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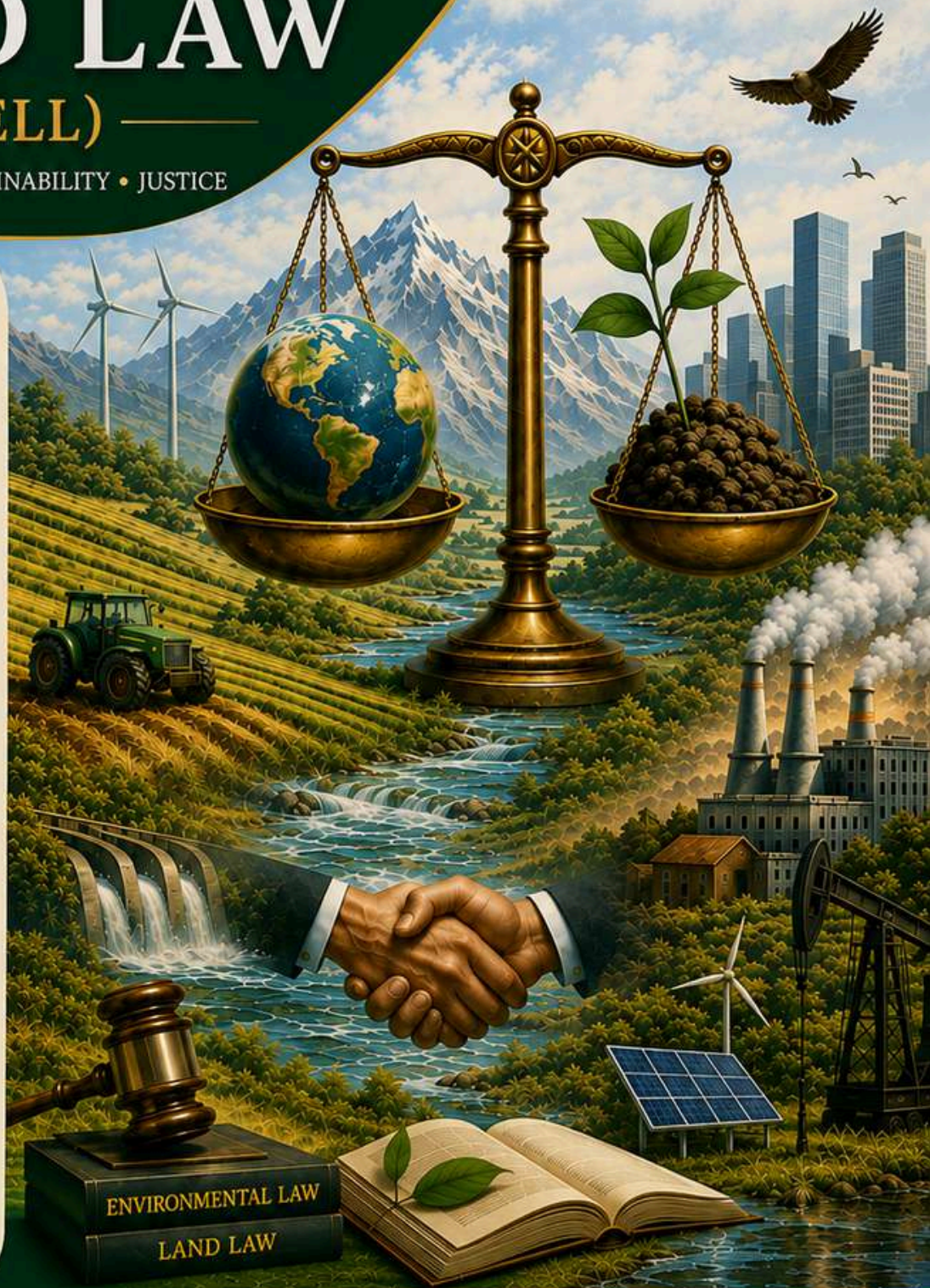
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Original research article

