

**CRIMINAL LIABILITY FOR ENVIRONMENTAL CRIMES IN UZBEKISTAN:
JUDICIAL PRACTICE, CHALLENGES AND REFORM PROPOSALS.**

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<https://doi.org/10.5281/zenodo.18866015>

***Abstract.** The growing scale of environmental degradation has intensified the need for effective criminal liability mechanisms to protect ecological security. Despite the existence of legal norms regulating environmental crimes in Uzbekistan, judicial practice demonstrates significant challenges in their enforcement. This article examines the legal foundations and practical application of criminal liability for environmental offenses, with particular emphasis on investigative procedures, sentencing practices, and institutional limitations. The research employs doctrinal legal analysis combined with a critical assessment of judicial and investigative practice to identify systemic problems, including the dominance of administrative sanctions over criminal penalties, insufficient use of forensic expertise, and gaps between legislative provisions and enforcement realities. The study also evaluates existing classifications of environmental crimes and their relevance to contemporary legal practice. The findings reveal that the current liability framework lacks sufficient deterrent effect due to inconsistencies in judicial interpretation and limited coordination among enforcement bodies. Based on the analysis, the article proposes targeted legal and institutional reforms aimed at strengthening criminal accountability, improving investigative effectiveness, and enhancing the preventive role of criminal law in environmental protection. The results contribute to the broader discourse on environmental criminal law and offer practical recommendations for increasing the effectiveness of environmental governance.*

***Keywords:** environmental crime, criminal liability, judicial practice, environmental protection law, investigation, Uzbekistan.*

INTRODUCTION

In recent decades, the rapid expansion of industrial activity has intensified environmental risks worldwide, making environmental crime one of the most pressing legal challenges of the modern era [4, 10]. Environmental offenses not only threaten ecological balance but also undermine public health, economic stability, and sustainable development [5]. As a result, contemporary legal systems increasingly rely on criminal liability as a central instrument of environmental governance aimed at preventing environmental harm and ensuring ecological security. However, the effectiveness of such measures depends not only on legislative provisions but also on their practical implementation within investigative and judicial practice.

In Uzbekistan, significant legal reforms have been undertaken to regulate environmental protection and establish criminal liability for violations that cause substantial ecological damage [2]. Despite these efforts, practical challenges remain. Judicial practice indicates that severe criminal penalties are rarely applied, while administrative measures continue to dominate enforcement mechanisms.

This discrepancy raises important questions about the deterrent function of criminal law and the capacity of existing institutions to address complex environmental offenses effectively.

Previous studies have examined the legal nature and classification of environmental crimes, as well as their doctrinal foundations in criminal law. Nevertheless, limited attention has been paid to the gap between legal norms and real enforcement practice, particularly in the context of investigative procedures and sentencing approaches. Addressing this gap is essential for understanding why environmental crimes persist despite the existence of formal legal frameworks.

The aim of this study is to analyze the legal basis and practical application of criminal liability for environmental crimes in Uzbekistan, focusing on judicial practice, investigative challenges, and institutional limitations. The article applies doctrinal legal analysis and critical evaluation of investigative practice to identify systemic problems and propose practical reforms aimed at strengthening environmental criminal policy and improving the effectiveness of liability mechanisms.

LITERATURE REVIEW

Research on environmental crimes has developed significantly within modern criminal law and environmental governance studies. Scholars emphasize that environmental offenses differ from traditional crimes due to their complex causation, long-term ecological consequences, and the involvement of both public authorities and private actors. O.L. Dubovik emphasizes the need for an integrated legal framework that combines criminal and environmental governance, encompassing criminal law, environmental policy, and administrative enforcement mechanisms [4]. Similarly, Golubev analyzes the subjective and objective elements of environmental crimes, arguing that the effectiveness of liability largely depends on accurate legal qualification and evidentiary standards within judicial practice [5].

Russian and European legal scholarship often focuses on the structural classification of environmental crimes. For example, Kholmominov proposes a division based on the object of harm, including illegal pollution, destruction of ecosystems, and violations of protected natural areas [6]. While such classifications provide a theoretical basis for understanding environmental offenses, several researchers note that doctrinal models do not always reflect investigative realities, particularly in countries where administrative sanctions dominate over criminal prosecution.

