



Representation And Implementation Of Legal And Technical Norms In The National Legal System Of Developed Foreign Countries

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ABSTRACT

The article examines the expression of legal and technical norms in the legal system of developed foreign countries, their implementation in social life, the current role and importance of legal and technical norms. At the same time, emphasis was placed on legal norms that represent the relationship between "man and nature", as well as issues such as technical regulation, standardization and certification. The concluding part of the article focuses on the importance of legal and technical norms in ensuring human life and health, its safety.

KEYWORDS

Man, Nature, Technology, Ecology, Environment, Safety.

INTRODUCTION

It is known that the issues of "man and nature", "man and technology", "man and medicine" are relations that are specific to each society, each state. There are different approaches in the world community in regulating this type of relationship. However, strengthening international cooperation for common goals such as conservation of nature, ecology, human security, study of foreign experience in

the field of legal and technical norms is very important in the current environmental issues, global climate change and their elimination.

Legal and technical norms regulate human relations with nature, its resources, flora and fauna, as well as machinery and technology. At the heart of this are priorities such as human life and health, environmental security, rational

use of natural resources, promoting the conservation of all types of resources, prevention of natural and manufactured disasters and other emergencies.

It should be noted that in the context of environmental changes, rapid development of science, engineering and technology, the systems of technical regulation and standardization are improving, especially in developed countries. At the same time, the level of technical regulation depends on three main criteria: the specific legal system of each state, the order of public administration and the level of technical and technological development.

Legal and technical norms are also expressed in developed countries, first of all, at the level of the main law - the Constitution. Chapter 2, Section 18 of the Swedish Constitution stipulates that everyone has the right to use nature in accordance with established general rules. Clause 7 also stipulates that the government may take decisions in the areas of hunting, fishing, the environment and nature conservation¹.

Article 74 of the Constitution of the German Republic provides for the development of competitive laws in a number of areas, including the protection of food and their processing, fodder, seeds and planting material necessary for agriculture and forestry, protection of plants from diseases and pests, as well as animal protection; collection and

distribution of fees for traffic, motor transport, construction and maintenance of roads, as well as the use of vehicles on public roads; industries such as waste disposal, air pollution and protection from excessive noise are highlighted².

Article 23 of the Belgian Constitution stipulates that everyone has the right to live in accordance with human dignity, in particular the right to a healthy environment³.

Article 33 of the Constitution of the Republic of Indonesia stipulates that land, water and natural resources belong to the state and are used to enhance the well-being of the people⁴.

The Constitution of the Russian Federation stipulates that the possession, use and disposal of land and other natural resources shall be freely exercised by their owners, provided that they do not harm the environment and do not violate the rights and legitimate interests of other persons. Regulation, as well as the obligation of everyone to protect nature and the environment, to preserve their natural resources⁵.

The Constitution of the Republic of Uzbekistan also contains a number of general provisions on human and nature, human and technical relations, which are inherent in legal and technical norms. In particular, Article 55 of our Constitution stipulates that land, subsoil resources, water, flora, fauna and other natural

¹ Constitution of Sweden (Korolevstva Shvetsii). Legal library legalns.com. str.-15.

² Constitution of Germany / http://www.constitution.garant.ru/DOC_3864885.htm. Legal library legalns.com.

³ Constitution Belgium / Legal library legalns.com. pp.-50.

⁴ Constitution of the Republic of Indonesia / article 33.

⁵ Constitution of the Russian Federation / article - 36.58.

resources are national wealth, which must be used wisely and are under state protection⁶.

In developed countries, legal and technical norms are also expressed through normative legal acts on technical regulation. Alexey Vladimirovich Ustinov, a researcher in this field, noted that currently in the world community in the system of technical regulation are widely used two main approaches, the American and European methods. In the American approach, technical regulation and standardization are divided into state and non-state, industrial and de facto, i.e. regional and national standards, which are not enshrined in law but applied by individual companies. The European style is developed in accordance with the international methodology and practice of technical regulation⁷.

Technical regulation in the field of legal and technical norms is established in the United States through a specific mechanism. There is no separate complex document on technical regulation in this country. The Congress has entrusted the development and implementation of technical regulations to the relevant ministries and departments in their field. For example, in the United States, the Environmental Protection Agency (EPA), the Department of Labor, and the Department of Occupational Safety and Health (OSHA) are responsible for developing technical regulations in the field of chemicals. As an example, the Administration of Occupational Safety and Health published standards in 1987 on the notification of hazardous substances.

