

Environmental crime prevention: theory and practice issues

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Abstract. The article provides an analysis of the provisions of the domestic legislative framework and legal doctrine, examines the author's approaches and opinions on the prevention of crimes, and offenses in the field of environmental protection and nature management. Vulnerable components of preventive activities of public authorities and public organizations are outlined, the author's conclusions on the stated topic are presented taking into account the requirements of today, and an attempt to accumulate theoretical material on the issues of environmental security of the state in the context of globalization and integration processes is made. Key words: ecology, environment, prevention, prevention, environmental crimes, socially dangerous consequences.

1 Introduction

The Constitution of the Russian Federation guarantees the right of every person to a favorable state of the environment, and also obliges everyone to preserve and cherish natural resources (Constitution of the Russian Federation (adopted by popular vote on 12.12.1993 with amendments approved in the course of all-Russian voting on 01.07.2020) SPS Consultant Plus). However, at the moment there are many problems directly related to ensuring environmental security of the state. Growing irresponsible and consumerist attitude to the environment, materially reflected in objective reality in the form of environmental crimes and offenses, is gaining momentum every year, as evidenced by the data of criminal law statistics for the past few years.

The polluted natural environment negatively affects the quality and standard of human life. Achieving an acceptable state of the environment can be achieved by improving a set of preventive measures that aim to prevent crimes and offenses in the field of environmental protection and natural resource management.

The analysis of doctrinal sources shows that to date there have been insufficiently studied theoretical and practical aspects of prevention of the above-mentioned crimes and offences, which largely determines the relevance of the present study.

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2 Materials and methods

In preparing this study, the author of the publication used a very wide range of methods of scientific research, including general scientific, private-scientific and special methods. The methods of analysis, synthesis, induction, deduction, system-legal, etc. were actively used in the study of doctrinal approaches. Special attention was paid to the use of modern cybernetic methods of scientific research, which involve the use of modern computing devices and BIG-DATA systems.

3 Results

Among the main criteria characterizing the measures of preventive impact in the investigated sphere are:

- comprehensiveness;
- differentiation;
- multi-subjectivity;
- multi-level system.

Taking into account the high degree of public danger of crimes and offenses in the field of environmental protection and nature management, and in some cases irretrievable destruction of natural objects, the improvement of mechanisms of preventive impact is one of the priority areas of activity in the field of environmental security of the state.

4 Discussion

Modern legal doctrine identifies the following types of preventive measures that can be used by law enforcement to reduce the quantitative and qualitative indicators of national crime in this segment:

1) Special measures of preventive impact, which form the basis for the activities of law enforcement agencies and public organizations to identify the determinants of criminal acts in the field of environmental protection and nature management. In legal doctrine it is accepted to include the activity on disclosure and investigation of criminal cases on crimes in the studied sphere, the main result of which is the achievement of the main goals and objectives of measures of responsibility for their commission - re-education and correction of criminals [1].

It is also necessary not to forget about preventive measures, which are in correlation with the complex of special measures. First of all, they are aimed at realization by state and public bodies and public structures of prevention of dangerous actions in relation to the natural environment and public health. Such preventive measures in implementation require specialized methods and means, as well as special expertise in the field of environmental protection and nature management.

2) General - aimed at solving socio-economic problems that are not included in the first group. These preventive measures are designed to stimulate the reduction of general indicators of national crime. Therefore, their relation to environmental crime can be called indirect.

Such preventive measures are not aimed at eliminating the causes of committing not only the unlawful acts under study. They contribute to the solution of this task by creating favorable conditions, under which there is a reduction or complete absence of criminogenic factors. Undoubtedly, general measures of preventive impact provide a solid foundation for the possibility of using targeted measures and reduce the rate of growth of quantitative indicators of national crime in the segment under study. The authors in the field of law refer

to the process of economic development, science and technology, which can increase the effective impact of targeted preventive measures.

More specific measures of preventive impact are created depending on the nature and orientation of the complex of measures to prevent these unlawful acts and are differentiated into:

- moral and educational;
- informational;
- economic;
- technical;
- social;
- legal [2].

Moral-educational measures are aimed at changing the environmental consciousness of society and the state, as well as of each individual. They are applied by means of environmental education, propaganda, legal education, improvement of morality and cultural level of a person.

In the sphere of environmental protection, education is extremely important for building moral and ethical rules of human behavior in accordance with the environment. These measures should be implemented from an early age, as they subconsciously influence the behavior of an adult, as well as his psycho-emotional perception and understanding of the concept of respect for the environment.

Legal education in the field of environmental protection enables a person not only to learn, but also to understand the norms and rights, as well as the responsibility established by the domestic legislator for committing criminal acts in the field of environmental protection and nature management. Undoubtedly, it plays a crucial role, first of all, for the preservation of human life and health, as well as for increasing the level of social responsibility and activity of citizens.

Ecological-legal propaganda is realized by publishing popular science publications, magazines and books, as well as organizing ecological-educational exhibitions, contests and festivals, placing motivating posters and advertisements, etc. In modern society, this phenomenon is commonly referred to as "social advertising" devoid of commercial connotations.

Environmental education is capable of raising the general level of knowledge and culture of citizens, cultivation of highly qualified personnel to ensure environmental security of the state. Thus, it should be singled out as a separate branch and be an independent constructive element in the sphere of domestic environmental legislation.

