

Environmental Protection Through Sustainability Clauses in Contract Law



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ABSTRACT

Global environmental crises and the increasing contribution of private sector activities to ecological degradation create serious challenges for sustainable development in Uzbekistan. Although Uzbekistan has adopted green economy policies and environmental regulations, the implementation of sustainability principles in contractual relationships remains limited due to the absence of clear sustainability standards, weak corporate environmental awareness, and limited judicial practice. This study examines the reconstruction of Uzbekistan's contract law based on sustainability principles using a normative juridical and comparative legal approach. The findings reveal that Uzbekistan still lacks comprehensive legal mechanisms for integrating sustainability principles into contractual relations and environmental liability systems, while international practices demonstrate that sustainability standards, environmental certification, green procurement, and effective dispute settlement mechanisms can strengthen ecological responsibility in business activities. Therefore, Uzbekistan needs a more integrated sustainability-based contract law framework to support environmental protection and sustainable economic development.



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Introduction

Growing complexity of the global environmental crisis manifested in climate change, environmental pollution, overexploitation of natural resources, and the deterioration of human quality of life, has necessitated a reconstruction of modern legal paradigms.¹ Environmental protection has traditionally been positioned within the sphere of public law, emphasizing state obligations and the protection of public interests. Such an approach places the state as the primary actor in

¹ Le Sun and others, 'Sustainable Performance Measurement through Digital Transformation within the Sustainable Development Framework: The Mediating Effect of Supply Chain Concentration', *Sustainable Development*, 32.6 (2024), 5895–5912 <https://doi.org/10.1002/sd.3007>

environmental control and supervision through administrative regulatory mechanisms and public policies.² However, contemporary global developments demonstrate that environmental degradation is not solely caused by state activities but is also significantly influenced by private sector economic activities, including industrial production, trade, natural resource exploitation, and other business operations.³

Environmental governance models that rely exclusively on a “command and control” approach are increasingly considered inadequate in addressing the complexity of modern ecological problems. Consequently, there is a growing need to establish a more integrative legal approach by involving private law instruments as supporting mechanisms for sustainable development.⁴ In this context, the concept of sustainable development requires a balance between economic interests, environmental protection, and social welfare, ensuring that economic activities are not merely profit oriented but also take into account the ecological impacts they generate.⁵

Development of modern legal thought has given rise to the concept of the “ecologization of private law,” referring to the process of integrating environmental protection principles into private legal relations. This concept emerged from the awareness that environmental problems are multidimensional in nature and cannot be resolved solely through public law instruments.⁶ Private law, which was previously oriented toward individual freedom, equality of parties, and the protection of property rights, has gradually undergone transformation by incorporating the values of sustainability and ecological responsibility into legal relations among individuals.⁷ Under this approach, every private legal subject is not only responsible for its own economic interests but also bears moral and legal obligations to consider the environmental consequences of

² Haman Mahamat Addi and Attahir Babaji Abubakar, ‘Investment and Economic Growth: Do Institutions and Economic Freedom Matter?’, *International Journal of Emerging Markets*, 19.4 (2024), 825–45 <https://doi.org/10.1108/ijoem-07-2021-1086>

³ Liu Geng and others, ‘Is Economic Freedom a Panacea for Environmental Sustainability? Global and Regional Evidence’, *Journal of Environmental Management*, 376 (2025), 124536 <https://doi.org/10.1016/j.jenvman.2025.124536>

⁴ Katia Fach Gómez, ‘The Role of Mediation in International Commercial Disputes’, *Mediation in International Commercial and Investment Disputes*, 2024, 3–20 <https://doi.org/10.1093/LAW/9780198827955.003.0001>

⁵ J. Andrés Domínguez-Gómez and Teresa González-Gómez, ‘Governance in Mining: Management, Ethics, Sustainability and Efficiency’, *Extractive Industries and Society*, 8.3 (2021) <https://doi.org/10.1016/j.exis.2021.100910>

⁶ Barnali Choudhury, ‘The UN Guiding Principles on Business and Human Rights’, *The UN Guiding Principles on Business and Human Rights*, 2023, 1–340 <https://doi.org/10.4337/9781800375673>

⁷ David R. DeRemer, Venkat Subramanian, and Aigerim Yergabulova, ‘A Global Value Chain Approach to Economic Diversification and Resilience in Resource-Rich States: The Case of Kazakhstan’, *Journal of International Business Policy*, 8.3 (2025), 270–97 <https://doi.org/10.1057/s42214-025-00220-y>

its activities. Accordingly, private legal relations are no longer understood merely as horizontal relationships between individuals but also as instruments for maintaining ecological balance and supporting the objectives of sustainable development.⁸ The integration of environmental protection into private law is carried out through the application of fundamental environmental law principles within civil legal relations.⁹ One of the primary principles is the precautionary principle, which emphasizes the importance of preventive measures against potential environmental harm even in the absence of complete scientific certainty. This principle encourages parties in contractual relationships to conduct environmental risk assessments prior to undertaking specific business activities.¹⁰

In addition, the polluter pays principle affirms that parties responsible for environmental pollution or damage must bear the full costs of restoration and compensation arising from such harm. This principle aims to internalize environmental costs into economic activities, thereby encouraging business actors to adopt more environmentally friendly practices.¹¹ Furthermore, the principle of ecological efficiency has developed as a basis for the rational utilization of natural resources through waste reduction, the use of renewable energy, and the implementation of green technologies in production processes.¹² These principles indicate that private law is experiencing a functional transformation, shifting from merely regulating economic relationships toward becoming an instrument for establishing ecological responsibility.

Among various private law instruments, contract law occupies a highly strategic position in supporting environmental protection.¹³ Contracts are no longer understood solely as mechanisms for the exchange of economic interests but also as instruments for regulating the social and ecological responsibilities of the parties involved. Through contractual arrangements, environmental obligations may be formulated specifically and bindingly, thereby making

⁸ Satar Mahdevari, 'Mining Contracts and Investment Law: Governance, Disputes, and Sustainability in Iran', *Resources Policy*, 114 (2026), 105861 <https://doi.org/10.1016/J.RESOURPOL.2026.105861>

⁹ Henry G. Burnett and Louis-Alexis Bret, 'Investor-State Mining Case Summaries', *Arbitration of International Mining Disputes*, 2024, 343–62 <https://doi.org/10.1093/law/9780198757641.005.0003>

¹⁰ Bryan Maybee, Eric Lilford, and Michael Hitch, 'Environmental, Social and Governance (ESG) Risk, Uncertainty, and the Mining Life Cycle', *Extractive Industries and Society*, 14 (2023) <https://doi.org/10.1016/J.EXIS.2023.101244>

¹¹ Mahelet G. Fikru and others, 'ESG Ratings in the Mining Industry: Factors and Implications', *Extractive Industries and Society*, 20 (2024) <https://doi.org/10.1016/J.EXIS.2024.101521>

¹² Sondra Faccio, 'Investment Contracts and the Reform of Investment Arbitration: Towards Sustainability', *ICSID Review*, 38.3 (2023), 625–43 <https://doi.org/10.1093/ICSIDREVIEW/SIAD026>

¹³ Filipe Calvão and others, 'Extractive Industries and Human Security: An Overview', *Extractive Industries and Society*, 8.4 (2021) <https://doi.org/10.1016/j.exis.2021.101007>

sustainability an integral component of business relations.¹⁴ The implementation of environmental responsibility within contracts is reflected through the inclusion of provisions relating to environmental standards, energy efficiency, carbon emission reduction, waste management, the use of environmentally friendly raw materials, and ecological audit obligations.¹⁵ Such clauses enable parties to manage environmental risks while simultaneously creating economic incentives for sustainable business practices.

