

**TOSHKENT DAVLAT YURIDIK UNIVERSITETI
HUZURIDAGI ILMIY DARAJALAR BERUVCHI
B2024.2.PhD/Yu1461 RAQAMLI ILMIY KENGASH**

TOSHKENT DAVLAT YURIDIK UNIVERSITETI

NISHONOV ABDULLOH UBAYDULLOH O'G'LI

**ATOM ENERGIYASIDAN FOYDALANISHDA EKOLOGIK
XAVFSIZLIKNI HUQUQIY TA'MINLASH MASALALARI**

12.00.06. - Tabiiy resurslar huquqi. Agrar huquq. Ekologik huquq.

Yuridik fanlar bo'yicha falsafa doktori (Doctor of Philosophy) dissertatsiyasi

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KIRISH (falsafa doktori (PhD) dissertatsiyasi annotatsiyasi)

Dissertatsiya mavzusining dolzarbligi va zarurati. Dunyoda global miqyosda energiyaga bo‘lgan talab yildan yilga ortib borishi atom elektr stansiyalar tomonidan ishlab chiqarilayotgan elektr energiyasiga bo‘lgan talabni oshirib bormoqda. Hozirgi kunda dunyo bo‘ylab taxminan 430 ta AES faoliyat yuritib, ular jahondagi umumiy elektr energiyasi ishlab chiqarishning qariyb 10 foizini ta’minlamoqda. Bu esa AESlar orqali dunyo bo‘ylab har yili taxminan 12 000 tonna yuqori darajadagi radioaktiv chiqindilar hosil bo‘layotganini ko‘rsatmoqda¹. MAGATE ma’lumotlariga ko‘ra, 1952-yildan beri dunyoda 31 ta yirik yadroviy avariya sodir bo‘lgan bo‘lib, uning eng katta qismi AESlarga to‘g‘ri keladi, masalan Chernobildagi avariya oqibatida 4000 dan ortiq kishi halok bo‘lgan va yuz minglab odamlar radiatsiya ta’siriga uchragan, Fukusima (Yaponiya 2011-yil) AESidagi avariya oqibatida 18 000 dan ortiq kishi halok bo‘lgan va yuz minglab odamlar evakuatsiya qilingani va iqtisodiy zarar 220 milliard dollarni tashkil etgan². Shunday ekan, AESlarning xavfsiz ishlashini ta’minlash, yadro chiqindilarini xavfsiz saqlash va avariylarni oldini olish uchun ekologik xavfsizlikni oshirish zarur.

Jahonda AESlardan foydalanishda yadro chiqindilarni xavfsiz saqlash va ularni qayta ishlash uchun zamonaviy texnologiyalarni ishlab chiqish, sodir bo‘lishi mumkin bo‘lgan texnik yoki inson omillari tufayli yuzaga keladigan avariylarni oldini olish, ularni sovitish jarayonida issiq suv qaytarilishi natijasida daryolar va suv havzalarining harorati o‘zgarishi mumkinligi bilan bog‘liq ilmiy-tadqiqot faoliyati dolzarb hisoblanadi. BMTning “Future Energy” yig‘ilishida yadro energiyasining xavfsizligini ta’minlash uchun ilmiy tadqiqotlar va texnologiyalarni rivojlantirish bo‘yicha tavsiyalar berilgan³. Shuningdek, ekologik tashkilotlar tomonidan tashkil etilgan konsepsiyalar, ilmiy tadqiqotlar va texnologiyalarni rivojlantirishga doir tashabbuslar yadro energiyasining xavfsizligini oshirish, atrof-muhitga bo‘lgan salbiy ta’sirni kamaytirish va global xavfsizlikni ta’minlashga qaratilgan.

Respublikamizda energiya iste’moli prognozlariga ko‘ra, 2030-yilgacha elektr energiyasiga bo‘lgan talabning yillik o‘sishi 6-7 foizga teng bo‘ladi. Bu davrga kelib jami energiya iste’moli 120.8 mlrd.kVt.s (2018-yilga nisbatan 1,9 baravar ko‘p) bo‘lishi prognoz qilinmoqda.⁴ Ma’lumki, 2022-yilda Respublikamizda ishlab chiqarilgan elektr energiyaning 85% dan ortig‘i issiqlik elektr stansiyalariga to‘g‘ri kelgan. Bunda tabiiy gaz iste’moli yiliga 35-40 milliard

¹ Peter Swift, Recent developments in the disposal of high-level waste and spent nuclear fuel, U.S. Department of Energy, National Nuclear Security Administration, Sandia National Laboratory, October 18, 2017.

<https://www.energy.gov/sites/prod/files/2017/11/f46/Peter%20Swift%20PRACoP%202017%20final.pdf>

² Yonglong Lu, Jingjing Yuan, Di Du, Bin Sun, Xiaojie Yi, Monitoring long-term ecological impacts from release of Fukushima radiation water into ocean, Geography and Sustainability, Volume 2, Issue 2, 2021, Pages 95-98,

³ Agard, John & Alcamo, Joseph & Biermann, Frank & Colls, Alison & Falkenmark, Malin & Folke, Carl & Glantz, Mickey & Gordon, Christopher & Goverse, Tessa & Gramberger, Marc & Harding, Ruth & Krug, Thelma & Leemans, Rik & Leonard, Sunday & Nishioka, Shuzo & Osibanjo, Oladele & Peduzzi, Pascal & Pratt, Cristelle & Sanchez-Rodriguez, Roberto & Zhang, Linxiu. (2012). UNEP, 2012. 21 Issues for the 21st Century: Result of the UNEP Foresight Process on Emerging Environmental Issues. Alcamo, J., Leonard, S.A. (Eds.). United Nations Environment Programme (UNEP), Nairobi, Kenya, 56pp. 10.13140/RG.2.2.22054.32323.

⁴ 2020-2030 yillarda O‘zbekiston Respublikasini elektr energiyasi bilan ta’minlash konsepsiyasi

kub metr atrofida⁵, ko‘mir iste‘moli esa yiliga 3-4 million tonna atrofida sarflanadi. Bu ko‘rsatgichlarning o‘zi nafaqat atrof tabiiy muhitga balki tabiiy resurslarga ham bitmas tuganmas zarar olib kelayotganini ko‘rsatadi. Shu bois, “dunyoning ko‘plab yetakchi davlatlari o‘z energetik xavfsizligi va barqaror rivojlanishini atom energetikasi orqali ta‘minlayotganini, shu sababli O‘zbekiston atom energiyasini rivojlantirish bo‘yicha uzoq muddatli konsepsiya, kadrlar salohiyatini mustahkamlashga qaratilgan strategiyani qabul qilingan”⁶ hamda energiya ishlab chiqarishning 14.9% ni AESlar hisobiga amalga oshirish reja qilingan. Bu esa inson va atrof-muhitga radiatsiya ta‘sirini baholashga, atom energetikasi kompleksining rivojlanishini tartibga soluvchi huquqiy normalarni, ushbu sohada ekologik xavfsizlikni ta‘minlashga qaratilgan tadqiqotlarni amalga oshirish dolzarbligini ko‘rsatadi.

Ushbu dissertatsiya tadqiqoti Prezidentning 2018-yil 19-iyuldagi PF-5484-sonli “O‘zbekiston Respublikasida atom energetikasini rivojlantirish chora-tadbirlari to‘g‘risida”gi Farmoni, 2019-yil 7-fevraldagi PQ-4165-sonli qarori bilan tasdiqlangan 2019-2029-yillarda O‘zbekiston Respublikasida atom energetikasini rivojlantirish konsepsiyasi, O‘zbekiston Respublikasining 2019-yil 9-sentabrdagi O‘RQ-565-sonli “Atom energiyasidan tinchlik maqsadlarida foydalanish to‘g‘risida”gi qonuni, Vazirlar Mahkamasining 2022-yil 28-martdagi 141-sonli qarori bilan tasdiqlangan “Yadroviy qurilmani va (yoki) saqlash punktini joylashtirish uchun maydonchadan foydalanishga ruxsatnoma berish tartibi to‘g‘risida”gi nizom, Vazirlar Mahkamasining 2020-yil 28-oktyabrdagi 663-sonli qarori bilan tasdiqlangan Atom energiyasidan foydalanish sohasidagi faoliyatni litsenziyalash tartibi to‘g‘risidagi nizom hamda boshqa normativ-huquqiy hujjatlarning ijrosini muayyan darajada amalga oshirishga xizmat qiladi.

Tadqiqotning respublika fan va texnologiyalari rivojlanishining ustuvor yo‘nalishlariga mosligi. Dissertatsiya tadqiqoti respublika fan va texnologiyalar rivojlanishining I. “Axborotlashgan jamiyat va demokratik davlatni ijtimoiy, huquqiy, iqtisodiy, madaniy, ma‘naviy-ma‘rifiy rivojlantirishda innovatsion g‘oyalar tizimini shakllantirish va ularni amalga oshirish yo‘llari” ustuvor yo‘nalishi bo‘yicha bajarilgan.

Muammoning o‘rganilganlik darajasi. Atom energiya stansiyalarini loyihalashtiri, qurish, ishlatish va foydalanishdan chiqarish jarayonida ekologiya va atrof muhitni muhofaza qilish muammolari masalasida u yoki bu jihatlari mamlakatimiz ekolog-huquqshunos olimlari Y.O.Jo‘rayev, Sh.X.Fayziyev, J.T.Xolmo‘minov, M.B.Usmonov, N.K.Skripnikov, Dj.I.Safarov, G.Sh.Uzakova, O.X.Narzullayev, N.Sh.Rajabov, R.H.Kenjayev, K.R.Bobonazarov, M.M.Nurmatov, D.N.Maxkamov, P.B.Hayitovlarning⁷ ilmiy asarlarida o‘rganilgan.

⁵ International Atom Agency Uzbekistan 2022 Energy Policy: 2022, p-35

⁶ Islom hamkorlik tashkilotiga a‘zo davlatlarning barqaror rivojlanishi uchun atom energiyasidan tinchlik maqsadlarida foydalanish istiqbollari: xalqaro va milliy tajriba” mavzusidagi xalqaro konferensiya ishtirokchilariga nutqidan. <https://president.uz/uz/lists/view/7743>

⁷ Jo‘rayev Y., G‘ulomov M. Ekologiya: jinoyat va jazo. –T.:Mehnat, 1990;

Xolmo‘minov J.T. “Yurisprudensiya” huquqiy ilmiy-amaliy jurnali 2024-yil 2-son “Современное состояние энергетического законодательства республики узбекистан и правовые вопросы его совершенствования” DOI: https://dx.doi.org/10.51788/tsul_jurisprudence.4.2./YXLU9852

Shuningdek, atrof tabiiy muhitni radiatsiya ta'siridan huquqiy muhofaza qilishning muhim chora-tadbirlari hisoblangan ekologik ekspertiza, atrof tabiiy muhitni muhofaza qilishda jamoatchilik nazorati, sanitariya-epidemiologiya nazorati, ekologik me'yorlash va normalash, chiqindilar bilan munosabatda bo'lish, fuqarolarning qulay atrof tabiiy muhitga ega bo'lish huquqini ta'minlash bilan bog'liq ilmiy muammolar mamlakatimiz huquqshunos olimlari U.T.Ayubov, N.Sh.Rajabov, D.U.Aripov, O.X.Narzullayev, O.D.Utegenov va boshqalarning ishlarida tadqiq etilgan⁸.

Bu muammo MDH olimlaridan dissertatsiya darajasida ham o'rganilgan. Jumladan, atom energiyasidan foydalanishda radiatsiya ta'siridan etkazilgan zarar uchun fuqarolik javobgarligi masalalari yuridik fanlar nomzodi ilmiy darajasini olish uchun L. F. Vasilevaning (2010)⁹ A. V. Makokinning (2006)¹⁰ huquqiy xususiyatlariga bag'ishlangan dissertatsiyasida ko'rib chiqiladi; A. I. Grishchenkoning (2002)¹¹ tadqiqoti atom energiyasidan foydalanish sohasidagi faoliyatni litsenziyalashga bag'ishlangan;

Bundan tashqari N.D.Vershilo, A.K.Golichenkov, N.A.Duxno, O.L.Dubovik, A.L.Ivanova, O.S.Kolbasov, A.O.Minayev, A.I.Perchik, V.V.Petrov, V.F.Petrenko, O.L.Radchik, A.S.Shesteryuk va boshqa olimlarning ilmiy ishlarida umumnazariy jihatdan u yoki bu darajada tadqiq etilgan. Hozirgi kunda horijiy mamlakatlarda: M.Klark, A.Uriksson, I.Barraklou, D.Uvedxed, T.Edison, S.Uolker, R.Klarke, A.Martin, S.Xaribson, Dj.Karron, N.Geyt, J.Valentin, D.Kopleston, S.Djons, B.Xovard va boshqa olimlar tomonidan ilmiy tadqiqot ishlari olib borilgan. Mazkur mavzuda olib boriladigan ilmiy tadqiqotlar, qurilishi rejalashtirilayotgan AESlarda atrof-muhitni radiatsion xavf-xatardan himoya qilishni tartibga soluvchi huquqiy normalar tizimini chuqur va har tomonlama nazariy tahlil qilishga xizmat qiladi.

Dissertatsiya mavzusining dissertatsiya bajarilayotgan oliy ta'lim muassasasining ilmiy tadqiqot ishlari rejalari bilan bog'liqligi. Toshkent davlat yuridik universiteti ilmiy-tadqiqot ishlari rejasiga muvofiq "Ekologik barqaror rivojlanish maqsadlariga erishish" mavzusidagi loyiha doirasida bajarilgan.

Tadqiqotning maqsadi. Atom energiyasidan foydalanish obyektlarida ekologik xavfsizlikni ta'minlash sohasidagi nazariy asoslarni ishlab chiqish, amalga

Fayziyev. Sh.X.// Правовое обеспечение экологической политики Республики Узбекистан: национальный и зарубежный опыт. Монография. Ташкент – 2022. С. 149.;

Skripnikov N.K. Transgranichnoye vodopolzovaniye v Sentralnoy Azii (pravovoy aspekt). –T.:TGYUI, 2004, 203 s.; Usmonov M.B. Ekologiya qonunchiligi muammolari. //Hayot va qonun. 2002. №2. B.54; Safarov Dj.I. O'zbekiston Safarov D.J. Respublikasida ekologik qonunchilikni tizimlashtirish va kodifikatsiyalash masalalari: yurid. fan. nomz. diss. Avtoreferati. –T.:2011;

Nurmatov M.M. Ekologik-huquqiy javobgarlik. O'quv qo'llanma. –T.: Sano Standart, 2011. B. 17-18,

Rajabov N.SH Энергетическое Право. Darslik.-Toshkent 2023. 171-185.B.,

Narzullayev.O.H Energetika huquqi. O'quv qo'llanma.-Toshkent 2023. 140-150.B

⁸ Ayubov T.U. Yer munosabatlarini tartibga solish. //Hayot va qonun. 1999. №1. B. 46-52.; Aripov D.U. O'zbekiston Respublikasining "Chiqindilar to'g'risida"gi qonuniga sharh. –T.:TDYUI, 2007. 89 b.