LEGAL FOUNDATIONS OF COOPERATION BETWEEN ENVIRONMENTAL CONTROL BODIES AND JUDICIAL BODIES IN THE REPUBLIC OF UZBEKISTAN

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ABSTRACT

This article examines the legal foundations governing cooperation between state environmental control bodies and judicial bodies in the Republic of Uzbekistan in the process of detecting, adjudicating and remedying environmental offences. It comparatively analyses the mechanisms through which inspection findings, monitoring data and administrative acts of environmental control bodies acquire procedural and evidentiary significance before economic, civil and administrative courts, drawing on European experience of judicial cooperation in environmental matters and the model of specialised environmental adjudication. The study employs formal-legal, comparative-legal and systemic-functional methods.

ПРАВОВЫЕ ОСНОВЫ СОТРУДНИЧЕСТВА МЕЖДУ ОРГАНАМИ ЭКОЛОГИЧЕСКОГО КОНТРОЛЯ И СУДЕБНЫМИ ОРГАНАМИ В РЕСПУБЛИКЕ УЗБЕКИСТАН

ИНФОРМАЦИЯ СТАТЬИ

Ключевые слова:

экологический контроль,
судебное сотрудничество,
административное
судопроизводство,
экологическое правонарушение,
доказательственная ценность,
институциональное
взаимодействие,
Узбекистан.

А Н Н О Т А Т С И Я

В данной статье рассматриваются правовые основы, регулирующие взаимодействие органов государственного экологического контроля и судебных органов в Республике Узбекистан в процессе выявления, рассмотрения и устранения экологических правонарушений. В нем проводится сравнительный анализ механизмов, посредством которых результаты проверок, данные мониторинга и административные акты органов экологического контроля приобретают процессуальное и доказательное значение в экономических, гражданских и административных судах, опираясь на европейский опыт судебного сотрудничества по экологическим вопросам и модель специализированного экологического судопроизводства. В исследовании использованы формально-правовой, сравнительно-правовой и системно-функциональный методы.

O'ZBEKISTON RESPUBLIKASIDA EKOLOGIK NAZORAT ORGANLARI VA SUD ORGANLARI O'RTASIDAGI HAMKORLIKNING HUQUQIY ASOSLARI

MAQOLA MA'LUMOTI

Kalit so'zlar:

ekologik nazorat,
sud hamkorligi,
ma'muriy sud
ishlarini yuritish,
ekologik huquqbuzarlik,
dalil, institutsional o'zaro
ta'sir, O'zbekiston.

A N N O T A T S I Y A

Ushbu maqolada O'zbekiston Respublikasida davlat ekologik nazorati organlari va sud organlarining ekologik huquqbuzarliklarni aniqlash, ko'rib chiqish va bartaraf etish jarayonidagi hamkorligini tartibga soluvchi huquqiy asoslar ko'rib chiqiladi. Unda ekologik nazorat organlarining tekshiruv natijalari, monitoring ma'lumotlari va ma'muriy hujjatlari iqtisodiy, fuqarolik va ma'muriy sudlarda protsessual va daliliy ahamiyatga ega bo'lish mexanizmlari ekologik masalalar bo'yicha sud hamkorligi bo'yicha Yevropa tajribasi va ixtisoslashtirilgan ekologik sudlov modeliga tayangan holda qiyosiy tahlil qilingan. Tadqiqotda formal-huquqiy, qiyosiy-huquqiy va tizimli-funksional usullardan foydalanilgan.

