

The Role and Importance of Environmental Control in The Use and Protection of Agricultural Land

Kenjaev Rustam Xaydarovich

*Acting Professor of the Department of Environmental Law
Tashkent State University of Law*

Abstract

This article describes the role of environmental control and its importance in the use and protection of agricultural land. Based on scientific and legal controversy, the role of environmental control and its significance is substantiated. The legislation of national and foreign countries related to environmental control in the use and protection of agricultural land has been scientifically and theoretically analyzed. The system of environmental control in the field of rational use of agricultural land and their protection is explained. Currently, the activities carried out in the field of organization and protection of agricultural land use were analyzed.

Keywords: *land, rational use of land, agricultural land, use of agricultural land, protection of agricultural land, environmental control.*

INTRODUCTION

The use and protection of agricultural land constitutes one of the main areas of state environmental policy. As a component of the ecological system, land resources are important in ensuring the stability of the environmental natural environment, strengthening the material basis of the state sovereignty and economy of the Republic of Uzbekistan. In the organizational and legal mechanism of land protection for agriculture, the role of such an institution of Environmental Control as public administration is incomparable. Of course, before thinking about environmental control in this area, it is necessary to clarify the goals and objectives of Environmental Control in general.

This article includes the analysis of legislation and scientific and theoretical sources as a doctrinal study. The article examines the role and importance of Environmental Control in the use and protection of agricultural land and issues related to its legal nature and their development on the basis of the experience of national and foreign countries. The study used dialectical methods of scientific-theoretical analysis, structural-logical, comparative-legal, statistical, descriptive, systematic and scientific knowledge.

Environmental Control is an important legal measure for the rational use of nature and ensuring its protection, the function of public administration, being one of the most important institutions

of Environmental Law. Based on the place occupied by environmental control in the mechanism of environmental protection, it can be assessed as an important legal measure. Already, it is through environmental control that the application of state coercion in relation to the subjects of relevant law is ensured. Cases of application of legal liability for environmental offenses based on environmental control as well as its results are also found in many cases in practice.

Environmental control as a legal measure performs a number of functions, such as warning, information and punishment. The importance of the warning function of environmental control lies in the fact that the subjects of Environmental Control, realizing that they are controlled by the fulfillment of environmental legal requirements, take an independent initiative in fulfilling legislative requirements and in the Prevention of offenses. The information function, on the other hand, is explained by the fact that in the process of control, the relevant body or persons collect various data on the activities of those under their control in the field of conservation. The punitive function, on the other hand, is expressed in the application of sanctions provided for by law to the offender [1].

The tasks of Environmental Control in the process of protection of agricultural lands are seen in: monitoring the state of the natural environment of the environment and the changes that occur in it under the influence of economic management and other activities; checking the implementation of programs and certain activities related to the protection of the natural environment, rational use of Natural Resources.

MATERIALS AND METHODS

In his research work in this area, B.H. Kalonov argues that the concept of state environmental control can be revealed by interpreting its specific features. That is, the most basic feature of State Environmental Control is that it is carried out on behalf of the state, by state authorities and governing bodies. The second feature of the state environmental control is that it turns out to be the main state-legal and organizational tool in the implementation of the goals and objectives of the state environmental policy and in ensuring the creation, execution and implementation of environmental legislation. Thirdly, the inevitability of state environmental control means that a state-legal guarantee system has been created for the fulfillment of environmental requirements. Fourthly, state environmental control attracts only state bodies, legal entities and citizens who do not fulfill or do not fulfill such requirements at the appropriate level to the processes of legal coercion and legal liability on behalf of the state, and also applies measures of their influence, without ensuring the fulfillment of environmental and legal requirements. The fifth feature of State Environmental Control is that it is an integral part of the competence of these bodies, since in most cases it is carried out by state authorities and governing bodies. State environmental control is unthinkable outside this system. The powers of state authorities and governing bodies to carry out environmental control may not be specifically specified in the legislation that determined their activities. Another feature of environmental control – it means that it is implemented as a manifestation of the state environmental function. Based on the features of Environmental Control, B.H.Kalonov described the concept of state environmental control as follows: "it is understood as state environmental control to ensure the execution of legislation aimed at the effective use of Natural Resources and Environmental Protection, carried out by the legislative, executive bodies of the state, as well as special bodies that are part of their system [2].

