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ECOLOGICAL CRIMES — CRIMINAL PUNISHMENT FOR THE EXPLOITATION OF NATURAL RESOURCES AND CAUSING DAMAGE TO THE ENVIRONMENT

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Abstract:
This article analyzes the concept of ecological crimes in the criminal legislation of the Republic of Uzbekistan, as well as the legal issues of qualifying acts related to environmental damage and the looting of natural resources (poaching, illegal logging, damage to flora and fauna). The study examines the preventive effectiveness of established criminal penalties for current environmental offenses and puts forward scientifically grounded proposals for ensuring the inevitability of punishment, improving the mechanisms for compensating the inflicted damage, and legally strengthening public control in this area.

Keywords: Ecological crimes, criminal liability, natural resources, environmental protection, poaching, illegal logging, Criminal Code, effectiveness of punishment.

Introduction

Environmental protection and ensuring ecological sustainability have become one of the most pressing socio-legal issues not only nationally but also globally. Problems such as climate change, water scarcity, and the reduction of the gene pool of flora and fauna pose a direct threat to the ecological security of the state. These threats have also been recognized by humanity: Principle 13 of the Declaration adopted at the UN Conference on Environment and Development in Rio de Janeiro in 1992 obliges states to strengthen criminal liability for environmental damage in national legislation [7]. Despite the fact that the Republic of Uzbekistan has declared a moratorium on the felling of valuable tree species [2] and the large-scale state policy aimed at mitigating the consequences of the ecological crisis in the Aral Sea region [6], in practice, cases of deliberate plunder of natural resources and causing irreparable harm to the environment still remain at an alarming level.

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From the point of view of criminal law, environmental crimes are not just acts directed against nature, but also serious violations of the constitutional right of the entire society, as well as future generations, to a healthy and comfortable environment [4]. A special chapter of the Criminal Code of the Republic of Uzbekistan entitled "Crimes in the Field of Ecology" establishes the grounds for liability for such offenses as environmental pollution, illegal felling of crops, forests and trees, as well as violation of the procedure for using fauna and flora (poaching) [1]. However, judicial practice shows that the gaps in the calculation of material damage caused in the process of qualifying a crime and the excessive leniency of the penalties imposed on offenders (mainly small fines) in most cases lead to distrust in society in the principle of the inevitability of punishment [3]. Due to the low effectiveness of existing criminal sanctions, the repeated commission and hidden nature of environmental crimes cause millions of dollars in damage to the economy and nature. This problem is also of particular concern in world practice, and as noted in the studies of Rob White, the traditional criminal law approach does not take into account the full extent of the damage caused to nature, and therefore uncertainty remains in ensuring the inevitability of punishment [10]. The main purpose of this article is to analyze the concept of environmental crimes in the current criminal legislation and the theoretical and practical problems of their qualification, to study the practice of criminal liability for the plunder of natural resources, and to develop scientifically based proposals for strengthening environmental law and order by strengthening mechanisms for compensation for damage caused to nature and criminal sanctions.

Main Part

The criminal legislation of the Republic of Uzbekistan recognizes the right of a person to a healthy and comfortable environment and the ecological balance in nature as the object of the offense when qualifying environmental crimes. A special chapter 14 of the current Criminal Code (CC) is devoted specifically to crimes in the field of environmental protection and nature use, within which the most socially dangerous acts are classified [1]. These norms are also inextricably linked with the Law "On Environmental Protection" adopted in 1993, which defines the environmental obligations of state bodies, legal entities and citizens and creates the basis for holding any person who has caused environmental damage to property liable for its full compensation [4].

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In particular, Article 198 of the Criminal Code (Damage or destruction of crops, forests, trees or other plants) is the most frequently used legal norm in qualifying cases of illegal logging in the republic in recent years. Despite the introduction of a strict moratorium on the felling of valuable trees and shrubs by the Decree of the Head of State No. PF-46 signed on December 30, 2021 [2], a latent growth dynamics of these crimes is observed in the practice of judicial investigation. In addition, Article 57 of the Forest Code establishes the conditions for the use and protection of forests and provides for the criminal liability of officials who allow illegal use [5]. The legal root of this lies in the economic disproportion of the current penal sanctions: the commercial benefit that construction companies or individuals receive from the destruction of perennial trees is several times higher than the amount of fines or compensation for damage established by law. This completely negates the preventive function of the law - that is, deterring crime [9].

