



GUARANTEE OF ECOLOGICAL RIGHTS IN THE IMPLEMENTATION OF SANITARY CUTTING ACTIVITIES: FOREIGN AND NATIONAL EXPERIENCE

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ABSTRACT

This article analyzes the legal and practical issues of guaranteeing the public's right to a healthy environment during sanitary tree cutting operations. It examines the foundations for ensuring transparency in the felling process, public access to reliable environmental information, and the role of community oversight. The study explores the experiences of foreign countries such as the USA and Japan, proposing practical improvements like the implementation of an "Electronic Ecological Passport" system, the establishment of independent environmental audits, and increasing responsibility for compensatory tree planting.

INTRODUCTION

In recent years, preserving the "yashil qiyofa" of our cities has become not only an ecological but also a serious constitutional issue. In particular, in the process of "sanitary felling", Articles 49 and 68 of our Constitution serve as a solid legal basis for ensuring the rights of the population to a healthy environment. In particular, according to Article 68 of our Constitution, land, subsoil, water, flora and fauna, and other natural resources are national wealth. This norm means that every tree and shrub is not just an element of landscaping, but is a wealth that belongs to the people and is under state protection. Therefore, when carrying out sanitary felling, the competent authorities must deeply feel that they are not only performing a technical task, but also managing a national wealth. The rational use of this wealth and its preservation for future generations is the supreme obligation of the state. Today, in urban planning and improvement processes, the concept of sanitary cutting is often at the center of disputes between the population and the relevant authorities. In this regard, the updated Article 49 of the Constitution of the Republic of Uzbekistan serves as one of the main legal protections in guaranteeing the

rights of citizens to a healthy and comfortable environment. This article firmly establishes that every person has the right to a comfortable environment and reliable information about its condition. This means that before any tree is cut down or shaped, the population must have full information about the reasons and grounds for this process. The open publication of reliable conclusions given by experts to questions such as "Why is this tree being cut down?", "Is it really sick?" is not just a desire, but a constitutional requirement. Article 49 also states that the state must create conditions for public control over urban planning activities. In practice, this means that "sanitary logging" should only be carried out in the presence of local activists, environmental experts, and public representatives, with their consent and control. Decisions made without public discussion can be considered a restriction of citizens' environmental rights.

LEGAL PROTECTION

The Law of the Republic of Uzbekistan No. ZRU-678 "On Ecological Audit" also serves as an important tool in verifying the legality and scientific justification of sanitary cutting activities. According to Article 5 of the Law, an ecological audit analyzes the compliance of economic entities with environmental protection legislation. This means that large-scale sanitary cutting projects can be subject to an ecological audit. During the audit process, the actual condition of the trees planned for cutting—namely, whether they are truly diseased or dried out—is objectively assessed by independent experts. Articles 11 and 21 of the Law guarantee the independence of ecological audit objects and the auditor. This provides an additional layer of protection for the public, ensuring the transparency of the process. Through an independent audit report, the cutting of healthy trees under the guise of "sanitary cutting" is prevented.

DISCUSSION AND RESULTS

Another important aspect of the aforementioned norms is the state's obligation to improve the environment and maintain ecological balance in accordance with the principle of sustainable development. Sanitary cutting activities must serve to improve the health of the environment rather than reducing green areas under the guise of "tozalash". If cutting a tree is absolutely necessary, planting new saplings to restore the ecological balance is consistent with the principles of sustainable development. Thus, Articles 49-68 of our Constitution, which is our fundamental law, grant every citizen the right to be responsible for the fate of every tree in their area of residence and to demand transparency in the processes. Ensuring these rights of the population during sanitary cutting activities is not only a way to enhance ecological culture in society but also the only way to preserve clean nature for future generations. Accordingly, Decree No. PF-46 of the President of the Republic of Uzbekistan, dated December 30, 2021, marked the beginning of a new era in our country's ecological policy. The introduction of an indefinite moratorium on cutting valuable trees and shrubs not included in the state forest fund by this document is not merely a legal prohibition, but an expression of firm will aimed at preserving nature as a national wealth. For many years, the concept of sanitary cutting often served as a convenient mask for destroying healthy trees. This Decree established a strong legal barrier against such abuses. Now, the sanitary cutting process has become a strictly controlled measure, free from any personal interests and carried out only in absolutely necessary and scientifically justified cases. One of the most important aspects of the document is that it raised public control over tree protection to a new level. The establishment of a system to reward

