



## **POLLUTION OF THE NATURAL ENVIRONMENT (ARTICLE 196 OF THE CRIMINAL CODE) THE OBJECTIVE SIDE OF THE CRIME**

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Article 196 of the Criminal Code indicates responsibility for the crime of pollution of the natural environment. The objective side of this crime is to pollute or demolish the Earth, polluting water or atmospheric air.

The land is a nationwide wealth, it is necessary to use it rationally as the basis of the life, activity and well-being of the people of the Republic of Uzbekistan, and it is protected by the state [1].

Land Fund lands intended for agriculture; lands of settlements; lands intended for industrial, transport, communications, defense and other purposes; lands intended for the purposes of conservation, health and recreation; lands of historical and cultural significance; lands of the forest fund; water fund lands and reserve lands.

Water is the state property of the Republic of Uzbekistan — a nationwide wealth, it is necessary to use water wisely, it is protected by the state.

According to Article 4 of the law of the Republic of Uzbekistan “on the birth of water and water use”, the unified state Water Fund [2]:

Unified state Water Fund: from streams, streams, rivers, reservoirs, lakes, seas, canals, collector-drainage networks, Springs, waters of ponds and other surface waters; consists of groundwater, snow reserves and glaciers.

The right to use the waters of cross-border water bodies (Amudarya, Syrdarya, Zarafshan rivers, Aral Sea and other cross-border water bodies) is established in international treaties of the Republic of Uzbekistan.

Cross-border waters are any surface or groundwater that crosses the borders of two or more states or is located on such borders.

When it is called atmospheric air, it is understood that the air gap above the territory of the Republic of Uzbekistan. Atmospheric air is a component of natural resources, it is considered a nationwide wealth and is protected by the State [3].

Air use is allowed provided that the quality of the air of a particular area is not changed, not polluting or thinning it to a greater extent than the established norms.

Land pollution is understood as the transition of chemical, biological substances, compounds, organisms into the soil, which are not characteristic of the physical and chemical composition of the Earth. This can happen due to violations of the rules for the use of chemical and biological substances, which are used as a means of protecting agricultural plants from pests, diseases and weeds, and due to the correct location of waste by producers of products and those engaged in other activities.

Violation of the land is understood as a partial or complete violation of the fertile layer of the soil as a result of violation of the rules for the use of hazardous chemical and biological agents,

a decrease in productivity, a deterioration in soil composition and, in general, a decrease in natural – economic importance.

Water pollution in a broad sense refers to movement (inactivity) that causes negative changes in water bodies.

Water objects can be contaminated through different methods. In particular:

- disposal of production waste, household and other types of waste and waste to water facilities;
- contamination and contamination of water and water bodies as a result of the spillage of oils, wood, chemical and petroleum products, as well as other products;
- contamination and contamination of the surface of water bodies, the surface of yachts and glaciers covering water bodies, industrial waste, domestic waste and other abandoned waste, as well as oil and chemical products that worsen the quality of surface and groundwater;
- contaminate waters with fertilizers, toxic chemicals and other harmful substances;
- discharge of water into water bodies.

Discharge of water into water bodies is allowed only on condition that the pollutants contained in the water object do not exceed the established norms, and the water user and the water consumer clean such discharge by supplying it to the level established by the bodies of conservation and sanitary control.

When determining the concept of water pollution, hygienic norms are taken into account, which determine the degree of presence of some substance in the composition of water. It was a picture to call these normatives a permissible concentration in science.

Discharge water is understood as water that is used in production or by municipal enterprises and the population and must be purified from various impurities.

Atmospheric air is mainly polluted by two sources: natural factors and anthropogenic sources, the product of human activity. Natural pollution of the atmosphere (eruption of volcanoes, release of gas from the Earth, cosmic dust, etc.) occurs as a result of natural processes that do not depend on human activity, which is why it cannot be atmospheric air pollution of legal meaning.

Atmospheric pollution in the legal sense pollutes it due to the non-fulfillment of the established requirements for the disposal of waste or the use of objects, equipment.

In the Republic of Uzbekistan, the following norms of atmospheric air are established: the accumulation of pollutants and biological organisms in the atmospheric air at the level permissible for human and environmental objects;

physical factors are permissible levels for human and environmental objects of acoustic, electromagnetic, ionizing and other various harmful effects on atmospheric air.

The legislation may establish increased requirements for the normatives of atmospheric air quality for certain regions.

The norms for the use of atmospheric air are developed by enterprises, institutions, organizations and approved by the State Committee for the protection of nature of the Republic of Uzbekistan.

The atmosphere is polluted under the influence of the highest concentration of emissions allowed by an Enterprise, Institution, Organization.

Pollution or demolition of the land, pollution of water or atmospheric air is committed by criminal action (violation of the norms and rules established by environmental protection legislation) and inaction (failure to fulfill or adequately perform the tasks specified in the

internal procedures of the Enterprise, Institution and organization established for Environmental Protection).

According to Part 1 of Article 196 of the JK, for the existence of a criminal structure, the following consequences must occur:

- 1) mass morbidity of people,
- 2) extinction of animals, poultry or fish
- 3) or otherwise severe consequences.

The origin of the harmful consequences analyzed above indicates the completion of the crime. Proof of the origin of the consequence and the causal link between them due to the fact that the crime is of material content is a necessary sign for the composition of the crime.

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