Moreover, the implementation of international standards such as ISO 14001, environmental certification systems, and various eco labeling mechanisms has further strengthened the integration of environmental aspects into contractual relationships.¹⁶ These standards provide objective benchmarks regarding a company's environmental performance while also enhancing transparency and accountability in business activities. In practice, many companies require their business partners to comply with specific environmental standards as part of their contractual obligations.¹⁷ Development of corporate social responsibility (CSR) has also expanded the function of contract law in promoting sustainability. Companies are no longer expected merely to generate economic profit but are also required to assume responsibility for the social and ecological impacts of their business operations.¹⁸ Consequently, many corporations have begun incorporating environmental requirements into their supply chains and business relationships as part of their commitment to Environmental, Social, and Governance (ESG) principles.¹⁹

Growing prominence of global environmental issues has made the incorporation of sustainability clauses into contracts increasingly urgent.²⁰

¹⁴ Zamroni Abdussamad and others, 'Constitutional Balance: Synchronizing Energy and Environmental Policies with Socio-Economic Mandates', *E3S Web of Conferences*, 506 (2024) <https://doi.org/10.1051/E3SCONF/202450606006>

¹⁵ Derita Prapti Rahayu and others, 'Legal Effectiveness of Business Contracts in Tin Mining: Socio-Legal and Governance Challenges in Corporate-Community Relations in Indonesia', *Resources Policy*, 111 (2025), 105767 <https://doi.org/10.1016/J.RESOURPOL.2025.105767>

¹⁶ Kim Van der Borcht and Jorge Freddy Milian Gómez, 'Public and Common Interest in Sustainable Contract Farming', *World Development Perspectives*, 33 (2024), 100564 <https://doi.org/10.1016/J.WDP.2024.100564>

¹⁷ Yasmine Lafhaj and others, 'Identification and Comparative Analysis of Legal and Contractual Provisions among Different Contract Types in Off-Site Construction Projects', *Procedia Computer Science*, 274 (2025), 171–80 <https://doi.org/10.1016/J.PROCS.2025.12.017>

¹⁸ Stéphanie Bijlmakers, 'The UN Guiding Principles on Business and Human Rights', *Corporate Social Responsibility, Human Rights, and the Law*, 2018, 45–63 <https://doi.org/10.4324/9781351171922-3>

¹⁹ Belengar Francis Maïnkade, 'Corporate Human Rights Obligations of Investors in Recent Investment Agreements: The Progressive Hardening Process of CSR Clauses', *Heliyon*, 9.4 (2023), e15120 <https://doi.org/10.1016/J.HELİYON.2023.E15120>

²⁰ Werner Hans Keller and Xia Zhang, 'Functions of Law in the Sustainable Development of China and a Model for Environmental Legislation', *European Business Review*, 29.4 (2017), 440–56 <https://doi.org/10.1108/EBR-05-2016-0062>

Sustainability clauses refer to contractual provisions that impose obligations on parties to comply with environmental standards, adopt sustainable business practices, and assume responsibility for ecological impacts arising from the performance of contractual obligations. The inclusion of such clauses demonstrates that contracts no longer function solely as instruments for the exchange of economic interests but also serve as mechanisms for supporting environmental protection and sustainable development.²¹ The urgency of implementing sustainability clauses can be observed in international practice.²² European Union member states have integrated environmental requirements into public procurement and commercial contracts through various environmental regulations.²³ In the United States, the implementation of green building codes and environmental agreements illustrates that sustainability has become an essential component of private legal relations. Meanwhile, in the United Kingdom, ESG principles have evolved into significant indicators in corporate business and investment practices.

Within the context of developing countries, Uzbekistan has also demonstrated its commitment to sustainable development through various strategic state policies.²⁴ This commitment is reflected in Presidential Resolution No. PP-4477 of 2019 concerning the Strategy for Transition to a Green Economy for 2019–2030, which emphasizes energy efficiency, the utilization of renewable energy, the reduction of greenhouse gas emissions, and the sustainable management of natural resources. This policy was subsequently reinforced through Presidential Decree No. PF-149 of 2023, which emphasizes the acceleration of environmental reforms and the strengthening of ecological responsibility in national economic activities.

In addition, Uzbekistan has enacted several environmental regulations, including the Law on Nature Protection, the Law on Ecological Expertise, and the Law on Waste, all of which regulate environmental protection, environmental impact assessment, and waste management responsibilities. From the perspective of private law, the principle of freedom of contract under Article 354 of the Civil Code of the Republic of Uzbekistan grants parties the freedom to determine the

²¹ I. Gusti Ayu Eviani Yuliantari, 'Actualization of Substantive Justice for Environmental Protection (Case Study of PLTU Celukan Bawang)', *IOP Conference Series: Earth and Environmental Science*, 1537.1 (2025) <https://doi.org/10.1088/1755-1315/1537/1/012061>

²² Waluyo and Dona Budi Kharisma, 'Circular Economy and Food Waste Problems in Indonesia: Lessons from the Policies of Leading Countries', *Cogent Social Sciences*, 9.1 (2023) <https://doi.org/10.1080/23311886.2023.2202938>

²³ Ming Zhang and others, 'The Effect of Public Environmental Participation on Pollution Governance in China: The Mediating Role of Local Governments' Environmental Attention', *Environmental Impact Assessment Review*, 104 (2024) <https://doi.org/10.1016/j.eiar.2023.107345>

²⁴ Zhanna A. Khamzina and others, 'Environmental Legislation of Kazakhstan: Achievements, Problems and Trends', *Journal of Environmental Accounting and Management*, 10.4 (2022), 361–74 <https://doi.org/10.5890/JEAM.2022.12.003>

content of contracts insofar as such provisions do not contradict the law. This provision creates opportunities for the incorporation of sustainability clauses into business contracts.²⁵ Nevertheless, the implementation of sustainability clauses within Uzbekistan's private law system remains at an early stage and therefore requires stronger regulatory support and more comprehensive implementation mechanisms.

Several previous studies have examined the application of green clauses and sustainability clauses in contractual relationships. Research conducted by Ayjamal Toqsanbaeva analyzed the characteristics of green clauses and their implementation across various industrial sectors by linking them to the Civil Code of Uzbekistan and green economy policies.²⁶ However, the study did not specifically address the mechanisms for integrating green clauses into Uzbekistan's private law system. Furthermore, Cristina Poncibò discussed the contractualization of sustainability objectives in international business contracts through normative and contextual approaches, although the study remained largely theoretical and did not focus on the legal system of a particular country.²⁷

Additionally, Ekaterina Pannebakker examined sustainable development clauses in international contracts based on International Institute for the Unification of Private Law (UNIDROIT) principles.²⁸ The study highlighted the implementation of sustainability clauses and their relationship with green economy policies; however, it focused more on the harmonization of international contract law rather than the national legal system of Uzbekistan. Based on these previous studies, it can be understood that there has been no specific research examining sustainability clauses from the perspective of Uzbekistan's private law, particularly regarding the reconstruction of contract law based on sustainability principles. This study focuses on the development of a more comprehensive legal framework concerning the implementation of sustainability clauses in contractual relationships in Uzbekistan. This study also emphasizes the importance of strengthening supervisory mechanisms, enforcing environmental responsibility, and adopting international practices so that contract law may function effectively as an instrument for supporting sustainable development. Accordingly, the

²⁵ Samuel Adams and Hervé Kaffo Fotio, 'Economic Integration and Environmental Quality: Accounting for the Roles of Financial Development, Industrialization, Urbanization and Renewable Energy', *Journal of Environmental Planning and Management*, 67.3 (2024), 688–713 <https://doi.org/10.1080/09640568.2022.2131510>

²⁶ Ayjamal Toqsanbaeva, 'Legal Features And Industry Application Of Green Clauses', *Acumen: International Journal Of Multidisciplinary Research*, 2.5 (2025), 159–62 <https://universalpublishings.com/~niverta1/index.php/aijmr/article/view/11659>

²⁷ Cristina Poncibò, 'The Contractualisation of Environmental Sustainability', *European Review of Contract Law*, 12.4 (2016), 335–55 <https://doi.org/10.1515/ERCL-2016-0018>

²⁸ Ekaterina Pannebakker, 'Sustainable Development Clauses in International Contracts through the Lens of the Unidroit Principles', *Uniform Law Review*, 29.2 (2024), 352–61 <https://doi.org/10.1093/ULR/UNAE031>

integration of environmental aspects into private legal relations is expected not only to provide ecological protection but also to encourage the establishment of a more responsible and sustainable economic system.

