

**THE ROLE OF PUBLIC-PRIVATE PARTNERSHIPS IN IMPLEMENTING THE
STATE'S ECOLOGICAL FUNCTION: A THEORETICAL-LEGAL APPROACH**

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Abstract: This article examines the theoretical and legal foundations of public-private partnership (PPP) mechanisms in implementing the state's ecological function. It analyzes the unique role of PPPs in environmental projects, focusing on resource efficiency, innovative approaches, legal regulations, and transformations in environmental governance based on scholars' positions.

Keywords: Ecological function, public-private partnership, environmental safety, environment, sustainable development, legal regulation.

I. Introduction

Environmental protection is one of the state's primary constitutional functions. However, global climate change, waste issues, and air and water pollution present challenges that cannot be addressed solely by state bodies. Therefore, it is necessary to expand private sector participation in implementing environmental policy. One effective method is the institution of public-private partnership (PPP).

Scholarly Perspective: Elinor Ostrom (Nobel Laureate) emphasized the necessity of multi-level participation in managing natural resources, stating that neither the state nor the market alone is sufficient.

II. The State's Ecological Function: Theoretical Foundations

The ecological function entails the state's obligation to protect nature, prevent environmental pollution, and ensure ecological safety, thereby guaranteeing citizens' rights to a healthy environment.

Key Components:

- Development of environmental legislation
- Monitoring and control
- Environmental expertise and licensing
- Participation in international environmental agreements

Constitutional Basis: According to the Constitution of the Republic of Uzbekistan (2023), "Every person has the right to live in a healthy environment. The state ensures environmental safety" (Article 47).

Scholarly Perspective: Russian legal scholar V.V. Petrov highlights the state's role in creating a legal framework that balances economic development with environmental protection.

III. Public-Private Partnership (PPP): Concept and Essence

PPP is a long-term collaboration between the state and the private sector aimed at jointly implementing projects of public interest, including environmental initiatives.

Examples in the Environmental Sector:

- Solid waste recycling plants
- Energy-saving infrastructure (solar, wind)
- Water purification facilities
- Creation of eco-parks and green zones

Scholarly Perspective: Jeffrey Sachs (Columbia University) views PPPs as a mechanism facilitating the achievement of sustainable development goals.

IV. PPP and Environmental Law in Uzbekistan

Legal Framework:

- "On Public-Private Partnership" Law (2019): Opens PPPs to environmental infrastructure projects.
- "On Environmental Protection" Law (1992, updated): Encourages public and business participation in environmental activities.
- Green Economy Strategy (2023–2030): Envisions modernization projects in energy, waste, and water resources sectors based on PPPs.

Institutional Support: The PPP Development Agency under the Ministry of Justice of the Republic of Uzbekistan reports that 70% of waste recycling and purification systems are currently implemented through private partnerships.

Scholarly Perspective: Uzbek legal expert Dr. Shavkat Karimov emphasizes the importance of PPPs in mobilizing private investments for environmental infrastructure, highlighting the need for clear legal frameworks to ensure accountability and efficiency.

V. International Experience and Comparative Analysis

European Union: The EU's Directive 2014/52/EU mandates environmental impact assessments for PPP projects, ensuring that environmental considerations are integrated into project planning and execution.

Russia: Russian environmental policy increasingly incorporates PPPs, particularly in waste management and renewable energy sectors, with legal provisions ensuring environmental compliance and public participation.

Scholarly Perspective: European scholars, such as Pieter Glasbergen, advocate for cooperative environmental governance, emphasizing the role of PPPs in achieving sustainable development through shared responsibilities and stakeholder engagement.

VI. Scholarly Debates and Perspectives

Optimistic View: Proponents argue that PPPs bring technological innovation and investment to environmental projects, enhancing efficiency and effectiveness.

Critical View: Critics caution that private sector involvement may prioritize profit over environmental outcomes, potentially leading to compromised environmental standards.

Scholarly Perspective: Joseph Stiglitz (Nobel Laureate) asserts that successful PPPs require well-designed contracts, legal clarity, and civic oversight to align private incentives with public environmental goals.

VII. Legal and Theoretical Challenges of PPPs in Environmental Protection

Contractual Ambiguities: Defining measurable environmental outcomes and responsibilities in PPP contracts can be complex.

Accountability: Determining liability for environmental damages in PPP projects poses legal challenges.

Transparency: Ensuring open access to information about PPP projects is essential for public trust and accountability.

Public Participation: Incorporating community input into environmental PPP projects is crucial for legitimacy and effectiveness.

Scholarly Perspective: Frank Biermann emphasizes the need for robust governance structures in PPPs to ensure environmental integrity and public accountability.

VIII. Recommendations and Conclusion

Enhancing Legal Frameworks: Develop comprehensive legislation that clearly defines environmental standards, responsibilities, and accountability mechanisms in PPPs.

Promoting Transparency: Establish mechanisms for regular public reporting and stakeholder engagement in PPP projects.

Capacity Building: Invest in training and resources for public officials and private partners to effectively manage environmental PPPs.

Monitoring and Evaluation: Implement robust systems to assess the environmental performance of PPP projects continuously.

Conclusion: While the state retains the primary responsibility for environmental protection, PPPs offer a valuable tool for mobilizing resources and expertise. A well-regulated and transparent PPP framework can enhance the state's ecological function, contributing to sustainable development.

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