Sh. X. Fayziev believes that environmental control includes the totality of political-legal, socio-economic and spiritual-educational measures related to the implementation by all ministries, state committees and agencies, enterprises, organizations, institutions, officials and individuals of the

rules for protecting the natural environment, rational use of Natural Resources and ensuring environmental safety [3].

M.M. Brinchuk, on the other hand, describes environmental control as understood by the activities of authorized entities to verify compliance and compliance with the requirements of environmental legislation [4].

V.V. Petrov describes environmental control as a component of the environmental function of the modern state, the mechanism for the implementation of environmental and legal norms, and describes it as checking compliance by enterprises, institutions, organizations, that is, all economic entities and citizens with environmental requirements for the protection of the natural environment and ensuring the environmental safety of society [5].

V.D. Ermakov, A.Y. According to Sukharev, Environmental Control is to check the compliance of enterprises, institutions, organizations, that is, all economic entities with environmental requirements in order to ensure the environmental safety of society as a whole and protect the environmental natural environment[6] .

B.H. Kalonov, on the other hand, state environmental control is divided into three types from the point of view of the subjects carrying out it: 1) state environmental control bodies with a universal State; 2) state special environmental control bodies; 3) local state environmental control bodies[7]

The level of Environmental Control, on the other hand, is of two types: firstly, the environment as a function of Public Administration regarding natural environmental protection as well as the use of nature; and secondly, guarantees for the performance of conservation activities, considers these activities as the implementation of regulatory legal norms, methods for ensuring the legality of Public Administration.

Chapter VII of the law of the Republic of Uzbekistan "on the protection of Nature" is devoted to the legal regulation of relations on Environmental Control, which is carried out in the following system in the process of land protection. In order to monitor the state of the lands in our republic, to ensure its accounting, assessment and determination of the prospects for it, a system of state monitoring of the environmental natural environment was established. State monitoring of the environment the environment due to the influence of other anthropogenic activities and the use of Natural Resources in order to determine the degree of pollution of the environment, assess its condition, predict negative processes and eliminate their consequences, is a system in which environmental pollution and other harmful effects (processes) are regularly observed and performed according to a proven Earth monitoring is carried out in our Republic according to the Regulation approved by the resolution of the Cabinet of Ministers No. 496 of December 23, 2000. In accordance with it, Earth monitoring consists of a system for monitoring the state of the earth in order to timely identify changes in the Earth's fund, assess the land, prevent negative processes and end the consequences.

The Environmental Control System in the field of Rational Use and protection of agricultural land consists of the state environmental state monitoring service, state, departmental, production and public control in the field of conservation. In accordance with Article 31 of the law "on the protection of nature", state control in the field of nature protection is carried out by state authorities and management agencies, specially authorized state nature protection agencies. The state committee for Ecology and Environmental Protection of the Republic of Uzbekistan, the Ministry of Agriculture of the Republic of Uzbekistan are specially authorized state bodies that carry out state control in the field of agricultural land protection.

In addition to state control in the field of land protection for agriculture, there is departmental, production and public control. The Ministry of Agriculture of the Republic of Uzbekistan carries out departmental control over the activities of enterprises and organizations under its jurisdiction in the field of land protection intended for agriculture.

