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SCIENTIFIC USE OF BIOLOGICAL RESOURCES AND LEGAL REGULATION OF BIOSAFETY

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Abstract. *This study examines current issues concerning the legal regulation of relations arising from the use of biological resources for scientific purposes and the provision of biosafety. The relevance of the research is determined by the need to ensure environmental sustainability, conserve biodiversity, and comply with safety requirements in the use of biological resources amid the rapid development of modern biotechnology and genetic research. The study aims to assess the legal mechanisms operating in this field, identify existing problems, and develop scientifically grounded proposals for their improvement. The research employs systemic analysis, comparative legal, formal legal, and logical methods. The findings reveal several legal issues concerning the scientific use of biological resources, biological risk assessment, state supervision, and mechanisms of legal liability. The study also develops proposals for strengthening legal safeguards for biosafety, improving monitoring and supervision systems, and enhancing sector-specific legislation. The findings may be applied to the improvement of legislation and law-enforcement practice and to the promotion of the sustainable use of biological resources. The study concludes that establishing effective legal mechanisms for ensuring biosafety is an essential prerequisite for the protection and rational use of biological resources.*

Keywords: *environmental law, biosafety, legal regulation, biological resources, biodiversity, biotechnology, genetic resources, scientific activity*

Introduction

In recent years, scientific advances in biotechnology, genetics, genetic engineering, and molecular biology have further increased the ecological and social significance of biological resources. Biological resources play an important role in ensuring food security, advancing pharmaceuticals and medicine, increasing agricultural productivity, and maintaining environmental sustainability (Abdurahmonov, 2002). At the same time, the widespread application of genetic technologies, the use of genetically modified organisms (Imomov, 2015), the transboundary movement of biological materials, and the expansion of biotechnological research have created new challenges concerning the legal regulation of biosafety.

Global epidemiological threats, particularly the COVID-19 pandemic, have further demonstrated the interrelationship between human health, the environment, and biological resources (Lebedeva & Drozdov, 1999). These developments highlight the need to improve risk-management mechanisms, strengthen biosafety requirements, and enhance the relevant legal framework governing the scientific use of biological resources. From this perspective, a comprehensive examination of legal relations associated with the scientific use of biological resources and the legal regulation of biosafety is of considerable scientific and practical importance.

The primary aim of this article is to analyse legal relations concerning the scientific use of biological resources and the provision of biosafety, identify existing problems in national legislation and law-enforcement practice, and develop scientifically grounded proposals for their improvement. To achieve this aim, the study pursues the following objectives: (1) to analyse the content of legal categories relating to biological resources and biosafety; (2) to examine the legal foundations governing the scientific use of biological resources; (3) to assess legal relations arising in the fields of biotechnology and genetic engineering; (4) to conduct a comparative analysis of national and international legal mechanisms for ensuring biosafety; and (5) to develop scientific and practical proposals for improving legislation in this field.

Issues relating to the use of biological resources and biosafety have been examined from various perspectives by both international and national scholars. In particular, N. V. Lebedeva and N. N. Drozdov investigated the theoretical foundations of biodiversity and methods for its assessment (Lebedeva & Drozdov, 1999), while A. V. Adrianov analysed contemporary challenges relating to biodiversity conservation (Adrianov, 2004). The legal aspects of genetic technologies and innovative processes have been addressed in the works of N. F. Imomov (Imomov, 2015). Within Uzbek legal scholarship, relations concerning the protection and use of biological resources and the provision of environmental security have been examined by O. Narzullayev (Narzullayev, 2020).

Nevertheless, the scientific use of biological resources, legal relations arising from genetic engineering, and the comprehensive legal regulation of biosafety have not been sufficiently examined as an independent field of research. Accordingly, this study employs systemic analysis, formal legal, comparative legal, logical, and scientific generalisation methods. National legislation, international legal norms, and the legislative experience of foreign jurisdictions are also analysed to develop proposals for improving legal mechanisms governing the scientific use of biological resources and ensuring biosafety.

