



ISSUES OF IMPROVING THE RULE-MAKING ACTIVITIES OF SPECIALLY AUTHORIZED STATE GOVERNMENT BODIES IN THE FIELD OF ECOLOGY

Akhrorov Adkhamjon Asrorkul ugli

Head of the Academic Department of
Faculty of Interdisciplinary Legal Studies of
Tashkent State University of Law, PhD
<https://doi.org/10.5281/zenodo.22108823>

ARTICLE INFO

Received: 21st August 2026

Accepted: 23rd August 2026

Online: 25th August 2026

KEYWORDS

Rule-making; administrative
rule-making; specially
authorized state administration
bodies; environmental
governance; environmental
legislation; regulatory impact
assessment; regulatory legal
framework

ABSTRACT

This article examines the rule-making activities of specially authorized state administration bodies in the field of ecology and identifies the existing legal and organizational issues associated with the preparation and adoption of departmental normative legal acts. The study analyzes the concept and significance of administrative rule-making, the powers of specially authorized environmental authorities, and the specific features of departmental normative legal acts. Particular attention is paid to the legal restrictions imposed on the content of departmental normative legal acts, including provisions that may contribute to corruption, discrimination, unjustified administrative restrictions, or excessive financial burdens on individuals and legal entities.

The existence of rule-making powers is of great importance for executive authorities in exercising public administration within the fields entrusted to them. In other words, one of the essential characteristics of public administration is the existence of rule-making activities. As noted in the preceding paragraph, one of the administrative and legal forms of public administration is the establishment of legal norms. The establishment of legal norms arises as a result of the rule-making activities of public administration bodies. Legal scholarship also emphasizes that the establishment of legal norms constitutes rule-making aimed at specifying the mechanisms for exercising the powers, rights, and duties conferred upon public administration bodies on the basis of laws¹.

Rule-making activity is one of the issues that has been extensively studied by legal scholars. An analysis of the legal literature demonstrates that legal scholars generally recognize rule-making as both a set of specific rules and the activity of competent authorities.

In particular, according to M. Najimov, "rule-making is an integral component of legal technique and constitutes a set of requirements, rules, methods, and procedures that must be observed in the process of adopting, drafting, promulgating, amending and supplementing normative legal acts, as well as repealing obsolete ones"².

¹ Muratayev S., Musayev B., Artikov D. Ma'muriy huquq va protsess. Darslik. – T.: Yuridik adabiyotlar publish. 2022. – 361-b; K. Gaziyeu. A. Axrorov. Ma'muriy huquq. O'quv qo'llanma. – T.: TDYU nashriyoti, 2023. – 304-b.

² Нажимов М.К. Норма иждокорлиги. Дарслик. – Тошкент: ТДЮУ, 2018. 9-6.

In contrast to this view, S. Sultanova emphasizes that rule-making is the activity of competent state authorities aimed at adopting, amending, and repealing legal norms³.

A. Khujanazarov, who conducted research on rule-making, provides a broader definition of this concept. In his view, “rule-making is an activity encompassing such processes as formulating initial proposals that serve as the basis for drafting a normative legal act, planning the drafting process, organizing the preparation of draft acts, developing the draft, subjecting it to legal and other forms of expert examination and state registration, discussing the draft, coordinating it with relevant authorities, participating in the consideration of the draft, reviewing the draft, and submitting it for adoption and approval”⁴.

In our view, although this definition does not make it possible to determine the range of subjects exercising rule-making activities, it does reflect the stages of the rule-making process. This view is applicable to the drafting of all normative legal acts, including the activities related to the adoption of departmental normative legal acts.

Since our research is devoted to the rule-making activities of specially authorized state administration bodies in the field of ecology, the analysis below will focus primarily on the adoption of departmental normative legal acts.

In our opinion, within the framework of subordinate legislation, the procedures for drafting and adopting departmental normative legal acts are of particular importance. Therefore, the adoption of departmental normative legal acts in the rule-making process has a number of distinctive features.

As E. Khojiyev and T. Khojiyev emphasize, “state administration bodies, alongside law enforcement, also engage in administrative law-making (law-establishing) activities. The law-making activities of state administration bodies are manifested in the fact that, within the scope of their powers, they develop and approve rules of conduct that are binding upon other legal subjects (objects of administration) and exercise control over their implementation”⁵.

Complementing this view, D. Artikov notes in his research that “since the administrative law-making activities of state administration bodies are manifested in establishing legal norms within the scope of the relevant relations, it is necessary to emphasize the dual nature of such acts. First, such acts are departmental in nature, meaning that they have a subordinate character manifested in the fact that they are adopted exclusively by competent authorities; second, such acts have the status of normative legal acts”⁶.