Research Method

This study employs a normative (doctrinal) legal research method focusing on the reconstruction of contract law based on sustainability principles within the legal system of the Republic of Uzbekistan.²⁹ The research examines the integration of environmental protection principles into private law relations, particularly through the implementation of sustainability clauses in commercial contracts. The doctrinal approach is used to analyze primary legal sources, including the Civil Code of the Republic of Uzbekistan, especially Article 354 concerning freedom of contract and Article 355 concerning contractual terms, as well as environmental regulations such as the Law "On Nature Protection," the Law "On Ecological Expertise," and the Law "On Waste."³⁰ In addition, this study analyzes strategic state policies related to the transition toward a green economy, particularly Presidential Resolution No. PP-4477 of 2019 and Presidential Decree No. PF-149 of 2023. The analysis aims to identify the normative basis, legal gaps, and challenges in the implementation of sustainability clauses within Uzbekistan's private law and contract law system.

This study also reviews secondary legal materials consisting of academic literature, scholarly journals, international legal doctrines, and previous studies concerning the ecologization of private law, sustainable contract law, ESG principles, and sustainability clauses in commercial practice.³¹ Comparative analysis of international practices from the European Union, the United States, the United Kingdom, Germany, and China is employed to examine the development of green procurement, green building codes, environmental liability, and sustainability oriented contractual mechanisms. Through conceptual and comparative legal approaches, this research formulates recommendations for reconstructing Uzbekistan's contract law based on sustainability principles, particularly regarding the regulation of sustainability clauses, environmental contractual liability, ecological restoration, environmental dispute settlement mechanisms, and the integration of green criteria into contractual and commercial relations. The study ultimately aims to strengthen the role of contract law as an

²⁹ Sidi Ahyar Wiraguna, 'Metode Normatif Dan Empiris Dalam Penelitian Hukum: Studi Eksploratif Di Indonesia', *Public Sphere: Jurnal Sosial Politik, Pemerintahan Dan Hukum*, 3.3 (2024) <https://doi.org/10.59818/jps.v3i3.1390>

³⁰ Abdul Kadir Jaelani, Reza Octavia Kusumaningtyas, and others, 'Sustainable Halal Tourism Regulation Based on Local Wisdom in Indonesia and Uzbekistan', *Journal of Human Rights, Culture and Legal System*, 5.1 (2025), 351–77 <https://doi.org/10.53955/JHCLS.V5I1.671>

³¹ Young Jin Ahn and Zuhridin Juraev, 'Green Spaces in Uzbekistan: Historical Heritage and Challenges for Urban Environment', *Nature-Based Solutions*, 4 (2023), 100077 <https://doi.org/10.1016/J.NBSJ.2023.100077>

effective instrument for supporting environmental protection and sustainable economic development in Uzbekistan.

Results and Discussion

Concept of Sustainability Clauses in Private Law and Contract Law

Development of the global environmental crisis has driven a fundamental transformation in modern legal systems, particularly in the relationship between environmental law and private law.³² Environmental protection, which was previously positioned primarily within the domain of public law through a command and control approach, is increasingly regarded as insufficient to address the complexity of contemporary ecological issues. Limited state capacity to supervise all economic activities, combined with the growing contribution of the private sector to environmental degradation, has generated the need to integrate ecological responsibility into private legal relations.³³ In this context, the concept of ecologisation of private law, or green transformation of private law, has emerged as a process of incorporating environmental protection principles into legal relations among individuals, particularly within commercial activities and contractual relationships.³⁴

Concept of ecologisation of private law reflects a paradigm shift from a “vertical” regulatory model centered on the state toward a “horizontal” regulatory model that positions parties in private legal relationships as subjects sharing responsibility for environmental protection.³⁵ Within this new paradigm, business actors are no longer burdened solely with obligations to fulfill economic interests and commercial profits but are also required to consider ecological impacts arising from their business activities.³⁶ Consequently, contractual relationships are no longer understood merely as instruments for the exchange of economic interests

³² Guray Akalin and Sinan Erdogan, ‘Does Democracy Help Reduce Environmental Degradation?’, *Environmental Science and Pollution Research*, 28.6 (2021), 7226–35 <https://doi.org/10.1007/s11356-020-11096-1>

³³ Ilias Alami, Adam D. Dixon, and Emma Mawdsley, ‘State Capitalism and the New Global D/Development Regime’, *Antipode*, 53.5 (2021), 1294–1318 <https://doi.org/10.1111/anti.12725>

³⁴ Maria L. Allen and others, ‘Comparative Capitalisms and Energy Transitions: Renewable Energy in the European Union’, *British Journal of Management*, 32.3 (2021), 611–29 <https://doi.org/10.1111/1467-8551.12352>

³⁵ Jie Long and Wenzhen Chen, ‘Harmonising Security and Sustainability: Legal Governance of Cross-Border Commercial SSA Data’, *Computer Law & Security Review*, 61 (2026), 106304 <https://doi.org/10.1016/J.CLSR.2026.106304>

³⁶ Junfeng Wang, ‘Intelligent Management and Legal Regulation of Enterprise Green Supply Chain by Fuzzy Comprehensive Evaluation’, *Heliyon*, 10.23 (2024), e39929 <https://doi.org/10.1016/J.HELİYON.2024.E39929>

but also as mechanisms for managing environmental responsibility and achieving sustainable development objectives.³⁷

This transformation has positioned contract law as a strategic instrument in supporting environmental protection.³⁸ Contracts no longer function solely as legal instruments to ensure fulfillment of obligations, but also as mechanisms for incorporating ecological responsibilities into economic activities.³⁹ This development is reflected in the emergence of sustainability clauses within various modern business contracts. Sustainability clauses are contractual provisions regulating obligations of parties to comply with environmental standards, implement sustainable business practices, reduce ecological impacts, and assume responsibility for environmental damage arising from contract performance. Existence of such clauses demonstrates that environmental protection no longer depends exclusively upon state regulation, but is also constructed through market mechanisms and business relations.⁴⁰

From a theoretical perspective, implementation of sustainability clauses derives its legitimacy from the principle of freedom of contract.⁴¹ Within the legal system of Uzbekistan, this principle is regulated under Article 354 of the Civil Code of the Republic of Uzbekistan, which grants parties freedom to determine contractual content insofar as such provisions do not conflict with the law. This provision creates legal space for parties to incorporate environmental obligations that may not yet be explicitly regulated within statutory legislation.⁴² In this context, freedom of contract is no longer interpreted as an absolute freedom oriented solely toward individual interests, but rather has evolved into the concept of

³⁷ Muhammad Talha Khan and others, 'Green Supply Chain Management Practices' Impact on Operational Performance with the Mediation of Technological Innovation', *Sustainability (Switzerland)*, 14.6 (2022) <https://doi.org/10.3390/su14063362>

³⁸ Mehrdokht Pournader, Andrew Kach, and Srinivas Talluri, 'A Review of the Existing and Emerging Topics in the Supply Chain Risk Management Literature', *Decision Sciences*, 51.4 (2020), 867–919 <https://doi.org/10.1111/DECI.12470>

³⁹ Ruben Wahyu Santoso and others, 'Assessing the Benefit of Adopting ERP Technology and Practicing Green Supply Chain Management toward Operational Performance: An Evidence from Indonesia', *Sustainability (Switzerland)*, 14.9 (2022) <https://doi.org/10.3390/su14094944>

⁴⁰ Syed Abdul Rehman Khan, Zhang Yu, and Khalid Farooq, 'Green Capabilities, Green Purchasing, and Triple Bottom Line Performance: Leading toward Environmental Sustainability', *Business Strategy and the Environment*, 32.4 (2023), 2022–34 <https://doi.org/10.1002/bse.3234>

⁴¹ Lina Shi and Michelle Li, 'Environmental Protection Investment and Corporate Innovation: Evidence from Chinese Private Firms', *Pacific Accounting Review*, 38.1 (2025), 1–24 <https://doi.org/10.1108/PAR-07-2024-0140>

⁴² Dinda Aprillia and Abdul Kadir Jaelani, 'Forest Area Tourism Village Management: Regulatory Analysis In Karanganyar Regency As An Effort To Realize Sustainable Tourism', *The Fourth International Conference on Government Education Management and Tourism*, 4 (2025), 084–084 <https://www.conference.loupiasconference.org/index.php/ICoGEMT-4/article/view/607>

environmentally responsible freedom, namely contractual freedom that takes into account environmental interests and welfare of future generations.⁴³

