish mumkin bo'lgan holatlarni aniqlash tizimini yaratish, sun'iy intellekt yordamida butun jarayonni nazorat qilish va boshqarish bilan bog'liq huquqiy mexanizmlarga alohida e'tibor qaratgan.

Sun'iy intellektdan qurilish sohasida atrof-muhitni huquqiy muhofaza qilish uchun keng foydalanayotgan Yaponiya, AQSH, Finlandiya, Germaniya kabi xorijiy davlatlar tajribasi tahlil qilingan.

Shu bilan birga raqamlashtirish jarayonlari orqali ekologik huquqiy monitoringni yaxshilash, atrof-muhitga zarar yetkazish xavfini oldindan baholash, ekologik talablarga mos keluvchi qarorlar qabul qilish jarayonlarini avtomatlashtirish imkoniyatlari ko'rsatib berilgan.

Dissertatsiyaning ikkinchi bobi **“Qurilish sohasida atrof-muhitni muhofaza qilishni huquqiy tartibga solish”** deb nomlanib, ushbu bobda qurilish sohasida atrof-muhitni muhofaza qilish masalalarining huquqiy asoslari va amaliy qo'llanilishi chuqur tahlil qilingan. Mazkur bobda atrof-muhitni muhofaza qilish bo'yicha huquqiy mexanizmlarni takomillashtirishning dolzarbligi, qurilish faoliyati bilan bog'liq ekologiyaga salbiy ta'sirlarni kamaytirish yo'llari hamda

barqaror rivojlanish maqsadlariga erishish uchun huquqiy normalarni amaliyotga joriy etishning muhimligi qayd etilgan.

Bu borada qurilish sohasida atrof-muhitni huquqiy muhofaza qilishda respublika ijro etuvchi hokimiyat organlarning huquqiy maqomi va vakolatlari qiyosiy tahlil qilingan hamda sohaga oid ma'muriy boshqaruvni takomillashtirish yuzasidan takliflar ishlab chiqilgan.

Bobda, qurilish sohasi va atrof-muhit muhofazasi o'rtasidagi huquqiy bog'liqlik tahlil qilingan. Qurilish jarayonining atrof-muhitga ta'sirini minimallashtirish maqsadida amalga oshirilayotgan huquqiy chora-tadbirlar ko'rib chiqilgan. Shuningdek, ushbu sohada mavjud huquqiy me'yorlarning zamonaviy talablarga muvofiqligini baholash muhimligi qayd etilgan. Qurilishda tabiiy resurslarni oqilona foydalanish, energiyani tejash texnologiyalarini qo'llash hamda ekologik standartlarga rioya qilishning huquqiy mexanizmlariga alohida urg'u berilgan.

Shuningdek, barqaror rivojlanishga erishish uchun ekologik xavfsiz texnologiyalarni joriy etish hamda ulardan samarali foydalanishning huquqiy mexanizmlarini rivojlantirish zarurligi qayd etilgan. Qurilish jarayonida energiyani tejovchi va atrof-muhitga zarar yetkazmaydigan texnologiyalarni qo'llashni rag'batlantirish bo'yicha qonunchilikni takomillashtirish muhimligi alohida ta'kidlangan. Buni ekologik xavfsizlikni ta'minlashda davlat va jamoatchilikning o'zaro hamkorligini kuchaytirishga xizmat qilishi ilmiy jihatdan isbotlangan.

Bobda qurilish sohasida atrof-muhitni muhofaza qilish uchun ekologik nazorat, xususan jamoat ekologik nazoratini yanada kuchaytirish zarurligi qayd etilgan. Ayniqsa, qurilish sohasida jamoatchilikning ekologik masalalardagi ishtirokini oshirish, fuqarolar va nodavlat tashkilotlarning atrof-muhit muhofazasidagi rolini rag'batlantirish, jamoatchilikni ekologik axborotga ega bo'lish va qarorlar qabul qilish jarayonida ishtirok etish huquqini ta'minlash bo'yicha takliflar ilgari surilgan.

Shuningdek, ekologik nazoratni amalga oshirishda ekologik qonunchilikni takomillashtirishning ustuvor yo'nalishlari belgilab berilgan. Qurilish faoliyatini tartibga soluvchi huquqiy hujjatlarning aniqligi va muvofiqligini ta'minlash, ekologik xavflarni kamaytirish uchun yangi qoidalar va normalarni joriy etish taklif qilingan. Xususan, ekologik ekspertizalarni yanada shaffoflashtirish va ekologik xavfsizlik talablarini huquqiy hujjatlarda aniq bayon etish zarurligi ta'kidlangan.

Qurilish sohasida ekologik xavflarni kamaytirish maqsadida loyihalarni tasdiqlash jarayonida atrof-muhitga ta'sirni oldindan baholash mexanizmlari ham ko'rib chiqilgan. Atrof-muhitga zarar yetkazish ehtimolini kamaytirish uchun har bir loyihaning ekologik xavfsizlik darajasini aniqlash muhimligi qayd etilgan.

Bobda davlat va jamoatchilik o'rtasidagi hamkorlikning ahamiyati alohida qayd etilgan. Bu hamkorlik ekologik talablarga rioya etilishini ta'minlash, atrof-muhit muhofazasi bilan bog'liq qarorlar qabul qilishda shaffoflikni oshirish va ekologik xavflarni kamaytirishga xizmat qilishi asoslangan. Jamoatchilik ekologik nazoratining kuchayishi tabiat muhofazasi bo'yicha umumiy mas'uliyatni oshirishga yordam beradi. Davlat ekologik nazoratining samaradorligini oshirish

uchun qonun hujjatlarini aniqlashtirish, ekologik xavfsizlik talablariga muvofiq kelmaydigan loyihalarni tasdiqlamaslik va ekologik normalarga mos kelmaydigan qurilish ishlarini nazorat qilish mexanizmlarini kuchaytirish zarurligi qayd etilgan.

Qurilish sohasida ekologik - huquqiy me'yorlarning qo'llanishi va tartibiga ham ilmiy nuqtai nazardan yondashilgan hamda atrof-muhitga ta'sirni baholash kabi muhim jihatlarga e'tibor qaratgan. Muallif tomonidan qurilish faoliyatining barcha bosqichlarida atrof-muhitni muhofaza qilish talablariga rioya etilishini ta'minlashga qaratilgan aniq takliflar va ularning huquqiy mexanizmlari keltirilgan.

Ushbu taklif va tavsiyalarning hayotga tatbiq etilishi ekologik barqarorlikni ta'minlash, atrof-muhitga salbiy ta'sirlarni minimallashtirish hamda ekologik xavfsizlikni oshirishga qaratilgan muhim qadam bo'lib xizmat qilishi, tadqiqot natijalari qurilish sohasida atrof-muhit muhofazasi bo'yicha qonunchilikni takomillashtirishga ko'maklashishi va ushbu sohada yangi ilmiy ishlar uchun asos yaratishiga xizmat qilishi bayon etilgan.

Dissertatsiyaning uchinchi bobi **“Qurilish sohasida atrof-muhitni huquqiy muhofaza qilishga oid qonunchilikni takomillashtirish istiqbollari va xorijiy tajriba”** deb nomlangan. Bunda qurilish sohasida atrof-muhit muhofazasi bo'yicha milliy va xalqaro qonunchilikning o'zaro bog'liqligi, amaldagi tajribalar va kelgusida huquqiy asoslarni takomillashtirish masalalari chuqur o'rganilgan.

Muallif ushbu mavzuda ilmiy-nazariy tahlil va amaliy tavsiyalarni ilgari surgan bo'lib, bobning asosiy mazmuni xalqaro tajriba, milliy qonunchilik va ularni yanada rivojlantirish yo'nalishlariga bag'ishlangan.

Birinchiidan, muallif tomonidan ilg'or rivojlangan davlatlarda qurilish sohasida atrof-muhit muhofazasi bo'yicha qo'llanilayotgan samarali mexanizmlarni o'rganib, ularning ahamiyatini ta'kidlaydi. Germaniya, AQSh, Yaponiya, Xitoy va Hindistondagi "yashil qurilish" standartlari qurilish sohasida barqaror rivojlanishni ta'minlashning asosiy shartlaridan biri sifatida ko'rsatilgan.

Bunda LEED, BREEAM va DGNB kabi ekologik sertifikatlash tizimlari tabiiy resurslardan oqilona foydalanish, energiya samaradorligini oshirish va chiqindilarni qayta ishlashda muhim rol o'ynashi qayd etilgan. Shuningdek, AQShdagi "Federal Sustainability Plan", Germaniyaning ekologik siyosati va Yaponiyaning tabiatni himoya qilishga qaratilgan qonunlari misolida barqaror rivojlanishga erishishning huquqiy asoslari tahlil qilingan.

Ikkinchiidan, muallif xalqaro huquq normalarining milliy qonunchilikka implementatsiya qilinishi jarayoniga alohida e'tibor qaratgan. BMTning 2030 yilgacha bo'lgan Barqaror rivojlanish maqsadlari, jumladan, 11-maqсад (Barqaror shaharlar va aholi yashash joylari) qurilish sohasida atrof-muhit muhofazasi uchun asosiy yo'nalish sifatida o'rganilgan. Xalqaro ekologik standartlar, ayniqsa ISO 14001 va ISO 21930, milliy qonunchilikka integratsiya qilingan holda atrof-muhit muhofazasining zamonaviy talablarini ta'minlashda muhim ekani ta'kidlangan. Shuningdek, BMTning inson huquqlari deklaratsiyasidan kelib chiqqan holda, ekologik xavfsizlikni ta'minlash inson huquqlarining ajralmas qismi ekanligi qayd etilgan.

Uchinchidan, qurilish sohasida atrof-muhit muhofazasi bo'yicha milliy qonunchilikni takomillashtirishga qaratilgan amaliy takliflar, jumladan energiya samaradorligi va "yashil qurilish" standartlarini joriy qilishga oid qonunchilikni rivojlantirish zarurligini ko'rsatgan. Ekologik xavflarni kamaytirish maqsadida energiya tejoychi texnologiyalarni qo'llashni qonunchilik darajasida rag'batlantirish taklif qilingan.

Muallif tomonidan xorijiy tajribadan kelib chiqib, ekologik ekspertizani kuchaytirish va uning amalda samarali qo'llanilishini ta'minlash uchun tegishli qonun normalarini qayta ko'rib chiqishni taklif qilgan. Shuningdek, ekologik me'yorlarni buzganlik uchun jazo choralarini kuchaytirish, jinoiy javobgarlikni joriy qilish orqali ekologik xavfsizlikni ta'minlash masalasi tahlil qilingan.

## XULOSA

Qurilish sohasida atrof-muhitni huquqiy muhofaza qilishga oid ilmiy-yuridik adabiyotlar, mazkur masala yuzasidan huquqni qo'llash amaliyoti, statistik ma'lumotlar hamda xorijiy davlatlar qonunchiligini o'rganish va tahlil qilish natijasida quyidagi takliflar ishlab chiqildi:

### **I. Ilmiy-nazariy xulosalar:**

1.1. Qurilish sohasini huquqiy tartibga solish nuqtayi nazaridan hamda ekologik xavfsizlik ustuvorligidan kelib chiqib bildirilgan barcha ilmiy qarashlar, modellar va yo'nalishlarni o'rgangan holda quyidagi konsepsiyalarga mazmunan mualliflik munosabatlari bildirildi:

1) Qurilish jarayonida atrof-muhit barqarorligini ta'minlash konsepsiyasi. Bu konsepsiya tabiiy resurslarni muhofaza qilish va ekologik barqarorlikka erishishni maqsad qiladi. Bu konsepsiya asosida qurilish sohasidagi faoliyat ekologik standartlar va sanitariya qoidalariga muvofiq olib borilishi talab etiladi. Qurilish loyihalarini tasdiqlash jarayonida atrof-muhitga ta'sirni baholash uchun ekologik ekspertiza o'tkaziladi, bunda loyihaning salbiy ta'sirini minimallashtirish uchun zarur chora-tadbirlar taklif qilinadi.

