

Legal Issues of Environmental Protection of Locals

Uzakova Guzal Sharipovna

Head of the Environmental law department of Tashkent state university of law, DSc, Associate Professor

A. T.

Abstract

The article examines the legal framework for the protection of settlements, compliance with environmental standards in anthropogenically changed areas, the role of cities in ensuring the right of citizens to a favorable environment, the implementation of urban planning norms through the rule of law. Also, the specifics of environmental protection of cities and urban agglomerations were analyzed on the basis of current legislation, with special emphasis on the establishment of green zones.

Keywords: settlements, environment, urban agglomerations, green areas, anthropogenically modified territories.

In the current situation, where the importance of environmental protection in settlements, prevention of environmental crises in the conditions of urbanization, and the transition to sustainable development is constantly increasing, the question of using and protecting natural resources in settlements plays an important role. As a result of not paying enough attention to this area, there has been a downward trend in the level of urbanization in recent years, and the number of urban settlements has increased from only 1,065 to 1,071.

The analysis of legislation and law enforcement activities in the field of natural resources use and protection in settlements requires special attention to be paid to the issues of greening of construction activities in settlements, zoning of settlement areas, improvement of organizational and legal measures of environmental protection in settlements.

The need to increase the effectiveness of the use of natural resources in settlements and their protection, to activate the participation of the public and civil society institutions in this field, to ensure the stability of the ecology of urban settlements by developing industry based on the requirements of the "green economy" requires that in-depth scientific research work be carried out in this regard. is doing. Legal provision of institutions related to the use and protection of natural resources in settlements, as well as the implementation of large strategic investment projects, paying special attention to the process of urbanization as a factor leading to the growth and sustainable development of the well-being of the population of cities. It is important to find a scientific-theoretical and practical solution to such issues.

In order to ensure that people live in an ecologically safe and comfortable environment, comprehensive program activities are being implemented in our republic. In accordance with the Strategy of Actions on five priority areas of development of the Republic of Uzbekistan in 2017-2021, comprehensive and proportionate socio-economic development of regions, districts and cities, rapid development of small cities and towns; expanding the use of renewable energy sources[1]; encouraging entities that introduce alternative energy sources and establish environmentally friendly methods of production; organization of "green areas"; use of energy-saving technologies and alternative energy sources; further improvement of the regional improvement system, development of the Urban Development Code as a directly working document in a new version, development of the concept of urbanization development, adaptation of construction rules and norms to international standards, improvement of living conditions of the population in cities and villages [2]; Systematic measures are being implemented to identify the largest cities with natural and socio-economic potential, introduce the "satellite cities" system, provide settlements with urban planning documents, and take measures to use modern building materials in construction [3]. This requires the improvement of legal mechanisms for the use of natural resources in settlements and their protection, as well as the greening of the urban planning and construction sector.

As O.O. Makarov noted, environmental protection plays a particularly important role in settlements in the conditions of increasing pressure on ecology in cities and urbanization.

The environment of settlements is a qualitatively new natural-social phenomenon, the stable operation of which is ensured by the natural laws of nature, as well as by the purposeful activity of a person to maintain ecological balance in settlements.

In the current conditions of development, it is an urgent task to organize the territories of cities and other settlements in order to create a comfortable living environment for the population, to prevent negative effects on the environment and human health. The concept of sustainable development of settlements accepted by the international community is the expansion of the network of federal, regional and municipal systems for the regulated use of recreation zones, ecological reconstruction of the lands of settlements, suburban areas, and the improvement of the land reclamation of production special purpose zones and other lands for the population. aimed at providing comfortable living conditions[4].

The limits and content of legal protection of the environment of settlements are determined by their legal status and functions. This status is mainly characterized by administrative features and depends on the situation of settlements in the system of administrative-territorial structure of the country[5].