citizens who report illegal cutting through photos and videos with monetary prizes has expanded the ranks of "invisible ecological guardians" in every neighborhood and street. This system strengthened the participation of the population in ecological decision-making and reinforced the principle of public control established in our Constitution. Additionally, measures of liability for damage to nature, in particular, increasing the amount of fines up to 5 times, had a preventive significance. This measure demonstrated that the economic and legal consequences of any violation would be very severe, increasing responsibility towards nature. Relevant normative-legal acts are being adopted by our President to carry out several works aimed at improving the ecological environment of our country. Indeed, Decree No. PF-158 "On the Uzbekistan – 2030 Strategy," adopted on September 11, 2023, clearly defined the work to be implemented in this field. The "Uzbekistan – 2030" Strategy envisages expanding the "Yashil makon" nationwide project aimed at stabilizing the ecological situation, specifically planting 200 million trees annually, increasing the level of greening in the republic to 30 percent, and creating a care and irrigation system for every planted tree. In Tashkent city alone, the goal is to increase the area of green spaces by 5 times, reaching 5,000 hectares. Also, the 2024 State Program specifies planting at least 200 million ornamental and fruit tree and shrub saplings and cuttings within the project, and establishing 444 green parks in the republic. Citizens and legal entities are users of flora objects. Users of flora objects must strictly comply with the terms and procedures established by legislation when using flora objects. The US experience in protecting flora objects is also of interest. The "Wilderness Act" has been adopted in the US, which ensures the protection of 2% of the US territory under this status. This Act is of great importance in protecting flora objects in the USA. Within the area established by this Law, it is prohibited to use motor vehicles, conduct road or other construction work near them, or engage in commercial activities. With this, the use of nature for economic interests was prohibited, and it was envisaged that it could only be used for recreational purposes. In Japan, the protection of the plant world is regulated by the "Environmental Protection Act," and the use of flora objects is based on quotas and payments determined by the state. In our Republic, the protection and use of the plant world are regulated, along with constitutional norms, by the laws "On Nature Protection," "On the Protection and Use of the Plant World," "On Protected Natural Territories," "On Forests," the Criminal Code of the Republic of Uzbekistan, the Code of Administrative Responsibility, the Civil Code, the Regulation "On the Procedure for Regulating the Use of Biological Resources and Passing Licensing Procedures in the Field of Nature Management," approved by the Cabinet of Ministers Resolution No. 290 of October 20, 2014, and other normative-legal acts. That is, if someone commits a violation of the law while performing sanitary cutting work, they will be held liable in accordance with the committed offense and the legal procedure.

INTERNATIONAL EXPERIENCE

According to the conclusions of scientists from Yale University, one of the oldest and most prestigious universities in the United States, regarding the ensuring of the public's right to a healthy environment during sanitary cutting activities, periodically thinning and shaping trees to maintain a healthy forest or urban ecosystem is a scientifically justified necessity. Such practice serves to ensure the sustainable growth of the remaining trees and increases the overall resilience of nature. However, in our current reality, it is a regrettable fact that the term sanitary cutting often deviates from its original essence and serves as a legal "mask" for

destroying healthy trees to open construction sites or for commercial purposes. My firm position is that the conclusion issued for each tree being cut should not remain a mere matter of departmental bureaucracy. To ensure the legality and fairness of the process, every case must undergo an independent ecological audit in real life. Only an expert opinion provided by impartial specialists and disclosed to the public can effectively guarantee the citizens' right to "possess reliable information," as stipulated in Article 49 of our Constitution. Therefore, sanitary cutting activities must be carried out not based on suspicious decisions, but under transparent and independent control. This is to ensure that our green areas, considered the "lungs" of our nature, do not fall victim to "sanitary cleaning". After all, the people's right to live in a healthy environment stands above any material or construction interests.

RECOMENDATIONS

Within the framework of my article, I have put forward the following proposals to improve the guarantee of citizens' rights to a healthy environment in the implementation of sanitary cutting activities:

- 1) Implementation of a "Electronic Ecological Passport" system with a QR-code for every tree planned to be cut; specifically, if this system is implemented, this technology will establish online monitoring over the cutting of each tree. As a result, data transparency for the public will be ensured, and unjustified cuttings will be prevented.
- 2) Establishing a procedure where sanitary cutting conclusions must be approved exclusively by independent auditors who have no conflict of interest, as discussed earlier regarding ecological auditing. This will further ensure impartiality and prevent any cases of abuse or malpractice.
- 3) To establish a legal obligation to obtain the consent and signatures of neighborhood (mahalla) activists and residents for tree cutting in urban planning projects. Turning this consent process into a legal requirement will lead to the further strengthening of public control.
- 4) Imposing a responsibility to plant at least 10 healthy saplings in the same area for each tree cut and to maintain them for 3 years. This will ensure an increase in the number of trees and prevent the newly planted saplings from drying out.

Thus, these measures will eliminate the excuse of sanitary cutting and compel those who cut trees to be accountable before the people and the law. If ten trees are planted for every one cut and neighborhood (mahalla) control is established, the exploitation of nature will end, and its true preservation will begin.

CONCLUSION

In conclusion, sanitary cutting activities must serve to truly improve the health of the flora and restore ecological stability, rather than destroying it. Analysis shows that ensuring the public's right to a healthy environment means not only preserving trees but also guaranteeing the scientific justification and transparency of every cutting process. If this process is not reinforced with independent expertise, public control, and digital monitoring, the "improvement" measure will lose its essence and become an action that contradicts the ecological interests of citizens. Therefore, the mechanisms proposed in this article—such as digital passportization, independent ecological audit, and obtaining the consent of the neighborhood (mahalla) residents—are the key legal tools ensuring the rule of law. Only through strict public control and the establishment of an appropriate compensation system for

every tree cut can we preserve a healthy ecological environment in our cities. Ultimately, the transparency of sanitary cutting activities will increase public confidence in the state's ecological policy and serve as a legal foundation for leaving a clean nature as a legacy for future generations.

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