2) Ekologik qurilish konsepsiyasi. Bunda tabiiy resurslardan oqilona foydalanishni, qurilish jarayonida va foydalanish bosqichida atrof-muhitga zararli ta'sirni minimal darajaga tushirishni, shuningdek, yashash va mehnat uchun sog'lom, xavfsiz muhit yaratishni nazarda tutuvchi innovatsion yondashuvdir. Ushbu konsepsiya qurilish materiallarini tanlashdan tortib, energiya samaradorligiga yo'naltirilgan texnologiyalarni qo'llashgacha bo'lgan barcha jarayonlarda ekologik talablarni ustuvor hisoblashni o'z ichiga oladi. Konsepsiyasining asosiy maqsadi inson va tabiat o'rtasidagi muvozanatni tiklash, barqaror rivojlanish tamoyillarini qurilish faoliyatiga joriy etishdir.

3) Ochiq, barqaror va yashil shaharlarni barpo etish konsepsiyasi. Ushbu konsepsiya shaharlarni rejalashtirish, yerdan foydalanish va infratuzilmani rivojlantirish masalalarini huquqiy jihatdan tartibga soladi. Shaharlar va qishloqlar infratuzilmasini rivojlantirishda iqtisodiy, ekologik va ijtimoiy faktorlarni hisobga olishni talab qiladi. Bunda yangi qurilish loyihalarining shahar bosh rejasiga

muvofigligini ta'minlash, yerdan oqilona foydalanish va "yashil shahar" prinsiplarini joriy etish ustuvor ahamiyat kasb etadi.

4) Qurilish jarayonida shaharsozlik, ekologik, seysmik talablar va boshqa texnik standartlarni uyg'unlashtirish orqali xavfsizlikni ta'minlash konsepsiyasi. Mazkur konsepsiya qurilish faoliyatining barcha bosqichlarida tabiiy atrof-muhitga zarar yetkazmaslik, aholining qulay va xavfsiz yashash muhitiga bo'lgan huquqini ta'minlash, shuningdek, shahar infratuzilmasini barqaror rivojlantirishni maqsad qiluvchi tizimli yondashuvdir. Ushbu konsepsiya tabiiy ofatlar xavfini kamaytirish, ekologik me'yorlarga rioya qilish va urbanizatsiya jarayonlarini inson manfaatlariga moslashtirishni asosiy tamoyil sifatida belgilaydi.

1.2. Qurilish sohasida atrof-muhitni huquqiy muhofaza qilishning asosiy prinsiplari ishlab chiqildi hamda tasniflandi.

1) Barqaror rivojlanish prinsipi - qurilishning hozirgi avlod ehtiyojlarini hisobga olgan holda, kelajak avlodlarning ehtiyojlarini qondirish qobiliyatiga ta'sir qilmasdan amalga oshirilishi lozimligini ifoda etadi.

2) Ekologik xavfsizlik prinsipi - mazkur prinsipning amalga oshirilishi ta'sirlarni tahlil qilishga va tabiiy ekotizimlarda va umuman biosferada yuzaga kelishi mumkin bo'lgan keyingi o'zgarishlar va oqibatlar prognoziga asoslanadi.

3) Ekologik kompensatsiya prinsipi - agar salbiy ekologik oqibatlarning to'liq oldini olishning imkoni bo'lmasa, ishlab chiquvchilar atrof-muhitga yetkazilgan zararni uni qayta tiklash yoki himoya qilish choralarini kiritish orqali qoplashlarini nazarda tutadi.

4) Integratsiyalashgan yondashuv prinsipi - qurilishda ekologik muammolarni hal qilish turli omillar va oqibatlarning o'zaro bog'liqligini hisobga oladigan har tomonlama tahlilga asoslangan bo'lishi lozimligini bildiradi.

5) Shaffoflik va jamoatchilik ishtiroki prinsipi - qurilish jarayonidan manfaatdor barcha tomonlar uning ekologik jihatlari haqida ma'lumot olishlari va qarorlar qabul qilishda ishtirok etishlarini ta'minlashga xizmat qiladi.

6) Ehtiyotkorlik prinsipi - qurilish loyihalarini ishlab chiqish va amalga oshirishda, hatto ularning paydo bo'lishi to'liq aniq bo'lmasa ham, atrof-muhit uchun yuzaga kelishi mumkin bo'lgan salbiy oqibatlarning oldini olish choralarini ko'rishni o'z ichiga oladi.

1.3. Qurilish tushunchasiga huquqiy jihatdan quyidagicha mualliflik ta'rifi berildi: "qurilish – bu belgilangan huquqiy normalarga rioya qilingan holda, ya'ni davlatning vakolatli organlari tomonidan aniq maqsad uchun ajratilgan er uchastkasida tasdiqlangan loyiha asosida amalga oshiriladigan moddiy ishlab chiqarishning turi bo'lib, bino, inshoot va qonun bilan taqiqlanmagan boshqa qurilmalarni qurish hamda rekonstruksiya qilish bilan bog'liq yaratuvchilik jarayoni hisoblanadi".

1.4. Qurilish sohasida atrof-muhitni huquqiy muhofazasi tushunchasiga huquqiy jihatdan quyidagicha mualliflik ta'rifi berildi: "qurilish sohasida atrof-muhitni huquqiy muhofaza qilish - barqaror ekologik muhitni ta'minlash maqsadida qurilish loyihalarini tasdiqlashda ekologik talablarga rioya qilish, qurilish jarayonida atmosfera havosi, yer, suv va boshqa tabiat obyektlariga zarar yetkazilishi, ifloslanishni minimallashtirish, qurib bitkazilgan bino-inshootlarning

atrof-muhitga salbiy ta'sirini oldini olish yoki kamaytirish, butun qurilish jarayonida aholining ekologik, mulkiy va boshqa huquqlarini ta'minlash bilan bog'liq talablarni bajarish tushuniladi”.

1.5. Bugungi kundagi qurilish sohasida atrof-muhitni huquqiy muhofaza qilish doirasidagi quyidagi asosiy tendensiyalar tasniflangan holda o'rganildi.

- energiya samaradorligi (yashil energiya) oshirish tendensiyasi;
- yashil binolarni yaratish tendensiyasi;
- yashil infratuzilmani rivojlantirish (Development of Green Infrastructure) tendensiyasi;
- qurilish jarayonlarini boshqarish (Smart Construction) tendensiyasi;
- qurilishda to'g'ri materiallarni tanlash (green shopping) tendensiyasi.

1.6. Qurilish sohasida atrof-muhitni huquqiy muhofaza qilishga oid qonunchilikning jahon miqyosida rivojlanish bosqichlari ilmiy-nazariy jihatdan tasniflab berildi.

1) Boshlang'ich bosqich (XIX asr – XX asr boshlari) - industrializatsiya davri.

2) Rivojlanish bosqichi (XX asr o'rtalari) - atrof-muhit harakati davri.

3) Institutlashtirish bosqichi (XX asr oxiri – XXI asr boshlari) - qonunchilikning kengayishi davri.

4) Barqaror rivojlanish va integratsiya bosqichi (XXI asr) - barqaror qurilish davri.

1.7. Shaharsozlik reglamenti tushunchasiga quyidagicha mualliflik ta'rifi berildi: “shaharsozlik reglamenti – hududlarni va aholi punktlarini qurishning texnik va ekologik qoidalari, shaharsozlik faoliyatini amalga oshirish chog'ida aholi punktlarining hamda aholi punktlararo hududlarning yer uchastkalari tabiiy resurslar va boshqa ko'chmas mulk obyektlaridan foydalanish ko'rsatkichlari hamda turlarining yig'indisi”.

1.8. Qurilish sohasida atrof-muhitni huquqiy muhofaza qilishga oid huquqbuzarliklar tushunchasiga quyidagicha mualliflik ta'rifi berildi: “qurilish sohasida atrof-muhitni huquqiy muhofaza qilishga oid huquqbuzarliklar deganda, qurilish faoliyati davomida belgilangan ekologik me'yorlar va talablarni buzish orqali atrof-muhitga zarar yetkazuvchi noqonuniy harakatlar yoki harakatsizliklar tushuniladi”.

1.9. Qurilish sohasida atrof-muhitni huquqiy muhofaza qilishda yuridik javobgarlik tushunchasiga quyidagicha mualliflik ta'rifi berildi: “qurilish sohasida atrof-muhitni huquqiy muhofaza qilishda yuridik javobgarlik — bu qurilish faoliyati davomida amaldagi ekologik qonunchilik va me'yoriy talablarni buzganlik uchun qonunchilikda belgilangan tartibda jismoniy va yuridik shaxslarning javobgarlikka tortilishi va tegishli jazo choralarining qo'llanilishi tushuniladi”.

## **II. O'zbekiston Respublikasining qonun hujjatlarini takomillashtirish bilan bog'liq bo'lgan taklif va tavsiyalar:**

2.1. Qurilish jarayonida barqaror rivojlanishga erishishning dolzarbligini hisobga olgan holda insonlar hayoti uchun ekologik xavfsiz texnologiyalarni qo'llash va rivojlantirishni rag'batlantirish tartibini joriy etish maqsadida

O‘zbekiston Respublikasining Shaharsozlik kodeksining 61-moddasi uchinchi xatboshisi **“qurilish jarayonida energiyani tejovchi, ekologik xavfsiz, ijtimoiy foydali texnologiyalarni qo‘llash va ulardan foydalanganlik uchun rag‘batlantirish”** tahrirda bayon qilish taklif etiladi.

2.2. Hidrotexnika inshootlari xavfsizligini ta‘minlashda inson hayoti va salomatligini himoya qilishni, shuningdek, atrof-muhitni asrashni ustuvorlikka aylantirish maqsadida O‘zbekiston Respublikasining “Hidrotexnika inshootlarining xavfsizligi to‘g‘risida”gi Qonunining 4-moddasi uchinchi xatboshisi **“fuqarolarning hayoti va sog‘ligini himoya qilishning, shuningdek atrof-muhitni himoya qilishning ustuvorligi”** tahrirda bayon qilish taklif etiladi. Bu esa o‘z navbatida gidrotexnika inshootlaridagi xavf-xatarlarni minimallashtirish va ekologik barqarorlikni saqlash uchun davlat siyosatida inson va tabiat manfaatlarini birinchi o‘ringa qo‘yishni nazarda tutadi.

2.3. Tuproq muhofazasida inson salomatligi va ekologik barqarorlikni ta‘minlash, tuproq resurslaridan barqaror foydalanish va ekologik xavflarni kamaytirishga yo‘naltirilgan siyosatni mustahkamlash, shuningdek, atrof-muhitni himoya qilish orqali aholi salomatligiga yetkazilishi mumkin bo‘lgan salbiy oqibatlarining oldini olish maqsadida O‘zbekiston Respublikasi “Tuproqni muhofaza qilish va uning unumdorligini oshirish to‘g‘risida”gi Qonunning 4-moddasini **“inson sog‘ligining va atrof-muhit xavfsizligining ustuvorligi”** xatboshisi bilan to‘ldirish taklif etiladi.

2.4. Shaharsozlikda suv bosish xavfini kamaytirish va tabiiy suv oqimlarini saqlab qolish orqali aholi punktlarida suv toshqinlariga qarshi barqaror infratuzilmani yaratishni ta‘minlash maqsadida O‘zbekiston Respublikasi Vazirlar Mahkamasining 2023-yil 11-avgustdagi “Iqlim o‘zgarishi va tabiiy ofatlar xavfiga nisbatan milliy harakatlar rejasini ishlab chiqish hamda samarali amalga oshirishni tashkil etish to‘g‘risida”gi 362-son qarorining 50-bandini quyidagi xatboshi bilan to‘ldirish taklif etiladi:

**“...aholi punktlari bosh rejalariga muvofiq shahar va boshqa aholi punktlarida qurilishlarni suv bosish hududlarini hisobga olgan holda amalga oshirish, shuningdek, tabiiy ariqlarni saqlab qolish va yog‘ingarchilik suvlarini chiqarib yuboruvchi yangi tizimlarini yaratish (jala kollektorlari va boshqalar)”**.

2.5. Nodavlat-notijorat tashkilotlariga atrof-muhitni himoya qilishda faollikni oshirish va zararli obyektlarning faoliyatini tugatishda ularning huquqiy rolini kuchaytirish orqali ekologik barqarorlikka erishishni ta‘minlash maqsadida O‘zbekiston Respublikasining Iqtisodiy protsessual kodeksining 215-moddasiga **“...Atrof tabiiy muhitga zararli ta’sir ko‘rsatayotgan obyektlar faoliyatini tugatishda nodavlat-notijorat tashkilotlari ham ariza berishlari mumkin”** degan jumla bilan to‘ldirish maqsadga muvofiq.