At the same time, settlements are divided into urban settlements and rural settlements, the legal criteria for dividing settlements into different categories (population, level of development and specialization of production and socio-cultural infrastructure, etc.), fully reflect their urban development significance and ecological condition. does not make

Environmental protection of settlements is based on the principle of sustainable development, which includes socio-economic and ecologically balanced development of settlements. From an ecological point of view, such structures can be considered as an integral object of legal regulation.

The main directions of sustainable development of settlements are consolidated in the Concept of Environmental Protection of the Republic of Uzbekistan for the period until 2030, approved by the Decree of the President of the Republic of Uzbekistan No. PF-5863 of October 30, 2019.

In accordance with the resolution No. 70 adopted by the United Nations General Assembly at the Summit on Sustainable Development held in September 2015, as well as in order to organize

systematic work on the consistent implementation of the Sustainable Development Goals of the UN Global Agenda in the period until 2030, the Cabinet of Ministers "In the period until 2030 "On Measures for the Implementation of National Goals and Tasks in the Field of Sustainable Development" dated October 20, 2018 No. 841 approved the National goals and tasks in the field of sustainable development until 2030 [6].

In the period until 2030, the 11th goal in the field of sustainable development is "Ensuring the openness, safety and ecological **stability of cities and settlements** " and 7 tasks related to its implementation are defined. In particular, the tasks in this regard include ensuring access to safe, affordable, convenient and environmentally sustainable means of transport until 2030, expanding the scale of accessible and environmentally sustainable urbanization and comprehensive and sustainable planning and management of residential areas, protecting cultural and natural heritage objects, revitalization of actions on production and preservation, reducing the negative impact of urban ecology on the population, paying special attention to the quality of air and the removal of urban waste and other waste, as well as expanding the area of green areas and parks in cities and residential areas.

In the concept of environmental protection and National goals and objectives in the field of sustainable development until 2030, the most general and important issues in this regard are regulated, but specific mechanisms for their implementation are not provided. Taking this into account, in our opinion, in order to implement this concept and the National goals and objectives, **a separate environmental protection strategy ("roadmap") should be developed for each region.**

In this regard, in the sustainable development of settlements, the improvement of the regional infrastructure taking into account the local ecological system, the development of networks and types of activities using advanced, economical and ecologically safe technologies adapted to local conditions, and the creation of favorable conditions for the living of the population and rural settlements it is necessary to pay special attention.

Environmental protection in settlements can be considered as a system of organizational and legal measures aimed at ensuring a favorable environment of settlements and maintaining ecological stability and balance in the process of settlement and development of settlements.

Environmental protection requirements that provide a comfortable environment for the life and health of citizens must be observed during the placement, design, construction and reconstruction of settlements.

It is necessary to clearly define the quantitative criteria of green areas in settlements in the legislation. After all, in order to maintain a comfortable environment for citizens, taking into account the number and area of green areas in settlements, the area of the settlement, the amount and types of industrial production (both in the territory of the settlement and outside its territory, but close to it), the presence of airports, etc. it is appropriate to establish these requirements legally [7].

In this regard, as A.O. Voronin noted, the establishment and use of buildings, constructions, constructions and facilities for economic and other purposes is important for man and society. In turn, it is impossible that the activity of creating real estate objects does not have a harmful effect on the environment. The legal norms that regulate the establishment of economic and other objects and their activities, as well as determine the environmental requirements for them, form a single legal institution. This institution has a comprehensive character, because these norms exist in various legal fields: environmental protection, urban planning, land, water, forestry, sanitary-epidemiological legislation and other areas thereof. The essence of the legal institution under consideration is the strengthening of the legal norms that determine the possibility of establishing a real estate object on

the relevant land, the conditions for the construction of this object and its operation .

This problem is solved by establishing environmental requirements for various types of human activities, which affect the environment of settlements and ensure environmental safety.

The issue of environmental protection in rural settlements is primarily characterized by its close connection with the protection of land plots from pollution. Land protection in settlements is executive authorities, local self-government, aimed at rational use and restoration of land in settlements as a component of the environment, protection of land in settlements as an object of property rights, as well as organization of land formation in the relevant settlement norm creation, control, authorization, jurisdictional activities of the bodies [9].