In the legal doctrine authors agree that these measures of moral-educational nature have as their purpose the stimulation of citizens' activity in the issues of careful attitude to the environment.

Information measures of preventive impact in the sphere of environmental crime are presented as an important factor in optimizing environmental protection activities of society and the state, aimed at improving environmental education of the population [3]. These include measures to collect, process and evaluate information on the state of the natural environment, availability, volume and quality of natural resources on the territory of the state, their location, determination of the environmental danger of certain processes taking place in society and the state, as well as the forecast of changes in the natural environment. It is also necessary to include information on the dynamics of growth and decline rates of environmental crime, their distribution in the territories of different regions, at enterprises and other places. A special place is given to publicizing committed environmental crimes and offenses through the mass media.

The use of information methods of prevention is characteristic of environmental monitoring, which is a complex system of observations of the state of the natural

environment, created to develop measures for its protection, rational use of natural resources and prevention of critical situations [4].

In law enforcement practice, the environmental monitoring system establishes and eliminates many negative factors that can contribute to extremely dangerous consequences of environmental pollution. Thus, monitoring can help to prevent emergencies of man-made and natural character in the territories where there are increased risks of their occurrence. It also allows for more effective control over the activities of public authorities and public structures affecting the natural environment.

Special biological monitoring and monitoring of environmental pollution are of particular importance for preventive measures. They are carried out in order to detect and suppress unlawful acts of illegal extraction of water, forest and animal resources. In its turn, environmental pollution monitoring is carried out to control the levels of pollutants in the air, water bodies and soil, as well as to suppress and prevent crimes and offenses in terms of water, air pollution, etc.

The main goals and objectives of such monitoring in the system of preventive measures are to assess and anticipate the consequences of any violations of environmental requirements for the environment.

As previously mentioned in the course of this study, obtaining by the population of complete, reflecting the reality, information on the state of the environment is one of the prerequisites for achieving an appropriate level of environmental protection of society and the state. Unfortunately, in practice there are quite often cases of distortion or concealment of real information; the public is presented with non-scientifically substantiated information that does not correspond to the real state of affairs.

Economic measures of prevention depend on the socio-economic situation in the state and the level of financing of environmental protection activities by the state (Statistics and analytics. State of crime in the Russian Federation [Electronic resource]: Official website of the Ministry of Internal Affairs of Russia). These are the most acute and important issues in combating environmental crime, since most crimes and offenses in this area are committed for selfish motives and for personal gain. In order to apply these measures, it is necessary to toughen the existing system of penalties (penalization) and encourage organizations and enterprises for "green technologies" so that it would be more profitable for people to install treatment facilities and other elements of safe environmental infrastructure, rather than "pay penalties". At the same time, the state should work on the issue of providing incentives and loans to enterprises and organizations for the introduction of waste-free or low-waste, resource-saving installations, etc.

Speaking about the block of measures of technical character in the studied sphere, we note that they consist in the transition of enterprises and organizations to improved technological equipment, which is characterized by a minimum negative impact on the environment. Such measures include ensuring the reduction of production waste by means of non-waste production, conservation of natural resources, efficiency of purification (Ministry of Forestry, Environmental Protection and Nature Management of the Samara Region [Electronic resource]: Official site of the Ministry of Nature of the Samara Region). It is well known that the above-mentioned set of measures is quite closely related to the economic one, since new technically high-quality equipment has a high cost. We believe that the state should support and encourage enterprises and organizations financially to introduce such technologies into production processes.

Social measures to prevent crimes in the field of environmental protection and natural resources use consist in carrying out a scientifically based comprehensive assessment of indicators of environmental, socio-economic and financial condition of different regions of the country. Since, it will allow to identify the territories with low indicators of socio-economic provision.

After identifying them, it is necessary to apply measures to implement differentiated and comprehensive socio-economic programs and national projects. They should be aimed at solving acute socially significant problems, such as providing employment, creating a sufficient number of jobs, etc. [5]

A special emphasis is put on a set of measures of legal nature, which can act as an effective regulator of relations between society and nature, taking into account ensuring the interests of man and the natural environment, without losing the balance between them. Normative-legal acts already influence human consciousness and actions and have preventive and deterrent properties and components. However, the effectiveness of the legal measure of prevention depends on the correct application of specific legal prescriptions and their content.

5 Conclusions

Positive effect from the above-mentioned measures can be achieved as a result of publicizing law enforcement practice on crimes and offenses in the field of environmental protection and nature management.

Thus, improvement and revision of the basics of administrative, criminal and environmental legislation is one of the priority directions of activity in the field of state and legislative construction in the issues of environmental security of the state. First of all, it is necessary to harmonize all discrepancies and gaps in environmental legislation. It is expedient to toughen the penalties for committing the most common crimes and offenses in the studied sphere, as well as to provide at the legislative level changes and grounds, under which favorable conditions will be created for increasing the effectiveness of preventive measures in relation to environmental protection and nature management.

To summarize, we can say that all the previously considered measures for the prevention of environmental crimes and offenses are interrelated with each other. Their value lies not only in their ability to ensure the reduction of quantitative and qualitative indicators of national crime in this segment, but also in the reduction of negative consequences for the natural environment and human health.

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