

## The Role of Social Partnership in Setting Standards for the Protection of the Natural Environment (Legal Aspect)

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**Annotation:** This article deals with a number of issues relating to social partnership in the field of environmental protection, in particular the implementation of environmental regulation as an activity of specially authorized State bodies to develop, Adoption of environmental regulations and ensuring compliance with them by all subjects of environmental management. It also analysed current legal issues related to the further development of social partnership, including in the sphere of environmental regulation, and ways of resolving them.

**Keywords:** social partnership, democratic institution, environmental regulation, environmental regulation, environmental quality standards, maximum permissible standards for emissions and discharges of pollutants and biological organisms.

As is well known, the strategy for developing a social partnership for the protection of the natural environment is: That the most important environmental protection issues should be resolved through agreements between the social partners within the framework of the legislation in force and that the experience gained through interaction should be used for the further development of the social partnership system, including improving its organizational, legal, scientific, methodological, information, personnel and financial support.

The social partnership mechanism is also one of the mechanisms for harmonizing the interests of the authorities, employers and employees (citizens), as well as the influence of the public on the decision-making of the authorities. Social partnership can be seen as the principle of mutual responsibility between the State and the individual, with human and civil rights and freedoms taking precedence in their relationship. Its essence is concern for social justice, the well-being of citizens and their social security. Here, the main thrust is given to social policy and to the effective implementation of the main lines of policy enshrined in the Constitution.

In the literature, the term «social partnership» is considered as a set of legal norms regulating collective labour relations [1]. Also, social partnership is a system of institutions and mechanisms for harmonizing the interests of participants in the production process: employees and employers, based on equal cooperation [2].

Such notions in the Republic of Uzbekistan are now new, and the legal nature of this term has become apparent in connection with the adoption of the law «On Social Partnership» which entered into force on 1 January 2015 [3]. Although the legal concept of social partnership is not adequately enshrined in the Labour Code. In due course, amendments could be implemented through legal advocacy, various scientific conferences, seminars, webinars, outreach and active cooperation with the media.

As experts point out, social partnership as a fundamentally new type of social and labour relations consists, first, in the fact that the worker ceases to be merely the object of social and labour relations and, along with the owner, the employer, Becoming active participants in these relations

and their regulation at various levels; Second, the principle of equal participation of State authorities, local self-government bodies, representatives of employers and employees [4] is an essential principle in the regulation of social and labour relations.

At the same time, as noted in the report of the First President of the Republic of Uzbekistan Islam Karimov «Concept of further deepening of democratic reforms and formation of civil society in the country» At the joint meeting of the Legislative Chamber and the Senate of the Oliy Majlis on 12 November 2010, the importance of ensuring the further development of civil society institutions, strengthening their role in ensuring transparency and effectiveness of the reforms can be the adoption of the Law «On Social Partnership», providing for clear demarcation of boundaries and improvement of organizational-Legal mechanisms for cooperation between NGOs and State bodies in implementing programmes for social and economic development, resolving humanitarian problems and protecting the rights, freedoms and interests of various sectors of the population [5].

In addition, the current law defines social partnership as the interaction of civil society institutions with State bodies as well as business entities in the implementation of coherent social and economic policies, improving legislation in the social and economic sphere, developing and implementing targeted programmes for social and economic development, resolving humanitarian problems and protecting the rights, freedoms and interests of various sectors of the population.

In the legal sciences, there is a general definition of social partnership as an economic and socio-political term that refers to consultation, as well as cooperation between workers and employers at different levels to determine acceptable terms and conditions of employment and remuneration in the form of collective bargaining.

A clearer analysis of the definition of social partnership by the various authors shows that, in principle, the views of many of them intersect in that social partnership is the interaction of social partners The labour interests of employees and employers aimed at reconciling these interests. Such interaction is provided for in the legal rules governing collective labour relations [6].

Especially in developed countries, social partnerships take many forms. The so-called corporate system involves the use of special bodies, procedures and mechanisms. It was distributed in Austria, Sweden, Japan, Germany, Switzerland and the Netherlands. In Austria, for example, social partnership is realized through a wide network of advisory councils and committees, joint commissions, both at the national and sectoral levels. In the United Kingdom, the United States and Canada, where there are no special institutions for social partnership, there is a so-called pluralistic system. Here, conflicting interests are reconciled at the level of society as a whole through the usual political process (parties, parliaments, trade unions) and the development of cooperation between workers and employers at the level of individual companies. In Russia, too, the system of social partnership is developing in a unique way, and there is no use of mechanisms to ensure the implementation of the agreements reached. However, in certain industries (for example, coal), the implementation of sectoral tariff agreements has already led to some improvement in the material situation of workers and to an increase in production.