RESULTS AND DISCUSSIONS

The next type of Environmental Control in the field of land protection for agriculture is production control, which is carried out by the environmental service of enterprises, associations and organizations, and pursues the purpose of checking the implementation of programs and certain activities on the protection of lands intended for agriculture, the rational use and restoration of lands intended for agriculture, the

Public control in the field of land protection for agriculture is carried out by public associations, labor unions and citizens. At the same time, it should be noted that in our Republic, which is moving along the path of building a democratic-legal state, a free civil society, it is necessary to strengthen public control over land protection and develop legal foundations for improving their activities.

The implementation of Environmental Control is a component of the state function in the field of legal protection of lands. This function of the ecological-legal mechanism arose as a necessary element for the implementation of Public Administration in relation to the rational use and protection of land resources. The conditions for conducting environmental control, its organization and theoretical issues of the concept are covered in the legal literature in terms of managing nature as a whole and its individual resources [9].

In the process of protecting agricultural land, environmental control is manifested through the implementation of a system of various measures. Firstly, to observe changes in the resources of the earth, to form an information aggregate; secondly, to study anthropogenic factors that have a negative impact on the Earth; thirdly, to check compliance with the rules and requirements of Ecology and land legislation in all aspects of the production and economic process; fourth, to identify, warn and take measures of legal effect on legal entities and individuals that violate the rules established by land legislation; fifth, to explain and promote the provisions and requirements of land law among the population.

A.N. Nigmatov touched upon the concept of land control and described it as "land control is the examination of the requirements in the norms of land legislation aimed at the protection and rational use of land resources by state bodies, Public Associations, as well as authorized state bodies and persons subject to land relations" [9].

G.A. Larionov, on the other hand, indicates three types of legal forms of land control. These are: 1) information provision of Control; 2) decision-making on the result of Control; 3) execution of the decision of the supervisory authorities. To make a final decision on land control, any body must have clear and objective information about the violation of land legislation, who is to blame, what measures must be taken so that the offense does not continue, the damage caused by the offense, how it can be terminated if the offense has not yet been committed. The successful implementation of land control at the time of accounting for chun lands, it is also important to study their composition and use. They are divided into special and agro-industrial types. As a result of their transfer, information about the quality of the Earth is obtained, and in agrochemistry, their factual state is studied. All this substantiates the importance of the information provision of control.

Land control, which plays an important role in ensuring compliance with the requirements for the use and protection of agricultural land, is in turn one of the most important manifestations of state control. State control the Land Fund is one of the most important functions of Public Administration, this situation is reflected not only in our Republic, but also in the land legislation of other foreign countries. For example, in accordance with Article 187 of the Land Code of Ukraine, state control over the use and protection of lands intended for agriculture consists in ensuring the compliance of state authorities, local self-government bodies, organizations, enterprises, institutions and citizens with the land legislation of Ukraine.

Therefore, in the field of land protection as a management function, Environmental Control has a number of special peculiarities through which it differs from other state functions. These are the following:

first of all, the relationship between state bodies regarding the implementation of Environmental Control in this area can be called "relations of power", after all, control is inherent in the implementation of the powers of power;

secondly, the right of state ownership of land resources is a material guarantee of the implementation of environmental control by state bodies;

thirdly, the legal boundaries of state intervention are determined according to the material conditions that have arisen.

The goals of Environmental Control in the field of land protection for agriculture are to ensure environmental safety, prevent and eliminate the harmful effects of economic or other activities on the Land Fund. They are carried out by various organizational and legal methods. The following is included in the sentence: monitoring the state of land resources; checking and summarizing the implementation of measures to protect them and ensure environmental safety; checking the implementation of the norms and requirements of environmental and land legislation; prevention and assessment of environmentally harmful activity by means of prevention, restriction, suspension and liquidation of environmentally harmful activities carried out by legal entities and individuals; application of measures of administrative-legal and criminal liability in relation to legal entities and individuals who violate environmental rules and requirements.

Legal norms on Environmental Control are among the mandatory rules for everyone that are recognized and ensured by the state, from which the rights and duties of the participants in these relations come, and land and ecology form single legal institutions of the general part of the branches of law.

