TOSHKENT DAVLAT YURIDIK UNIVERSITETI HUZURIDAGI ILMIY DARAJALAR BERUVCHI DSc.07/03.06.2023.Yu.22.04 RAQAMLI ILMIY KENGASH

TOSHKENT DAVLAT YURIDIK UNIVERSITETI

XAYITOV PANJI BUXAROVICH

ENERGETIK XAVFSIZLIKNI TA’MINLASHNING EKOLOGIK-HUQUQIY MASALALARI

12.00.06 – Tabiiy resurslar huquqi. Agrar huquq. Ekologik huquq

Yuridik fanlar bo‘yicha falsafa doktori (PhD) dissertatsiyasi AVTOREFERATI

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KIRISH (Falsafa doktori (PhD) dissertatsiyasi annotatsiyasi)

Dissertatsiya mavzusining dolzarbligi va zarurati. Dunyoda energetik barqarorlikni ta’minlash ekologik-huquqiy muammolarning muhim yo‘nalishlaridan biriga aylandi. Iqlim o‘zgarishi, energiya resurslariga bo‘lgan talabning o‘sishi, ekologik toza va xavfsiz energiya manbalarini yaratish dolzarb ahamiyat kasb etadi.[1] Shuning uchun issiqxona gazlari chiqarilishini kamaytirish, energiya ta’minotida ekologik barqarorlikni ta’minlash nafaqat bugungi kunning ustuvor yo‘nalishi, balki kelajak avlodlar uchun barqaror yashash sharoitlarini yaratishda dolzarb va hal qiluvchi zarurat hisoblanadi. Xalqaro energetika agentligi ma’lumotiga ko‘ra, 2023-yilda energiya bilan bog‘liq CO_2 chiqindilari 37,4 milliard tonnaga yetgan va bu asosan ko‘mir chiqindilari, qurg‘oqchilik tufayli hamda gidroenergetikadagi (suv) tanqislik hisobiga o‘sgan.[2] “2024-yilda dunyo aholisi soni 8 milliard kishiga yetdi”[3]. Shamol energiyasi, yer harorati (geotermal), suv oqimlarining tabiiy harakati, biomassa energiyasi kabi qayta tiklanadigan energiya manbalarini rivojlantirish orqali issiqxona gazlari chiqishini kamaytirish mumkin. Energiya manbalarini diversifikatsiya qilish dolzarb ahamiyat kasb etadi.

Jahonda energetik xavfsizlik global iqtisodiyot va davlatlarning taraqqiyoti uchun muhim ahamiyatga ega bo‘lib, uni tadqiq qilish tendensiyasi ortib bormoqda. Shu bois, xalqaro hamkorlikni kuchaytirish, texnologik almashinuvni yo‘lga qo‘yish, investitsiya muhitini takomillashtirish va inson kapitalini rivojlantirishga qaratilgan tadqiqotlar dolzarbdir. Energetik xavfsizlik davlatlarning iqtisodiy barqarorligi va milliy xavfsizligini ta’minlashda asosiy omillardan biri hisoblanadi. Energetika xavfsizligini ta’minlashga qaratilgan qonunchilikni mukammallashtirish masalalari alohida ahamiyat kasb etmoqda. Xalqaro hamkorlik doirasida Yevropa Ittifoqi, Neft eksport qiluvchi mamlakatlar tashkiloti (OPEC) va Xalqaro energetika agentligi (IEA) kabi tashkilotlar energetika xavfsizligini ta’minlash bo‘yicha qator tashabbuslarni ilgari surmoqda. Biroq energetik xavfsizlikni ta’minlash jarayonida iqtisodiy va ekologik barqarorlik o‘rtasidagi muvozanatni saqlash muhim hisoblanadi. Chunki tezkor sanoatlashtirish va energiya talabining ortishi ayrim hollarda ekologik xavflarga hamda resurslarning nomutanosib taqsimlanishiga olib kelishi mumkin. Bularning barchasi energetik xavfsizlikni ta’minlashga doir tadqiqotlar mavzusining dolzarbligini belgilaydi.

O‘zbekistonda energetik xavfsizlikning ekologik-huquqiy jihatlarini takomillashtirishga katta e’tibor qaratilmoqda, bu esa qayta tiklanuvchi energiya manbalaridan foydalanish, issiqxona gazlari chiqindilarini kamaytirish, ekologik standartlar va me’yorlarni joriy etish, atmosfera ifloslanishini pasaytirish, yangi loyihalarni ekologik ekspertiza asosida baholash hamda jamoatchilik nazoratini o‘rnatishni o‘z ichiga oladi. Prezidentimiz 2024-yil 13-dekabrda yangi energetika quvvatlarini ishga tushirishga bag‘ishlangan tantanali marosimda ta’kidlaganidek: “Bugungi tadbir yurtimiz energetikasi tarixida yangi sahifa ochadi. Ishga

[1]O‘zbekiston Respublikasi Prezidenti Shavkat Mirziyoyevning Birlashgan Millatlar Tashkilotining Iqlim o‘zgarishi bo‘yicha konferensiyasi COP 29 dagi nutqidan (12.11.2024). https://president.uz/uz/lists/view/7690

[2]International Energy Agency (IEA). CO2 Emissions in 2023. A new record high, but is there light at the end of the tunnel? Typeset in France by IEA — February 2024. P. 3.

[3]Countrymeters.info. https://countrymeters.info/ru/World

tushirilayotgan bu loyihalar orqali nafaqat iqtisodiy o‘sishga erishamiz, balki kelajak avlodlarimiz uchun yashil va barqaror O‘zbekistonning mustaqil poydevorini yaratamiz”.[4] Davlatimiz quyosh energiyasining 51 milliard tonna neft ekvivalentidan ortiq salohiyatiga ega bo‘lishiga qaramay, bu resursdan foydalanish darajasi hali ham past.[5] 2022-yil 28-yanvarda qabul qilingan “2022–2026-yillarga mo‘ljallangan Yangi O‘zbekistonning taraqqiyot strategiyasi” hamda “O‘zbekiston – 2030” strategiyasida atmosfera ifloslanishini kamaytirish, yangi loyihalarni ekologik ekspertiza asosida baholash va jamoatchilik nazoratini kuchaytirish ustuvor yo‘nalishlar sifatida belgilangan. Bu borada energetik xavfsizlik sohasidagi qonunchilik xalqaro talablar, qoidalarga muvofiqlashtirilmoqda**,** bu esa ushbu sohani o‘rganish uchun yana bir asosdir.

Energetik xavfsizlikni ta’minlash va ekologik barqarorlikni qo‘llab-quvvatlash maqsadida yangi qonunlar va islohotlar joriy etildi. Dissertatsiya tadqiqoti O‘zbekiston Respublikasi Prezidentining “2022-2026-yillarga mo‘ljallangan yangi O‘zbekistonning taraqqiyot strategiyasi to‘g‘risida”gi 2022-yil 28-yanvardagi PF-60-son, 2019-yil 30-oktabrdagi “2030-yilgacha bo‘lgan davrda O‘zbekiston Respublikasining Atrof muhitni muhofaza qilish konsepsiyasini tasdiqlash to‘g‘risida”gi PF-5863-sonli Farmonlari va boshqa me’yoriy hujjatlar energetik xavfsizlikni ta’minlashga xizmat qiladi. Bu qonunchilik hujjatlari tadqiqotning institutsional-huquqiy asoslari hisoblanadi. Shuningdek, ushbu dissertatsiya tadqiqoti, qonun hujjatlarini takomillashtirilishi uchun zarur bo‘lgan ma’lumotlarni taqdim etadi.

Tadqiqotning respublika fan va texnologiyalari rivojlanishining ustuvor yo‘nalishlariga bog‘liqligi. Mazkur dissertatsiya respublika fan va texnologiyalarining 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 usullari” ustuvor yo‘nalishiga mos ravishda amalga oshirilgan.

Muammoning o‘rganilganlik darajasi. O‘zbekistonda energetik xavfsizlikni ekologik-huquqiy tartibga solish masalalarining ilmiy va nazariy-huquqiy jihatlari bo‘yicha ekologiya huquqi nazariyasi nuqtayi nazaridan monografik tadqiqotlar o‘tkazilmagan. Ushbu dissertatsiya tadqiqoti bilan bog‘liq masalalar mamlakatimiz huquqshunos ekolog olimlari tomonidan umumiy yondashuvda, turli darajalarda qisman o‘rganilgan. Mamlakatimiz olimlari, jumladan, Y.O. Jo‘rayev, Sh.X. Fayziyev, J.T. Xolmo‘minov, O.X.Narzullayev, G.Sh. Uzakova, D.M. Umarov, R.H. Kenjayev, N.SH. Rajabov, D.N. Maxkamov, O.D. Utegenov, J. Safarov, U.T. Ayubov, N.K. Skripnikov, M.R. Mirzaabdullayeva, O‘. Xamroyev va boshqalarning ilmiy asarlariga alohida e’tibor qaratildi. Ba’zi huquqshunos olimlarimiz esa mazkur mavzuning ayrim jihatlarini bevosita o‘rganishda ishtirok etgan[6].

[4] https://president.uz/uz/lists/view/7764

[5]https://lex.uz/uz/search/unique.

[6] Xolmo‘minov J.T., Narzullayev O.X. Muqobil energiya manbalarini huquqiy tartibga solish. Risola. – T.: TDYU, 2016. 86-bet. Xolmo‘minov J.T. Energiya sohasidagi munosabatlarni huquqiy tartibga solish. Monografiya. – Toshkent: TDYU, 2019. 216-bet. Jurayev Y.O. Energetika huquqining shakllanishi: nazariy va huquqiy muammolar. Energetika qonunchiligini rivojlantirish va takomillashtirish masalalari: Ilmiy-amaliy konferensiya materiallari. – T.:

Xorijiy davlatlarda energetikaning ekologik-huquqiy tartibga solish masalalari o‘ziga xos jihatlari bilan tadqiq etilgan va ushbu sohada yuzaga kelgan nazariy masalalar, masalan, S. Olz, R. Sims, N. Kirchner, F.Y. Zekker, J.H. Kalicki, V. Naughten, F. Yamin kabi olimlarning ilmiy ishlarida qisqacha ko‘rib chiqilgan.

Mustaqil Davlatlar Hamdo‘stligi mamlakatlarining bir qator olimlari, jumladan, I.S. Shepanskiy, Y.G. Shpakovskiy, S.A. Bogolyubov, M.M. Brinchuk, G.Y. Bistrov, M.I. Vasilyeva, O.L. Dubovik, N.G. Javoronkova, O.S. Kolbasov, V.V. Petrov, I.R. Ayzenberg, Y.L. Baron, A.N. Bereza, Y.V. Blinkova, S.A. Bogolyubov, P.G. Laxno, N.M. Laxtovskiy, A.N. Lisenko, A.I. Perchik, D.A. Petrov, P.P. Yamaletdinovlar tomonidan energetik xavfsizlikning ekologik-huquqiy tartibga solish masalalarining ba’zi jihatlari ilmiy tadqiqotlarda qisqacha ko‘rib chiqilgan[7].

Aksariyat ilmiy ishlanmalar mavjud bo‘lishiga qaramay, yuqorida nomlari keltirilgan olimlarning tadqiqotlari yuqori baholansa-da, ularning asarlarida O‘zbekistonda ekologik faoliyatda energetik xavfsizlikni ta’minlashning ekologik-huquqiy masalalari alohida tadqiqot obyekti sifatida ko‘rib chiqilmagan. Shu sababli ushbu masalani alohida o‘rganish zarurligini ta’kidlashimiz kerak[8].

Dissertatsiya tadqiqotining dissertatsiya bajarilgan oliy ta’lim muassasasining ilmiy-tadqiqot ishlari rejalari bilan bog‘liqligi. Dissertatsiya mavzusi Toshkent davlat yuridik universitetining ilmiy tadqiqot ishlari rejasiga muvofiq “Energetik xavfsizlikni ta’minlashning ekologik-huquqiy masalalari” mavzusi doirasida bajarilgan.

Tadqiqotning maqsadi O‘zbekiston Respublikasining energetika qonunchiligi hujjatlarini rivojlantirish va takomillashtirish, shuningdek, huquqni qo‘llash amaliyoti samaradorligini oshirishga oid taklif va tavsiyalar ishlab chiqishdan iborat.

Tadqiqotning vazifalari:

energetik xavfsizlikni ta’minlash tushunchasining yuridik tavsifi va mohiyatini ochib berish;

TDYU nashriyoti, 2015. 7-12-b. Fayziyev Sh.X. Energetika sohasida atrof-muhitni muhofaza qilishga oid ekologik talablarning huquqiy asoslari: tizimli tahlil. // Energetika qonunchiligini rivojlantirish va takomillashtirish masalalari. – Toshkent: TDYU nashriyoti, 2015. Uzakova G.Sh. O‘zbekiston Respublikasida muqobil energiya resurslaridan foydalanishning huquqiy masalalari. // “O‘zbekistonda qayta tiklanadigan energiya manbalaridan foydalanishni huquqiy tartibga solish”: Ilmiy-amaliy konferensiya materiallari. – T.: TDYU nashriyoti, 2018. 48-52-b. Ekologiya huquqi. Darslik // Bozorov U.B., Xolmo‘minov J.T., Jo‘rayev Y.O., Environmental and Energy Law as a Field of Research: A Structural Overview Jorge E. Vifiuales and Emma Lees./ University of Cambridge, UK. Cambridge University Press, 2017. Яковлев В.Ф. Правовое регулирование право как энергетического комплекса отрасл права России. Энергетичиское право России и Германии: сравнительно-правовое исследование /Под ред. П.Г. Лахно, русск. Изданий. М.: Юрист, 2011. – С. 127.

[7] Mazkur olimlarning ilmiy ishlari nomi dissertatsiyaning foydalanilgan adabiyotlar ro‘yxatida keltirilgan..

[8] Narzullayev O.X. Muqobil energiya manbalarini huquqiy tartibga solish. Risola. – T.: TDYU, 2016. – 86-b. Mahkamov D.N. Muqobil energiya manbalaridan foydalanishda ekologik qonunchilikning o‘rni. // Energetika qonunchiligini rivojlantirish va takomillashtirish masalalari: Ilmiy-amaliy konferensiya materiallari. – T.: TDYU nashriyoti, 2015. 73-b. Safarov D.I. Muqobil energiya manbalaridan foydalanish sohasidagi qonunchilikning mustaqillik yillarida rivojlanishi hamda yanada takomillashtirish istiqbollari. // “O‘zbekistonda qayta tiklanadigan energiya manbalaridan foydalanishni huquqiy tartibga solish”: Ilmiy-amaliy konferensiya materiallari. – T.: TDYU nashriyoti, 2018. 130-138-b. Mirzaabdullayeva M.R. O‘zi foydalanishi uchun elektr energiyasini hosil qilishni huquqiy tartibga solishni takomillashtirish masalalari//Energetika qonunchiligini rivojlantirish va takomillashtirish masalalari. – T.: TDYU nashriyoti, 2015.

energetik xavfsizlikning ekologik va huquqiy jihatlarini ko‘rsatish, shuningdek, milliy tizimdagi o‘rni va ahamiyatini tahlil qilish;

an’anaviy energiya manbalarining atrof-muhitga ta’siri va ularga xos xususiyatlarni taqdim etish;

energetik xavfsizlikda ekologik-huquqiy munosabatlarning ishtirokchilari huquq va majburiyatlarini tahlil qilish;

iqlim o‘zgarishlari sharoitida energetik xavfsizlikni ta’minlash masalalarini o‘rganish va rivojlanish tendensiyalarini aniqlash;

energetika sohasida atrof-muhitni muhofaza qilish chora-tadbirlarini belgilash, obyektlar joylashuvi va faoliyatining ekologik-huquqiy mexanizmlarini ochib berish;

energetika sohasida ekologik-huquqiy talablarni buzish bilan bog‘liq javobgarlik masalalarini o‘rganish va ularning oldini olish uchun taklif va tavsiyalar ishlab chiqish;

energetik xavfsizlikni ta’minlashning ekologik-huquqiy masalalarini tartibga solishdagi mavjud muammolarni hal qilish va kamchiliklarni bartaraf etish yuzasidan xulosa va takliflarni ishlab chiqish.

Tadqiqotning obyekti sifatida energetika qonunchiligi hujjatlarini takomillashtirish bilan bog‘liq huquqiy munosabatlar olingan.

Tadqiqotning predmeti energetika sohasida ekologik xavfsizlikni ta’minlashga oid huquqiy asoslarni tizimli tahlil qilishdan iborat bo‘lib, atrof-muhitni muhofaza qilishga doir normalar va soha qonun hujjatlari amaliyotini tashkil etadi.

Tadqiqotning usullari sifatida uning obyektiga kiruvchi masalalarni o‘rganish, tahlil qilish, tarixiy, tizimli-tarkibiy va qiyosiy tahlil, statistik asoslash, mantiqiylik, amaliy natijalarni tahlil qilish, umumlashtirish va boshqa metodlardan foydalanildi.