Methods

This study is devoted to a comprehensive analysis of social and legal relations arising from the scientific use of biological resources and the legal regulation of biosafety. It examines the theoretical and practical aspects of regulating legal relations concerning the protection, sustainable and rational use of biological resources, biotechnology, and genetic

engineering (Usankhodjayev et al., 2018). The effectiveness of national and international legal mechanisms in the field of biosafety is also assessed.

At the initial stage of the research, the legal content of the concepts of biological resources, biodiversity, genetic resources, genetically modified organisms, and biosafety was clarified. National legislation governing relations associated with the scientific use of biological resources was systematically analysed, with particular attention paid to its significance and interconnectedness in law-enforcement practice.

The subsequent stage examined contemporary trends in biotechnology and genetic engineering, legal issues arising from the development of genetic technologies, and mechanisms for preventing biological risks. Particular attention was given to the legal regulation of the production, importation, distribution, and use of genetically modified organisms. International legal instruments in the field of biosafety, including international standards concerning biodiversity conservation and biosafety, as well as the legislation of foreign jurisdictions, were also analysed. Based on the findings, scientific and practical proposals were developed to improve national legislation, strengthen legal mechanisms governing the scientific use of biological resources, and enhance the effectiveness of biosafety measures.

The study employed a range of contemporary research methods commonly used in jurisprudence and environmental law. Its methodological foundation was the dialectical approach, which enabled legal relations concerning the use of biological resources and biosafety to be examined in their development and interconnection. The formal legal method was used to analyse the content of legal norms established in national legislation and international legal instruments and to clarify the substance of relevant legal categories and concepts.

The comparative legal method was employed to compare Uzbekistan's legislation with the legal experience of foreign jurisdictions, particularly the United States, the Russian Federation, China, Japan, the Republic of Korea, and the Republic of Belarus, in the field of biosafety (FAO, 2023; CBD Secretariat, 2024). Systemic analysis made it possible to examine legal relations concerning biological resources and biosafety as an integrated system and to determine the degree of consistency and interaction among sector-specific legislative instruments. Logical analysis and scientific generalisation were used to identify the causes of existing problems and formulate theoretical conclusions and recommendations.

The object of the study comprises legal relations arising from the scientific use of biological resources and the provision of biosafety (Narzullayev, 2019). The subject of the study encompasses national and international legal norms governing these relations, law-enforcement practice, mechanisms of public administration, and legal institutions operating in the fields of biotechnology and genetic engineering.

The comprehensive methodological approach enabled a multidimensional examination of theoretical and practical problems relating to the scientific use of biological resources and biosafety and facilitated the development of scientifically grounded proposals for improving the relevant legislation.

Results

The findings demonstrate that the regulatory framework governing legal relations concerning the scientific use of biological resources and biosafety has developed progressively in recent years. The analysis covered legislation regulating the protection and rational use of biological resources, biodiversity conservation, the protection of genetic resources, and relations arising in the field of biotechnology. Although a legal regulatory framework has been established in this field, the findings indicate that the level

of institutional and legal coordination among some of its constituent elements remains insufficient (FAO; CBD Secretariat, 2024).

The study identified fragmentation in the legal provisions defining the status, powers, and responsibilities of scientific institutions involved in the scientific use of biological resources. Although existing legislation recognises the need for the scientifically grounded use of biological resources, the legal status of scientific organisations carrying out such activities is not comprehensively regulated.

The analysis also revealed that specialised legal mechanisms governing genetically modified organisms, genetic engineering activities, and the circulation of biotechnological products have not yet been fully developed. In particular, the rapid development of genetic technologies demonstrates the need to strengthen legal safeguards for biological risk assessment, monitoring, and supervision (Kuznetsov, 2022; Rudenko, 2023).

The analysis of developments associated with the COVID-19 pandemic further highlighted the interrelationship between human health, biological resources, and the environment (Dobson et al., 2020; UNEP, 2022). The pandemic demonstrated that biosafety is a complex category encompassing not only medical considerations but also environmental and legal dimensions. This finding supports the need to strengthen legal mechanisms for managing and preventing biological risks.

