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CONTENTS

12.00.01 – THEORY AND HISTORY OF STATE AND LAW. HISTORY OF LEGAL DOCTRINES

MAKSUDBOY SADIKOV ABDULAJONOVICH, YOUNAS AMMAR

Artificial intelligence in legal drafting: a comparative analysis of Uzbekistan and China5

12.00.02 – CONSTITUTIONAL LAW. ADMINISTRATIVE LAW. FINANCIAL AND CUSTOMS LAW

NODIRBEKOVA DILDONA ABDUMALIK KIZI

The right to access environmental information: problems of implementing
the Aarhus Convention in Uzbekistan 12

12.00.03 – CIVIL LAW. BUSINESS LAW. FAMILY LAW. INTERNATIONAL PRIVATE LAW

**IMOMOV NURILLO FAYZULLAEVICH, JUCHNIEWICZ EDWARD,
MAKHMUDKHODJAYEVA UMIDA MUMINOVNA,
KORYOGDIEV BOBUR UMIDJON UGLI**

Civil law status of a bona fide possessor in CIS countries: a comparative
legal analysis 22

12.00.04 – CIVIL PROCEDURAL LAW. ECONOMIC PROCEDURAL LAW. ARBITRATION PROCESS AND MEDIATION

MASADIKOV SHERZODBEK MAKHMUDOVICH

International commercial arbitration law in the turkic states of Azerbaijan,
Türkiye and Uzbekistan 40

12.00.07 – JUDICIAL BRANCH. PROSECUTOR'S CONTROL. ORGANIZATION OF LAW ENFORCEMENT. ADVOCACY

MATMUROTOV ALIBEK RAVILOVICH

The importance of citizenship and educational qualifications requirements
for applicants to obtain advocate status 58

12.00.08 – CRIMINAL LAW. CRIMINAL-EXECUTIVE LAW

FAZILOV FARKHOD MARATOVICH, AMANJOLOVA BOTAGOZ ATYMTAEVNA

Criminal liability for digital corruption: Uzbekistan in comparative perspective 72

12.00.09 – CRIMINAL PROCEEDINGS. FORENSICS, INVESTIGATIVE LAW AND FORENSIC EXPERTISE

TULANBOEVA ADIBA ALIJON KIZI

Scientific-theoretical issues of electronic evidence in investigating cyberbullying
crimes 85

12.00.10 – INTERNATIONAL LAW

EGAMBERDIEV DILSHODJON ALISHEROVICH, DUBEY DEEPA

Crypto-actives as a new means of corruption crime: international and national criminal responsibility mechanisms 98

RASBERGENOVA SARBINAZ ALISHEROVNA

The system of international legal instruments for ensuring the human right to a healthy environment 110

NURULLAEV FARRUKH UMIDJONOVICH

Prospects of international cooperation of the Republic of Uzbekistan in combating cybercrime against children 116

KHOLMIRZAEVA SHOKHISTA ARZIQUL KIZI

The European Union's regional approach to combating illegal migration 125

12.00.13 – HUMAN RIGHTS

ODILOV JAMSHID BOBIRMIRZO UGLI

Guaranteeing public environmental rights through the regulatory framework of sanitary tree treatment 133

12.00.14 – CRIME PREVENTION. ENSURING PUBLIC SAFETY. PROBATION ACTIVITY

KHOSILOVA MADINA ERKINOVNA

Legal consequences of enforcing a foreign arbitral award annulled in the court of origin: analysing COMMISA v. PEMEX and Chromalloy Aeroservices v. Arab Republic of Egypt 141



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THE RIGHT TO ACCESS ENVIRONMENTAL INFORMATION: PROBLEMS OF IMPLEMENTING THE AARHUS CONVENTION IN UZBEKISTAN

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Abstract. *This article focuses on the legal regulation of access to environmental information in Uzbekistan after the country's accession to the Aarhus Convention. The research analyzes how the Convention's key requirements on environmental information, public participation, and access to justice can be reflected in national legislation and administrative practice. The topic is relevant because Uzbekistan now has an international obligation to improve the openness of environmental data, ensure meaningful public involvement in environmental decision-making, and provide effective remedies when these rights are violated. The purpose of the study is to identify the main gaps in the current legal framework and to propose practical directions for implementing Aarhus standards in Uzbekistan. The article is based on the analysis of international legal norms, national legislation, and recent scholarly approaches to environmental democracy. As a result, the article reveals that environmental information should be developed as an independent legal category, public authorities should disclose such information proactively, and judicial and administrative protection mechanisms should be strengthened. The results may be used in improving environmental legislation, open data policy, and public participation procedures. The article concludes that effective implementation of the Aarhus Convention requires transparent information databases, meaningful public hearings, and accessible justice mechanisms.*