Tadqiqotning ilmiy yangiligi quyidagilardan iborat:

fuqaro uy-joy, bino inshoot yoki yer uchastkasiga qurilmalarni o‘z ehtiyojidan kelib chiqib o‘rnatilishi mumkinligi, bunda o‘rnatilgan qurilmalar xarajatlarining bir qismi bo‘yicha kompensatsiyalar to‘lash tartibini joriy etish, aholining mahalliy ishlab chiqaruvchilar tomonidan ishlab chiqarilgan qayta tiklanuvchi energiya manbalari qurilmalarini xarid qilish xarajatlarining bir qismini kompensatsiya qilish yoki bo‘lib-bo‘lib to‘lagan holda sotib olish tartibi asoslantirilgan;

elektr energiyasini sotib oluvchi tushunchasiga quvvati 1 MVtgacha bo‘lgan quyosh, shamol va biogaz elektr stansiyalarida ishlab chiqariladigan elektr energiyasini o‘z tarmog‘iga qabul qiluvchi elektr tarmoqlari korxonalari yoki boshqa jismoniy va yuridik shaxslar deb ta’rif berilishi asoslab berilgan;

jismoniy va yuridik shaxslar tomonidan o‘z ehtiyojlari uchun o‘rnatiladigan quvvati 1 MVtgacha bo‘lgan quyosh, shamol va biogaz elektr stansiyalarida ishlab chiqarilgan elektr energiyasining o‘z ehtiyojidan ortiqcha qismini “Hududiy elektr tarmoqlari” AJ va davlat tomonidan elektr energiyasini xarid qiluvchi funksiyasi (vakolati) berilgan organ tomonidan iste’molchi xohishiga ko‘ra, kamida 10 yil muddat davomida xarid qilish imkoniyati yaratilishi bilan tartibini belgilash asoslantirilgan;

mahalliy davlat hokimiyati organlarining qayta tiklanuvchi energiya manbalari qurilmalarini joylashtirish uchun yer uchastkalarini ajratish zarurati energiya xavfsizligi, ekologik barqarorlik, byurokratik to‘siqlarni kamaytirish, normativ-huquqiy hujjatlarni takomillashtirish, yer ajratish jarayonini tizimli va shaffof tashkil etish qayta tiklanuvchi energetika salohiyatini oshirishda hal qiluvchi omil hisoblanishi zarurati asoslantirilgan.

Tadqiqotning amaliy natijalari quyidagilardan iborat**:**

energetik xavfsizlikni ta’minlashda ekologik-huquqiy nazorat mexanizmlarini takomillashtirish va samaradorligini oshirish, atrof-muhitga salbiy ta’sirni kamaytirishga qaratilgan normativ-huquqiy asoslarni takomillashtirish, barqaror va qayta tiklanuvchi energiya manbalaridan foydalanishni rag‘batlantirish uchun huquqiy asoslarni yanada rivojlantirish maqsadga muvofiq ekanligi ilmiy asoslangan va aniq takliflar berilgan;

energiya obyektlarining atrof-muhitga ta’sirini baholash huquqiy mexanizmini takomillashtirish, ekologik xavfsizlikni ta’minlashda davlat organlari o‘rtasidagi hamkorlikni mustahkamlashga doir huquqiy mexanizmlarni yaratish, jamoatchilik ongini oshirish maqsadida ekologik xavflarni ommaviy axborot vositalarida keng yoritish bo‘yicha amaliy tavsiyalar ishlab chiqilgan;

energetik xavfsizlikning ekologik-huquqiy shakllanishini tartibga solish, takomillashtirish bilan bog‘liq konseptual xulosalar taqdim etilgan;

energiya tejash, oqilona foydalanish va energiya samaradorligini oshirish to‘g‘risida, ekologik-huquqiy shakllanishni yoritish va milliy tizimdagi o‘rni, davlatning vakolatli organlari tomonidan qonunchilik hujjatlarini tizimli ravishda monitoring qilish uchun yaxlit tizimni joriy etish, bu sohada qonunchilik hujjatlarining ijrosini ta’minlash uchun zarur shart-sharoitlarni yaratishga xizmat qilishi asoslangan;

ishlab chiqilgan ilmiy-nazariy xulosalar, takliflar va tavsiyalardan kelgusi ilmiy izlanishlarda, qonunchilik faoliyatida, energetik xavfsizlik sohasiga oid qonun hujjatlarini sharhlashda va milliy qonunchiligimizni yanada takomillashtirish jarayonida samarali foydalanilishi mumkin;

energetik xavfsizlikni ta’minlashning ekologik-huquqiy masalalari tushunchasiga ilmiy-doktrinal asosdagi ta’rif berildi, energetik xavfsizlikni ta’minlash jarayonida ijtimoiy-iqtisodiy munosabatlarni yangi texnika va texnologiyalar orqali shakllantirish uchun aniq takliflar ishlab chiqilgan;

energetik xavfsizlikni ekologik-huquqiy jihatdan ta’minlash maqsadida ilgari surilgan takliflar asosida O‘zbekiston Respublikasining “Energiyani tejash, undan oqilona foydalanish va energiya samaradorligini oshirish to‘g‘risida”gi Qonuniga energiya tejamkor texnika va texnologiyalarni joriy etishni ko‘zda tutuvchi qator o‘zgartirishlar kiritilgan.

Tadqiqot natijalarining ishonchliligi. Tadqiqot ishi milliy va xalqaro huquq me’yorlariga asoslanib, tegishli normativ-huquqiy hujjatlar bilan rasmiylashtirilgan hamda ilmiy-amaliy ahamiyati aniq belgilangan bo‘lib, xulosa, taklif va tavsiyalar tegishli tartibda muhokama qilingan, natijalari respublika va xalqaro nashrlarda chop etilgan va amaliyotga joriy etilgan, shuningdek, tegishli organlar tomonidan tasdiqlangani orqali ishonchlilik ta’minlanadi.

Tadqiqot natijalarining ilmiy va amaliy ahamiyati. Ilmiy tadqiqot ishining ahamiyati energetik xavfsizlikni huquqiy tartibga solish bilan bog‘liq ilmiy-nazariy yondashuvlarni kengaytirishda, tadqiqotda olingan natijalar, ilmiy-amaliy takliflar va ilgari surilgan tavsiyalar kelajakda qonun ijodkorligida, huquqni qo‘llash amaliyotida, energetika sohasiga oid muammolarni chuqurroq o‘rganishda, tegishli qonun hujjatlarini yaxshilashda, shuningdek, ekologiya huquqi, yer huquqi, agrar huquq va energetika huquqi kabi sohalarning ilmiy-nazariy bazasini boyitishda, energetik xavfsizlikni huquqiy tartibga solish masalalari bo‘yicha ilmiy izlanishlar olib borishda, oliy ta’lim muassasalarida o‘quv jarayonida va metodik qo‘llanmalar tayyorlashda foydalanish imkonini beradi. Tadqiqot natijalarining amaliy ahamiyati energetik xavfsizlikni huquqiy tartibga solishga doir qonun hujjatlarini tayyorlash hamda qonunni qo‘llash amaliyotini takomillashtirish jarayonida, oliy yuridik ta’lim muassasalari o‘quv jarayonida qo‘llanayotganida namoyon bo‘ladi.

Tadqiqot natijalarining joriy qilinishi. “Energetik xavfsizlikni ta’minlashning ekologik-huquqiy masalalari” mavzusi bo‘yicha olingan ilmiy natijalardan quyidagilarda foydalanilgan:

fuqarolar uy-joy, bino-inshoot yoki yer uchastkasida o‘z ehtiyojlaridan kelib chiqib qurilmalar o‘rnatish huquqiga ega bo‘lib, ushbu jarayonni qo‘llab-quvvatlash maqsadida xarajatlarning bir qismini kompensatsiya qilish tartibini joriy etish taklif etilgan. Bu taklif O‘zbekiston Respublikasi Vazirlar Mahkamasining 2022-yil 5-oktabrdagi 568-son qarori bilan tasdiqlangan “Aholining mahalliy ishlab chiqaruvchilar tomonidan ishlab chiqarilgan qayta tiklanuvchi energiya manbalari qurilmalarini xarid qilish xarajatlarining bir qismini kompensatsiya qilish yoki bo‘lib-bo‘lib to‘lagan holda sotib olish tartibi to‘g‘risida”gi nizomning 6-bandini ishlab chiqishda asos sifatida foydalanilgan (O‘zbekiston Respublikasi Vazirlar Mahkamasi Bosh vazir kotibiyati Axborot-tahlil va yuridik ta’minlash departamentining 2023-yil 19-dekabrdagi 12-15-125-son dalolatnomasi). Ushbu taklifning amalga oshirilishi aholining o‘z energiya ehtiyojlarini mustaqil qondirish imkoniyatlarini oshirish, mahalliy ishlab chiqaruvchilarni qo‘llab-quvvatlash va ekologik barqarorlikni ta’minlashga zamin yaratadi;

elektr energiyasini sotib oluvchi tushunchasiga quvvati 1 MVtgacha bo‘lgan quyosh, shamol va biogaz elektr stansiyalarida ishlab chiqariladigan elektr energiyasini o‘z tarmog‘iga qabul qiluvchi elektr tarmoqlari korxonalari yoki boshqa jismoniy va yuridik shaxslar deb ta’rif berish haqidagi takliflari O‘zbekiston Respublikasi Vazirlar Mahkamasining 2023-yil 14-iyundagi 247-son qarori bilan tasdiqlangan “Jismoniy shaxslar va tadbirkorlik subyektlari tomonidan qayta tiklanuvchi energiya manbalaridan foydalangan holda ishlab chiqarilgan elektr energiyasining ehtiyojdan ortiqcha qismini sotish tartibi to‘g‘risida”gi nizomning 3-bandini ishlab chiqishda asos sifatida foydalanilgan (O‘zbekiston Respublikasi Vazirlar Mahkamasi Bosh vazir kotibiyati Axborot-tahlil va yuridik ta’minlash departamentining 2023-yil 19-dekabrdagi 12-15-125-son dalolatnomasi). Ushbu taklifning amalga oshirilishi qayta tiklanuvchi energiya manbalaridan samarali foydalanish, energiya bozorini rivojlantirish hamda jismoniy va yuridik shaxslarning qo‘shimcha daromad manbaiga ega bo‘lish imkoniyatlarini kengaytirishga ijobiy ta’sir ko‘rsatadi;

jismoniy va yuridik shaxslar tomonidan o‘z ehtiyojlari uchun o‘rnatiladigan, quvvati 1 MVtgacha bo‘lgan quyosh, shamol va biogaz elektr stansiyalarida ishlab chiqarilgan elektr energiyasining o‘z ehtiyojidan ortiqcha qismini “Hududiy elektr tarmoqlari” AJ va davlat tomonidan elektr energiyasini xarid qiluvchi funksiyasi (vakolati) berilgan organ tomonidan iste’molchi xohishiga ko‘ra, kamida 10 yil muddat davomida xarid qilish imkoniyatini yaratish bo‘yicha taklif O‘zbekiston Respublikasi Prezidentining 2022-yil 9-sentabrdagi “Energiya tejovchi texnologiyalarni joriy qilish va kichik quvvatli qayta tiklanuvchi energiya manbalarini rivojlantirish bo‘yicha qo‘shimcha chora-tadbirlar to‘g‘risida”gi PF-220-son Farmonining 6-bandiga kiritilgan (O‘zbekiston Respublikasi Adliya vazirligining 2024-yil 11-martdagi 9/30-24-03-son Dalolatnomasi). Ushbu taklifning amalga oshirilishi qayta tiklanuvchi energiya manbalaridan samarali foydalanishni rag‘batlantirish, energiya bozorini rivojlantirish va elektr energiyasini uzluksiz ta’minlash mexanizmlarini takomillashtirishga xizmat qiladi;

mahalliy davlat hokimiyati organlarining qayta tiklanuvchi energiya manbalari qurilmalarini joylashtirish uchun yer uchastkalari berilishini ta’minlash bilan bog‘liq taklif O‘zbekiston Respublikasining 2019-yil 21-maydagi “Qayta tiklanuvchi energiya manbalaridan foydalanish to‘g‘risida”gi O‘RQ–539-son Qonunining 8-moddasida o‘z aksini topgan (O‘zbekiston Respublikasi Adliya vazirligining 2024-yil 11-martdagi 9/30-24-03-son Dalolatnomasi). Ushbu taklifning amalga oshirilishi energiya mustaqilligini ta’minlash, investitsiya muhitini yaxshilash va qayta tiklanuvchi energiya manbalaridan samarali foydalanishni rag‘batlantirishga zamin yaratadi;

Tadqiqot natijalarining aprobatsiyasi. Tadqiqot ishi natijalari 5 ta ilmiy-amaliy anjumanda, jumladan, 3 ta xalqaro va 2 ta respublika miqyosidagi ilmiy-amaliy yig‘inlarda muhokama qilindi.

Tadqiqot natijalarining e’lon qilinganligi. Dissertatsiya mavzusiga oid jami 25 ta ilmiy ish, shu jumladan, 2 ta ilmiy risola, OAK tomonidan doktorlik dissertatsiyalari asosiy ilmiy natijalarini e’lon qilish uchun tavsiya etilgan ilmiy nashrlarda 15 ta maqola, ulardan 11 tasi respublika, 4 tasi esa xorijiy jurnallarda chop etilgan.

Dissertatsiyaning tuzilishi va hajmi. Dissertatsiya quyidagi bo‘limlardan iborat: kirish, uchta bob, xulosa va foydalanilgan adabiyotlar ro‘yxati. Dissertatsiyaning umumiy hajmi 138 betni tashkil etadi.

DISSERTATSIYANING ASOSIY MAZMUNI

Dissertatsiyaning **Kirish** (falsafa doktori (PhD) dissertatsiyasi annotatsiyasi) qismida dissertatsiya mavzusining dolzarbligi va zarurati, tadqiqotning respublika fan va texnologiyalari rivojlanishining ustuvor yo‘nalishlariga mosligi, muammoning o‘rganilganlik darajasi, dissertatsiya tadqiqotining dissertatsiya bajarilgan oliy ta’lim muassasasining ilmiy-tadqiqot ishlari rejalari bilan bog‘liqligi, tadqiqotning maqsadi, vazifalari, obyekti, predmeti, tadqiqot usullari, tadqiqotning ilmiy yangiligi, amaliy natijalari, tadqiqot natijalarining ishonchliligi, tadqiqot natijalarining ilmiy va amaliy ahamiyati, tadqiqot natijalarining joriy qilinishi,

tadqiqot natijalarining aprobatsiyasi, tadqiqot natijalarining e’lon qilinganligi, dissertatsiyaning tuzilishi va hajmi yoritib berilgan.

Dissertatsiyaning birinchi bobi **“Energetik xavfsizlikni ta’minlashning ekologik-huquqiy tavsifi”** deb nomlangan. XX asr davomida energetika sohasi jahon miqyosidagi taraqqiyotning ajralmas tarkibiy qismi sifatida shakllangan. XXI asrda esa energiyaga bo‘lgan ehtiyoj yanada ortib, global iqtisodiy o‘sishning asosiy omillaridan biriga aylangan. Rivojlanayotgan davlatlar qatoriga kiruvchi O‘zbekiston Respublikasida energetik xavfsizlik masalasi barqarorlik va milliy xavfsizlik nuqtayi nazaridan muhim strategik vazifa sifatida belgilanganligi alohida o‘rganilgan. Zamonaviy energetika huquqining olimlari P.G. Laxno, F.Y. Zekkerning fundamental nazariy qarashlari tahlil etilgan. Shuningdek, energetik xavfsizlikni ta’minlash tushunchasining yuridik tavsifi va mohiyati, energetik xavfsizlikning ekologik va huquqiy jihatlari, milliy tizimdagi o‘rni va ahamiyati ochib beriladi.

Dissertatsiya ishida “energiya xavfsizligi”, “energiya mustaqilligi”, “ekologik xavfsizlik” tushunchalariga alohida ta’riflar berilgan. Bu masalalar ekologik xavfsizlik va energetika o‘rtasidagi o‘zaro bog‘liqlik o‘rnatadi. Energiya manbalarini ishlab chiqarish va ulardan foydalanish jarayonlari atrof-muhitga ta’sir ko‘rsatadi, shuning uchun ekologik xavfsizlik va energetik xavfsizlik o‘rtasidagi o‘zaro bog‘lanish katta ahamiyatga ega hisoblanadi. Bu borada A.N. Larin, P.G. Laxno, F.Y. Zekker, V.V. Dubovkin, S.M. Korneyev va L.A. Sisar kabi olimlar fikrlari tahlil qilingan. Ekologik xavfsizlik energiya ishlab chiqarish jarayonida inson faoliyatining salbiy ta’sirlarini kamaytirish va davlatning ekologik barqaror rivojlanishini ta’minlashga qaratilgan.

