

Negative impact on environmental security: review of the main causes

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Abstract. The subject of the study is the peculiarities of ensuring environmental security in the context of countering environmental crime. Effective counteraction to it is impossible in the absence of detailed data on the causes of environmental crime. Modern domestic concepts of the determination of criminal behavior are characterized by some diversity, although in general they are based on the analysis of the social complex of causes of crime. Scientists differentiate the established approaches into three groups, isolated depending on whether the determinants are centered on social processes, subjective causes or biological properties of the criminal's personality. Environmental crime has a number of features, and both general and specific determinants may underlie the genesis of criminal behavior. Due to the use of a wide range of general scientific methods (first of all, content analysis and instrumental analysis), the authors substantiate the conclusion about the selfish nature of environmental crime. As a consequence, it is stated that the main criminal threat to environmental security are acts of socially dangerous behavior committed against natural resources and aimed at their illegal trafficking. Damage to the natural environment in most cases is not perceived by the perpetrators acting for personal enrichment. Other types of environmental crimes are associated with improper fulfillment of obligations by economic entities in the field of environmentally safe operation of industrial and other facilities and occupy a negligible share in the overall structure of environmental crime. As a result, the determinants of criminal behavior are based on such factors as the demand for natural resource products and the marginalization of a part of the population living in economically depressed but resource-rich regions of Russia.

1 Introduction

Environmental crimes have appeared in the structure of crime relatively recently, indirectly their global causes are anthropogenic activity (contradictions arising from the interaction of people and nature) and scientific and technological progress [1], which is inevitable and excludes the possibility for complete neutralization of environmental crime. At the same time, the problems of environmental safety, reproduction of natural resources, creation and

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maintenance of a favorable environment the international community has become interested in the modern period quite actively, and these efforts have led to the fact that the ecological safety of the production process and manufactured products has become an actual and demanded trend of modern economic activity. Further popularization of environmentally friendly technologies and their active introduction into economic activity have the potential to reduce the negative impact of anthropogenic activity on the environment and its role in determining environmental crime. In Russia, such practice is hampered by economic considerations (introduction of environmentally friendly technologies is an expensive process), and partly by certain political circumstances (including sanctions confrontation with a number of foreign countries, including restrictions on supplies of various goods and equipment). At the same time, the equipment of many industrially important facilities that make a significant contribution to the development of the national economy remains insufficiently compliant with the latest environmental standards.

2 Materials and methods

The state of environmental crime in the state is determined by a number of factors and circumstances of various genesis, the impact of which determines its transformation and adaptation to the conditions of current anthropogenic impact on the environment. With regard to the determination of environmental crime in the scientific literature, the following approaches have been formed: by virtue of the first, it is a criminological concept that explains the main causes and conditions of environmental crimes [2]; by virtue of the latter, it is determined by the structure of standard causes applicable to any other type of crime (general, special criminological and factors that cause the commission of a separate crime) [3]. Both hypotheses are not without flaws, as the first one is based on obvious parameters (the presence of a scientific concept in order to explain the determination of the phenomenon is quite logical, but in no way reveals the complex of causes and factors that explain the features of the phenomenon, i.e., it is applicable to the cognition of any component of social reality), and the second one characterizes the basic approach that explains the origin of crime as a negative social phenomenon and its modification under the influence of various processes occurring in real reality. More reasonable is the judgment stating that "economic, social, political, spiritual and legal causes and conditions of environmental crime should be considered through the signs of environmental crisis, which are: uneven demographic changes (demographic explosion and demographic decline) in certain territories and countries; urbanization of the population; scientific and technological progress; irrational agricultural production; destruction of the forest fund; economic activities with the use of natural resources; the destruction of the forest fund; the destruction of the forest fund; and the destruction of the ecological crisis". [4].

3 Background

The basic determinants of environmental crime in the modern period are:

- the established mechanism of economic relations based on the exploitation of natural resources in the absence of completed technological modernization - as a result, various emergency situations negatively affecting the quality of the natural environment become possible;
- demand for natural resource products (timber, amber, fish, aquatic and other animals, parts of their bodies and derivatives) - determines the prospects of their illegal harvesting and active formation of marketing chains, determining the organizational trends of modern environmental crime; in addition, the long-term development of the legal economy with the

priority of natural resource extraction has caused the actual secondary importance of compliance with environmental requirements and the priority of increasing the rate and volume of extraction without taking them into account;

- lack of a developed system of social elevators, which hinders the socialization of part of the population living in economically depressed regions and contributes to their involvement as perpetrators in the commission of the most common environmental crimes.

In connection with the above-mentioned circumstances, the elements of crimes under papers 256, 258, 258.1 and 260 of the Criminal Code of the Russian Federation characterize 94-96% of registered environmental crime, and their number remains relatively stable (Table 1). The dominance in the structure of environmental crime of acts related to the withdrawal of natural resources calls into question its focus on causing harm to nature and indicates that it is closely correlated with the selfish satisfaction of other needs. The most widespread acts not related to the withdrawal of natural resources are represented by the crimes provided for by Art. 250-252, 254, 261, 262 of the Criminal Code of the Russian Federation, the total number of which annually does not exceed 1,000.

Table 1. Information on the status of convictions for environmental crimes.