The purpose of this standard is to determine the level of hazard of chemicals and to provide information about this standard to personnel who may be exposed to such substances. Such regulations may be adopted not only by the authorities but also by individual states. Also, technical regulation in the field of information technology - by the Federal Communications Commission; construction sector - Federal Housing Administration; Pharmaceutical sector - Administration of consumer goods and medicines under the Ministry of Health; medical equipment - Ministry of Health; the field of environmental protection - entrusted to agencies such as the Environmental Protection Agency. A number of agencies, including the Ministry of Energy, the Ministry of Trade, the Ministry of Labor, the Ministry of Transport, the Ministry of Agriculture, the Environmental Protection Agency, the Atomic Energy Regulatory Commission, and the Interstate Trade Commission, are responsible for technical regulation in the energy sector⁸.

In the United States, legal and technical norms on the relationship between man and nature, man and the environment are regulated by about 50 laws: "On Atmospheric Air Cleanliness" (1970), "On Water Cleanliness" (1972), "On the suitability of drinking water" (1974), "On the protection of wildlife" (1973), "On the elimination of environmental pollution" (1990), "On the pollution of the environment as a result of oil spills" (1990), "Conservation and These include the Law on Waste Disposal (1976), the Law on Toxic Substances (1976), and the Law on

⁶ Ўзбекистон Республикасининг конституцияси / Қонун ҳужжатлари маълумотлари миллий базаси, 06.03.2019 й., 03/19/527/2706-сон

⁷ A.V. Ustinov "Technical regulation and standardization in the US and EU".

⁸ V.I. Lafitsky Technical regulation in foreign countries / Journal of Russian Law №. 9, 2006. P. - 18.

Compensation and Compensation for Environmental Damage (1996)⁹.

Unlike the United States and many other countries on the American continent, in the countries of the European Union, technical regulation is carried out through a centralized system. At the EU level, technical regulation is carried out through three bodies: the European Committee for Standardization, the European Committee for Electrical Standards, and the European Institute for Telecommunication Standards. At the national level, the management of the technical regulatory function is entrusted to such agencies as the British Institute of Standardization in the United Kingdom, the French Standardization Association in France, the German Institute for Standardization in Germany, and the Belgian Institute of Standardization in Belgium¹⁰.

The main normative document regulating the legal relations in the field of technical regulation, standardization and security in Japan from the countries of the Asian continent is the Law on Standardization. The technical regulatory model is radically different from the U.S. model. In Japan, the state is actively involved in technical regulation and standardization. It supports all producers and they, in turn, care about the prosperity of the country and its market. In the standardization system, all areas are closely interrelated. The government considers it important to participate in the development of standards and take various measures to encourage

consumer activism. About 10,000 Japanese industry standards (JIS) apply. In Japan, a state order or an order from a reputable company is not accepted if the manufacturer's product does not have the JIS mark¹¹.

In Japan, a number of laws aimed at protecting nature and the environment were adopted, including the Basic Law on the Environment in November 1993. This laid the foundation for the protection of the environment, and developed a regulation on the need to strike a balance between economic activity and the protection of the environment. The law introduced requirements for environmental impact assessment for new construction projects. It was intended to provide public support in cases where economic measures were taken against pollutants, such as the imposition of fines. The Air Pollution Control Act was passed in 1968. It envisages restrictions on the emission of harmful substances into the atmosphere by enterprises and car engines.

In addition to the Basic Law on Environmental Control, there are two standards for natural water quality in Japan. The first is directly related to the protection of human health. It sets 26 categories of water pollution and sets their maximum velocities in rivers, lakes and coastal waters. These standards were last strengthened in 1993 and do not differ from the requirements for drinking water in general. The second is related to environmental protection. It includes the norms of need for

⁹ Broslavsky L.I. State environmental control in the USA // Journal of Russian law № 4 - 2010. P.-105.

¹⁰ Technical regulation: legal aspects: scientific-practical. allowance / Kalmykova A.V. and others. ed. : Doctor of Law Yury A. Tikhomirov,

Doctor of Economics V.Yu. Salamatov. - M. : Walters Kluver, 2010. (384 p.)

¹¹ Sorochkina O.Yu., Kalandarashvili A.O. Features of building technical regulation systems in different countries / Center for Scientific Cooperation "Interactive Plus". Technical Sciences magazine. Pages-15.

biochemical oxygen, chemical oxygen, and dissolved oxygen. There are also guidelines for lakes and swamps that limit the amount of nitrate and phosphates in their water.

In Japan, as a result of strict regulation, industrial effluents from enterprises have been reduced. At the same time, the lack of progress in residential wastewater control has prompted the government to develop new equipment and new treatment facilities for wastewater disinfection. Japan is achieving positive results due to the introduction of new technologies in the regulation of human and nature, human and production, human and environmental relations¹².

