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THE EXPERIENCE OF FOREIGN COUNTRIES IN INVESTIGATING ENVIRONMENTAL CRIMES IS ANALYZED

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Annotation: The article highlights the current importance of the analysis of the experience of foreign countries in the investigation of crimes in the field of ecology. In the investigation of crimes in the field of ecology, international documents and norms of our national legislation are interpreted. The author analyzed the existing problems and shortcomings in the investigation of crimes in the field of ecology.

Keywords: Criminal Code of the Republic of Uzbekistan, crime, punishment, law enforcement agencies, investigative activities, ecology, international normative documents, national legislation.

INTRODUCTION

Today, at a time when natural resources are decreasing and the environmental situation is worsening, one of the important tasks facing us is to prevent crimes and increase the efficiency of proceedings from the base of the criminal case brought against them to the court. Improving the investigation of crimes in the field of ecology, in particular, remains a priority for the science of environmental law.

It is worth noting that environmental crimes, compared to other crimes, have serious negative consequences for a whole region, if it is a separate society, a state. In a word, ecological, we can consider the issue of responsibility for crimes literally as a means of saving and protecting humanity. Therefore, improving the investigation of crimes in the field of ecology has become the demand of the time today. For example, the fight against environmental crimes is one of the urgent tasks facing our state and the criminal law, which should become a priority area of their activity and rise to the level of state policy. Indeed, it is easier and more desirable to preserve and prevent the destruction of nature than to restore it.

The Republic of Uzbekistan ranks fifth in area and third in population among the countries of the Commonwealth of Independent States. If we take into account that 37 million citizens live in Uzbekistan now, it can be said that this number is 3.8 times less than before the Second World War.

In Uzbekistan, like all over the world, along with the number of patients, the types of diseases are also increasing. Many of these are related to the state of ecology.

In our republic, a number of activities on nature protection and rational use of natural land and other resources, which are one of the main problems of our society, are being carried out, and the mass media are widely campaigning on these issues. The biosphere of our planet began to change negatively. We know that with the development of technology and the development of production, the relationship between society and nature becomes more and more intense. That is, as the production develops, its emissions also increase, and their damage to the environment increases, which limits the possibilities of production development.

Over the past quarter of a century, the environment in Uzbekistan has caused some negative aspects in the balance of the economic system. For example, the acute shortage of water resources and their pollution by agricultural communal household industrial waste has led to a decrease in soil fertility and deterioration of the air layer in many cities of Uzbekistan.

The main part. In order to effectively improve the modern criminal law that regulates criminal responsibility in the field of ecology, it is necessary to constantly monitor and conduct a comparative analysis of the legislation of foreign countries on the protection of the natural environment. From this point of view, the legislative experience of some developed foreign countries is of interest.

In particular, the main regulatory and legal documents in the field of environmental protection in **France** are the laws "On Environmental Protection", "On Waste Processing and Recovery of Materials", "On Prevention and Punishment of Sea Pollution in the Process of Waste Disposal". . One of the latest legislative documents adopted in the field of environmental protection is the Law "On Water" (01.03.1992), which is aimed at protecting water as a component of national wealth.

The Law "On Water" defines a number of articles that are intended to be applied to the offender. According to it, the direct or indirect spillage or discharge of any substance or object into surface, underground or sea waters within the territory of France by any person, even temporarily, with negative consequences for health or for flora and fauna, including a significant alteration of the water supply or if swimming and bathing lead to the restriction of the territory, he shall be sentenced to a fine or imprisonment from two months to two years. Only one of these punishments shall be applied to the offender. In addition, the court may issue a decision to restore the water environment of the convict.

The competent state that deals with environmental, agricultural, industrial, construction, transport, marine, health, defense issues by identifying and recording violations of the provisions of the Law "On Water", as well as other legislative documents adopted for the purpose of implementation of this law services; customs officials; employees of the anti-smuggling service; Authorized officers of the National Hunting Committee and the Supreme Fisheries Council; authorized surveyors, engineers and technicians of the French Institute for the Study of the Development of the Seas, the masters of seaports and their deputies; Officials of the National Forestry Committee and its institutions; authorized employees of national parks are engaged. Forestry employees also have the right to record violations.

In addition to punishment for crimes, French law provides incentives for those who cooperate in the field of environmental protection. In particular, he developed a cleaning device and kept it in good condition. The users of nature are financially encouraged accordingly[1].

On September 18, 2000, the French Ecological Code was adopted. It ranks second after the Constitution in the hierarchy of the internal legal system of the state. The French Ecological Code consists of General and Specific parts (975 articles in total). The general part (the first book) defines

the principles, purpose, and environmental responsibility of the Code. The special part (second-sixth books) regulates the protection of nature, forests, water and air.