International studies also emphasize the transnational nature of environmental crime.

Nagel and Rossmoyer underline that environmental offenses frequently intersect with organized economic activity and cross-border waste management practices [11, 13], which complicates legal enforcement. These findings suggest that environmental crime prevention requires not only national legal reforms but also international cooperation and coordinated institutional strategies.

Despite the growing body of research, limited attention has been paid to the gap between formal legal norms and practical judicial application in Central Asian jurisdictions, including Uzbekistan. Existing studies primarily address legislative frameworks or theoretical classifications, while the practical challenges faced by investigative bodies and courts remain underexplored.

This article contributes to the literature by focusing on the interaction between legal provisions and enforcement practice, highlighting institutional limitations and proposing reforms aimed at strengthening criminal liability mechanisms.

LEGAL FRAMEWORK IN UZBEKISTAN

Environmental crime regulation in Uzbekistan operates through an interaction of criminal, administrative and environmental legal instruments aimed at ensuring ecological security and preventing harm to natural resources. The Criminal Code of the Republic of Uzbekistan establishes liability for a range of environmental offenses, including illegal use of natural resources, pollution of land and water, destruction of flora and fauna, and violations of environmental safety requirements. In particular, Articles such as 193 and 197¹ define sanctions ranging from fines and compulsory community service to restriction or deprivation of liberty, depending on the severity of the offense and the consequences caused [2].

Despite the existence of these legal provisions, the structure of liability demonstrates a strong interaction between administrative and criminal enforcement mechanisms. Minor environmental violations are frequently addressed through administrative proceedings, while criminal liability is typically applied only in cases involving significant ecological damage or direct threats to human health. This dual system reflects the legislator's attempt to balance preventive measures with punitive mechanisms; however, it also creates practical challenges in determining the threshold at which administrative offenses escalate into criminal acts.

Environmental legislation in Uzbekistan also assigns an important role to specialized state bodies, including environmental control agencies and inspectorates responsible for monitoring compliance with environmental standards [8]. These institutions contribute to the detection and documentation of violations, which serve as the basis for initiating criminal proceedings. At the same time, procedural norms established by the Criminal Procedure Code regulate the investigation process, including the collection of evidence, expert examination, and assessment of environmental damage [3].

However, the analysis of the legal framework indicates several structural limitations. First, the criteria for assessing the severity of environmental harm remain relatively broad, which may lead to inconsistent legal qualification in practice. Second, the reliance on administrative sanctions as a primary enforcement tool reduces the frequency of criminal prosecution, potentially weakening the deterrent effect of environmental criminal law. Finally, the effectiveness of legal provisions depends significantly on the availability of specialized expertise and institutional coordination, which directly influences the practical implementation of liability mechanisms.

JUDICIAL PRACTICE ANALYSIS

The practical application of criminal liability for environmental crimes in Uzbekistan demonstrates a noticeable discrepancy between legislative provisions and judicial outcomes.

Although the Criminal Code provides for a range of penalties, including deprivation of liberty. An analysis of judicial practice suggests a consistent tendency toward administrative sanctions and non-custodial measures, even in cases involving substantial environmental harm [9].

This tendency reflects a cautious judicial approach, where environmental offenses are often perceived as less socially dangerous compared to other categories of crime, despite their long-term ecological consequences.

One of the key characteristics of judicial practice is the difficulty of establishing a direct causal link between environmental violations and the resulting damage. Environmental harm frequently develops gradually and may involve multiple contributing factors, which complicates evidentiary assessment during trials. As a result, courts may rely on limited or indirect expert conclusions, leading to more conservative sentencing decisions. The absence of standardized methodologies for evaluating environmental damage further contributes to inconsistencies in judicial reasoning [5].

Another important aspect is the role of investigative bodies and expert institutions in shaping judicial outcomes. Environmental cases often require interdisciplinary expertise, including ecological assessment, forensic analysis, and risk evaluation. However, insufficient access to specialized experts or modern analytical tools may weaken the evidentiary basis of criminal proceedings. Consequently, prosecutors may prefer administrative proceedings, which require a lower burden of proof, rather than pursuing complex criminal cases that demand extensive technical justification [4].