⁹ Макокин А. В. Правовое положение эксплуатирующей организации атомных станций России: дисс. ... канд. юрид. н. — Ростов-н/Д., 2006. — 210 с.

¹⁰ Васильева Л. Ф. Гражданско-правовая ответственность за вред, причиненный радиационным воздействием при использовании атомной энергии в мирных целях: дисс. ... канд. юрид. н.:— Оренбург, 2010. — 198 с.

¹¹ Грищенко А. И. Особенности лицензирования деятельности в области использования атомной энергии в мирных целях: дисс. ... канд. юрид. н.: 12.00.14. — М., 2002. — 253 с

oshirilayotgan chora-tadbirlarning samaradorligini baholash hamda muammolarni tahlil qilish asosida qonunchilikni takomillashtirish bo'yicha xulosa va takliflar shakllantirishdan iboratdir.

Tadqiqotning vazifalari:

atom energiyasidan foydalanishda atrof-muhit xavfsizligi tushunchasi bo'yicha ilmiy konsepsiyalar, doktrinalar va prinsplarni tahlil qilish orqali yangi ilmiy-nazariy g'oyalar ishlab chiqish;

atom energiyasidan foydalanishda ekologik xavfsizlikni ta'minlash sohasidagi qonunchilik rivojlanish bosqichlarini tadqiq etish va huquqiy kvalifikatsiyasini amalga oshirish;

atom energetikasi obyektlarini loyihalash, qurish foydalanish, radioaktiv chiqindilarni boshqarish va AESlarni foydalanishda chiqarish bosqichlarida yuzaga keladigan asosiy ekologik xavflarni aniqlash;

atom energiyasidan foydalanishda ekologik xavfsizlikni ta'minlash sohasida davlat boshqaruv faoliyatini huquqiy tartibga solish mexanizmlari yuzasidan tavsiyalar ishlab chiqish;

atom energetika kompleksi obyektlarida ishlarni bajarishda mavjud ekologik va huquqiy talablarni aniqlash va tizimlashtirish;

eng yaxshi xorijiy tajribalarni O'zbekiston Respublikasi qonunchiligiga kiritish imkoniyatini aniqlash uchun ilg'or xalqaro tajribani o'rganish;

atom energiyasidan foydalanishda ekologik xavfsizlikni ta'minlash sohasida jamoatchilik va fuqarolik jamiyati institutlari ishtiroki yuzasidan takliflar shakllantirish;

atom energetikasi sohasida xavfsizligini ekologik va huquqiy ta'minlash sohasidagi munosabatlarni huquqiy tartibga solish samaradorligini oshirishga qaratilgan xulosalar va ilmiy tavsiyalar berish.

Tadqiqot obyekti O'zbekistonning atom energetikasining rivojlanishi va atrof-muhit va odamlarning sog'lig'ini ushbu sohadagi mumkin bo'lgan salbiy ta'sirlardan himoya qilish bilan bog'liq bo'lgan ijtimoiy munosabatlar hisoblanadi.

Tadqiqotning usullari. Tadqiqot ishini yozishda induksiya, deduksiya, tarixiy, mantiqiylik, tizimlilik, qiyosiy-huquqiy, statistik, so'rovnoma o'tkazish, analiz, sintez kabi usullardan foydalanilgan.

Tadqiqotning ilmiy yangiligi quyidagilardan iborat:

atom elektr stansiyalari orqali elektr energiyasi ishlab chiqarish jarayoni yuqori darajada xavfli bo'lib, atrof-muhit va inson salomatligiga ta'sir ko'rsatishi mumkinligi, shuning uchun ushbu faoliyatni litsenziyalanuvchi faoliyat turlariga kiritish muhim ekani va litsenziyalash tizimi AESlarning ekologik xavfsizlik talablariga qat'iy rioya qilishini ta'minlab, radiatsion chiqindilar nazoratini kuchaytirishi, bu esa atrof-muhitga zarar yetkazilishining oldini olish, barqaror energetika rivojini qo'llab-quvvatlash va ekologik xavflarni kamaytirishga xizmat qilishi xalqaro tajriba asosida asoslab berilgan;

atrof-muhitga ta'sir ko'rsatishning I va II toifalariga mansub AESlar loyiha hujjatlarida o'z va tutash hududlarda "yashil belbog'"lar barpo etish hamda ko'klamzorlashtirish tadbirlarini amalga oshirish majburiyatini belgilashni, ushbu yondashuv radiatsion ifloslanish xavfini kamaytirib, biologik xilma-xillikni

saqlashga, atmosferadagi uglerod balansini tartibga solishga, zararli gazlarni yutib, atrof-muhitni ifloslanishdan himoya qilishi va AESlarning ekologik ta'sirini minimallashtirishga xizmat qilishi asoslangan;

atom elektr stansiyalaridan foydalanishda radiatsion xavfsizlikni ta'minlash, ekotizimga salbiy ta'sirni kamaytirish, AESlarni xavfsiz ekspluatatsiya qilish, foydalanishdan chiqarish bosqichida xavfsizlikni ta'minlash va xalqaro standartlarga muvofiqlikni ta'minlash yuzasidan atom elektr stansiyalarini joylashtirish, loyihalash, qurish, ishga tushirish, ishlatish va foydalanishdan chiqarishda atom energiyasidan foydalanish sohasidagi qonun normalarga va qoidalarga rioya qilishi shartligi asoslab berilgan;

yadro chiqindilarining uzoq muddatli xavfsizligi, atrof-muhitning radiatsion ifloslanishdan himoyasi, hududning qayta foydalanish imkoniyati, AESlar uzoq muddat ishlashga mo'ljallangan bo'lsada, ularning ekspluatatsiyadan chiqarilishi juda katta moliyaviy resurslarni talab qishi va xalqaro ekologik talablar va yadro xavfsizligi standartlariga mosligidan kelib chiqib, yadro qurilmasi (xususan, atom elektr stansiyasi) joylashuv loyihalari uning xavfsiz ekspluatatsiyadan chiqarilishini ta'minlovchi yechimlarni o'z ichiga olishi shart bo'lishi asoslab berilgan.

Tadqiqotning amaliy natijalari quyidagilardan iborat:

atom elektr stansiyalaridan foydalanishda ekologik xavfsizlik, atom energetika obyektlari, atom energiyasi sohasida davlat ekologik nazorati haqida tushuncha shakllantirish hamda uning huquqiy maqomini mustahkamlash yuzasidan qonunchilikka takliflar berilgan;

xalqaro hujjatlar va xorijiy davlatlar tajribasi o'rganilib, O'zbekiston Respublikasining «Yadro xavfsizligi to'g'risida»gi konvensiyaga», «Yadroviy avariya yoki radiologik favqulodda vaziyatlarda yordam ko'rsatish to'g'risida»gi konvensiyaga, «Yadroviy zarar uchun fuqarolik javobgarligi to'g'risida»gi Vena konvensiyasi va «Yadroviy energiya sohasida uchinchi shaxslarning javobgarligi to'g'risida»gi Parij konvensiyasiga qo'shilishining ijobiy tomonlari tahlil qilinib, takliflar ilgari surilgan;

atom energetikasi majmuasi obyektlarida yuzaga kelishi mumkin bo'lgan, bunday avariya natijasida texnogen xususiyatli favqulodda vaziyatlarning oqibatlarini yumshatishga qaratilgan avariylarning oldini olishga qaratilgan atrof muhit xavfsizligi konsepsiyasi ishlab chiqilishi bo'yicha tavsiyalar ilgari surilgan;

atom energetika kompleksi obyektlarini loyihalash, joylashtirish, qurish, foydalanish va tugatishga qo'yiladigan bunday ekologik va huquqiy talablar xodimlarning, aholining va tabiiy muhitning zararli radioaktiv chiqindilar bilan radiatsiyaviy ifloslanishining, baxtsiz hodisalar oqibatlarining oldini olishga, shuningdek, yuzaga kelishi mumkin bo'lgan salbiy ekologik ta'sirlarni minimallashtirishga qaratilgan atom energetikasi obyektlarida xavfsizlikni huquqiy tartibga solishning ekologik me'yorlarini ishlab chiqish zarurligi asoslashga harakat qilingan;

atom energiyasidan foydalanish sohasida ish yuritish uchun ruxsatnoma berish tartibini tartibga soluvchi Vazirlar Mahkamasining «Atom energiyasidan foydalanish sohasida ish yuritish huquqini beruvchi ruxsatnoma berish tartibini

tasdiqlash to'g'risida"gi qarori ishlab chiqilishi va qabul qilinishi bo'yicha tavsiyalar ilgari surilgan.

Tadqiqot natijalarining ishonchligi. Tadqiqot natijalari milliy qonunchilik normalari, huquqni qo'llash amaliyoti materiallari, xalqaro va xorijiy mamlakatlarning qonunchiligi normalarining tahlil qilinganligi, rasmiy manbalar hamda ilmiy adabiyotlarga asoslanganligi, olingan xulosalar hamda takliflarning joriy etilganligi tegishli davlat organlari tomonidan tasdiqlanganligi bilan izohlanadi.

Tadqiqot natijalarining ilmiy va amaliy ahamiyati. Tadqiq natijalarining ilmiy ahamiyati qonun ijodkorligida, huquqni qo'llash amaliyotida atom energiyasidan foydalanishda atrof muhitni muhofaza qilish sohasidagi qonun hujjatlarini rivojlantirish hamda ularning ilmiy-nazariy tahlili asosida olingan natijalardan ushbu yo'nalishdagi metodologik yondashuvlarni takomillashtirishda foydalanilishi bilan izohlanadi. Tadqiqot natijalarining amaliy ahamiyati atom energiyasidan foydalanishda ekologik xavfsizlikni ta'minlash sohasidagi qonun hujjatlarini takomillashtirishda hamda huquqni qo'llash amaliyotini rivojlantirishda, radioaktiv chiqindilarni saqlash va ularni qayta ishlashning innovatsion usullarini qo'llash sohasidagi qonun hujjatlarini inventarizatsiyadan o'tkazishda, shuningdek mazkur yo'nalishda tegishli vakolatga ega davlat organlari va nodavlat notijorat tashkilotlarning atom energetika obyektlarini loyihalashdan to uni ekspluatatsiya qilish jarayonidagi faoliyatini takomillashtirishga bag'ishlangan qonun hujjatlari, shu jumladan, O'zbekiston Respublikasi Vazirlar Mahkamasining "Atom energiyasidan foydalanish sohasida ish yuritish huquqini beruvchi ruxsatnoma berish tartibini tasdiqlash to'g'risida"gi qarori va "Energetika xavfsizligi" konsepsiyasi loyihalarini ishlab chiqishga xizmat qiladi.

Tadqiqot natijalarining joriy qilinishi. Atom energiyasidan foydalanishda ekologik xavfsizlikni huquqiy ta'minlash masalalari mavzusidagi dissertatsiya ishi bo'yicha olingan ilmiy natijalardan quyidagilarda foydalanilgan:

atom elektr stansiyasi orqali elektr energiyasini ishlab chiqarish faoliyatini litsenziyalanuvchi faoliyat turiga kiritish to'g'risidagi taklifidan O'zbekiston Respublikasining 2024-yil 7-avgustdagi O'RQ-939-sonli Qonunining 65-moddasini ishlab chiqishda foydalanilgan. (O'zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasi huzuridagi Parlament tadqiqotlari institutining 2024-yil 21-sentabrdagi №3/08-180-sonli dalolatnomasi). Mazkur taklif atom elektr stansiyasi orqali elektr energiyasini ishlab chiqarish faoliyatini litsenziyalanishini ta'minlagan;

atrof-muhitga ta'sir ko'rsatishning I va II toifalariga mansub sanoat korxonalarini loyiha hujjatlarida o'z va tutash hududlarida "yashil belbog'"lar barpo etilishi va ko'kalamzorlashtirish tadbirlarini amalga oshirish haqidagi taklifidan O'zbekiston Respublikasi Vazirlar Mahkamasining 2024-yil 3-iyuldagi 381-sonli "O'zbekiston Respublikasi Hukumatining ayrim qarorlariga sohalar va tarmoqlarda ekologik vaziyatni yaxshilashga qaratilgan o'zgartirish va qo'shimchalar kiritish to'g'risida" qarorining b) badini shakllantirishda foydalanilgan. (O'zbekiston Respublikasi Ekologiya, atrof-muhitni muhofaza qilish va iqlim o'zgarishi vazirligining 2024-yil 18-sentabrdagi 03-03/39108-sonli dalolatnomasi). Mazkur taklifning amalga kiritilishi nafaqat atrof-muhitga jiddiy zarar keltiriladigan

obyektlarda balki, O‘zbekistonda qurilishi rejalashtirilayotgan AESlar atrofida “yashil belbog‘”lar barpo etilishi va ko‘kalamzorlashtirishga olib kelgan;

atom elektr stansiyalarini joylashtirish, loyihalash, qurish, ishga tushirish, ishlatish va foydalanishdan chiqarishda atom energiyasidan foydalanish sohasidagi qonun normalarga va qoidalarga rioya qilishi shartligi to‘g‘risidagi taklifi “Tabiatni muhofaza qilish to‘g‘risida”gi qonuni takomillashtirishga berilgan takliflari foydalanish uchun qabul qilingan. (O‘zbekiston Respublikasi Ekologiya, atrof-muhitni muhofaza qilish va iqlim o‘zgarishi vazirligining 2024-yil 18-sentabrdagi 03-03/39108-sonli dalolatnomasi). Mazkur taklif atom elektr stansiyalarini joylashtirish, loyihalash, qurish, ishga tushirish, ishlatish va foydalanish bog‘liq munosabatlarni asosiy qonun hisoblangan “Tabiatni muhofaza qilish to‘g‘risida”gi qonunda mustaxkamlanishini ta’minlagan;

radiatsiyaviy va yadroviy inshoot obyektlarini joylashtirish, loyihalash, qurish, o‘zgartirish, ishga tushirish va ulardan foydalanishga nisbatan qo‘llaniladigan atrof-muhitni muhofaza qilish qoidalarni ishlab chiqish to‘g‘risidagi “Tabiatni muhofaza qilish to‘g‘risida”gi qonuni takomillashtirishga berilgan takliflari foydalanish uchun qabul qilingan. (O‘zbekiston Respublikasi Ekologiya, atrof-muhitni muhofaza qilish va iqlim o‘zgarishi vazirligining 2024-yil 18-sentabrdagi 03-03/39108-sonli dalolatnomasi). Mazkur taklif radiatsiyaviy va yadroviy inshoot obyektlarini joylashtirish, loyihalash, qurish, o‘zgartirish, ishga tushirish va ulardan foydalanishga nisbatan qo‘llaniladigan atrof-muhitni muhofaza qilish qoidalarni asosiy qonun hisoblangan “Tabiatni muhofaza qilish to‘g‘risida”gi qonunda mustahkamlanishini ta’minlaydi.

Tadqiqot natijalarining aprobatsiyasi. Mazkur tadqiqot natijalari 2 ta ilmiy-amaliy anjumanda, jumladan 2 ta xalqaro, 2 ta respublika ilmiy-amaliy anjumanlarida muhokamadan o‘tkazilgan.