2.6. O‘zbekiston Respublikasi Vazirlar Mahkamasining 2014 yil 5 avgustdagi 216-son qarori bilan tasdiqlangan “Davlat ekologik nazoratini amalga oshirish tartibi to‘g‘risida”gi nizomning 32-bandida “davlat ekologik nazoratini amalga oshiruvchi maxsus vakolatli davlat organlari ularga yuklangan vazifalarga muvofiq o‘z vakolatlari doirasida belgilangan tartibda foydali qazilma boyliklarni qazib

olish, qurilish va boshqa ishlar uchun berilgan qishloq xo‘jaligi va o‘rmon yerlarni, boshqa yerlarni, ularga zarurat qolmaganda - maqsadga ko‘ra foydalanishga yaroqli holga keltirishni o‘z ichiga oluvchi yerlarni muhofaza qilish bo‘yicha tadbirlar majmuasining bajarilishini tekshirishi aks etgan. Mazkur normaning tegishli qismidagi **“boshqa yerlarni”** tushunchasiga aniqlik kiritib ketish maqsadga muvofiq.

2.7.O‘zbekiston Respublikasi Vazirlar Mahkamasining 2014-yil 5-avgustdagi 216-son qarori bilan tasdiqlangan “Davlat ekologik nazoratini amalga oshirish tartibi to‘g‘risida”gi nizomning 40-bandi quyidagicha bayon qilingan.

“Reyd tartibidagi ekologik nazorat:

yonuvchi moddalarni va qurilish materiallarini ochiq alangada yondirish yoki omborga joylashtirishda atmosfera havosini muhofaza qilish talablariga rioya qilinmaganligi;

maxsus texnika vositalarini qo‘llamasdan bitum eritilganligi, aholi punktlari va dalalarda daraxt novdalari, ekin o‘rib olingan yerlar va boshqa o‘simlik qoldiqlari yondirilganligi;

noqonuniy daraxtlarni kesish, hayvonlarni ovlash holatlarini aniqlash va to‘xtatish yuzasidan tezkor nazorat tadbirlarini amalga oshirish zarurati bo‘lganda amalga oshiriladi.

chiqindilar bilan bog‘liq ishlarni amalga oshirish sohasida qonun hujjatlari talablariga rioya qilinmaganligi”

**Mazkur norma tushunarsiz holatda bayon qilinganligi sababli qayta ko‘rib chiqish lozim.**

2.8.O‘zbekiston Respublikasi “Ekologik ekspertiza to‘g‘risida”gi Qonunning 11-moddasi bilan Vazirlar Mahkamasining 2014-yil 5-avgustdagi 216-son qarori bilan tasdiqlangan “Davlat ekologik nazoratini amalga oshirish tartibi to‘g‘risida”gi nizomning 51-bandini ko‘rib chiqadigan bo‘lsak, bir-biriga zid bo‘lgan holatlari mavjud. Shu sababli, **“Davlat ekologik nazoratini amalga oshirish tartibi to‘g‘risida”gi nizomning 51-bandini yuridik texnika qoidalariga ko‘ra qayta ko‘rib chiqish taklif etiladi.**

2.9.O‘simliklar ekotizimning muhim qismi bo‘lib, ularning qirilib biologik xilma-xillikka va butun ekotizimning barqarorligiga jiddiy zarar yetkazishi mumkin. Atrof-muhitni muhofaza qilishga va ekologik barqarorlikni ta‘minlashda o‘simliklarning o‘rnini hisobga olgan holda O‘zbekiston Respublikasi Jinoyat kodeksining 196-moddasining ikkinchi xat boshi **“Yerlarni ifloslantirish yoki buzish, suv yoki atmosfera havosini ifloslantirish odamlarning ommaviy ravishda kasallanishi, o‘simliklarning nobud bo‘lishiga, hayvonlar, parrandalar yoki baliqlarning qirilib ketishi yoki boshqacha og‘ir oqibatlariga sabab bo‘lsa”** tahrirda bayon etish taklif etiladi.

2.10. O‘zbekiston Respublikasi Jinoyat kodeksining 196-moddasi Atrof tabiiy muhitni ifloslantirish deb nomlangan bo‘lib, unda yerlarni ifloslantirish yoki buzish, suv yoki atmosfera havosini ifloslantirish odamlarning ommaviy ravishda kasallanishi, hayvonlar, parrandalar yoki baliqlarning qirilib ketishi yoki boshqacha og‘ir oqibatlariga sabab bo‘lishi bazaviy hisoblash miqdorining yuz baravaridan ikki yuz baravarigacha miqdorda jarima yoki besh yilgacha muayyan

huquqdan mahrum qilish yoxud uch yuz oltmish soatgacha majburiy jamoat ishlari yoki uch yilgacha axloq tuzatish ishlari bilan jazolanishi nazarda tutilgan. Mazkur moddada nazarda tutilgan xatti-harakatning oqibati og'irligini inobatga olgan holda **muayyan huquqdan mahrum qilish jazosini asosiy jazo bilan birgalikda qo'llash** maqsadga muvofiq bo'ladi.

2.11. O'zbekiston Respublikasi Vazirlar Mahkamasining 2022-yil 22-avgustdagi "Davlat o'rmon fondiga kirmaydigan daraxtlar va butalarni ekish, parvarish qilish va ulardan foydalanish tartibini yanada takomillashtirish to'g'risida" 464-son qarorida yangi quriladigan, balandligi yer yuzasidan 12 metrdan va (yoki) umumiy maydoni 500 kvadrat metrdan ortiq bo'lgan bino va inshootlarni loyihalashtirishda ularga tutash hududlarning ko'kalamzorlashtirish maydonlari loyiha uchun ajratiladigan yer uchastkalari umumiy maydonining 25 foizidan kam bo'lishiga yo'l qo'yilmasligi belgilab qo'yilgan.

Ushbu normani amaliyotda to'g'ri qo'llanilishini ta'minlash maqsadida O'zbekiston Respublikasi Vazirlar Mahkamasining 2022-yil 20-apreldagi 200-son qarori bilan tasdiqlangan "Qurilish-montaj ishlari tugallangan obyektidan foydalanish uchun ruxsatnoma berish bo'yicha davlat xizmatlari ko'rsatishning ma'muriy reglamentini"ning 4-bandi "...davlat ekologik nazorat inspeksiyalari ko'p kvartirali uylarning atrofida "yashil hududlar" tashkil etilganligi bo'yicha belgilangan tartibda xulosa beradi" degan xatboshi bilan to'ldirish taklif etiladi.

2.12. Qurilish sohasida atrof-muhitni huquqiy muhofaza qilish sohasida yuridik javobgarlik borasida qonunchilikdagi muammolardan biri hisoblangan ekologiya sohasidagi huquqbuzarliklar uchun qo'llanishi mumkin bo'lgan javobgarlikning nomutanosibligi bartaraf qilish maqsadida O'zbekiston Respublikasining Ma'muriy javobgarlik to'g'risidagi kodeksning 197<sup>6</sup>-moddasida belgilangan javobgarlik miqdorini oshirish, ya'ni **"fuqarolarga bazaviy hisoblash miqdorining o'ttiz baravaridan ellik baravarigacha, mansabdor shaxslarga esa – ellik baravaridan yuz baravarigacha miqdorda jarima solishga sabab bo'ladi"** ko'rinishida bayon etish tavsiya etiladi.

2.13. O'zbekiston Respublikasi "Tuproqni muhofaza qilish va uning unumdorligini oshirish to'g'risida"gi qonunning 18-moddasida "Shaharsozlik faoliyatini amalga oshirish chog'ida sidirib olingan tuproqning unumdor qatlamini qurilish tashkilotlari mahalliy ijro etuvchi hokimiyat organlari tomonidan belgilangan joylarga saqlash uchun olib chiqadi." – degan norma belgilangan bo'lsa-da, tuproqni aynan olib o'tish mexanizmi to'liq yoritilmagan. Mazkur qonunda alohida modda sifatida **tuproqning unumdor qatlamini tegishli joyga olib o'tish tartibi hamda foydalanish shartlari aniq belgilanishi lozim.**

2.14. Mamlakatimizda sud qarorlari asosida o'zboshimchalik bilan qilingan qurilish hamda loyiha-smeta hujjatlaridan chetga chiqish holatlari uchun qurilish obyektlarini buzilishi natijasida atrof-muhitga salbiy ta'sir ko'rsatib kelmoqda. Bu kabi holatlar ko'plab uchrab turganligi bois, uning oldini olish maqsadida O'zbekiston Respublikasi Ma'muriy javobgarlik to'g'risidagi kodeksining 99-moddasi (Shaharsozlik to'g'risidagi qonunchilikni buzish) yettinchi qismining sanksiyasida nazarda tutilgan javobgarlik miqdorini **"fuqarolarga bazaviy**

**hisoblash miqdorining o‘ttiz baravaridan ellik baravarigacha, mansabdor shaxslarga esa – yetmish baravaridan yuz baravarigacha”** miqdorda belgilash taklif etiladi.

2.15. Qurilish jarayonida atrof-muhitni muhofazasi nazoratini samarali olib borish maqsadida O‘zbekiston Respublikasi Vazirlar Mahkamasining 2022-yil 20-apreldagi “Qurilish sohasiga oid yagona ma‘muriy reglamentlarini tasdiqlash to‘g‘risida”gi 200-son qarori 4-ilovasi bilan tasdiqlangan **“Loyiha-smeta hujjatlarini kelishish bo‘yicha davlat xizmatlari ko‘rsatishning ma‘muriy reglamenti”ning 7-bandida ko‘rsatilgan loyiha-smeta hujjatlarini kelishuvchi tashkilotlar sirasiga ekologiya va atrof-muhitni muhofaza qilish organlari qo‘shish taklif etiladi.**

2.16. Qurilish loyihalari amalga oshirilishidan oldin, atrof-muhitga potensial zarar yetkazilishining oldini olish uchun barcha choralar ko‘rish lozim. Bunda xavfsizlik darajasini oldindan aniqlash muhim vosita hisoblanadi. Zero, bu yondashuv kelajakda muammolarni bartaraf etishga sarflanadigan xarajatlarni kamaytiradi. Shu nuqtayi nazardan O‘zbekiston Respublikasi Shaharsozlik kodeksining 6-moddasida shaharsozlik normalari va qoidalariga **“atrof-muhitga xavfsizlik darajasini oldindan aniqlash”** jumlasini qo‘shish maqsadga muvofiq. Atrof-muhitga xavfsizlik darajasini oldindan aniqlash talabi shaharsozlik qonunchiligida huquqiy asos sifatida kiritilishi, loyiha hujjatlarini ishlab chiqishda davlat organlari va loyiha tuzuvchilarining mas‘uliyatini oshiradi. Natijada, loyiha hujjatlarining yanada puxta va sinchkovlik bilan tayyorlanishiga sabab bo‘ladi.

**III. Qurilish sohasida atrof-muhitni huquqiy muhofaza qilish bilan bog‘liq amaliyotni takomillashtirishga oid taklif va tavsiyalar:**

3.1. Qurilishda munosib o‘rnak ko‘rsatgan, atrof-muhitga nisbatan zarar yetkazmaydigan qurilish materiallardan foydalangan pudratchilar, fuqarolar albatta bu borada tegishli imtiyozlar olishi lozim. **Yashil qurilish hamda yashil amaliyotlarni rag‘batlantirish, xususan davlat tomonidan grant va soliq imtiyozlari belgilash darkor.** Bu esa sohada qonun buzilishi kamayishiga va eng asosiysi, atrof-muhit barqarorligiga ijobiy ta‘sir qilishi mumkin.

3.2. Fransiya va Shvetsiya davlatlarida qurilish loyihalari rejalashtirilayotganda daraxtlar mavjud yoki mavjud emasligiga alohida e‘tibor qaratiladi. **Agar qurilish uchun loyiha qilingan hududda daraxtlar mavjud bo‘lsa qurilishga umuman ruxsat berilmaydi.** Bugungi kundagi atrof-muhit muhofazasining inson salomatligi uchun dolzarb bo‘lib turgan bir paytda mazkur amaliyotni mamlakatimizda ham qo‘llash maqsadga muvofiq bo‘lardi.