In our opinion, the protection and rational use of any natural resource, including land, reflects two forms of interaction between society and nature: use of nature and environmental protection. In this case, depending on the type of settlement, the environmental requirements are different. For example, land protection in urban settlements involves ensuring compliance with ecological, urban planning and other requirements during the use of land plots. In this case, as A.A. Pronin noted, there is no need to apply special measures for land protection, because the requirements for rational use of land and their protection are mutually embodied. However, in the process of land use, if the requirements stipulated by the law are not met, the quality of the land and, accordingly, the state of the environment deteriorate[10].

In general, we can classify the ecological and legal requirements of environmental protection in settlements as follows:

a) environmental requirements for settlement and development of settlements as settlement centers. This direction is determined by the fact that settlements are the centers of territorial settlement of the population and provides legal measures to protect the environment of settlements in the process of territorial organization of the country, in the process of planning and construction of settlements, which are strengthened in the legal documents on architecture, urban planning and construction activities;

b) environmental requirements for economic activity in settlements as centers of production forces. Economic and other activity facilities in settlements should be located taking into account environmental protection requirements, as well as sanitary, fire protection, construction and other requirements. The location and operation of industrial enterprises and other economic objects must be in accordance with the environmental conditions established both in the legal documents on environmental protection and in the legal documents regulating economic activity;

c) environmental requirements aimed at achieving sanitary-epidemiological peace established by the sanitary legislation. The legal regulation of sanitary-epidemiological peace comes from the fact that the favorable quality of the environment is an integral part of the social life conditions of the population. The legislation has developed a system of measures to prevent the harmful effects of environmental factors on the human body, which ensures the creation of environmental conditions that help maintain and restore the health of the population;

d) environmental requirements for rational use of natural components in settlements and their protection. These requirements are enshrined in the laws on natural resources that regulate the use and protection of individual components of the environment and are aimed at ensuring the preservation and functioning of natural ecosystems in settlements, including those that are subject to anthropogenic changes.

The location and development of settlements that ensure the territorial settlement of the population is carried out in the process of urban planning, for which a number of environmental requirements are defined in the Urban Development Code of the Republic of Uzbekistan. Summarizing these environmental requirements, it can be concluded that urban planning activities should be carried out taking into account the historical, cultural, natural, ecological and other characteristics of the regions.

The legislation stipulates the right of individuals to have a comfortable environment in the implementation of architectural, urban planning and construction activities, to receive reliable, complete and timely information about the state of the environment and its possible changes, which is necessary for the development of their settlements in urban planning, architecture, urban planning and envisages participation in the implementation of construction works and public supervision in the fields of architecture, urban planning and construction activities and other activities.

Legal documents on urban planning include norms for ensuring protection from natural and man-made emergency situations in the development of urban planning and design documents for compliance with the requirements of environmental protection and rational use of natural resources, security of territories and construction and development of settlements. Also, in the implementation of architecture, urban planning and construction activities, it is necessary to ensure compliance with the requirements in the field of preservation of material historical and cultural values and protection of protected natural areas.

In the planning and construction of settlements, environmental requirements provide for the rational organization of the territory of settlements in accordance with approved architectural and urban planning projects. Verification of the compliance of these documents with the requirements of environmental protection is carried out during the state ecological expert examination, in which the objects are urban planning documents (general plans of settlements, network plans for the development of the territory of settlements, detailed planning projects), as well as design documents (architecture, construction projects, etc.) serves.

An important means of ensuring compliance with land law and order in the field of urban development is the implementation of state control in this field. Legal liability for violation of law and order in the field of urban planning should also include environmental-legal liability in the form of deprivation of the right to use natural resources for violation of urban planning requirements.