Tadqiqotchining yozishicha, zamonaviy energetika huquqi besh asosiy tamoyilga asoslanadi: ekologik huquq (atrof-muhitni himoya qilish va tabiiy resurslardan samarali foydalanish), shartnoma huquqi (energetika sohasidagi kelishuvlarning huquqiy barqarorligini ta’minlash), biznes huquqi (investitsiyalarni jalb qilish va tadbirkorlikni qo‘llab-quvvatlash), raqobat huquqi (bozorda sog‘lom raqobatni rivojlantirish va monopoliyalarni kamaytirish), hamda barqaror energiya ta’minoti (ta’minot xavfsizligi, samaradorlik va ekologik barqarorlikni ta’minlash). Ushbu tamoyillar energetika huquqining asosini tashkil etib, xavfsiz va barqaror energiya manbalarini qonuniy asosda ta’minlashni ko‘zda tutadi.

Zamonaviy va tan olingan nazariyalar asosiy metodologik yondashuv sifatida qaraladi. Misol uchun, barqaror rivojlanish nazariyasi – bu tamoyillar energetika xavfsizligini ta’minlashda resurslarni tiklash, iqlim o‘zgarishlariga moslashish va ularning salbiy oqibatlarini kamaytirishga qaratilgan. Ekologik xavfsizlik nazariyasi tabiiy resurslar va atrof-muhitni himoya qilish orqali inson va davlat xavfsizligini ta’minlashga yo‘naltirilgan. Ushbu yondashuvlar energetika va ekologik xavfsizlik masalalariga tizimli yondashish imkoniyatini yaratdi.

A.N. Larinning ta’rifiga ko‘ra, ekologik xavfsizlik atrof-muhitning antropogen faoliyat (inson tomonidan olib boriladigan iqtisodiy, texnik, ishlab chiqarish va boshqa jarayonlar) yoki tabiiy ofatlar tufayli yuzaga keladigan zararli ta’sirlardan himoyalanganligini bildiradi. Mazkur tushuncha jamiyat, davlat va shaxslarning

ekologik xavfsiz hayot kechirishini ta’minlashga qaratilgan choralar majmuasini o‘z ichiga oladi.

Muallifning fikricha, ekologik xavfsizlikni jamiyatni, alohida shaxslarni va hududlarni atrof-muhitdagi xavf-xatarlardan himoya qilish, barqaror rivojlanishga hissa qo‘shish, tabiiy resurslar va ekotizimlarni saqlash, shuningdek, ularni boshqarishning huquqiy va iqtisodiy mexanizmlarini rivojlantirish deb ta’riflash mumkin.

Tadqiqot ishida ekologik xavfsizlikni ta’minlash energetik xavfsizlikning ajralmas tarkibiy qismi bo‘lib, ushbu masalani huquqiy jihatdan tartibga solish har ikki xavfsizlikni birgalikda mustahkamlashga yordam berishi ta’kidlanadi.

Ba’zi mualliflarning ta’kidlashicha, atrof-muhitni himoya qilish tushunchasining o‘rniga ekologik xavfsizlikni ta’minlash atamasini ishlatish zarur hisoblanadi.[9] A.M. Arxipovning fikrlariga ko‘ra, ekologik xavfsizlik muammosini milliy xavfsizlikning eng yirik muammosi sifatida qarash lozimligi aytib o‘tilgan.[10] Ekolog olim professor Sh.X. Fayziyevning fikricha, “milliy xavfsizlik tizimida ekologik xavfsizlik kompleks tizim bo‘lib, muhim rol o‘ynaydi va uning asosiy maqsadi jamiyat va tabiatning barqarorligini saqlashga yo‘naltirilgan”[11]. Ekolog olim Sh.Y. Jurayevning fikricha, yuridik tabiatni tahlil qilishda quyidagi ikki jihatni hisobga olish zarur: birinchisi – atrof-muhitga ta’sir qilishning xarakteri va miqyosi, ikkinchisi esa, bu ta’sir natijasida sifat jihatdan jiddiy o‘zgargan atrof-muhitning inson, jamiyat va davlat manfaatlariga salbiy ta’siri. Birinchi holat yuzaga kelganda, ikkinchisi ham albatta yuz beradi. Bu yerda tabiatga ta’sir qiluvchi hodisa falokat (ofat) deb qaraladi va “falokatga uchragan” tabiat, o‘z navbatida, inson, jamiyat va davlatga zarar yetkazadi. Ushbu holatlar ekologik xavf tushunchasini bildiradi. Ekologik xavf hodisasi esa favqulodda vaziyat deb hisoblanadi.[12].

O. Oqyulovning fikricha, energiya oddiy moddiy mahsulot sifatida tushunilmaydi. Energiya o‘zida moddiylik unsurlarini namoyon qilib, ma’lum bir moddiy holatni aks ettiradi. Ushbu xususiyatlar insonlarga samarali natijalarga erishish va turli texnik jarayonlarni amalga oshirish uchun zarur sharoitlarni yaratadi. Energiyaning fizik xususiyatlari tufayli uni boshqa mahsulotlar kabi katta hajmdagi omborlarda yoki maxsus idishlarda saqlashning iloji yo‘q. Energiyaning foydali tomonlari undan foydalanish va iste’mol qilish jarayonida namoyon bo‘ladi. Bu jarayon natijasida bajarilgan ish yoki texnik operatsiyalarni amalga oshirishda ko‘rsatilgan bo‘lishi mumkin, ammo energiya mahsulotga yoki boshqa shaklga aylanmaydi, balki o‘zini yo‘qotadi. Energiyaning mavjudligi va undan foydalanish faqat maxsus o‘lchov uskunalarining ko‘rsatkichlarida aks etadi.

Dissertantning qayd etishicha, energiya resurslaridan foydalanishda qayta tiklanuvchi energiya manbalarini kengaytirish, ekologik xavfsizlik talablariga javob

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[9] Лопатин В.Н. Экологическая безопасность: проблеми конституционной законности. Государство и право, 2004. №2. – С. 21

[10] Архипов А.М. Экологическая функция Российского государство. Н. Новгород. Диссертатция по соискание учёной. Ст. к.й.н. 1997. – С. 37.

[11] Файзиев Ш.Х. Теоретеческое проблеми правового обеспечение экологическое политики Республики Узбекистан. Автореферат. Диссер. На соне.уч.ст. д.ю.н. – Ташкент: ТГЮИ, 2004. – С. 23.

[12] Jurayev Sh.Y. O‘zbekistonda ekolgik xavfsizlikni ta’minlashning nazariy-huquqiy masalalari. Dissertatsiya. Y.f.n. Toshkent TDYI, 2012. – 29-30-betlar.

beradigan energiya tizimiga o‘tishni rag‘batlantirish maqsadga muvofiqdir. Bu, o‘z navbatida, atrof-muhitni muhofaza qilishga qaratilgan chora-tadbirlarni kuchaytiradi va ekologik barqarorlikka erishishga xizmat qiladi. Qayta tiklanuvchi energiya manbalari – quyosh, shamol, gidroenergiya va biomassa – an’anaviy energiya manbalariga qaraganda atrof-muhitga kamroq salbiy ta’sir ko‘rsatadi. An’anaviy energiya manbalari asosan karbonat angidrid (CO_2) kabi issiqxona gazlari chiqindilarini ko‘paytiradi. Qayta tiklanuvchi energiya esa uglerod chiqindisiz bo‘lib, iqlim o‘zgarishining oldini olishda katta ahamiyatga ega.

Tadqiqot ishida shunga asoslanib, “energiya ta’minoti xavfsizligi” energiya manbalarining arzon narxlarda va uzluksiz mavjud bo‘lishini ta’minlash sifatida belgilandi. Bunday barqarorlikka texnologik murakkablik, atrof-muhitga salbiy ta’sir va transport bilan bog‘liq qiyinchiliklar tahdid solishi mumkin. Hozirda “energiya xavfsizligi” tushunchasining turli talqinlari va formulalari mavjud, ammo yagona umumiy ta’rifga erishilmagan. “Energiya xavfsizligi” atamasi milliy xavfsizlikka oid davlat siyosatini tartibga solish uchun birinchi marta 1947-yilda AQShda qo‘llangan, ammo u keng tarqalib, dolzarb muammo sifatida 1973-yilgi neft inqirozidan keyin yuzaga keldi.

Muallifning fikricha, energetik xavfsizlik – bu davlatning ijtimoiy-iqtisodiy rivojlanishi, milliy xavfsizlik va aholi turmush darajasini ta’minlash maqsadida energiya resurslarini ishonchli, uzluksiz va ekologik xavfsiz manbalardan ta’minlash uchun zarur bo‘lgan yuridik, institutsional va iqtisodiy mexanizmlarni o‘z ichiga olgan kompleks chora-tadbirlar tizimidir.

Тадқиқот ишида, sun’iy intellekt texnologiyalari energetika sohasida ekologik barqarorlikni ta’minlashda katta imkoniyatlarni taqdim etmoqda. Energiya sarfini samarali boshqarish, qayta tiklanuvchi energiya manbalarini rivojlantirishni rag‘batlantirish, chiqindilar va gazlarni nazorat qilish, shuningdek, ekologik xavf-xatarlarni kamaytirish orqali ushbu texnologiyalar kelajakda energetik barqarorlikni ta’minlashda asosiy rol o‘ynaydi. Shu bois sun’iy intellekt rivojlanishi va uni energetika sohasida kengroq qo‘llash ilmiy va amaliy tadqiqotlar uchun dolzarb yo‘nalishlardan biri hisoblanadi.

Dissertantning fikricha, sun’iy intellekt texnologiyalari energiya xavfsizligi va ekologik barqarorlikni ta’minlashda katta imkoniyatlarga ega. Sun’iy intellekt jamiyatga atrof-muhitni asrashda va energiyadan samarali foydalanishda yordam berishi mumkin. Ushbu texnologiyalar qonunchilik, ekologiya va tabiatni muhofaza qilish sohasida yangi yechimlar yaratish, inson omillari sababli yuzaga keladigan xato va kamchiliklarni kamaytirishga xizmat qiladi. Shuningdek, sun’iy intellekt yordamida energiya iste’moli kamayishi va iqtisodiy samaradorlik oshishi mumkin, bu esa kelajakda jamiyat va tabiat uchun yangi imkoniyatlar eshigini ochadi.

Tadqiqotchining qayd etishicha, ekologik xavfsizlikni ta’minlash uchun quyidagi asosiy tamoyillar muhim sanaladi. Jumladan, **radiatsiya xavfsizligini ta’minlash; avariyalarga tayyorlik va ularning oldini olish; ekologik nazorat va monitoring.** Ushbu tamoyillarning mohiyatiga qaraydigan bo‘lsak. Birinchidan, atom energiyasidan foydalanishda radiatsiya xavfsizligiga alohida e’tibor beriladi. Bunda radiatsiya manbalarini boshqarish, ularni to‘g‘ri saqlash va utilizatsiya qilish talablari belgilanadi. Ikkinchidan, qonun avariyalar sodir bo‘lganda aholi va atrof-

muhitni himoya qilishga qaratilgan chora-tadbirlarni belgilaydi. Buning uchun atom obyektlarida maxsus xavfsizlik va avariyaga qarshi rejalar ishlab chiqiladi. Uchinchidan, yadroviy qurilmalar joylashgan hududlarda doimiy ekologik monitoring o‘tkazish va radiatsiyaviy ta’sir darajasini tekshirib borish majburiy hisoblanadi. Bu choralar radiatsiya chiqindilarining atrof-muhitga salbiy ta’sirini kamaytirish va ekologik xavfsizlikni ta’minlashga yordam beradi.

Dissertatsiya ishining ikkinchi bobi **“Energetik xavfsizlikni huquqiy tartibga solish obyekti sifatida”** deb nomlanib, unda an’anaviy energiya manbalarining atrof-muhitga ta’siri va o‘ziga xos jihatlari bilan bog‘liq masalalar o‘rganilgan, ayni paytda respublikamizning umumiy ishlab chiqarish quvvati, O‘zbekistonda energiya xavfsizligini ta’minlash va ekologik muhofazani kuchaytirish uchun bir qator huquqiy-me’yoriy hujjatlar ishlab chiqilganligi alohida tahlil qilinadi. Dissertatsiyada energetik xavfsizlikni huquqiy tartibga solish obyekti o‘rganilganda olimlar (Sh.X. Fayziyev, Y.O. Jo‘rayev, J.T. Xolmo‘minov O.X. Narzullayev, P.G. Laxno, O.L. Dubovik)ning fikrlari tahlil qilindi.

Dissertatsiya ishida mavjud an’anaviy energiya tizimida energetik xavfsizlikni ta’minlash bilan bog‘liq quyidagi asosiy muammolar mavjudligini ta’kidlash muhim.

Birinchidan, ishga tushirilganiga 25 yil bo‘lgan IES energobloklarining past samaradorligi – eski elektr stansiyalarda foydali ish koeffitsiyenti (FIK) 25-35 % darajasida bo‘lib, zamonaviy bug‘-gaz qurilmalariga nisbatan ikki baravar yuqori yoqilg‘i sarfini talab qiladi.

Ikkinchidan, ta’minotdagi uzilishlar va sifatning pasayishi – taqsimlovchi tarmoqlar va transformatorlarning yuqori darajada eskirganligi sababli elektr ta’minotida ko‘p sonli uzilishlar va energiya sifat ko‘rsatkichlarining yomonlashuvi kuzatilmoqda.

Uchinchidan, elektr uzatish liniyalari va transformatorlarning aksariyat qismi past quvvat uzatish imkoniyatiga ega bo‘lib, iste’molchilarga elektr energiyasini zarur miqdorda yetkazib berishni ta’minlay olmaydi.

Tadqiqotchining ta’kidlashicha, an’anaviy energiya manbalarining atrof-muhitga ta’siri va ularning o‘ziga xos xususiyatlari haqida xulosa qilib aytadigan bo‘lsak, an’anaviy energiya manbalari (neft, ko‘mir, tabiiy gaz va boshqa qazib olinadigan yoqilg‘ilar) O‘zbekiston iqtisodiyotining asosiy tayanchi sifatida xizmat qiladi, chunki ular tabiiy resurslarning muhim qismini tashkil etadi. Biroq ularning ekologik ta’siri hamda cheklangan resurs sifatidagi xususiyatlari ushbu manbalardan foydalanishni qayta ko‘rib chiqishni talab etadi. Ushbu masalalar atrof-muhitga ta’siri nuqtayi nazaridan ko‘rib chiqilganda, atmosferaning ifloslanishi, iqlim o‘zgarishi, suv va yer resurslarining ifloslanishi, biologik xilma-xillikka salbiy ta’sir ko‘rsatish, shuningdek, radioaktiv chiqindilar bilan bog‘liq ekologik huquq sohasidagi muammolar yuzaga keladi.

An’anaviy energiya manbalarining o‘ziga xos jihatlari, salbiy tomonlari va afzalliklari quyidagilarga ko‘ra, alohida ahamiyatga ega. An’anaviy yoqilg‘ilar yuqori energiya ishlab chiqarish quvvatini ta’minlaydi. Qazib olinadigan yoqilg‘ilar cheklangan miqdorda bo‘lib, qayta tiklanmaydigan manbalardir. Ularning uzoq muddat davomida foydalanish imkoniyati resurslarning tugashi xavfi bilan bog‘liq.

Mamlakatimiz an’anaviy yoqilg‘ilarning salbiy ta’sirini kamaytirish uchun quyidagi choralarni ko‘rmoqda: qayta tiklanuvchi energiya manbalaridan (quyosh, shamol, gidroenergetika) foydalanishni kengaytirish, energiya samaradorligini oshirish va yangi, ekologik toza texnologiyalarni joriy etish, shuningdek, xalqaro hamkorlik va iqlim o‘zgarishiga qarshi qo‘shma dasturlarni rivojlantirish.

Tadqiqot ishida an’anaviy energiya manbalari ustuvorligini qayta ko‘rib chiqish nafaqat ekologik xavflarni kamaytirishi, balki barqaror rivojlanish maqsadlarini amalga oshirishda ham muhim ahamiyat kasb etishi ta’kidlangan.

An’anaviy energetika tizimining muammolaridan biri – raqamlashtirish va avtomatlashtirishning past darajasi. Sun’iy intellekt texnologiyalarini keng qo‘llash zarur. Binolarning energiya samaradorligi, energiya iste’molini boshqarish va quyosh hamda shamol energiyasining samaradorligini oshirishda bu texnologiyalar katta yordam beradi. Bu texnologiyalar real vaqt rejimida energiya ishlab chiqarish jarayonlarini optimallashtiradi va natijalarni prognozlashni yaxshilaydi.

Bizning tasavvurlarimizga ko‘ra, an’anaviy energiya manbalari qayta tiklanmaydigan va cheklangan resurslardan iborat bo‘lib, ularga ko‘mir, neft va tabiiy gaz kabi yer osti yoqilg‘ilari manbalari yordamida energiya ishlab chiqarish kiradi. Ushbu manbalar uglerod dioksidini katta miqdorda atmosferaga chiqaradi.

An’anaviy energiya manbalaridan foydalanish jarayonida chiqariladigan zararli gazlar, masalan, uglerod dioksidi, sulfur oksidlari va azot oksidlari, atmosferani ifloslantirib, havo sifatiga salbiy ta’sir ko‘rsatadi. Misol uchun**,** ko‘mirdan foydalanish vaqtida yuzaga keladigan uglerod dioksid chiqindilari global issiqlikning oshib ketishiga sabab bo‘ladi.