Keywords: *environmental law, environmental governance, transparency, environmental information, public participation, access to justice, Aarhus Convention*

Introduction

Today, the right of access to environmental information is considered one of the important legal guarantees for ensuring a person's right to live in a healthy and safe environment. The openness of information about the state of the environment, the use of

natural resources, environmental risks, sources of pollution, and environmental decisions adopted by public authorities strengthens environmental responsibility in society. In this regard, the Aarhus Convention establishes three main areas as international legal standards: access to environmental information, public participation in environmental decision-making, and access to justice in environmental matters (United Nations Economic Commission for Europe, 1998).

In the Republic of Uzbekistan, the development of the environmental governance system on the basis of the principles of transparency, public participation, and environmental justice is becoming increasingly relevant. Uzbekistan's accession to the Aarhus Convention has made the issue of environmental information openness more urgent for national legislation. It now requires not only formal recognition of the Convention's standards, but also their practical reflection in access to information procedures, public hearings and mechanisms of legal protection. According to official information, on March 28, 2025, Uzbekistan was recognized as the 48th Party to the Aarhus Convention, which expanded the country's obligations in the field of environmental transparency and public participation (Ministry of Ecology of the Republic of Uzbekistan, 2025). In this context, the study of international standards on access to environmental information is important because these standards directly affect the quality of environmental governance, the accountability of public authorities and the ability of citizens to participate in decision-making. Therefore, this article aims to analyze the main requirements of the Aarhus Convention and determine how they can be implemented more effectively in the legal system of Uzbekistan.

To achieve this aim, the content of the Aarhus Convention in the field of access to environmental information is first examined and then compared with the existing legal mechanisms in the legislation of Uzbekistan.

The main problem to be addressed in the article is determining what legal changes Uzbekistan's accession to the Aarhus Convention requires in national environmental legislation and which mechanisms should be strengthened in order to ensure the practical realization of the right of access to environmental information. In particular, the obligation of public authorities to provide environmental information, the clarity of grounds for refusing access to information, public hearings, citizens' participation in the environmental expertise process, and guarantees of judicial protection are of particular importance. In this study, the right of access to environmental information is considered not merely as an opportunity to obtain information, but as a democratic legal institution that ensures the participation of civil society in environmental governance. Therefore, the main scientific and practical task of the article is to determine the degree of conformity between the requirements of the Aarhus Convention and the existing norms of Uzbek legislation.

In foreign scholarly literature on the Aarhus Convention, this international instrument is regarded as one of the main tools of environmental democracy (Sharman, 2025). In particular, V. Koester analyzes the Aarhus Convention as an international treaty that unites the rights of access to environmental information, public participation, and access to justice within a single system. According to the author's approach, the significance of the Convention lies in the fact that it interprets environmental issues not only as a sphere of public administration but also as a legal institution connected with human rights and democratic participation (Koester, 2007). Existing scholarly approaches analyze the three pillars of the Aarhus Convention in an interconnected manner. Access to environmental information is closely linked to the other two pillars of the Aarhus Convention. Without reliable and timely information, public participation in environmental

decision-making cannot be effective. At the same time, participation gives society an opportunity to question, assess and influence decisions that may affect the environment. Access to justice plays a protective role in this system, because citizens and public associations need an effective legal remedy when information is unlawfully refused or when participation rights are ignored. For this reason, the article considers access to environmental information together with public participation and environmental justice, rather than as an isolated legal issue.

The reviewed literature also indicates that accession to the Aarhus Convention is only the first stage of implementation. For the Convention to work in practice, national legislation must provide clear duties for public authorities to disclose environmental information, simple procedures for information requests, meaningful forms of public participation and effective judicial protection. In the case of Uzbekistan, the main challenge is to turn the Convention's general principles into concrete rules and procedures that can be applied in administrative practice and court proceedings.