3.3. **Germaniya qurilish vaqtida atrof-muhitni buzganlik uchun korxonalarini javobgarlikka tortish uchun nodavlat notijorat tashkilotlarini (NNT) faol jalb qilmoqda.** Ushbu nodavlat tashkilotlari yirik kompaniyalarga qarshi qonuniy choralar ko‘rishadi. Shu sababli, mamlakatimizda ham atrof-muhit monitoringi jarayonlarida faqat davlat organlari emas, balki NNTni ham faol ravishda jalb qilish mexanizmini joriy qilish maqsadga muvofiq.

3.4. Tuman shaharlar yoki tumanlarning bosh qurilish rejasi tasdiqlanmagunga qadar **qurilish loyihalarini tasdiqlash ishlarini to‘xtatib turish zarur** (masalan bir yil davomida). Bunda tasdiqlangan loyiha asosida boshlangan qurilish ishlarini

tadbirkorlar hamda aholining mulkiy huquqlariga daxl qilmaslik, ularni buzmaslik maqsadida yakunlash imkonini berish maqsadga muvofiqdir. Qurilish loyihalarini tasdiqlash to'xtab turgan vaqt davomida har bir hududning **ekologik xaritasi ishlab chiqilish va tasdiqlanishi zarur**. Ekologik xaritada daraxtzorlar egallagan yerlar, aholining dam olishi uchun mo'ljallangan obod hududlar, suv fondi yerlari, tabiat yodgorliklari va boshqa muhofaza etiladigan hududlar joylashgan yerlar kabilar chegaralari aniq belgilanishi, bunday hududlarda qurilish ishlari nomuayyan muddatga ta'qiqlanishi zarur.

3.5. Byudjet mablag'lari **hisobidan qurilish jarayonida "yashil" standartlarni ommalashtirish** maqsadida ekologik sertifikatlariga ega bo'lgan qurilish mahsulotlarni sotib olish bo'yicha **tender hujjatlari talablarini belgilash maqsadga muvofiq**. Shuningdek, qurilish uchun yer uchastkasini auksion (tender) asosida ajratishda qurilishni "yashil" standartlarga binoan amalga oshirishni taklif etayotgan **talabgorga ustunlik berish** amaliyotini joriy etish maqsadga muvofiq.

3.6. Rivojlangan xorijiy davlatlar tajribasidan kelib chiqqan holda, mamlakatimizda **chiqindilarni samarali boshqarish sohasida quyidagi yo'nalishlarda ekologik muammolar bartaraf etilishi zarur**:

1. chiqindilarni qayta ishlash tizimida zamonaviy texnologiyalarni joriy etish tizimini kengaytirish;

2. chiqindidan biologik yoqilg'i, energiya olishga o'tish;

3. chiqindilarni samarali boshqarish uchun chiqindilar yig'ish, saralash, qayta ishlash jarayonlarida sun'iy intellektdan foydalanish amaliyotini joriy etish;

4. chiqindilarni toifalangan holda to'plash va topshirish tizimini to'liq joriy etish, ushbu tizimga rioya etganlik uchun iqtisodiy rag'batlantirish mexanizmlarini aniq belgilash.

3.7. Hozirgi vaqtda davlatlar tomonidan nafaqat qurilishda, balki boshqa yo'nalishlarda ekologiyani yaxshilash uchun **"green shopping"** amaliyoti ham keng qo'llanilmoqda. **Yashil xarid** – bu ekologik barqarorlik va mas'uliyatli, atrof-muhitga nisbatan g'amxo'r bo'lgan iste'molni ta'minlaydigan ongli yondashuv hisoblanadi. Ya'ni bunda iste'molchi, xoh u yuridik shaxs bo'ladimi, xoh u jismoniy shaxs bo'ladimi, ongli ravishda tabiatga nisbatan g'amxo'r (**economically-friendly**) mahsulotlarni sotib olishadi va qo'llashadi. Yashil xaridlar (shuningdek, ekologik toza xaridlar sifatida ham nomlanadi) barqaror manbalardan, ekologik toza va axloqiy jihatdan ishlab chiqarilgan mahsulotlarni sotib olish uchun ongli qarorlar qabul qilishni o'z ichiga oladi. O'zbekistonda tadbirkorlik subyektlarining qurilish materiallarini sotib olishda "green shopping" amaliyotini joriy qilish lozim. Mazkur amaliyotdan foydalangan tadbirkorlik subyektlarini belgilangan imtiyozlar asosida rag'batlantirish mexanizmini shakllantirish maqsadga muvofiq.

3.8. Bugungi global iqlim o'zgarishi jarayoniga bevosita qurilish sanoatining roli muhimligidan kelib chiqib, O'zbekistonda yuridik ta'lim muassasalarida **"Qurilish huquqi" magistratura mutaxassisligi joriy qilinishi lozim**. Mazkur yo'nalishning ochilishi atrof-muhit muhofazasi doirasida o'zining ijobiy ta'sirini ko'rsatishi mumkin. Shuningdek, barqaror rivojlanishga yo'naltirilgan ta'lim standartlarini ishlab chiqish hamda oliy, umumiy o'rta va o'rta maxsus,

professional ta'lim muassasalari ta'lim dasturlariga barqaror rivojlanish bo'yicha o'quv kurslarini kiritish maqsadga muvofiq.

3.9. Qurilish sohasida atrof-muhitni huquqiy muhofazasida barqaror rivojlanish maqsadlariga erishish hamda qurilish jarayonlarida jamoatchilik nazorati ishtirokni oshirish, aholining qurilish sohasida atrof-muhit muhofazasi borasidagi huquqiy ongini oshirish maqsadida ommaviy axborot vositalari va ijtimoiy tarmoqlar orqali shu sohaga oid ijtimoiy reklamalarni ko'paytirish lozim.

3.10. Amaliyotda uchrayotgan muammolardan kelib chiqib, qurilish jarayonida davlat ekspertiza markazlari tomonidan xulosada keltirilgan muayyan talablarni bajarish sharti bilan ijobiy xulosa berish amaliyotini bekor qilish lozim.

3.11. O'zbekiston Respublikasi Vazirlar Mahkamasining VMQ-200-son qaroriga ekologik huquqiy talablar turlarini alohida bob shaklida kiritish zarur.

3.12. O'zbekiston Respublikasi Vazirlar Mahkamasining 2021-yil 19-noyabrdagi 699-son qarori bilan tasdiqlangan "Loyiha-qidiruv va qurilish-pudrat tashkilotlari reytingini hisoblash va yuritish tartibi to'g'risida"gi nizomning 4-ilovasiga o'zgartirish kiritishni taklif etiladi. Basharti, qurilish-pudrat tashkilotlarining ekologik me'yor va qoidalarga rioya etish darajasini baholash bo'yicha qo'shimcha mezonlarni kiritish zarur. Bu esa atrof-muhitni muhofaza qilishga qaratilgan chora-tadbirlarni kuchaytirish va qurilish sohasida barqaror rivojlanishni ta'minlashga xizmat qiladi.

Shuningdek, qurilish-pudrat tashkilotlarining ekologik me'yorlarga rioya etish darajasini baholash natijalariga ko'ra, ularga "Barqarorlik sertifikatini"ni olish majburiyatini yuklash maqsadga muvofiq. Ayniqsa, "A" toifasidagi obyektlar bilan shug'ullanuvchi tashkilotlar uchun ushbu sertifikatni olish majburiy bo'lishi lozim. Agar tashkilotlar ekologik qoidalarga rioya qilmasa, ularning reytingi pasaytirilishi va bu holat yer ajratishda yoki boshqa imtiyozlardan foydalanishda cheklovlar joriy etilishiga olib kelishi kerak. Bu orqali qurilish-pudrat tashkilotlarini ekologik me'yorlarga qat'iy rioya qilishga undash va atrof-muhitga salbiy ta'sirni kamaytirish mumkin bo'ladi.

3.13. Mamlakatimizda qurilish sohasida atrof-muhitni huquqiy muhofaza qilishda raqamlashtirish bir qancha muhim afzalliklar va imkoniyatlar taqdim etishi izohlab berildi.

Birinchiidan, qurilish sohasidagi ma'lumotlarni boshqarish va kuzatish imkonini beradi.

Ikkinchiidan, shaffoflik va javobgarlikni ta'minlashda hujjatlarni raqamlashtirish orqali ularni osongina topish va tekshirish imkoniyati yaratiladi. Bu esa huquqiy talablar va standartlarga muvofiqlikni ta'minlaydi.

Uchinchiidan, atrof-muhitni muhofaza qilish samaradorligini oshirishda innovatsion texnologiyalarni joriy etish va raqamli vositalardan foydalanish, atrof-muhitga salbiy ta'sirlarni kamaytirish imkonini beradi. Resurslarni tejashda raqamli tizimlar orqali qurilish materiallari va resurslarni samarali boshqarish, atrof-muhitni muhofaza qilishda muhim omil hisoblanadi.

**SCIENTIFIC COUNCIL No DSc. 07/03.06.2023.Yu.22.04 FOR AWARDING  
SCIENTIFIC DEGREES AT TASHKENT STATE UNIVERSITY OF LAW**

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**TASHKENT STATE UNIVERSITY OF LAW**

**NURULLAYEV SHOXRUX SHUXRATILLAYEVICH**

**ISSUES OF LEGAL PROTECTION OF THE ENVIRONMENT IN THE  
CONSTRUCTION SPHERE**

12.00.06. – Natural Resources Law. Agricultural law. Environmental law

**Doctoral (PhD) dissertation abstract on legal sciences**

**Tashkent – 2025**

The topic of the Doctor of Philosophy (PhD) dissertation has been registered with the Higher Attestation Commission under the Ministry of Higher Education, Science and Innovation of the Republic of Uzbekistan under the number B2024.2.PhD/Yu1462.

The dissertation was completed at Tashkent State University of Law.

The dissertation abstract is available in three languages (Uzbek, English, Russian (summary)) on the Scientific Council's website (<https://tsul.uz/uz/fan/avtoreferatlar>) and on the "ZiyoNET" educational information network ([www.ziynet.uz](http://www.ziynet.uz)).

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The doctoral dissertation is available at the Information Resource Center of Tashkent State University of Law (registered under № 1384), (Address 100047, Amir Temur Street, 35. Tashkent city. Phone: (99871) 233-66-36).

The abstract of the dissertation distributed on April 11th, 2025.

(Registry protocol № 6 on April 11th, 2025).



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## INTRODUCTION (abstract of PhD thesis)

**The actuality and relevance of the dissertation theme.** The increase in the world population and the acceleration of urbanization processes are leading to an expansion of the scale of construction work, an increase in the need for natural resources, and an increase in anthropogenic impact on the environment. As of 2024, the world population will be approximately 8.1 billion people, increasing by approximately 73 million people each year<sup>1</sup>, which will lead to the development of the construction industry, which is considered an important human necessity. The total size of the global construction market in 2022 was US\$9.7 trillion, and this figure is projected to reach US\$13.9 trillion by 2037<sup>2</sup>. It should be noted that waste generated as a result of construction work accounts for one-third of the world's total waste<sup>3</sup>. Chemicals used in construction, in particular, such as paints, adhesives, concrete, and other building materials, often harm the environment.

In achieving the goals of sustainable development in the world, scientific approaches to environmental protection and rational use of natural resources in the construction process are increasingly being updated, and special importance is being attached to conducting research on developing a legal regime for management through digital technologies, regulating environmental regulations in the construction sector using artificial intelligence, developing a legal regime for “Green Construction”, ensuring that the construction industry does not infringe on the human right to a comfortable environment, and strengthening liability measures for violation of environmental requirements in the construction sector.

In New Uzbekistan, special attention is paid to legal protection of the environment in the construction sector, positive work is being carried out to expand “green areas” and support various aspects of sustainable development, introduce modern and ecological approaches in the construction sector, increase energy efficiency and reduce negative impacts on the environment through the use of renewable energy sources. In particular, it was determined that “when construction permits are issued, a clear calculation of the load on the existing infrastructure is not made, and work on the organization of green spaces is not carried out in sync with construction, a moratorium on new construction will be declared until the city’s master plan is approved”<sup>4</sup>. Therefore, there is a need to conduct research on reducing violations related to environmental damage during construction, systematizing the creation of ecological cities, organizing ecological zoning along with urban zoning when allocating land for construction, further strengthening the legal framework for environmental protection in the construction sector, and developing scientifically based and reform-oriented mechanisms.