Paper of chapter 26 of the RF CC	Number of convicts		Fine		Correctional or compulsory labor		Deprivation of liberty or other punishment with application of Art. 73 of the CC	
	2019	2020	2019	2020	2019	2020	2019	2020
246	5	6	2	5	---	1	3	---
247	11	6	8	4	---	---	3	2
250	2	2	1	2	1	---	---	---
251	1	2	1	---	---	---	---	---
253	12	11	12	11	---	---	---	---
254	2	6	1	5	---	---	1	1
255	1	11	---	2	---	9	---	---
256	2237	2228	337	377	1007	976	733	792
258	338	255	110	84	57	29	157	113
258.1	242	240	1	6	151	116	72	105
260	3295	2493	290	236	533	411	2054	1623
261	38	30	1	1	19	16	16	13
262	2	9	2	2	1	4	---	2
итого	5332	4787	766	735	1669	1561	3039	2651

Thus, modern determinants are qualitatively different from the primary ones that influenced the state of environmental crime in previous socio-economic formations. This is due to the progressive social development and a wide range of circumstances that have a negative impact on the state of protection of environmental interests of society [5].

It is necessary to pay attention to the private determinants that have an impact on it in the conditions of the current Russian mechanism of public administration and nature management. The presence of such determinants can be stated only in relation to the current environmental situation, although they have certain historical roots [6, 7].

In the considered context, it is necessary to emphasize such a circumstance as improper performance of official duties. It is relevant to the determination of criminal behavior, directly determining certain types of environmental crimes, as well as to such factors as control over compliance with mandatory requirements established in the field of environmental management, as well as actions in natural and man-made emergencies [8-10].

4 Results

In the structure of environmental crimes, a number of acts are associated with violations committed by officials (or persons with a corresponding official position in commercial and other organizations) in the performance of duties related to the safe operation of industrial and other facilities. For example, Article 246 of the Criminal Code of the Russian Federation links the onset of criminal liability with improper fulfillment of obligations to comply with the rules of environmental protection in the design, location, construction, commissioning and operation of industrial, agricultural, scientific and other facilities. Persons authorized to perform such duties are both officials of state bodies and employees of commercial and other organizations involved in the processes of anthropogenic impact, the types of which are listed in the disposition of Article 246 of the Criminal Code of the Russian Federation. Their inaction or actions related to the deviation from the established order do not entail unconditional criminal liability, but they are the circumstances that determine the part of environmental crime, which is associated with the legal use of natural resources.

Further, the resource orientation of the economy in the context of determining environmental crime, which developed in the Soviet period, is aggravated by the fact that officials of state corporations, being authorized to exercise control over compliance with environmental rules in the conduct of economic activities, in practice express interest in increasing the profitability of production and the amount of profit, leaving environmental components outside the control. Nihilism in relation to rational and careful use of natural resources determines the segment of environmental crime, which is associated with the depletion of natural resources, pollution and other consequences, potentially causing harm to the health and lives of citizens. This practice originated quite a long time ago, and its "traces" were reflected in many events with distant consequences (for example, the environmental catastrophe in the Aral Sea, already mentioned above, was a consequence of poor control over the expansion of territories where cotton farming, a lucrative economic sector in the Central Asian Soviet republics, was being developed). Today, similar phenomena are taking place in various Russian regions where profitable mining enterprises are concentrated (for example, in 2020, negligence and other malpractice became the subject of legal assessment in a criminal investigation into a diesel fuel leak at the thermal power plant of one of Norilsk Nickel's structures).

Guided by selfish motives, they take measures to conceal environmental crimes and violations committed by business entities, making them aware of impunity and thus provoking the continuation of criminal activities. In other cases, improper performance of official duties may not be related to corrupt activities, but may have similar consequences. For example, in September 2021, the Tobolsk City Court (Tyumen Region) passed a sentence under part 1 of Article 293 of the Criminal Code of the Russian Federation against the ex-head of the Tobolsk administrative district, who was found guilty of not preventing a commercial firm from using a part of a specially protected natural area (reserve) to store extracted sand. Despite the extra large damage - more than 2.3 billion rubles, the defendant was released from punishment due to the expiration of the statute of limitations. Such a loyal attitude of the judicial and law enforcement system to the revealed facts of official "environmental" crime does not contribute to its reduction and indirectly determines further unsatisfactory fulfillment of control duties and authority.

In the structure of circumstances determining modern environmental crime, it is necessary to single out political decisions, the realization of which may entail its negative dynamics. For example, Rosatom's activities aimed at reprocessing spent nuclear fuel have a certain support from the state. At the same time, the import of some waste that does not

pose a radiation hazard was resumed in 2019. According to official statements by representatives of the state corporation, it possesses advanced environmentally friendly technology, the introduction of which by 2080 will make it possible to completely eliminate large stocks of depleted uranium hexafluoride at Russian landfills. However, the long-term nature of the program and serious criticism from domestic and foreign environmental organizations somewhat reduce confidence in its safety. In addition, the activities of nuclear power facilities are inherently hazardous, so their additional activation with the involvement of raw materials from abroad may potentially entail environmentally adverse consequences, including those of a criminal nature.

5 Conclusions

The incompleteness of legal regulation determines environmental crime both in the direction of artificial latency and impunity of persons committing environmental crimes. In the modern period, what is important is not so much its "gap" aspect, due to which the criminal-legal assessment was objectively impossible until the basic legislation containing environmental regulations was formed, but rather the slow pace of rule-making activity, which does not contribute to improving the protection of environmental interests of society. Since many corpus delicti of environmental crimes are contained in blanket dispositions of legal norms, the state of environmental legislation indirectly determines the state of environmental crime.

The mentioned circumstances determine the current environmental crime in Russia, supplementing the impact of the basic causes, factors and conditions and preventing the formation of a full-fledged mechanism of counteraction with the integrated use of various legal tools.

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