Muallifning fikricha, iqlim o‘zgarishi sharoitida energetik xavfsizlikni ta’minlash nafaqat ekologik nuqtayi nazardan, balki iqtisodiy barqarorlikka ham jiddiy ta’sir ko‘rsatadi. Qayta tiklanadigan energiyaga o‘tishni tezlashtirish orqali davlatlar nafaqat uglerod chiqindilarini kamaytirishga, balki o‘zlarining energetika ta’minotidagi mustaqilligini kuchaytirishga muvaffaq bo‘ladi. Ammo bu jarayonni amalga oshirishda energiya saqlash texnologiyalari va ixtisoslashgan tizimlarning rivojlanishi zarur, chunki qayta tiklanadigan energiya manbalari doimo barqaror energiya manbai taqdim eta olmaydi.

Tadqiqot ishida ko‘rsatilishicha, Energetik xavfsizlikning huquqiy tartibga solish obyekti sifatida belgilanishi ushbu sohaning muhim va strategik ahamiyatini ko‘rsatadi. Energetik xavfsizlikni ta’minlash, avvalo, energetika sohasiga oid munosabatlarni huquqiy jihatdan tartibga solishni talab qiladi.

1. An’anaviy energiya manbalari – tugallanmaydigan va chegaralangan resurslar (ko‘mir, neft, tabiiy gaz), asosan yer ostidan olinadigan yoqilg‘ilar yordamida energiya ishlab chiqarishni o‘z ichiga olgan manbalar to‘plami sifatida qaraladi. Ushbu manbalar, o‘z navbatida, atmosferaga katta miqdorda uglerod dioksidi chiqarishga olib keladi.

2. An’anaviy energetika tizimining muammolari – eski elektr stansiyalarining past samaradorligi, ta’minotdagi uzilishlar va quvvat uzatish imkoniyatlarining pastligi asosiy muammolarni tashkil etadi.

3. Energetik xavfsizlikda ekologik-huquqiy munosabatlarning obyektlari – bu munosabatlar doirasida himoya qilinishi va tartibga solinishi kerak bo‘lgan moddiy

va nomoddiy mol-mulklarni anglatadi. Ularning huquqiy maqomi qonunlar bilan tartibga solinadi.

4. Energetik xavfsizlikda ekologik-huquqiy munosabatlarning mazmuni – energetik xavfsizlik sohasidagi ekologik-huquqiy munosabatlarning obyektlari, subyektlari, shuningdek, ularning huquq va majburiyatlarini o‘z ichiga oladi. Ushbu munosabatlar, o‘z navbatida, ekologik barqarorlikni ta’minlash va energetik xavfsizlikni mustahkamlashga qaratilgan huquqiy mexanizmlarni anglatadi.

Dissertatsiyaning **“Energetik xavfsizlikni ta’minlashning ekologik-huquqiy istiqbollari”** deb nomlangan uchinchi bobida energetikada atrof-muhitni muhofaza qilish chora-tadbirlari masalasi o‘rganilib, huquqshunos olimlar (Y.O. Jo‘rayev, Sh.X. Fayziyev, J.X. Xolmo‘minov, J.J. Safarov, U.T. Ayubov, A.A. Mixalevich, S.A. Kotuxov, V.A. Kuzmin, Y.V. Soboleva, O.X. Narzullayev)ning ilmiy ishlari tahlil qilindi. Bu borada alohida ta’kidlash mumkinki, O‘zbekiston Respublikasi energetika siyosatining asosiy rivojlanishining kelajak istiqbollari quyidagilardan iborat: 1. Elektr energiyasining ta’minotini mustahkamlash: elektr energiyasining mustahkam ta’minoti mamlakatning iqtisodiyot va infrastrukturasini rivojlantirishda asosiy maqsad. 2. Energiya tizimlari sifat ko‘rsatkichlarini oshirish: ishtirokchi tarmoqlarni yangilash va elektr energiyasi ishtirokini yengillashtirish. 3. Toza va sifatli energiya ishlab chiqarishni va energiya vositalaridan foydalanishdagi samaradorlikni oshirish. 4. Elektr energiyasining sifatini oshirish.

Tadqiqotchining ta’kidicha, energetika resurslaridan samarali va oqilona foydalanishni, qazib olish va taqsimlashni monitoring qilish, shuningdek, ularni optimallashtirishni o‘z ichiga olgan energetik xavfsizlikni ta’minlashga yo‘naltirilgan barqaror rivojlanish strategiyasini takomillashtirish zarur. Bu, shuningdek, xavfsizlik choralarini oldindan ko‘rish va tegishli maqsadlarni amalga oshirishni ta’minlashni talab qiladi.

Belarus akademigi A.A. Mixalevich energiya xavfsizligini “Normal va favqulodda vaziyatlarda oxirgi iste’molchilarni kerakli miqdorda va sifatli energiya bilan ta’minlash qobiliyati”, – deb ta’riflaydi[13]. Alohida ta’kidlash kerak bo‘lgan yagona narsa shundaki, bu qobiliyat nafaqat ushbu ma’lum bir davrda, balki kelajakda ham ta’minlanishi kerak, chunki uzoq yillar davomida energiya olish kafolatisiz xavfsizlik haqida gapirish mumkin emas.

Dissertantning fikricha, energetika resurslaridan samarali va oqilona foydalanishni, qazib olish va taqsimlashni monitoring qilish, shuningdek, ularni optimallashtirishni o‘z ichiga olgan energetik xavfsizlikni ta’minlashga yo‘naltirilgan barqaror rivojlanish strategiyasini takomillashtirish zarur. Bu, shuningdek, xavfsizlik choralarini oldindan ko‘rish va tegishli maqsadlarni amalga oshirishni ta’minlashni talab qiladi.

Mazkur ta’rif, bizning fikrimizcha, boshqa mualliflarning eng muvaffaqiyatli formulalarini oladi, shuningdek, energiya ekologik xavfsizligi bilan uzviy bog‘liqlikni ta’minlash zarurligini ko‘rsatadi. Energiya xavfsizligini barcha yoqilg‘i-energetika obyektlarining muammosiz ishlashi kafolatisiz tasavvur qilib bo‘lmasligini, bundan tashqari, xavfsizlik haqida faqat uzoq muddatli nuqtayi

[13] Михалевич А. Пора всерез занятся энергобезопасностю // Экономическая газета, № 35(652) от 20.05.2003.

nazardan va tashqi omillar ta’siridan barqaror bo‘lgan muhitga nisbatan gapirish mumkin.

Ko‘p sonli tahdidlarning milliy va global energiya tizimiga doimiy ta’siri tufayli mutlaq energiya xavfsizligiga erishish mumkin emas. Biroq mazkur tahdidlarni umumlashtirish, tizimlashtirish va tahlil qilish orqali xavflarni kamaytirish va turli masalalarning davlatimiz yoqilg‘i-energetika tizimiga ta’siri oqibatlarini bashorat qilish mumkin.

Tadqiqot ishi davomida aniqlanganidek, energetika sohasida atrof-muhitni muhofaza qilish faqat milliy darajadagi huquqiy choralar bilan cheklanmasligi kerak. Bu jarayonda ilg‘or texnologiyalardan foydalanish va ekologik standartlarga rioya qilish muhim ahamiyat kasb etadi.

Obyektlarni joylashtirishning ekologik-huquqiy mexanizmi fuqarolik jamiyatining ekologik xavfsizligini ta’minlashda, jamoatchilik manfaatlarini himoya qilishda va atrof-muhitni muhofaza qilishda muhim ahamiyatga ega. Ushbu mexanizmning samaradorligi davlat siyosatining muhokamasi, jamoatchilik ishtirokining yakdilligi va xalqaro standartlarga muvofiqligi bilan belgilanadi.

Dissertantning fikricha, obyektlarni joylashtirishning ekologik-huquqiy mexanizmi samaradorligini ta’minlash uchun quyidagi faktorlar muhim. Davlat ekologik standartlarni belgilash va ixtiyoriy mexanizmlarni joriy qilishda markaziy rol o‘ynaydi. Davlat, joylashtirishning ekologik standartlarini ishlab chiqishda fuqarolarning huquqlarini inobatga olishi kerak. Bu, masalan, ekologik ekspertizalarning samaradorligini oshirish va loyiha muhokamalarida jamoatchilik fikrini inobatga olishni talab etadi.

Energetika tizimida ekologik-huquqiy talablarni buzganlik uchun javobgarlik masalalari tushunchasi huquqiy javobgarlikning umumiy tushunchasidan kelib chiqadi, yoxud huquqiy javobgarlikning umumiy nazariyasini o‘rganish huquqbuzarliklar uchun javobgarlik tushunchasini ochib berishga yordam beradi. Shuni aytish kerakki, energetika sohasida ekologik-huquqiy talablarni buzganlik uchun javobgarlikning umumiy masalalari yetarli darajada o‘rganilmagan va tadqiq etilmagan. Qo‘shimcha qilib ta’kidlash kerakki, energetika sohasida ekologik-huquqiy talablarni buzganlik uchun javobgarlikning umumiy masalalarida yetarli darajada tadqiqot ishlari olib borilmagan.

Huquqiy adabiyotlarda javobgarlikning u yoki bu turlari funksiyalari, javobgarlik masalalari yoxud yuridik javobgarlikning butun boshli tizimi funksiyalari masalalariga ancha-muncha e’tibor qaratilmoqda. Ammo bunday yuridik javobgarlik funksiyalari soni va mohiyati turlicha talqin qilinadi. Misol uchun, I.A. Talagan ma’muriy javobgarlikning quyidagi maxsus funksiyalari mavjudligini ta’kidlab o‘tadi: jarima, jazo va tuzatish funksiyasi, huquqbuzarlarni qayta tarbiyalash.

U.T. Ayubovning so‘zlariga ko‘ra “ekologiyaga doir qonunchilikni buzganlik uchun yuridik javobgarlik o‘zining asosiy maqsadi va tamoyillari bilan bog‘liq qonunchilikni buzganlik uchun javobgarlikdan farq qilmaydi, ammo ma’lum bir o‘ziga xos xususiyatlarga ham ega. Ushbu xususiyatlar yetkazilgan zararni taksa uslubi asosida undirish va ekologik qonun hujjatlarini buzganlik uchun maxsus jazo

choralari, ya’ni tabiiy resurslardan foydalanish huquqini cheklash, to‘xtatib turish va undan mahrum qilish choralarini qo‘llashdan iboratdir”.

Tadqiqotchining yozishicha, energetika sohasida nazorat qiluvchi mexanizmlarni samarali rivojlantirish uchun ilmiy yangiliklar, jamoatchilik ishtirokini ta’minlash va rag‘batlantirish, iqtisodiy nazorat mexanizmlari, ekologik standartlarning samaradorligini oshirish va xalqaro tajribalardan unumli foydalanish muhim ahamiyatga ega.

Mazkur mexanizmlarning ish samaradorligini oshirish, energetik xavfsizlikni ta’minlash, jamoatchilikning ekologik huquqlarini himoya qilish va atrof-muhitni muhofaza qilishda muhim rol o‘ynaydi. Mazkur mexanizmlarning amalga oshirilishi, davlat, jamoatchilik va xususiy sektor o‘rtasidagi hamkorlikni mustahkamlashga xizmat qiladi.

Energetika tizimida nazorat o‘rnatish, ekologik xavf-xatarlarni kamaytirish, jamoatchilik manfaatlarini himoya qilish va ekologik me’yorlarga rioya etishni ta’minlash muhim ahamiyatga ega. Nazorat mexanizmlari, jamoatchilik ishtirokini rag‘batlantirish, huquqiy mexanizmlarni mustahkamlash va ilmiy tadqiqotlarni amalga oshirish orqali energetik xavfsizlikni ta’minlashda samarali vositalarni yaratish mumkin.

Energetika vazirligi huzuridagi “O‘zenergoenspeksiya” DXX, Bosh prokuratura, elektr va gaz ta’minoti korxonalari mutaxassislari bilan hamkorlikda 2023-yilning dekabr oyining 15 kunida o‘tkazgan nazorat taftish tadbirlarida 411 nafar iste’molchining tabiiy gaz va elektr energiyasidan noqonuniy foydalanishi natijasida davlat manfaatlariga jami 73 milliard 274 million so‘mlik zarar keltirilgani aniqlandi. Toshkent viloyatida 20 ta holatda tizimga 25 mlrd 293 mln so‘mlik, Toshkent shahrida 30 ta holatda tizimga 11 mlrd 308 mln so‘mlikdan ziyod va Farg‘ona viloyatida 52 ta holatda tizimga 7 mlrd so‘mlikdan ziyod energoresurslar talon-toroj qilingan. Qoidabuzar iste’molchilarga nisbatan belgilangan tartibda choralar ko‘rish uchun tegishli hujjatlar huquqni muhofaza qiluvchi organlarga taqdim qilingan[14].

Yurtimizda energetika tarmoqlariga noqonuniy ulanish, hisoblash asboblariga, ularning plombalariga zarar yetkazish yoki hisoblash asboblarining ko‘rsatkichlarini o‘zgartirish kabi harakatlar o‘g‘rilik yoki kichik miqdordagi talon-toroj qilish sifatida baholanib, javobgarlikka sabab bo‘lishi belgilangan. Qonunni bilmaslik javobgarlikdan ozod qilmaydi[15].

Ushbu tizimlarning ekologik ta’sirini minimal darajada kamaytirish atrof tabiiy-muhitni himoya qilishga oid masalalarni hal qilishga qaratilgandir. Shuning uchun kelajakda ham energetika tizimida samarali faoliyat olib borish katta ahamiyatga egadir. Shu sababli energiya resurslaridan noqonuniy foydalanganlik, bu boradagi vakolatli organlarning ko‘rsatmalarini bajarmaganlik holatlari uchun javobgarlik choralarini kuchaytirish zarurati vujudga kelganligini alohida qayd etish maqsadga muvofiqdir.

[14] Energoinspeksiya https://t.me/Energoinspeksiya/3265

[15] huquqiyaxborot” https://t.me/huquqiyaxborot.

Mamlakatimizda energetika barqarorligini ta’minlashda energetika manbalari, xususan, quyosh, shamol va suv manbalaridan foydalanish O‘zbekiston Respublikasini rivojlantirishda, atrof-muhit va inson salomatligini muhofaza qilishda muhim ahamiyat kasb etadi.

XULOSA

Energetik xavfsizlikni ta’minlashning ekologik-huquqiy masalalarini o‘rganish va tadqiq etish quyidagi ilmiy-nazariy xulosalar, takliflar va tavsiyalarni shakllantirish imkonini berdi:

I. Ilmiy – nazariy xulosalar:

1.1. Bizningcha, energetik xavfsizlik – davlatning ijtimoiy-iqtisodiy rivojlanishi, milliy xavfsizlik va aholi turmush darajasini ta’minlash maqsadida energiya resurslarini ishonchli, uzluksiz va ekologik xavfsiz manbalardan ta’minlash uchun zarur bo‘lgan yuridik, institutsional va iqtisodiy mexanizmlarni o‘z ichiga olgan kompleks chora-tadbirlar tizimidir.

1.2. Ekologik xavfsizlik energiya ishlab chiqarish jarayonidagi antropogen ta’sirlarni kamaytirishga va davlatning ekologik jihatdan barqaror rivojlanishini qo‘llab-quvvatlashga qaratilgan.

1.3. Yuridik nuqtayi nazardan ekologik xavfsizlik deganda, tabiiy resurslarni oqilona boshqarish, ularni muhofaza qilish, iqlim o‘zgarishlari, ekologik muammolarni minimallashtirish orqali tabiiy resurslarni kelajak avlodlarga yetkazish va tabiiy barqarorlikni ta’minlashga qaratilgan tamoyillar hamda huquqiy tartibotlar yig‘indisi tushuniladi.

1.4. Zamonaviy energetika huquqi – energetika sohasidagi faoliyatni huquqiy tartibga solishga qaratilgan murakkab huquqiy tizim bo‘lib (kompleks), ekologik barqarorlikni ta’minlashga qaratilgan ekologik huquq, shartnoma huquqi, biznes huquqi, raqobat huquqi hamda uzluksiz va barqaror energiya ta’minotini nazarda tutadigan huquq tarmog‘i hisoblanadi. Ushbu huquq tarmog‘ining obyekti, predmeti va metodini aniqlashtirish hamda soha qonunchiligini tizimlashtirish borasida har tomonlama zamin mavjud.

1.5. Energetika xavfsizligini ta’minlashda ekologik talablar deganda tabiiy resurslardan oqilona foydalanishni ta’minlash, atrof-muhitga va fuqarolar salomatligiga salbiy ta’sirlarning oldini olish tushuniladi.