Tadqiqot natijalarining e‘lon qilinganligi. Dissertatsiya mavzusi bo‘yicha jami 20 ta ilmiy ish, shu jumladan, 9 ta ilmiy maqola (shundan 5 tasi xorijiy jurnallarda), to‘plamlarda 11 ta maqola va tezislar (5 tasi xalqaro ilmiy-amaliy konferensiya materiallari to‘plamida) chop etilgan.

Dissertatsiyaning tuzilishi va hajmi. Dissertatsiya kirish, 3 bob, xulosa, foydalanilgan adabiyotlar ro‘yxati va ilovalardan iborat. Dissertatsiyaning hajmi 156 betni tashkil etadi.

DISSERTATSIYANING ASOSIY MAZMUNI

Dissertatsiya ishining kirish qismida ilmiy-tadqiqot mavzusining dolzarbligi va zarurati asoslantirilgan, tadqiqotning maqsadi va vazifalari, obykti va predmeti yoritilgan, shuningdek, dissertatsiyaning mavzusi bo‘yicha xorijiy ilmiy tadqiqotlar sharhi, respublika fan va texnologiyalarini rivojlantirishning ustuvor yo‘nalishlariga mosligi asoslantirilgan, muammoning o‘rganilganlik darajasi, mavzuning dissertatsiya bajarilayotgan oliy ta‘lim muassasasining ilmiy-tadqiqot ishlari rejasi bilan aloqadorligi, usullari, ilmiy va amaliy ahamiyati ochib berilgan, Shuningdek, tadqiqotlar natijalarining amaliyotga joriy qilinishi aprobatsiyasi, nashr etilgan ishlar va dissertatsiyaning hajmi haqida ma‘lumotlar keltirilgan.

Dissertatsiyaning “Atom energiyasidan foydalanishda ekologik xavfsizlikni huquqiy ta’minlashning umumiy tavsifi” deb nomlangan birinchi bobida Mazkur sohada milliy olimlar J.T. Xolmo’minov, N.Sh. Rajabov, O.X. Narzullayev, Sh.X. Fayziyev va K.R. Bobonazarov, shuningdek xorijiy olimlar A.N. Metelkov, V.I. Telegin, N.A. Robinson, K.R. Foust va M. de L. Vez Carmonalarning ilmiy ishlari o’rganilib, ularning tahlili asosida shaxsiy qarashlar ilgari surilgan. Mazkur ilmiy yondashuvlar asosida atom energiyasidan foydalanishda ekologik xavfsizlikni ta’minlashning tushunchasi, tamoyillari va uning tarixi, atom energiyasidan foydalanishda ekologik xavfsizlikni ta’minlashning xalqaro huquqiy asoslari, atom energiyasidan foydalanishda atrof-muhitni muhofaza qilish bo’yicha institutsional milliy-huquqiy tizimni ishlab chiqish masalalari ilmiy tahlil qilingan.

Zamonaviy dunyoda yadro energiyasi sanoatda, tibbiyotda, dengiz flotida, kosmik kemalarni ishlatishda va ilmiy tadqiqotlarda faol qo’llaniladi. Atom energiyasidan sanoatda foydalanishning eng keng tarqalgan maxsus holati uni energetika sohasida qo’llashdir. Atom energetikasi energetika sanoatining mustaqil tarmog’i bo’lib, uning xususiyatlari unda atrof-muhitni muhofaza qilishni huquqiy tartibga solish xususiyatlarini belgilaydi.

Tadqiqot natijalariga ko’ra, Atom elektr stansiyasining normal ishlashi vaqtida radioaktiv moddalarning chiqindilari natijasida atrof-muhitga radiatsiya ta’siri tabiiy radiatsiya fonidan sezilarli darajada past bo’lib, texnik tashkiliy chora-tadbirlar majmuasi orqali erishiladi. Dunyoning uchta hududida joylashgan AESdagi (AQSh, 1979 yil) va Chernobil AESdagi (SSSR, 1986 yil) Fukusima AESdagi (Yaponiya 2011) avariylarning og’ir oqibatlari hammaga ma’lum. Mavjud ma’lumotlarga ko’ra, butun dunyo bo’ylab AESda radioaktivlik sizib chiqishi bilan bog’liq 150 dan ortiq avariylar qayd etilganni xar qanday AES qurishni rejalashtirayotgan davlatni hushyorlikka chaqiradi va bu masalada yetti o’ylab bir kesish kerak degan fikrga olib keladi.

Shu sababli mazkur tadqiqotda atom elektr stansiyalarining o’n to’qqizinchi asr oxirida tamal toshini qo’yilishidan tortib bugungi kungacha bo’lgan rivojlanish jarayonlari ilmiy asoslangan holda tahlil qilindi. Jumladan, Genri Bekkerelga borib taqaladi. Genri Bakerelning tabiiy radioaktivlikni kashf etishi, Ernest Ruterford tomonidan atom tuzilishini tushunishdagi innovatsion ishlari, shuningdek Maks Plank, Albert Eynshteyn, Niels Bor, Lui de Broyl, Verner Heisenberg, Ervin Shredinger, Pol Dirak kabi buyuk olimlar izlanishlar olib borib atom energiyasi sohasida ulkan qadamlar tashlanishiga erishganligi dissertatsiyada atroflicha yoritilgan.

Bundan tashqari, dissertatsiyada atom energiyasidan foydalanishda xavfsizlikni ta’minlashning huquqiy rejimining yetarli darajada ishlashi uchun zarur bo’lgan yadro xavfsizligi, yadroviy avariya, yadroviy xavf va boshqa tushunchalarga mualliflik ta’riflari ishlab chiqilib ilmiy tahlil qilingan.

Dissertant tomonidan tarixiy-tadrijiy bosqichlar u yoki bu davr xususiyatidan kelib chiqqan holda nazariyotchi olimlar, futuralistlar tomonidan ishlab chiqilgan turli ekologik konsepsiyalar yuzasidan mulohaza yuritilgan, ayrim nazariy konsepsiyalar tanqidiy tahlil qilinib, muhim mualliflik yondashuv va g’oyalar bayon etilgan. Bunda 2018-2024-yillar davomida qabul qilingan normativ xujjatlarda atom

yadro energetika obyektlariga normativ huquqiy jihatdan ta'rifning mavjud emasligi sababli xalqaro va milliy olimlar tomonidan berilgan fikrlar yuzasidan ilmiy palemikaga kirishilib, mustaqil pozitsiyalar bildirilgan. Shuningdek, atom elektr stansiyasi ishlash jarayonida Radioaktiv chiqindilar chiqargani sababli. Bu chiqindilarni zararsizlantirish yuzasidan olib borilgan xalqaro tajriba o'rganildi. Jumladan, tadqiqot natijalarida Ispaniya, Kanada, AQSh, Finlyandiya, Shvetsiya tajribasida Radioaktiv chiqindilarni qayta ishlashdan ko'ra ularni ellik yil davomida saqlashni tanlaganliklari va bu orqali masalaga ijobiy yechim berganliklari tahlil qilindi.

Dissertatsiyada ustuvor g'oya sifatida - yadro energiyasidan foydalanishda ekologik xavfsizlikni ta'minlashga qaratilgani, yadro energiyasi ishlab chiqarish bilan bog'liq atrof-muhit xavflarini kamaytirishga yo'naltirilgan strategiyalar, texnologiyalar va siyosatlarni ishlab chiqish hamda tahlil qilish, shuningdek, yadroviy chiqindilarni xavfsiz boshqarish, saqlash va uni yo'q qilish usullarini, ehtimoliy avariya yoki radioaktiv moddalarning tashqariga chiqishining oldini olish va ularning ta'sirini yumshatish choralarini, shuningdek, yadro energiyasining boshqa energiya manbalariga nisbatan atrof-muhitga umumiy ta'sirini baholashni qamrab olishi bayon qilingan.

Bunda, atom energiyasi bilan bog'liq potensial xavflarni, jumladan kundalik faoliyatlar va ehtimoliy baxtsiz hodisalarni baholash hamda ushbu xavflarni boshqarish va kamaytirish usullarini ishlab chiqish, yadroviy chiqindilarni xavfsiz ko'mish va saqlashning zamonaviy usullarini tadqiq qilish, shuningdek, yadroviy materiallarni qayta ishlash yoki qayta foydalanish imkoniyatlarini o'rganish muhimligi bildirilgan.

Dissertatsiyaning konseptual jihatlaridan biri bu - "Yadro chiqindilarini barqaror boshqarish" masalasi hisoblanadi. Ushbu tushuncha qisqa va uzoq muddatli istiqbolda atrof-muhitga ta'sirini eng kam darajaga tushiradigan tarzda yadro chiqindilarini boshqarish strategiyalarini ishlab chiqish va joriy etishni o'z ichiga oladi. Shu sababli **yadro chiqindilarini inson salomatligi yoki atrof-muhitga xavf tug'dirmasligini ta'minlagan holda xavfsiz joylashtirish, saqlash va ulardan qayta foydalanish yoki qayta ishlash usullarini** tartibga soluvchi "Radioaktiv chiqindilarni boshqarish" to'g'risida qonun qabul qilish taklifi ilgari surilgan.

Dissertatsiyaning ikkinchi bobi "Atom elektr stansiyalarining qurish uchun ekologik huquqiy talablar"ga bag'ishlanadi. Bunda atom elektr stansiyalarining radioaktiv chiqindilarini boshqarish sohasidagi ekologik-huquqiy talablar, yadro xavfsizligi sohasidagi milliy va xalqaro organlarning tizimi va ularning vakolatlari, atom elektr stansiyalarini joylashtirish uchun xalqaro ekologik standartlar va ularni joylashtirish va qurishning o'ziga xos xususiyatlariga oid masalalar milliy olimlar A.B. Nabiyeu, J.T. Xolmo'minov, N.Sh. Rajabov, O.X. Narzullayev, Sh.X. Fayziyev va K.R. Bobonazarovlarning tadqiqotlari hamda xorijiy olimlardan Duglas Almond, Lena Edlund va Marten Palmelaning Chernobil halokati oqibatida Shvesiya aholisiga yetkazilgan zarar, I.I. Kryshev, L.A. Kuryndina va I.I. Lingelarning atom energiyasining atrof-muhitga ta'sirini baholash metodologiyasi, E.A. Amoako, E.H.K. Akaho, B.J. Nyarko va I. Ennisonlarning Gana davlatida atom energiyasidan foydalanish bilan bog'liq ekologik xavflar va uning o'ziga xos

jihatlari, shuningdek A.C. Violentaning atom energiyasining atrof-muhitga ta'siriga oid ilmiy qarashlari asosida ilmiy tadqiq qilingan.

Mazkur bobda dissertant atom elektr stansiyalarni loyihalash, qurish, foydalanish, foydalanishdan chiqarish va radioaktiv chiqindilarni boshqarish bilan bog'liq xalqaro va milliy ekologik standartlarni tahlil qilgan.

Tahlil natijasida dissertant, atom energetikasida atrof-muhitni muhofaza qilish samaradorligini oshirishga jamoat birlashmalarining davlat organlari va ularning mansabdor shaxslari, mutaxassislari, korxon vakillari bilan hamkorligi kabi ilg'or usulni joriy etish yordam berishini MAGATE talablari, va xorijiy davlatlar tajribasi asosida asoslab tahlil qiladi va ushbu imkoniyatlarni amalga oshirish uchun atrof-muhitni muhofaza qilishni boshqarishda jamoatchilik ishtirokining protsessual tartibining huquqiy asosini shakllantirish taklifini ilgari suradi.

Bundan tashqari, Atrof muhitga ta'sir ko'rsatishning I va II toifalariga mansub faoliyat turlari obyektlari qurilishi uchun yer uchastkalarini tanlash, ajratish materiallari, qurilish va ishga tushirish, texnologik o'zgartirishlarni o'z ichiga olgan ishlab chiqarishni kengaytirish va o'zgartirish bilan bog'liq loyihaoldi va loyiha hujjatlari belgilangan tartibda jamoatchilik eshituvlarida qo'llab-quvvatlangan taqdirda davlat ekologik ekspertizasi kerakligi taklifini ilgari suradi.

Dissertant yuqoridagilarga ko'ra, atom energiyasidan foydalanishda ekologik xavfsizlik va inson salomatligini radioaktiv chiqindilar ta'siridan asrash yuzasidan milliy qonunchiligimizda normativ huquqiy baza yetarli emasligini ta'kidlab, **"Atom energiyasidan foydalanish sohasidagi o'ta xavfli va yadroviy xavfli ishlab chiqarishlar va obyektlardan foydalanadigan tashkilotlar xodimlarining intizomi to'g'risida"**gi nizomni ishlab chiqish lozimligini va bu qoidalarning amaliyotda nechog'lik muhimligini xorijiy davlatlar amaliyoti misolida tahlil qilib beradi.

Tadqiqot jarayonida atom elektr stansiyalarini ekologik ekspertizadan o'tkazishga alohida e'tibor berib, milliy qonunchilikda mavjud bo'lmagan to'rt yo'nalishdagi AESlarni ekologik ekspertizadan o'tkazish lozimligini ilgari suradi. Bunda, Radiatsiyaviy ta'sir; Kimyoviy ta'sir; Termal (issiqlik va namlik) ta'sirlar; Ilgari aholi soni kam bo'lgan hududda, keyinchalik mintaqaning urbanizatsiyasi natijasida yuzaga kelgan ta'sirlar hisobga olingan holda ekologik ekspertiza o'tkazish lozimligi ilgari suriladi va buning huquqiy asoslarini ishlab chiqish kerakligi ta'kidlanadi. Shu nuqtayi nazardan O'zbekiston Respublikasi Vazirlar Mahkamasining 2020-yil 17-iyundagi 390-son qarori bilan tasdiqlangan Atom energiyasidan foydalanish obyektlari va (yoki) atom energiyasidan foydalanish sohasidagi faoliyat (ish) xavfsizligini asoslash yuzasidan ekspertiza o'tkazish tartibi to'g'risidagi nizomga alohida bob shaklida ekologik ekspertiza o'tkazishning tartibi ishlab chiqiladi.

Dissertant Atom elektr stansiyalaridan foydalanish taraqqiy etgan davlatlar AQSH, Yaponiya, Janubiy Koreya, Fransiya tajribasini o'rgangan holda AESlarni ishlash muddatlarini qonun bilan belgilashni taklif qiladi va o'rganish natijasida eng yaxshi amaliyot Yaponiyadalgini ta'kidlab "Atom energiyasidan tinchlik maqsadlarida foydalanish to'g'risida" qonunga atom energetikasi obyektlarining

ishlash muddati 40 yil etib belgilagan holda va "O'zatom" agentligi tomonidan tasdiqlangan holda bir martalik 20 yilga uzayishi mumkinligi haqida qoidalar kiritish lozimligini ilgari suradi.