Sustainability clauses appear in various forms, reflecting increasingly broad integration of environmental aspects into contractual relationships.⁴⁴ *First*, obligation clauses regulate primary obligations of parties to implement specific environmental standards, such as use of renewable energy, reduction of carbon emissions, utilization of environmentally friendly raw materials, and sustainable waste management.⁴⁵ *Second*, liability clauses regulate responsibilities and sanctions in cases of violations of environmental obligations, including penalty payments, ecological compensation, or contract termination.⁴⁶ *Third*, incentive clauses provide economic incentives for parties that successfully achieve certain sustainability targets through bonuses, cost reductions, or other economic facilities. *Fourth*, information and monitoring clauses regulate environmental reporting obligations, transparency of information, and environmental auditing mechanisms aimed at preventing greenwashing practices and enhancing transparency in business relationships.⁴⁷

In addition to diversity of such clauses, effectiveness of sustainability clauses is significantly influenced by their level of specificity, measurability, and verifiability.⁴⁸ Environmental clauses that are overly general and abstract tend to be difficult to enforce in practice.⁴⁹ Therefore, concrete and measurable indicators are required, such as carbon emission reduction targets, energy efficiency benchmarks, percentages of recycled material usage, or compliance with particular international standards.⁵⁰ In this regard, implementation of international

⁴³ Li Rong Lin, Zhao Zhai, and Ming Shan, 'Understanding Environmentally Responsible Behavior in Cross-Sea Bridges: A Grounded Theory Approach', *Engineering, Construction and Architectural Management*, 2025, 1–21 <https://doi.org/10.1108/ECAM-03-2025-0484>

⁴⁴ Biao Yi and others, 'Institutional Investors' Green Attention and Corporate Environmental Information Disclosure: Evidence from Site Visits', *Sustainability (Switzerland)*, 18.5 (2026) <https://doi.org/10.3390/SU18052508>

⁴⁵ Weiping Han and Bo Zhang, 'Environmental Protection Law, Green Investment, and Corporate Greenwashing Behavior', *Finance Research Letters*, 86 (2025) <https://doi.org/10.1016/j.frl.2025.108915>

⁴⁶ Qi Li, Hanyun Lei, and Minggui Yu, 'Green Finance, Green Innovation and Carbon Intensity', *International Review of Financial Analysis*, 106 (2025) <https://doi.org/10.1016/j.irfa.2025.104550>

⁴⁷ Zhonghua Cheng and Xueqin Yan, 'Environmental Management System Certification and Corporate ESG Greenwashing', *Energy Economics*, 149 (2025) <https://doi.org/10.1016/j.eneco.2025.108800>

⁴⁸ Yuanxi Yang and Daiju Narita, 'Is Issuing Green Bonds Helpful in Improving Corporate Green Governance? -- A Study Based on Chinese Listed Companies', *Journal of Cleaner Production*, 525 (2025) <https://doi.org/10.1016/j.jclepro.2025.146628>

⁴⁹ Yiqun Sun and Yu Hao, 'Green Bonds and Corporate Environmental Performance: The Role of Third-Party Certification', *International Review of Economics and Finance*, 104 (2025) <https://doi.org/10.1016/j.iref.2025.104621>

⁵⁰ Eunsang Park and others, 'An Interpretive Structural Modeling-Based Hierarchical Analysis of Risk Factors for Sustainable Power Infrastructure Public-Private Partnerships in Developing Countries', *Energy Strategy Reviews*, 65 (2026), 102205 <https://doi.org/10.1016/J.ESR.2026.102205>

standards such as ISO 14001, eco labeling systems, and environmental certification mechanisms constitutes an important instrument for ensuring compliance with environmental obligations while simultaneously strengthening evidentiary foundations in the event of contractual disputes.⁵¹

Integration of sustainability clauses has brought significant changes to traditional construction of contract law. Object of a contract is no longer evaluated solely on the basis of economic value and technical quality, but also by considering ecological characteristics of a product or service.⁵² Accordingly, concept of quality within contractual relationships has expanded to include energy efficiency, carbon footprint considerations, sustainability of raw materials, and environmental impacts arising from production and distribution processes. Similar transformations have also occurred in relation to contractual terms, rights and obligations of parties, and mechanisms for contract performance.⁵³ Contract performance is now assessed not only according to formal fulfillment of obligations but also according to compliance with principle of green performance, namely execution of contractual obligations in a manner that minimizes ecological impacts.⁵⁴ This transformation demonstrates that contract law has undergone a functional shift from an instrument of economic exchange into an instrument of environmental protection and sustainable development.⁵⁵ Existence of sustainability clauses not only broadens dimension of contractual responsibility but also reinforces strategic role of private legal relations in supporting establishment of an economically sustainable and ecologically responsible system.

Regulation and Implementation of Sustainability Clauses in the Legal System of Uzbekistan

The Direction of state policy in Uzbekistan toward sustainable development has increasingly become evident through various environmental regulations and green economy policies that position environmental protection as an essential

⁵¹ Kang Miao Tan and others, 'Empowering Smart Grid: A Comprehensive Review of Energy Storage Technology and Application with Renewable Energy Integration', *Journal of Energy Storage*, 39 (2021) <https://doi.org/10.1016/J.EST.2021.102591>

⁵² Ling Zhu and Xinwei Li, 'Applying the Polluter-Pays Principle to Mitigate Greenhouse Gas Emissions in Shipping: Potential and Challenges', *Case Studies on Transport Policy*, 24 (2026), 101747 <https://doi.org/10.1016/J.CSTP.2026.101747>

⁵³ Xu Wu and Xiaowei Lu, 'Effectiveness of the Polluter-Pays Principle under the CLC: A Comparative Analysis of Four Models for Oil Pollution Damage Claims', *Marine Pollution Bulletin*, 219 (2025), 118243 <https://doi.org/10.1016/J.MARPOLBUL.2025.118243>

⁵⁴ Sotiria Lagouvardou, Harilaos N. Psaraftis, and Thalys Zis, 'A Literature Survey on Market-Based Measures for the Decarbonization of Shipping', *Sustainability (Switzerland)*, 12.10 (2020) <https://doi.org/10.3390/su12103953>

⁵⁵ Ling Zhu, Xiaojing Li, and Wei Pan, 'Controlling Marine Greenhouse Gas Emissions in Hong Kong: Policy Considerations', *Maritime Policy and Management*, 50.8 (2023), 1136–46 <https://doi.org/10.1080/03088839.2022.2138598>

component of national development.⁵⁶ Although implementation of sustainability clauses in commercial contracts remains at an early stage of development, Uzbekistan's legal system already possesses a normative foundation that enables integration of sustainability principles into contractual relationships.⁵⁷ Such normative foundations can be identified both within environmental regulations and within civil law provisions governing freedom of contract and contractual autonomy.

Regulation of environmental protection in Uzbekistan has gradually developed through various national legal instruments.⁵⁸ One of the primary regulations is the Law of the Republic of Uzbekistan on Nature Protection, which governs obligations relating to environmental protection and rational as well as sustainable utilization of natural resources.⁵⁹ This regulation emphasizes that all economic activities must maintain ecological balance and prevent environmental pollution and degradation. Accordingly, environmental law in Uzbekistan has positioned environmental protection as a legal responsibility that must be observed by every legal subject, including business actors in commercial activities.⁶⁰ The Law of the Republic of Uzbekistan on Ecological Expertise regulates obligations concerning environmental impact assessments for business activities that potentially create ecological risks. This provision reflects a preventive approach within Uzbekistan's legal system through mandatory identification and control of environmental risks prior to implementation of economic activities.⁶¹ Within contractual relationships, this principle may serve as an important foundation for implementation of sustainability clauses, particularly those related to environmental audits, ecological risk management, and compliance with environmental standards in

⁵⁶ Julie Adshead, 'The Application and Development of the Polluter-Pays Principle across Jurisdictions in Liability for Marine Oil Pollution: The Tales of the "Erika" and the "Prestige"', *Journal of Environmental Law*, 30.3 (2018), 425–51 <https://doi.org/10.1093/jel/eqy020>

⁵⁷ Ashmita Barthakur, 'Polluter Pays Principle As The Key Element To Environmental Law', *International Journal of Scientific and Research Publications (IJSRP)*, 11.3 (2021), 274–77 <https://doi.org/10.29322/ijsrp.11.03.2021.p11137>

