



# To use water resources of farms the concept of violations of the requirements of legal documents and their types

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## OPEN ACCESS

SUBMITTED 24 December 2024  
ACCEPTED 26 January 2025  
PUBLISHED 28 February 2025  
VOLUME Vol.07 Issue02 2025

## CITATION

Shofiev Zoir Shoniyozovich. (2025). To use water resources of farms the concept of violations of the requirements of legal documents and their types. *The American Journal of Political Science Law and Criminology*, 7(02), 25–29. <https://doi.org/10.37547/tajpslc/Volume07Issue02-06>

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**Abstract:** In this article, the concept of offenses related to violation of the requirements of legal documents on the use of water resources of farms and the content of their types are studied. In this article, the author explained the requirements and rules for the state implementation of environmental control of violations of the requirements of legal documents on the use of water resources by farms. This article examines the content and legal significance of environmental control of state and public environmental control in the field of rational use of water resources by farms. In this article, the author has shown that the decisions and decrees of the President of the Republic of Uzbekistan play an important role in improving environmental control. In this sense, environmental control is thought about ensuring the rational use of nature and harmful effects on the environment. State control over the use and protection of water and water resources of farms is proposed to be carried out by local state authorities, the State Committee for Ecology and Environmental Protection, the Inspection of Control over the Agro-Industrial Complex under the Cabinet of Ministers, and the Ministry of Water Management in accordance with the law.

**Keywords:** Farming, water resources, farming, water consumers, natural objects, water users, water limit, ecological, natural resources.

**Introduction:** In the Republic of Uzbekistan, water is considered state property - national wealth, and for this reason, the state determines the procedure for using water and water resources. Due to the establishment of state ownership of water and water resources, enterprises, institutions, organizations, officials or

citizens cannot enter into various transactions - sales, gift, arbitrary exchange, mortgage, etc. That is why it is important to study these issues, solve the problems in this regard and improve the relevant legal documents.

It should be noted that violations related to the violations of legal documents regulating the right to use and protect water resources of farms are considered to be a type of environmental, including water, violations in a broad sense, and therefore, in order to fully understand its content, it is appropriate to first briefly touch on environmental violations. Legal literature does not have a single and general approach to understanding the nature and essence of environmental violations. In particular, E. N. Jevlakov defines environmental crime as "culpable, illegal action and inaction that violates the law on the use of natural resources and their protection."

According to S.I. Golubev, "ecological violation is a legal fact, on the basis of which legal responsibility arises. Therefore, environmental crime is not only a socially dangerous, but also a socially significant act, a part of legal behavior."

According to L. Ermakova, "ecological crimes are criminal, illegal actions or inactions that violate the environmental law and order established in the country and cause damage to the environment or create a real risk of such damage."

According to D.R. Yudin, "Environmental crime is an illegal, criminal, socially dangerous, as well as socially significant act that violates ecological-legal relations and causes or threatens to damage the environment, citizens' health, property of legal entities and individuals, and causes environmental-legal, civil-legal, administrative or criminal liability." According to the author, "environmental crime is a complex concept that serves as a basis for applying legal responsibility, including civil-legal, criminal, administrative and disciplinary responsibility."

According to J.L. Nurtaeva, "the subject of environmental crime is the scope of the legal regulation of the quality, integrity, interaction and other objective indicators of natural phenomena, resources and the environment, and is subject to the negative impact of the violation of the law."

According to D.L. Baydeldinov and S.D. Bekisheva, "ecological crimes are illegal acts (acts or inactions) that encroach on the ecological rights and legal interests of the state, legal entities and individuals, and cause real damage to the natural environment or cause the risk of damage." "As a result of an environmental crime, not only human health or property is damaged, but also moral damage is caused. The main characteristics of environmental violations are as

follows: it is considered an act; is illegal; is a criminal act; causes legal responsibility".