INTRODUCTION

The detection and suppression of violations of environmental legislation is one of the principal functions of the state, exercised primarily through the system of environmental control. Ecological control in the Republic of Uzbekistan covers observance of ecological norms, the rational use of natural resources and the prevention of harm to the environment by economic and other entities, and is carried out by specially authorised state bodies as well as, within the limits established by law, by production and public control [1]. The efficiency of this function, however, depends not only on the powers of control bodies to identify violations, but equally on the extent to which the results of their activity – inspection reports, orders, decisions on administrative liability, monitoring data – are subsequently used, verified and, where necessary, reviewed within judicial proceedings.

The constitutional basis of this relationship is twofold. On the one hand, everyone is guaranteed the right to a favourable environment and to reliable information about its condition, and land, mineral resources, water, flora, fauna and other natural resources constitute national wealth subject to rational use and protection by the State [2]. On the other hand, the same constitutional order guarantees judicial protection of rights and freedoms, which necessarily extends to disputes concerning acts and omissions of environmental control bodies and to claims for compensation of harm caused by environmental offences. The two guarantees converge precisely at the point where administrative environmental control and judicial review meet.

Institutionally, this meeting point has become more defined since the introduction of specialised administrative justice in Uzbekistan. The Code of Administrative Court Proceedings, in force since 2018, vests administrative courts with jurisdiction over disputes concerning normative and individual acts of local state authorities and other bodies empowered to exercise administrative-legal activity, and expressly allows an applicant to combine a claim contesting such an act with a claim for compensation of damage causally connected with it [5]. Alongside administrative courts, economic courts examine disputes arising from the economic activity of enterprises found in breach of environmental requirements, while general civil and criminal jurisdictions retain competence over harm to individuals and over environmental crimes respectively. Environmental control bodies therefore interact with several branches of the judiciary simultaneously, each governed by its own procedural code.

Despite this institutional density, national legal scholarship has not yet systematised the

forms through which environmental control bodies and courts cooperate, nor has it established clear criteria for when the factual findings of a control body – as opposed to court-ordered expert examination – may be treated as sufficient evidentiary basis for a judicial decision. This gap creates two opposite risks. If courts treat control bodies' acts as automatically conclusive, judicial review is reduced to formal confirmation of administrative findings, undermining the independence of the judiciary. If, conversely, courts disregard such acts as merely internal administrative documents, the specialised technical work of environmental control loses its practical significance, and the burden of establishing environmental facts is shifted entirely, and often unrealistically, onto the parties.

Comparative experience confirms that this tension is not unique to Uzbekistan. Empirical studies of national courts' treatment of environmental preliminary rulings in the European Union distinguish several recurring patterns of interaction between domestic judges and specialised environmental guidance, ranging from full cooperation to interrupted or withdrawn cooperation, depending on how far courts are prepared to rely on external technical or administrative determinations [8]. A broader mapping of these patterns across several Member States shows that the degree of cooperation is closely linked to the procedural role assigned to administrative and expert findings within domestic litigation [9]. A separate strand of comparative literature examines specialised environmental courts and tribunals as an institutional response to exactly this coordination problem, arguing that judicial specialisation allows courts to engage more directly, and more critically, with the technical material produced by environmental control and monitoring bodies, rather than either deferring to it wholesale or excluding it [10]. These findings suggest that the legal design of the interface between control bodies and courts – rather than the mere existence of both institutions – determines the overall effectiveness of environmental enforcement.

Building on this gap and on the comparative material summarised above, the present article seeks to establish (a) the existing legal forms of cooperation between environmental control bodies and courts in Uzbekistan, (b) the extent to which control bodies' findings may serve as judicial evidence, and (c) a normatively grounded model for structuring this cooperation in a manner consistent with judicial independence and administrative accountability.

METHODOLOGY

This research employs a comparative legal research design combining doctrinal legal analysis with comparative and systemic approaches to examine the legal framework governing cooperation between environmental control authorities and judicial bodies in the Republic of Uzbekistan. Comparative legal methodology is widely recognised as one of the principal approaches for evaluating similarities, differences, and transferable legal solutions across different jurisdictions, particularly in the field of public and environmental law [12, 13].