⁵⁸ Ling Zhu, 'Some Thoughts on Application of the Polluter Pays Principle for Controlling Marine Greenhouse Gas Emissions', *Marine Policy*, 158 (2023), 105877 <https://doi.org/10.1016/J.MARPOL.2023.105877>

⁵⁹ Inés Ruiz-Rosa, Francisco J. García-Rodríguez, and Natalia Antonova, 'Developing a Methodology to Recover the Cost of Wastewater Reuse: A Proposal Based on the Polluter Pays Principle', *Utilities Policy*, 65 (2020), 101067 <https://doi.org/10.1016/J.JUP.2020.101067>

⁶⁰ Julian Chamizo-González, Elisa Isabel Cano-Montero, and Clara Isabel Muñoz-Colomina, 'Does Funding of Waste Services Follow the Polluter Pays Principle? The Case of Spain', *Journal of Cleaner Production*, 183 (2018), 1054–63 <https://doi.org/10.1016/J.JCLEPRO.2018.02.225>

⁶¹ Seojeong Oh and Benjamin M. Gramig, 'Pay the Polluter or Polluter Pays? A Preliminary Assessment of Public Preferences for Water Quality Policy', *Ecological Economics*, 233 (2025), 108608 <https://doi.org/10.1016/J.ECOLECON.2025.108608>

contract performance.⁶² Another important regulation is the Law of the Republic of Uzbekistan on Waste, which governs waste management and liability of business actors for environmental pollution. This regulation emphasizes obligations relating to waste reduction, management of hazardous substances, and restoration of environmental damage resulting from economic activities.⁶³ Such provisions are fundamentally consistent with the polluter pays principle, which places responsibility for environmental restoration costs upon parties causing pollution.⁶⁴ In modern contractual practice, this principle may be implemented through environmental liability clauses, waste management obligations, and ecological compensation mechanisms within commercial contracts.

Legal basis for implementation of sustainability clauses within Uzbekistan's legal system may also be found in civil law provisions, particularly through the principle of freedom of contract regulated under Article 354 of the Civil Code of the Republic of Uzbekistan.⁶⁵ This provision grants parties freedom to determine contractual content insofar as such provisions do not conflict with law, public order, or morality. Principle of freedom of contract provides broad legal space for parties to incorporate environmental obligations, sustainability standards, and ecological responsibility mechanisms into contractual relationships.⁶⁶ Furthermore, Article 355 of the Civil Code of Uzbekistan regulates contractual terms and conditions that may be agreed upon by parties. This provision further strengthens legitimacy of sustainability clauses because it allows establishment of contractual obligations that may not be explicitly regulated by legislation but are necessary within modern business practices.⁶⁷

Development of sustainability clause implementation in Uzbekistan cannot be separated from state policy orientation toward a green economy. Such

⁶² Gonzalo Caballero and David Soto-Oñate, 'Environmental Crime and Judicial Rectification of the Prestige Oil Spill: The Polluter Pays', *Marine Policy*, 84 (2017), 213–19 <https://doi.org/10.1016/J.MARPOL.2017.07.012>

⁶³ Nur Farrahanie Ahmad Tarmizi and Rayenda Khresna Brahmana, 'Environmental Performance, Political Connection, and Financial Performance: Evidence from Global Oil and Gas Companies', *Environmental Science and Pollution Research*, 30.4 (2023), 11081–98 <https://doi.org/10.1007/S11356-022-22881-5>

⁶⁴ David Lowing, 'Responsibility and Solidarity Principles in Sharing the Costs of Cleaning a Polluted River', *Operations Research Letters*, 57 (2024), 107198 <https://doi.org/10.1016/J.ORL.2024.107198>

⁶⁵ Juliana Salomão das Neves and others, 'Challenges in Commercial Solid Waste Management: Generation Indicators and Willingness to Pay for Management', *Cleaner Waste Systems*, 11 (2025), 100250 <https://doi.org/10.1016/J.CLWAS.2025.100250>

⁶⁶ Alam Asadov, Ikhtiyorjon Turaboev, and Ramazan Yildirim, 'Prospects of Islamic Capital Market in Uzbekistan: Issues and Challenges', *International Journal of Islamic and Middle Eastern Finance and Management*, 17.1 (2024), 102–23 <https://doi.org/10.1108/IMEFM-04-2022-0145>

⁶⁷ Ulugbek Azimov and Nilufar Avezova, 'Sustainable Small-Scale Hydropower Solutions in Central Asian Countries for Local and Cross-Border Energy/Water Supply', *Renewable and Sustainable Energy Reviews*, 167 (2022), 112726 <https://doi.org/10.1016/J.RSER.2022.112726>

commitment was emphasized through Presidential Resolution No. PP-4477 dated October 4, 2019 concerning Approval of the Strategy for Transition of the Republic of Uzbekistan to a Green Economy for 2019–2030. This policy identifies transition toward a green economy as a national development priority through enhancement of energy efficiency, utilization of renewable energy, reduction of greenhouse gas emissions, and sustainable management of natural resources.⁶⁸ Strategy demonstrates that Uzbekistan has begun integrating sustainability principles into national economic development policies.⁶⁹

Such commitment was subsequently reinforced through Presidential Decree No. PF-149 dated September 11, 2023, which emphasizes acceleration of environmental reforms and strengthening of ecological responsibility in national economic activities. This policy indicates that state authorities have begun encouraging business actors to implement sustainability principles in commercial activities.⁷⁰ Nevertheless, although policy orientation toward a green economy has gradually been established, implementation of sustainability principles within contractual relationships remains underdeveloped due to absence of specific technical regulations governing sustainability clauses in commercial contracts.⁷¹

Implementation of sustainability clauses in Uzbekistan remains limited and has not yet become common practice within domestic business relationships.⁷² Sustainability clauses are generally applied only in specific business relationships involving foreign investment, international projects, or cooperation with multinational corporations that have adopted ESG and global sustainability standards.⁷³ Majority of domestic commercial contracts remain primarily oriented toward economic considerations and have not explicitly integrated environmental obligations into contractual substance. This condition demonstrates that

⁶⁸ Yaning Chen and others, 'Water Resources and Sustainable Management in Tajikistan under Global Change', *Regional Sustainability*, 7.1 (2026), 100291 <https://doi.org/10.1016/J.REGSUS.2026.100291>

⁶⁹ Jiapeli Wei and others, 'Towards Sustainability: Spatial Analysis of Renewable Energy, Environmental Pollution, and Economic Growth in Chinese Regions', *Energy Strategy Reviews*, 64 (2026), 102062 <https://doi.org/10.1016/J.ESR.2026.102062>

⁷⁰ Xiaoli Hao and others, 'Synergizing Green Finance and Renewable Energy Development in Belt and Road Nations: Illuminating Pathways for Sustainable Growth', *Energy Strategy Reviews*, 59 (2025), 101751 <https://doi.org/10.1016/J.ESR.2025.101751>

⁷¹ Lum Sonita Awah and Abiodun Akintunde Ogundeyi, 'The Role of Private Sector Engagement in Disaster Risk Reduction. A Critical Review of Approaches, Enablers, and Barriers', *Progress in Disaster Science*, 30 (2026), 100588 <https://doi.org/10.1016/J.PDISAS.2026.100588>

⁷² Mariana Traldi, 'Socio-Spatial Impacts of Wind Energy in Brazil's Northeast: Land Grabbing, Green Grabbing, and the Role of Leasing Contracts and Legal Gaps', *Applied Geography*, 190 (2026), 103949 <https://doi.org/10.1016/J.APGEOG.2026.103949>

⁷³ Mengyuan Cheng and others, 'Fostering Green Building Project Performance by Blockchain-Enabled Smart Contracts (B-SCs) Implementation: Adaptive Structuration Perspective', *Journal of Building Engineering*, 114 (2025), 114435 <https://doi.org/10.1016/J.JOBE.2025.114435>

transformation of sustainability-based contract law in Uzbekistan remains at an early stage of development.⁷⁴

Several major obstacles hinder implementation of sustainability clauses within Uzbekistan's legal system.⁷⁵ *First*, absence of a clear legal definition concerning concepts such as "green" or "sustainable" within national regulations creates uncertainty regarding sustainability criteria in contractual practice. Such ambiguity may generate differing interpretations and complicate legal enforcement in disputes involving sustainability clauses.⁷⁶ *Second*, ecological awareness among business actors in Uzbekistan remains relatively low. Many companies continue to perceive environmental protection as an additional burden that increases production costs rather than as an integral component of long-term business strategy.⁷⁷ Consequently, implementation of environmental standards within contracts has not yet become a primary priority in domestic business relationships.