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<sup>1</sup> Official website of the worldometer // <https://www.worldometers.info/world-population/>

<sup>2</sup> Official website of the Oxford Economics // <https://www.oxfordeconomics.com/resource/global-construction-futures/>

<sup>3</sup> Norman Miller // The industry creating a third of the world's waste // <https://www.bbc.com/future/article/20211215-the-buildings-made-from-rubbish#:~:text=Roughly%20half%20of%20the%20raw%20materials%20we%20extract,least%2040%25%20of%20the%20world%E2%80%99s%20carbon%20dioxide%20emissions>

<sup>4</sup> <https://president.uz/uz/lists/view/5883>

This dissertation research is based on the Decrees of the President of the Republic of Uzbekistan No. PF–5863, October 30, 2019, “On approval of the Concept of environmental protection of the Republic of Uzbekistan for the period until 2030”, No. PF–5185, September 8, 2017, “On approval of the Concept of administrative reforms in the Republic of Uzbekistan”, No. PF–158, September 11, 2023, “On the strategy “Uzbekistan – 2030”, No. PF–37, February 21, 2024, “On the state program for the implementation of the strategy “Uzbekistan – 2030” in the “Year of support for youth and business”, and the Resolution of the President of the Republic of Uzbekistan “On Approval of the Strategy for the Transition to a Green Economy” for the period 2019-2030”, October 4, 2019. The dissertation serve to a certain extent in implementing the tasks set out in and other normative legal acts regulating the sector.

**The dependence of the research on the priority areas of development of science and technologies in the country.** This research was carried out in the priority direction of the development of science and technology of the republic I. “Formation of a system of innovative ideas and ways to implement them in the social, legal, economic, cultural, spiritual and educational development of an informed society and a democratic state”.

**The extent of the study of the research problem.** Some issues related to the legal protection of the environment in the construction sector have been studied in the scientific works of our scientists Y.O.Juraev, M.B.Usmonov, J.T.Kholmuminov, Sh.Kh.Fayziev, G.Sh.Uzakova, O.D.Utegenov, O.Kh.Narzullaev, N.Sh.Rajabov, M.M.Nurmatov, J.I.Safarov, K.Bobonazarov, A.Nurudullaev, D. Aripov. Research work has been carried out on the legal issues of eliminating the impact of anthropogenic influences on the natural environment<sup>1</sup>.

Meantime, indirect issues related to the topic were analyzed in the works of such scientists in the CIS countries as A.P.Anisimov, V.Y.Yezhova, A.N.Grechneva, K.I.Zuev, Y.M.Galitskova, O.A.Lapina, U.V.Lazerov, V.L.Bakhnov, R.R.Sadikov, N.Y.Popov, I.P.Avilova<sup>2</sup>.

Some issues related to legal protection of the environment in the construction sector in foreign countries have been studied in the works of legal scholars such as Lars Jensen, Fatima Khan, Wei Li, Nguyen Minh, Erin Daly, David Boyd, Hari Osofsky, Daniel Farber, Jutta Brunnée, Nicholas Robinson, Richard Lazarus, Joseph Sax, Cinnamon Carlarne<sup>3</sup>.

Although the scientific research of the above authors has studied to one degree or another such organizational and legal aspects as the allocation of land plots for construction purposes, ensuring the ecological safety of the population during the construction process, the legal procedure for the use of natural resources, and its economic and legal mechanism, the issues of legal protection of the environment in the construction sector, the practice of applying legislation in

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<sup>1</sup> **Note 1.:** The works of these scientists are listed in the reference.

<sup>2</sup> **Note 2.:** The works of these scientists are listed in the reference.

<sup>3</sup> **Note 3.:** The works of these scientists are listed in the reference.

this area and its improvement have not been studied as a comprehensive object of research from the point of view of Environmental law.

**Relation of the dissertation's theme to the scientific-research work of higher education institution where it was implemented.**

The theme of the dissertation is included in the plan of research plan of Tashkent State University of Law carried out within the priorities of "Achieving the goals of ecologically sustainable development".

**The aim of the research** is to develop scientific and practical proposals and recommendations aimed at improving legislation based on an analysis of issues of legal environmental protection in the construction sector in Uzbekistan.

**The tasks of the research are to:**

analyze scientific concepts, doctrines and principles related to the legal protection of the environment in the construction sector;

develop a proposal on identifying and eliminating problems related to the legal protection of the environment in the construction sector;

develop recommendations on mechanisms for legal regulation of state administration activities in the sphere of legal protection of the environment in the construction sector;

analyze international experience in legal protection of the environment in the construction sector;

introduce modern environmental and legal models into national legislation regulating relations related to legal protection of the environment;

develop a proposal aimed at improving existing legislation based on an analysis of environmental requirements in the construction sector.

**The object of the research** is the environmental and legal relations related to environmental protection in the construction sector.

**The subject of the research** consists of legislative acts in the field of legal environmental protection in the construction sector, the practice of their application, as well as conceptual approaches and scientific and theoretical views existing in legal science.

**Research methods.** Methods such as induction, deduction, historical, logical, systematic, comparative-legal, statistical, questionnaire, analysis and synthesis have been applied in the research.

**The scientific novelty of the research** is as follows:

it is justified that to introduce a procedure for encouraging the adoption and development of environmentally friendly technologies for human life, taking into account the urgency of achieving sustainable development in the construction process, proposals have been developed to encourage the adoption and use of energy-saving, environmentally friendly, socially beneficial technologies in the construction process;

it is justified that in order to minimize the risks that may arise in hydraulic structures, maintain ecological stability, and prioritize the interests of people and nature in state policy, the builder shall take into account the priority and main principle of protecting human life and health and preserving the environment when constructing hydraulic structures;

it is justified that it is a prerequisite and a basic principle that the soil user in the construction process should take into account the priority of human health and environmental safety in carrying out his activities in order to ensure ecological stability in soil protection, rational use of soil resources and reduction of ecological risks, as well as prevent possible negative consequences for public health through environmental protection;

it is justified to implement construction in cities and other settlements in urban planning, in accordance with the master plans of settlements, taking into account flood zones, as well as to introduce a legal mechanism for preserving natural ditches and creating systems for discharging rainwater.

**The practical results of the study** are as follows:

the necessity to encourage green construction, in particular, the establishment of grants and tax incentives by the state, is substantiated;

the necessity to suspend the approval of construction projects until the master construction plan of cities or districts is approved is substantiated;

the necessity to widely introduce the practice of “green shopping” in order to achieve the goals of sustainable development in environmental protection in the construction sector, that is, to ensure the selection of environmentally friendly and sustainable materials and products while reducing the negative impact on the environment, is substantiated;

the necessity to increase the participation of public control in the legal protection of the environment in the construction sector, and the effectiveness of social advertising in this area through the media and social networks are substantiated;

the legal possibilities of digitalization in the legal protection of the environment in the construction sector in our country are analyzed;

the proposal has been developed to establish the requirements for tender documents for the purchase of construction products with environmental certificates in order to popularize “green” standards in the construction process at the expense of budget funds;

the proposal has been developed to introduce the practice of giving preference to applicants who propose to implement construction in accordance with “green” standards when allocating land plots for construction on the basis of an auction (tender).

**Reliability of research results.** The reliability of the research results is explained by the fact that the dissertation analyzes national legislation, materials of legal practice, international and foreign legal rules, is based on official sources and scientific literature, and the implementation of the conclusions and proposals obtained is approved by the relevant bodies.

**The scientific and practical significance of the results of the research.** The scientific significance of the research results is manifested in the fact that the scientific and theoretical conclusions, practical proposals and recommendations contained in them can be used in future scientific activities, lawmaking, law enforcement practice, including in the activities of specially authorized state bodies for legal protection of the environment in the construction sector, in interpreting

relevant norms of legislative acts in the field of ecology, in improving national legislation and in further enriching the disciplines of “Environmental law” and “Natural Resources Law” from a scientific and theoretical perspective.

The practical significance of the research results serves to improve legislative acts in the field of ecology and urban planning and develop law enforcement practice, inventory legislative acts in the field of ecology, as well as develop legislative acts dedicated to improving the activities of authorized bodies and public structures in the field of ecology and environmental protection.

**Implementation of research results.** The research results have been applied as follows:

the proposals on the introduction of an encouragement procedure for adoption and development of environmentally friendly technologies for human life during the construction process has been used in the development of paragraph 2 of Article 61 of the Urban Planning Code of the Republic of Uzbekistan (Reference of the Ombudsman of the Oliy Majlis of the Republic of Uzbekistan for Human Rights (Ombudsman), on June 19, 2024, No. 01-07/321). The implementation of this proposal served to ensure environmental safety and protect public health during the construction process;

the proposals on the priority of protecting the life and health of citizens during the construction of hydraulic structures has been used in the development of paragraph 3 of Article 4 of the Law of the Republic of Uzbekistan “On the Safety of Hydraulic Structures” (Reference of the Ombudsman of the Oliy Majlis of the Republic of Uzbekistan for Human Rights (Ombudsman) on June 19, 2024, No. 01-07/321). The implementation of this proposal served to effectively protect the life and health of citizens during the construction of hydraulic structures;

the proposals on ensuring the priority of the legitimate interests of land users in the process of moving soil for construction has been used in the development of Article 4 of the Law of the Republic of Uzbekistan “On Soil Protection and Increasing its Fertility” (Reference of the Ombudsman of the Oliy Majlis of the Republic of Uzbekistan for Human Rights (Ombudsman), on June 19, 2024, No. 01-07/321). The implementation of this proposal served to protect the legitimate interests of land users and preserve soil fertility during the construction process;

the proposals for the implementation of construction in cities and other settlements taking into account flood zones, as well as the preservation of natural ditches and the creation of new systems for discharging rainwater has been used in the development of section 50, paragraph seven of the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan, on August 11, 2023, No. 362, on the development and organization of effective implementation of the National Action Plan on Climate Change and Natural Disaster Risk (Reference of the Department of Information, Analysis and Legal Support of the Secretariat of the Prime Minister of the Republic of Uzbekistan, on June 12, 2024, No. 18). The implementation of this proposal served to reduce flood risks, protect natural water flows, and effectively manage rainwater.

**Approbation of the results of the research.** The results of this research were discussed at 9 scientific and practical conferences, including 2 international and 7 republican scientific and practical conferences.

**Publication of research results.** A total of 17 scientific works on the topic of the dissertation were published, including 8 articles in scientific journals recommended for publication by the Higher Attestation Commission (2 foreign, 6 in republican journals).

**The structure and volume of the dissertation.** The content of the dissertation consists of an introduction, three chapters, a conclusion, and a list of references, and its size is 152 pages.

## MAIN CONTENT OF THE DISSERTATION

The **introduction** of the dissertation includes the relevance and necessity of the research theme, the relevance of the research to the main priorities of the national science and technology development, the review of foreign scientific research on the subject, the level of studying the problem, the relation of the dissertation theme to the scientific research work of higher education institution where the dissertation is written, the aim and tasks, object and subject, methods, scientific novelty and results of the research, reliability of the research results, scientific and practical significance of the research results, their implementation, the approbation, announcement of the results, structure and the volume of the dissertation.

The first chapter of the dissertation is entitled “**General description of legal protection of the environment in the construction sector and modern trends**”, the chapter provides an in-depth analysis of theoretical and practical aspects of ecological and legal protection of the environment in the construction sector.

In particular, legal concepts related to the construction sector, basic scientific and legal approaches to construction activities and their impact on the environment are considered. Mechanisms and legal guarantees have also been established to ensure that construction activities do not harm the environment.

The research analyzes the definitions of the concept of construction in various legal and scientific sources, substantiates the legal content of construction activities and the necessity to comply with environmental requirements. In particular, the theoretical aspects of the compliance of construction activities with environmental safety are highlighted, based on the views of legal scholars G.Uzakova, J.Safarov, A.Moral, L.Choltyan, D.Killough and Ch.Kibert. Author's definitions are given based on scientific and theoretical analyses.

Proposals are put forward to regulate the construction sector based on environmental standards in accordance with the principles of sustainable development. In particular, green construction and its modern significance are described. This process is considered as an innovative approach to complying with environmental requirements, rational use of natural resources and ensuring environmental safety.