1.6. Yoqilg‘i-energetika sohasining o‘ziga xos xususiyatlari mavjud**.** Jumladan: birinchidan, yoqilg‘i-energetika kompleksi iqtisodiyotda barqaror ahamiyatga ega; ikkinchidan, energetika kompleksi tabiat, yer va yer osti boyliklari bilan chambarchas bog‘liq. Yer, yer osti boyliklari, ko‘mir, neft, gaz, uran va boshqalar; uchinchidan, yoqilg‘i-energetika kompleksi ko‘pincha mineral tabiiy resurslarni qazib olish, qayta ishlash va tashishning ulkan sohasidir; to‘rtinchidan, energetika majmuasidagi ko‘plab aloqalarning xalqaro mohiyatini, millatlararo komplekslarning mavjudligini hisobga olish kerak.

1.7. “Energetik resurslar” tushunchasining xalqaro huquqiy hujjatlarda turli xil talqin qilinishi va milliy qonunchilikda tushunchaning yaxshi yoritilmaganligi hamda “tabiiy resurslar” tushunchasi bilan nisbatga olinishi, bir tarafdan ushbu

tushunchalarning murakkabligi ikkinchi tarafdan ularning bir-biriga uzviy bog‘liqligidan dalolat beradi.

1.8. An’anaviy energetika tizimining muammolaridan biri raqamlashtirish va avtomatlashtirish darajasining pastligi hisoblanadi. Bu borada sun’iy intellekt texnologiyalaridan keng foydalanish zarur. Binolarning energiya tejamkorligi, elektr energiyasidagi kuchlanish va yuklamalarni tahlil qilish, (smart) texnologiyalar orqali energiya iste’molini avtomatik ravishda boshqarish, quyosh va shamol energiyasi samaradorligini oshirish va xavfsizligini ta’minlash, real vaqt rejimida ma’lumotlarni tahlil qilib borish, energiya ishlab chiqarish jarayonlarini optimallashtiradi va natijalarni prognozlashni ta’minlaydi, energetika sohasida chiqindilarini monitoring qilish, chiqindilar manbalarini aniqlab, ularni kamaytirish, havo sifatini kuzatish va uning inson salomatligiga ta’sirini baholash uchun xizmat qiladi.

1.9. O‘zbekiston Respublikasining 2025–2035-yillarda Energetik xavfsizlik sohasida elektr energetikasini kompleks raqamlashtirish dasturi ishlab chiqilishi kerak. Dasturlar doirasida korxonalar resurslarini rejalashtirishni avtomatlashtirish va (ekologik) nazorat hamda ma’lumotlarni yig‘ish tizimlarini joriy etish muhim masalalardan biri bo‘lishi kerak.

1.10. Energetik xavfsizlikni ta’minlash uchun zarur chora-tadbirlar: energiya manbalarini ochiq usulda qazib olishni rivojlantirish; tabiiy gaz ishlab chiqarishni barqarorlashtirish; energiya manbalarining sifatini xalqaro standartlarga yetkazish; xalqaro hamkorlikda o‘zaro manfaatli aloqalarni o‘rnatish; energiya iste’moli samaradorligini oshirish va chiqindilarni kamaytirish.

1.11. Ekologik xavfsizlikka erishishda quyidagi tamoyillar ishlab chiqildi, radiatsiya xavfsizligini ta’minlash, avariyalarga tayyorlik va ularning oldini olish, ekologik nazorat va monitoring.

1.12. Energetik xavfsizlikni ta’minlashning ekologik-huquqiy masalalari uchun barqaror rivojlanish, ekologik xavfsizlik, resurslar barqarorligi (resource resilience theory), energiya samaradorligi kabi zamonaviy va e’tirof etilgan nazariyalar mavjud. Ushbu tadqiqotning asosiy jihatlari, barqaror rivojlanish nazariyasining fundamental asoslariga mos keladi. Bu nazariyaga ko‘ra, atrof-muhit va iqtisodiy rivojlanish o‘rtasidagi muvozanatni saqlashni maqsad qiladi. Barqaror rivojlanish tamoyillari energetika xavfsizligini ta’minlashda resurslarni qayta tiklash, iqlim o‘zgarishlariga moslashish va ularning salbiy ta’sirlarini minimallashtirishga yo‘naltirilgan.

1.13. An’anaviy energiya manbalari deganda, qayta tiklanmaydigan va cheklangan resurslar (ko‘mir, neft va tabiiy gaz,) asosan, yer osti yoqilg‘ilari manbalari yordamida energiya ishlab chiqarishni o‘z ichiga oladigan resurslar majmuasi tushuniladi.

1.14. Qayta tiklanuvchi energiya manbalari – atrof-muhitda tabiiy ravishda qayta tiklanadigan quyosh energiyasi, shamol energiyasi, yer harorati (geotermal energiya), suv oqimlarining tabiiy harakati va biomassa energiyasidan foydalanishdir.

1.15. Mamlakatimiz an’anaviy yoqilg‘ilarning salbiy ta’sirini kamaytirish uchun quyidagi choralarni ko‘rishi zarur hisoblanadi. Chunonchi, qayta tiklanuvchi

energiya manbalari (quyosh, shamol, gidroenergetika)dan foydalanishni kengaytirish. Energiya samaradorligini oshirish va yangi, ekologik toza texnologiyalarni joriy etish. Hamkorlik va iqlim o‘zgarishiga qarshi qo‘shma dasturlarni rivojlantirish.

1.16. Energetik xavfsizlikda ekologik-huquqiy munosabatlarning obyektlari ushbu munosabatlarda himoya qilinishi, tartibga solinishi lozim bo‘lgan moddiy va nomoddiy mol-mulklar hisoblanadi. Ularning huquqiy maqomi qonun hujjatlari bilan belgilanadi.

1.17. Energetik xavfsizlikda ekologik-huquqiy munosabatlarning mazmuni energetik xavfsizlik sohasidagi ekologik-huquqiy munosabatlarning obyektlari, subyektlari, shuningdek, ularning huquq va majburiyatlari yig‘indisidan iboratdir.

II. O‘zbekiston Respublikasi qonun hujjatlarini takomillashtirishga oid taklif va tavsiyalar:

2.1 O‘zbekiston Respublikasining “Qayta tiklanuvchi energiya manbalaridan foydalanish to‘g‘risida”gi Qonunini takomillashtirishga bo‘yicha takliflar:

1) **“**O‘zbekiston Respublikasi Vazirlar Mahkamasining qayta tiklanuvchi energiya manbalaridan foydalanish sohasidagi vakolatlari**”** deb nomlangan 6-moddasi uchinchi xatboshisini quyidagi mazmunda bayon etish maqsadga muvofiq: *“Qayta tiklanuvchi energiya manbalaridan energiya ishlab chiqaruvchilarni, shuningdek, qayta tiklanuvchi energiya manbalarining qurilmalarini ishlab chiqaruvchilarni davlat tomonidan qo‘llab-quvvatlash tartibini ishlab chiqish va tasdiqlashi”*.

2) “Mahalliy davlat hokimiyati organlarining qayta tiklanuvchi energiya manbalaridan foydalanish sohasidagi vakolatlari” deb nomlangan 8-moddasi oltinchi xatboshini quyidagi mazmunda bayon etish maqsadga muvofiq: *“Mahalliy davlat hokimiyati organlari tomonidan qayta tiklanuvchi energiya manbalari qurilmalarini joylashtirish uchun yer uchastkalari ajratish to‘g‘risida qarorlar qabul qilish mexanizmini joriy qilish va ishlatish”*.

3) “Qayta tiklanuvchi energiya manbalaridan foydalanish sohasidagi imtiyozlar va preferensiyalar” deb nomlangan 14-moddasi birinchi qismini quyidagi mazmunda bayon etish maqsadga muvofiq: *“Qayta tiklanuvchi energiya manbalaridan energiya ishlab chiqaruvchilar qayta tiklanuvchi energiya manbalari qurilmalarini o‘rnatganlik uchun mol-mulk solig‘ini to‘lashdan hamda ushbu qurilmalar bilan band bo‘lgan uchastkalar bo‘yicha yer solig‘ini to‘lashdan ular foydalanishga topshirilgan paytdan e’tiboran o‘n yil muddatga ozod etilishini faqat nominal quvvati 0,1 MVt va undan ortiq bo‘lganlar uchun emas, balki nominal quvvatidan qat’i nazar ulanganlar uchun”*.

4) 14-moddasida qayta tiklanuvchi energiya manbalaridan foydalanish sohasidagi imtiyozlar va preferensiyalarni energiya yetkazib beruvchi tashkilot tomonidan amaldagi energetika resurslari tarmoqlaridan to‘liq uzib qo‘yilgan holda berilishi o‘rniga qayta tiklanuvchi energiya manbalaridan energiya ishlab chiqaruvchilarning ishlab turgan qurilmalarini ular foydalanishga topshirilgan paytdan e’tiboran berilishi bo‘yicha tegishli normalarga o‘zgartirish va qo‘shimchalar kiritish.

2.2. Vazirlar Mahkamasining 2019-yil 22-iyuldagi “Elektr energiyasi, shu jumladan, energiyaning qayta tiklanadigan manbalaridan elektr energiyasi ishlab chiqaradigan tadbirkorlik subyektlarini yagona elektroenergetika tizimiga ulash reglamentini tasdiqlash to‘g‘risida”gi 610-son qarori va u bilan tasdiqlangan Elektr energiyasi, shu jumladan, energiyaning qayta tiklanadigan manbalaridan elektr energiyasi ishlab chiqaradigan tadbirkorlik subyektlarini yagona elektroenergetika tizimiga ulash reglamentini takomillashtirish;

Reglamentning (1-ilovasi) “Elektr energiyasini ishlab chiqaruvchi tadbirkorlik subyektlarini yagona elektroenergetika tizimiga ulash sxemasi”dagi 12-bosqich tadbirlarining bajarish muddatlari va sana ko‘rsatkichlarini qisqartirish va o‘zgartirish, shu yo‘l bilan elektr energiyasini qayta tiklanuvchi energiya manbalaridan ishlab chiqaruvchi subyektlarga yengilliklar yaratish, ulanishi nazarda tutilayotgan elektr tarmoqlariga ulash jarayonini yaxshilash soddalashtirish va osonlashtirish hamda bunday subyektlarni qiziquvchanligini oshirish.

2.3. O‘zbekiston Respublikasining “Tabiatni muhofaza qilish to‘g‘risida”gi Qonuniga quyidagi 15^1-moddani kiritish taklif qilinadi:

“15^1-modda. Atrof-muhitni muhofaza qilish orqali energiya xavfsizligini ta’minlash

Energetik xavfsizlikni ta’minlashda atrof-muhitning ekologik holatini saqlash va yaxshilash davlat siyosatining asosiy yo‘nalishlaridan biri hisoblanadi.

Energiya ishlab chiqarish va taqsimlash jarayonlarida chiqindilarni kamaytirish, tabiiy resurslardan oqilona foydalanish va ekologik xavfsizlikni ta’minlash majburiy tartibda amalga oshirilishi lozim.

Energetik xavfsizlik choralari doirasida davlat organlari tomonidan ekologik talablar asosida normativ-huquqiy hujjatlar ishlab chiqiladi va ularning ijrosi qat’iy nazorat qilinadi”.

2.4.O‘zbekiston Respublikasining “Tabiatni muhofaza qilish to‘g‘risida”gi Qonuniga quyidagi 16^1-moddani kiritish taklif qilinadi:

“16^1-modda. Energetika majmuasining ekologik xavfsizligini baholash

Energetika sohasidagi yangi loyihalarni amalga oshirishdan avval ekologik xavflarni baholash va ekologik ekspertiza o‘tkazish majburiydir.

Energetika majmuasining ekologik xavfsizligi davlat organlari va mustaqil ekologik tashkilotlar tomonidan muntazam monitoring qilinadi.

Ekologik xavfsizlikni ta’minlamagan energetika obyektlari faoliyatiga qonunchilikda belgilangan tartibda cheklovlar qo‘yiladi yoki faoliyati to‘xtatiladi”.

2.5. “Energiyani tejash, undan oqilona foydalanish va energiya samaradorligini oshirish to‘g‘risida”gi Qonun 49^1-moddasini quyidagi tahrirda bayon etish taklif etiladi:

“49^1-modda. Energetika resurslaridan foydalanishdagi huquqbuzarliklarni aniqlash va javobgarlik choralari

Elektr energiyasi, issiqlik energiyasi va tabiiy gazdan foydalanishda huquqbuzarlik holatlarini aniqlash, ularga oid ma’lumotlarni taqdim etish uchun fuqarolar va tashkilotlarga qulay imkoniyatlar yaratiladi. Fuqarolar tomonidan yuborilgan fotosurat va videoyozuvlar Energetika vazirligi tomonidan belgilangan tartibda qabul qilinadi va ko‘rib chiqiladi.

Huquqbuzarlarning shaxsini aniqlash uchun Energetika vazirligining hududiy organlari ichki ishlar organlari bilan hamkorlikda ish olib boradi.

Prokuratura organlari tomonidan aniqlangan huquqbuzarlik holatlari bo‘yicha davlat organlari yoki mansabdor shaxslarga qonunchilikka muvofiq talabnomalar kiritiladi”.

III. Energetika qonunchiligi hujjatlarini qo‘llash amaliyotini takomillashtirish bo‘yicha taklif va tavsiyalar:

3.1. Ekologiya, atrof-muhitni muhofaza qilish va iqlim o‘zgarishi vazirligi tomonidan energetika obyektlarining chiqindilari va atrof-muhitga ta’sirini monitoring qilish uchun zamonaviy texnologiyalarni joriy etish, chiqindilarni samarali nazorat qilish, ekologik xavflarni oldindan aniqlash, jamoatchilik nazoratini kuchaytirish va standartlarga muvofiqlikni ta’minlashga xizmat qiladi. Bu yondashuv orqali real vaqtdagi ma’lumotlar asosida tezkor qarorlar qabul qilinadi, tabiiy resurslarni muhofaza qilish choralari samarali tashkil etiladi va ekologik xavfsizlikka oid huquqbuzarliklarning oldini olishga erishiladi. Joriy etilayotgan raqamli texnologiyalar ekologik barqarorlikni ta’minlashga qaratilgan muhim qadamdir.

3.2. O‘zbekiston Respublikasi Oliy Majlis va mahalliy kengashlar energetika xavfsizligi bo‘yicha qonunchilikni takomillashtirish uchun ekologik-huquqiy masalalarni muntazam ravishda parlament va mahalliy darajada muhokama qilishi zarar hisoblanadi va huquqiy choralarni kuchaytirishga xizmat qiladi. Ushbu jarayon energetika obyektlari faoliyatining ekologik talablariga muvofiqligini ta’minlash, qayta tiklanuvchi energiya manbalarini rivojlantirish, hududiy ekologik muammolarni hal qilishga qaratilgan me’yoriy hujjatlarni ishlab chiqish hamda barqaror rivojlanish tamoyillarini joriy etish orqali ekologik xavfsizlikni mustahkamlashga yo‘naltiriladi.

3.3. Elektr energiya va gaz ta’minoti shartnomalari nusxalarining iste’molchilarga to‘liq yetib bormasligi iste’molchi va ta’minotchi o‘rtasidagi huquqiy munosabatlarni tartibga solishda shaffoflikning yetarli emasligiga olib kelmoqda. Ushbu holat iste’molchilarning o‘z huquq va majburiyatlarini to‘liq anglashiga to‘sqinlik qilishi, nizolar yuzaga kelganda ularni hal qilish jarayonini murakkablashtiradi. Bu esa amaliyotga zamonaviy boshqaruv vositalarini joriy etishni va energiya ta’minotiga oid huquqiy munosabatlarni takomillashtirishni talab etmoqda.

Elektron platformani joriy etish orqali shartnomalarni raqamlashtirish ushbu muammolarni bartaraf etishda samarali yechim hisoblanadi. Elektron shartnomalar iste’molchilarning shaxsiy kabinetiga joylashtirilib, ularga shartnomani masofadan ko‘rib chiqish, yuklab olish va tasdiqlash imkonini yaratadi. Bu nafaqat huquqiy shaffoflikni oshiradi va iste’molchilar huquqlarini himoya qiladi (qog‘ozga ehtiyojsiz, ekologik sof).

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KHAYITOV PANJI BUKHAROVICH

ECOLOGICAL AND LEGAL ISSUES OF PROVIDING ENERGY SECURITY

12.00.06 – Natural resources law. Agrarian law. Ecological law

ABSTRACT
of doctoral (PhD) dissertation on legal sciences

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The doctoral dissertation (PhD) is available at the Information Resource Center of Tashkent State University of Law (registered as no. 1366). (Address: 13 Amir Temur street, 100047. Tashkent city. Phone: (998) 71-233-66-36)

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INTRODUCTION (Abstract of the Doctor of Philosophy (PhD) dissertation)

The relevance and necessity of the dissertation theme. Ensuring energy stability in the world has become one of the important areas of environmental and legal issues. Climate change, the growing demand for energy resources, and the creation of environmentally friendly and safe energy sources are becoming increasingly important.[1] Therefore, reducing greenhouse gas emissions and ensuring environmental sustainability in energy supply is not only a priority today, but also a pressing and crucial need to create sustainable living conditions for future generations.