It should be emphasized that the existing principle of social partnership - that is, the principle of ecology is realized in the enhancement of the level of environmental education and environmental culture of the population - are courses to improve the qualifications of workers in environmental services of enterprises, Environmental education programmes in higher educational establishments, etc. Indeed, in the Republic of Uzbekistan on 27 May 2019, the Decision of the Government approved the «Concept for the development of environmental education in the Republic of Uzbekistan» where, within the framework of the realization of this concept, priority is given to

defining the basic principles for the development of environmental education in the system of continuing education, Gradually introducing them into the educational process and, on that basis, taking the effectiveness of environmental education to a new level. Also, increasing the responsibility of the learner to conserve and manage the non-renewable natural resources of mother nature by focusing on global environmental issues.

The effectiveness of environmental law depends on the level of ecological and environmental awareness of the whole society and the individual and on the state of environmental and legal culture [7].

Environmental education and training is a decisive factor in consciously meeting the requirements of rational use of natural resources, environmental protection and environmental safety. Environmental education and training are aimed at developing the ecological culture of individuals and society, ecological awareness and thinking, responsible attitude of each individual to nature, and the development of practical experience in natural resources management and competent decision-making [8].

In our view, human capital with innovative thinking and a high level of professional and social competence must be taken into account for sustainable development. Of course, to do that, we need to think about the need for new projects in higher education. The environmental volunteer movement in higher education plays an important role in achieving this goal. In this connection, it is necessary, in addition to the basic educational process in higher educational establishments, to involve students in various environmental activities organized with the assistance of the State Committee on Ecology and Environmental Protection of the Republic of Uzbekistan and the Environmental Party of Uzbekistan. As a result, such activities have contributed to the development of student environmental initiatives and to the increased integration of institutions of higher learning at the international level in solving urgent environmental problems.

Indeed, it can be said that social partnership is the most important democratic institution of governance in the various spheres of activity, helping to identify and take into account the public opinion of the partners in the most problematic areas of society. In addition, according to other experts, social partnership is the most important democratic institution of governance in various spheres of activity, helping to identify and take into account the public opinion of the partners on the most important problems of society. It should be noted that solutions to environmental problems can be found through social dialogue, especially through social partnership mechanisms.

If you consider the experience of Russia in this direction, the system of social partnership created in «LUKOIL» allows to solve social and labor issues taking into account the interests of both the employer and employees. All have an equal interest in constructive dialogue and mutually acceptable solutions. The agreements between the employer and the trade union for Russian and foreign organizations, as well as the collective agreements of the enterprises, are in force in the organizations of the Group «LUKOIL». Thus, the Global Framework Agreement, signed in Moscow on 4 June 2018, once again confirms the full commitment of PAO «LUKOIL» to the principles of the United Nations Global Initiative for the Promotion of Sustainable Development and Corporate Social Responsibility, as well as the basic principles of work and environmental protection enshrined in the Conventions of the United Nations and the International Labour Organization. For PJSC «LUKOIL» priority is given to the preservation of the life and health of its employees in relation to the results of their production activities. The company shares overall responsibility for man-made impacts on natural and human habitats [9].

It should be emphasized that social partnership in a broad sense is the interaction of socially responsible actors (business, the State and the general public, and their legal representatives) on the basis of the principles of solidarity, Justice, respect and equality of the parties to the partnership mechanism to resolve social conflicts in society on topical issues, down to the problem of the relationship between society and the environment in a civilized, i.e. peaceful, manner. As a general rule, such interaction results in the conclusion of treaties and agreements in a field [10].

It should be noted that the great scientist O. I. Genissaretsky proposed the methodology of social partnership as a collaboration on six levels:

- 1) Level of social infrastructure (linked to various institutions of all branches of government - legislative, executive, judicial);
- 2) Level of social organization (concepts of legal, organizational, corporate norms, standards, regulations);
- 3) Level of social communication (related to information flows, media activities, global information networks);
- 4) Cultural and value level (includes ancestral traditional practices that structure value-oriented activities - religious, ritual, magic);
- 5) Cognitive level (establishing relationships between the logical and semantic structures of the actors, establishing a hierarchy of meanings and values that consciousness gives to the world around it);
- 6) Personal level (implemented in the practice of individual motivation, personal self-determination, structure of personal hierarchy of values) [11].