Dissertatsiyaning uchinchi bobi **atom energiyasidan foydalanish (atrof muhit xavfsizligi) sohasini huquqiy tartibga solish istiqbollari** deb nomlanib unda atrof-muhitga ta'sirni baholash va yadroviy xavfsizlik sohasida ekologik ekspertiza va ruxsatnomalar (litsenziyalar) olish tartibi, atom energetikasi obyektlarini loyihalash, joylashtirish, qurish, foydalanish va foydalanishdan chiqarish uchun ekologik va huquqiy talablar va atom energetika obyektlarida davlat ekologik nazoratini amalga oshirish tartibi va bu sohadagi huquqbuzarlik uchun yuridik javobgarlik masalalari ilmiy-nazariy jihatdan o'rganiladi.

Shuningdek, "Atom energiyasidan tinchlik maqsadlarida foydalanish to'g'risida"gi qonunining 56-moddasiga ko'ra, atom energiyasidan foydalanish to'g'risidagi qonunchilikni buzganlikda aybdor shaxslar belgilangan tartibda javobgar bo'lishi belgilangan. Biroq qonunda javobgarlik subyekti bo'lishi mumkin bo'lgan toifalar keltirib o'tilmagani sababli. Mazkur moddanning ikkinchi qismi sifatida javobgarlikka tortilishi mumkin bo'lgan subyektlarni aniqlashtirish lozimligini ilmiy asoslab berilgan va mazkur moddaga qo'shimcha kiritish bilan bog'liq takliflar ishlab chiqilgan.

Bundan tashqari AESlar faoliyatida sodir qilinadigan ma'muriy va jinoiy huquqbuzarliklar Yevropa Ittifoqi, AQSH, Yaponiya va boshqa davlatlar qonunchiliklari o'rganilgan holda ma'muriy va jinoyat kodekslarini takomillashtirishga qaratilgan takliflar ishlab chiqildi va qonunchilikka o'zgartirish va qo'shimchalar kiritish to'g'risida qonun loyihasi tayyorlangan.

XULOSA

Atom energiyasidan foydalanishda ekologik xavfsizlikni huquqiy ta'minlash masalalari tadqiqot ishi natijasida quyidagi ilmiy-nazariy hamda amaliy taklif va xulosalar ishlab chiqildi:

I. Ilmiy- nazariy taklif va xulosalar:

1. Tadqiqotlar natijasida shaxs, jamiyat va davlatning hayotiy manfaatlarini himoya qilish, atom energetikasi majmuasi obyektlarida yuzaga kelishi mumkin bo'lgan, ularning ishlashi (foydalanishi) uchun tegishli shart-sharoitlarni ta'minlash orqali erishilgan, shuningdek, bunday avariya natijasida texnogen xususiyatli favqulodda vaziyatlarning oqibatlarini yumshatishga qaratilgan avariya natijasidagi oldini olishga qaratilgan atrof muhit xavfsizligi konsepsiyasini ishlab chiqish taklif etildi. Muallif yadro va radiatsiya xavfsizligini huquqiy tartibga solish sohalarini chegaralash mezonlarini belgilab berdi.

2. Atom energetika kompleksi obyektlarini loyihalash, joylashtirish, qurish, foydalanish va tugatishga qo'yiladigan bunday ekologik va huquqiy talablar xodimlarning, aholining va tabiiy muhitning zararli radioaktiv chiqindilar bilan radiatsiyaviy ifloslanishining, baxtsiz hodisalar oqibatlarining oldini olishga, shuningdek, yuzaga kelishi mumkin bo'lgan salbiy ekologik ta'sirlarni minimallashtirishga qaratilgan. Atom energetikasi obyektlarida xavfsizlikni huquqiy tartibga solishning ekologik me'yorlarini ishlab chiqish taklif qilindi

3. Atom energiyasidan foydalanish sohasidagi faoliyat transchegaraviy xarakterga ega bo'lib, bu butun atrof-muhitga va uning alohida elementlariga, takror ishlab chiqarish o'nlab yillar davom etishi mumkin bo'lgan ekotizimning amalda yo'q qilinishigacha ta'sir qilishi mumkin bo'lgan potensial ekologik xavflarni keltirib chiqarishini hisobga olib, ushbu sohadagi huquqiy tartibga solish xalqaro xavfsizlik normalari va tamoyillariga asoslanishi, aniq profilaktika xarakteriga ega bo'lishi hamda atrof-muhitga ta'sir etuvchi davlat qarorlarini tayyorlashda ishtirok etishning shaffofligini ta'minlash yuzasidan normativ huquqiy hujjat ishlab chiqish lozim bo'ladi.

4. Atom energetikasi obyektlari – tushunchasiga mualliflik ta'rifi ishlab chiqildi. Unga ko'ra, atom energetikasi obyektlari - bu yadro reaktorlari bo'lgan inshootlar va komplekslar, shu jumladan atom stansiyalari, sanoat, eksperimental va tadqiqot reaktorlari bo'lgan inshootlar va komplekslar, yadro inshootlari; tinch maqsadlarda foydalanish uchun yadro zaryadlari bo'lgan komplekslar, poligonlar, qurilmalar; yadro yoqilg'isi va yadro materiallarini ishlab chiqarish, ulardan foydalanish, qayta ishlash, tashish uchun boshqa yadro materiallari bo'lgan inshootlar, komplekslar, qurilmalar; radioaktiv moddalarni o'z ichiga olgan yoki ionlashtiruvchi nurlanish hosil bo'lgan komplekslar, qurilmalar, apparatlar, uskunalari va mahsulotlar joylashgan joylar; statsionar obyektlar va inshootlar, yadro materiallari va radioaktiv moddalarni saqlash, radioaktiv chiqindilarni saqlash yoki yo'q qilish uchun mo'ljallangan joylar.

5. Atom energiyasidan foydalanishda ekologik xavfsizlik tushunchasi ishlab chiqildi unga ko'ra, atom energiyasidan foydalanishda ekologik xavfsizlik deganda - Atom energiyasidan foydalanishda atom energiyasi ishlab chiqarishning atrof-muhitga salbiy ta'sirini minimallashtirish uchun amalga oshirilayotgan choratadbirlar va amaliyotlar ya'ni, havo, suv va tuproqning ifloslanishini oldini olish uchun radioaktiv chiqindilarni xavfsiz qayta ishlash, saqlash va yo'q qilish, yadroviy hodisa sodir bo'lgan taqdirda odamlar va atrof-muhitni himoya qilish uchun kuchli favqulodda tayyorgarlik rejalari va javob strategiyalariga ega bo'lish, Radiatsiya yoki ifloslanish belgilarini erta aniqlash uchun yadroviy inshootlar atrofidagi muhitni doimiy ravishda kuzatib borish, samaraliroq va kamroq chiqindi hosil qiluvchi ilg'or reaktor dizaynlaridan foydalanish, Ishonchni mustahkamlash va jamoatchilik muammolarini hal etilishini ta'minlash uchun jamoatchilik bilan hamkorlik qilish kabi jarayonlar yig'indisi tushuniladi.

6. Atom energiyasi sohasida davlat ekologik nazorati tushunchasi ishlab chiqildi unga ko'ra, Atom energiyasi sohasida davlat ekologik nazorati yadro texnologiyasidan xavfsiz va ekologik jihatdan mas'uliyatli foydalanishni ta'minlashga qaratilgan keng ko'lamlı faoliyatni o'z ichiga oladi. Bu yadroviy inshootlarni tartibga solish, radioaktiv chiqindilarni boshqarish, radiatsiya darajasini kuzatish, inson salomatligi va atrof-muhitni atom energiyasi bilan bog'liq potensial xavflardan himoya qilishni o'z ichiga oladi. Qisqa qilib aytganda Davlat tomonidan vakolatli ijro etuvchi organning majburiy talablarning bajarilishini muntazam ravishda kuzatib borish, yuridik shaxslar o'z faoliyatini amalga oshirishda ushbu talablarning bajarilish holatini tahlil qilish va prognoz qilish

bo'yicha faoliyati tushuniladi.

7. Atom energiyasidan foydalanish qoidalariga rioya qilmaslik minglab begunoh insonlarni o'limiga sabab bo'ladi. Bu yillar davomida vujudga kelgan AES avariylari ko'rsatib turibdi. Shu sababli BMT huzurida MAGATE tomonidan har 5 yillikda AES larni texnik ko'rikdan o'tkazib turuvchi qo'mita tuzish lozim deb hisoblaymiz. Shuningdek, AES mavjud bo'lgan davlatlarni umumiy tartibda atom energiyasidan foydalanishda qo'llanuvchi yagona konvensiyaga birlashtirish lozim.

8. AES larning joylashuvi bo'yicha jamoatchilik fikrini eshitishni milliy qonunchilikda mustahkamash lozim. O'zbekiston respublikasining "Atom energiyasidan tinchlik maqsadlarida foydalanish to'g'risida" qonuning 3-bobi Yadroviy qurilmani va (yoki) saqlash punktini joylashtirish hamda barpo etish bobida Jamoatchilik fikrini eshitish va ular bilan kelishish tartibini belgilovchi birona qoida topilmaydi. Bu esa bir tomondan MAGATE talablarining buzilishiga olib keladi shu sababli Atom energetikasida atrof-muhitni muhofaza qilish samaradorligini oshirishga jamoat birlashmalarining davlat organlari va ularning mansabdor shaxslari, mutaxassislari, korxonalar vakillari bilan hamkorligi kabi ilg'or usulni joriy etish yordam beradi. Ushbu imkoniyatlarni amalga oshirish uchun atrof-muhitni muhofaza qilishni boshqarishda jamoatchilik ishtirokining protsessual masalalarini qonuniy ravishda hal qilish kerak.

9. Atom elektrostansiyalarining faoliyatini tashkil etish uchun ekspertiza to'rt xil asosiy ko'rsatkich asosida o'tkazilishi nazariy asoslanib, Radiatsion ta'sir; Kimyoviy ta'sir; Termal (issiqlik va namlik) ta'sir larga mualliflik ta'riflari berildi. Radiatsion ta'sir - bu atom elektr stansiyalaridan atmosferaga gaz-aerozol chiqishi va suv havzalariga (odatda sovutish suv havzalariga) oqadigan radionuklidlarning ta'siri. AESning o'z mintaqasi aholisiga radiatsiya ta'siri AESni loyihalash va ishlatish sanitariya qoidalari (AES qo'shma korxonasi) bilan belgilanadi.

Tabiiy muhitga kimyoviy ta'sir (aholining turmush sharoiti, tabiiy obyektlar) atom elektr stansiyasidan tashqaridagi asosiy hamda turli yordamchi sxemalar va binolardan (yuvish vositalari, texnologik uskunalari va materiallarni zararsizlantirish va kimyoviy tozalash vositalari, neft mahsulotlar) turli xil kimyoviy moddalarning chiqishi bilan bog'liq bo'lgan kimyoviy ta'sir.

Termal ta'sir AESdan chiqarilgan ortiqcha issiqlikning sovutish suv havzalariga yoki sovutish minoralari orqali ta'sir ko'rsatishi sifatida baholanadigan, AESlarning sovutish suv havzasi va qirg'oq bo'yidagi yer ekotizimlarining xususiyatiga ta'siri yoki yer usti ekotizimlariga issiqlik va namlik ta'siri.

II. Tadqiqot natijalari bo'yicha — qonunchilik normalarini takomillashtirish va amaliyotga yo'naltirilgan quyidagi taklif va xulosalar ishlab chiqildi:

1. "Tabiatni muhofaza qilish to'g'risida"gi qonun AESlardan foydalanish bilan bog'liq modda bilan to'ldirilishi maqsadga muvofiq. Shu sababli mazkur qonun 42¹-modda Atom energiyasidan foydalanish. Atom stansiyalarini joylashtirish va faoliyatini to'xtatish atom stansiyalarini joylashtirish, loyihalash,

qurish, ishga tushirish, ishlatish va foydalanishdan chiqarishda atom energiyasidan foydalanish sohasidagi qonun normalarga va qoidalarga rioya qilishi shart deb nomlanuvchi modda bilan to'ldirilishi lozim.

2. "Tabiatni muhofaza qilish to'g'risida"gi qonun 42²-modda Radiatsiyaviy va yadroviy inshoot obyektlarini joylashtirish, loyihalash, qurish, o'zgartirish, ishga tushirish va ulardan foydalanishga nisbatan qo'llaniladigan atrof-muhitni muhofaza qilish qoidalari deb nomlanuvchi modda bilan to'ldirilishi lozim unga ko'ra:

Atom elektr stansiyalari, shu jumladan atom energiyasi qurilmalarini joylashtirish, loyihalash, qurish, ishga tushirish va ishlatish jarayonida quyidagilar ta'minlanishi lozim: atrof-muhitni bu qurilmalarning radiatsiya ta'siridan himoya qilish; texnologik jarayonning belgilangan tartibi va me'yorlariga rioya etish; radiatsiyaviy xavfsizlik sohasida davlat nazorati va tekshiruvini amalga oshirishga vakolatli ijro organlari tomonidan belgilangan talablarni bajarish; atom energiyasi xavfsizligini davlat tomonidan tartibga solish; O'zbekiston Respublikasi qonunchiligi hamda xalqaro huquqning umume'tirof etilgan tamoyillari va normalari asosida atrof-muhit va aholi uchun to'liq radiatsiyaviy xavfsizlikni ta'minlash choralarini ko'rish; atom elektr stansiyasi xodimlarini tayyorlash va malakasini oshirish.

Yadro inshootlari, xususan atom elektr stansiyalarining joylashtirilishi, O'zbekiston Respublikasi qonunchiligida talab qilingan davlat ekologik (va boshqa) ekspertiza xulosalarida keltirilgan loyiha hujjatlari va boshqa asoslovchi materiallar asosida amalga oshirilishi lozim. Ushbu hujjatlar yadro inshootlarining ekologik va radiatsion xavfsizligini tasdiqlovchi bo'lishi shart.

Yadro qurilmasi (xususan, atom elektr stansiyasi) joylashuvi loyihalari uning xavfsiz ekspluatatsiyadan chiqarilishini ta'minlovchi yechimlarni o'z ichiga olishi shart.

3. "Atom energiyasidan tinchlik maqsadlarida foydalanish to'g'risida"gi qonunning 56-moddasida Atom energiyasidan foydalanish to'g'risidagi qonunchilikni buzganlik uchun javobgarlik masalasi belgilangan. Biroq moddada javobgarlikka tortiluvchi subyektlar aniqlashtirilmagan. Shu sababli moddaning ikkinchi qismini quyidagi cha bayon qilib javobgarlikka tortiluvchi subyektlarni quyidagicha aniqlashtirish lozim. "Davlat hokimiyati organlari, mahalliy o'zini o'zi boshqarish organlari, atom energiyasidan foydalanishni boshqarish organlari, xavfsizlikni davlat tomonidan tartibga solish organlari, ekspluatatsiya qiluvchi tashkilotlar, ekspluatatsiya qiluvchi tashkilotlar uchun ishlarni bajaradigan va xizmat ko'rsatadigan tashkilotlar, yadroviy qurilmalar xodimlari, radiatsiya manbalari va saqlash punktlari xodimlari, tashkilotlar xodimlari, atom energiyasidan foydalanish sohasida boshqa faoliyatni amalga oshiruvchilar atom energiyasidan foydalanish sohasida huquqbuzarlik subyektlari bo'lishlari mumkin".