Focusing on the essence of a comfortable living environment for citizens and the rational use of natural resources, including natural resources in settlements, it should be noted that the goal of urban development activities is to ensure a comfortable state of the territories of settlements (living environment) and the protection and rational use of natural resources in settlements and them is achieved only .

In the protection of natural resources in settlements, it is important to control compliance with the legislation on ecology and urban planning. For the formation of stable legislation in the field of urban planning, it is necessary to effectively control the compliance with the requirements of urban planning and environmental legislation. This can be achieved on the condition that these control subjects fulfill the obligations established by law for its implementation [11].

The purpose of rational use of natural resources in settlements is to place ecologically acceptable economic, socio-business and other objects that do not impose excessive damage on the environment, and therefore the impact on the environment and human health does not exceed the standards of harmful effects established by environmental legislation. .

The interaction of the general and special environmental legal regime with the regulation of natural resources protection within the settlements in the direction of urban planning has led to the entry of the category of "comfortable living environment" into the theory and practice of urban planning. In this sense, it can be noted that the right of citizens to a comfortable living environment is an integral part of a person's right to a comfortable environment.

Environmental protection requirements can be divided into three groups - general, additional and special. General requirements should be understood as general-mandatory, which applies to all categories of city business entities and their activities. Among them - compliance with environmental quality norms, sanitary rules, technical regulations, improvement of land reclamation, beautification of the territory, necessary measures to restore the natural environment during decommissioning of the object, etc.

Additional requirements are determined by the need to protect certain types of natural objects. For example, the legislation on water stipulates the need to take into account their impact on water bodies and the environment during the placement, design, construction, reconstruction, commissioning of economic and other facilities, as well as the introduction of new technological processes.

Special requirements are applied only to industrial enterprises and other economic objects or certain categories of activities, specifying the direction of strengthening environmental requirements for them. In the design, construction, operation and use of hazardous production facilities, a number of rules, obligations and restrictions are applied in addition to the activities of such an economic entity. Among them, state registration; licensing; mandatory environmental insurance of relevant risks and others can be included.

Violation of the above requirements in the field of environmental protection (or non-fulfillment of mandatory environmental protection measures), placement and design of buildings, constructions, structures and other objects in accordance with the instructions of executive authorities implementing state management in the field of environmental protection, resulting in the suspension of construction, reconstruction, commissioning, operation, conservation and completion; in case of non-compliance with environmental requirements, the complete cessation of this type of activity is carried out by the decision of the economic courts.

Currently, the definition of the green fund of settlements does not exist either in science or in legislation and law enforcement practice. In our opinion, the green fund of urban and rural settlements should be understood as a set of green spaces within the settlement boundaries that perform ecological, health, recreation, aesthetic and other functions in order to reduce the harmful effects of anthropogenic activities on the environment of the settlement and maintain ecological balance.

Protection of the green fund of urban and rural settlements implies a system of measures to ensure the preservation and development of the green fund necessary to stabilize the ecological situation and create a comfortable environment. Such measures may include the obligations imposed on citizens and legal entities, as well as the implementation of measures to protect the green fund of settlements by state bodies.

It should be noted that the problem of creating a comfortable living environment in settlements is gaining importance nowadays. This is because settlements are an integral part of the negative impact of the urbanization process and are the main place of permanent residence for the majority of the population.

Environmental problems are clearly manifested in large cities, especially in megacities. At the same time, some environmental problems in small settlements may arise as a result of insufficient funding

of nature protection activities due to the lack of necessary funds in the budget, for example, due to insufficient attention of the relevant authorities to the creation of a comfortable living environment in a certain area.

The following can be cited as reasons that have a negative impact on the comfortable living environment of the population in settlements:

an increase in the level of atmospheric air pollution that does not meet the requirements of sanitary and hygienic standards due to the negative effects of stationary or mobile sources;

low quality of water used for drinking and household needs;

insufficient provision of settlements with green spaces and forest park zones;

generation of large amounts of production and consumption waste in the regions.