Third, culture of corporate social responsibility (CSR) within national business practices has not yet developed optimally. Most companies have not incorporated social and environmental responsibility as an integral component of corporate governance.⁷⁸ As a result, implementation of sustainability clauses remains highly dependent upon external pressure, particularly from foreign investors and multinational corporations, rather than arising from internal awareness among domestic business actors.⁷⁹ *Fourth*, judicial practice concerning contractual environmental disputes remains highly limited. Absence of developed jurisprudence relating to sustainability clauses results in relatively weak legal certainty regarding implementation and enforcement of such clauses. Courts

⁷⁴ Purva Gupta and Kumar Neeraj Jha, 'Integration of Blockchain in Contract Management for Prevention of Construction Disputes: A Systematic Literature Review and Conceptual Framework', *International Journal of Construction Management*, 24.10 (2024), 1054–65 <https://doi.org/10.1080/15623599.2023.2274720>

⁷⁵ Fuguo Cao and others, 'The Role of Energy Laws, Green Finance, and Procurement Policy in the Energy Transition: Assessing Three Green Energy Markets', *Sustainable Energy Technologies and Assessments*, 87 (2026), 104921 <https://doi.org/10.1016/J.SETA.2026.104921>

⁷⁶ Mohamed Ismail Sabry, 'The Green Transition in Morocco: Extractivity, Inclusivity, and the Stability of the Social Contract', *The Extractive Industries and Society*, 22 (2025), 101614 <https://doi.org/10.1016/J.EXIS.2025.101614>

⁷⁷ Fukang Deng and Xiaofang Chen, 'Executive Compensation Contract Effectiveness and Firms' Green Technology Innovation Structure', *Finance Research Letters*, 67 (2024), 105766 <https://doi.org/10.1016/J.FRL.2024.105766>

⁷⁸ Hariyanto and others, 'Eco-Governance Fiqh and Urban Waste Management: A Critical Study of Environmental Policy in Yogyakarta', *Journal of Islamic Law*, 7.1 (2026), 247–74 <https://doi.org/10.24260/JIL.V7I1.5167>

⁷⁹ Suyi Zheng and Jiandong Wen, 'Green Public Procurement and Corporate Environmental Performance: An Empirical Analysis Based on Data from Green Procurement Contracts', *International Review of Economics & Finance*, 96 (2024), 103578 <https://doi.org/10.1016/J.IREF.2024.103578>

generally continue to apply conventional contractual approaches oriented primarily toward economic losses without comprehensively considering ecological dimensions.⁸⁰ This condition demonstrates necessity for strengthening institutional capacity of law enforcement authorities and establishing clearer legal guidelines concerning settlement of sustainability based contractual disputes.⁸¹

Compared with international practice, implementation of sustainability clauses in Uzbekistan remains significantly underdeveloped.⁸² Within European Union legal systems, sustainability principles have been systematically integrated into public procurement regulations through Public Procurement Directive 2014/24/EU, which requires governments to consider environmental aspects in procurement processes for goods and services. Green procurement policies indirectly encourage private companies to implement environmental standards in contractual relationships in order to satisfy public procurement requirements.⁸³ In the United States, implementation of green building codes such as California Green Building Standards Code (CALGreen) has integrated energy efficiency standards, emission reduction requirements, and environmentally friendly materials into construction contracts and public procurement.⁸⁴ Meanwhile, in the United Kingdom, Environmental, Social, and Governance (ESG) principles have developed into primary indicators within investment relationships and corporate governance, resulting in inclusion of sustainability obligations within various commercial contracts as part of corporate compliance standards.⁸⁵

Within German legal systems, environmental protection has been strongly integrated into private law through development of the concept of social limitation of contractual freedom, which restricts contractual autonomy based

⁸⁰ Abdul Qadeer and Elie Bouri, 'Analysis of Intellectual and Thematic Progress of the Journal of Environmental Management – Section V: Environmental Policy, Economics, and Social Science', *Journal of Environmental Management*, 397 (2026), 128022
<https://doi.org/10.1016/J.JENVMAN.2025.128022>

⁸¹ Abdul Kadir Jaelani, Dinda Aprilia, and others, 'The Impact of Tourism Villages Regulations to Achieve Sustainable Villages Tourism', *Contrarius*, 1.3 (2025), 245–61
<https://doi.org/10.53955/CONTRARIUS.V1I3.217>

⁸² Qianxun Xu and Mehran Idris Khan, 'Reflections on the Environmental Damage Compensation Regime in Chinese Civil Legislations', *Heliyon*, 9.4 (2023), e15154
<https://doi.org/10.1016/J.HELİYON.2023.E15154>

⁸³ Ünsal Ozan Kahraman and others, 'Dynamic Environmental Management and Liability Attribution Using an AlphaZero-Bayes Framework: Intelligent Decision Support for Multi-Agent Risk Systems', *Journal of Environmental Management*, 405 (2026), 129672
<https://doi.org/10.1016/J.JENVMAN.2026.129672>

⁸⁴ Fei Song, Kang Zhang, and Baozhen Song, 'An Empirical Examination of Liability for Ecological Environment Restoration in the Context of the Civil Code of China', *Heliyon*, 10.11 (2024), e31240
<https://doi.org/10.1016/J.HELİYON.2024.E31240>

⁸⁵ Michael G. Faure and Haiyang Yu, 'The Liability of Salvors towards Third Parties in Case of Environmental Salvage: Economic Analysis', *Marine Policy*, 160 (2024), 105914
<https://doi.org/10.1016/J.MARPOL.2023.105914>

upon social and ecological interests.⁸⁶ German courts have also gradually developed judicial practices concerning enforcement of environmental responsibility within contractual relationships. Meanwhile, China has demonstrated significant progress through implementation of aggressive green economy policies, strengthening of environmental regulations applicable to corporations, and application of sustainability standards within national industrial supply chains.⁸⁷

Various international practices demonstrate that successful implementation of sustainability clauses requires support from clear regulations, effective supervisory mechanisms, business cultures oriented toward sustainability, and consistent law enforcement practices.⁸⁸ Uzbekistan therefore needs to undertake more comprehensive legal reforms through establishment of green contract standards, development of national environmental certification systems, strengthening of green procurement mechanisms, and integration of ESG principles into corporate governance and contractual relationships.⁸⁹ Through such reforms, contract law in Uzbekistan may evolve into an effective instrument for supporting environmental protection and sustainable economic development.

Reconstruction of Contract Law Based on Sustainability Principles in Uzbekistan

Based on existing implementation practices in Uzbekistan, need for legal reconstruction has become increasingly important in line with state policy orientation toward a green economy and growing global demands for sustainability oriented business practices.⁹⁰ Although Uzbekistan's legal system has provided opportunities for implementation of sustainability clauses through principle of freedom of contract, practical application of such clauses continues to face various normative and practical challenges that prevent contract law from functioning optimally as an instrument of environmental protection.⁹¹ Consequently, legal reform is required not only in an administrative sense but also

⁸⁶ Sholahuddin Al-Fatih and others, 'Questioning Ecological Justice in Indonesian Forestry Regulations', *Contrarius*, 2.3 (2026), 226–46 <https://doi.org/10.53955/CONTRARIUS.V2I3.295>

⁸⁷ Isabel Feichtner, 'Contractor Liability for Environmental Damage Resulting from Deep Seabed Mining Activities in the Area', *Marine Policy*, 114 (2020), 103502 <https://doi.org/10.1016/J.MARPOL.2019.04.006>

⁸⁸ Myrtati Dyah Artaria and others, 'Risk and Protective Factors of Indonesian Women Migrant Workers in Malaysia', *Jurnal Ilmiah Peuradeun*, 13.3 (2025), 1859–80 <https://doi.org/10.26811/PEURADEUN.V13I3.1728>