At the same time, some scientists, in particular, E. N. Jevlakov, show "its subject matter as one of the important signs of environmental violations." At the heart of environmental crimes is the concept of "crime". As a rule, this is a voluntary action. According to its importance, the act is anti-social, that is, it harms or can harm the environment, the interests of the state, society and citizens. The antisocial nature of environmental violations is determined by environmental legislation as the basis of environmental legal liability.

The illegal nature of environmental violations is manifested in the commission of an act that violates legal norms. Appearing as the main part of the objective side, the violation of the law is manifested in the following: refusal to apply the ecological-legal norm; ineffective application of the environmental legal norm and, as a result, a decrease in the effectiveness of its implementation; direct violation of the ecological legal norm. Punishment of environmental crimes is also one of the important features. Only an act for which the appropriate legal liability is established for its commission in accordance with criminal, civil, administrative and other branch legislation is recognized as an environmental offense. At the same time, as another characteristic of environmental crime, when talking about the object, it can be shown as separate elements of the environment - water, air, animal and plant world, land, subsoil.

In the legal literature, two types of environmental offenses are distinguished: pure environmental offenses, which are the basis for applying environmental-legal liability, and offenses that are the basis for applying criminal, administrative, disciplinary, civil liability. Based on the basis of legal liability, various types of environmental offenses are distinguished - administrative offenses in the field of ecology, environmental crimes, etc. At the same time, the composition of some environmental offenses is defined in other legal documents.

In general, the specificity of the composition of this or that environmental offense is related to the real risk of environmental damage or its infliction. The specific features of the composition of ecological offenses are as follows: damage is caused directly to the environment and natural resources; harms environmental relations regulated by environmental legislation; environmental-legal measures different from other types of legal liability may be applied for environmental violations. As a result of an ecological offense, as in the case of crimes against life and health, human health is not directly

harmed, but due to a change in the natural environment, after a certain period of time, it causes the spread of various diseases among the population living in the relevant area. As a result, negative changes in the environment affect people's heredity, health level, and average life expectancy. In essence, environmental violations cause economic damage at the same time.

The composition of the environmental offense consists of a subject, a subjective side, an object and an objective side. The subject of an environmental offense can be any economic entity - an enterprise, institution, organization, economic association, state, local, public organization, as well as individuals. Accordingly, violators of the right to use water and water resources, or subjects of such violations, may be farms, as well as farmers and their employees, workers, and other citizens. In addition, the offenders within the framework of the legal relations of protection and use of water and water resources, including the state bodies that issued orders and issued instructions in violation of the law. The subjective side of an environmental offense is the guilt, motive and purpose of the offender who caused the damage. Environmental violations can be committed intentionally or negligently. In particular, many environmental crimes are committed through inaction by cold-hearted approach to one's duty, arbitrariness. The object of environmental crimes is the natural environment protected by law from pollution, destruction, damage, depletion, destruction, and unreasonable use.

B.V. Erofeev defines the object of environmental violations as social relations that arise to ensure the conditions for the moderate life activity of a person and the interaction of society with the living environment. In other words, the author considers the object of environmental violations to be relations related to the right to a comfortable environment.

According to V. G. Abramov, the object of environmental violations is social relations related to the preservation and maintenance of the quality and state of the environment.

M.M. Brinchuk stated that the object of environmental crimes is social relations related to the environment and its separate elements, which are regulated and protected by legal norms. An environmental scientist includes relations regarding property and natural resources, use of nature, protection of the environment from harmful effects, protection of environmental rights and legal interests of people and citizens in the content of environmental crimes.

In this sense, the object of violations in the field of

water is the property (ownership) right to water and water resources of the state, the procedures for using water and water resources, the right to use water and water resources of water enterprises, the interests of farmers, members of peasant farms, workers and other citizens as users of water and water resources. The objective side of environmental offenses refers to the unlawful action or inaction of the subject of the environmental offense. Illegal behavior is manifested in two forms: active, i.e. violation of nature protection legislation, and passive - non-observance, failure to fulfill the requirements of environmental legislation. The subject of environmental crimes is environmental law and order.