The first book is General Rules and Principles, the next four books are devoted to the regulation of relations with the natural environment, flora and fauna, and the sixth book is entirely devoted to the overseas territories of France[2].

In 1978, the European Committee on Crime Problems of the European Union recommended the recognition of legal entities as Subjects of Environmental Crimes in the legislation of member states. These recommendations apply in the UK. These recommendations are also valid in several states of the USA.

On January 20, 2006, the following recommendations were put forward based on the results of the conference organized by the Institute of Public and Legal Affairs of the Russian Academy of Sciences: "The severe state of the natural environment in the Russian Federation, in addition to the very low number of criminal cases on environmental crimes, requires addressing the problem of criminal responsibility of legal entities. is enough. It should be noted that this liability is recommended by international conventions, and administrative liability of legal entities is regulated by the current Code of Administrative Offenses of the Russian Federation" [3].

Currently, the issue of punishing organizations for environmental violations is positively resolved in the legislation of developed countries such as Great Britain, Ireland, the Netherlands, Norway, Denmark and Belgium, while in some Eastern European countries (in Poland, Slovakia since 1996) the mechanism of applying responsibility for organizations is being launched. in some (Bulgaria, Croatia, Lithuania, the Czech Republic) this issue has become the subject of intense discussion.

Based on the study of the legal norms of foreign countries on liability for legal entities, as well as the study of judicial practice in this regard, we can distinguish three models for holding legal entities accountable. In the first model (England, France, Denmark, Finland and Spain), the crime of the members of the organization is blamed on the organization. Based on it, it is required to determine the individual criminal-legal fault in order to apply responsibility to organizations. In the second model (in the USA, Australia, Switzerland and the Netherlands) responsibility is not directed to any specific person, where collective responsibility takes an important place. According to the third model (Sweden and Poland), it is not required to prove the guilt of the organization in order to ensure efficiency. It defines the absolute responsibility of organizations, and according to it, the organization itself is a source of danger for the natural environment. Therefore, the implementation of the risk imposes responsibility on the organization.

Article 334 of the **Spanish** Penal Code criminalizes the killing of endangered species by hunting or fishing, as well as the implementation of other activities that interfere with their reproduction or migration in violation of the laws on forest animals. This norm also prohibits the transportation or trade with these biological species and their remains[4].

Article 335 of the Spanish Penal Code provides for the liability for hunting without a permit to hunt species of animals not covered by the above article.

Article 336 of this Code establishes responsibility for using weapons or tools with poisonous, explosive or similar destructive power for hunting or fishing without a legal permit.

The Spanish Criminal Code, unlike the Uzbek criminal law, defines liability for illegal hunting in a separate article. Already in the Criminal Code of the Republic of Uzbekistan, liability for this category of crimes is defined along with other crimes in Article 202, which is called violation of the order of use of animal or plant life. There are also significant differences in the sanctions for

crimes. The Spanish Penal Code also provides that only natural persons are held responsible for crimes in the field of environmental protection.

In the United States of America, environmental protection and environmental safety issues have been dealt with long ago, and now they have achieved a number of positive results in this regard. In particular, in the USA: 1) the Council on Nature Quality was established under the President of the country, which performs general coordinating tasks; 2) The main task of the Environmental Protection Agency (EPA) is to provide direct general supervision over the implementation of environmental legislation and control over pollution.

In the United States, the Federal Bureau of Investigation, the Department of Justice and the Department of Defense, which performs the police function in the country, are also considered an important link in the system of ensuring environmental security. In particular, the Federal Bureau of Investigation assessed environmental crimes as acts of special importance and introduced special investigative staffs for this field. The US Armed Forces also have a role in protecting the environment. The Armed Forces are also involved to help citizens, especially in the case of environmental disasters and natural disasters, and when there is a need to take quick measures in such situations[5].

The peculiarity of the US legislation is that it does not have independent legal documents that provide for the types of liability for various offenses, including environmental acts. This state's legal system is governed by state-level criminal codes. In the field of nature protection legislation, penalties in the form of fines and/or imprisonment are used for serious offences.

It is noted that long term fines (especially if their amount is large) serve as a strong incentive factor and eventually prevent the commission of offenses. However, experience shows that even multi-million fines cannot have a significant impact on the stability of a very large amount of commerce. In such a case, imprisonment as an alternative punishment not only fulfills the educational function more effectively, but also prevents the environmentally polluting entrepreneur from covering the environmental costs by setting an additional price for the products. In the US, the institution of liability of legal entities applies. In particular, Section 20 of the Penal Code of the State of New York defines "Criminal Liability of Corporations". For example, Article 20 of this paragraph, known as "Responsibility for Violation and Participation", directly establishes that the actions of the corporation constitute a felony as provided for in Sections 71-2721 of the Environmental Protection Act.