Methods

This study was aimed at examining the international legal standards of the right of access to environmental information and the process of their implementation into the legal system of Uzbekistan. In the course of the research, first of all, the content of the Aarhus Convention was analyzed. The Convention establishes the rights of access to environmental information, public participation in environmental decision-making, and access to justice in environmental matters as a unified international legal system. Therefore, this Convention makes it possible to assess the right of access to environmental information not merely as an opportunity to obtain data, but as an important democratic institution ensuring citizens' participation in environmental governance (United Nations Economic Commission for Europe, 1998).

At the next stage of the study, the legal grounds related to the accession of the Republic of Uzbekistan to the Aarhus Convention were examined. By the Law of the Republic of Uzbekistan No. LRU-1045 dated March 11, 2025, Uzbekistan acceded to the Aarhus Convention. This document creates the legal basis for Uzbekistan to fulfill its international obligations concerning the openness of environmental information, public participation, and environmental justice (Law of the Republic of Uzbekistan No. LRU-1045, 2025). In addition, the fact that Uzbekistan was recognized as the 48th Party to the Aarhus Convention on March 28, 2025, further increases the practical significance of international legal obligations in this area (Ministry of Ecology of the Republic of Uzbekistan, 2025).

In studying national legislation, the general legal guarantees related to access to information were also analyzed. In particular, the Law "On Guarantees and Freedom of Access to Information" regulates relations connected with the exercise of everyone's right to freely seek, receive, research, transmit, and disseminate information. This law serves as the general legal foundation for access to information in Uzbekistan and may also be applied to environmental information requests (Law of the Republic of Uzbekistan No. 400-I, 1997). On this basis, the article compares the requirements of the Aarhus Convention with the existing rules of Uzbek legislation and identifies the areas where national regulation still needs to be clarified.

The research mainly relies on comparative legal analysis. This approach was used to compare the provisions of the Aarhus Convention with Uzbekistan's legislation on access to information and environmental governance. The comparison focused on several key issues: the procedure for obtaining environmental information, the duties of public authorities, the legal grounds for refusing access to information, the role of public participation and the availability of judicial protection. Such an approach helps to show

whether national legislation provides only general guarantees of access to information or whether it also contains special mechanisms required for environmental matters.

Systemic analysis was also used in the article. The right of access to environmental information was examined not as a separate rule, but as part of a broader system that includes environmental governance, human rights, public oversight and judicial protection. In this system, access to information allows citizens to understand environmental risks and planned decisions. Public participation gives them an opportunity to express their position before decisions are made. Access to justice, in turn, provides a remedy when information is refused or when the public is excluded from decision-making.

The formal legal method was applied to analyze the content of the relevant legal acts. In particular, the article examined the Aarhus Convention, the Law of the Republic of Uzbekistan No. LRU-1045, and the Law “On Guarantees and Freedom of Access to Information.” This made it possible to determine how the right of access to environmental information is reflected in legal texts, what obligations are imposed on public authorities and what legal opportunities are available to citizens.

The object of the research is the system of international and national legal relations connected with the regulation of access to environmental information.

The subject of the research includes the standards of the Aarhus Convention, the legal grounds related to Uzbekistan’s accession to this Convention, and the mechanisms for ensuring the openness of environmental information. The choice of this object and subject is directly connected with the main purpose of the article, as it makes it possible to identify the legal directions for implementing international environmental information standards into the legal system of Uzbekistan.

Results

The results of the study show that the right of access to environmental information in the legal system of Uzbekistan should now be considered not only as a general guarantee of access to information, but also as a separate legal mechanism ensuring transparency of environmental governance and public participation. From the perspective of the Aarhus Convention standards, environmental information is not limited to information provided by public authorities upon request. It also includes the active disclosure of information on the state of the environment, environmental risks, the use of natural resources, sources of pollution and draft environmental decisions. According to Whittaker, the right of access to environmental information has a broader meaning than one-way information exchange between the state and the public, as it forms the legal basis necessary for citizens’ participation in environmental governance (Whittaker, 2023).

Although the legislation of Uzbekistan contains initial legal foundations for the openness of environmental information, the requirements of the Aarhus Convention indicate the need for further clarification of this area. In particular, the concept of environmental information, the range of responsible bodies providing environmental information, grounds for refusing access to information, public disclosure of environmental monitoring results, public discussion procedures and access to justice in environmental disputes should be regulated in an interconnected manner. Osae and coauthors examined national reports of 33 countries for 2014, 2017, and 2021 and found that the most common problems in implementing the Aarhus Convention are related to access to information, provision of information, public communication and trust (Osae et al., 2024).