Regarding this issue, N. Starilov states that “executive authorities have a rule-making function (administrative rule-making)”⁷.

Specially authorized state administration bodies exercising public administration in the field of ecology also engage in rule-making activities in order to perform the tasks and functions assigned to them.

³ Султанова С.А. Норма иждорклигида “Ақлли тартибга солиш” моделини қўллашнинг назарий-ҳуқуқий масалалари. Ю.ф.ф.д. диссертацияси автореферати. – Тошкент, 2021. 13-б.

⁴ Хужаназаров А.А. Адлия органларининг норма иждорклиги фаолиятини такомиллаштириш. Ю.ф.ф.д. диссертацияси автореферати. – Тошкент. 2021. 11-бет.

⁵ Хожиев Э., Хожиев Т. Маъмурий ҳуқуқ. Дарслик – Т.: Фан ва технологиялар, 2006. – 28-б.

⁶ Артиков Д.Р. Идоравий норматив-ҳуқуқий ҳужжатни ҳақиқий эмас деб топиш тўғрисидаги ишларни судда қўришнинг маъмурий-ҳуқуқий жиҳатлари. Ю.ф.ф.д. диссертацияси. – Тошкент, 2020. 13-б.

⁷ Старилов Ю.Н. Административная юстиция: проблемы теории. Монография. – Воронеж. 2013. – С. 148.

Departmental normative legal acts are sector-specific in nature and are adopted by competent state administration bodies for the purpose of regulating social relations within the areas entrusted to them.

In particular, one of the principal specially authorized state bodies in the field of ecology, the Ministry of Ecology, Environmental Protection and Climate Change of the Republic of Uzbekistan, has the following rule-making powers in accordance with the legislation:

- to submit, in accordance with the established procedure, draft normative legal acts and other documents related to the performance of the tasks and functions assigned to it to the Cabinet of Ministers of the Republic of Uzbekistan or the Administration of the President of the Republic of Uzbekistan;

- to adopt normative legal acts that are binding upon ministries and agencies, local government authorities, organizations, officials, and citizens, and, where necessary, to issue joint resolutions and other acts together with other ministries and agencies⁸.

An analysis of these provisions demonstrates that the rule-making activities of specially authorized state administration bodies in the field of ecology may be understood in both a narrow and a broad sense. In the narrow sense, rule-making activity refers to the preparation and adoption of normative legal acts by these bodies. In the broad sense, in addition to adopting normative legal acts, it also encompasses the preparation of draft normative legal acts to be adopted by the President and the Cabinet of Ministers concerning the area of public administration in which these bodies exercise their functions.

In this study, we seek to analyze the rule-making activities of specially authorized state administration bodies in the field of ecology in the narrow sense. This is because the preparation by these bodies of draft presidential decrees and resolutions, as well as draft government resolutions, cannot be regarded, in the full sense, as their own rule-making activity.

The rule-making activities of these bodies are regulated on the basis of the “Rules for the Preparation and Adoption of Departmental Normative Legal Acts.” State administration bodies adopt departmental normative legal acts in the form of orders and resolutions.

It should be noted that the departmental normative legal acts adopted by specially authorized bodies exercising public administration in a particular field are subject to clearly defined restrictions regarding the types of legal norms that may be included therein. Pursuant to paragraph 21 of the above-mentioned Rules, departmental normative legal acts may not contain legal norms that:

- create conditions conducive to corruption or the commission of other offenses within the system of state authorities and administration;
- create opportunities for direct or indirect discrimination on the basis of gender;
- regulate matters falling within the competence of economic management bodies or corporate relations;
- establish liability for individuals and legal entities, additional payments and fees, excessive administrative or other restrictions, or lead to unjustified expenses for them, as well as contain provisions of a permitting nature.

⁸ Qonunchilik ma'lumotlari milliy bazasi, 05.11.2022-y., 09/22/646/0995-son.

The substance of this provision indicates that departmental normative legal acts may contain any legal norms other than those specified above. In our view, it would be appropriate to supplement this provision.

In our opinion, improving the rule-making activities of specially authorized state administration bodies is of particular importance in addressing existing environmental problems. Therefore, it is proposed to supplement paragraph 21 of the above-mentioned Rules with the following paragraph:

“that have an adverse impact on the environment beyond the established regulatory limits and lead to the destruction of natural resources.”

It is also proposed to supplement paragraph 94 of the Rules with the following subparagraph a2):

“a2) where the provisions contain norms that have an adverse impact on the environment beyond the established regulatory limits and lead to the destruction of natural resources.”