Modern concepts of legal environmental protection in the construction sector are analyzed, and are aimed at ensuring environmental sustainability in the construction process based on the nature-human-city system, creating ecological construction, open and green cities, and legally ensuring environmental safety in the construction process.

In addition, the main principles of legal environmental protection in the construction sector are analyzed, including the principles of sustainable development, environmental safety, environmental compensation, an integrated approach, public participation and precaution.

The author organized that the development processes of legislation in the sphere of legal environmental protection in the construction sector into periods at the global and local levels.

The chapter discusses modern trends in legal environmental protection in the construction sector, in particular, energy efficiency, the development of “green buildings” and infrastructure and the rational selection of ecological materials in construction. These trends are analyzed in connection with world experience and relevant recommendations are given for their implementation in Uzbekistan.

Another important direction of the chapter is the role of digitalization and artificial intelligence in legal environmental protection in the construction sector, and the prospects for its development. In this section, special attention is paid to legal mechanisms related to the integration of relevant state bodies into a single system used in the process of environmental control, the creation of a system for identifying situations where natural resources can be used and damaged, and the control and management of the entire process using artificial intelligence.

The experience of foreign countries such as Japan, the USA, Finland, and Germany, which widely use artificial intelligence for legal environmental protection in the construction sector, is analyzed.

Meantime, the possibilities of improving environmental legal monitoring, preliminary assessment of the risk of environmental damage, and automation of decision-making processes in accordance with environmental requirements are demonstrated through digitalization processes.

The second chapter of the dissertation is entitled “**Legal regulation of environmental protection in the construction sector**”, this chapter provides an in-depth analysis of the legal basis and practical application of environmental protection issues in the construction sector. This chapter shows that the urgency of improving legal mechanisms for environmental protection, ways to reduce negative impacts on the environment associated with construction activities, and the importance of implementing legal rules in practice to achieve sustainable development goals.

In this regard, a comparative analysis of the legal status and powers of the republican executive authorities in the legal protection of the environment in the construction sector was carried out, and proposals were developed to improve administrative management in the sector.

This chapter analyzed that the legal relationship between the construction sector and environmental protection. Legal measures taken to minimize the impact

of the construction process on the environment were considered. The importance of assessing the compliance of existing legal standards in this area with modern requirements was also noted. Special emphasis was placed on the legal mechanisms for the rational use of natural resources in construction, the use of energy-saving technologies, and compliance with environmental standards.

The necessity to introduce environmentally friendly technologies and develop legal mechanisms for their effective use in order to achieve sustainable development was also noted. The importance of improving legislation to encourage the use of energy-saving and environmentally friendly technologies in the construction process was especially emphasized. It has been scientifically proven that this serves to strengthen the cooperation between the state and the public in ensuring environmental safety.

The chapter notes that the necessity to further strengthen environmental control, especially public environmental control, for environmental protection in the construction sector. In particular, proposals are put forward to increase public participation in environmental issues in the construction sector, to encourage the role of citizens and non-governmental organizations in environmental protection, to ensure the public's right to access environmental information and participate in the decision-making process.

In addition, priority areas for improving environmental legislation in the implementation of environmental control are identified. It is proposed to introduce new rules and norms to ensure the clarity and consistency of legal acts regulating construction activities and reduce environmental risks. In particular, the necessity to make environmental expertise more transparent and clearly state environmental safety requirements in legal acts is emphasized.

In order to reduce environmental risks in the construction sector, mechanisms for preliminary assessment of environmental impact during the approval process of projects are also considered. The importance of determining the level of environmental safety of each project is noted in order to reduce the likelihood of environmental damage.

The chapter shows that the importance of cooperation between the state and the public. It is based on the fact that this cooperation serves to ensure compliance with environmental requirements, increase transparency in making decisions related to environmental protection, and reduce environmental risks. Strengthening public environmental control helps to increase overall responsibility for nature protection. In order to increase the effectiveness of state environmental control, it is necessary to clarify legislative acts, not approve projects that do not meet environmental safety requirements and strengthen mechanisms for controlling construction work that does not comply with environmental standards.

The application and procedure of environmental and legal standards in the construction sector are also approached from a scientific point of view and attention is paid to such important aspects as environmental impact assessment. The author presents specific proposals aimed at ensuring compliance with environmental protection requirements at all stages of construction activities and their legal mechanisms.

It is stated that the implementation of these proposals and recommendations will serve as an important step towards ensuring environmental sustainability, minimizing negative impacts on the environment, and increasing environmental safety, and that the research results will contribute to improving environmental protection legislation in the construction sector and will serve to create a basis for new scientific work in this area.

The third chapter of the dissertation is entitled **“Prospects for improving legislation on legal protection of the environment in the construction sector and foreign experience”**. It deeply organizes that the issues of the interrelation of national and international legislation on environmental protection in the construction sector, current experiences and future improvement of the legal basis.

The author has put forward a scientific and theoretical analysis and practical recommendations on this topic, and the main content of the chapter is devoted to international experience, national legislation and areas for their further development.

Firstly, the author summarizes that the effective mechanisms used in the construction sector in developed countries for environmental protection and emphasizes their importance. The “green building” standards in Germany, the USA, Japan, China and India are indicated as one of the main conditions for ensuring sustainable development in the construction sector.

It is noted that environmental certification systems such as LEED, BREEAM and DGNB play an important role in the rational use of natural resources, increasing energy efficiency and recycling waste. The legal basis for achieving sustainable development is also analyzed using the example of the “Federal Sustainability Plan” in the USA, the environmental policy of Germany and the laws of Japan aimed at protecting nature.

Secondly, the author pays special attention to the process of implementing international legal rules into national legislation. The UN Sustainable Development Goals for 2030, including Goal 11 (Sustainable Cities and Human Settlements), are organized as a key direction for environmental protection in the construction sector. It is emphasized that international environmental standards, in particular ISO 14001 and ISO 21930, are important for ensuring modern environmental protection requirements, integrated into national legislation. It is also noted that, based on the UN Declaration of Human Rights, ensuring environmental safety is an integral part of human rights.

Thirdly, practical proposals aimed at improving national legislation on environmental protection in the construction sector are indicated, including the necessity to develop legislation on the introduction of energy efficiency and “green building” standards. In order to reduce environmental risks, it is proposed to encourage the use of energy-saving technologies at the legislative level.

According to the foreign experience, the author proposes to revise relevant legal rules to strengthen environmental expertise and ensure its effective application in practice. The issue of ensuring environmental safety by strengthening penalties for violation of environmental standards and introducing criminal liability was also analyzed.

## CONCLUSION

The results of the scientific-theoretical analysis of the legal protection of the environment in the construction sector, the practice of legal enforcement on this issue, statistical data and the legislation of foreign countries, the following proposals were developed.

### **I. Scientific and theoretical conclusions:**

**1.1.** From the point of view of legal regulation of the construction sector and based on the priority of environmental safety, all scientific views, models and directions expressed, the authorship of the following concepts was expressed in their content:

1. The concept of ensuring environmental sustainability in the construction process. This concept aims to protect natural resources and achieve environmental sustainability. Based on this concept, it is required that activities in the construction sector carried out in accordance with environmental standards and sanitary rules. During the approval of construction projects, an environmental examination is conducted to assess the impact on the environment, in which the necessary measures are proposed to minimize the negative impact of the project.

2. The concept of ecological construction. This is an innovative approach that involves the rational use of natural resources, minimizing the harmful impact on the environment during the construction process and operation, as well as creating a healthy, safe environment for living and working. This concept includes prioritizing environmental requirements in all processes, from the selection of building materials to the use of energy-efficient technologies. The main goal of the concept is to restore the balance between man and nature and introduce the principles of sustainable development into construction activities.

3. The concept of building open, sustainable and green cities. This concept legally regulates the issues of urban planning, land use and infrastructure development. It requires taking into account economic, environmental and social factors in the development of urban and rural infrastructure. In this regard, ensuring the compliance of new construction projects with the city master plan, rational use of land and the introduction of the principles of a green city are of priority.

4. The concept of ensuring safety during construction by adapting urban planning, environmental, seismic requirements and other technical standards. This concept is a systematic approach aimed at avoiding damage to the natural environment at all stages of construction activities, ensuring the right of the population to a comfortable and safe living environment, as well as the sustainable development of urban infrastructure. This concept defines as the main principles the reduction of natural disaster risks, compliance with environmental standards, and the adaptation of urbanization processes to human interests.

**1.2.** The main principles of legal environmental protection in the construction sector have been developed and classified.

1. The principle of sustainable development states that construction should be carried out taking into account the necessities of the present generation without affecting the ability of future generations to meet their needs.

2. The principle of ecological safety – the implementation of this principle is based on an analysis of the impacts and a forecast of possible subsequent changes and consequences in natural ecosystems and the biosphere as a whole.

3. The principle of ecological compensation – implies that if it is not possible to completely prevent negative environmental consequences, developers compensate for the damage caused to the environment by introducing measures to restore or protect it.

4. The principle of an integrated approach – states that solving environmental problems in construction should be based on a comprehensive analysis that takes into account the interdependence of various factors and consequences.

5. The principle of transparency and public participation – serves to ensure that all parties interested in the construction process are informed on its environmental aspects and participate in rule-making.

6. The precautionary principle - involves taking measures to prevent possible negative consequences for the environment when developing and implementing construction projects, even if their occurrence is not entirely certain.

**1.3.** The concept of construction has been given the following legal definition: “construction is a type of material production carried out in compliance with established legal rules, that is, on a land plot allocated for a specific purpose by authorized state bodies, based on a project approved by the state and it is a creative process related to the construction and reconstruction of buildings, structures and other facilities not prohibited by law”.

**1.4.** The concept of legal environmental protection in the construction sector has been given the following legal definition: “legal environmental protection in the construction sector means compliance with environmental requirements when approving construction projects in order to ensure a stable ecological environment, minimizing damage to atmospheric air, land, water and other natural objects during the construction process, preventing or reducing the negative impact of completed buildings and structures on the environment, and fulfilling requirements related to ensuring the environmental, property and other rights of the population throughout the construction process”.

**1.5.** The following main trends in the legal protection of the environment in the construction sector today have been classified.

- the trend of increasing energy efficiency (green energy);
- the trend of creating green buildings;
- the trend of developing green infrastructure (Development of Green Infrastructure);
- the trend of managing construction processes (Smart Construction);
- the trend of choosing the right materials in construction (green shopping).

**1.6.** The stages of development of environmental legal protection legislation in the construction sector at the global level have been scientifically and theoretically classified.

1. The initial stage (19<sup>th</sup> century – early 20<sup>th</sup> century) - the period of industrialization.

2. The development stage (mid-20<sup>th</sup> century) – the period of environmental movement.

3. The institutionalization stage (late 20<sup>th</sup> century - early 21<sup>st</sup> century) – the period of expansion of legislation.

4. The stage of sustainable development and integration (21<sup>st</sup> century) – the period of sustainable construction.

**1.7.** The concept of urban planning regulations was given the following author’s definition: “urban planning regulations are technical and environmental rules for the construction of territories and settlements, a set of indicators and types of use of land plots, natural resources and other real estate objects of settlements and inter-settlement territories during the implementation of urban planning activities”.

**1.8.** The concept of violations of environmental protection in the construction sector is given by author’s definition: “violations of environmental protection in the construction sector are understood as illegal actions or inactions that cause harm to the environment by violating established environmental standards and requirements during construction activities”.

**1.9.** The concept of legal liability in the construction sector is given by definition of author: “legal liability in the construction sector is understood as the holding of individuals and legal entities liable and the application of appropriate penalties for violations of applicable environmental legislation and regulatory requirements during construction activities”.

## **II. Proposals and recommendations related to improving the legislation of the Republic of Uzbekistan:**

**2.1.** In order to introduce a procedure for encouraging the adoption and development of environmentally friendly technologies for human life, taking into account the urgency of achieving sustainable development in the construction process, it is proposed to amend the third paragraph of Article 61 of the Urban Planning Code of the Republic of Uzbekistan: “**Encourage the adoption and use of energy-saving, environmentally friendly, socially beneficial technologies in the construction process**”.