4. "Atom energiyasidan tinchlik maqsadlarida foydalanish to'g'risida"gi qonunning 3-moddasi tushunchalar qismida atom energetikasi obyektlari tushunchasiga alohida ta'rif berib o'tish lozim. Chunki bunday inshootlarga alohida ta'rifning bo'lmasligi qanday obyektlar atom energetika obyektlari ekanini aniqlashda tushunmovchiliklar keltirib chiqaradi. Atom energetikasi obyektlari - bu yadro reaktorlari bo'lgan inshootlar va komplekslar, shu jumladan atom

stansiyalari, sanoat, eksperimental va tadqiqot reaktorlari bo'lgan inshootlar va komplekslar, yadro inshootlari; tinch maqsadlarda foydalanish uchun yadro zaryadlari bo'lgan komplekslar, poligonlar, qurilmalar; yadro yoqilg'isi va yadro materiallarini ishlab chiqarish, ulardan foydalanish, qayta ishlash, tashish uchun boshqa yadro materiallari bo'lgan inshootlar, komplekslar, qurilmalar; radioaktiv moddalarni o'z ichiga olgan yoki ionlashtiruvchi nurlanish hosil bo'lgan komplekslar, qurilmalar, apparatlar, uskunalar va mahsulotlar joylashgan joylar; statsionar obyektlar va inshootlar, yadro materiallari va radioaktiv moddalarni saqlash, radioaktiv chiqindilarni saqlash yoki yo'q qilish uchun mo'ljallangan joylar.

5. Ma'muriy javobgarlik to'g'risidagi kodeksida yangi "VI¹-bob radioatsiyaviy va yadroviy inshootlarda huquqbuzarliklar uchun ma'muriy javobgarlik" bobi bilan to'ldirilishi va quyidagi huquqbuzarliklar uchun javobgarlikni belgilovchi 55¹, 55², 55³, 55⁴, 55⁵, 55⁶, 55⁷- moddalar bilan to'ldirilishi lozim. 55¹-modda – AESlar faoliyatida belgilangan normalarni buzish deb nomlanib, atom energiyasidan foydalanish sohasidagi normalar va qoidalarini buzganlik uchun javobgarlik choralari belgilash lozim bo'ladi.

6. 55²-modda – Ruxsat beruvchi hujjatlar shartlarini buzish. Mazkur moddada atom energiyasidan foydalanish sohasida ruxsatnomalar (litsenziyalar) shartlarini buzganlik uchun javobgarlik choralari belgilash lozim bo'ladi.

7. 55³-modda – Atom energetika obyektlarida xavfsizlik qoidalarini buzish. Mazkur moddada yadroviy inshootlarda xavfsizlikni davlat tomonidan tartibga solish organlarining ko'rsatmalarini bajarmaganlik yoki lozim darajada bajarmaganlik uchun javobgarlik choralari belgilash lozim bo'ladi.

8. 55⁴ – modda - Atom energetika obyektlarida tezkor xabar berish qoidalarini buzish. Mazkur moddada yadroviy qurilma, radiatsiya manbai va saqlash punktining nosoz uskunalarini yetkazib berish, montaj qilish va foydalanishga topshirish; avariya faktini yashirish yoki yadroviy qurilma, radiatsiya manbai yoki saqlash punktidagi avariya to'g'risida xabardor qilishning belgilangan tartibini buzish, atrof-muhitning radiatsiyaviy ifloslanishi holati to'g'risidagi ma'lumotlarni yashirganlik uchun javobgarlik choralari belgilash lozim bo'ladi.

9. 55⁵-modda - Atom energetika obyektlarida maxfiy ma'lumotlar bilan bog'liq qoidalarini buzish. Mazkur moddada atom energiyasidan foydalanishda xavfsizlik masalalari bo'yicha ma'lumot berishdan bosh tortish, qasddan noto'g'ri ma'lumot berish yoki yashirganlik uchun javobgarlik belgilash lozim bo'ladi.

10. 55⁶-modda - Atom energetika obyektlarini qurish jarayonida ekologik qoidalarga amal qilish qoidalarini buzish. Mazkur moddada yadroviy inshoot loyihalarni rejalashtirish, texnik-iqtisodiy asoslash, loyihalash, joylashtirish, qurish, rekonstruksiya qilish, foydalanishga topshirish, korxonalar, inshootlar yoki boshqa obyektlarni ishlatishda ekologik talablarga rioya qilmaganlik uchun javobgarlik choralari belgilash lozim bo'ladi.

11. 55⁷ – modda AESlar faoliyatida sanitariya qoidalariga rioya qilmaslik. Mazkur moddada yadroviy inshootlarda ishlab chiqarish va iste'mol chiqindilari yoki boshqa xavfli chiqindilar bilan ishlashda ekologik va sanitariya-epidemiologik talablarga rioya qilmaganlik uchun javobgarlik choralari belgilash lozim bo'ladi.

12. Jinoyat kodeksini quyidagi moddalar bilan to'ldirish taklif qilinadi.

254¹-modda. Atom energetikasi obyektlarini joylashtirish qoidalarini buzish. Mazkur moddada atom energetikasi obyektlarini joylashtirish, loyihalash, qurish va ulardan foydalanish paytida agar bu odamning o'limiga yoki atrof-muhitning radioaktiv ifloslanishiga olib kelishi bilan bog'liq holatlarga nisbatan jinoiy javobgarlik belgilash.

13. 254²-moddasi. Atom elektr stansiyalarining xavfsizligiga oid noto'g'ri ma'lumotlarni taqdim qilish. Mazkur moddada Atom elektr stansiyalarining xavfsizligi, ishlashi yoki atrof-muhitga ta'siri bilan bog'liq noto'g'ri ma'lumotlar yoki hujjatlarni taqdim qilganlik uchun jinoiy javobgarlik belgilash lozim bo'ladi.

14. Xorijiy mamlakatlarning tajribasi shuni ko'rsatadiki, AESlarning atrof muhitga ta'sirini baholash faqat sifatli, to'g'ri ekologik ekspertiza jarayonlarini tashkil qilish va o'tkazish orqali amalga oshiriladi. Vazirlar mahkamasining 2020-yil 17-iyundagi 390-son qarori bilan tasdiqlangan nizomda atom energiyasidan foydalanish obyektlari va (yoki) atom energiyasidan foydalanish sohasidagi faoliyat (ish) xavfsizligini asoslash yuzasidan ekspertiza o'tkazishda aniq yo'nalishlar keltirilmagan.

AES mintaqada aholi sonining ko'payishi va shu bilan bog'liq bo'lgan hududning urbanizatsiyasi (turar-joy massivlarining paydo bo'lishi yoki o'sishi, transport, rekreatsiyaning rivojlanishi, kommunal korxonalarining paydo bo'lishi va mintaqa hududlarida yashashning boshqa atributlari) mintaqaning tabiiy obyektlari va odamlarning yashash muhitiga mexanik, kimyoviy va biologik ta'sir ko'rsatadi.

Shu sababli 2020-yil 17-iyundagi 390-sonli nozomni ikkinchi bobiga quyidagicha o'zgartirish kiritish kiritish lozim. "Atom energiyasidan foydalanish obyektlari va (yoki) atom energiyasidan foydalanish sohasidagi faoliyat (ish) xavfsizligini asoslash yuzasidan ekspertiza quyidagi to'rt xil asosiy ko'rsatkich asosida o'tkaziladi. Bular: Radiatsiya ta'siri; Kimyoviy ta'sir; Termal (issiqlik va namlik) ta'sirlari; Ilgari aholi soni kam bo'lgan hududda, keyinchalik mintaqaning urbanizatsiyasi natijasida yuzaga kelgan ta'sirlar"

III. Xalqaro tajriba va o'rganishlar natijasida O'zbekistonning turli xalqaro konvensiyalarga qo'shilishi to'g'risida tavsiyalab berildi.

1. Yadro xavfsizligi to'g'risidagi Konvensiya (CNS): CNSGA qo'shilish atom elektr stansiyasini tashkil etish uchun juda muhimdir. U atom elektr stansiyalarining xavfsiz ishlashini ta'minlashga qaratilgan va a'zo davlatlardan yuqori xavfsizlik standartlarini saqlashni va muntazam ravishda xavfsizlikni tekshirishni talab qiladi.

2. Yadroviy avariya yoki radiologik favqulodda vaziyatlarda tezkor yordam va yordamni osonlashtirish maqsadida qabul qilingan "Yadroviy avariya yoki radiologik favqulodda vaziyatlarda yordam ko'rsatish to'g'risida"gi konvensiya

3. AES falokatlarida fuqarolar atrof muhitga etkazilgan zararlarni qoplash maqsadida qabul qilingan "Yadroviy zarar uchun fuqarolik javobgarligi to'g'risida"gi Vena konvensiyasi va "Yadroviy energiya sohasida uchinchi shaxslarning javobgarligi to'g'risida"gi Parij konvensiyasi. Mazkur konvensiyalar Yadroviy zarar etkazilgan taqdirda javobgarlik va kompensatsiya uchun asoslarni yaratadi.

**SCIENTIFIC COUNCIL B2024.2.PhD/Yu1461 FOR AWARDING
SCIENTIFIC DEGREES AT TASHKENT STATE UNIVERSITY OF LAW**

TASHKENT STATE UNIVERSITY OF LAW

NISHONOV ABDULLOH UBAYDULLOH UGLI

**ISSUES OF LEGAL ENSURANCE OF ENVIRONMENTAL SAFETY IN
THE USE OF ATOMIC ENERGY**

12.00.06. - The right to natural resources. Agrarian law. Environmental law.

Doctor of Philosophy (PhD) dissertation in legal sciences

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INTRODUCTION (Abstract for Doctoral Dissertation in Philosophy)

The relevance and necessity of the dissertation topic. The global demand for energy is increasing year by year, which is driving up the demand for electricity produced by nuclear power plants. Currently, approximately 430 nuclear power plants are operating worldwide, providing nearly 10% of the world's total electricity production. This indicates that about 12,000 tons of high-level radioactive waste is generated annually worldwide through nuclear power plants¹². According to IAEA data, 31 major nuclear accidents have occurred worldwide since 1952, with the largest portion occurring at nuclear power plants. For instance, the Chernobyl accident resulted in over 4,000 deaths and hundreds of thousands of people being exposed to radiation. The Fukushima (Japan 2011) nuclear power plant accident led to more than 18,000 deaths, hundreds of thousands of people being evacuated, and economic damage amounting to 220 billion dollars¹³. Therefore, to ensure the safe operation of nuclear power plants, secure storage of nuclear waste, and prevention of accidents, it is necessary to enhance environmental safety measures.

In the global context of nuclear power plant utilization, research activities are considered crucial in several areas: developing modern technologies for safe storage and reprocessing of nuclear waste; preventing accidents that may occur due to technical or human factors; and addressing potential temperature changes in rivers and water bodies resulting from the discharge of heated water during the cooling process. At the UN "Future Energy" meeting, recommendations were provided for advancing scientific research and technologies to ensure nuclear energy safety¹⁴. Additionally, concepts, scientific research, and technological development initiatives organized by environmental organizations are aimed at enhancing nuclear energy safety, reducing negative environmental impacts, and ensuring global security.

According to energy consumption forecasts in our republic, the annual growth in electricity demand is expected to reach 6-7 percent by 2030. By this period, the total energy consumption is projected to be 120.8 billion kWh (1.9 times more than in 2018)¹⁵. It is known that in 2022, more than 85% of the electricity generated in our republic came from thermal power plants. In this context, natural gas consumption amounts to approximately 35-40 billion cubic meters per year, while coal consumption is about 3-4 million tons per year¹⁶. These figures themselves demonstrate that they are causing not only irreparable damage to the natural

¹² Peter Swift, Recent developments in the disposal of high-level waste and spent nuclear fuel, U.S. Department of Energy, National Nuclear Security Administration, Sandia National Laboratory, October 18, 2017. <https://www.energy.gov/sites/prod/files/2017/11/f46/Peter%20Swift%20PRACoP%202017%20final.pdf>

¹³ Yonglong Lu, Jingjing Yuan, Di Du, Bin Sun, Xiaojie Yi, Monitoring long-term ecological impacts from release of Fukushima radiation water into ocean, *Geography and Sustainability*, Volume 2, Issue 2, 2021, Pages 95-98.

¹⁴ Agard, John & Alcamo, Joseph & Biermann, Frank & Colls, Alison & Falkenmark, Malin & Folke, Carl & Glantz, Mickey & Gordon, Christopher & Goverse, Tessa & Gramberger, Marc & Harding, Ruth & Krug, Thelma & Leemans, Rik & Leonard, Sunday & Nishioka, Shuzo & Osibanjo, Oladele & Peduzzi, Pascal & Pratt, Cristelle & Sanchez-Rodriguez, Roberto & Zhang, Linxiu. (2012). *UNEP, 2012. 21 Issues for the 21st Century: Result of the UNEP Foresight Process on Emerging Environmental Issues*. Alcamo, J., Leonard, S.A. (Eds.). United Nations Environment Programme (UNEP), Nairobi, Kenya, 56pp.. 10.13140/RG.2.2.22054.32323.

¹⁵ Concept for Electricity Supply in the Republic of Uzbekistan for 2020-2030

¹⁶ International Atom Agency Uzbekistan 2022 Energy Policy: 2022, p-35

environment but also to natural resources. Therefore, "many leading countries of the world are ensuring their energy security and sustainable development through nuclear energy, which is why Uzbekistan has adopted a long-term concept for the development of nuclear energy and a strategy aimed at strengthening personnel potential.¹⁷" It is planned to achieve 14.9% of energy production through nuclear power plants. This highlights the urgency of conducting research to assess the impact of radiation on humans and the environment, to regulate the development of the nuclear energy complex, and to implement measures aimed at ensuring environmental safety in this field.

This dissertation research serves to implement, to a certain extent, the following legal documents: the Decree of the President No. UP-5484 "On Measures for the Development of Nuclear Energy in the Republic of Uzbekistan" dated July 19, 2018; the Concept for the Development of Nuclear Energy in the Republic of Uzbekistan for 2019-2029, approved by Presidential Resolution No. PP-4165 dated February 7, 2019; the Law of the Republic of Uzbekistan No. ZRU-565 "On the Use of Atomic Energy for Peaceful Purposes" dated September 9, 2019; the Regulation on the Procedure for Issuing Permits for the Use of a Site for Nuclear Facility and (or) Storage Point, approved by Resolution No. 141 of the Cabinet of Ministers dated March 28, 2022; the Regulation on the Procedure for Licensing Activities in the Field of Atomic Energy Use, approved by Resolution No. 663 of the Cabinet of Ministers dated October 28, 2020; as well as other regulatory legal acts.

Alignment of the research with the priority directions of science and technology development in the republic. The dissertation research was conducted in accordance with the priority direction I of the republic's science and technology development: "Formation of a system of innovative ideas and ways for their implementation in the social, legal, economic, cultural, and spiritual-educational development of an information society and a democratic state."