Judicial practice also reveals institutional challenges related to coordination between environmental authorities, investigative agencies, and the courts. Environmental inspectorates play a central role in detecting violations and initiating proceedings, yet differences in procedural standards and documentation practices can delay or complicate the transition from administrative to criminal liability. This fragmentation of institutional responsibilities reduces the overall effectiveness of environmental law enforcement.

Furthermore, sentencing patterns suggest that the preventive function of criminal law remains limited. Even in cases involving significant ecological harm, courts tend to prioritize compensation and administrative penalties over stricter criminal sanctions. While this approach may reflect a preference for restorative justice, it raises questions about the deterrent capacity of the current liability framework and its ability to prevent repeated environmental offenses.

PRACTICAL PROBLEMS IN APPLYING LIABILITY

Despite the existence of a comprehensive legal framework regulating environmental crimes, the practical implementation of criminal liability in Uzbekistan faces several persistent challenges. One of the primary issues lies in the ambiguity of thresholds distinguishing administrative offenses from criminal acts. Environmental violations often evolve gradually, making it difficult for law enforcement bodies to determine when the level of harm justifies criminal prosecution. This uncertainty frequently results in cases being resolved through administrative measures rather than criminal proceedings, thereby limiting the preventive potential of criminal law [6].

Another significant problem concerns evidentiary standards in environmental cases.

Establishing the extent of ecological damage requires complex scientific assessments and long-term monitoring, which may not always be readily available during investigations. In the absence of clear and standardized methodologies for environmental damage assessment, courts may rely on incomplete or inconsistent expert conclusions. Such limitations weaken prosecutorial arguments and contribute to more lenient sentencing outcomes.

Institutional capacity also remains a key factor affecting the effectiveness of liability mechanisms.

Investigative bodies often encounter difficulties in accessing specialized environmental expertise, advanced laboratory analysis, and technical resources necessary for proving complex ecological offenses. The interdisciplinary nature of environmental crime demands cooperation between legal professionals, environmental scientists, and forensic experts; however, existing coordination mechanisms between these actors remain underdeveloped.

Additionally, procedural delays and fragmented institutional responsibilities can hinder the transition from detection to prosecution. Environmental inspectorates may identify violations, but the transfer of materials to investigative bodies and subsequent legal qualification processes can be inconsistent. These procedural challenges reduce the overall efficiency of enforcement and may allow offenders to avoid stricter criminal sanctions.

Public awareness and reporting mechanisms represent another area of concern.

Environmental crimes are frequently underreported due to limited public understanding of environmental rights and the absence of accessible communication channels with regulatory authorities. Strengthening public engagement and improving transparency in environmental governance could enhance early detection and support more effective application of criminal liability.

COMPARATIVE PERSPECTIVE: UZBEKISTAN AND FOREIGN APPROACHES TO ENVIRONMENTAL CRIME LIABILITY

Comparative legal practice indicates a growing trend toward stricter enforcement mechanisms aimed at strengthening the deterrent function of criminal law. In several European jurisdictions, particularly Germany and Italy, environmental offenses are increasingly treated as serious crimes due to their long-term ecological and economic consequences. Courts often rely on specialized environmental expertise and standardized methodologies for assessing environmental damage, which improves the consistency of judicial decisions and enhances the effectiveness of sanctions [9], [4].

In contrast, the legal framework in Uzbekistan reflects a balanced approach that combines administrative and criminal liability. While this dual system provides flexibility in responding to minor environmental violations, it may also reduce the frequency of criminal prosecution. Unlike some European legal systems where imprisonment and significant financial penalties are applied more actively, Uzbek judicial practice tends to prioritize administrative fines and compensatory measures. This difference highlights a potential gap between legislative intentions and enforcement strategies.

The experience of neighboring post-Soviet jurisdictions also provides useful insights. For example, legal reforms in certain countries have focused on strengthening institutional cooperation between environmental authorities and investigative bodies, introducing specialized environmental prosecutors, and improving expert examination procedures. These measures aim to address evidentiary challenges commonly encountered in environmental cases, particularly when proving causation between human activity and ecological damage.

