

ISSUES OF PREVENTION OF CRIME OF WATER (WATER SOURCES) AND MARINE POLLUTION IN THE CRIMINAL LEGISLATION OF THE REPUBLIC OF AZERBAIJAN

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The article states that water use relations along with the Water Code of the Republic of Azerbaijan, are regulated with civil legislation, legislative acts on sanitary and epidemiological welfare and other legislative acts, including the Criminal Code of the Republic of Azerbaijan. Relations related to the supply of drinking water and wastewater discharge are regulated, along with the Water Code, by the relevant legislation of the Republic of Azerbaijan.

Relations on land, forests, subsoil, flora and fauna, atmospheric air, exploration and protection of underground waters, as well as property and other administrative relations arising from the use and protection of water bodies, are regulated along with the Water Code by the relevant legislation of the Republic of Azerbaijan.

Key words: Law, legislation, health, article, crime.

In our modern world, it is important to prevent the crime of pollution of water (water sources) and the marine environment and the implementation of comprehensive preventive measures in this regard.

The effectiveness of crime prevention policy depends on the quality of its legal framework. After the collapse of the Soviet Union, the system of prevention, which played an important role in the fight against crime based on ideological principles, also collapsed.

The crime of polluting water (water sources) and the marine environment has been a se-

rious concern for many years. Towards the end of the twentieth century, the destruction of the environment, the disturbance of the ecological balance, and the deterioration of the environment as a result of human activity indicated that mankind would experience serious environmental problems in the near future. Environmental crimes have become one of the sources of international threat beyond the borders of one country and national framework. Environmental crimes have become so dangerous that the fight against them within a country is no longer effective. Therefore, along with the integration processes taking place in the economic, political, cultural and other spheres within the borders of the union of all countries of the world, there is a great need to deepen international cooperation in the fight against environmental crime and its component water (water sources) and marine pollution and to ensure that this cooperation is carried out quickly and consistently.

At present, environmental crimes are considered one of the most serious socially dangerous acts at the level of national and international law.

However, when assessing environmental crimes, including water and marine pollution offenses, individual states and their law enforcement officials approach the problem of environmental and nature pollution on the basis of universal principles, in some cases they are biased.

The prevention of such crimes is not limited to the independent activities of individual states. For this, it is very important that all neighboring countries implement joint comprehensive preventive measures.

One of the most important environmental problems in the region is the pollution of the transboundary Oxchuchay River. The 84-kilometer-long Oxchuchay River begins on the slopes of the Zangezur Range and flows through East Zangezur.

After the liberation of East Zangezur, the Ministry of Ecology and Natural Resources of Azerbaijan conducted an analysis of the river water and found that the level of pollution in the Oxchuchay River is higher than other border rivers. Nickel, iron, copper-molybdenum content is above the norm. The United Nations Economic and Social Council (ECOSOC) described the ecological and chemical condition of the Oxchuchay River system in 2007 as “unfit for life” and noted that the main reason was the activities of industrial enterprises.

In order to assess the ecological condition of some areas, more than 500 trout and other fish were found dead during the next monitoring in the Oxchuchay River passing through the Zangilan region.

According to the press service of the Ministry of Ecology and Natural Resources, it was found that in water samples taken from river the amount of heavy metals such as copper, molybdenum, manganese, iron, zinc, chromium, etc exceeding the norms enormously.

The Kura River, together with its right tributary, the Araz River, is the most important waterway in the South Caucasus, flowing into the Caspian Sea. These two rivers affect the water quality of the Caspian Sea, so their cleanliness is of concern to all Caspian littoral states. According to the Caspian Convention, littoral states are obliged to protect the environment and biological resources of the Caspian Sea. The Oxchuchay river is an important economic and irrigation source of the East Zangezur economic region of Azerbaijan. This region is an important water center for development after liberation.

When talking about the prevention of crime, including environmental crime, its component water (water sources) and marine

pollution, it should be borne in mind that the approach to the system of measures covered by this activity is ambiguous in the legal literature. Thus, some legal experts believe that although social measures (large-scale measures of social development) play a key role in eliminating the root cause of crime, crime prevention is not included in the system of measures. In this regard, a number of legal scholars believe that crime prevention has well-defined limits. They refer to the system of crime prevention, not all offenses, but only the warning of offenses that affect the occurrence of crimes and criminal behavior, and the impact on situations where criminal behavior is actually possible.

Society itself, as a system, has internal, interconnected and interacting systems. Perversion that occur in one of these systems made a negative effect on other systems to one degree or another. Crime prevention also does not operate in isolation. This activity is directly related to the development of society as a whole. The set of special measures included only in the system of general social measures and implemented in interaction with other measures forms the basis of the crime prevention system.

The effectiveness of crime prevention depends to a large extent on the validity of this activity and the correct definition of priorities. For this, the criminogenic situation in the country and in the regions must be objectively assessed and a system of measures must be determined to improve it.

In order to effectively organize preventive work in the fight against crime, attention should be paid to the issues of information support of this activity, accurate information on the level, dynamics and structure of crime. Otherwise, the measures taken will not be effective. The quality of prevention, as noted above, requires the identification of priorities in the fight against crime. In other words, priority should be given to the fight against crime, which is a more serious threat to people who further hinder the development of society.