The extent of research on the problem. Various aspects of ecological and environmental protection issues in the design, construction, operation, and decommissioning of nuclear power plants have been studied in the scientific works of Uzbek ecologist-lawyers Y.O.Jo'rayev, Sh.X.Fayziyev, J.T.Xolmo'minov, M.B.Usmonov, N.K.Skripnikov, Dj.I.Safarov, G.Sh.Uzakova, O.X.Narzullayev, N.Sh.Rajabov, R.H.Kenjaye, K.R.Bobonazarov, M.M.Nurmatov, D.N.Maxkamov, and P.B.Hayitov¹⁸. Additionally, scientific issues related to crucial measures for the

¹⁷Sh.Mirziyoyev. The speech of the participants of the international conference "Prospects for the Peaceful Use of Atomic Energy for the Sustainable Development of the Member States of the Organization of Islamic Cooperation: International and National Experience". <https://president.uz/uz/lists/view/7743>

¹⁸ Jo'rayev Y., G'ulomov M. Ekologiya: jinoyat va jazo. –T.:Mehnat, 1990;

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DOI: https://dx.doi.org/10.51788/tsul_jurisprudence.4.2./YXLU9852

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Usmonov M.B. Problems of Environmental Legislation. // Life and Law. 2002. No. 2. P.54; Safarov J.I. Uzbekistan Safarov D.J. Respublikasida ekologik qonunchilikni tizimlashtirish va kodifikatsiyalash masalalari: yurid. fan. nomz. diss. Avtoreferati. –T.:2011;

Nurmatov M.M. Ekologik-huquqiy javobgarlik. O'quv qo'llanma. –T.: Sano Standart, 2011. B. 17-18,

Rajabov N.SH Энергетическое Право. Darslik.-Toshkent 2023. 171-185.B.,

Narzullayev.O.H Energetika huquqi. O'quv qo'llanma.-Toshkent 2023. 140-150.B

legal protection of the environment from radiation effects have been examined in the works of Uzbek legal scholars U.T.Ayubov, N.Sh.Rajabov, D.U.Aripov, O.X.Narzullayev, O.D.Utegenov, and others¹⁹. These measures include environmental impact assessment, public oversight in environmental protection, sanitary-epidemiological control, environmental standardization and regulation, waste management, and ensuring citizens' right to a favorable environment.

This issue has also been studied at the dissertation level by scientists from the Commonwealth of Independent States (CIS). Specifically, the dissertation by L. F. Vasileva (2010)²⁰ for the degree of Candidate of Legal Sciences examines civil liability for damage caused by radiation exposure in the use of atomic energy; A. V. Makokin's (2006)²¹ dissertation focuses on the legal aspects of this topic; and A. I. Grishchenko's (2002)²² research is dedicated to the licensing of activities in the field of atomic energy use.

In addition, the works of N.D. Vershilo, A.K. Golichenkov, N.A. Dukhno, O.L. Dubovik, A.L. Ivanova, O.S. Kolbasov, A.O. Minyayev, A.I. Perchik, V.V. Petrov, V.F. Petrenko, O.L. Radchik, A.S. Shesteryuk, and other scholars have examined this topic to varying degrees from a general theoretical perspective. Currently, international research has been conducted by scientists such as M. Clark, A. Eriksson, I. Barraclough, D. Wedhead, T. Edison, S. Walker, R. Clarke, A. Martin, S. Harrison, J. Carron, N. Gate, J. Valentine, D. Copleston, S. Jones, B. Howard, and others. Scientific research on this subject serves to provide a deep and comprehensive theoretical analysis of the system of legal norms regulating environmental protection from radiation hazards at planned nuclear power plants.

Connection of the dissertation topic with the research work plans of the higher education institution where the dissertation is being carried out. Toshkent davlat yuridik universiteti ilmiy-tadqiqot ishlari rejasiga muvofiq “Ekologik barqaror rivojlanish maqsadlariga erishish” mavzusidagi loyiha doirasida bajarilgan.

The aim of this research is to develop theoretical foundations in the field of ensuring ecological safety at nuclear energy facilities, evaluate the effectiveness of implemented measures, and formulate conclusions and proposals for improving legislation based on the analysis of identified problems.

Research objectives:

develop new scientific and theoretical ideas through analysis of scientific concepts, doctrines, and principles regarding environmental safety in the use of atomic energy;

¹⁹ Ayubov T.U. Yer munosabatlarini tartibga solish. //Hayot va qonun. 1999. №1. B. 46-52.; Aripov D.U. O‘zbekiston Respublikasining “Chiqindilar to‘g‘risida”gi qonuniga sharh. –T.:TDYUI, 2007. 89 b.

²⁰ Макокин А. В. Правовое положение эксплуатирующей организации атомных станций России: дисс. ... канд. юрид. н. — Ростов-н/Д., 2006. — 210 с.

²¹ Васильева Л. Ф. Гражданско-правовая ответственность за вред, причиненный радиационным воздействием при использовании атомной энергии в мирных целях: дисс. ... канд. юрид. н.:— Оренбург, 2010. — 198 с.

²² Грищенко А. И. Особенности лицензирования деятельности в области использования атомной энергетики в мирных целях: дисс. ... канд. юрид. н.: 12.00.14. — М., 2002. — 253 с

investigate the developmental stages of legislation in ensuring ecological safety in atomic energy use and conduct legal qualification;

identify the main environmental risks arising during the stages of designing, constructing, operating, managing radioactive waste, and decommissioning nuclear power plants;

develop recommendations on legal regulatory mechanisms for state governance in ensuring ecological safety in atomic energy use;

identify and systematize existing environmental and legal requirements for work performed at nuclear energy complex facilities;

study advanced international practices to determine the possibility of incorporating the best foreign experiences into the legislation of the Republic of Uzbekistan;

formulate proposals for public and civil society institutions' participation in ensuring ecological safety in atomic energy use;

provide conclusions and scientific recommendations aimed at improving the effectiveness of legal regulation of relations in the field of environmental and legal safety in the nuclear energy sector.

The object of the research comprises the social relations associated with the development of nuclear energy in Uzbekistan and the protection of the environment and human health from potential negative impacts in this field.

Research methods. In conducting this research, various methods were employed, including induction, deduction, historical analysis, logical reasoning, systematic approach, comparative legal analysis, statistical methods, surveys, analysis, and synthesis.

The scientific novelty of the research consists of the following:

based on international experience, it has been substantiated that the process of generating electricity through nuclear power plants is highly dangerous and can have an impact on the environment and human health. Therefore, it is crucial to include this activity in the list of licensed activities. The licensing system ensures strict adherence to environmental safety requirements for nuclear power plants and strengthens the control of radioactive waste. This serves to prevent environmental damage, support sustainable energy development, and reduce ecological risks;

it is substantiated that the project documentation for nuclear power plants belonging to categories I and II of environmental impact should establish the obligation to create "green belts" and implement landscaping measures in their own and adjacent territories. This approach serves to reduce the risk of radiation contamination, preserve biodiversity, regulate the carbon balance in the atmosphere, absorb harmful gases, protect the environment from pollution, and minimize the ecological impact of nuclear power plants;

it has been substantiated that in the placement, design, construction, commissioning, operation, and decommissioning of nuclear power plants, compliance with legal norms and regulations in the field of nuclear energy use is mandatory. This includes ensuring radiation safety during the operation of nuclear power plants, reducing negative impacts on the ecosystem, safe operation of nuclear

power plants, ensuring safety at the decommissioning stage, and ensuring compliance with international standards;

the long-term safety of nuclear waste, protection of the environment from radiation pollution, and the possibility of reusing the territory have been substantiated. Although nuclear power plants are designed for long-term operation, their decommissioning requires substantial financial resources and must comply with international environmental requirements and nuclear safety standards. Consequently, it has been justified that siting projects for nuclear installations (particularly nuclear power plants) must include solutions that ensure their safe decommissioning.

The practical outcomes of the research are as follows:

proposals were made to the legislation regarding the formation of an understanding of environmental safety in the operation of nuclear power plants, nuclear energy facilities, and state environmental control in the field of nuclear energy, as well as strengthening its legal status;

international documents and foreign countries' experiences were studied, and the positive aspects of the Republic of Uzbekistan's accession to the Convention on Nuclear Safety, the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, the Vienna Convention on Civil Liability for Nuclear Damage, and the Paris Convention on Third Party Liability in the Field of Nuclear Energy were analyzed. Based on this analysis, proposals were put forward;

recommendations have been put forward for the development of an environmental safety concept aimed at preventing accidents that may occur at nuclear power complex facilities and mitigating the consequences of man-made emergencies resulting from such accidents;

such environmental and legal requirements for the design, placement, construction, operation, and decommissioning of nuclear energy complex facilities are aimed at preventing radiation contamination of personnel, the population, and the natural environment with harmful radioactive waste, as well as the consequences of accidents. Additionally, these requirements attempt to justify the necessity of developing environmental standards for the legal regulation of safety at nuclear energy facilities, which are intended to minimize potential negative environmental impacts;

recommendations have been put forward for the development and adoption of a Cabinet of Ministers resolution "On Approving the Procedure for Issuing Permits for the Right to Conduct Activities in the Field of Atomic Energy Use," which regulates the procedure for issuing permits to conduct activities in the field of atomic energy use.

Reliability of the research results. The validity of the research results is substantiated by the analysis of national legislation norms, law enforcement practice materials, and international and foreign countries' legislative norms. The findings are based on official sources and scientific literature, and the implementation of the conclusions and proposals has been confirmed by the relevant state bodies.

The scientific and practical significance of the research findings.

The scientific significance of the research results is explained by their application in legislation development, law enforcement practice, and the improvement of methodological approaches in the field of environmental protection related to the use of atomic energy. This is based on the scientific and theoretical analysis of the relevant legislation. The practical significance of the research results lies in enhancing legislation to ensure environmental safety in atomic energy use, developing law enforcement practices, and conducting an inventory of laws regarding innovative methods for radioactive waste storage and processing. Additionally, it serves to develop draft legislative acts aimed at improving the activities of authorized state bodies and non-governmental non-profit organizations throughout the lifecycle of nuclear energy facilities, from design to operation. This includes the development of the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan "On Approving the Procedure for Issuing Permits for the Right to Conduct Activities in the Field of Atomic Energy Use" and the draft "Energy Security" concept.

Implementation of research findings. The scientific results obtained from the dissertation on the topic "Issues of legal provision of environmental safety in the use of atomic energy" have been utilized in the following:

the proposal to include electricity generation through nuclear power plants as a licensed activity type was utilized in developing Article 65 of the Law of the Republic of Uzbekistan No. ZRU-939 dated August 7, 2024. (As evidenced by Act No. 3/08-180 of the Institute of Parliamentary Research under the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan, dated September 21, 2024). This proposal ensured the licensing of electricity production activities through nuclear power plants;

the proposal to establish "green belts" and implement landscaping measures in the project documentation of industrial enterprises belonging to categories I and II of environmental impact was used in formulating clause b) of the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 381 dated July 3, 2024, "On Introducing Amendments and Additions to Certain Decisions of the Government of the Republic of Uzbekistan Aimed at Improving the Environmental Situation in Sectors and Industries." (Act of the Ministry of Ecology, Environmental Protection and Climate Change of the Republic of Uzbekistan No. 03-03/39108 dated September 18, 2024). The implementation of this proposal has led to the creation of "green belts" and landscaping not only at facilities that cause significant environmental damage but also around the nuclear power plants planned for construction in Uzbekistan.

the proposal regarding mandatory compliance with legal norms and regulations in the field of atomic energy use for the siting, design, construction, commissioning, operation, and decommissioning of nuclear power plants has been accepted for use in improving the Law "On Nature Protection." (Act No. 03-03/39108 dated September 18, 2024, of the Ministry of Ecology, Environmental Protection and Climate Change of the Republic of Uzbekistan). This proposal has ensured that the relationships associated with the siting, design, construction,

commissioning, operation, and use of nuclear power plants are consolidated in the Law "On Nature Protection," which is considered the fundamental law in this area.

proposals for improving the Law "On Nature Protection" regarding the development of environmental protection regulations applicable to the siting, design, construction, modification, commissioning, and operation of radiation and nuclear facility objects have been accepted for use. (Certificate No. 03-03/39108 dated September 18, 2024, of the Ministry of Ecology, Environmental Protection and Climate Change of the Republic of Uzbekistan). This proposal ensures that the environmental protection regulations applicable to the siting, design, construction, modification, commissioning, and operation of radiation and nuclear facility objects are consolidated in the Law "On Nature Protection," which is considered the fundamental law in this field.

Approbation of the research results. The findings of this study were presented and discussed at 2 scientific and practical conferences, including 2 international and 2 national scientific and practical conferences.

Publication of research results. A total of 20 scientific works have been published on the topic of the dissertation, including 9 scientific articles (5 of which are in foreign journals) and 11 articles and abstracts in collections (5 of which are in proceedings of international scientific and practical conferences).

Structure and volume of the dissertation. The dissertation comprises an introduction, three chapters, a conclusion, a list of references, and appendices. The dissertation's total length is 156 pages.

THE MAIN CONTENT OF THE DISSERTATION

In the introductory part of the dissertation, the relevance and necessity of the topic of scientific research is justified, the purpose and tasks, object and subject of the research are highlighted, as well as the review of foreign scientific research on the topic of the dissertation, the compatibility with the priority directions of the development of science and technology of the republic is justified, the problem is The level of research, the relevance of the topic to the research plan of the higher education institution where the dissertation is being carried out, its methods, scientific and practical importance are disclosed, as well as the approval of the implementation of the research results into practice, the published works and the volume of the dissertation.

The first chapter of the dissertation entitled "General description of the legal provision of environmental safety in the use of nuclear energy" contains the concept, principles and history of the provision of environmental safety in the use of nuclear energy, the international legal basis for ensuring environmental safety in the use of nuclear energy, environmental protection in the use of nuclear energy. issues of development of the institutional national-legal system for environmental protection were scientifically analyzed.

In the modern world, nuclear energy is actively used in industry, medicine, the navy, spaceships, and scientific research. The most common special case of industrial use of atomic energy is its use in the power sector. Atomic energy is an independent branch of the energy industry, and its features determine the features of legal regulation of environmental protection.

As of 2024, there are about 440 commercial nuclear reactors operating in about 30 countries around the world. These reactors have a capacity of about 390 gigawatts of electricity (GWe). Nuclear power produces about 10% of the world's total electricity. It plays an important role in the energy industry of many countries. For example, France relies on nuclear energy for about 62.6 percent of its electricity, while other countries such as the United States, Russia, and South Korea generate 18.2 percent, 19.6 percent, and 30.4 percent of electricity from nuclear power, respectively. Today, about 60 NPPs are being built in the countries of the world. In the first chapter, the dissertation focuses on the history of the development of nuclear power plants, the formation of international legal frameworks, and the creation and development of the national legal system.

According to the research results, during the normal operation of the Nuclear Power Plant, the radiation effect on the environment as a result of the emissions of radioactive substances is significantly lower than the background of natural radiation, which is achieved through a set of technical and organizational measures. The severe consequences of accidents at nuclear power plants located in three regions of the world (USA, 1979) and Chernobyl nuclear power plant (USSR, 1986) and Fukushima nuclear power plant (Japan 2011) are well known. According to the available information, more than 150 accidents related to the leakage of radioactivity at nuclear power plants around the world have been recorded.