The normative basis of the research consists of the Constitution of the Republic of Uzbekistan, the Law “On Ecological Control”, the Law “On Administrative Procedures”, the Civil Code, the Code of Administrative Court Proceedings, and other legislative acts regulating environmental governance, administrative justice, judicial review, and the interaction between public authorities. These legal instruments were selected because they constitute the primary sources defining the institutional competence of environmental control bodies, procedural guarantees of judicial protection, and legal mechanisms for resolving environmental disputes [1–6].

To ensure broader analytical validity, the study additionally examines the legal experience of the European Union concerning judicial cooperation in environmental matters, environmental enforcement mechanisms, and specialised environmental adjudication. Comparative materials include EU environmental legislation, decisions and procedural approaches reflected in European environmental governance, as well as contemporary international legal scholarship addressing environmental courts, judicial review, and environmental procedural justice [7–10]. Comparative legal studies demonstrate that analysing foreign legal systems facilitates identification of legislative gaps and supports the adaptation of internationally recognised legal standards within national legal systems [12, 14].

The formal-legal (doctrinal) method constitutes the primary methodological instrument of this research. This method is applied to determine the legal meaning and normative content of such concepts as environmental control, inspection act, administrative act, judicial evidence, administrative liability, *and* compensation for environmental damage. Through systematic interpretation of statutory provisions, the research identifies the procedural status of environmental control bodies, the legal consequences of inspection activities, and the admissibility of administrative materials within judicial proceedings. Doctrinal legal analysis remains the dominant methodology in contemporary legal scholarship because it enables coherent interpretation of legislation and clarification of legal institutions [13, 15].

The comparative-legal method is employed to compare the Uzbek model of interaction between environmental control authorities and courts with European approaches to judicial cooperation in environmental governance. Particular attention is devoted to differences concerning evidentiary standards, procedural safeguards, administrative discretion, judicial review of environmental decisions, and the institutional role of specialised environmental courts. Comparative legal analysis allows identification of best regulatory practices capable of improving environmental justice and administrative accountability in Uzbekistan [8–10, 12].

The research also applies the systemic-functional method, according to which environmental governance is analysed as an integrated legal system consisting of mutually connected institutions rather than isolated administrative bodies. This method makes it possible to identify the respective functions of environmental inspections, administrative proceedings, judicial review, civil compensation mechanisms, and criminal liability within the general enforcement chain. Systemic legal analysis has been recognised as an effective instrument for evaluating institutional interaction and legal effectiveness in complex regulatory systems [16, 17].

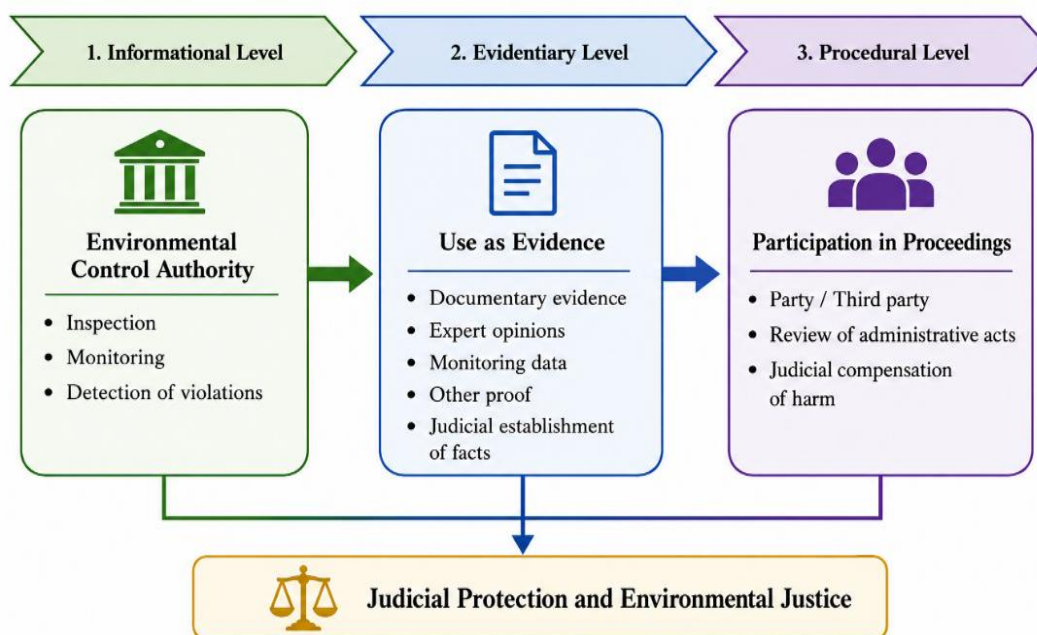
In addition, the study utilises the method of legal modelling. Based on the findings obtained through doctrinal and comparative analysis, the research develops a conceptual model describing institutional cooperation between environmental control authorities and judicial bodies. Legal modelling enables the formulation of scientifically grounded recommendations for improving legislation and institutional practice by constructing theoretically consistent legal mechanisms applicable within the existing constitutional framework [18].

