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*D.M. Sytnikov*, Candidate of Biological Sciences, Senior Scientist,  
Associate Professor

Odessa I. I. Mechnikov National University  
the Department of Civil Law Disciplines  
Frantsuzskiy Boulevard, 24/26, Odessa, 65058, Ukraine

## FEATURES OF LEGAL REGULATION IN ECOLOGICAL SPHERE OF SOCIETY

### Summary

Regulation of social relations in the environmental field provides a solution to problems of legal support to reduce negative human impacts and the formation of guarantees of the right to a healthy environment. The author analyzes the current state and the structure of the legal regulation of ecological spheres of society on different levels. It is shown that the need for environmental management and the prevention of environmental conflicts led to the integration of natural resource and environmental law while the so-called ecological method received widespread. Environmental protection at the state level can be achieved through the application of organizational and legal mechanism; the role of international cooperation in the environmental field on the basis of international legal principles and norms is steadily increasing.

**Key words:** environmental sphere of society, ecological and legal regulation

**Problem formulation.** Today, the power of the modern civilization has become dangerous for the society and for the existence of life on this planet, in this connection, the law as the most effective tool of social regulation becomes one of the essential factors of sustainable development. An integral problem of research of interaction between society and nature is the formation of the theoretical and practical bases of the analysis and search for solutions to environmental problems. Special attention in this matter requires legal regulation of the environmental sectors of society, both at the national and international levels.

**Analysis of recent research and publications.** The study of the various legal aspects of the interaction between society and nature are devoted Tiunova O.I. (2011), Valeev R.M. (2012), Bogolyubov S.A. (2011, 2013, 2014), Hetman A.P. (2014) and others. In their studies, the authors discuss the legal regulation of the environmental sectors of society as one of the key elements in overcoming the global environmental crisis.

**Purpose of the article** - to consider the present state and the structure of the legal regulation of the environmental sectors of society at different levels.

**Statement of the basic material.** The right, as a universal regulator of public relations agent of compromise and balance of private and public environmental interests, should ensure minimization of social conflicts arising, including on the grounds of environmental problems. Without legal control can not be sustainable development of society, based on a mutually agreed and balanced economic development and environmental conservation. That's right, on the one hand, is a necessary means to achieve the environmental priorities of the state, and on the other - is an instrument, subject formalizes them into the national legal system. Among the main tasks of modern environmental law are the following - the formation of effective legal guarantees for the realization of the right to a healthy environment and legal support reducing pollution. By the conceptual problems of legal regulation of ecological and include the creation of legal conditions for the organization and development of environmental education and training, as well as the legal basis for the formation of ecological culture. The legal community today plays a leading role in the dissemination of ecological and legal values, as well as in environmental issues and conflicts [1, p. 23-27].

Environmental sphere of society - a biosocial phenomenon subsystem of society, which includes elements such as environmental activism, environmental needs and abilities, ecological relations, ecological form of social consciousness, specialized administrative structures and material and technical base. The overall objectives of this sector is to restore, preserve and improve the natural and human protection against negative symptoms and the achievement of its state of the biosphere noosphere. Legal

regulation is an essential objective of environmental performance, which is the core of modern ecological aspects of society. The transformation of the structure of social relations and relations between society and nature in the course of environmental performance is the main prerequisite for the changing nature of the legal regulation of the environmental sectors of society [2, p. 84-90]. Effective regulation of social relations in the environmental field due to both the ecological security of the state, and with the emergence of new challenges at other levels (genetically modified organisms, bioethics issues, cross-border and global pollution, etc.).