Therefore, in this study, the development processes of nuclear power plants from the laying of the foundation stone at the end of the nineteenth century to the present day were analyzed on a scientific basis. In particular, it goes back to Henry Becquerel. Henry Bakerel's discovery of natural radioactivity, Ernest Rutherford's innovative work in understanding the structure of the atom, as well as great scientists such as Max Planck, Albert Einstein, Niels Bohr, Louis de Broglie, Werner Heisenberg, Erwin Schrödinger, Paul Dirac made great strides in the field of atomic energy. achievement is detailed in the dissertation.

In the course of research, Three Mile Island, Pennsylvania, USA (1979), Chernobyl, Ukraine (1986), Fukushima Prefecture, Japan (2011), accident at the Mayak production complex, Russia (1957), fire in one of the reactors at the Windscale facility, Windscale (now Sellafield), Cumbria, England (1957), accident at Idaho National Laboratory, Idaho, USA (1961), accident at Tokaimura NPP, Japan (1999), accidents studied scientifically and related to prevention of future accidents at nuclear power plants suggestions are given.

In addition, the author's definitions of nuclear safety, nuclear accident, nuclear risk and other concepts necessary for the adequate functioning of the legal regime of ensuring safety in the use of nuclear energy were developed and scientifically analyzed in the dissertation.

Based on the characteristic of one or another period of historical-progressive stages, the dissertation discussed various ecological concepts developed by theoretical scientists, futurists, some theoretical concepts were critically analyzed, and important author's approaches and ideas were stated. Due to the non-existence of a legal definition of atomic nuclear energy objects in the normative documents adopted during 2018-2024, a scientific polemic was entered into and independent

positions were expressed based on the opinions given by international and national scientists. Also, because the nuclear power plant emits radioactive waste during its operation. The international experience of decontamination of these wastes was studied. In particular, the results of the research analyzed the experience of Spain, Canada, the USA, Finland, and Sweden, where they chose to store radioactive waste for fifty years instead of processing it, and thereby gave a positive solution to the problem.

As a priority idea in the dissertation - to ensure environmental safety in the use of nuclear energy, to develop and analyze strategies, technologies and policies aimed at reducing environmental risks associated with nuclear energy production, as well as safe management of nuclear waste, storage and disposal methods, measures to prevent and mitigate the effects of possible accidents or releases of radioactive materials, as well as an assessment of the overall environmental impact of nuclear energy compared to other energy sources are stated.

This includes assessing potential risks associated with nuclear energy, including day-to-day activities and possible accidents, and developing methods to manage and reduce these risks, researching modern methods of safe disposal and storage of nuclear waste, and processing or recycling nuclear materials. the importance of studying the possibilities of use is stated.

One of the conceptual aspects of the dissertation is the issue of "Sustainable management of nuclear waste". This understanding includes the development and implementation of strategies to manage nuclear waste in a manner that minimizes short-term and long-term environmental impacts. For this reason, a proposal to adopt a law on "Radioactive Waste Management" has been put forward, which regulates the methods of safe placement, storage and reuse or processing of nuclear waste, ensuring that it does not pose a threat to human health or the environment.

The second chapter of the dissertation is devoted to "Environmental legal requirements for the construction of nuclear power plants". Environmental and legal requirements in the field of radioactive waste management of nuclear power plants, the system of national and international bodies in the field of nuclear safety and their powers, international environmental standards for the placement of nuclear power plants and the specific features of their placement and construction were scientifically researched.

In this chapter, the doctoral student analyzed the international and national environmental standards related to the design, construction, operation, decommissioning of nuclear power plants and management of radioactive waste.

As a result of the analysis, the dissertation examines, based on the requirements of the IAEA and the experience of foreign countries, that the introduction of an advanced method, such as the cooperation of public associations with state bodies and their officials, experts, and enterprise representatives, will help to increase the efficiency of environmental protection in nuclear energy, and based on this puts forward a proposal to form the legal basis of the procedural order of public participation in the management of environmental protection in order to realize the possibilities.

In addition, with the selection of land plots for the construction of objects of activities of the I and II categories of environmental impact, separation materials, construction and commissioning, expansion and change of production, including technological changes proposes that a state environmental expertise is required if the associated pre-project and project documents are supported in public hearings in the prescribed manner.

According to the above, the dissertationer emphasized that the regulatory legal framework in our national legislation regarding environmental safety and protection of human health from the effects of radioactive waste in the use of nuclear energy is insufficient, "Organizations that use extremely dangerous and nuclear-hazardous productions and objects in the field of nuclear energy use analyzes the need to develop the regulation "On Discipline of Employees" and how important these regulations are in practice on the example of the practice of foreign countries.

In the course of research, he pays special attention to the environmental examination of nuclear power plants, and puts forward the need to conduct environmental examination of NPPs in four directions that do not exist in the national legislation. In this, Radiation effect; Chemical effect; Thermal (heat and humidity) effects; It is suggested that an environmental assessment should be carried out in an area with a small population, taking into account the effects caused by the urbanization of the region, and it is emphasized that the legal basis for this should be developed. From this point of view, the procedure for conducting expertise on the justification of the safety of nuclear energy use facilities and (or) activity (work) in the field of nuclear energy use, approved by the decision of the Cabinet of Ministers of the Republic of Uzbekistan No. 390 of June 17, 2020 the procedure for carrying out environmental expertise will be developed in the form of a separate chapter in the regulation.

Studying the experience of USA, Japan, South Korea, and France, the Dissertant proposes to set the operating periods of NPPs by law, and as a result of the study, emphasizing that the best practice is in Japan, "The use of nuclear energy for peaceful purposes is correct. "on" states that it is necessary to include provisions in the law on the possibility of a one-time extension of 20 years for nuclear power facilities, setting the period of operation of nuclear energy facilities to 40 years and with the approval of the "Ozatom" agency.

The third chapter of the dissertation is entitled "Prospects of legal regulation of the field of nuclear energy use (environmental safety)" and it describes the procedure for obtaining environmental expertise and permits (licenses) in the field of environmental impact assessment and nuclear safety, design, placement, construction, use of nuclear power facilities. and environmental and legal requirements for decommissioning and the procedure for implementation of state environmental control at nuclear power facilities and issues of legal liability for violations in this area are studied scientifically and theoretically.

Also, in accordance with Article 56 of the Law "On the Use of Atomic Energy for Peaceful Purposes", it is established that persons guilty of violating the legislation on the use of atomic energy shall be held responsible in the prescribed manner. However, the law stipulates that the subject of responsibility must be as the

possible categories are not mentioned. As the second part of this article, the need to clarify the subjects that can be held accountable is scientifically substantiated and proposals related to the addition to this article have been developed.

In addition, the administrative and criminal offenses committed in the operation of NPPs were studied in accordance with the laws of the European Union, the USA, Japan and other countries. A draft law has been prepared.

CONCLUSION

The following scientific-theoretical and practical proposals and conclusions were developed as a result of the research work on the issues of legal provision of environmental safety in the use of atomic energy:

I. Scientific-theoretical proposals and conclusions:

1. Protection of the vital interests of the individual, society and the state as a result of research, achieved by providing appropriate conditions for their operation (use) that may occur in the objects of the nuclear power complex, as well as man-made emergency situations as a result of such accidents it was proposed to develop the concept of environmental safety aimed at preventing accidents aimed at mitigating the consequences. The author defined the criteria for delimiting the spheres of legal regulation of nuclear and radiation safety.

2. Such environmental and legal requirements for the design, placement, construction, operation and completion of nuclear power complex facilities are aimed at preventing radiation contamination of employees, the population and the natural environment with harmful radioactive waste, the consequences of accidents, as well as possible aimed at minimizing negative environmental impacts. It was proposed to develop ecological norms of legal regulation of safety in nuclear energy facilities.

3. Activities in the field of the use of nuclear energy have a transboundary nature, which can affect the entire environment and its individual elements, up to the actual destruction of the ecosystem, the reproduction of which can take decades. Taking into account the potential environmental risks, legal regulations in this area should be based on international safety norms and principles, have a clear preventive nature, and develop a regulatory legal document to ensure the transparency of participation in the preparation of state decisions affecting the environment exit will be necessary.

4. An author's definition of the concept of nuclear energy facilities was developed. According to it, nuclear power facilities are facilities and complexes with nuclear reactors, including nuclear power plants, facilities and complexes with industrial, experimental and research reactors, nuclear facilities; complexes, landfills, facilities with nuclear charges for peaceful use; facilities, complexes, devices with nuclear fuel and other nuclear materials for production, use, processing, transportation of nuclear fuel; locations of complexes, devices, apparatus, equipment and products containing radioactive substances or ionizing radiation; stationary objects and structures, places intended for storage of nuclear materials and radioactive substances, storage or disposal of radioactive waste.

5. The concept of environmental risk in the use of atomic energy was developed, according to which, environmental safety in the use of atomic energy means measures and practices implemented to minimize the negative impact of nuclear energy production on the environment in the use of atomic energy, i.e. air , safe handling, storage and disposal of radioactive waste to prevent contamination of water and soil, having strong emergency preparedness plans and response strategies to protect people and the environment in the event of a nuclear incident, Radiation or is understood as a set of processes such as continuous monitoring of the environment around nuclear facilities to detect early signs of contamination, use of advanced reactor designs that produce more efficient and less waste, and cooperation with the public to build trust and ensure that public concerns are resolved.

6. The concept of state environmental control in the field of atomic energy was developed, according to which, state environmental control in the field of atomic energy includes a wide range of activities aimed at ensuring the safe and ecologically responsible use of nuclear technology. This includes regulating nuclear facilities, managing radioactive waste, monitoring radiation levels, and protecting human health and the environment from potential hazards associated with nuclear energy. In short, it is understood the activity of the executive body authorized by the state to regularly monitor the fulfillment of mandatory requirements, to analyze and forecast the state of fulfillment of these requirements by legal entities in the implementation of their activities.

7. Failure to comply with the rules for the use of nuclear energy causes the death of thousands of innocent people. This is shown by the NPP accidents that have occurred over the years. For this reason, we believe that it is necessary to establish a committee under the UN that conducts technical inspections of NPPs every 5 years by the IAEA. Also, it is necessary to unite the countries with nuclear power plants into a single convention on the use of nuclear energy.

8. Hearing of public opinion on the location of NPPs should be strengthened in the national legislation. Chapter 3 of the Law of the Republic of Uzbekistan "On the Use of Atomic Energy for Peaceful Purposes" does not contain any provision that determines the procedure for hearing and agreeing with the public opinion on the placement and construction of a nuclear device and (or) storage facility. On the one hand, this leads to the violation of the requirements of the IAEA, therefore, the introduction of an advanced method such as the cooperation of public associations with state bodies and their officials, experts, and enterprise representatives will help to increase the efficiency of environmental protection in Atomic Energy. To realize these opportunities, procedural issues of public participation in environmental management must be legally resolved.

9. Expertise for organizing the operation of nuclear power plants is theoretically based on four main indicators, radiation effect; Chemical effect; Thermal (heat and humidity) effects are given author's definitions. Radiation effect \rightarrow is the effect of gas-aerosol emissions from nuclear power plants into the atmosphere and radionuclides flowing into water bodies (usually cooling water bodies). The radiation effect of the NPP on the population of its region is determined by the sanitary rules for the design and operation of the NPP (NPP joint enterprise).

Chemical impact on the natural environment – (living conditions of the population, natural objects) associated with the release of various chemical substances from the main and various auxiliary schemes and buildings outside the nuclear power plant (detergents, technological equipment and materials decontamination and chemical cleaning agents, petroleum products) The chemical effect that is related.

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Thermal impact - The effects of NPPs on the characteristics of cooling water basins and coastal terrestrial ecosystems, or heat and moisture effects on terrestrial ecosystems, assessed as the effects of excess heat released from NPPs on cooling water bodies or through cooling towers.

II. Based on the results of the research, the following proposals and conclusions aimed at the improvement of legal norms and practice were developed:

1. It is desirable to supplement the Law "On Nature Protection" with an article related to the use of nuclear power plants. Therefore, Article 421 of this law is on the use of atomic energy. Placement and decommissioning of nuclear power plants should be supplemented with an article stating that the law on the use of nuclear energy must be followed during the placement, design, construction, commissioning, operation and decommissioning of nuclear power plants.

2. Article 422 of the Law "On Nature Protection" Article known as the environmental protection rules applicable to the placement, design, construction, modification, operation and use of radiation and nuclear facilities should be filled with accordingly:

During the placement, design, construction, commissioning and operation of nuclear power plants, including nuclear energy devices, the following must be ensured: protection of the environment from radiation effects of these devices; compliance with the established procedures and norms of the technological process; fulfilling the requirements established by the executive bodies authorized to carry out state control and inspection in the field of radiation safety; state regulation of nuclear energy safety; Taking measures to ensure complete radiation safety for the environment and the population based on the legislation of the Republic of Uzbekistan and the generally recognized principles and norms of international law; training and professional development of nuclear power plant employees.

The placement of nuclear facilities, in particular nuclear power plants, should be carried out on the basis of the project documents and other supporting materials contained in the conclusions of the state environmental (and other) expertise required by the legislation of the Republic of Uzbekistan. These documents must confirm the environmental and radiation safety of nuclear facilities.

Designs for the location of a nuclear device (in particular, a nuclear power plant) must include solutions that ensure its safe decommissioning.

3. Article 56 of the Law "On the Use of Atomic Energy for Peaceful Purposes" defines the issue of liability for violations of the legislation on the use of atomic energy. However, the article does not specify the subjects to be held liable. For this reason, the second part of the article should be clarified as follows. "State authorities, local self-government bodies, nuclear energy management bodies, state safety regulatory bodies, operating organizations, organizations performing work and providing services for operating organizations, employees of nuclear facilities, radiation employees of sources and storage facilities, employees of organizations, other activities in the field of atomic energy use may be subjects of violations in the field of atomic energy use".

4. It is necessary to give a separate definition of the concept of nuclear power facilities in the definitions section of Article 3 of the Law "On the Use of Atomic Energy for Peaceful Purposes". Because the lack of a separate definition for such facilities causes misunderstandings in determining what objects are nuclear energy objects. Nuclear power facilities are facilities and complexes with nuclear reactors, including nuclear plants, facilities and complexes with industrial, experimental and research reactors, nuclear facilities; complexes, landfills, facilities with nuclear charges for peaceful use; facilities, complexes, devices with nuclear fuel and other nuclear materials for production, use, processing, transportation of nuclear fuel; locations of complexes, devices, apparatus, equipment and products containing radioactive substances or ionizing radiation; stationary objects and structures, places intended for storage of nuclear materials and radioactive substances, storage or disposal of radioactive waste.

5. Adding a new chapter "Chapter VII Administrative responsibility for offenses in radiological and nuclear facilities" in the Code of Administrative Responsibility and determining responsibility for the following offenses 55¹, 55², 55³, 55⁴, 55⁵, 55⁶, 55⁷- should be filled with items. Article 551 - Violation of norms and regulations in the field of atomic energy use, which is called violation of norms in the operation of NPPs, shall be defined as liability measures.

