

# Scientific And Theoretical Significance Of The Principles And Methods Of Water Legislation In Uzbekistan

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**Annotation:** In general, the principles of water legislation will be aimed at defining the goals and objectives of the legal regulation of the rational use and protection of water. The basic principles of water legislation are based on the natural laws of water and serve to correctly define the rights and obligations of water users in relation to water resources.

**Keywords:** Water legislation, legal regulation administrative, criminal, civil, labor and economic law

Water legislation has its own principles and methods in the process of regulating social relations in water, these principles and methods will be interrelated with the characteristics inherent in the social relations associated with regulated water. The principles of water legislation will be aimed at defining the goals and objectives of the legal regulation of the rational use and protection of water.

The basic principles of water law are based on the natural laws of water, serves to correctly define the rights and obligations of water users in relation to water resources.

It should be noted that water, as an integral part of nature, as one of its important components, also has its own characteristics as an object of legal relations. These specific features include the complexity, comprehensiveness, diversity of water legal relations.

In the regulation of social relations, water legislation applies, firstly, the principles, methods and rules of water law, and secondly, the norms of other areas of law in the regulation of social relations in water. Of course, the measures set out in the water legislation, ie the principles of water law, the rules and requirements are implemented in conjunction with the principles and requirements of environmental law. In addition, the principles and norms of administrative, criminal, civil, labor and economic law are widely used in the regulation of social relations in water.

Due to the complexity of social relations in water legislation, water legislation can be classified as follows: general principles of the theory of state and law and special principles of water. Water legislation is the legitimacy of the theory of state and law in the regulation of social relations in water; social justice; transparency; application of persuasion and coercive measures; uses common principles such as the unity of rights and duties of individuals.

"On water and water use" of the Republic of Uzbekistan<sup>1</sup> The law does not set out general and specific principles in the field of water law. Nevertheless, the special principles of water law, which serve the rational use and protection of water, include maintaining the stability of the environment, guaranteeing the rights of the population to water, non-payment for general use of water resources, payment for special use of water resources, use of state property in relation to water, the application of the basin principle in the management of water relations, the establishment of incentives for the protection and conservation of water, the obligation to compensate and recover water damage, the obligation to maintain a water cadastre, and more.

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<sup>1</sup>Ўзбекистон Республикасининг “Сув ва сувдан фойдаланиш тўғрисида”ги қонуни. Ўзбекистон Республикаси Қонун ҳужжатлари маълумотлари миллий базаси //www.lex.uz.

management of water relations, the establishment of incentives for the protection and conservation of water, the obligation to compensate and recover water damage, the obligation to maintain a water cadastre, and more.

J.T.Kholmuminov water legislation rational use of water resources; protection of water resources; closely related to all other natural resources; use of water resources for specific purposes specified in the law; water use is directly related to the state's environmental policy; the need to pay for water use; timely and prompt implementation of all other environmental laws, including water legislation; timely implementation of international treaties and conventions related to water use and a number of other principles<sup>2</sup>.

Sh.Kh. Fayziev listed the following principles of water law: general principles of state and law; special principles of water<sup>3</sup>. As general principles of state and law: legality; social justice; transparency; application of persuasion and coercive measures; unity of rights and duties of an individual and others.

As special principles of water, Sh.H. Maintaining the stability of the natural environment by Fayziev; guaranteeing the population's right to water; non-payment for general use of water resources; payment for special use of water resources; use of state property in relation to water; application of the basin principle in the management of water relations; establishment of incentives for water protection and economical use; the obligation to compensate and recover damages for water; the obligation to maintain a water cadastre.

According to Yu.V.Novikov, the following are recognized as the main principles of water legislation: 1) the state guarantee of the provision of citizens with drinking water, first of all, in the protection of their vital needs and health; 2) state control, executive authorities and local authorities in the regulation of drinking water supply, as well as reporting of the bodies responsible for drinking water supply to the state control bodies, civil defense and emergency bodies within their competence; 3) on the basis of the norms and a single standard applicable to the drinking water supply system in the region, depending on its technological characteristics and the choice of water supply sources, as well as ensuring its safety, reliability and management, taking into account the priorities of the use of groundwater sources for drinking water supply; 4) accounting and planning of drinking water supply; 5) raw materials for drinking water supply, as well as government support for the production and supply of chemicals and equipment used for water treatment and disinfection; 6) to include the drinking water supply system in the list of important objects for vital activities<sup>4</sup>.

Theoretically, does the content of the above principles correspond to the general principles of water legislation, is there any contradiction between them? the question arises. According to K.A.Shaybekov<sup>5</sup>, O.S.Kolbasov<sup>6</sup>, N.Jakipov<sup>7</sup> In his opinion, the principle of treating natural objects, including water resources, as a strictly state property is also very important.

It should be noted that the introduction of state ownership of water bodies in the Republic of Uzbekistan is of particular importance in the regulation of water relations and ensuring a sufficient balance of interests of society and the individual in the field of water supply. Also, through this basic principle of O.S.Kolbasov, the whole set of legal norms governing water relations, as well as the content of the requirements in this area of law, creates mutual harmony<sup>8</sup>, it is reasonable to agree with the conclusion that.

Among the principles of water legislation, the principle of integrated use of water is of particular importance. In our opinion, attempts to include the essence of this principle in the list of principles of the institute of property rights to water bodies are inexpedient. The following views of I.A. Romashin can be cited as an example of such a view: "The state should be obliged to provide water bodies to individuals, provided that they retain the right to use these facilities by everyone. For example, the transfer of production of a water body to a particular legal entity for water supply or recreation and its subsequent use for these purposes should

<sup>2</sup>Экология хукуқи //Маъсул муҳаррир: М.Б. Усманов. -Т.:Адабиёт жамғармаси, 2001,154-б.