The analysis further indicates that the effectiveness of the scientific use of biological resources depends directly on the level of cooperation among scientific institutions, public authorities, and supervisory bodies. It is therefore important to ensure a coherent legal approach in this field and to establish biosafety requirements at the legislative level.

The study produced several scientific and practical conclusions and proposals aimed at improving legal relations concerning the scientific use of biological resources and biosafety.

First, the study substantiates the need to establish the legal status of scientific institutions involved in the scientific use of biological resources as a distinct legal institution. This would enhance the legal significance of scientific findings and strengthen the role of scientific conclusions in decision-making processes.

Second, the study demonstrates the need to introduce specialised legal mechanisms for the comprehensive regulation of biosafety relations into national legislation. In particular, it proposes the adoption of a Law *On Biosafety*, which should define the powers of public authorities, procedures for biological risk assessment, conditions governing the use of genetic technologies, and mechanisms of state supervision.

Third, in order to ensure food safety, the study substantiates the need for clear legal regulation of relations involving genetically modified organisms and for the incorporation of this concept into sector-specific legislation. Such measures would contribute to the protection of public health and the right of consumers to receive relevant information.

Fourth, proposals were developed for improving phytosanitary and biosafety legislation in order to prevent the introduction and spread of invasive species and reduce their adverse effects on national ecosystems. These proposals are intended to contribute to biodiversity conservation and national environmental security.

The reliability of the research findings was supported by a comparative analysis of national legislation, international legal sources, foreign legislation, and relevant academic literature. The conclusions are based on the current state and development trends of the legal relations under examination. Their practical significance lies in their potential contribution to improving legislation, increasing the effectiveness of public administration, and strengthening biosafety mechanisms (Mackenzie et al., 2003; CBD Secretariat, 2024).

Overall, the findings enabled the formulation of scientifically grounded theoretical and practical proposals for improving the national legal framework governing the scientific use of biological resources and biosafety. The implementation of these proposals may contribute to biodiversity conservation, the protection of genetic resources, and the enhancement of national biosafety.

Discussion

The findings demonstrate that the legal regulation of relations concerning the scientific use of biological resources constitutes one of the important contemporary areas of environmental law. Scientific and technological progress, particularly advances in biotechnology, genomics, and genetic engineering, requires reconsideration of the legal status of biological resources. Although the analysis of existing legislation indicates that certain legal foundations have been established in this field, a comprehensive legal mechanism governing the scientific use of biological resources has not yet been fully developed.

In the author's view, although sector-specific legislation concerning the protection of biological resources provides an important legal foundation, it does not sufficiently reflect the particular characteristics of scientific research activities. In particular, there is a need to define more clearly the legal status and powers of scientific institutions, their participation in biological risk assessment, and the legal significance of scientific conclusions (Trouwborst & Fleurke, 2023; Morgera, 2022). From this perspective, the relevant legal mechanisms should be modernised rather than merely preserved in their existing form.

The study identified several theoretical and practical problems in the field of biosafety. First, the absence of a single legislative instrument comprehensively defining the concept and legal content of biosafety constitutes one of the principal challenges within the national legal framework.

Second, the legal mechanisms regulating genetically modified organisms, genetic engineering products, and biotechnological research are fragmented and insufficiently coordinated. This may result in overlapping powers among public authorities or leave certain issues without adequate legal regulation.

Third, there is a need to further strengthen institutional cooperation between scientific institutions and public authorities in the assessment, monitoring, and forecasting of biological risks.

The study also comparatively examined the views of national and international scholars concerning biological resources and biosafety. International researchers have primarily focused on biodiversity conservation, the protection of genetic resources, and the assessment of environmental risks associated with biotechnology (Antonelli et al., 2024). Many of these approaches regard biosafety as a component of broader environmental security. Uzbek legal scholarship, by contrast, has largely concentrated on improving the legal foundations governing the protection and use of biological resources. However, the scientific use of biological resources and the legal regulation of biosafety have received comparatively limited attention from a comprehensive legal perspective. In this respect, the present findings complement existing scholarship and support the recognition of biosafety as a distinct legal institution.