In order to prevent these negative situations, it is required to take into account environmental requirements in the process of regional planning, zoning, construction and reconstruction of cities and other settlements.

In this sense, in connection with the environmental problems of cities and settlements, there are tools that can reduce the negative impact of negative factors on the population if they are strictly implemented by the responsible entities at different stages of urban planning development. Many of the modern environmental problems of cities arise from the fact that the location of the enterprises and settlements that make up the city as a place of residence for the people who work in these enterprises is not sufficiently thought out.

As a result, the most important natural resource affecting the quality of living conditions in cities and other settlements is atmospheric air, which is constantly affected by stationary and mobile sources. At the same time, in large cities, according to experts' estimates, the share of vehicles in atmospheric air pollution is dominant and reaches 70-80%.

At the same time, the issue of sanitary-epidemiological protection of the environment is of great importance in the protection of the environment in settlements. Sanitary-epidemiological protection of the environment is the activity of sanitary-epidemiological control bodies to protect the life and health of citizens from the harmful effects of the environment. The main goal of sanitary-epidemiological protection is to ensure the sanitary-epidemiological peace of the population, that is, the state of public health and people's living environment, where there is no influence of its dangerous and harmful factors on the human body and there are favorable conditions for its activity.

Sanitary regulation of the environment consists in determining the maximum possible amount of pollutants, radioactive radiation, noise, vibration, harmful effects of magnetic fields and other physical, chemical, biological effects.

One of the important issues in cities and villages experiencing the pressure of urbanization is the need to preserve and increase as much as possible the area occupied by green spaces, on the one hand, which absorb carbon dioxide, and on the other hand, where residents can relax from the effects of the urban environment. In this regard, a number of decisions have been made to help preserve the green fund in cities and other settlements .

In particular, in accordance with Article 52 of the Urban Planning Code, green zones are allocated in suburban zones that perform sanitary and recreational tasks, and it is prohibited to conduct economic and other activities that have a harmful effect on the environment in green zones. At the same time, in our opinion, taking into account the current urbanization conditions, it is appropriate to supplement the Urban Planning Code with a separate article on green zones.

Article 52¹ · Green areas of settlements

The green zones of settlements perform sanitary-hygiene, recreation-health and environmental protection functions and are separated in suburban zones.

The size of green zones of settlements is determined based on the number of inhabitants of the settlement, the amount of territory occupied by forest and flora objects in the settlement.

The green zones of settlements will be intended for the purposes of public recreation, tourism, hiking, and the collection of flora and fauna.

It is forbidden to carry out economic and other activities that have a harmful effect on the environment, as well as to place production and consumption waste in the green zones of settlements.

Green areas of settlements are objects of local importance.

Green zones of settlements are established by the decision of local state authorities in agreement with the competent state body in the field of ecology.

It should be noted that in the planning and construction of urban and rural settlements, the creation of favorable conditions for the life and health of the population by comprehensive improvement of urban and rural settlements and the implementation of other measures to prevent and eliminate the harmful effects of environmental factors on people should be considered.

One of the indicators of the high level of anthropogenic impact is related to the density of pollutant emissions per capita and the density per square meter of the city.

As an object of legal protection, the environment of cities and urban agglomerations is a complex system that includes elements of the natural environment, material resources and living conditions of the population located in the administrative-territorial boundaries of cities, suburbs and green zones, as well as agglomerative boundaries.

In this case, according to the functional characteristics of the legal protection of the environment of cities, it should include the following:

first, environmental requirements for the location and development of cities as centers of human settlement,

secondly, environmental requirements for economic activity in cities as the location center of production forces,

thirdly, environmental requirements that ensure the socio-ecological well-being of the city's population.

As a conclusion, it should be noted that the protection of the environment of urban and rural settlements is carried out in several areas, the priority and content of which is the state of the environment in its territory, the economic situation, as well as the environmental protection of local government officials and citizens in a particular settlement depends on the level of legal culture.

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