In the context of Uzbekistan, this approach is important because the openness of environmental information determines the real effectiveness of public participation and access to legal protection in environmental matters. If citizens do not receive timely and understandable information about environmental risks or draft environmental decisions,

their opportunity to participate in decision-making becomes limited. As Lee notes, even when public participation is legally recognized, its effectiveness depends on the quality of information, openness of evidence, inclusiveness of participants and the real possibility of influencing the final decision (Lee, 2023).

Table

Results on the openness of environmental information in the legislation of Uzbekistan

Analytical indicator	Current situation	Assessment from the perspective of the Aarhus Convention	Scientific and practical conclusion
Concept of environmental information	It is mainly applied within the framework of the general right of access to information	Environmental information is considered a separate legal category	The legal definition of environmental information should be clearly strengthened in legislation
Active disclosure of information	Some information is provided through official portals	Public authorities should regularly and actively disclose environmental information	Open environmental registers and digital databases should be expanded
Public participation	Certain forms of participation exist in some environmental procedures	Participation should be ensured before decision making and in a meaningful form	The mechanism through which public opinion influences decisions should be clearly defined
Submission of information by citizens	In practice, it is mainly expressed through appeals or complaints	The public may act not only as a recipient of information but also as a source of information	A procedure for reviewing environmental information submitted by citizens and non governmental organizations should be developed
Protection through courts	General administrative and judicial procedures are available	Effective protection should be guaranteed when information is not provided or the right to participate is violated	Fast and affordable protection mechanisms in disputes related to environmental information should be strengthened

The table shows that general foundations for ensuring the right of access to environmental information have been formed in the legislation of Uzbekistan. However, in accordance with the requirements of the Aarhus Convention, this right should be developed in a more precise, active and public-oriented manner. In particular, it is necessary to strengthen the digital openness of environmental information, narrowly interpret the grounds for refusal, promptly inform the population about environmental risks and ensure that public opinion is taken into account in the decision-making process.

The first scientific result obtained from the study is that the right of access to environmental information should be developed in the legislation of Uzbekistan as an independent institution of environmental law. The content of this right should not be limited to submitting a request and receiving a response. It should also include the openness of information on environmental monitoring results, state environmental control, environmental expertise, industrial waste, water and air pollution, biodiversity and risks affecting public health. In Barritt's research, the Aarhus Convention is interpreted not only as a set of procedural rights but also as an international legal instrument serving the right of present and future generations to live in a healthy environment (Barritt, 2024).

The second result is that the openness of environmental information is connected not only with the transparency of public authorities but also with active public participation. In modern environmental governance, citizens should be considered not only as recipients of information but also as sources of information about environmental problems. Whittaker argues that citizens should not be viewed only as recipients of environmental information, but also as possible contributors to it. In this sense, information submitted by citizens may help reveal gaps in official environmental data, support better decision-making, and increase public trust in environmental governance (Whittaker, 2023).

The third result relates to the practical role of public participation in environmental decision-making. When environmental information is not open, public hearings and discussions often become formal. Therefore, draft environmental decisions, expert conclusions, monitoring results and risk assessment data should be published in advance. Lee's analysis emphasizes that the weakening of public participation mechanisms may lead to a decline in trust in environmental governance and a decrease in the legitimacy of decisions (Lee, 2023).

The fourth result shows that strong judicial and administrative complaint mechanisms are necessary for the effective functioning of environmental information rights. If environmental information is not provided, if the grounds for refusal are applied incorrectly, or if the public is excluded from the decision-making process, citizens and public associations must have an effective remedy. This aspect is connected with the third pillar of the Aarhus Convention, namely access to justice. Therefore, as a practical result, it is recommended to strengthen the principles of speed, affordability, and openness in resolving disputes related to environmental information in Uzbekistan.

The reliability of these results was justified through comparative legal and systematic analysis. The comparative approach made it possible to compare the standards of the Aarhus Convention with the existing norms of Uzbek legislation. The systematic analysis helped to assess the right of access to environmental information together with public participation, the right to a healthy environment and environmental justice. The results show that the implementation of the Aarhus Convention into the legal system of Uzbekistan does not end with accession to an international treaty. It also requires the formation of clear institutions, digital platforms, mandatory disclosure procedures and effective protection mechanisms in the field of environmental information openness.

