



ISSUES OF IMPROVING LEGISLATION RELATED TO GROUNDWATER

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Abstract: Today, there is a need to legally regulate relations related to groundwater. Eliminating contradictions in the legislation in this field, filling gaps, and regulating relations related to it based on foreign experience is a requirement of the present day. The study examined the importance of groundwater and the practices of foreign countries: Germany, Great Britain, Azerbaijan and other major jurisdictions in protecting it. This article analyzes the legislative documents related to groundwater, provides conflicting situations, gaps and, of course, solutions.

Keywords: natural resource, foreign experience, legislative gap, principle of equality, well.

Introduction. Today, it occupies groundwater. After this year, it is necessary to reach the origin of legal conflicts, eliminate legal problems, influence them, charge groundwater by eliminating legal problems, and take legal security measures. [1].

As part of the comprehensive reforms implemented in our country in recent years, the powers of state authorities and management bodies in the field of regulating water relations, water use and protection have been improved, and these changes are reflected in laws.

This strengthens the powers of state authorities and management bodies in the field of regulating water relations. In this regard, the Government is charged with the development of water management, rational water management, efficient use of water, mitigation of the negative impact of water shortages and approval of other water-related programs, as well as the procedure for state support for the introduction of water-saving technologies.

The issue of ensuring cooperation between state control and public control in the protection and rational use of groundwater as a form of natural resources, and ensuring their high-quality operation is an urgent issue today.

Materials And Methods. In regulating relations related to groundwater, finding a solution to the relationship through the comparative legal method is one of the effective methods. Because, having passed the experience of these



countries, sufficient legal mechanisms have been created, which are fully studied and implemented in national legislation.

According to the experience of Germany, the work carried out in the Hamburg region in 1964 was an important step in the protection of groundwater[2]. In order to improve water supply, the city authorities are carrying out works to purify river water and transfer it underground. As a result, today the city uses 120 million m³ of water per year through the use of 470 underground pumping wells. Also, special protection of these underground water reservoirs is established in the legislation, preventing such situations as pollution or salinization. Thus, the water supply enterprise carries out control through its own network of about 1,400 monitoring wells.

China's water laws take measures to control and prevent groundwater depletion, and strengthen the supervision, management and planning of groundwater pumping to prevent land subsidence[3]. If mining or underground engineering works cause groundwater depletion and subsidence, and damage living and working conditions, the responsible organizations must compensate for the damage.

According to Article 88 of the Water Code of the Republic of Azerbaijan, if groundwater layers are detected during drilling and other mining operations related to the exploration and exploitation of gas, oil and other mineral deposits, mineral extraction organizations are obliged to immediately notify the relevant executive authorities and take measures to protect groundwater in accordance with the established procedure[4]. However, our national legislation does not contain such a norm in either the Water Code or the Law on Subsoil, the Law on Subsoil only provides for notification of the Subsoil Use Center in the event of the detection of other valuables not specified in the permit.

RESULTS. As a result of the research, a number of proposals are being put forward to improve the legislation related to underground water. This serves to improve legislation and prevent various misunderstandings in practice. It is necessary to distinguish the biggest obstacle in groundwater protection: legal, ecological and political concepts[5].

By the Resolution of the President of the Republic of Uzbekistan No. 439 dated 07.12.2022 “On additional measures to protect and regulate the rational use of groundwater resources”, individuals are allowed to drill wells up to 25 meters deep and individually extract up to 5 cubic meters of groundwater per day for personal needs as a form of general use of groundwater without obtaining a permit[6].

Another basis for this rule is the Administrative Regulation “On the Provision of State Services for the Special Use of Groundwater or the Issuance of Permits for Their Special Consumption” adopted by Resolution No. 9 of the



Cabinet of Ministers of the Republic of Uzbekistan “On Measures to Further Improve the Procedure for Issuing Permits for the Use of Groundwater”, which states that the provisions of this regulation “shall not apply to the general use of groundwater by individuals in the amount of 5 (five) cubic meters per day from wells up to 25 (twenty-five) meters deep.”

Based on the above two grounds, it can be understood that individuals must use up to 5 (five) cubic meters per day, i.e. up to 5,000 (five thousand) liters, for their general use of underground wells, and the depth of the underground well must not exceed 25 meters. In conclusion, if the daily intake exceeds 5 (five) cubic meters and the well depth exceeds 25 meters, individuals are required to obtain a special use permit. However, given the fact that the depth of groundwater layers varies in different regions, as well as in order to ensure equal rights of citizens, it would be appropriate to exclude this norm from the above two regulatory legal acts[7].

Taking into account the proposals made in the Water Code of the Republic of Uzbekistan, the amount of water intake is indicated without specifying the depth of groundwater intake. In particular, Article 55 of the Code establishes one of the requirements for special use, namely the intake of more than 5 (five) cubic meters of water per day.

Paragraph 8 of the Resolution of the President of the Republic of Uzbekistan No. 439 “On additional measures to regulate the protection and rational use of groundwater resources” included the task of “Introducing 13 inspector positions to the staffing table of the Inspection in order to strengthen state control over drilling wells into groundwater in the regions and their effective use by appropriately reducing the number of management personnel of system organizations,” but the Inspection is still operating on the basis of 1 staff. This does not allow 1 inspector to timely identify a number of violations related to groundwater throughout the Republic and put an end to illegal activities. Given that strengthening control in this area requires a special approach, it is necessary to introduce inspectors for control over groundwater.

It is also necessary to strengthen cooperation with other organizations for the effective conduct of the activities of the Inspection for Supervision of Mining, Geology and Industrial Safety. For example, it is necessary to sign joint agreements with hydrogeological stations and organizational structures of the Ministry of Water Resources directly related to groundwater (for example, land reclamation expeditions) to protect groundwater and create a monitoring regime through a single integrated system. It is natural that cooperation will create an opportunity to effectively establish the principles of legality in the field.

Discussion. Given the strategic importance of groundwater and its use



mainly as drinking water, its protection is a sensitive issue[8].

As a result of in-depth research, we can see that in the future, it will be more difficult to grow various plants or agricultural products in areas with low groundwater levels. With the support of German experience, safe and chemical-free recharge plays an important role in increasing groundwater levels. This is important for preventing drought, protecting the environment and creating comfortable conditions for people.

The methods used by China and Japan are mainly focused on strengthening environmental control. Monitoring groundwater levels, installing water meters at each water facility intended for their withdrawal, strengthening control and responsibility for cases of water withdrawal without meters, effectively organizing the use of withdrawn water, and establishing mechanisms for repeated use of water are important tasks today.

Results. The legislation on groundwater is being improved, ensuring equal rights of citizens to groundwater, and plays an important role in eliminating conflicts in the legislation.

As a form of strengthening the protection of groundwater and establishing state control over the sector, it is important to bring all legal documents into a single codification form. This will help increase the population's confidence in public administration[9].

The article discusses the reforms being implemented to protect groundwater within the framework of the Sustainable Development Goals program, practices related to the dissemination of positive experience.

Having studied the experience of countries with advanced groundwater legislation, such as Great Britain, Azerbaijan, Kazakhstan, and Japan, attention was paid to improving our national legislation, strengthening groundwater protection, and implementing them on the basis of basic rules. According to the agreement, a number of principles have been established for carrying out work related to groundwater. While the improvement of groundwater principles was discussed based on the experience of Great Britain, an advanced mechanism for safely increasing groundwater was discussed based on the German experiment.

Conclusion. Based on the above, it can be concluded that the prospects for eliminating conflicting norms and gaps in our legislation and incorporating the experiences of foreign countries in improving groundwater have been considered.

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