RESULTS

The comparative analysis of Uzbek environmental legislation and judicial procedural rules demonstrates that cooperation between environmental control authorities and judicial institutions operates through several interconnected legal mechanisms. Although these mechanisms collectively contribute to environmental enforcement, they remain fragmented due to the absence of a unified legislative framework regulating institutional interaction and evidentiary standards. Analysis of the Constitution, the Law “On Ecological Control”, the Law “On Administrative Procedures”, the Code of Administrative Court Proceedings, and related legislation identifies three principal levels of institutional cooperation, each performing a distinct function within the environmental enforcement system [1–6].

The legal analysis demonstrates that institutional interaction develops progressively from administrative inspection to judicial dispute resolution.

Figure 1. Mechanism for using environmental control results in judicial protection and environmental justice.



Source: Developed by the author based on Articles 49 and 55 of the Constitution of the Republic of Uzbekistan, the Law “On Environmental Control,” the Law “On Administrative Procedures,” and the Code of Administrative Court Proceedings of the Republic of Uzbekistan.

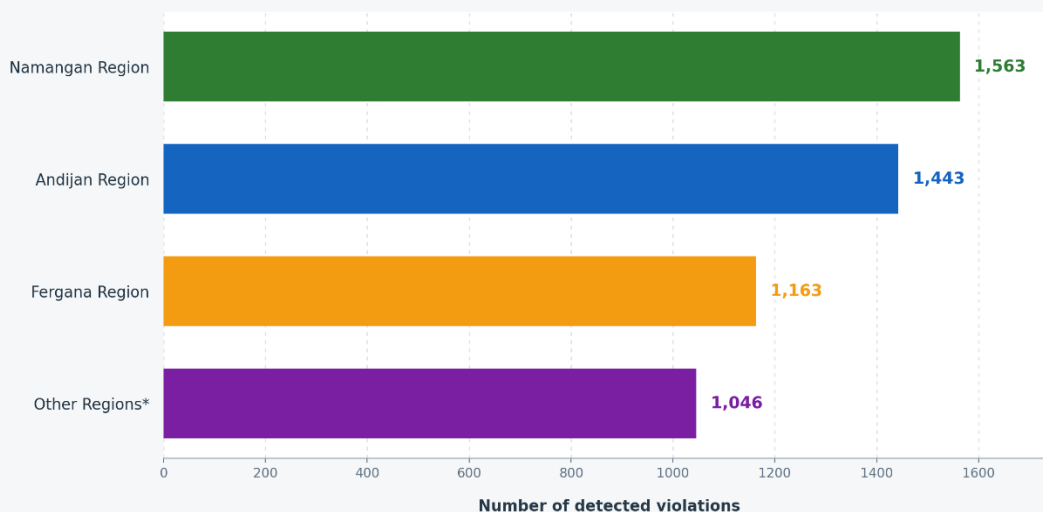
The first level consists of informational cooperation, whereby inspection reports, monitoring results, environmental measurements, administrative orders, and documentary materials are transmitted to law-enforcement agencies and judicial institutions. These materials establish the factual basis necessary for initiating legal proceedings but do not themselves determine legal liability [1].