Discussion

The implementation of the Aarhus Convention into the legal system of Uzbekistan does not end only with accession to an international treaty. The main issue is to transform the three pillars established in this convention, namely access to environmental information, public participation in environmental decision-making and access to justice in environmental matters, into a real functioning mechanism within national legislation and administrative practice. In Whittaker's study, the Aarhus Convention is analyzed as an important international legal criterion shaping the content of the right of access to environmental information, and it is shown that this right is not limited only to requesting information (Whittaker, 2021).

In the author's opinion, Uzbekistan should first of all strengthen the openness of environmental information databases. If the public does not receive accurate and timely information about the environmental situation, sources of pollution, waste, water and air quality, environmental expert examination conclusions and the impact of large projects on the environment, its participation in the decision-making process becomes formal. In the study conducted by Osae and coauthors, national reports of 33 states for 2014, 2017, and 2021 were analyzed, and it was shown that practical problems related to access to

information and public participation still remain in the implementation of the Aarhus Convention (Osae et al., 2024).

From this point of view, it is not sufficient for public authorities to provide environmental information only upon request. The approach that should be supported is that environmental information must be actively published by public authorities, regularly updated and presented in a form understandable to ordinary citizens. The approach that should be rejected is treating environmental information only as departmental information and keeping it away from the wider public. Such an approach does not correspond to the essence of the Aarhus Convention, because the convention defines openness and public participation as central principles of environmental governance.

A similar problem exists in relation to public hearings. Hearings should not be held only to fulfill a formal procedure, but to ensure that citizens' opinions influence the content of decisions. Lee emphasizes that the effectiveness of public participation is determined by the quality of information, openness of evidence, inclusiveness of participants and the real influence of public opinion on the decision (Lee, 2023). Therefore, in the practice of Uzbekistan, draft environmental decisions should be announced in advance, discussion periods should be sufficient, and public authorities should provide reasoned responses to the proposals submitted.

The first problem identified during the study is that the concept of environmental information has not been sufficiently clarified in practical terms. Environmental information differs from ordinary administrative information. It is related to human health, the state of natural resources, environmental risks, the level of pollution and the interests of future generations. According to Barritt, the procedural rights in the Aarhus Convention are closely connected with the right to a healthy environment, and the importance of the rights of access to information, participation and access to justice is strengthened precisely through this purpose (Barritt, 2024).

The second problem is related to the openness and updating of information databases. If environmental monitoring data, emissions of harmful substances into the atmosphere, water quality, waste locations, environmental expert examination results and information about hazardous facilities are not collected in a single, open and easily searchable digital system, citizens' right of access to information may be limited in practice. In such a situation, even if the right exists, the mechanism for using it becomes complicated.

The third problem is connected with the real influence of public hearings and discussions. Dokubo and coauthors show that public participation plays an important role in the development of climate and environmental policy, but organizing it effectively in practice is a complex process (Dokubo et al., 2024). Therefore, it is not enough to limit the process to holding a meeting or publishing an announcement. It should be openly justified how citizens' opinions were taken into account during the discussion process, which proposals were accepted and which were rejected.

The fourth problem is the practical effectiveness of guarantees of access to court. The third pillar of the Aarhus Convention provides for access to justice in environmental matters. As Eliantonio and Richelle note, the right of access to court in environmental matters is one of the important pillars of the Aarhus Convention, allowing the public to challenge the actions or inaction of the state and other actors in cases of violation of environmental legislation (Eliantonio & Richelle, 2024). In the context of Uzbekistan, this issue becomes even more relevant when environmental information is refused, public participation is restricted or environmental decisions are adopted without sufficient openness.

Comparative legal analysis allowed the study to assess the relationship between the Aarhus Convention standards and the existing legal framework of Uzbekistan. Its main value lies in showing the degree to which national legislation corresponds to international obligations and in identifying the areas where additional regulation is needed. However, its limitation is that it cannot fully show the quality of practical implementation and the real experience of citizens. Therefore, comparative legal analysis should be supplemented by systematic and practical approaches.

The systematic analysis method made it possible to study the right of access to environmental information in connection with public participation and access to justice. This approach corresponds to Barritt's views, because she argues that the procedural rights in the Aarhus Convention serve the realization of the right to a healthy environment (Barritt, 2024). Thus, the openness of environmental information is not a separate technical issue, but an institution that ensures human rights, environmental safety and the quality of public administration.