As it is known, one of the factors influencing the effectiveness of the fight against crime in any society is the existence of latent crime. Therefore, increasing the effectiveness of crime prevention as a whole should be based on ob-

taining accurate information about this type of crime.

As we know, crimes against the environment, nature and the environment in general are usually latent. It is well known how catastrophic are the consequences of serious environmental crimes for society. Therefore, it is very important to take preventive measures to prevent these crimes.

Prevention of crimes of pollution of water (water sources) and the marine environment, which are constituent elements of ecology, is implementation of educational, legal, socio-economic and other measures to eliminate the causes and conditions of crime and delinquency in order to ensure the security of society, the state and people.

In our modern society, as it was before, crime prevention is carried out on two main levels:

- general social warning or general prevention;
- special warning or special prevention

The general warning system includes measures aimed at preventing negative processes by creating obstacles to the positive development of society.

Because if various negative actions and situations are not prevented in time, conditions are created for crime to take its place in the life of society. For example, the existence of unemployment, poverty, illiteracy and other such social problems in society and the failure to take the necessary steps to eliminate them in a timely manner significantly complicate the prevention of crime.

Preventive measures taken to combat environmental crimes can be divided into the following groups:

- ✓ nationwide preventive or precautionary measures covering large social groups;
- ✓ preventive measures related to individual objects, enterprises and organizations;
- ✓ preventive measures against individual subjects and individuals.

When distinguishing one of these types of preventive measures from another, it is shown that the main quality criterion that distinguishes special crime prevention from general prevention is purposefulness. Unlike general prevention, special prevention is aimed at eliminating criminal cases.

Individual preventive measures mean the identification of persons who may commit a crime, the implementation of educational, deterrent and other measures of influence in connection with them or their surroundings in order to prevent crime.

General preventive measures include identifying the causes and conditions of crime in various spheres of social life and measures to eliminate them. An example of this is the legal propaganda, advocacy and educational work carried out to raise the legal culture of the population.

In terms of time, special warning measures are divided into measures taken before and after the crime.

In terms of prevention of crime it is divided into several stages. First, precautionary measures to prevent crimes; second, measures to prevent possible crimes; third, precautionary measures taken after the commission of crimes. In this system of measures, priority should be given to the first two groups of preventive measures. Preventive measures against crime should be taken before crimes are committed, and crimes that may occur should be prevented at an early stage, in preparation for a crime.

As it is known, measures to prevent crime, including environmental crime, are carried out by the relevant entities. These entities include government agencies, public organizations, labor collectives, various special agencies and citizens. General crime prevention is carried out by society as a whole, all its institutions, civil society and the state.

Tasks facing special warning activities are performed by governmental or non-governmental, specialized or non-specialized entities. Non-specialized state entities include executive and legislative bodies. They determine the legal basis for special warning activities, the powers and rights of other subjects of warning activities, take measures to create their financial and logistical bases, provide them with personnel and other resources. State control bodies in the field of special warning activities are also included in the subjects of warning (for example, securities, state laws related to environmental protection, as well as antitrust policy, etc.)

Government agencies listed as special warning entities carry out various measures within

the scope of their statutory powers (for example, cessation of activities of some enterprises, revocation of licenses, administrative fines, etc.). In addition, local governments have an important role to play in special warning activities.

Municipalities, culture, health, educational institutions and commercial structures also perform certain functions in this direction.

Parents' committees (or councils), guardianship and charitable organizations, social centers and other similar bodies also carry out various activities in the field of special warnings.

Special prevention carried out by law enforcement agencies (prosecutor's office, interior ministry, state security service, customs authorities, tax and border service, etc.) affects general social warning. Thus, as a result of their activities, law enforcement agencies raise major social problems before the legislative and executive authorities. Since the activities of these bodies are under the direct supervision of the population, it is not only difficult to assess the effectiveness of their work, but also of great importance.

Crime prevention in society is mainly carried out by law enforcement agencies. Sociological surveys suggest that the adoption of crime prevention only as a duty of law enforcement agencies in our country, which is on the path of building a democratic, legal state, shows that not all entities included in the warning system work together. In connection with the above, it should be noted that the effectiveness of crime prevention depends only on ensuring the interaction of the activities of all entities. However, observations show that currently the interaction between the subjects of the warning does not meet the requirements of the day. In short, today the main burden in the work of crime prevention falls almost entirely on law enforcement agencies.

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ВОПРОСЫ ПРОФИЛАКТИКИ ПРЕСТУПЛЕНИЙ ЗАГРЯЗНЕНИЯ ВОД (ИСТОЧНИКОВ ВОДЫ) И МОРСКОЙ СРЕДЫ В УГОЛОВНОМ ЗАКОНОДАТЕЛЬСТВЕ АЗЕРБАЙДЖАНСКОЙ РЕСПУБЛИКИ

В статье указывается, что отношения по водопользованию регулируются наряду с Водным кодексом Азербайджанской Республики, гражданским законодательством, законодательными актами о санитарно-эпидемиологическом благополучии и иными законодательными актами, в том числе Уголовным кодексом Азербайджанской Республики.

Ключевые слова: право, законодательство, здоровье, статья, преступление.