We know that the legal regulation of the relationship between society and nature is changing with the transformation of this relationship. In its history there are three stages: the natural resource, environmental and socio-environmental. At the beginning of XX century. many laws regulate the relationship between society and nature, mainly through the establishment of a special regime for the protection of natural objects that have cultural, historical, scientific and conservation value. From the middle of XX century., In connection with the use of natural resources on a large scale, an increase of anthropogenic impact on the environment, in the legal regulation of relations between society and nature to the fore the problem of rational nature. Nature and resources law - a system of legal rules governing natural resource relationship for the purpose of rational use of land, water, forest and faunal resources to meet the needs of the economy, and to protect the rights of nature and the state. Unfortunately, the continued destruction of the biosphere, which has led to the emergence of a new kind of activity - environmental protection, according to which was formed and a new branch of law - environmental law and conservation began stage of interaction between society and nature. Environmental law - a system of legal norms regulating social relations in order to protect nature and the environment from the damaging effects of human activities. In 1980-ies. there is a new concept that the main task in the relationship between society and nature is to create an environmental management system that alerts to the possibility of environmental conflicts. At this stage, natural resource conservation, and the right to integrate. So there is a socio-

ecological law - the system of legal knowledge and standards in the field of environmental protection and nature, which establish and regulate the relationship in this field between the state, on the one hand, and the associations, enterprises, organizations, and individuals - on the other hand, in order to harmonize the relationship between society and nature, and to ensure a high quality of environment of existence. Thus, environmental law is not only a system of legal norms, but also a system of legal knowledge in the environmental sphere of society. On the one hand, it is an independent branch of law, but on the other - a separate subsection of legal science and social ecology [3].

In real conditions of legal regulation of social relationships may be subject to a number of industries: diversity of social relations requires additional mechanisms to group norms by industry and institutions, in this case, the method helps to solve the problem of legal regulation. Methods of legal regulation is divided into types: mandatory, permissive, advisory, promotional, Subordinate et al. [4, p. 318-322].

The emergence of legal regulation of ecological relations is the result of the evolution of natural resource relations, reflecting the growing global problem of "man - society - nature". According Bogolyubov S.A. pravorealizatsii participants should understand the possible environmental law and legislation in the environmental management, which are not unlimited, due to economic conditions and depend on the level of scientific and technological progress. In addition, the author notes that the position of the complex nature of the regulatory environment spheres of society represented a number of scientists discussion, as in the title of "ecological" is seen only environmental aspect; especially difficult to perceive the inclusion in environmental law (and the law) land, forest, water law (and the law). Understanding environmental law and legislation as a difficult and complex area of law consisting of nature protection and natural resource parts, allowing you to see them in a common object, methods to isolate them in the environmental sphere of society and not to divide artificially prirodoohranenie and nature. For environmental legislation characterized by certain general provisions, signs, principles, specific legal concepts and indicating their ecological and legal terms, defining a special control mode [5, p. 35-59; 6, p. 21-28].

According to modern concepts, in the legal literature, the environment can be achieved by application of a complex of organizational, legal and economic measures aimed at the restoration of the destroyed facilities of the environment, reduction of anthropogenic load on ecosystems, restoration of natural resources and ensuring their sustainable use. The complex of measures is considered as the legal mechanism for protection of the environment, which consists of two system-forming elements - institutional (system of government and public institutions engaged in management) and functional (examination, control, regulation and standardization, management of inventories, registration of natural resources, monitoring, etc.). At the same time the legal mechanism is seen as: environmental management (environmental management and environmental protection); management and control of natural resources and environmental protection; public administration in the environmental sector; governance in the field of environmental management, environmental protection and environmental safety [7, p. 56-109].

The legal basis for governance in the field of ecology, along with the norms of environmental law are also rules of administrative law. The first are called to show the specificity of the subject, objects, subjects and the principles of legal regulation of social relations in this sphere. The latter define the overall objectives, tasks and functions of state public relations managerial, folding in the executive, corporate activities of other state bodies, as well as in the implementation of community organizations, external legal powers. On the subject of regulation of social processes of administrative law norms are common, and environmental law - special, providing a more specific regulation of the same subject [7, p. 60]. In this case, we are talking about the so-called greening of the method by which environmental law is able to work on other areas of law, such as criminal and civil law. This method is considered as a manifestation of the general ecological, environmental approach to any and all events and phenomena of social life, in all aspects of human behavior. Therefore, dual purpose and location in the environmental law provisions aimed at environmental protection and rational use of natural resources should not be in doubt. Method

greening of all branches of law, including international, is an objective necessity, due to the alarming environmental situation of the global humanity [6, 32-37; 8, p. 33-39].