The formal legal method was useful in analyzing the content of normative legal acts. Through this method, the existence of norms related to environmental information, public participation and judicial protection is identified. However, this method is also insufficient, because the existence of a norm does not mean that it works effectively in practice. Lee's research also shows that even if public participation is legally recognized, its quality and real influence on decision-making should be assessed separately (Lee, 2023).

The results of this study are consistent with the conclusions of Osae and coauthors. Their research studied the experience of different states in implementing the Aarhus Convention and noted that although there are positive developments in access to information and public participation, practical problems still remain (Osae et al., 2024). The same conclusion can be drawn in the case of Uzbekistan. Legal foundations are being formed, but the openness of environmental information databases, the real influence of public discussions and guarantees of access to court in environmental disputes should be further strengthened.

The results of the study can also be compared with the approach of Dokubo and co authors. They consider public participation not only as a legal procedure, but also as a process related to social trust, quality of communication and equal opportunities for participants (Dokubo et al., 2024). This conclusion is also important for Uzbekistan, because citizens' participation in environmental decision-making should not be limited only to the right to submit proposals, but should also influence the process of forming and evaluating draft decisions.

In general, the discussion results show that three areas should be prioritized for the effective implementation of the Aarhus Convention in Uzbekistan. First, environmental information databases should be open, regularly updated and understandable for citizens. Second, public hearings should influence the final decision, and public authorities should give reasoned explanations on the proposals submitted by citizens. Third, when environmental information is refused or public participation is restricted, judicial and administrative protection mechanisms should be fast, affordable and effective.

Conclusion

The results of the study show that the right of access to environmental information is an important component of modern environmental law and serves to ensure citizens' right to live in a healthy environment. This right is not limited only to the possibility of obtaining information from public authorities. It is directly connected with the transparency of environmental governance, public participation and guarantees of

access to environmental justice. Therefore, in the process of implementing the Aarhus Convention into the legal system of Uzbekistan, it is necessary to develop the right of access to environmental information as an independent and effectively functioning legal institution.

Uzbekistan's accession to the Aarhus Convention creates an important legal basis for improving the openness of environmental information, public hearings and judicial protection mechanisms in accordance with international standards. The study revealed that although national legislation contains general guarantees of the right of access to information, there is still a need to regulate the specific features of environmental information separately. This is because environmental information is a special type of information related to human health, the state of natural resources, environmental safety, environmental risks and the interests of future generations.

Based on the study, the following conclusions were reached. First, the concept of environmental information should be more clearly defined in national legislation. Second, it is necessary to strengthen the obligation of public authorities to disclose environmental information not only upon request, but also proactively. Third, public participation in environmental decision-making should be developed not as a formal procedure, but as a mechanism that has a real influence on the content of decisions. Fourth, when access to environmental information is refused or public participation is restricted, citizens and public associations should be provided with fast, affordable and effective judicial and administrative protection guarantees.

Based on the results of this study, the first proposal is to establish the concept of environmental information as a separate legal category in the legislation of Uzbekistan. Environmental information should include data on the state of the environment, air and water quality, waste, harmful substances, environmental monitoring results, environmental expert examination conclusions, the impact of industrial facilities on the environment and risks affecting public health.

The second proposal is to create a unified open electronic register of environmental information. This register should regularly update environmental monitoring results, state environmental control data, environmental expert examination conclusions, projects submitted for public discussion and information on environmental risks. This would facilitate the practical exercise of citizens' right of access to information and increase the transparency of public authorities.

The third proposal is to improve public hearings and public discussions. Draft environmental decisions should be announced in advance, the public should be given sufficient time for discussion, proposals submitted by citizens and non governmental organizations should be reviewed separately, and information on which proposals were accepted or rejected should be published with proper justification.

The fourth proposal is to define the grounds for refusing access to environmental information clearly and narrowly. In cases where there is a risk to the environment or human health, restrictions on information should not be allowed, or such restrictions should be reassessed from the perspective of public interest.

To sum up, the Aarhus Convention can be effectively implemented in Uzbekistan only if its three main pillars are applied in practice: access to environmental information, public participation and access to justice. This requires clearer national rules, proactive disclosure of environmental data, meaningful consideration of public opinion and effective remedies in cases where environmental information is refused or participation rights are violated. Such measures would strengthen the protection of environmental rights and increase public trust in environmental governance.

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