The analysis of foreign experience further indicates that the adoption of specialised biosafety legislation is a practice found in a number of jurisdictions (FAO, 2024; ISAAA, 2023). The author supports this approach because regulating biosafety relations through a single comprehensive legislative framework, rather than through fragmented legal instruments, may enhance the effectiveness and consistency of law enforcement.

The systemic, comparative legal, and formal legal methods employed in this study made it possible to examine comprehensively the legal relations associated with the scientific use of biological resources and biosafety. In particular, comparative legal analysis facilitated the identification of strengths and weaknesses in national legislation and the assessment of legal mechanisms derived from foreign experience.

The study nevertheless has certain limitations. Relations arising in biotechnology and genetic engineering are developing rapidly, and the objects of legal regulation are therefore subject to continuous change. This necessitates the ongoing monitoring of relevant legislation and regulatory developments. Furthermore, limited access to biosafety-related information in certain jurisdictions partially restricted the scope of the comparative analysis.

Based on the findings, the author concludes that the scientific use of biological resources and the provision of biosafety should be further developed as a distinct area of legal regulation. Given the rapid advancement of biotechnology and genetic research, existing legal mechanisms alone may be insufficient to address emerging challenges (Deplazes-Zemp, 2024; Evanson, 2023). Accordingly, the adoption of a specialised *Law On Biosafety*, the clarification of the legal status of scientific institutions, and the improvement of legal mechanisms for protecting genetic resources and managing biological risks constitute important conditions for ensuring the country's environmental sustainability and national security. From this perspective, the legal regulation of the scientific use of biological resources and biosafety is likely to remain an important and promising field of environmental law research.

Conclusion

This study has enabled the formulation of several theoretical and practical conclusions based on a comprehensive analysis of legal relations concerning the scientific use of biological resources and the legal regulation of biosafety. Biological resources constitute an important strategic asset supporting the environmental, economic, and social development of modern society. Although scientific and technological advances in biotechnology, genetics, and genetic engineering are creating new opportunities for the use of biological resources, these developments also require the strengthening of legal safeguards for biosafety.

The findings demonstrate that national legislation has established a legal foundation for the protection and use of biological resources. However, a unified and comprehensive legal mechanism governing the scientific use of biological resources, the application of genetic technologies, relations involving genetically modified organisms, and the management of biological risks has not yet been sufficiently developed.

The analysis further supports the conclusion that biosafety constitutes an important component not only of environmental policy but also of the national security system. The COVID-19 pandemic, the spread of invasive species, the rapid development of genetic technologies, and the increasing circulation of biotechnological products demonstrate the need to further strengthen mechanisms of public administration and legal supervision in this field.

Based on the findings, the following proposals are advanced.

First, it is advisable to adopt a *Law On Biosafety* providing comprehensive regulation of relations concerning the use of biological resources and biosafety. The law should establish the legal foundations of biosafety, define the powers of public authorities, regulate procedures for biological risk assessment and monitoring, determine the conditions governing the application of genetic technologies, and establish mechanisms of state supervision.

Second, sector-specific legislation concerning flora, fauna, and forest resources should clearly define the legal status, powers, rights, and obligations of scientific institutions and recognise the legal significance of their scientific conclusions concerning the use of biological resources.

Third, in order to ensure food safety, legal mechanisms governing genetically modified organisms should be improved, a legal definition of genetically modified organisms should be incorporated into national legislation, and mandatory procedures should be established for assessing their potential effects on public health.

Fourth, a unified state system should be established for the registration, protection, conservation, and use of national genetic resources. A dedicated state programme should also be adopted for the preservation of national genetic resources and culturally significant biological resources.

Fifth, legal mechanisms should be improved to prevent the introduction and spread of invasive species, regulate the management of biological and medical waste, and strengthen cooperation among public authorities, scientific institutions, and civil society organisations in these processes.

In conclusion, improving legislation governing the scientific use of biological resources and the legal regulation of biosafety is an important legal prerequisite for biodiversity conservation, public-health protection, environmental sustainability, and the protection of national interests. The systematic incorporation of relevant international experience and scientific advances into the national legal system may contribute to the development of an effective legal model of biosafety.

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