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According to A.P. Hetman and other researchers in the field of environmental management is complex, so only the union of the various activities, means and methods of administrative influence will enable the society and the state to solve the problem of transition to sustainable development. A distinctive feature of the modern period of development of public relations in the field of environmental protection is considered the participation of private sector in addressing environmental problems, including facing the world community [7, p. 56-109].

Restoration and preservation of dynamic equilibrium sotsioekosistemy - a global, human problems, so today increasing the importance of international cooperation in the field of environmental protection, the formation and consolidation of the legal norms of correct behavior in the field of relationship with nature. International environmental law is a set of international legal principles and norms governing international environmental relations between subjects of international law, ie relations concerning environmental protection, environmental management, environmental security and enforcement of environmental human rights.

One of the distinguishing features of the current stage of development of international environmental law is the further expansion of the international relations governed by this branch of international law. The immediate result of this process was the addition of two traditional subject areas of regulation (relations on environmental protection and environmental management), two new - relationship to ensure environmental safety and enforcement of environmental human rights [9, p. 23-38].

Principles of international legal regulation of environmental protection can be divided into general and special. The principles of a general nature - these are the basic principles of international law, its basic assumptions inherent in the regulation of relations between subjects of international law regardless of the specifics of these relationships. Another part of the generally recognized principles and norms of international law - the provisions of this special character, designed to provide the

functionality of its entire system and its individual sectors. They have a specific character due to the nature of these principles governed relations. The principles of international environmental cooperation, which must be taken into account in the future management of the environmental sectors of society are the following: 1) Each State has the right to use the environment and natural resources within its territory, for the purposes of development and the needs of its citizens; 2) environmental well-being of one country can not be provided by other States or excluding their interests; 3) the economic activity in the state must not damage the environment, both within and outside its jurisdiction. The economic interdependence of nations and international trade involve the use of new technologies and cleaner production, the implementation of effective means of national and international environmental monitoring, notification, and other neighboring states of emergency harmful emissions into the environment, compensation to other countries and entities of environmental damage caused; 4) can not be any kind of economic and other activities, which are unpredictable ecological consequences for the environment. This principle is closely linked with the previous principles and suggests caution in the implementation of genetic engineering, cloning, wildlife, and the transfer of damming rivers, as well as the need to strengthen the state ecological expertise aimed at preventing negative environmental decisions; 5) States should assist each other in environmental emergencies; 6) All disputes related to environmental issues should be resolved by peaceful means. Mankind has formulated many appeals of this kind and often takes a concerted effort to implement them in terms of respect, respect for international law and the recognition of mutual interests and members of the national legislation of international relations in the environmental field.

Civilization and effectiveness of national legal regulation depend on how countries are implementing the recommendations of international law, implementing it in their legislation. Implementation of international views and views into national law does not necessarily have to be linked to the introduction of changes and amendments to the national legislation, which is already full of them, but in need of significant improvement of efficiency of the implementation by specifying requirements ensuring

the actions of law enforcement and environmental protection mechanisms, the inevitability of liability for environmental offense [5, p. 35-59].

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The development of international law on the protection of the environment is mainly through negotiated. The peculiarity of international law for the protection of the environment is the use of international instruments (declarations, strategies, principles of conduct, etc.) that are often called "soft law". Typical in this respect, the Stockholm Declaration of the United Nations on environmental issues in 1972, which for the first time at the global level to define approaches to solving environmental problems. Not having legally binding, it is definitely the right has a great influence. Similarly, the Declaration and assess (a set of agreed principles of international cooperation on environmental protection) adopted at the UN Conference on Environment and Development in 1992 (Rio de Janeiro) [3].