Another serious type of environmental crime is encroachment on flora and fauna, i.e. poaching, which is a crime punishable by Article 202 of the Criminal Code (Violation of the procedure for the use of fauna or flora). In cases of deliberate hunting of rare animals listed in the Red Book, mass extermination of fish and aquatic animals using electric fishing rods, chemicals and explosives, investigative bodies are required to accurately determine the amount of damage caused by the crime. At the international level, the CITES Convention (Washington) regulating trade in rare animals and plants is implemented by Uzbekistan, and its Article 8 requires the participating states to legalize illegal trade as a crime [8]. Although the Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan "On Judicial Practice in Cases of Crimes and Other Offenses in the Field of Environmental Protection and Nature Use" provides explanations on calculating environmental damage and recognizing the damage as large or extremely large [3], in practice, a complete legal and environmental examination institution that assesses the loss of the ability of the environment to restore itself and its impact on future generations has not yet been formed.

Based on this, within the framework of modern criminal law, there is a need to modernize liability for environmental crimes not only with traditional sanctions, but also on the principles of "ecological restoration" (restorative justice) [10]. In the practice of a number of countries (Germany, Switzerland, Brazil), this approach is implemented through the "polluter pays" principle: the offender, along with paying a

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fine to the state, is also forced to physically restore the destroyed ecosystem [7]. In Uzbekistan, this mechanism should be developed in cooperation with UNEP - the United Nations Environment Program, which provides technical assistance to Central Asian countries in improving environmental law [7]. That is, a person who has caused damage to nature should not get away with paying a fine to the state, but should be included in the Criminal Code as a mandatory criminal penalty measure, which should include the obligation to physically restore the destroyed biodiversity at his own expense and take care of it for a certain period. Otherwise, the deliberate plunder of natural resources will remain the most serious type of crime, aimed not only at the state's economy, but also directly at the national gene pool.

Conclusion

The results of the study and the analysis of the judicial investigation practice on the qualification of environmental crimes show that the current criminal legal sanctions applied to environmental encroachments have completely lost their preventive and educational significance. Realizing that the plunder of natural resources and the violation of the ecological balance are a direct threat to the security of the state and the national gene pool, there is a need to conceptually revise the norms of the Criminal Code. To this end, the following legal proposals are put forward.

First, the amount of fines established in the sanctions of Article 198 (destruction of trees) and Article 202 (poaching) of the Criminal Code should be increased by at least tenfold, based on the actual market and ecological value of the damage caused, and a new institution - the measure of "forced ecological restoration" (restoration) should be introduced into the penal system [1]. That is, the offender must not only pay a fine to the state, but also plant ten saplings for each cut tree and take care of them at his own expense for five years, as a strict criminal-legal obligation. This approach is also fully consistent with the principles of the Rio-92 Declaration [7].

Secondly, the norm of compulsory confiscation of objects used in the commission of environmental crimes - vehicles, special equipment and tools, regardless of their ownership, directly to the state budget should be firmly established in the Criminal Procedure Code. Harmonizing this norm with the relevant articles of the Forest Code will provide an additional systemic effect [5].

Thirdly, it is an objective necessity to recognize as an aggravating circumstance the cases of officials in the field of environmental control who create conditions for

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violating the moratorium requirements or deliberately conceal the damage caused to the environment, and to extend the terms of imprisonment and establish the penalty of deprivation of certain rights for life [3]. The experience of the member states of the CITES Convention shows that strict punishment of abuse of control bodies significantly reduces environmental violations [8].

In conclusion, the practice of "buying off" crimes committed against nature with economic fines should be stopped, and only if each environmental violation is considered a serious crime against future generations, and if strict punishment and mandatory recovery mechanisms work in harmony, can the expected legal and environmental effect be achieved in practice [9].