<sup>3</sup> Сув хукуқи. -Т.:ТДЮИ нашриёти, 2004, 10-11-бетлар

<sup>4</sup> Новиков Ю.В. Экология, окружающая среда и человек. Учеб. пособие. -М.:«ФАИР», 1998, с.84

<sup>5</sup> Шайбеков К.А Принципы водного законодательства. //Тр. Алма-Атинского юрид. ин-та. Т. 1. -Алма-Ата, Юриздат, 1955, с.151

<sup>6</sup> Колбасов О.С. Законодательство о водопользовании (проблемы совершенствования законодательства об использовании водных ресурсов). -М.:Юридическая литература, 1965, с.16-17

<sup>7</sup> Жакипов Н. О принципах водного законодательства: Вопросы совершенствования законодательства. -Т.:«Фан», 1970, с.361-369

<sup>8</sup> Колбасов О.С. Законодательство о водопользовании (проблемы совершенствования законодательства об использовании водных ресурсов). -М.:Юридическая литература, 1965, с.17

not prevent the general use of water by citizens and legal entities<sup>9</sup>.

Determining the content of the principles of use of water bodies for drinking and domestic water supply allows to begin the analysis of normative acts regulating the relations in the field of nature use. And, it also helps to determine to what extent the ideas in the stated principles are being implemented.

Republic of Uzbekistan “On water and water use”<sup>10</sup> Article 25 of the law stipulates that water bodies are provided primarily for the purpose of meeting the drinking water and household needs of the population. The fact that this purpose is enshrined in law means that the use of this water body takes precedence over other purposes.

Today, the principle of paid water use has been introduced. (Article 30 of the Law on Water and Water Use). The principle of payment for the use of water resources is not only in our country, but also typical of most European countries, where the form of payment for water use is considered a tax and the proceeds are transferred to the state budget<sup>11</sup>.

In this regard, M.M.Nurmatov noted that “payment” is one of the important principles of nature management ensures the achievement of a number of objectives in accordance with nature protection legislation:

first, payment for the use of natural resources serves as a source of replenishment of the state and local budgets;

second, the important purpose of payments is to encourage nature users to use resources wisely for the money they use and increase the effectiveness of their conservation activities”<sup>12</sup>.

The object of taxation in the payment for water is water resources used from surface and groundwater sources, as well as the Tax Code of the Republic of Uzbekistan<sup>13</sup> according to the law, the volume of water used is the taxable base. The volume of water received from surface and underground sources of water resources is determined on the basis of indicators of water meters reflected in the accounting (primary) accounting documents of water use. When used without water meters, its volume is determined based on water use limits, technological and sanitary norms of water consumption, norms of irrigation of crops and trees, or other methods to ensure the accuracy of the data.

Joining the views of Sh.Kh.Fayziev, Yu.V.Novikov, J.T.Kholmuminov and M.M.Nurmatov on the principles of water legislation, as well as the following principles of water legislation, based on the principles of state ownership of water bodies and international acts: 1) reporting of organizations responsible for drinking water supply to state control, executive authorities and local governments in the regulation of drinking water supply;

2) state guarantee of use of water objects, first of all, for drinking water and household needs; 3) ensuring that human life and health are provided with all necessary protective measures related to water use; 4) use of clean drinking water for the specific purpose specified in the law; 5) payment for the use of clean drinking water.

Water legislation will also have its own method. The method of water legislation determines the forms of regulation of water relations. Basic environmentalization in water legislation; administrative and legal; civil law methods are used. Water legal relations are regulated through environmentalization, administrative law, civil law methods. The method of greening of water legislation is the implementation of legal regulation of water relations, taking into account the priority of protection and rational use of water.

The administrative-legal method is one of the most important methods of public administration, which is reflected in the application of coercive measures by the state. This method is widely used in water legislation, which defines the rules and regulations that ensure the protection of water and the rational use of

<sup>9</sup> Ромашин И. А. Вопросы совершенствования правового регулирования отношений собственности на водные объекты: Эколого-правовые и аграрно-правовые проблемы современного периода: Межвуз. сб. науч. тр. -Екатеринбург: Изд-во УрПОА, 2000, с. 213

<sup>10</sup> Law of the Republic of Uzbekistan “On water and water use”. National Database of Legislation of the Republic of Uzbekistan //www.lex.uz.

<sup>11</sup> Абатуров В., Шадыбаев Т. Плата общества за воду, или как улучшить управление водным хозяйством Узбекистана //Аграрный сектор. Экономическое образование, 2003, с.22

<sup>12</sup> Nurmatov M.M. Issues of legal support of the economic mechanism of environmental protection. Candidate of Legal Sciences... .diss. -Т. Tashkent State Law Institute, 2008, p.

<sup>13</sup> Tax Code of the Republic of Uzbekistan. National Database of Legislation of the Republic of Uzbekistan //www.lex.uz.

water resources. control over the observance of the requirements of the rule of water legislation by all legal entities and individuals, liability in case of violation of the requirements of this rule is reflected in the application of punitive measures.

The civil-legal method of water legislation is an increasingly developed, widely used method of water legislation in the context of market relations, this method is directly reflected in the equality of the participants of water legal relations, financial incentives, the application of economic measures in the protection and rational use of water.