Environmental offenses can be divided into three groups according to their subject: offenses against property rights to natural resources; offenses related to violation of ecological requirements of environmental protection; environmental violations that prevent the use of natural resources. Based on the object of protection, environmental violations are divided into violations related to the protection of land, water, forest, subsoil, atmospheric air, flora and fauna. According to the method of causing damage, environmental crimes can be divided into five groups: pollution of the environment, unreasonable use of natural resources, damage to natural objects, destruction, reduction of natural resources, destruction of the natural environment.

M.M. Brinchuk, when describing environmental violations, it is necessary to pay attention to the following specific aspects: the violation of an ecologically important right does not always have to be culpable, in this case, the damage caused due to an excessive source of danger must be compensated regardless of the fault of the person causing the damage; environmental crime is not always related to harm. In certain cases, there is a real risk that damage will not occur.

Based on this, M.M. Brinchuk defines environmental violations as "illegal, criminal acts (acts or inactions) committed by subjects with legal capacity, causing environmental damage or creating a real risk of damage, or violating the rights and legal interests of subjects of environmental law."

The peculiarity of ecological offenses is inextricably linked with the composition of the offense, the object of the composition of this offense, the subject of illegal aggression. The object of environmental violations is a natural resource (soil, subsoil, water, forest and other flora and fauna) and natural objects that are not considered natural resources (protected natural areas, atmospheric air, flora and fauna included in the Red

Book). In addition, climate and other natural ecological systems, management relations in the field of natural resource use, property rights to natural resources and other relations are also shown as objects of environmental crimes. Environmental crimes encroach on similar social relations regulated by environmental law. Environmental violations also have common features such as violation of rights, social danger, and guilt. Environmental violations are violations of the right to the natural environment, environmental rights and legal interests of the state, individuals and legal entities, or causing real danger. Based on the above, it should be said that violation of the right to use water and water resources in legal sources means illegal encroachment on water use relations, derailing the provision of rational and efficient use of water and water resources, as a result of which water and water resources are plundered, arbitrarily seized, illegal seizure and other illegal actions or omissions that violate the rights of water and water resource users.

Therefore, on the basis of the above, the violation of water resources by farms means a socially harmful, guilty action or inaction directed against the norms of water rights. Violation of water resources by farms is primarily caused by violation of the norms of laws related to water and water resources protection and their use. As we have seen, the violation of the right to use water resources of farms occurs as a result of violating the requirements of environmental and agrarian laws and the law on water and water use. In the case of committing an offense in the field of water resources use by farms, it is necessary that the guilty act or inaction of the guilty party, and the degree of ecological and social danger of this guilty act or inaction.

In Uzbekistan, the damage caused by violating the rights of water users to the property rights to water and water resources should be compensated in full. When a violation is committed against the water resources of farms, it must be eliminated, and the rights of water users whose rights have been violated must be restored. It is known that the state provides water resources for use indefinitely or for a certain period. Therefore, in legal sources, there are correct opinions that any kind of water resource violation is considered, first of all, as a violation of the property rights of the state in relation to water resources.

Based on the above, we can distinguish 5 types of violations in the field of water: 1) violations of property rights in relation to water (transferring the right to use water, entering into agreements that violate the state's right to own water, arbitrarily taking over water objects); 2) violation of the procedure for exercising the right to use water (increasing or reducing water

consumption without agreement, building other structures that raise and receive water, arbitrarily withdrawing water from water distribution points); 3) damage to water objects and hydrotechnical structures (driving vehicles and livestock over water objects and hydrotechnical structures); 4) pollution of water and water bodies (polluting water and water bodies with waste and waste, polluting and polluting water and water bodies, non-compliance with legal requirements when discharging sewage into water bodies); 5) failure to comply with the law and order in the water sector (failure to comply with written instructions of competent state bodies, failure to implement measures to prevent and eliminate harmful effects). In conclusion, in the prevention of violations of the protection of water resources and the use of water resources, the main role is to clearly define the norms of legal responsibility aimed at ensuring the correct and rational use of water and the application of penalties for such violations.

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