⁸⁹ Andreea Cosnita-Langlais and Eric Langlais, 'Environmental Liability and Product Differentiation: Strict Liability versus Negligence Revisited', *International Review of Law and Economics*, 79 (2024), 106214 <https://doi.org/10.1016/J.IRLE.2024.106214>

⁹⁰ Reem M. Farghaly and Mostafa M. Elzeni, 'Bridging Environmental and Social Sustainability: A Conceptual Model of Blue-Green-Red Infrastructure (BGRI)', *Sustainable Cities and Society*, 141 (2026), 107267 <https://doi.org/10.1016/J.SCS.2026.107267>

⁹¹ Sebastián Carrasco and others, 'A Trapped Green Industrial Policy? The Challenges to Lithium and Green Hydrogen Development in Chile', *World Development*, 204 (2026), 107409 <https://doi.org/10.1016/J.WORLDDEV.2026.107409>

at the level of fundamental contractual paradigms by positioning sustainability principles as an integral component of private legal relationships.⁹²

One of the primary problems in implementation of sustainability clauses is emergence of greenwashing practices, namely situations in which business actors project environmentally friendly images without implementing genuine sustainability practices.⁹³ Such practices generally arise due to absence of clear legal standards concerning sustainability parameters within contractual relationships. As a result, terms such as “green,” “eco-friendly,” and “sustainable” are frequently used ambiguously for marketing purposes without objective and verifiable indicators. Within contractual relationships, this condition creates potential legal uncertainty and may disadvantage parties relying upon sustainability claims in making business decisions.⁹⁴ Therefore, reconstruction of Uzbekistan’s contract law must be directed toward establishment of clearer normative standards concerning sustainability indicators and environmental transparency obligations in contract performance.

Second, implementation of sustainability clauses is often hindered by information asymmetry between parties in contractual relationships. In many cases, one party lacks adequate access to information concerning environmental impacts arising from business activities conducted by another party.⁹⁵ Such conditions complicate supervision of environmental obligations and create opportunities for concealment of information relating to ecological risks.⁹⁶ Information asymmetry also weakens position of parties concerned with environmental protection because they lack sufficient evidentiary foundations when violations of sustainability clauses occur.⁹⁷ Consequently, stronger mechanisms for information disclosure are required through environmental

⁹² Muhammad Deni Putra and others, ‘When the Sacred Meets the Market: The Commodification of Islamic Housing in Lima Puluh Kota, West Sumatra’, *Journal of Islamic Law*, 6.1 (2025), 135–54 <https://doi.org/10.24260/JIL.V6I1.3539>

⁹³ Jeffrey Boon Hui Yap and others, ‘Unpacking Green Procurement Practices: Charting Pathways to Sustainable Construction Performance in a Developing Country’, *Journal of Cleaner Production*, 557 (2026), 148237 <https://doi.org/10.1016/J.JCLEPRO.2026.148237>

⁹⁴ Corrine Keke Chen, ‘Green Procurement as a Catalyst for Sustainable Capability: A Case of Change in Small Auto Parts Firms’, *Journal of Cleaner Production*, 554 (2026), 148071 <https://doi.org/10.1016/J.JCLEPRO.2026.148071>

⁹⁵ Seong Eun Kim and others, ‘Establishment and Analysis of Evaluation Criteria for Green Remodeling Decision-Making of Small-Scale Private Buildings’, *Energy and Buildings*, 352 (2026), 116797 <https://doi.org/10.1016/J.ENBUILD.2025.116797>

⁹⁶ Elyta Elyta and others, ‘Political Development through Renewable Energy: The Use of Ex-Mining Land in Indonesia’s New Capital’, *Jurnal Ilmiah Peuradeun*, 13.3 (2025), 1693–1718 <https://doi.org/10.26811/PEURADEUN.V13I3.1099>

⁹⁷ Mengshu Liu, Ju’e Guo, and Dan Bi, ‘Comparison of Administrative and Regulatory Green Technologies Development between China and the U.S. Based on Patent Analysis’, *Data Science and Management*, 6.1 (2023), 34–45 <https://doi.org/10.1016/J.DSM.2023.01.001>

reporting obligations, independent ecological audits, and development of integrated environmental certification systems within contractual relationships.

Third, implementation of sustainability principles is frequently associated with increased production costs and declining business competitiveness, particularly for small and medium sized enterprises. Application of environmental standards, utilization of green technologies, waste management systems, and fulfillment of sustainability certification requirements require substantial economic investment. Such conditions lead many business actors to continue perceiving sustainability clauses as additional burdens capable of reducing business efficiency.⁹⁸ Nevertheless, from perspective of sustainable development, environmental costs fundamentally constitute part of social responsibility that business actors must internalize within economic activities.⁹⁹ Therefore, reconstruction of contract law should not rely solely upon repressive legal approaches but must also be supported through economic incentive policies, including subsidies for green technologies, tax incentives, simplified environmental certification procedures, and development of green financing systems in order to ensure more effective implementation of sustainability principles.¹⁰⁰

Fourth, implementation of sustainability clauses faces challenges relating to uncertainty in legal enforcement. Until now, Uzbekistan's legal system has not established specific legal guidelines concerning enforcement mechanisms for sustainability clauses within commercial contracts.¹⁰¹ Consequently, contractual dispute resolution remains dominated by conventional approaches focusing primarily upon economic losses without comprehensively considering ecological dimensions. In reality, environmental damage possesses complex and long-term characteristics that frequently cannot be fully restored through ordinary compensation mechanisms. Therefore, legal reform is required to integrate environmental protection principles into contractual liability mechanisms.

⁹⁸ Timothy R. Hannigan and others, 'Topic Modeling in Management Research: Rendering New Theory from Textual Data', *Academy of Management Annals*, 13.2 (2019), 586–632 <https://doi.org/10.5465/annals.2017.0099>

⁹⁹ Michael Hitch, Chrysanthi Rodolaki, and George Barakos, 'Power Imbalances and Sustainability Challenges: A Political Ecology Analysis of Impact and Benefit Agreements in Canada's Arctic Mining Sector', *The Extractive Industries and Society*, 23 (2025), 101665 <https://doi.org/10.1016/j.EXIS.2025.101665>

¹⁰⁰ Charlotte Roemer and others, 'Pressured Researchers in Ecology and Conservation Demand Support to Guarantee Fair Interactions with Stakeholders', *Biological Conservation*, 310 (2025), 111324 <https://doi.org/10.1016/j.BIOCON.2025.111324>

¹⁰¹ Gayathri Jiji and Vani Kesari A., 'Rising Economy vs. Dwindling Ecology: Critique of Indian Legal Regime on Shipping-Based Marine Bio-Invasions amid Vizhinjam International Seaport Opening', *Sustainable Futures*, 10 (2025), 101453 <https://doi.org/10.1016/j.SFTR.2025.101453>

Within this context, violations of sustainability clauses may generate various forms of civil legal liability.¹⁰² Most common form of liability involves obligation to compensate injured parties for losses resulting from failure to fulfill environmental obligations under contractual agreements. However, within sustainability-based disputes, concept of damages extends beyond purely economic losses to include ecological damage resulting from contractual violations.¹⁰³ Consequently, concept of compensation in contract law requires reconstruction in order to accommodate environmental damage as a legally recoverable loss. In addition to compensation, violations of sustainability clauses may also constitute grounds for contract termination where such violations prevent achievement of primary contractual objectives or create serious ecological risks.¹⁰⁴ Within modern business practices, sustainability aspects have increasingly become essential components of contractual relationships, particularly in international contracts and global supply chains. Therefore, non-compliance with environmental standards can no longer be regarded merely as ordinary administrative violations but may instead be classified as fundamental breaches affecting contractual substance.¹⁰⁵

Mechanism of specific performance also becomes highly important in settlement of sustainability-based disputes. In certain cases, payment of compensation alone is insufficient to restore ecological damage resulting from contractual violations.¹⁰⁶ Accordingly, courts should be granted authority to order direct fulfillment of environmental obligations, including obligations to clean hazardous waste, restore polluted areas, or conduct environmental audits in accordance with contractual provisions.¹⁰⁷ Such an approach demonstrates that orientation of sustainability based contractual liability is not merely compensatory but also restorative in nature. Concept of restoration damages constitutes another