Currently, there is also a sufficient level of practice of regulating this area of social relations, special state bodies authorized to carry out these tasks are effectively functioning in this regard.

The main task of environmental control over the use and protection of agricultural land, as we noted above, is to ensure compliance with the requirements of land legislation in order to effectively use the lands intended for agriculture by state bodies, organizations, enterprises and citizens, and this control is carried out by authorized state bodies.

The following works were carried out by the Ministry of Agriculture and its system organizations in the field of organization and protection of the use of agricultural land.

In December 2021, when examining lots placed on the e-auction trading platform in the Republic of Karakalpakstan and regions, it was found that a total of 94.2 hectares of agricultural land were unjustifiably placed in auction trades for non-agricultural purposes, divided into 647 lots.

Also, together with employees of the prosecutor general's Office of the Republic of Uzbekistan, documents were issued to eliminate cases of violations of this identified land.

As a result of the monitoring carried out by the Ministry of Agriculture of the Republic of Karakalpakstan and the Departments of Agriculture of the regions on the planting of agricultural crops planned for the harvest of 2021, there were identified cases of non-planting of planned agricultural crops on 64,256 hectares of land in 6,104 cases, planting other crops and

A total of 126 newsletters, references and submissions were made to the authorities and law enforcement agencies to eliminate these identified cases.

Also, 66 references were made to the authorities and relevant authorities on cases of arbitrary seizure, unauthorized housing and non-residential buildings and construction of fish ponds and lakes on 3,038 hectares of land in 1,170 cases of violations of the land law identified as a result of monitoring.

Measures taken on cases of land violations:

In the field of agricultural land use, administrative cases were considered and a fine was imposed on 317 offenders. For reference: a total of 1 billion against offenders. 247 million. A fine of 940 thousand soums was established, of which 224 million were paid. Fines in the amount of 610 thousand rubles were charged.

Law enforcement agencies were provided to take action by legal entities and individuals in a total of 61 cases that caused arbitrary land agricultural treatment by calculating the amounts of damage to 114 billion 288 million 600 thousand soums on 167.8 hectares of agricultural land.

As a result of the measures to protect the agricultural lands transferred from Tashkent region to Tashkent, 295 hectares of violations were identified in a total of 181 cases, and information was introduced to the Tashkent regional and Tashkent City Halls for elimination, as well as to the prosecutor general's office for legal measures;

According to the results of the monitoring of agricultural crops carried out in the Republic of Karakalpakstan and regions, in 11,472 cases, 73,867 hectares of planned crops were not planted or replaced with other crops, and references were made to the Council of Ministers of the Republic of Karakalpakstan and the regional authorities in this case.

126 references to identified cases of planned agricultural crops and 66 references to land violations were included in local authorities and competent authorities.

The following control measures were carried out in 2021 by inspectors carrying out land and cadastral control of the cadastral agency under the Tax Committee of the Republic of Uzbekistan.

In particular, in a total of 16,893 ha cases in the Republic, it was found that 2,541.3 hectares of land were arbitrarily occupied. Of this, 8,823 ha of agricultural land accounted for 2,013.7 hectares (of which 1,245.1 hectares of irrigated arable land in 5,326 ha).

The above examples also show that the implementation of control in the field of agricultural land protection requires a rich scientific experience created on the basis of scientific research in this regard, as well as the adaptation of current legislation to one another. Because the provision of a comfortable life for today and the future generation is largely and in many respects inextricably linked with the rational use of natural resources, including land intended for agriculture, and their effective protection.

The importance of Environmental Control in the field of land protection for agriculture is that, firstly, it forms a database on the implementation by legal entities and individuals of the provisions of legislation in this area, secondly, the level of enforcement of special rules and requirements is assessed, appropriate legal action measures are taken, and thirdly, most importantly, it serves to prevent violations.

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