International practice further emphasizes the importance of cross-border cooperation in combating environmental crime. Transboundary pollution, illegal trade in natural resources, and waste trafficking require coordinated legal responses and information exchange mechanisms between states [11], [12].

Compared to these approaches, Uzbekistan's environmental crime policy is still evolving, and greater integration of international standards could enhance the effectiveness of domestic enforcement [13].

Overall, comparative analysis suggests that improving investigative expertise, clarifying legal thresholds for criminal liability, and strengthening judicial specialization may help bridge the gap between existing legal norms and practical enforcement outcomes in Uzbekistan.

REFORM PROPOSALS FOR STRENGTHENING CRIMINAL LIABILITY FOR ENVIRONMENTAL CRIMES

The analysis presented in this study provides a basis for proposing several targeted reforms aimed at strengthening the practical effectiveness of environmental criminal law in Uzbekistan.

These proposals aim to address existing enforcement gaps and strengthen the preventive function of criminal law in environmental protection.

First, it is necessary to clarify legal thresholds distinguishing administrative environmental offenses from criminal acts. The absence of clearly defined criteria for assessing "significant environmental damage" creates uncertainty in legal qualification and contributes to inconsistent judicial outcomes.

Introducing standardized indicators for environmental harm, supported by scientific and ecological assessment methodologies, would facilitate more consistent application of criminal liability.

Second, strengthening institutional and expert capacity is essential for improving investigative effectiveness. Environmental crimes require specialized interdisciplinary expertise, including environmental forensics, ecological risk assessment, and technical analysis [8].

Establishing a system of certified environmental experts and enhancing cooperation between investigative bodies and scientific institutions would significantly improve the evidentiary basis of criminal proceedings.

Third, judicial specialization in environmental cases should be enhanced. The introduction of specialized training programs for judges, prosecutors, and investigators dealing with environmental offenses could improve understanding of the complex nature of ecological harm and its long-term consequences. Such specialization would contribute to more informed judicial reasoning and more proportionate sentencing decisions.

Fourth, procedural mechanisms for inter-agency coordination should be improved.

Environmental inspectorates, investigative authorities, and prosecutorial bodies must operate within a coherent and coordinated framework. Developing unified procedural guidelines for the transfer of environmental cases from administrative to criminal proceedings would reduce delays and enhance enforcement efficiency.

Finally, greater emphasis should be placed on preventive and transboundary mechanisms.

Environmental crimes often extend beyond national borders, particularly in cases involving illegal trade in natural resources and pollution.

Strengthening international cooperation, data exchange, and joint investigative initiatives would enhance Uzbekistan's capacity to address complex environmental offenses and align domestic practice with international environmental protection standards [10].

CONCLUSION

The findings of this study confirm that environmental crimes in Uzbekistan constitute an increasingly complex legal challenge that requires not only comprehensive legal regulation but also effective practical enforcement mechanisms. The analysis conducted in this study demonstrates that, despite the existence of a developed legislative framework in Uzbekistan, significant gaps remain between legal norms and their application in judicial and investigative practice. The predominance of administrative sanctions, difficulties in establishing causation, and limited access to specialized expertise reduce the deterrent capacity of criminal liability and weaken the preventive role of environmental criminal law [4], [5].

Comparative perspectives reveal that strengthening institutional coordination, enhancing judicial specialization, and improving evidentiary standards are essential for increasing the effectiveness of environmental crime regulation. The findings indicate that legal reforms should focus not only on expanding sanctions but also on improving procedural clarity, developing expert support systems, and fostering interdisciplinary cooperation between environmental authorities and law enforcement bodies.

The reform proposals presented in this article emphasize the need for clearer legal thresholds, improved investigative capacity, and stronger international cooperation mechanisms.

Implementing these measures may contribute to a more balanced and effective environmental criminal policy, ensuring that liability mechanisms serve both punitive and preventive functions. Ultimately, strengthening the practical application of criminal liability is crucial for safeguarding ecological security, protecting public interests, and promoting sustainable environmental governance in Uzbekistan

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