References

[1] O'zbekiston Respublikasining Jinoyat kodeksi (1994-yil 22-sentabr, O'RQ-2015-son). 14-bob — Ekologiya sohasidagi jinoyatlar: 193-209-moddalar. O'zbekiston Respublikasi Qonun hujjatlari ma'lumotlari milliy bazasi (Lex.uz). URL: https://lex.uz/docs/111453

[2] O'zbekiston Respublikasi Prezidentining "Respublikada ko'kalamzorlashtirish ishlarini jadallashtirish, daraxtlar muhofazasini yanada samarali tashkil etish chora-tadbirlari to'g'risida"gi Farmoni (PF-46-son, 2021-yil 30-dekabr). O'zbekiston Respublikasi Qonun hujjatlari ma'lumotlari milliy bazasi. URL: https://lex.uz/docs/5800033

[3] O'zbekiston Respublikasi Oliy sudi Plenumining "Atrof muhitni muhofaza qilish va tabiatdan foydalanish sohasidagi jinoyatlar va boshqa huquqbuzarliklar to'g'risidagi ishlar bo'yicha sud amaliyoti haqida"gi Qarori (18-son, 1996-yil 20-dekabr). O'zbekiston Respublikasi Qonun hujjatlari ma'lumotlari milliy bazasi. URL: https://lex.uz/docs/1449836

[4] O'zbekiston Respublikasining "Atrof-muhitni muhofaza qilish to'g'risida"gi Qonuni (O'RQ-754-son, 1993-yil 9-dekabr, keyingi o'zgartirishlar bilan). O'zbekiston Respublikasi Qonun hujjatlari ma'lumotlari milliy bazasi. URL: https://lex.uz/docs/14677

[5] O'zbekiston Respublikasining O'rmon kodeksi (O'RQ-598-son, 2006-yil 15-sentabr). O'rmon fondidan foydalanish, muhofaza qilish va qayta tiklash tartibi. O'zbekiston Respublikasi Qonun hujjatlari ma'lumotlari milliy bazasi. URL: https://lex.uz/docs/1241300

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Website: ecomindspress.com

[6] O'zbekiston Respublikasi Prezidentining "2030-yilgacha bo'lgan davrda O'zbekiston Respublikasining ekologik siyosatini rivojlantirish strategiyasi to'g'risida"gi Farmoni (PF-147-son, 2022-yil 30-may). Orolbo'yi mintaqasidagi ekologik inqirozni yumshatish va biologik xilma-xillikni saqlash chora-tadbirlari. URL: https://lex.uz/docs/5979125

[7] Birlashgan Millatlar Tashkiloti. Rio-de-Janeyro Deklaratsiyasi (Atrof-muhit va rivojlanish bo'yicha BMT Konferensiyasi, 1992-yil 14-iyun). 13-tamoyil: davlatlar ekologik zarar uchun jinoiy va fuqarolik javobgarligiga oid milliy qonunchilikni yaratishi shart. Shuningdek qarang: UNEP (BMT Atrof-muhit dasturi). Environmental Rule of Law. Nairobi, 2019. URL: https://www.unep.org/resources/assessment/environmental-rule-law

[8] CITES (Konvensiya o mezhdunarodnoy torgovle vidami dikoy fauny i flory, naxodyashchimisya pod ugrozoy ischeznoveniya). Vashington, 1973-yil 3-mart. O'zbekiston Respublikasi tomonidan 1997-yilda ratifikatsiya qilingan. 8-modda: noqonuniy savdoni jinoiy javobgarlik doirasiga olish talabi. URL: https://cites.org/eng/disc/text.php

[9] Дубовик О.Л. Экологические преступления: Комментарий к главе 26 Уголовного кодекса Российской Федерации. М.: Спарк, 1998. — 352 с.

[10] White, R. Crimes Against Nature: Environmental Criminology and Ecological Justice. Devon: Willan Publishing, 2008. — 256 p. ISBN: 978-1-84392-270-9.