

**BALANCING INTERESTS IN ENVIRONMENTAL LAW: CONFLICT BETWEEN
PUBLIC AND PRIVATE RIGHTS***Abdurofiyeva Nodirabonu**Termiz State University
3rd-year student of the Faculty of Law*

Abstract: Environmental law often requires balancing collective environmental interests with individual private rights such as property, development, and economic freedom. This article explores the legal frameworks, principles, and case law that guide courts and policymakers in resolving these conflicts. Using comparative examples, the paper analyzes how environmental protection can limit private rights, and under what legal conditions such limitations are justified. The study emphasizes the need for fair, transparent, and proportionate mechanisms to reconcile competing interests within the rule of law.

Keywords: Environmental law, public interest, private rights, proportionality, legal conflict, sustainable development, property rights.

Environmental degradation affects ecosystems, public health, and future generations—making environmental protection a matter of public interest. However, the enforcement of environmental regulations often restricts private rights, particularly property use, economic activity, and contractual freedoms. For example, landowners may be prohibited from constructing buildings near protected areas, or businesses may face costly pollution limits.

This tension between environmental goals and private interests lies at the heart of many legal and policy disputes. The question arises: How can environmental law balance these conflicting interests fairly and legally? This paper investigates that question by examining constitutional guarantees, legal doctrines such as proportionality and precaution, and case law that interprets and applies these concepts.

The study uses a qualitative legal analysis approach:

- **Doctrinal analysis** of international treaties, constitutional provisions, and environmental legislation;
- **Comparative case study review** of landmark decisions from Europe, North America, and Central Asia;
- **Evaluation of legal principles** such as proportionality, necessity, and public trust;
- **Examination of legal literature and reports** from environmental NGOs and academic institutions.

Legal Principles Governing the Balance

Several foundational principles guide the balancing of environmental and private interests:

- **Proportionality:** Measures restricting private rights must be appropriate, necessary, and not excessive in relation to the public interest they serve.
- **Precautionary Principle:** Where environmental harm is uncertain but potentially serious, protective action may be taken even without full scientific certainty.
- **Public Trust Doctrine:** Certain natural resources (e.g., air, water, forests) are held in trust by the state for the public and cannot be transferred or degraded by private interests.

Constitutional and Statutory Conflicts

In many legal systems, constitutions guarantee both environmental protection and private rights. For instance:

- **Germany:** The Federal Constitutional Court has held that environmental protection must be weighed against economic freedom (Art. 20a vs. Art. 14 of the Basic Law).
- **United States:** Courts often uphold environmental regulations under the "police power" of states, though excessive regulations may be considered "regulatory takings" under the Fifth Amendment.
- **Uzbekistan:** The Constitution guarantees the right to private property and a healthy environment (Articles 36 and 50), but mechanisms for resolving such conflicts remain underdeveloped.

Case Law Examples

- **European Court of Human Rights (ECtHR):** In *Öneryildiz v. Turkey*, the court ruled that failure to prevent a landfill explosion violated the right to life, emphasizing state responsibility for environmental safety.
- **U.S. Supreme Court:** In *Lucas v. South Carolina Coastal Council*, the court found that denying all economic use of land required compensation, highlighting limits on environmental regulation.
- **Kazakhstan:** Courts have upheld environmental fines against businesses but rarely restrict state development projects, showing imbalance in the application of public vs. private interests.

Balancing environmental protection with private rights is legally and ethically complex. On one hand, unrestricted private activity often leads to environmental degradation that harms public welfare. On the other, excessive or arbitrary environmental restrictions can undermine individual freedom, economic development, and legal certainty.

Proportionality remains the most effective legal tool for managing these conflicts. It requires an individualized assessment of whether a restriction serves a legitimate aim, whether less restrictive alternatives exist, and whether the benefit to the public outweighs the cost to the individual.

Judicial review plays a critical role in maintaining this balance. Independent and well-trained courts can ensure that environmental regulations are enforced fairly and without

political bias. Transparency, public participation, and access to legal remedies are also essential to resolve disputes and avoid social resistance to environmental law.

However, the balance must be dynamic. As environmental crises such as climate change worsen, the legal system may need to prioritize environmental interests more firmly. Still, this shift must occur within a framework that respects rights and rule of law.

Conflicts between public environmental interests and private rights are inevitable in modern legal systems. Balancing these interests requires careful legal design, transparent procedures, and strong judicial oversight. A fair and effective environmental legal regime does not eliminate private rights but conditions them in a way that ensures long-term sustainability for all.

Recommendations

- Codify the principle of **proportionality** in national environmental legislation.
- Improve **judicial training** on balancing environmental and human rights.
- Promote **alternative dispute resolution (ADR)** mechanisms for environmental conflicts.
- Encourage **public participation** in environmental decision-making.
- Adopt **constitutional amendments or legal reforms** that clarify how to prioritize competing rights.

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