Official monitoring statistics confirm the practical significance of the informational level of institutional cooperation. According to the Ministry of Ecology, Environmental Protection and Climate Change of the Republic of Uzbekistan, 250 online surveillance cameras operating across the country detected 5,215 instances of illegal waste dumping during the first half of 2025. Of these, 1,563 cases were recorded in Namangan Region, 1,443 in Andijan Region, and 1,163 in Fergana Region. The remaining regions accounted for 1,046 detected violations in total [7].

FIGURE 2

Illegal Waste-Dumping Violations Detected by Online Surveillance Cameras

Uzbekistan, first half of 2025 (cases)



Total detected by 250 online surveillance cameras: 5,215 cases

*Other regions: calculated as the difference between the official total and the three reported regional figures.

Source: Ministry of Ecology, Environmental Protection and Climate Change of the Republic of Uzbekistan, 4 July 2025.

Source: Ministry of Ecology, Environmental Protection and Climate Change of the Republic of Uzbekistan, 4 July 2025 [7]

As demonstrated in Figure 2, the three leading regions collectively accounted for 4,169 cases, representing approximately 79.9 per cent of all illegal waste-dumping violations detected through online surveillance cameras. This territorial concentration illustrates the growing operational role of digital monitoring systems in identifying environmental violations and generating factual materials for administrative enforcement. Nevertheless, camera-generated records initially constitute informational materials. Their subsequent use as evidence in administrative or judicial proceedings requires verification of their authenticity, integrity, time and location of recording, preservation procedures, and procedural admissibility. The statistical findings therefore reinforce the legal distinction between the informational detection of an environmental violation and the evidentiary use of digitally generated monitoring data.

The second level comprises evidentiary cooperation, where inspection documents become documentary evidence during judicial proceedings. Courts evaluate these materials together with expert opinions, witness testimony, documentary evidence, and procedural guarantees provided under national legislation [4–6].

The third level represents procedural cooperation, involving the direct participation of

environmental control bodies in judicial proceedings either as parties, interested bodies, or providers of technical information. Administrative courts may simultaneously review both the legality of administrative decisions and claims for compensation arising from environmental harm, thereby reducing procedural duplication [5].

Comparative analysis of European environmental governance demonstrates that the absence of explicit procedural rules regulating the evidentiary value of administrative inspection findings is not unique to the Republic of Uzbekistan. Similar legal challenges have been identified in several European jurisdictions where environmental control authorities produce technically specialised inspection reports that subsequently become subject to judicial assessment. The principal difficulty concerns the extent to which courts should rely upon administrative findings without undermining the constitutional principle of judicial independence. Comparative legal scholarship indicates that judicial practice generally follows three different approaches. In some jurisdictions, courts tend to accord considerable evidentiary weight to administrative inspection reports, treating them as presumptively reliable unless successfully challenged by the opposing party. In contrast, other legal systems require courts to independently verify administrative findings through expert examination or additional documentary evidence before relying upon them in judicial decision-making. Between these two approaches lies a balanced model under which administrative materials constitute important documentary evidence but remain subject to comprehensive judicial evaluation together with other procedural evidence [8,9].