6. Article 55² – Violation of conditions of permitting documents. In this article, it is necessary to determine the measures of responsibility for violating the conditions of permits (licenses) in the field of atomic energy use.

7. Article 55³ - Violation of safety regulations at nuclear power facilities. In this article, it is necessary to determine the measures of responsibility for non-fulfillment or improper fulfillment of the instructions of the state regulatory bodies of safety in nuclear facilities.

8. Article 55⁴ - Violation of the rules of prompt reporting at nuclear energy facilities. In this article, delivery, installation and commissioning of faulty equipment of a nuclear device, radiation source and storage point; it will be necessary to establish liability measures for concealing the fact of an accident or violating the established procedure for informing about an accident at a nuclear facility, radiation source or storage facility, concealing information about the state of radiation pollution of the environment.

9. Article 55⁵ - Violation of regulations related to confidential information at nuclear power facilities. In this article, it is necessary to establish responsibility for refusing to provide information on safety issues in the use of nuclear energy, for intentionally providing false information or concealing it.

10. Article 55⁶ - Violation of environmental regulations during construction of nuclear power facilities. In this article, it is necessary to determine measures of responsibility for non-compliance with environmental requirements in the planning, feasibility study, design, placement, construction, reconstruction, commissioning of nuclear facilities projects, use of enterprises, structures or other objects.

11. Article 55⁷ - Non-observance of sanitary regulations in the operation of NPPs. In this article, it is necessary to determine measures of responsibility for non-compliance with environmental and sanitary-epidemiological requirements when working with production and consumption waste or other hazardous waste in nuclear facilities.

12. It is proposed to supplement the Criminal Code with the following articles.

Article 254¹. Violation of the rules for the placement of nuclear power facilities. In this article, criminal liability is established in relation to situations related to the placement, design, construction and use of nuclear energy facilities, if this causes the death of a person or radioactive pollution of the environment.

13. Article 254². Providing false information about the safety of nuclear power plants. In this article, it is necessary to establish criminal responsibility for providing false information or documents related to the safety, operation or environmental impact of nuclear power plants.

14. The experience of foreign countries shows that the assessment of the impact of NPP on the environment is carried out only by organizing and conducting high-quality, correct environmental expertise processes. The regulation approved by the decision of the Cabinet of Ministers No. 390 of June 17, 2020 does not provide specific guidelines for conducting an examination on the justification of the safety of nuclear energy use facilities and (or) activities (work) in the field of nuclear energy use.

The increase in population in the NPP region and the related urbanization of the region (the emergence or growth of residential areas, the development of transport, recreation, the emergence of communal enterprises and other attributes of living in the region) – has a mechanical, chemical and biological effect on the natural objects of the region and the living environment of people.

Therefore, it is necessary to make the following changes to the second chapter of Order No. 390 of June 17, 2020. "Expertise on the justification of the safety of nuclear energy use objects and (or) activity (work) in the field of nuclear energy use is conducted on the basis of the following four main indicators. These are: Radiation effect; Chemical effect; Thermal (heat and humidity) effects; Impacts that occurred as a result of the urbanization of the region in a previously sparsely populated area"

15. Appendix 3 of the regulation on the procedure for issuing a permit for the use of a site for the placement of a nuclear device and (or) a storage point, approved by the decision of the Cabinet of Ministers of the Republic of Uzbekistan No. 141

dated March 28, 2022.) list of documents required to use the site for placing a storage point. However, this list of documents is not complete. Therefore, it is necessary to fill in the 3rd appendix of the regulation with the following required documents:

"- project documents, reports on scientific-research and pilot-construction works and test reports (in case of additional reference, they are also included);
- probabilistic safety analysis of the first level power unit of the nuclear power plant"

III. As a result of international experience and studies, Uzbekistan was recommended to join various international conventions.

1. Convention on Nuclear Safety (CNS): Accession to the CNS is essential for establishing a nuclear power plant. It aims to ensure the safe operation of nuclear power plants and requires member states to maintain high safety standards and conduct regular safety inspections.

2. The Convention on Assistance in Nuclear Accidents or Radiological Emergencies, adopted in order to facilitate rapid assistance and assistance in the event of a nuclear accident or radiological emergency

3. The Vienna Convention "On Civil Liability for Nuclear Damage" and the Paris Convention "On Liability of Third Parties in the Nuclear Energy Sector" adopted in order to compensate citizens for damages caused to the environment in NPP disasters. These conventions establish the framework for liability and compensation in the event of nuclear damage.

**НАУЧНЫЙ СОВЕТ В2024.2.PhD/Yu1461 ПО ПРИСУЖДЕНИЮ
УЧЕНЫХ СТЕПЕНЕЙ ПРИ ТАШКЕНТСКОМ ГОСУДАРСТВЕННОМ
ЮРИДИЧЕСКОМ УНИВЕРСИТЕТЕ**

**ТАШКЕНТСКИЙ ГОСУДАРСТВЕННЫЙ ЮРИДИЧЕСКИЙ
УНИВЕРСИТЕТ**

НИШОНОВ АБДУЛЛО УБАЙДУЛЛОХ УГЛИ

**ВОПРОСЫ ПРАВОВОГО ОБЕСПЕЧЕНИЯ ЭКОЛОГИЧЕСКОЙ
БЕЗОПАСНОСТИ ПРИ ИСПОЛЬЗОВАНИИ АТОМНОЙ ЭНЕРГИИ**

12.00.06. - Право на природные ресурсы. Аграрное право. Экологическое
право.

АВТОРЕФРАТ

Диссертация на соискание ученой степени доктора философии (PhD) по
юридическим наукам

ТОШКЕНТ-2025

Тема диссертации на соискание ученой степени доктора философии (PhD) зарегистрирована в Высшей аттестационной комиссии при Министерстве высшего образования, науки и инноваций Республики Узбекистан под номером B2024.2.PhD/Yu1461.

Диссертация выполнена в Ташкентском государственном юридическом университете.

Автореферат диссертации доступен на трех языках (узбекском, английском, русском (резюме)) на веб-сайте Научного совета (<https://tsul.uz/uz/fan/avtoreferatlar>) и в информационно-образовательной сети "ZiyoNET" (www.ziyo.net.uz).

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Ведущая организация:

Защита диссертации состоится ____ ____ 2025 года в 10:00 на заседании Научного совета по присуждению ученых степеней B2024.2.PhD/Yu1461 при Ташкентском государственном юридическом университете (Адрес: 100047, г. Ташкент, ул. Сайилгох, 35. Тел./факс: +99871 233-66-36; факс: +99871 233-37-48; эл. почта: info@tsul.uz).

С диссертацией можно ознакомиться в Информационно-ресурсном центре Ташкентского государственного юридического университета (зарегистрирована под No ____). Адрес: 100047, г. Ташкент, ул. Сайилгох, 35. Тел.: +99871 233-66-36.

Автореферат диссертации разослан " ____ " _____ 2025 года.

(Протокол реестра рассылки № __ от __ октября 2025 года)

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ВВЕДЕНИЕ (Реферат докторской диссертации по философии)

Целью исследования является разработка теоретических основ в области обеспечения экологической безопасности на объектах использования атомной энергии, оценка эффективности проводимых мероприятий, а также формулирование выводов и предложений по совершенствованию законодательства на основе анализа проблем.

Задачи исследования:

разработка новых научно-теоретических идей на основе анализа научных концепций, учений и принципов в области обеспечения экологической безопасности при использовании атомной энергии;

исследование этапов развития законодательства в области обеспечения экологической безопасности при использовании атомной энергии и реализация его правовой квалификации;

выявление основных экологических рисков, возникающих на этапах проектирования, строительства, эксплуатации, обращения с радиоактивными отходами и вывода из эксплуатации объектов атомной энергетики;

разработка рекомендаций по механизмам правового регулирования государственного управления в сфере обеспечения экологической безопасности при использовании атомной энергии;

выявление и систематизация существующих экологических и правовых требований к выполнению работ на объектах атомно-энергетического комплекса;

изучение передового международного опыта для определения возможности внедрения лучшего зарубежного опыта в законодательство Республики Узбекистан;

разработка предложений по участию общественности и институтов гражданского общества в обеспечении экологической безопасности при использовании атомной энергии;

предоставление заключений и научных рекомендаций, направленных на повышение эффективности правового регулирования отношений в области экологической и правовой безопасности в сфере атомной энергетики.

Объектом исследования являются общественные отношения, связанные с развитием атомной энергетики в Узбекистане, а также охраной окружающей среды и здоровья человека от возможных негативных воздействий в этой сфере.

Предметом исследования являются законодательные документы Республики Узбекистан и зарубежных стран по вопросам правового обеспечения экологической безопасности при использовании атомной энергии, практика их применения, а также концептуальные подходы и научно-теоретические положения, существующие в юридической науке.

Методы исследования. При проведении данного исследования использовались следующие методы: индукция, дедукция, исторический анализ, логическое рассуждение, системный подход, сравнительно-правовой анализ, статистические методы, обследование, анализ и синтез.

Научная новизна исследования состоит в следующем:

на основе международного опыта обосновано, что процесс производства электроэнергии на атомных электростанциях является крайне опасным и может оказать негативное влияние на окружающую среду и здоровье человека. Поэтому важно включить эту деятельность в перечень лицензируемых видов деятельности. Система лицензирования должна обеспечить строгое соблюдение требований экологической безопасности АЭС, усилить контроль за радиационными отходами, что послужит предотвращению ущерба окружающей среде, поддержке устойчивого развития энергетики и снижению экологических рисков;

обосновано установление в проектной документации АЭС, относящихся к I и II категориям воздействия на окружающую среду, обязательства по созданию "зеленых поясов" и проведению мероприятий по озеленению на собственной и прилегающих территориях. Данный подход служит снижению риска радиационного загрязнения, сохранению биологического разнообразия, регулированию баланса углерода в атмосфере, поглощению вредных газов, защите окружающей среды от загрязнения и минимизации экологического воздействия АЭС;

обоснована необходимость соблюдения норм и правил законодательства в области использования атомной энергии при размещении, проектировании, строительстве, вводе в эксплуатацию, эксплуатации и выводе из эксплуатации атомных электростанций в целях обеспечения радиационной безопасности при их использовании, снижения негативного воздействия на экосистему, безопасной эксплуатации АЭС, обеспечения безопасности на этапе вывода из эксплуатации и соответствия международным стандартам;

обоснована необходимость включения в проекты размещения ядерных установок (в частности, атомных электростанций) решений, обеспечивающих их безопасный вывод из эксплуатации, исходя из следующих факторов: долгосрочная безопасность ядерных отходов, защита окружающей среды от радиационного загрязнения, возможность повторного использования территории. Кроме того, несмотря на то, что АЭС предназначены для долгосрочной эксплуатации, их вывод из эксплуатации требует огромных финансовых ресурсов и должен соответствовать международным экологическим требованиям и стандартам ядерной безопасности.

Научная и практическая значимость результатов исследования. Научная значимость результатов исследования объясняется их применением в законотворчестве, правоприменительной практике для развития законодательства в области охраны окружающей среды при использовании

атомной энергии, а также использованием результатов, полученных на основе их научно-теоретического анализа, для совершенствования методологических подходов в этом направлении. Практическая значимость результатов исследования заключается в совершенствовании законодательства в области обеспечения экологической безопасности при использовании атомной энергии и развитии правоприменительной практики, проведении инвентаризации законодательства в области применения инновационных методов хранения и переработки радиоактивных отходов, а также в разработке законодательных актов, направленных на совершенствование деятельности государственных органов и негосударственных некоммерческих организаций, обладающих соответствующими полномочиями в данном направлении, от проектирования до эксплуатации объектов атомной энергетики. В частности, результаты исследования послужат для разработки проектов постановления Кабинета Министров Республики Узбекистан "Об утверждении порядка выдачи разрешений на право ведения деятельности в области использования атомной энергии" и концепции "Энергетическая безопасность."

Внедрение результатов исследования. Научные результаты, полученные в рамках диссертационной работы на тему "Вопросы правового обеспечения экологической безопасности при использовании атомной энергии," были использованы в следующих областях:

предложение о включении деятельности по производству электроэнергии на атомной электростанции в виды деятельности, подлежащие лицензированию, было использовано при разработке статьи 65 Закона Республики Узбекистан от 7 августа 2024 года No ЗРУ-939. (Акт Института парламентских исследований при Законодательной палате Олий Мажлиса Республики Узбекистан от 21 сентября 2024 года No3/08-180). Данное предложение обеспечило лицензирование деятельности по производству электроэнергии на атомной электростанции;

предложение о создании "зеленых поясов" и проведении мероприятий по озеленению на собственной и прилегающих территориях в проектной документации промышленных предприятий, относящихся к I и II категориям воздействия на окружающую среду, было использовано при формировании пункта б) Постановления Кабинета Министров Республики Узбекистан No 381 от 3 июля 2024 года "О внесении изменений и дополнений в некоторые решения Правительства Республики Узбекистан, направленных на улучшение экологической ситуации в отраслях и сферах." (Акт Министерства экологии, охраны окружающей среды и изменения климата Республики Узбекистан No 03-03/39108 от 18 сентября 2024 г.). Реализация данного предложения привела к созданию "зеленых поясов" и проведению озеленения не только на объектах, оказывающих серьезное воздействие на окружающую среду, но и вокруг планируемых к строительству АЭС в Узбекистане.

предложение о необходимости соблюдения законов, норм и правил в области использования атомной энергии при размещении, проектировании, строительстве, вводе в эксплуатацию, эксплуатации и выводе из эксплуатации атомных электростанций было принято для использования в целях совершенствования Закона "Об охране природы." (Акт Министерства экологии, охраны окружающей среды и изменения климата Республики Узбекистан No 03-03/39108 от 18 сентября 2024 г.). Данное предложение обеспечило закрепление отношений, связанных с размещением, проектированием, строительством, вводом в эксплуатацию, эксплуатацией и использованием атомных электростанций, в Законе "Об охране природы," который считается основным законом;

предложения по совершенствованию Закона "Об охране природы" в части разработки правил охраны окружающей среды, применяемых к размещению, проектированию, строительству, модификации, вводу в эксплуатацию и эксплуатации объектов радиационных и ядерных сооружений, приняты к использованию. (Акт Министерства экологии, охраны окружающей среды и изменения климата Республики Узбекистан No 03-03/39108 от 18 сентября 2024 г.). Данное предложение обеспечивает закрепление в Законе "Об охране природы," являющемся основным законом, правил охраны окружающей среды, применяемых к размещению, проектированию, строительству, модификации, вводу в эксплуатацию и эксплуатации объектов радиационных и ядерных сооружений.

Публикация результатов исследования. По теме диссертации опубликовано в общей сложности 20 научных работ, в том числе 9 научных статей (из них 5 в зарубежных журналах), 11 статей и тезисов в сборниках (5 в сборниках материалов международных научно-практических конференций).

Структура и объем диссертации. Диссертация состоит из введения, 3 глав, заключения, списка использованной литературы и приложений. Объем диссертации составляет 156 страниц.

E'LON QILINGAN ISHLAR RO'YXATI
СПИСОК ОПУБЛИКОВАННЫХ РАБОТ
LIST OF PUBLISHED WORKS

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