It is undeniable that at the beginning of the twenty-first century the environmental situation throughout the world and in many countries continues to deteriorate. The harmful effects on nature have reached such a level and scale that virtually every human action today affects nature. The advent of civilization on the natural environment is manifested in the intensification of the greenhouse effect, acid deposition, pollution of the hydrosphere, destruction of forests and soil cover, and reduction of biological diversity. Among the major global challenges of our time are environmental problems, which permeate various areas of public life and determine in large part the characteristics of the sustainable development of each State.

More recently, the rapid advances in science and technology, as well as the intensive use and exploitation of natural resources, have increased their depletion and pollution. The pollution of nature, its degradation and the depletion of natural resources have given rise in our country to a special field of scientific research on the legal protection of nature.

After independence, Uzbekistan inherited complex environmental problems related to the unsustainable management of natural resources, as well as high levels of pollution from communal, industrial and return water from irrigated fields. This has been due in large part to serious structural problems in the agricultural, energy and industrial sectors, which continue to be the root cause of many serious problems in the management of the country's environment and natural resources [12].

For Uzbekistan, one of the priority areas of social partnership is the protection of the natural environment, which is caused by very serious environmental problems and a shortage of drinking water of good quality, land degradation, degradation of the quality of the urban atmosphere, etc. Activities of most mining, metallurgical and energy complexes with the greatest negative impact on the natural environment, air quality, Water bodies, soil and other natural features in these territories



do not meet environmental and health requirements and lead to a decline in the quality and life expectancy of the population. The largest industrial cities, such as Almalyk, Chirchik, Navoi, Karshi and Muborak, almost every year there is a high level of air pollution. More than 150 pollutants are emitted to the atmosphere from stationary sources, contributing mainly to the emissions of solids (including heavy metals, five vanadium oxides and benz (a) pyrene), sulphur dioxide and specific highly toxic pollutants, such as ozone, methyl mercaptan, phosphorus anhydride, arsenic and others. Naturally, these factors have led to increased attention by the regional authorities to the problems of protecting the natural environment and ensuring environmental safety in the territory.

This raises a very important question: So why use the social partnership mechanism to solve environmental problems, namely to set scientifically based limits on nature conservation? One of the mechanisms for resolving environmental problems is the interaction of the state, business and the public in this sphere, so-called «social partnership in the environmental sphere».

The environmental legislation in force establishes standards for the quality of the natural environment, Maximum permissible standards for emissions and discharges of polluting substances and biological organisms, etc. The regulation of the quality of the natural environment is based on the definition of the environmentally permissible impact on the natural environment when the self-purification of nature is still able to work. Certain standards for this sparing effect are the established maximum permissible concentrations of pollutants, i.e. MACs which do not cause undesirable effects in the natural environment. The legal nature of environmental quality standards is reflected in the fact that established standards must be observed by all users of the environment.

In this sense, one of the objectives of environmental regulation is to achieve a scientific compromise between the environmental, economic and social interests of human beings, society and the State to ensure sustainable development and a healthy natural environment. Compliance with these standards is a criterion for respecting the human right to a favourable environment. Naturally, the objects of environmental regulation are: natural environment; Ambient air, surface and groundwater, soil, flora and fauna; Sources and factors of pollution and harmful effects on the environment and pollutants; Environmental systems; Norms and rules for the use of natural resources; Monitoring methods (sampling, testing, evaluation) in the field of nature protection.

Thus, in Uzbekistan, the legal regulation of environmental regulation is a necessary condition for the protection, as well as the proper allocation and redistribution of natural resources. According to Art. 14 of the Law of the Republic of Uzbekistan «On the Protection of Nature», the adverse impact of economic activities on the environment is limited by the norms and standards of quality of the natural environment, guaranteeing ecological safety of the population, Reproduction and protection of natural resources. In the formation of production complexes, the development of industry, agriculture, the construction and renovation of cities and other settlements, maximum permissible standards for the burden on the natural environment are established. The development and adoption of environmental regulations is one of the activities of the competent State bodies.

At the same time, legislative provisions constitute the necessary minimum of environmental security of the State and society. Traditionally, the aim of social partnership has been to extend the rights and guarantees guaranteed by law on a contractual basis. For example, social-partnership agreements may provide for stricter standards for the quality of the natural environment and limits on emissions and discharges of pollutants and biological organisms into the natural environment.

I mean, according to Art. 5 of the Law of the Republic of Uzbekistan «On Social Partnership», the sphere of implementation of social partnership can both protect the environment, public health and affirmation of healthy way of life.