According to the International Energy Agency, in 2023, energy-related CO_2 emissions reached 37.4 billion tons, mainly due to coal emissions, drought, and a shortage of hydroelectricity (water).[2] "In 2024, the population of the world reached 8 billion people"[3]. Greenhouse gas emissions can be reduced through the development of renewable energy sources, such as wind energy, ground temperature (geothermal), natural water flow, and biomass energy. Diversification of energy sources is becoming increasingly important.

Energy security is of critical importance for the global economy and the development of countries, and the trend of researching this issue is steadily increasing. Therefore, research focused on enhancing international cooperation, facilitating technological exchanges, improving the investment climate, and developing human capital is highly relevant. Energy security is one of the key factors in ensuring the economic stability and national security of countries. Issues related to improving legislation aimed at ensuring energy security are of particular significance. Within the framework of international cooperation, organizations such as the European Union, the Organization of Petroleum Exporting Countries (OPEC), and the International Energy Agency (IEA) are promoting various initiatives to ensure energy security. However, maintaining a balance between economic and environmental sustainability is crucial in the process of securing energy. This is because rapid industrialization and increased energy demand can, in some cases, lead to environmental risks and the unequal distribution of resources. All these factors highlight the relevance of research on ensuring energy security.

In Uzbekistan, significant attention is being given to improving the environmental and legal aspects of energy security. This includes the use of renewable energy sources, reducing greenhouse gas emissions, implementing environmental standards and regulations, decreasing air pollution, assessing new projects based on environmental expertise, and establishing public control. As our president emphasized during the ceremonial event dedicated to launching new energy capacities on December 13, 2024: "Today's event opens a new page in the history of our country's energy sector. Through the implementation of these projects,

[1]O'zbekiston Respublikasi Prezidenti Shavkat Mirziyoyevning Birlashgan Millatlar Tashkilotining Iqlim o'zgarishi bo'yicha konferensiyasi COP 29 dagi nutqidan (12.11.2024). https://president.uz/uz/lists/view/7690

[2]International Energy Agency (IEA). CO2 Emissions in 2023. A new record high, but is there light at the end of the tunnel? Typeset in France by IEA — February 2024. p. 3.

[3]Countrymeters.info. https://countrymeters.info/ru/World

we will not only achieve economic growth, but also create the foundation for an independent, green, and sustainable Uzbekistan for future generations."[4] Despite Uzbekistan's solar energy potential being more than 51 billion tons of oil equivalent, the level of utilization of this resource remains low.[5] The "Development Strategy of New Uzbekistan for 2022–2026" and the "Uzbekistan-2030" strategy, adopted on January 28, 2022, prioritize reducing air pollution, assessing new projects based on environmental expertise, and strengthening public control. In this regard, energy security legislation is being aligned with international standards and regulations, providing further justification for studying this field.

New laws and reforms have been introduced to ensure energy security and support environmental sustainability. The dissertation research is based on the institutional-legal framework provided by the President of Uzbekistan's Decree on the "New Uzbekistan Development Strategy for 2022–2026," adopted on January 28, 2022 (PD-60), and the Decree from October 30, 2019, on "Approval of the Environmental Protection Concept of the Republic of Uzbekistan for the period until 2030" (PD-5863), as well as other regulatory documents that serve to ensure energy security. These legislative documents form the institutional-legal foundation of the research. Additionally, the dissertation provides the necessary information for the improvement of legal documents in this field.

The correspondence of the research to the priority areas of development of science and technology in the republic. This dissertation was completed in accordance with the priority direction of science and technology development of Republic I, "Formation of a system of innovative ideas and methods for their implementation in the social, legal, economic, cultural, spiritual and educational development of the information society and democratic state."

The degree to which the problem has been studied. In Uzbekistan, there have been no monographic studies conducted on the scientific and theoretical-legal aspects of regulating energy security from the perspective of environmental law theory. The issues related to this dissertation research have been partially explored by our country's legal scholars and environmental scientists from a general approach at various levels. Special attention has been paid to the scientific works of our scholars, including Y.O. Juraev, Sh.Kh. Fayziyev, J.T. Xolmuminov, O.Kh. Narzullayev, G.Sh. Uzakova, D.M. Umarov, R.H. Kenjayev, N.Sh. Rajabov, D.N. Makhkamov, O.D. Utegenov, J. Safarov, U.T. Ayubov, N.K. Skripnikov, M.R. Mirzaabdullayeva, U. Hamroyev, and others. Some legal scholars have also directly participated in studying certain aspects of this topic[6].

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[4] https://president.uz/uz/lists/view/7764

[5]https://lex.uz/uz/search/unique.

[6] Xolmo'minov J.T., Narzullayev O.X. Muqobil energiya manbalarini huquqiy tartibga solish. Risola. – T.: TDYU, 2016. 86-bet. Xolmo'minov J.T. Energiya sohasidagi munosabatlarni huquqiy tartibga solish. Monografiya. – Toshkent: TDYU, 2019. 216-bet. Jurayev Y.O. Energetika huquqining shakllanishi: nazariy va huquqiy muammolar. Energetika qonunchiligini rivojlantirish va takomillashtirish masalalari: Ilmiy-amaliy konferensiya materiallari. – T.: TDYU nashriyoti, 2015. 7-12-b. Fayziyev Sh.X. Energetika sohasida atrof-muhitni muhofaza qilishga oid ekologik talablarning huquqiy asoslari: tizimli tahlil. // Energetika qonunchiligini rivojlantirish va takomillashtirish masalalari. – Toshkent: TDYU nashriyoti, 2015. Uzakova G.Sh. O'zbekiston Respublikasida muqobil energiya resurslaridan foydalanishning huquqiy masalalari. // "O'zbekistonda qayta tiklanadigan energiya manbalaridan foydalanishni huquqiy tartibga solish": Ilmiy-amaliy konferensiya materiallari. – T.: TDYU nashriyoti, 2018. 48-52-b. Ekologiya

In foreign countries, the issues of environmental-legal regulation of energy have been researched with their specific characteristics, and the theoretical matters arising in this field have been briefly discussed in the scientific works of scholars such as S. Olz, R. Sims, N. Kirchner, F.Y. Zekker, J.H. Kalicki, V. Naughten, and F. Yamin.

Several scholars from the Commonwealth of Independent States (CIS) countries, including I.S. Shepanskiy, Y.G. Shpakovskiy, S.A. Bogolyubov, M.M. Brinchuk, G.Y. Bistrov, M.I. Vasilyeva, O.L. Dubovik, N.G. Javoronkova, O.S. Kolbasov, V.V. Petrov, I.R. Ayzenberg, Y.L. Baron, A.N. Bereza, Y.V. Blinkova, P.G. Laxno, N.M. Laxtovskiy, A.N. Lisenko, A.I. Perchik, D.A. Petrov, and P.P. Yamaletdinov have briefly discussed some aspects of the environmental-legal regulation of energy security in their scientific research[7].

Despite the existence of many scientific developments and the high appreciation of the research of the above-mentioned scientists, their works do not consider the environmental and legal issues of ensuring energy security in environmental activities in Uzbekistan as a separate object of research. Therefore, we must emphasize the need for a separate study of this issue[8].

The relatedness of the dissertation research to the research plans of the higher educational institution where the dissertation was completed. The dissertation topic was completed in accordance with the research plan of the Tashkent State University of Law within the framework of the topic "Environmental and Legal Issues of Ensuring Energy Security."

The aim of the research is to develop proposals and recommendations for the development and improvement of energy legislation of the Republic of Uzbekistan, as well as for improving the effectiveness of law enforcement practice.

The research objectives are to:

provide a legal description and explain the essence of the concept of ensuring energy security;

demonstrate the environmental and legal aspects of energy security, as well as analyze its role and significance within the national system;

present the environmental impact of traditional energy sources and their specific characteristics;

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[7] Mazkur olimlarning ilmiy ishlari nomi dissertatsiyaning foydalanilgan adabiyotlar ro'yxatida keltirilgan..

[8] Narzullayev O.X. Muqobil energiya manbalarini huquqiy tartibga solish. Risola. – T.: TDYU, 2016. – 86-b. Mahkamov D.N. Muqobil energiya manbalaridan foydalanishda ekologik qonunchilikning o'rni. // Energetika qonunchiligini rivojlantirish va takomillashtirish masalalari: Ilmiy-amaliy konferensiya materiallari. – T.: TDYU nashriyoti, 2015. 73-b. Safarov D.I. Muqobil energiya manbalaridan foydalanish sohasidagi qonunchilikning mustaqillik yillarida rivojlanishi hamda yanada takomillashtirish istiqbollari. // "O'zbekistonda qayta tiklanadigan energiya manbalaridan foydalanishni huquqiy tartibga solish": Ilmiy-amaliy konferensiya materiallari. – T.: TDYU nashriyoti, 2018. 130-138-b. Mirzaabdullayeva M.R. O'zi foydalanishi uchun elektr energiyasini hosil qilishni huquqiy tartibga solishni takomillashtirish masalalari//Energetika qonunchiligini rivojlantirish va takomillashtirish masalalari. – T.: TDYU nashriyoti, 2015.

analyze the rights and obligations of participants in environmental-legal relations in energy security;

study the issues of ensuring energy security in the context of climate change and identify development trends;

outline environmental protection measures in the energy sector, including the environmental-legal mechanisms of the location and activities of facilities;

examine issues of liability related to violations of environmental-legal requirements in the energy sector and develop proposals and recommendations for preventing them;

develop conclusions and proposals for solving existing problems and eliminating shortcomings in the regulation of environmental-legal issues in ensuring energy security.

The object of the research is the legal relations related to the improvement of energy legislation documents.

The subject of the research is a systematic analysis of the legal foundations for ensuring environmental security in the energy sector, which involves the establishment of norms for environmental protection and the practical implementation of sector-specific legal documents.

The research methods included the study, analysis, historical, systemic-structural, and comparative analysis, statistical justification, logic, analysis of practical results, generalization, and other methods.

The scientific novelty of the research is as follows:

it is justified that a citizen may install devices in a house, building, structure or land plot based on their needs, with the introduction of a procedure for compensation for part of the costs of installed devices, the procedure for purchasing the population with compensation or installment of part of the costs of purchasing installations of renewable energy sources produced by local producers;

it is justified to define the concept of electricity buyer as an enterprise of electrical networks or other physical and legal entities that receive electricity generated by solar, wind, and biogas power plants with a capacity of up to 1 MW into their network;

it is justified to establish the procedure for obtaining an excess of electricity produced by solar, wind, and biogas power plants with a capacity of up to 1 MW, installed by individuals and legal entities for their own needs, by JSC “Regional Electric Networks” and the body entrusted by the state with the function (competence) of purchasing electricity, with the possibility of purchasing it at the request of the consumer for a period of at least 10 years;

the necessity of allocating land plots for the placement of renewable energy source installations by local government bodies is justified by the fact that energy security, environmental sustainability, reduction of bureaucratic barriers, improvement of normative legal documents, systematic and transparent organization of the land allocation process are crucial factors in increasing the potential of renewable energy.

The practical results of the research are as follows:

scientifically substantiated and specific proposals have been made to improve and increase the effectiveness of mechanisms of environmental and legal control in ensuring energy security, to improve the regulatory framework aimed at reducing the negative impact on the environment, and to further develop the legal framework for stimulating the use of sustainable and renewable energy sources;

practical recommendations have been developed for improving the legal mechanism for assessing the impact of energy objects on the environment, creating legal mechanisms to strengthen cooperation between state bodies in ensuring environmental safety, and broadly covering environmental risks in the media in order to raise public awareness;

conceptual conclusions related to the regulation and improvement of the environmental and legal formation of energy security are presented;

on energy saving, rational use, and energy efficiency, covering environmental and legal formation and its place in the national system, as well as the introduction of a comprehensive system for systematic monitoring of legislative documents by authorized state bodies, which serves to create the necessary conditions for ensuring the implementation of legislative documents in this area;

the developed scientific and theoretical conclusions, proposals and recommendations can be effectively used in future scientific research, in legislative activity, in the interpretation of legislation in the field of energy security and in the process of further improvement of national legislation;

the concept of environmental and legal issues of ensuring energy security has been defined on a scientific and doctrinal basis; specific proposals have been developed for the formation of socio-economic relations through new techniques and technologies in the process of ensuring energy security;

based on the proposals put forward in order to ensure energy security from an environmental and legal point of view, a number of amendments were made to the Law of the Republic of Uzbekistan “On Energy Conservation, Rational Use and Improvement of Energy Efficiency,” providing for the introduction of energy-saving equipment and technologies.

The reliability of the research results. The reliability of the research results is ensured by the fact that the research work is based on the norms of national and international law, is formalized by relevant normative legal documents, and its scientific and practical significance is clearly defined; the conclusions, proposals, and recommendations are discussed in the appropriate order; the results are published in republican and international publications and implemented in practice, as well as approved by the relevant bodies.

The scientific and practical significance of the research results. The significance of the research work lies in expanding scientific and theoretical approaches related to the legal regulation of energy security, the results obtained in the study, scientific and practical proposals and recommendations put forward in the future in lawmaking, law enforcement practice, in a deeper study of problems related to the energy sector, in improving relevant legislation, as well as in enriching the scientific and theoretical base of fields such as environmental law, land law, agrarian law and energy law, in conducting scientific research on issues of legal regulation of energy security, in the educational The practical significance of the research

results is manifested in their application in the process of preparing legislative documents on the legal regulation of energy security and improving the practice of law enforcement in the educational process of higher legal educational institutions.

The implementation of the research results. The scientific results obtained on the topic "Environmental and legal issues of ensuring energy security" were used in the following:

citizens have the right to install devices on housing, buildings, or land plots based on their needs, and in order to support this process, it is proposed to introduce a procedure for compensating part of the costs. This proposal was used as a basis for the development of paragraph 6 of the Regulation "On the Procedure for the Purchase of a Part of the Population's Costs for the Purchase of Renewable Energy Sources Produced by Local Producers with Compensation or Installment Payments," approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 568 dated October 5, 2022 (Act of the Department of Information and Analytical and Legal Support of the Secretariat of the Prime Minister of the Cabinet of Ministers of the Republic of Uzbekistan dated December 19, 2023 No. 12-15-125). The implementation of this proposal will create a foundation for increasing the ability of population to independently meet their energy needs, supporting local producers, and ensuring environmental sustainability;

The proposals to define the concept of electricity buyer as an enterprise or other individuals and legal entities that receive electricity generated by solar, wind and biogas power plants with a capacity of up to 1 MW into their network were used as the basis for developing paragraph 3 of the Regulation "On the Procedure for Selling Excess Electricity Generated by Individuals and Business Entities Using Renewable Energy Sources," approved by Resolution No. 247 of the Cabinet of Ministers of the Republic of Uzbekistan dated June 14, 2023 (Act of the Department of Information, Analysis and Legal Support of the Secretariat of the Prime Minister of the Cabinet of Ministers of the Republic of Uzbekistan No. 12-15-125 dated December 19, 2023). The implementation of this proposal will have a positive impact on the efficient use of renewable energy sources, the development of the energy market, and the expansion of opportunities for individuals and legal entities to have an additional source of income;

The proposal to create the possibility for "Regional Electric Networks" JSC and the relevant government body authorized to purchase electricity to buy the excess electricity produced by solar, wind, and biogas power plants with a capacity of up to 1 MW, installed by individuals and legal entities for their own needs, for at least 10 years, according to the consumer's preference, has been included in paragraph 6 of the Decree No. PD-220 of the President of the Republic of Uzbekistan, dated September 9, 2022, "On Additional Measures for the Introduction of Energy-Saving Technologies and the Development of Small-Capacity Renewable Energy Sources." (Act of the Ministry of Justice of the Republic of Uzbekistan dated March 11, 2024 No. 9/30-24-03). The implementation of this proposal will contribute to the stimulation of the efficient use of renewable energy sources, the development of the energy market and the improvement of mechanisms for the continuous supply of electricity;

the proposal related to the provision of land plots for the placement of installations of renewable energy sources by local government bodies is reflected in

Article 8 of the Law of the Republic of Uzbekistan dated May 21, 2019 No. LRU-539 “On the Use of Renewable Energy Sources” (Act of the Ministry of Justice of the Republic of Uzbekistan dated March 11, 2024 No. 9/30-24-03). The implementation of this proposal will create a foundation for ensuring energy independence, improving the investment climate, and stimulating the efficient use of renewable energy sources.

Approval of the research results. The research results were discussed at 5 scientific and practical conferences, including 3 international and 2 republican scientific and practical conferences.

Publication of research results. A total of 25 scientific works on the topic of the dissertation, including 2 scientific brochures and 15 articles in scientific publications recommended by the Higher Attestation Commission for publishing the main scientific results of doctoral dissertations, 11 of which were published in republican and 4 in foreign journals.

The structure and volume of the dissertation. The dissertation consists of the following sections: introduction, three chapters, conclusion and list of references. The total volume of the dissertation is 138 pages.

THE MAIN CONTENT OF THE DISSERTATION

In the **Introduction** section (PhD dissertation abstract), the relevance and necessity of the dissertation topic, its alignment with the priority areas of national science and technology development, the degree of exploration of the issue, the connection of the dissertation research with the research plans of the higher education institution where the dissertation is carried out, the goal, objectives, object, subject, research methods, scientific novelty, practical results, reliability of research results, scientific and practical significance of the research results, implementation of the research results, approval of the research results, publication of the research results, structure, and volume of the dissertation are highlighted.