A key role in the coordination of international cooperation for the protection of the environment plays a body - the United Nations Environment Programme (UNEP). The activities of UN agencies in the above areas manifests itself as a method (method) for cooperation of the formation and development of group norms regulating social relations in the field of environmental protection (International Environmental Law) in the new, emerging institute - management in the field of environmental protection. Targeted impact of international relations in this sphere covers so international legal regulation, coordination and organization of cooperation in the field of environmental protection [10, p. 60-77].

Legal regulation of the environment due to the complexity and multidimensional relations developing in this area, so revealing that can serve as an illustration of certain significant efforts of the international community to solve global problems through cooperation. The subject of the legal regulation of international relations in the field of environmental protection is its rational use and reproduction for the purpose of environmental safety and sustainable development. The subject of the legal regulation of environmental protection as the human environment determines the content of the institutions of this branch of law [11, p. 70-73].



National environmental law feels the effect of international law has priority over national standards. Since an exhaustive list of environmental principles and norms of international law does not exist, their registration in law-making and law enforcement quite difficult. Activation of international relations implies a more extensive review of the theoretical and practical problems of international relations and the principles of national requirements in the environmental field, their mutual influence on each other. Focus on the integration of the company into the world community involves the expansion of the creative use of foreign experience of nature, expressed in the application of international and foreign environmental-legal institutions, their convergence, harmonization, alignment, implementation in domestic practice. However, the formation of norms and principles of international law in the environmental sphere of influence to the relevant national norms and principles, as laid down in national legislation and tried out in practice, the international community to deliver their ideas, their both positive and negative experiences.

One of the main problems of interaction between international and national legal regulation of the environmental sphere is the combination of the principles of need for global environmental protection, universal rational use of natural resources and ensuring the sovereignty, integrity and sustainable development of individual countries [5, p. 35-59].

Legal contradictions are expressed in different legal thinking in the misconduct of government, international and public organizations in the claims and the existing order. Collisions are expressed in contrasting differences in legal views and positions, in a clash of norms and acts out in domestic systems of misconduct within the mechanism of public power between the state and other institutions and bodies, in discrepancies between the rules of international law, disputes between states and the contradictions between the norms of national and International Law [12, p. 34, 43, 346; 13].

At the same time, determines the way a legitimate impact on the state for their involvement in the agreements on the protection of the environment [14, p. 50-58]. Thereby expanding the circle of participants of international treaties which are the

subject of legal relations in the sphere of solving environmental problems.

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However, it is expanding the regulatory framework and regulation of relevant relations. To expand the regulatory scope of regulation of domestic relations in the sphere of ecology is also useful to appeal to the experience of the codification carried out at the international level. The codification of international law contributes to the establishment - in the economically and politically mature modern basis - a more precise content of the universal international treaties, greater objectivity branches of international law, specifying the objects of international legal regulation, taking into account the achieved level of expression of [15, p. 50-58]. Codification considered as a specific kind of method of legal regulation.

**Conclusions.** The modern environmental law focused on the tasks of legal support reducing the negative anthropogenic influences and the formation of guarantees of the right to a healthy environment. The regulation of public relations in the environmental field related to the ecological security of the state and the emergence of new environmental challenges at other levels. The conceptual task of legal regulation of the environmental sectors of society remains the task of forming the ecological culture.

The need for environmental management and the prevention of environmental conflicts has led to the integration of natural resources and environmental law. Widespread greening method by which environmental law influences the other branches of law. Today this method is considered as a manifestation of the general ecological, environmental approach to any and all events and phenomena of social life.

According to modern concepts environmental protection can be achieved through the application of organizational and legal mechanism, which consists of two system-forming elements - institutional (system of government and public institutions engaged in management) and functional (examination, control, regulation and standardization, management of inventories, the calculation of natural resources, monitoring, etc.).

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