This is because the current legislation contains provisions that may have adverse effects on the environment and permit the destruction of natural resources. The introduction of this requirement would help prevent the adoption of departmental normative legal acts containing provisions that could result in the irrational use of natural resources and cause adverse impacts on the environment exceeding the established regulatory limits.

It should be noted that, pursuant to Law No. 916 of the Republic of Uzbekistan dated February 29, 2024, “On Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan,” Article 79 of the Code of the Republic of Uzbekistan on Administrative Responsibility was amended to establish liability for officials involved in the preparation of design documentation that results in the cutting, uprooting, damaging, or destruction of valuable species of trees and shrubs. However, the legislation does not contain a provision expressly prohibiting the occurrence of such consequences.

Another problem arising in the rule-making process of specially authorized state administration bodies in the field of ecology concerns the mandatory state environmental expert examination of departmental normative legal acts conducted by the Ministry of Ecology, Environmental Protection and Climate Change of the Republic of Uzbekistan.

Pursuant to paragraph 70 of the “Rules for the Preparation and Adoption of Departmental Normative Legal Acts,” draft departmental normative legal acts regulating economic and other activities that may have an impact on the environment, including the use of natural resources and environmental protection, are subject to mandatory state environmental expert examination by the Ministry of Ecology, Environmental Protection and Climate Change of the Republic of Uzbekistan.

Furthermore, in accordance with the Regulation on the Procedure for Conducting Regulatory Impact Assessment of Draft Normative Legal Acts and Adopted Normative Legal Acts, approved by Decree No. PF-5025 of the President of the Republic of Uzbekistan dated March 15, 2021, “On Measures to Further Improve the Regulatory Impact Assessment System,” draft normative legal acts and their regulatory impact assessments (RIA) are subject to examination by the Ministry of Ecology, Environmental Protection and Climate Change of the Republic of Uzbekistan with regard to their potential environmental impact.

Despite the existence of these provisions, there are currently no indicators for assessing the environmental impact of draft normative legal acts. Although the “Methodology for Assessing the Regulatory Impact of Draft Normative Legal Acts and Adopted Normative Legal Acts,” approved by Order No. 7-mh of the Minister of Justice of the Republic of Uzbekistan dated March 31, 2021, contains indicators for assessing the impact of draft acts on entrepreneurial activity and the competitive environment, it does not provide indicators for assessing their environmental impact.

The absence of such indicators creates difficulties in assessing the environmental impact of draft normative legal acts. Therefore, it would be appropriate to approve indicators for assessing the environmental impact of draft normative legal acts.

A clear definition of such indicators would help ensure a uniform approach to the assessment process.

In conclusion, rule-making plays an important role in the activities of specially authorized state administration bodies in the field of ecology in exercising public administration within this area. Therefore, improving the normative legal framework governing their rule-making activities would contribute to the effectiveness of public administration and create greater opportunities for the protection of natural resources and the prevention of adverse impacts on the environment.

References:

1. Muratayev S., Musayev B., Artikov D. Ma'muriy huquq va protsess. Darslik. – T.: Yuridik adabiyotlar publish. 2022. – 361-b; K. Gaziyeu. A. Axrorov. Ma'muriy huquq. O'quv qo'llanma. – T.: TDYU nashriyoti, 2023. – 304-b.
2. Нажимов М.К. Норма и жодкорлиги. Дарслик. – Тошкент: ТДЮУ, 2018. 9-б.
3. Султанова С.А. Норма и жодкорлигида “Ақлли тартибга солиш” моделини қўллашнинг назарий-хуқуқий масалалари. Ю.ф.ф.д. диссертацияси автореферати. – Тошкент, 2021. 13-б.
4. Хужаназаров А.А. Адлия органларининг норма и жодкорлиги фаолиятини такомиллаштириш. Ю.ф.ф.д. диссертацияси автореферати. – Тошкент. 2021. 11-бет.
5. Хожиев Э., Хожиев Т. Маъмурий хуқуқ. Дарслик – Т.: Фан ва технологиялар, 2006. – 28-б.
6. Артиков Д.Р. Идоравий норматив-хуқуқий хужжатни ҳақиқий эмас деб топиш тўғрисидаги ишларни судда кўришнинг маъмурий-хуқуқий жиҳатлари. Ю.ф.ф.д. диссертацияси. – Тошкент, 2020. 13-б.
7. Старилов Ю.Н. Административная юстиция: проблемы теории. Монография. – Воронеж. 2013. – С. 148.
8. Qonunchilik ma'lumotlari milliy bazasi, 05.11.2022-y., 09/22/646/0995-son.