**2.2.** In order to make the protection of human life and health, as well as environmental protection, a priority in ensuring the safety of hydraulic structures, it is proposed to amend the third paragraph of Article 4 of the Law of the Republic of Uzbekistan “On the Safety of Hydraulic Structures” to state “**the priority of protecting the life and health of citizens, as well as protecting the environment**”. This, in turn, implies prioritizing the interests of people and nature in state policy to minimize risks in hydraulic structures and maintain ecological stability.

**2.3.** In order to ensure human health and environmental sustainability in soil protection, strengthen policies aimed at sustainable use of soil resources and reduction of environmental risks, as well as prevent possible negative consequences for public health through environmental protection, it is proposed to

supplement Article 4 of the Law of the Republic of Uzbekistan “On Soil Protection and Improvement of its Fertility” with a paragraph on **“The priority of human health and environmental safety”**.

**2.4.** In order to reduce the risk of flooding in urban development and ensure the creation of a sustainable infrastructure against floods in settlements by preserving natural water flows, it is proposed to supplement paragraph 50 of the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan on August 11, 2023, No. 362, on the development and organization of effective implementation of the National Action Plan on Climate Change and Natural Disaster Risk with the following paragraph:

**“...in accordance with the master plans of settlements, construction in cities and other settlements should be carried out taking into account flood zones, as well as the preservation of natural ditches and the creation of new systems for discharging rainwater (storm collectors, etc.)”**

**2.5.** In order to ensure the achievement of environmental sustainability by increasing the activity of non-governmental non-profit organizations in environmental protection and strengthening their legal role in the termination of harmful objects, it is appropriate to supplement Article 215 of the Economic Procedural Code of the Republic of Uzbekistan with **“... Non-governmental non-profit organizations may also apply for the termination of the activities of objects that have a harmful impact on the environment.”**

**2.6.** Paragraph 32 of the Regulation on the Procedure for the Implementation of State Environmental Control, approved by Resolution of the Cabinet of Ministers of the Republic of Uzbekistan on August 5, 2014, No. 216, provides that specially authorized state bodies exercising state environmental control, in accordance with the tasks assigned to them, within the basis of their powers, shall verify the implementation of a set of measures to protect agricultural and forest lands, other lands, and, if there is no longer a need for them, to bring them into a state of suitability for intended use. It is advisable to clarify the definition of other lands in the relevant paragraph 40 of the Regulation on the Procedure for the Implementation of State Environmental Control, approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan on August 5, 2014, No. 216 states as follows:

“Environmental control in the raid procedure:

non-compliance with the requirements for the protection of atmospheric air when burning combustible substances and building materials in an open flame or placing them in a warehouse;

bitumen melted without special technical means, burning tree branches, harvested land and other plant residues in settlements and spheres;

carried out when it is necessary to carry out operational control measures to identify and stop cases of illegal felling of trees, hunting of animals.

non-compliance with the requirements of legislative documents in the sphere of waste-related work.”

**This rule should be revised, since it is stated in an incomprehensible manner.**

**2.8.** If we consider Article 11 of the Law of the Republic of Uzbekistan “On Ecological Expertise” and section 51 of the Regulation on the Procedure for Implementing State Ecological Control approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan on August 5, 2014, No. 216, there are contradictions. **Therefore, “It is proposed to revise section 51 of the Regulation on the Procedure for Implementing State Ecological Control in accordance with the rules of legal technique.”**

**2.9.** Plants are an important part of the ecosystem, and their destruction can cause serious damage to biodiversity and the stability of the entire ecosystem. Taking into account the role of plants in protecting the environment and ensuring ecological stability, it is proposed to amend the second paragraph of Article 196 of the Criminal Code of the Republic of Uzbekistan to state that **“pollution or destruction of land, pollution of water or atmospheric air leads to mass illness of people, death of plants, death of animals, birds or fish, or other serious consequences.”**

**2.10.** Article 196 of the Criminal Code of the Republic of Uzbekistan is called Environmental Pollution which stipulates that the pollution or destruction of land, pollution of water or atmospheric air, which has caused mass illness of people, the death of animals, birds or fish or other grave consequences, it is punishable by a fine in the amount of one hundred to two hundred times the basic calculation amount, or deprivation of certain rights for a term of up to five years, or compulsory community service for a term of up to three hundred and sixty hours, or correctional labor for a term of up to three years. Taking into account the gravity of the consequences of the actions provided for in this article, as follows **“it is appropriate to combine the deprivation of certain rights with the main punishment.”**

**2.11.** The Resolution of the Cabinet of Ministers of the Republic of Uzbekistan on August 22, 2022, No. 464, on further improving the procedure for planting, caring for and using trees and shrubs that are not included in the State Forest Fund, stipulates that when designing newly constructed buildings and structures with a height of more than 12 meters above the ground and (or) a total area of more than 500 square meters, the greening areas of adjacent territories shall not be less than 25 percent of the total area of the land plots allocated for the project.

According to the ensure the correct application of this rule in practice, it is proposed to supplement paragraph 4 of the Resolution approved by the Cabinet of Ministers of the Republic of Uzbekistan “Administrative regulations on the provision of state services for issuing permits for the use of facilities with completed construction and installation works”, on April 20, 2022, No. 200, as follows: **“...state environmental control inspections shall issue a conclusion in accordance with the established procedure on the establishment of green areas around multi-apartment buildings.”**

**2.12.** According to the eliminate the imbalance of liability for violations in the sphere of ecology, which is one of the problems in the legislation on legal liability in the sphere of legal protection of the environment in the construction sector, it is

recommended to increase the amount of liability established in Article 197<sup>6</sup> of the Code of the Republic of Uzbekistan on Administrative Responsibility to state in the form of **“causing the imposition of a fine on citizens in the amount of thirty to fifty times the base calculation amount, and on officials – in the amount of fifty to one hundred times.”**

**2.13.** Article 18 of the Law of the Republic of Uzbekistan “On Soil Protection and Improvement of its Fertility” stipulates that construction organizations shall remove the fertile layer of soil excavated during urban development activities to places designated by local executive authorities for storage. Although the mechanism for the removal of soil is not fully explained. This law should clearly define the procedure for removing the fertile layer of soil to the appropriate place and the conditions of use as a separate article.

**2.14.** In our country, construction carried out arbitrarily on the basis of court decisions and deviations from design and estimate documentation, as a result of which construction objects are destroyed, has a negative impact on the environment. Since such cases are common, in order to prevent it, it is proposed to development of the amount of liability provided for in the sanction of Part 7 of Article 99 of the Code of the Republic of Uzbekistan on Administrative Responsibility (Violation of Legislation on Urban Planning) for citizens in the amount of thirty to fifty times the base calculation amount, and for officials in the amount of seventy to one hundred times.

**2.15.** It is proposed to include environmental and environmental protection bodies among the organizations coordinating design and estimate documentation specified in order to effectively carry out environmental protection control during the construction process has been development paragraph 7 of Appendix 4 to the Resolution approved by the Cabinet of Ministers of the Republic of Uzbekistan “Administrative regulation on the provision of state services for the coordination of design and estimate documentation”, on April 20, 2022, No. 200.

**2.16.** The implementation of construction projects, all measures should be taken to prevent potential harm to the environment. In this regard, preliminary determination of the level of safety is an important tool. After all, this approach reduces the costs of eliminating problems in the future. In this regard, it is appropriate to add a sentence to the urban planning norms and rules in Article 6 of the Urban Planning Code of the Republic of Uzbekistan on preliminary determination of the level of environmental safety. The introduction of the requirement to determine the level of environmental safety in advance as a legal basis in urban planning legislation increases the responsibility of state bodies and project developers in the development of project documentation. As a result, it shall lead to a more thorough and meticulous preparation of project documentation.

### **III. Suggestions and recommendations for improving practices related to legal protection of the environment in the construction sector:**

**3.1.** Contractors and citizens who set a worthy example in construction and use environmentally friendly building materials should definitely receive appropriate benefits in this regard. It is necessary to encourage green construction and green practices, in particular, to establish grants and tax incentives by the state.

This can reduce violations of the law in this area and, most importantly, have a positive impact on environmental sustainability.

**3.2.** In France and Sweden when planning construction projects, special attention is paid to the presence or absence of trees. If there are trees in the area where the construction project is planned, construction is not allowed at all. At a time when environmental protection is so relevant for human health today, it would be appropriate to maintain this practice in our country.

**3.3.** Germany is actively involving non-governmental non-profit organizations (NGOs) to hold enterprises accountable for environmental violations during construction. These NGOs take legal action against large companies. Therefore, it is advisable to introduce a mechanism for the active involvement of not only state bodies, but also NGOs in environmental monitoring processes in our country.

**3.4.** It is necessary to suspend the approval of construction projects until the approval of the master construction plan of districts, cities or districts (for instance, for a year). In this case, it is advisable to allow the completion of construction work started on the basis of the approved project in order not to infringe on or violate the property rights of entrepreneurs and residents. During the period when the approval of construction projects is suspended, an ecological map of each territory should be developed and approved. The ecological map should clearly define the boundaries of lands occupied by tree plantations, developed areas intended for recreation of the population, water fund lands, natural monuments and other protected areas and construction work in such areas should be prohibited for an indefinite period.

**3.5.** It is advisable to establish requirements for tender documents for the purchase of construction products with ecological certificates in order to popularize green standards in the construction process at the expense of budget funds. It is also advisable to introduce the practice of giving preference to the applicant who proposes to implement construction in accordance with green standards when allocating a land plot for construction on the basis of an auction (tender).

**3.6.** According to the experience of developed foreign countries, it is necessary to eliminate environmental problems in the following areas in the sphere of effective waste management in our country:

1. expanding the system of introducing modern technologies in the waste recycling system;
2. converting waste into biofuels and energy;
3. introducing the practice of using artificial intelligence in waste collection, sorting and recycling processes for effective waste management;
4. fully introducing a system of categorized waste collection and transfer, clearly defining economic incentive mechanisms for compliance with this system.

**3.7.** Currently, countries are widely using the practice of green shopping to improve the environment not only in construction, but also in other areas. Green purchasing is a conscious approach that ensures environmental sustainability and responsible, environmentally friendly consumption. That is, the consumer, whether

it is a legal entity or an individual, consciously buys and supports products that are environmentally friendly. Green purchasing (also known as environmentally friendly purchasing) involves making conscious decisions to purchase products from sustainable sources, environmentally friendly and ethically produced. It is necessary to introduce the practice of green shopping in the purchase of building materials by business entities in Uzbekistan. It is advisable to form a mechanism for encouraging business entities that use this practice on the basis of established benefits.

**3.8.** Given the significant role of the construction industry in today's global climate change process, it is necessary to introduce a master's degree in Construction Law in legal educational institutions in Uzbekistan. The opening of this direction can have a positive impact within the basis of environmental protection. It is also advisable to develop educational standards aimed at sustainable development and include courses on sustainable development in the curricula of higher, general secondary and secondary specialized, professional educational institutions.

**3.9.** In order to achieve the goals of sustainable development in the legal protection of the environment in the construction sector and increase public control over construction processes, and to raise the legal awareness of the population regarding environmental protection in the construction sector, it is necessary to increase social advertising in this area through the mass media and social networks.

**3.10.** According to the problems encountered in practice, it is necessary to abolish the practice of issuing a positive conclusion by state expertise centers during the construction process subject to the fulfillment of certain requirements specified in the conclusion.

**3.11.** It is necessary to include types of environmental legal requirements in the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 200 as a separate chapter.

**3.12.** It is proposed to amend Appendix 4 of the Regulation approved by Resolution of the Cabinet of Ministers of the Republic of Uzbekistan "On the procedure for calculating and maintaining the rating of project-search and construction-contract organizations", on November 19, 2021, No. 699. It is necessary to introduce additional criteria for assessing the level of compliance of construction and contracting organizations with environmental standards and regulations. This shall serve to strengthen measures aimed at environmental protection and ensure sustainable development in the construction sector.

It is also appropriate to impose on construction and contracting organizations the obligation to obtain a Sustainability Certificate based on the results of assessing the level of compliance of construction and contracting organizations with environmental standards. In particular, obtaining this certificate should be mandatory for organizations engaged in category A facilities. If organizations do not comply with environmental standards, their rating should be lowered and this should lead to the introduction of restrictions on land allocation or the use of other benefits. This shall encourage construction and contracting organizations to strictly

comply with environmental standards and reduce the negative impact on the environment.