DISCUSSION

Among these approaches, the balanced judicial assessment model appears to provide the most effective equilibrium between administrative efficiency and judicial independence. Studies conducted by Squintani and Kalisvaart demonstrate that such an approach strengthens legal certainty while preserving the courts' independent fact-finding function and protecting procedural fairness for all parties involved [8,9]. Furthermore, international experience indicates that specialised environmental courts or specialised judicial chambers considerably improve consistency in evaluating complex scientific and technical environmental evidence without diminishing the constitutional role of judicial review [10]. These findings suggest that Uzbekistan could further strengthen environmental justice by adopting clearer procedural standards governing the judicial assessment of environmental inspection materials while maintaining full judicial discretion in evaluating evidence.

Based on the doctrinal interpretation of Uzbek environmental legislation and

comparative analysis of international legal practice, this research proposes a comprehensive procedural framework governing the admissibility of environmental control authorities' findings in judicial proceedings. The proposed framework is founded upon five cumulative legal criteria designed to ensure both procedural fairness and evidentiary reliability.

First, the inspection finding must concern facts falling within the statutory competence of the environmental control authority responsible for conducting the inspection. Second, the methodology used during inspections, including measurements, sampling procedures, laboratory analyses, and calculations, must be properly documented, transparent, and capable of independent verification. Third, the individual or legal entity against whom the inspection findings are relied upon must have a genuine procedural opportunity to challenge those findings during administrative or judicial proceedings in accordance with the principles of due process and adversarial litigation. Fourth, inspection results should, wherever possible, be supported by independent monitoring data, expert conclusions, laboratory examinations, or other objective sources capable of confirming their reliability. Finally, courts should ensure that the legal consequences arising from inspection findings remain proportionate to their evidentiary value so that administrative materials contribute to judicial decision-making without replacing the court's independent evaluation of all available evidence [5, 8–10].

Application of these cumulative admissibility criteria would improve the consistency, predictability, and transparency of judicial practice while preserving the constitutional balance between administrative enforcement and judicial independence. Importantly, implementation of this framework would not require the establishment of additional institutions but could be achieved through the consistent interpretation and application of the existing procedural legislation governing environmental disputes in Uzbekistan [5].

The results of this research demonstrate that effective cooperation between environmental control authorities and judicial institutions depends primarily upon the establishment of coherent procedural mechanisms regulating institutional interaction rather than upon expanding administrative powers or creating additional supervisory bodies. Comparative legal analysis confirms that successful environmental enforcement systems integrate administrative inspections with judicial review through transparent evidentiary standards, clearly defined procedural guarantees, and institutional accountability [7–10].

Within the current legal framework of the Republic of Uzbekistan, the informational component of institutional cooperation is relatively well developed, whereas the procedural

regulation governing the judicial use of environmental inspection findings remains insufficiently detailed. The absence of explicit legislative standards concerning the evidentiary value of administrative inspection reports creates uncertainty in judicial practice and may affect the consistency of environmental dispute resolution. The proposed institutional cooperation model together with the procedural admissibility framework therefore offers a scientifically grounded mechanism capable of strengthening judicial consistency, improving procedural fairness, enhancing administrative accountability, and promoting more effective environmental governance while fully respecting the constitutional principle of judicial independence [1–10].

CONCLUSION

Cooperation between environmental control bodies and judicial bodies in the Republic of Uzbekistan currently rests on an informational channel that is well developed, an evidentiary channel that is regulated only in general terms, and a procedural channel that has only recently become available through the possibility of combining claims for annulment of an administrative act and compensation of harm. This structure allows environmental offences to be detected and referred for liability, but it does not yet guarantee a consistent and transparent basis on which courts assess the factual material produced by control bodies.

Comparative experience indicates that the effectiveness of environmental enforcement depends less on the multiplication of control functions than on the clarity of the interface between those functions and judicial review. The three-level classification and the five-criterion admissibility test proposed in this article offer a legally grounded basis for such an interface: they preserve the independent fact-finding role of the courts, while enabling the specialised technical work of environmental control to be used efficiently, predictably and subject to genuine adversarial testing within judicial proceedings.

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