It should be noted that in the field of legal and technical norms, most countries have adopted laws "On technical regulation." Law of the Russian Federation "On technical regulation" adopted on December 15, 2002, one of its main objectives is to develop, adopt, apply and fulfill mandatory requirements for products, including buildings and structures, products and processes related to production, construction, installation, commissioning, operation, storage, transport, sale, and destruction¹³.

Technical regulation relations in the Republic of Belarus are unique. First of all, it should be noted that in this country technical regulation is used as "technical standardization". In Russia, Uzbekistan, Kazakhstan, Kyrgyzstan and many other republics, relations in this area

are interpreted as "technical regulation." The Law of the Republic of Belarus "On Technical Standardization", adopted in 2004, mainly covers the establishment of mandatory requirements for facilities in the field of legal and technical standards. This law stipulates that the objects of technical regulation must meet the technical requirements that do not pose a threat to the environment. One of the main branches of legal and technical norms in Belarus is the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus. The issue of regulation of environmental protection in the framework of technical regulations is described in detail in the Law of the Republic of Belarus "On Environmental Protection"¹⁴.

Technical regulation is also carried out in the Republic of Kazakhstan by the Law "On technical regulation". In the field of environmental, human and nature relations of legal and technical norms, in contrast to most CIS countries, the Republic of Kazakhstan is regulated by a code. The Environmental Code of the Republic of Kazakhstan regulates public relations (environmental relations) in the field of human-nature interaction, as well as regulates the activities of individuals and legal entities that affect or may affect the environment¹⁵. Public relations in the field of use of natural resources in the Republic of Kazakhstan, as well as their storage, restoration and reproduction, depending on the type of natural resource, are regulated in

¹² Nature Conservation in Japan // <https://www.waste.ru/modules/section/item.php>

¹³ The Law of the Russian Federation of December 15, 2002 "On Technical Regulation". Article 1.

¹⁴ Shakirova D.I. Legal protection of the environment through technical regulations /

Dissertation for the degree of candidate of legal sciences: M.-2018. P. -130.

¹⁵ Environmental Code of the Republic of Kazakhstan dated January 2, 2021 No. 400 - VI ЗPK. Article 1.

accordance with the legislation on land, water and forestry. There are also separate laws on subsoil resources and subsoil use, protection, reproduction and use of wildlife. In general, it can be concluded that the environmental norms of the legislation of the Republic of Kazakhstan related to technical regulation are more developed than in the Republic of Belarus and the Russian Federation.

In accordance with the Law of the Republic of Kazakhstan "On Technical Regulation", technical regulation is a legal relationship in the field of production, construction, installation, commissioning, operation, storage, transportation, sale and destruction of products or products aimed at regulation¹⁶.

In the People's Republic of China, too, the legal and technical norms of man and nature, man and the environment are regulated by a number of laws. "On Environmental Protection" as a legal basis for the organization and implementation of environmental control; "On Marine Environmental Protection", "On Environmental Impact Assessment", "On Prevention and Control of Atmospheric Air Pollution", "On Prevention and Control of Water Pollution", "Noise Prevention and Control "On its control", "On the prevention and control of waste pollution", "On the prevention and control of radioactive contamination", "On mineral resources", "On wildlife", "On pastures" Laws such as the Air Code, the Land Code, and the Forest Code have been implemented¹⁷. One of the peculiarities of the above-mentioned laws of the People's

Republic of China is that they emphasize the relationship of "control" in the very name of the law.

From the above information on the expression and implementation of legal and technical norms in the legal system of developed foreign countries, the following conclusions were drawn:

First, in developed countries, relations between man and nature, man and the environment, man and industry, man and technology, man and flora and fauna are regulated by the constitution, laws, codes and other normative legal acts at various levels. from the point of view, these relations are the subject of legal regulation;

Secondly, the main objectives of the legal and technical norms introduced by developed countries are aimed at the protection of the environment, nature, and thus the security of mankind, its well-being;

Thirdly, the system of technical regulation is specific to all developed countries, which manifests itself in the form of technical regulation, standardization, certification, as well as "man and technology", "man and industry", "man and the environment", "human and health";

Finally, legal norms in the field of technical regulation, standardization, certification, introduction of mandatory requirements for products, buildings and structures, processes related to production, construction, installation, commissioning, operation,

under Chinese law / Institute of State and Law of the Russian Academy of Sciences, Moscow. State and Law, 2018, No. 10, p.-146.

¹⁶ Law of the Republic of Kazakhstan dated December 30, 2020 № 396-VI "On technical regulation". Article 1.

¹⁷ Ma Xin. Environmental control and supervision as a legal measure to prevent environmental harm

storage; protection of the interests of consumers and the state in matters of saving products, natural resources; control over the sale of products that are dangerous to human life, health, property of legal entities and individuals, as well as the environment; serves to express objectives such as confirmation of product quality indicators.

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