**3.13.** It was explained that digitalization in the legal protection of the environment in our country provides a number of important advantages and opportunities.

**Firstly**, it allows for the management and tracking of data in the construction sector.

**Secondly**, the ensuring transparency and accountability, digitization of documents makes it possible to easily find and verify them. This ensures compliance with legal requirements and standards.

**Thirdly**, the introduction of innovative technologies and the use of digital tools in improving the efficiency of environmental protection allows reducing negative impacts on the environment. In saving resources, effective management of building materials and resources through digital systems is an important factor in environmental protection.

**НАУЧНЫЙ СОВЕТ DSc. 07/03.06.2023.Уч.22.04 ПО  
ПРИСУЖДЕНИЮ УЧЕНЫХ СТЕПЕНЕЙ ПРИ ТАШКЕНТСКОМ  
ГОСУДАРСТВЕННОМ ЮРИДИЧЕСКОМ УНИВЕРСИТЕТЕ**

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**ТАШКЕНТСКИЙ ГОСУДАРСТВЕННЫЙ ЮРИДИЧЕСКИЙ  
УНИВЕРСИТЕТ**

**НУРУЛЛАЕВ ШОХРУХ ШУХРАТИЛЛАЕВИЧ**

**ВОПРОСЫ ПРАВОВОЙ ОХРАНЫ ОКРУЖАЮЩЕЙ СРЕДЫ В СФЕРЕ  
СТРОИТЕЛЬСТВА**

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**АВТОРЕФЕРАТ**  
диссертации доктора философии (PhD) по юридическим наукам

Ташкент – 2025

Тема диссертации доктора философии (PhD) зарегистрирована Высшей аттестационной комиссией при Министерстве высшего образования, науки и инновации Республики Узбекистан за № В2024.2.PhD/Yu1462

Диссертация выполнена в Ташкентском государственном юридическом университете.

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Защита диссертации состоится 26 апреля 2025 года в 12:00 на заседании Научного совета DSc.07/03.06.2023.yu.22.04 при Ташкентском государственном юридическом университете (Адрес: 100047, г. Ташкент, улица Сайилгох, 35. Тел.: (99871) 233-66-36; факс: (99871) 233-37-48; e-mail: [info@tsul.uz](mailto:info@tsul.uz)).

С диссертацией можно ознакомиться в Информационно-ресурсном центре Ташкентского государственного юридического университета (зарегистрировано за №1384). (Адрес: 100047, г. Ташкент, ул. Амира Темура, 13. Тел.: (99871) 233-66-36).

Автореферат диссертации разослан «11» апреля 2025 года.

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*[Handwritten signatures in blue ink]*

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## **ВВЕДЕНИЕ (аннотация диссертации доктора философии (PhD))**

**Целью исследования** является разработка научно-практических предложений и рекомендаций по совершенствованию законодательства на основе анализа вопросов правовой охраны окружающей среды в сфере строительства.

**Объектом диссертационного исследования** являются эколого-правовые отношения, связанные с охраной окружающей среды в строительстве.

**Научная новизна исследования** заключается в следующем:

обосновано применение и развитие экологически безопасных технологий для жизни людей с учетом актуальности достижения устойчивого развития в процессе строительства, внедрение стимулов за применение и использование энергосберегающих, экологически безопасных, социально полезных технологий в процессе строительства;

обосновано, что в целях минимизации возможных рисков на гидротехнических сооружениях, сохранения экологической стабильности, приоритета интересов человека и природы в государственной политике, при строительстве гидротехнических сооружений необходимо учитывать и считать основополагающим принципом то, что защита жизни и здоровья человека, а также охрана окружающей среды являются приоритетными направлениями для строителей.

обосновано, что в целях обеспечения экологической устойчивости в охране почв, рационального использования почвенных ресурсов и снижения экологических рисков, а также предотвращения возможных негативных последствий для здоровья населения путем охраны окружающей среды, необходимо учитывать, что пользователь почв в процессе строительства является приоритетным направлением здоровья человека и безопасности окружающей среды при осуществлении своей деятельности, и что это основной принцип;

обосновано, об осуществление строительства в городах и других населенных пунктах в соответствии с генеральными планами населенных пунктов с учетом зон затопления, а также внедрение правового механизма сохранения естественных арыков и создания систем отвода дождевой воды в градостроительстве.

**Внедрение результатов исследования.** Полученные научные результаты по теме «Вопросы правовой охраны окружающей среды в сфере строительства» нашли применение:

предложения о введении порядка стимулирования внедрения и развития экологически безопасных для жизнедеятельности человека технологий при строительстве использованы при разработке абзаца 2 статьи 61 Градостроительного кодекса Республики Узбекистан (акт Уполномоченного Олий Мажлиса Республики Узбекистан по правам человека (Омбудсмана) от 19 июня 2024 года № 01-07/321). Реализация данного предложения

послужила обеспечению экологической безопасности и защите здоровья населения при строительстве;

предложения о приоритете защиты жизни и здоровья граждан при строительстве гидротехнических сооружений использованы при разработке абзаца 3 статьи 4 Закона Республики Узбекистан «О безопасности гидротехнических сооружений» (акт Уполномоченного Олий Мажлиса Республики Узбекистан по правам человека (Омбудсмана) от 19 июня 2024 года № 01-07/321). Реализация данного предложения послужила эффективной защите жизни и здоровья граждан при строительстве гидротехнических сооружений;

предложения по обеспечению приоритета законных интересов землепользователей при перемещении грунта для строительства использованы при разработке статьи 4 Закона Республики Узбекистан «Об охране почв и повышении их плодородия» (акт Уполномоченного Олий Мажлиса Республики Узбекистан по правам человека (Омбудсмана) от 19 июня 2024 года № 01-07/321). Реализация данного предложения послужила защите законных интересов землепользователей и сохранению плодородия почв при строительстве;

предложения по осуществлению строительства в городах и других населенных пунктах с учетом зон подтопления, а также сохранения естественных русел и создания новых систем отвода дождевых вод использованы при разработке пункта 50 абзаца 7 Постановления Кабинета Министров Республики Узбекистан от 11 августа 2023 года № 362 «О мерах по разработке и эффективной реализации Национального плана действий в отношении к изменению климата и рискам стихийных бедствий» (акт Департамента информации, анализа и правового обеспечения Секретариата Премьер-министра Республики Узбекистан от 12 июня 2024 года № 18). Реализация данного предложения послужила снижению рисков наводнений, защите естественных водотоков, эффективному управлению дождевыми водами.

**Структура и объем диссертации.** Содержание диссертации состоит из введения, трех глав, заключения и списка использованной литературы, ее объем составляет 152 страницу.

**E'LON QILINGAN ISHLAR RO'YXATI**  
**LIST OF PUBLISHED WORKS**  
**СПИСОК ОПУБЛИКОВАННЫХ РАБОТ**

**I bo'lim (I part; I часть)**

1. Nurullayev Sh.Sh. Pudrat shartnomalari – qurilish faoliyatini tartibga solishning huquqiy vositasi sifatida // Yuridik fanlar axborotnomasi. Toshkent sh. 2020-yil 1-iyun. -B. 410-414 (12.00.00).

2. Nurullayev Sh.Sh. Qurilish sohasida ekologik nazoratni amalga oshirishning huquqiy jihatlari // Yurisprudentsiya huquqiy ilmiy-amaliy jurnali 3/2022. -B. 130-137 (12.00.00).

3. Nurullayev Sh.Sh. Qurilish sohasida ekologik xavfsizlikni ta'minlashning huquqiy jihatlari // Jamiyat va innovatsiyalar sohalararo ilmiy jurnal. 2022-yil 15-sentyabr. -B. 80-84 (12.00.00).

4. Nurullayev Sh.Sh. Environmental legal liability in the construction field // International Journal Of Law And Criminology 2023. pp. 59-66. (12.00.00).

5. Nurullayev Sh.Sh. Qurilishda atrof-muhitning huquqiy muhofazasi: davlat boshqaruvi va nazorati // Ijtimoiy-gumanitar fanlarning dolzarb muammolari ilmiy-amaliy jurnal, 8/S-son (4-jild) 2024. -B. 192-198 (12.00.00).

6. Nurullayev Sh.Sh. Qurilish sohasida ekologik yuridik javobgarlik // Yuridik fanlar axborotnomasi ilmiy-amaliy jurnal 1/2024. -B. 48-56 (12.00.00).

7. Nurullayev Sh.Sh. Qurilish ekologiyasiga oid nazariy huquqiy konsepsiyalar tahlili // Oriental Renaissance: Innovative, educational, natural and social sciences (E)ISSN: 2181-1784 4 (3), March., 2024. -B. 419-427. (12.00.00).

8. Nurullayev Sh.Sh. Qurilish sohasida atrof-muhitni huquqiy muhofaza qilishda raqamlashtirish va zamonaviy tendensiyalar // Ijtimoiy-gumanitar fanlarning dolzarb muammolari 5 son (4-jild) – 2024. -B. 327-333 (12.00.00).

**II bo'lim (II part; II часть)**

9. Nurullayev Sh.Sh. Qurilish faoliyatining huquqiy asoslari va o'ziga xos xususiyatlari // “Bakalavriyat va magistratura talabalarining ilmiy ishlari” Xalqaro masofaviy ilmiy-amaliy konferentsiya yakunlari bo'yicha ilmiy ishlar to'plami-Toshkent: TDYU, 2020. – 562 b. - B. 131-133.

10. Nurullayev Sh.Sh. Qurilish sohasida ekologik qonunchilik: muammo va taklif // “International research and practice conference” Engineering & technology Egypt 2021, july-december part 2. - B. 70-74.

11. Nurullayev Sh.Sh. Qurilish sohasida atrof-muhitni huquqiy muhofaza qilish masalalari // O'zbekistonda iqlim o'zgarishi oqibatlarini yumshatish va bartaraf etish bo'yicha huquqiy normalarni takomillashtirishning dolzarb masalalari Xalqaro ilmiy-amaliy konferentsiya materiallari to'plami (2022 yil 25 may). - B. 126-130.

12. Nurullayev Sh.Sh. Tabiiy resurslardan oqilona foydalanish tamoyilining konstitutsiyaviy-huquqiy asoslari // Konstitutsiya – inson qadr-qimmatini

ta'minlashning mustahkam kafolati // Respublika ilmiy-amaliy konferentsiya materiallari to'plami. –T.: TDYU nashriyoti, 2022. -225 bet. - B. 136-139.

13. Nurullayev Sh.Sh. Atrof-muhitni muhofaza qilishda chiqindilarga oid munosabatlarni huquqiy tartibga solish masalalari // O'zbekiston Respublikasini barqaror rivojlantirishda atrof-muhit masalalari: dolzarb ekologik muammolar va ularning huquqiy yechimlari. Respublika ilmiy-amaliy konferentsiya 2023. - B. 81-85.

14. Nurullayev Sh.Sh. Qurilish sohasida atmosfera muhofazasining huquqiy masalalari // Agro Inform agrar-iqtisodiy, ilmiy-ommabop jurnal. №2(8) 2023. - B. 43-47.

15. Nurullayev Sh.Sh. Qurilishning yashil iqlimga ta'siri hamda uning huquqiy oqibatlari // “Yashil iqlim” va oziq-ovqat mahsulotining sifati hamda xavfsizligini ta'minlashning huquqiy masalalari. –T.: TDYU nashriyoti, 2023. – 115 bet. - B. 113-119.

16. Nurullayev Sh.Sh. O'simlik dunyosi obyektlaridan qurilish maqsadida foydalanishning nazariy-huquqiy masalalari // Biologik xilma-xillikni ta'minlashda ilm-fan yutuqlaridan foydalanishning huquqiy masalalari. –T.: TDYU nashriyoti, 2024 – 150 bet. Xalqaro ilmiy-amaliy konferentsiya materiallari. - B. 83-88.

17. Nurullayev Sh.Sh. Legal regulation of environmental protection in the field of construction // Development of pedagogical technologies in modern sciences International scientific-online conference. Published September 23, 2024 | Version v1. pp. 73–77.

Avtoreferat TDYU Yuridik fanlar Axborotnomasi jurnali tahririyatida tahrirdan o'tkazilib, o'zbek, ingliz va rus tillaridagi matnlar o'zaro muvofiqlashtirildi.

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