¹⁰² Huajun Li and others, 'Prospects for Commercial Exploitation of Deep-Sea Polymetallic Nodules: From Perspectives of Economic Benefits, Technological Feasibility, and Environmental Protection', *Engineering*, 2026 <https://doi.org/10.1016/J.ENG.2026.01.018>

¹⁰³ Susu Cheng, Fan Zhang, and Xuezhao Chen, 'Optimal Contract Design for a Supply Chain with Information Asymmetry under Dual Environmental Responsibility Constraints', *Expert Systems with Applications*, 237 (2024), 121466 <https://doi.org/10.1016/J.ESWA.2023.121466>

¹⁰⁴ Conor Shaw and others, 'Towards an Information Landscape Fit for Environmental Policy in the Built Environment', *Environmental Science & Policy*, 179 (2026), 104362 <https://doi.org/10.1016/J.ENVSCI.2026.104362>

¹⁰⁵ Xiaohang Ren and others, 'Environmental Regulations and Corporate Supply Chain Deviation: Evidence and Financial Implications for Sustainable Economic Development', *International Review of Financial Analysis*, 106 (2025), 104495 <https://doi.org/10.1016/J.IRFA.2025.104495>

¹⁰⁶ Di Luan and others, 'From Regulation to Innovation: Eco-Compensation and Environmental Sustainability in Heavily Polluting Enterprises', *Journal of Environmental Management*, 395 (2025), 127733 <https://doi.org/10.1016/J.JENVMAN.2025.127733>

¹⁰⁷ Absori and others, 'Strengthening Upstream Forest Conservation Policies to Achieve Sustainable Development Goals', *Journal of Human Rights, Culture and Legal System*, 5.3 (2025), 780–805 <https://doi.org/10.53955/JHCLS.V5I3.767>

essential component in reconstruction of sustainability-based contract law.¹⁰⁸ Environmental damage cannot always be measured through conventional economic approaches because it involves ecological losses affecting society and future generations. Consequently, legal liability should not be limited solely to replacement of financial losses but must also include obligations to restore environmental conditions to their original state.¹⁰⁹ This approach reflects expansion of contract law functions from mere protection of private interests toward protection of public interests and ecological balance.

Violations of sustainability clauses also demonstrate interconnection between civil liability and administrative as well as criminal liability. In many cases, environmental contractual violations not only harm contractual parties but also violate national environmental regulations. Such conditions allow implementation of hybrid liability concepts involving simultaneous application of multiple branches of law.¹¹⁰ Accordingly, business actors may be held liable not only through civil mechanisms but also through administrative sanctions and criminal penalties where contractual violations result in serious pollution or environmental damage. To support effectiveness of legal enforcement, Uzbekistan must develop environmental dispute resolution mechanisms that are more adaptive to characteristics of sustainability based disputes.¹¹¹ Conventional contractual dispute resolution mechanisms are often inadequate for addressing complexity of proving environmental damage and assessing ecological impacts.¹¹² Strengthening of environmental arbitration mechanisms, involvement of environmental experts in evidentiary processes, and development of specialized courts or judicial chambers possessing competence in contractual environmental disputes are therefore necessary. Strengthening judicial and environmental arbitration practices is also important in creating consistency of legal decisions and enhancing legal certainty regarding implementation of sustainability clauses.

¹⁰⁸ Peng Xu, Rohan Best, and Pundarik Mukhopadhaya, 'Environmental Regulation and Energy Poverty: Straw-Burning Bans in China', *Energy Economics*, 156 (2026), 109217 <https://doi.org/10.1016/j.ENERCO.2026.109217>

¹⁰⁹ Wencheng Cao, Yuan George Shan, and Jianbo Song, 'Do Corporate Imitation Behaviors of CSR Practices Affect Bank Loan Contracting? Evidence from a Text-Based Measure', *International Journal of Managerial Finance*, 22.1 (2026), 90–127 <https://doi.org/10.1108/IJMF-04-2025-0173>

¹¹⁰ Daniel Hill, Oscar Cacho, and Jonathan Moss, 'Landscape, Welfare, and Distributional Trade-Offs from Smallholder Agroforestry Contracting: An Agent-Based Model Approach', *Agricultural Systems*, 230 (2025), 104493 <https://doi.org/10.1016/j.AGSY.2025.104493>

¹¹¹ Hamda Sulfinadia and others, 'Negotiating Islamic Inheritance and Customary Law: Functional Legal Pluralism and Matrilineal Pusako Randah in Minangkabau', *Journal of Islamic Law*, 7.1 (2026), 1–30 <https://doi.org/10.24260/JIL.V7I1.3743>

¹¹² Olim Narzullaev and others, 'Integrating Environmental Monitoring Policy on State Control Frameworks for Energy Security', *Journal of Human Rights, Culture and Legal System*, 5.3 (2025), 982–1014 <https://doi.org/10.53955/JHCLS.V5I3.720>

Reconstruction of Uzbekistan's contract law should further be directed toward development of more standardized and practical sustainability clause models applicable within national business practices.¹¹³ Development of green contract models may serve as guidance for business actors in integrating environmental obligations into contractual relationships. Such models may include provisions concerning environmental standards, audit mechanisms, reporting obligations, allocation of ecological risks, and environmental dispute resolution mechanisms. Standardization is essential for reducing interpretative ambiguity and improving effectiveness of sustainability clause implementation.¹¹⁴ Strengthening environmental certification and audit systems constitutes an important component of sustainability-based contract law reform.¹¹⁵ Environmental certification may function as an objective verification instrument regarding compliance of business actors with sustainability standards. Within international business practices, certifications such as ISO 14001 have become important components of global business relationships. Therefore, Uzbekistan must develop national certification systems compatible with international standards in order to support integration of sustainability principles into national economic activities.

Another strategic measure involves integration of green criteria into public procurement systems. Government possesses a highly strategic position in shaping direction of national business practices through procurement policies concerning goods and services. Implementation of green procurement policies would encourage business actors to comply with environmental standards if they intend to participate in government projects.¹¹⁶ Such policies would not only strengthen environmental protection but also create economic incentives for companies implementing sustainable business practices. Reconstruction of contract law based on sustainability principles in Uzbekistan must therefore be carried out comprehensively through harmonization of contract law with principles of environmental protection and sustainable development. Such reforms require not only regulatory amendments but also strengthening of legal culture, business practices, and law enforcement mechanisms supporting

¹¹³ Bakhromjon Rakhimjonovich Topildiev and others, 'Legal Challenges and Policy Implications for Property Rights Protection in Uzbekistan', *Journal of Human Rights, Culture and Legal System*, 6.1 (2026), 116–46 <https://doi.org/10.53955/JHCLS.V6I1.893>

¹¹⁴ Dinda Aprilia and others, 'Regulatory Model for Tourism Villages in Forest Areas Based on Sustainable Tourism', *Legality: Jurnal Ilmiah Hukum*, 33.1 (2025), 286–306 <https://doi.org/10.22219/LJIH.V33I1.40177>

¹¹⁵ Fery Dona and others, 'Implementing Restorative Justice in Criminal Case Resolution', *Al-Ahkam: Jurnal Ilmu Syari'ah Dan Hukum*, 10.1 (2025), 20–38 <https://doi.org/10.22515/ALAHKAM.V10I1.10263>

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integration of sustainability principles into contractual relationships.¹¹⁷ Through such an approach, contract law in Uzbekistan is expected to develop into an effective instrument for supporting environmental protection, enhancing social responsibility of business actors, and establishing a more sustainable and ecologically just economic system.

Conclusion

The integration of sustainability clauses into contract law reflects a shift in modern legal systems by positioning environmental protection as part of private legal relations. In Uzbekistan, sustainability clauses already have a normative basis through environmental regulations and the principle of freedom of contract under Articles 354 and 355 of the Civil Code, supported by green economy policies. However, their implementation remains limited due to the absence of clear sustainability standards, weak ecological awareness, limited CSR practices, and inadequate enforcement mechanisms. Therefore, reconstruction of Uzbekistan's contract law based on sustainability principles is necessary through clearer sustainability standards, stronger environmental audit and certification systems, integration of ESG principles, and reformulation of contractual liability for environmental damages. Such reforms are expected to strengthen environmental protection and support sustainable economic development in Uzbekistan.

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