The first chapter of the dissertation is titled “Ecological-Legal Description of Ensuring Energy Security”. Throughout the 20th century, the energy sector became an integral part of global development. In the 21st century, the demand for energy has increased even further, making it one of the main factors of global economic growth. In the Republic of Uzbekistan, which is a developing country, the issue of energy security has been defined as an important strategic task from the standpoint of stability and national security, and this has been studied separately. The fundamental theoretical views of scholars P.G. Lakhno and F.Y. Zekker on modern energy law are analyzed. Additionally, the legal description and essence of ensuring energy security, its ecological and legal aspects, as well as its role and significance in the national system, are discussed.

In the dissertation, special definitions are given for the concepts of "energy security," "energy independence," and "ecological security." These issues establish the interconnection between ecological security and energy. The processes of producing and utilizing energy sources impact the environment, and therefore, the interconnection between ecological security and energy security is of great importance. In this regard, the opinions of scholars such as A.N. Larin, P.G. Lakhno,

F.Y. Zekker, V.V. Dubovkin, S.M. Korneyev, and L.A. Sisar are analyzed. Ecological security aims to reduce the negative impacts of human activities during energy production and ensure the ecological sustainable development of the state.

The researcher writes that modern energy law is based on five main principles: ecological law (protection of the environment and efficient use of natural resources), contract law (ensuring the legal stability of agreements in the energy sector), business law (attracting investments and supporting entrepreneurship), competition law (developing healthy competition in the market and reducing monopolies), and sustainable energy supply (ensuring supply security, efficiency, and ecological sustainability). These principles form the basis of energy law and aim to ensure the provision of safe and sustainable energy sources on a legal basis.

Modern and recognized theories are considered as the main methodological approach. For example, the theory of sustainable development is focused on restoring resources, adapting to climate change, and reducing its negative consequences to ensure energy security. The theory of ecological security is aimed at ensuring human and state security by protecting natural resources and the environment. These approaches have created the possibility of a systemic approach to energy and ecological security issues.

According to A.N. Larin's definition, ecological security refers to the protection of the environment from harmful effects caused by anthropogenic activities (economic, technical, production, and other processes carried out by humans) or natural disasters. This concept includes a set of measures aimed at ensuring an ecological safe life for society, the state, and individuals.

In the author's opinion, ecological security can be defined as the protection of society, individuals, and regions from environmental threats, contributing to sustainable development, preserving natural resources and ecosystems, as well as developing legal and economic mechanisms for their management.

In the research, it is emphasized that ensuring environmental security is an integral part of energy security, and regulating this issue legally will help strengthen both types of security together. Some authors argue that the term "ensuring environmental security" should be used instead of the concept of "environmental protection[9]." According to A.M. Arkhipov, the issue of environmental security should be considered one of the largest problems of national security[10]. Environmental scientist Professor Sh.X. Fayziev believes that "environmental security in the national security system is a complex system that plays a vital role, and its main goal is aimed at maintaining the stability of society and nature[11]." According to environmental scientist Sh.Y. Jurayev, when analyzing the legal nature, two aspects must be considered: first, the nature and scale of the impact on the environment, and second, the negative impact on human, societal, and state interests as a result of significant environmental changes. When the first situation

[9] Lopatin V.N. *Environmental Security: Issues of Constitutional Legality*. *State and Law*, 2004. No. 2. – p. 21.

[10] Arkhipov A.M. *The Ecological Function of the Russian State*. Nizhny Novgorod. Dissertation for the degree of Candidate of Law Sciences, 1997. – p. 37.

[11] Fayziev Sh.Kh. *Theoretical Problems of Legal Support for Environmental Policy of the Republic of Uzbekistan*. Abstract of Dissertation. Dissertation for the degree of Doctor of Law Sciences. – Tashkent: TGU, 2004. – p. 23.

occurs, the second will inevitably follow. In this case, the phenomenon affecting nature is considered a disaster (catastrophe), and "the nature affected by the disaster" in turn harms humans, society, and the state. These situations represent the concept of environmental risk. An environmental risk event is considered an emergency situation[12].

According to O. Oqyulov, energy is not understood merely as a physical product. Energy manifests elements of materiality and reflects a specific material state. These characteristics create the necessary conditions for humans to achieve effective results and carry out various technical processes. Due to the physical properties of energy, it cannot be stored in large quantities or special containers like other products. The benefits of energy are manifested during its use and consumption. In this process, the work done or technical operations carried out may be shown, but energy does not transform into a product or another form; instead, it loses itself. The existence and use of energy are reflected only in the indicators of special measuring equipment.

The researcher notes that expanding the use of renewable energy sources and transitioning to energy systems that meet ecological security requirements is appropriate. This, in turn, strengthens measures aimed at environmental protection and contributes to achieving ecological sustainability. Renewable energy sources—solar, wind, hydroenergy, and biomass—have a lesser negative impact on the environment compared to traditional energy sources. Traditional energy sources primarily increase emissions of greenhouse gases like carbon dioxide (CO_2). Renewable energy, on the other hand, is carbon-free and plays a significant role in preventing climate change.

Based on this, the research defines "energy supply security" as ensuring the availability of energy sources at affordable prices and without interruption. Such stability can be threatened by technological complexity, environmental impact, and difficulties related to transportation. Currently, there are various interpretations and formulas for the concept of "energy security," but a unified general definition has not been achieved. The term "energy security" was first used in the United States in 1947 to regulate national security policy, but it became widely relevant as a pressing issue after the 1973 oil crisis.

According to the author, energy security is a complex set of legal, institutional, and economic measures necessary to ensure reliable, continuous, and ecologically safe energy resources for the social and economic development of the state, national security, and the well-being of the population.

In the research, artificial intelligence technologies present significant opportunities in ensuring ecological sustainability in the energy sector. Managing energy consumption efficiently, promoting the development of renewable energy sources, controlling waste and emissions, and reducing ecological risks through these technologies will play a key role in ensuring energy sustainability in the future.

[12] Jurayev Sh.Y. *Theoretical and Legal Issues of Ensuring Environmental Security in Uzbekistan*. Dissertation. Candidate of Law Sciences. Tashkent, TGU, 2012. – pp. 29-30.

Therefore, the development of artificial intelligence and its broader application in the energy sector is one of the urgent directions for scientific and practical research.

According to the dissertation author, artificial intelligence technologies have significant potential in ensuring energy security and ecological sustainability. AI can help society in protecting the environment and using energy efficiently. These technologies serve to create new solutions in legislation, ecology, and environmental protection, while also reducing errors and shortcomings caused by human factors. Additionally, AI can reduce energy consumption and increase economic efficiency, which opens new opportunities for society and nature in the future.

The researcher emphasizes that the following key principles are essential for ensuring ecological security: **radiation safety; preparedness for emergencies and their prevention; and ecological control and monitoring**. Looking at the essence of these principles: Firstly, special attention is given to radiation safety in the use of nuclear energy. This involves managing radiation sources, ensuring their proper storage, and establishing disposal requirements. Secondly, the law sets measures to protect the population and the environment when accidents occur. Special safety and emergency plans are developed for nuclear facilities to address this. Thirdly, permanent ecological monitoring in areas where nuclear devices are located is mandatory, checking radiation levels. These measures help reduce the negative impact of radioactive waste on the environment and ensure ecological security.

The second chapter of the dissertation is titled "Legal Regulation of Energy Security," in which issues related to the environmental impact of traditional energy sources and their specific characteristics are explored. It also analyzes a number of legal and regulatory documents developed to ensure energy security and enhance environmental protection in Uzbekistan. When studying the legal regulation of energy security, the views of scholars (Sh.X. Fayziev, Y.O. Jo'raev, J.T. Kholmominov, O.X. Narzullayev, P.G. Lakhno, O.L. Dubovik) are analyzed.

The dissertation highlights several key problems associated with ensuring energy security in the existing traditional energy system: Firstly, the low efficiency of the IES power plants, which have been operational for 25 years. The useful work coefficient (FIK) in old power plants is 25-35%, which requires twice as much fuel consumption compared to modern steam-gas systems. Secondly, interruptions in supply and declining quality. Due to the high degree of wear of distribution networks and transformers, frequent power outages and a deterioration in energy quality indicators are observed. Thirdly, most electric transmission lines and transformers have low capacity for power transmission, which prevents the sufficient supply of electricity to consumers.

The researcher notes that traditional energy sources (oil, coal, natural gas, and other extracted fuels) serve as the backbone of Uzbekistan's economy, as they constitute a significant portion of natural resources. However, their ecological impact and the limited nature of these resources require reconsideration of their use. When looking at these issues from an environmental impact perspective, problems arise in the fields of air pollution, climate change, water and soil contamination, negative effects on biodiversity, and issues related to radioactive waste in the environmental law domain.

The specific features, disadvantages, and advantages of traditional energy sources are of particular importance. Traditional fuels provide high energy production capacity. Extracted fuels are limited in quantity and are non-renewable sources. The possibility of using them for an extended period is associated with the risk of resource depletion.

Our country is taking the following measures to reduce the negative impact of traditional fuels: expanding the use of renewable energy sources (solar, wind, hydroelectric), increasing energy efficiency, implementing new, environmentally friendly technologies, and developing international cooperation and joint programs to combat climate change.

The research emphasizes that revisiting the priority of traditional energy sources is not only essential for reducing environmental risks but also plays a crucial role in achieving sustainable development goals.

One of the problems of the traditional energy system is the low level of digitization and automation. The widespread application of artificial intelligence technologies is necessary. These technologies can significantly help in improving building energy efficiency, managing energy consumption, and enhancing the effectiveness of solar and wind energy. They optimize energy production processes in real-time and improve forecasting results.

According to our understanding, traditional energy sources consist of non-renewable and limited resources, including the generation of energy through underground fuels such as coal, oil, and natural gas. These sources emit significant amounts of carbon dioxide into the atmosphere.

The harmful gases emitted during the use of traditional energy sources, such as carbon dioxide, sulfur oxides, and nitrogen oxides, pollute the atmosphere and negatively affect air quality. For example, carbon dioxide emissions from the use of coal contribute to the global warming process.

The author believes that ensuring energy security in the context of climate change affects not only environmental factors but also economic stability. By accelerating the transition to renewable energy, countries can not only reduce carbon emissions but also strengthen their energy independence. However, to implement this process, the development of energy storage technologies and specialized systems is required, as renewable energy sources cannot always provide a stable energy supply.

The research indicates that defining energy security as a legal regulatory object demonstrates the strategic and significant importance of this sector. Ensuring energy security primarily requires the legal regulation of relations related to the energy sector.

1. Traditional energy sources are considered a set of resources for generating energy primarily using non-renewable and limited underground fuels (coal, oil, natural gas). These sources lead to the emission of large amounts of carbon dioxide into the atmosphere.

2. The problems of the traditional energy system include the low efficiency of old power stations, supply disruptions, and the low capacity of power transmission systems.

3. The objects of ecological-legal relations in energy security refer to the tangible and intangible assets that should be protected and regulated within these relations. Their legal status is regulated by laws.

4. The content of ecological-legal relations in energy security includes the objects, subjects, as well as their rights and obligations in the energy security sector. These relations, in turn, refer to legal mechanisms aimed at ensuring environmental sustainability and strengthening energy security.

The third chapter of the dissertation titled "Ecological and Legal Prospects for Ensuring Energy Security" examines environmental protection measures in the energy sector, analyzing the scientific works of legal scholars (Y.O. Jo‘rayev, Sh.X. Fayziyev, J.X. Kholmo‘minov, J.J. Safarov, U.T. Ayubov, A.A. Mixalevich, S.A. Kotukhov, V.A. Kuzmin, Y.V. Soboleva, O.X. Narzullayev). It is worth noting that the key future prospects for the development of Uzbekistan's energy policy include the following:

1. Strengthening the supply of electricity: Ensuring a stable supply of electricity is a key goal in the development of the country's economy and infrastructure.

2. Improving the quality indicators of energy systems: Upgrading participant networks and facilitating the participation of electricity in the system.

3. Increasing the production of clean and high-quality energy and improving the efficiency of energy resource use.

4. Improving the quality of electrical energy.

According to the researcher, it is necessary to improve a sustainable development strategy aimed at ensuring energy security, which includes the effective and rational use of energy resources, monitoring extraction and distribution, as well as optimizing them. This also requires anticipating security measures and ensuring the achievement of relevant goals.

Belarusian academician A.A. Mixalevich defines energy security as “the ability to supply end consumers with the necessary amount and quality of energy in normal and emergency situations[13].” It should be emphasized that this ability must be ensured not only during a particular period but also in the future, because it is impossible to talk about security without the guarantee of energy availability for many years.

In the researcher's opinion, it is necessary to improve a sustainable development strategy aimed at ensuring energy security, which includes the effective and rational use of energy resources, monitoring extraction and distribution, as well as optimizing them. This also requires anticipating security measures and ensuring the achievement of relevant goals.

In our opinion, this definition incorporates the most successful formulas of other authors and emphasizes the need to ensure the connection with environmental energy security. Energy security cannot be imagined without the seamless operation of all fuel-energy objects, and furthermore, security can only be discussed from a

[13] Mikhalevich A. *It's Time to Seriously Address Energy Security* // *Economic Newspaper*, No. 35(652), dated May 20, 2003.

long-term perspective and with respect to an environment that remains stable under the influence of external factors.

Due to the constant impact of numerous threats on the national and global energy systems, achieving absolute energy security is not possible. However, by generalizing, systematizing, and analyzing these threats, it is possible to reduce risks and predict the consequences of various issues on our country's fuel and energy system.

As identified in the research, environmental protection in the energy sector should not be limited to legal measures at the national level. The use of advanced technologies and adherence to environmental standards play a crucial role in this process.

The ecological-legal mechanism of site placement is important for ensuring the ecological safety of civil society, protecting public interests, and preserving the environment. The effectiveness of this mechanism is determined by the discussion of state policy, the unity of public participation, and compliance with international standards.

According to the dissertation's author, the following factors are important for ensuring the effectiveness of the ecological-legal mechanism for the placement of objects. The state plays a central role in setting ecological standards and implementing voluntary mechanisms. The state must take into account the rights of citizens when developing ecological standards for placement. This requires, for example, improving the effectiveness of environmental assessments and considering public opinion during project discussions.

The concept of legal responsibility for violating ecological-legal requirements in the energy system stems from the general concept of legal responsibility, or studying the general theory of legal responsibility helps to explain the concept of accountability for violations. It should be noted that the general issues of responsibility for violating ecological-legal requirements in the energy sector have not been sufficiently studied and researched. Furthermore, it should be emphasized that sufficient research has not been conducted on the general issues of legal responsibility for violations in the energy sector.

In legal literature, much attention is paid to the functions of various types of responsibility, issues of responsibility, or the entire system of legal responsibility. However, the number and nature of such legal responsibility functions are interpreted differently. For example, I.A. Talagan emphasizes that there are specific functions of administrative responsibility such as the fine, punishment, and correction functions, as well as the re-education of violators.

According to U.T. Ayubov, "Legal responsibility for violating environmental legislation does not differ from responsibility for violating other legislation in its main goals and principles, but it also has certain unique features. These features include the compensation for the damage based on an assessment method and special punitive measures for violating ecological legal documents, namely, restrictions on the use of natural resources, suspension, and deprivation of such rights."

The researcher writes that to effectively develop monitoring mechanisms in the energy sector, it is important to ensure scientific innovations, promote public

participation, implement economic control mechanisms, enhance the effectiveness of ecological standards, and make good use of international experiences.

Improving the effectiveness of these mechanisms plays an important role in ensuring energy security, protecting public ecological rights, and preserving the environment. The implementation of these mechanisms will strengthen cooperation between the state, the public, and the private sector.

Establishing control in the energy system, reducing ecological risks, protecting public interests, and ensuring compliance with ecological standards are of great importance. Effective tools for ensuring energy security can be created through monitoring mechanisms, encouraging public participation, strengthening legal mechanisms, and conducting scientific research.

In cooperation with the State Security Service, the General Prosecutor's Office, and specialists from electricity and gas supply companies, a monitoring inspection held in December 2023 revealed that 411 consumers had illegally used natural gas and electricity, causing a total loss of 73 billion 274 million Uzbek sums in state interests. In the Tashkent region, 20 cases were identified where energy resources worth 25 billion 293 million sums were stolen, in Tashkent city 30 cases of over 11 billion 308 million sums, and in the Fergana region, 52 cases of over 7 billion sums. Relevant documents for taking action against the violators have been submitted to law enforcement agencies[14].

In our country, illegal connections to energy networks, damage to measuring devices and their seals, or altering the readings of such devices are considered theft or small-scale misappropriation, leading to legal responsibility. Ignorance of the law does not exempt one from responsibility[15].

The goal of minimizing the ecological impact of these systems is to address environmental protection issues. Therefore, it is crucial for future effective operations in the energy system. Consequently, there is a need to strengthen the penalties for illegal use of energy resources and failure to follow the instructions of authorized bodies in this area.