Undoubtedly, the most important component of safety and security of human activity also consists in turn of legal, medico-biological measures, social and economic measures for the protection of human beings, as well as safety at work, which is an essential part of labour protection. In this connection, the employer is obliged to ensure that the working conditions at each workplace or facility are in conformity with the established standards for all harmful and dangerous factors or substances.

Further, the current legislation provides for three subjects in the field of interaction between society and nature, these are the state, social formations and the individual. And the state is the main entity providing environmental safety through its bodies. And citizens and public formations have the rights and obligations to participate in ensuring this security. Accordingly, in order to achieve an effective result in ensuring environmental safety, a clear system of rational interaction of these subjects is needed [13].

Undoubtedly, the Constitution of the Republic of Uzbekistan fixes an important norm as “The right to life is the inalienable right of every person” (Article 24). In this case, this means that the most important human rights in the ecological and social aspect are regulated at the constitutional level, thus the state authorities are obliged to ensure the right of citizens to a favorable environment. The Republic of Uzbekistan on September 30, 1991 signed the "Declaration of Human Rights and Freedoms", art. 29 which reads: "A person has the right to a favorable environment and to compensation for damage caused to his health or property by environmental violations." This most important article, which constitutionally legalized the rights of citizens, underlies all environmental rights of citizens, specified in special legislative acts, and imposes on the state authorities the responsibility to ensure the necessary conditions for their implementation and protection [14].

Also, the legislator has the right to provide for peremptory norms that ensure the constitutional right to a healthy environment. In particular, the current legislation establishes standards for the quality of the environment, maximum permissible emissions and discharges of substances and microorganisms, etc. At the same time, these and similar legislative provisions form the necessary minimum of environmental safety of society and the state. The task of social partnership is traditionally to expand the rights and guarantees guaranteed by legislation on a contractual basis. For example, social partnership agreements may provide for stricter standards for maximum permissible emissions and discharges of substances and microorganisms [15].

Analysis of foreign practice on this issue showed that, in foreign countries, the forms of concluding intersectoral agreements of various stakeholders on the protection of the environment, its individual elements and natural resources are already recognized. In particular, in France, there are multilateral commissions for the management of river basins, consisting of representatives of state and local authorities, enterprises and public associations [16].

At the same time, in our opinion, it is the legislative consolidation of the mechanism of interaction between state bodies, public associations and citizens that would lay the foundation for social partnership in ensuring environmental safety in general.

It should be noted that partnership relations in society are possible only under the condition of the social orientation of the market economy, when not only making a profit at any cost, but meeting the needs of society, ensuring a high level of welfare of its members is at the forefront. In other

words, a standard of living should be achieved at which the majority would have something to lose in the event of a sharp exacerbation of the socio-economic situation, with the threat of a social explosion [17].

It is on this occasion that the First President of the Republic of Uzbekistan I.A. It was not in vain that Karimov noted that "... at the present stage of the country's development, the further strengthening of the role of NGOs and other civil institutions, without any exaggeration, is becoming a decisive factor in the implementation of the goal of democratization, the formation of civil society and the integration of our country into the world community" [18].

Indeed, over the years of independence, in the process of democratization and the implementation of market reforms in the Republic of Uzbekistan, the legal basis of social partnership has been formed. The Constitution of independent Uzbekistan, the Laws "On Public Associations", "On Non-State, Non-Commercial Organizations", "On Elections to the Oliy Majlis of the Republic of Uzbekistan", "On Social Partnership", "On the Chamber of Commerce and Industry of the Republic of Uzbekistan", also, our country joined the International Covenant "On Economic, Social and Cultural Rights", signed an agreement "On long-term good-neighborliness, friendship and cooperation of the SCO member states (Bishkek, August 16, 2007)", ratified 11 ILO conventions, including including two of the five Social Partnership Conventions.

It is especially important that the International Labor Organization (ILO) has defined social partnership as the realized by civilized entrepreneurs, civilized trade unions and progressive states of the need to preserve peace and progress. The ILO also proclaimed the basic principles of social partnership: equality of parties, authority of representatives, freedom of choice and discussion of issues, inevitability of responsibility, etc.

In this regard, this organization also supports the establishment and development of social dialogue around the world as an effective tool for promoting social justice, democracy and social solidarity. While the basic provisions on all forms of social dialogue are enshrined in the international labor standards of the ILO, and in general, the practice of social partnership is extremely diverse. The cultural and historical background and the level of economic development determine the difference in the forms of social dialogue.