For the violation that caused material damage, civil-legal liability measures are applied in court, a fine is imposed, and environmental damage is compensated. Civil penalties levied by court order are administrative penalties in US case law. Civil fines do not release the guilty person from the obligation to compensate for the damage caused.

The peculiarity of the institution of pecuniary responsibility in the United States is that pecuniary responsibility acquires a strict, joint conflicting character. On the basis of this complex concept, the owner of the organization is covered not only by his own fault, but also by his own responsibility for causing damage without fault. In other words, the current owner is also responsible for the harmful consequences caused by actions of the previous owner of the corporation, institution and organization that were legal at that time. Therefore, the owner of the organization (land plot) at the time of detection of the offense is held financially responsible. The owner of the land area where the pile of hazardous waste is located is obliged to compensate the environmental damage, even if the damage was caused by the tenant of the land area or its previous owner.

A person held financially responsible has the right to initiate legal proceedings against another guilty party on his own initiative. In this example, strict measures are defined due to the

difficulty or impossibility of identifying all the culprits and the degree of guilt of each person (zero, the heap of abandoned waste is used by a very wide range of people).

Although **South Korea's** Criminal Code does not have a separate chapter on environmental crimes, it provides chapters "Crimes related to water pressure and water disposal" and "Crimes related to drinking water" (Chapters XIV and XVI), in which the legislature comprehensively protects against various illegal encroachments on water. tried to ensure. The peculiarity of these norms is that they prescribe severe punishments for these crimes. In particular, the sanction of Article 193 of the Criminal Code of South Korea entitled "Making it difficult to use the water supply system" provides for a penalty of one to ten years of hard labor for persons who pollute the clean water delivered through the water supply system for drinking purposes or who make the water unfit for consumption by polluting the water supply. [6].

Criminal Code of the **Democratic People's Republic of Korea** Section 3 is called "Crimes against State Land Management" and it defines liability for water pollution, violation of river and spring protection rules, illegal hunting of aquatic fauna resources and similar acts.

Article 88 of the Criminal Code of this country - for hunting useful fish, water and plant resources, without a special permit, by illegal means, in a prohibited area or in a prohibited season, Article 89 - for throwing harmful substances into a river or land area (such an act if it causes damage to knowledge resources, agricultural production, or if it causes serious floods for the livelihood of citizens), Article 91 provides criminal responsibility for breaking dams or their devices, cutting forest protection strips of rivers and basins.

The Criminal Code of the **People's Republic of China** includes crimes such as illegal hunting of aquatic products, pollution of water, land, and atmosphere. In particular, Article 340 of the Criminal Code of the People's Republic of China stipulates criminal liability for illegal fishing of aquatic products in areas where fishing is prohibited, during a prohibited season, or with prohibited means[7].

Article 338 of the Criminal Code of the People's Republic of China, if a serious environmental disaster occurs as a result of the illegal placement, storage, or release of radioactive pollutants, which are the source of infectious diseases, toxic or hazardous waste, into the land, water, or atmosphere, causing serious damage to state or private property, or human life or health. if it causes damage, the origin of liability is defined.

CONCLUSIONS AND SUGGESTIONS: In conclusion, it can be said that the common causes of environmental crimes lie in the conflict between nature and human relations. These contradictions are between man and nature, which is a part of nature; between the possibilities of using the natural environment and the social needs of society and the state; are contradictions between society, social group, and individual, who are the subjects of independent use of nature and its protection.

These contradictions are complex social processes that create stable conditions for the violation of environmental rights and, in many cases, the commission of environmental crimes in the conditions of unfavorable economic development. Also, environmental crimes are often committed for specific reasons that can be determined through qualitative analysis.

Proposal 1: When the crime scene in the field of ecology covers a large area of land, it will be quite difficult to carry out "scene inspection" in this area.

In this case, the use of unmanned aerial vehicles should be put into practice in order to facilitate the investigation of the scene of the accident.

2-Proposal: Criminal Code of the Republic of Uzbekistan

How to measure the damage provided under Article 198, whether the certificate given by the expert will be used as evidence, what should be done for it to be physical evidence?

In this case, the reference given by the expert is physical evidence, but now, in order to further improve this situation, it would be appropriate if the experts give a conclusion, not a reference or a document. This norm would also be suitable for the norm of admissibility of evidence.

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