In ensuring the stability of the energy sector in our country, the use of energy sources, especially solar, wind, and water sources, plays a significant role in the development of the Republic of Uzbekistan and in the protection of the environment and human health.

CONCLUSION

Researching and studying the environmental-legal issues of ensuring energy security has allowed for the formulation of the following scientific-theoretical conclusions, proposals, and recommendations:

I. Scientific-theoretical Conclusions: 1.1. In our view, energy security is a system of necessary legal, institutional, and economic mechanisms aimed at ensuring reliable, continuous, and environmentally safe energy sources for the

[14] Energoinspeksiya. https://t.me/Energoinspeksiya/3265

[15] “Huquqiyaxborot”. https://t.me/huquqiyaxborot.

purpose of supporting the country's socio-economic development, national security, and improving the living standards of the population.

1.2. Environmental security is focused on reducing anthropogenic impacts in the energy production process and supporting the country’s environmentally sustainable development.

1.3. From a legal point of view, environmental security refers to the principles and legal regulations aimed at rational management of natural resources, their protection, minimizing climate change and environmental problems, and ensuring the transfer of natural resources to future generations to maintain natural stability.

1.4. Modern energy law is a complex legal system aimed at regulating activities in the energy sector, which includes environmental law aimed at ensuring ecological sustainability, contract law, business law, competition law, and legal frameworks aimed at ensuring continuous and sustainable energy supply. There is a solid basis for clarifying and systematizing the object, subject, and methods of this legal field and streamlining sectoral legislation.

1.5. Environmental requirements in ensuring energy security refer to ensuring the rational use of natural resources and preventing negative impacts on the environment and public health.

1.6. The fuel-energy sector has its own distinct characteristics. Firstly, the fuel-energy complex is of stable importance in the economy; secondly, the energy complex is closely linked to nature, land, and mineral resources such as coal, oil, gas, uranium, etc.; thirdly, the fuel-energy complex often involves a large-scale industry of mining, processing, and transportation of mineral resources; fourthly, the international nature of many connections in the energy sector and the existence of interethnic complexes must be considered.

1.7. The various interpretations of the concept of "energy resources" in international legal documents and the insufficient clarification of this concept in national legislation, as well as its relationship with the concept of "natural resources," on one hand, reflects the complexity of these concepts, and on the other hand, their inherent interconnection.

1.8. One of the problems of the traditional energy system is the low level of digitization and automation. There is a need for extensive use of artificial intelligence technologies in this regard. The energy efficiency of buildings, analysis of voltage and loads in electric energy, automatic management of energy consumption through (smart) technologies, increasing the efficiency and ensuring the safety of solar and wind energy, real-time data analysis, optimization of energy production processes, and forecasting results are some of the key areas. It also serves in monitoring energy sector waste, identifying sources of waste, reducing them, monitoring air quality, and evaluating its impact on human health.

1.9. A program for the complex digitization of electricity in the field of energy security in the Republic of Uzbekistan for 2025-2035 should be developed. Within the scope of this program, automating resource planning for enterprises, ecological control, and the introduction of data collection systems should be among the important tasks.

1.10. Necessary measures for ensuring energy security include: developing open-pit mining of energy resources, stabilizing natural gas production, improving the quality of energy resources to international standards, establishing mutually beneficial international cooperation, enhancing energy efficiency, and reducing waste.

1.11. The following principles have been developed for achieving environmental security: ensuring radiation safety, preparedness for accidents and their prevention, and environmental control and monitoring.

1.12. For the environmental-legal issues of ensuring energy security, there are modern and recognized theories such as sustainable development, environmental security, resource resilience theory, and energy efficiency. The main aspects of this research align with the fundamental principles of sustainable development theory. According to this theory, the goal is to maintain a balance between environmental and economic development. The principles of sustainable development are directed towards resource restoration, adapting to climate change, and minimizing its negative impacts in ensuring energy security.

1.13. Conventional energy sources refer to non-renewable and limited resources (coal, oil, and natural gas), which mainly involve energy production from underground fossil fuel sources.

1.14. Renewable energy sources include natural resources that are naturally replenished in the environment, such as solar energy, wind energy, geothermal energy (earth heat), the natural movement of water currents, and the use of biomass energy.

1.15. Our country needs to take the following measures to reduce the negative impact of conventional fuels: expanding the use of renewable energy sources (solar, wind, hydropower); increasing energy efficiency and introducing new, environmentally clean technologies; developing cooperation and joint programs to combat climate change.

1.16. In energy security, the objects of ecological-legal relations are material and intangible assets that need to be protected and regulated in these relations. Their legal status is determined by legislative documents.

1.17. The content of ecological-legal relations in energy security consists of the objects of ecological-legal relations in the energy security sector, subjects, as well as their rights and obligations.

II. Proposals and Recommendations for Improving the Legislation of the Republic of Uzbekistan:

2.1 Proposals for Improving the Law of the Republic of Uzbekistan "On the Use of Renewable Energy Sources":

1. It is advisable to rewrite the third part of Article 6 titled "Powers of the Cabinet of Ministers of the Republic of Uzbekistan in the Field of Renewable Energy Sources" as follows: "Developing and approving the procedure for state support of energy producers using renewable energy sources, as well as manufacturers of renewable energy devices."

2. It is advisable to rewrite the sixth part of Article 8 titled "Powers of Local Government Authorities in the Field of Renewable Energy Sources" as

follows: "Implementing and operating a mechanism for local government bodies to make decisions on allocating land plots for the installation of renewable energy devices."

3. It is advisable to rewrite the first part of Article 14 titled "Benefits and Preferences in the Field of Renewable Energy Sources" as follows: "Energy producers using renewable energy sources shall be exempt from paying property tax and land tax on the areas occupied by the devices from the time they are put into operation for a period of ten years, not only for devices with a nominal capacity of 0.1 MW and above but also for those connected regardless of their nominal capacity."

4. Amend and add relevant provisions to Article 14 concerning benefits and preferences in the field of renewable energy sources, ensuring that these are granted to the energy producers from the moment they receive the devices, rather than from the moment they are fully disconnected from existing energy resource networks.

Improving the Cabinet of Ministers' Resolution No. 610 dated July 22, 2019, "On Approving the Regulations for Connecting Entrepreneurial Entities Producing Electric Energy, Including from Renewable Energy Sources, to the Unified Electric Power System" and the approved Regulations on Connecting Entrepreneurial Entities Producing Electric Energy, Including from Renewable Energy Sources, to the Unified Electric Power System.

Regulation (Annex 1) "Scheme for Connecting Entrepreneurial Entities Producing Electric Energy to the Unified Electric Power System"

The proposal is to shorten and amend the deadlines and date indicators for the implementation of the actions in Step 12 of the scheme, thus providing benefits to entities producing electric energy from renewable energy sources, improving, simplifying, and easing the process of connecting these entities to the planned electrical grids, and increasing their interest in the process.

2.3. Proposal to Add Article 15^1 to the Law of the Republic of Uzbekistan "On Environmental Protection"

Article. 15^1 Ensuring Energy Security through Environmental Protection Ensuring energy security while preserving and improving the ecological state of the environment is one of the main directions of state policy.

In the processes of energy production and distribution, it is mandatory to reduce waste, use natural resources efficiently, and ensure ecological safety.

As part of energy security measures, state bodies will develop normative-legal documents based on environmental requirements, and their implementation will be strictly monitored.

2.4. Proposal to Add Article 16^1 to the Law of the Republic of Uzbekistan "On Environmental Protection"

Article. 16^1 Environmental Safety Assessment of the Energy Complex Before implementing new projects in the energy sector, it is mandatory to conduct an assessment of environmental risks and ecological expertise.

The environmental safety of the energy complex will be regularly monitored by state bodies and independent environmental organizations.

Energy facilities that fail to ensure environmental safety will face restrictions or suspension of operations in accordance with the law.

2.5. Proposal to Amend Article 49[1] of the Law "On Energy Saving, Rational Use of Energy, and Increasing Energy Efficiency"

Article. 49[1] Identifying Violations in the Use of Energy Resources and Accountability Measures Opportunities will be created for citizens and organizations to identify violations related to the use of electric energy, thermal energy, and natural gas, and to provide relevant information.

Photos and videos submitted by citizens will be accepted and reviewed by the Ministry of Energy according to the established procedure.

The Ministry of Energy's regional bodies will cooperate with law enforcement agencies to identify the violators' identities.

Prosecutor's offices will file claims with state bodies or officials in accordance with the law based on violations identified.

III. Proposals and Recommendations for Improving the Practice of Applying Energy Legislation:

3.1. The Ministry of Ecology, Environmental Protection, and Climate Change should introduce modern technologies for monitoring the waste and environmental impact of energy facilities. This will help effectively control waste, identify environmental risks in advance, strengthen public monitoring, and ensure compliance with standards. Through this approach, quick decisions based on real-time data will be made, natural resource conservation measures will be efficiently organized, and violations related to ecological safety will be prevented. The introduction of digital technologies is an important step aimed at ensuring ecological sustainability.

3.2. It is considered harmful for the Oliy Majlis (Supreme Assembly) and local councils of the Republic of Uzbekistan to regularly discuss ecological-legal issues related to energy security at the parliamentary and local levels. This process will strengthen legal measures, ensure the compliance of energy facilities with environmental requirements, promote the development of renewable energy sources, and address regional environmental issues. It will also focus on the creation of normative documents to solve these problems and strengthen ecological security through the implementation of sustainable development principles.

3.3. The failure of consumers to fully receive copies of electricity and gas supply contracts leads to insufficient transparency in the legal relationship between consumers and suppliers. This situation hinders consumers from fully understanding their rights and obligations, complicating the process of resolving disputes when they arise. This calls for the introduction of modern management tools in practice and improvements in legal relations related to energy supply. Introducing an electronic platform to digitize contracts is an effective solution to address these issues. Electronic contracts will be uploaded to consumers' personal accounts, allowing them to review, download, and approve the contract remotely. This will not only increase legal transparency and protect consumers' rights (without the need for paper, environmentally friendly) but will also simplify the process.

НАУЧНЫЙ СОВЕТ DSc.07/03.06.2023.Yu.22.04 ПО ПРИСУЖДЕНИЮ УЧЕНЫХ СТЕПЕНЕЙ ПРИ ТАШКЕНТСКОМ ГОСУДАРСТВЕННОМ ЮРИДИЧЕСКОМ УНИВЕРСИТЕТЕ

ТАШКЕНТСКИЙ ГОСУДАРСТВЕННЫЙ ЮРИДИЧЕСКИЙ УНИВЕРСИТЕТ

ХАЙИТОВ ПАНЖИ БУХАРОВИЧ

ЭКОЛОГО-ПРАВОВЫЕ ВОПРОСЫ ОБЕСПЕЧЕНИЯ ЭНЕРГЕТИЧЕСКОЙ БЕЗОПАСНОСТИ

12.00.06 – Право о природных ресурсах. Аграрное право. Экологическое право.

АВТОРЕФЕРАТ
диссертации доктора философии по юридическим наукам (PhD)

Ташкент – 2025

Тема диссертации доктора философии (PhD) зарегистрирована Высшей аттестационной комиссией при Министерстве высшего образования, науки и инноваций Республики Узбекистан за №B2021.3. PhD/Yu590.

Докторская диссертация выполнена в Ташкентском государственном юридическом университете.

Автореферат диссертации размещен на трех языках (узбекском, английском, русском (резюме)) на веб-сайте Научного совета (www.tsul.uz) и Информационно-образовательном Портале «Ziyonet» (www.ziyonet.uz).

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Защита диссертации состоится 29 марта 2025 года в 12:00 на заседании Научного совета DSc.07/03.06.2023.Yu.22.04 при Ташкентском государственном юридическом университете. (Адрес: 100047, г.Ташкент, улица Сайилгох, 35. Тел.: (99871) 233-66-36; факс: (998971) 233-37-48; e-mail: info@tsul.uz).

С диссертацией (PhD) можно ознакомиться в Информационно-ресурсном центре Ташкентского государственного юридического университета (зарегистрировано за № 1366). (Адрес: 100047, г.Ташкент, ул. А.Темура, 13. Тел.: (99871) 233-66-36).

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ВВЕДЕНИЕ (аннотация диссертации на соискание степени доктора философии (PhD))

Цель исследования – разработка предложений и рекомендаций по совершенствованию законодательства Республики Узбекистан в сфере энергетики, а также повышение эффективности правоприменительной практики.

Объектом исследования являются правовые отношения, связанные с совершенствованием законодательства в области энергетики.

Научная новизна исследования заключается в следующем:

обоснована возможность установки гражданами на своих жилых домах, зданиях, сооружениях или земельных участках оборудования, исходя из собственных потребностей, с внедрением порядка компенсации части затрат на установленные устройства, а также компенсации или рассрочки при покупке оборудования для возобновляемых источников энергии у местных производителей;

дано определение понятию «покупатель электроэнергии» как предприятий электрических сетей или других физических и юридических лиц, принимающих в свою сеть электроэнергию, произведённую на солнечных, ветряных и биогазовых электростанциях мощностью до 1 МВт;

обосновано установление порядка, согласно которому физические и юридические лица, производящие электроэнергию на солнечных, ветряных и биогазовых электростанциях мощностью до 1 МВт для собственных нужд, могут продавать излишки электроэнергии АО «Региональные электрические сети» или уполномоченному государственному органу сроком не менее 10 лет по желанию потребителя;

доказана необходимость предоставления земельных участков для размещения оборудования возобновляемых источников энергии органами местного государственного управления, что является ключевым фактором для обеспечения энергетической безопасности, экологической устойчивости, сокращения бюрократических барьеров, совершенствования нормативно-правовых актов и создания прозрачной системы выделения земель.

Внедрение результатов исследования:

предложение о праве граждан устанавливать оборудование на жилых домах, зданиях, сооружениях и земельных участках с возможностью частичной компенсации затрат нашло отражение в пункте 6 Положения о порядке приобретения населением установок возобновляемых источников энергии, произведённых отечественными производителями, с возмещением части затрат на их приобретение или в рассрочку, утверждённого постановлением Кабинета Министров Республики Узбекистан от 5 октября 2022 года № 568 (Акт департамента информационно-аналитического и юридического обеспечения секретариата Премьер-министра Кабинета Министров Республики Узбекистан от 19 декабря 2023 года № 12-15-125). Это способствовало повышению возможностей граждан по самостоятельному

обеспечению энергетических потребностей, поддержке местных производителей и обеспечению экологической устойчивости;

предложение о включении в определение «покупатель электроэнергии» физических и юридических лиц, принимающих электроэнергию, произведённую на солнечных, ветряных и биогазовых станциях мощностью до 1 МВт, легло в основу пункта 3 Положения о порядке реализации физическими лицами и субъектами предпринимательства излишков электроэнергии, произведённой с использованием возобновляемых источников энергии, сверх потребности, утверждённого постановлением Кабинета Министров Республики Узбекистан от 14 июня 2023 года № 247 (Акт департамента информационно-аналитического и юридического обеспечения секретариата Премьер-министра Кабинета Министров Республики Узбекистан от 19 декабря 2023 года № 12-15-125). Реализация данного предложения окажет положительное влияние на эффективное использование возобновляемых источников энергии, развитие энергетического рынка, а также расширение возможностей физических и юридических лиц для получения дополнительного источника дохода;

предложение о создании возможности покупки излишков электроэнергии, произведённой на установленных физическими и юридическими лицами для собственных нужд солнечных, ветряных и биогазовых электростанциях мощностью до 1 МВт, АО «Региональные электрические сети» и уполномоченным государственным органом, выполняющим функции закупки электроэнергии, по желанию потребителя, на срок не менее 10 лет, было включено в пункт 6 Указа Президента Республики Узбекистан «О дополнительных мерах по внедрению энергосберегающих технологий и развитию возобновляемых источников энергии малой мощности» от 9 сентября 2022 года № УП–220 (Акт Министерства юстиции Республики Узбекистан от 11 марта 2024 года № 9/30-24-03). Реализация данного предложения будет способствовать эффективному использованию возобновляемых источников энергии, развитию энергетического рынка и совершенствованию механизмов бесперебойного обеспечения электроэнергией;

предложение, связанное с обеспечением предоставления земельных участков органами местного государственного управления для размещения установок возобновляемых источников энергии, нашло отражение в статье 8 Закона Республики Узбекистан «Об использовании возобновляемых источников энергии» от 21 мая 2019 года № ЗРУ-539 (Акт Министерства юстиции Республики Узбекистан № 9/30-24-03 от 11 марта 2024 года). Реализация данного предложения создаст основу для обеспечения энергетической независимости, улучшения инвестиционного климата и стимулирования эффективного использования возобновляемых источников энергии.

Структура и объём диссертации. Диссертация состоит из следующих разделов: введение, три главы, заключение и список использованной литературы. Общий объём диссертации составляет 138 страниц.

E’LON QILINGAN ISHLAR RO‘YXATI
СПИСОК ОПУБЛИКОВАННЫХ РАБОТ
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