It should be especially noted that the role of specially authorized bodies in the development of social partnership is great. Thus, the State Committee of the Republic of Uzbekistan on Ecology and Environmental Protection carries out a function in the field of coordination of work on ecology and environmental protection, as well as ensuring interdepartmental interaction in the development and implementation of a unified environmental and resource-saving policy, and at the same time interacts and expands social partnership with non-governmental non-profit organizations and other civil society institutions in the development and implementation of programs, draft regulations and other decisions in the field of ecology and environmental protection. In addition, it provides methodological assistance and assistance in environmental protection activities, the implementation of public environmental control. Also, it provides interaction and expansion of social partnership with non-governmental non-profit organizations and other civil society institutions in the development and implementation of programs, draft regulations and other decisions in the field of ecology and environmental protection, provides methodological assistance and assistance in environmental protection activities, the implementation of public environmental control.

It should be noted that the concept of "participation of public organizations in environmental protection" is broader than the concept of "public control", since the purpose and task of public control is only to verify compliance with the requirements of legislation on environmental

protection by ministries, departments, enterprises, institutions and organizations, regardless of their form of ownership, as well as by officials and citizens [8].

It should be emphasized that today the Ecological Party of Uzbekistan, founded on January 8, 2019, operates in the Republic of Uzbekistan. The party was created taking into account the activities of the Ecological Movement of Uzbekistan, whose goal is to ensure the implementation of state policy aimed at achieving sustainable development, high quality of life and health of the population, environmental safety, creating a favorable environment, preserving natural resources for present and future generations. - assistance to ensure that the business of environmental protection and conservation of natural resources becomes the business of the state, society and every citizen of the country.

The Ecological Party and it, having already set itself political goals and tasks for entering power, having received seats in parliament as a result of electoral events, focuses its efforts primarily on the political struggle. Its activities are aimed at solving specific environmental problems, i.e. environmental protection, affecting the interests of almost all segments of the country's population. In this regard, the role of the parliament is increasing in solving urgent problems of environmental protection, as well as in ensuring environmental safety, which are of exceptional importance for the whole society and the state.

At this time, civil society institutions in the field of environmental protection and the Ecological Party of Uzbekistan are participating in the development of draft programs for socio-economic development and regulatory legal acts, as well as in the preparation of relevant proposals and projects in the field of environmental protection.

Also, in order to facilitate the further development of democratic transformations in the country and the participation in this of non-governmental non-profit organizations and other civil society institutions under the Oliy Majlis of the Republic of Uzbekistan, in 2008, a Public Fund was established to support non-governmental non-profit organizations and other civil society institutions and the Parliamentary Commission for the Management of Funds. Public fund for the support of non-governmental non-profit organizations and other institutions of civil society. This fund, received funds from the state budget and other sources, is directed to organize the implementation of programs aimed at stimulating the development and support of the activities of non-governmental non-profit organizations and other civil society institutions, their participation in solving social, economic, and humanitarian issues. And the commission organizes the distribution of funds, exercises control (monitoring) over the targeted and effective use of funds, etc.

At the same time, in modern conditions, solving environmental problems requires constructive partnerships between the state and the institution of civil society. This relationship can take place in various forms such as joint lawmaking, information, consulting, etc. Therefore, the following should be highlighted as the main directions of such interaction:

- preparation, with the participation of public associations, of proposals for improving legislation in the field of environmental protection, rational use of natural resources and ensuring the environmental safety of citizens;
- explaining to NGOs in the field of ecology and to citizens the goals and methods of pursuing state policy in the field of environmental protection, rational use of natural resources and ensuring the environmental safety of citizens;
- organization of public and informational support of NGOs in the field of ecology in the field.



Also, local government bodies, local government bodies must conclude a mutually beneficial agreement with the federation of trade unions of workers and employers for the coming years, the implementation of measures for the implementation in a certain area to reduce the negative impact on the environment and the reproduction of wildlife in protected natural areas.

Finally, the prospects for the further development of social partnership in the field of environmental protection, namely in the establishment of environmental standards, is seen in the creation of the most favorable conditions, first of all, this is the stabilization of the economic situation in the country, the development of legislation that establishes guarantees for the implementation of the right to a favorable environment in a proper manner, pursuing an environmental policy aimed at supporting the active activities of social partnerships in the field of environmental protection.

There is no doubt that the population of the country plays a special role in the development of social partnership in the field of environmental protection. Their activity is not always expressed, and the level of ecological culture does not allow initiating active action in this direction.

Of course, in this article we wanted to indicate only the possibility and necessity of using the social partnership mechanism to solve environmental problems, i.e. on the development and adoption of environmental regulations and environmental standards in our country.

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