

On the possibility of improving the effectiveness of the investigation of environmental crimes

Petr Lang^{1*}

¹Samara State University of Economics, Samara, Russia

Abstract: In this article an analysis of the provisions of modern criminalistic doctrine on the issues of methodology of investigation of environmental crimes is given. Opinions and approaches of domestic specialists in the field of sciences of criminalistic cycle are studied, the range of significant applied problems on the stated subject is outlined, and a set of measures for their resolution is developed, taking into account the specifics of law enforcement practice over the past few years. The main purpose of the research is a complex and comprehensive study of the provisions of domestic and foreign legal doctrine on the issues of improving the methods of investigation of environmental crimes at the present stage. The author of the paper used a very wide range of methods of scientific research, which allowed to formulate reasonable conclusions. Theoretical significance of the research results consists in the possibility of their use in the course of further scientific developments on the subject stated. Key words: ecology, environmental crimes, environment, crime, investigation of environmental crimes.

1 Introduction

The main attention in the problems and opportunities to improve the effectiveness of investigation of environmental crimes should be paid to the legally established responsibility for violation of environmental requirements.

There are several types of liability for violation of environmental legislation (administrative, criminal, property, disciplinary), their correlation with environmental crimes depends on the degree of their public danger of the damage caused [1, 2].

As a rule, as a result of committing environmental crimes, grave consequences arise as harm is caused not only to the economy of the state but also to the entire society.

2 Methods and Materials

In preparing this study, the author used a very wide range of methods of scientific research, typical for this type of research work. The methods of analysis, synthesis, induction,

* Corresponding author: petr.lang@mail.ru

deduction, systematic, historical-legal and other methods were actively used. Such a wide range of used research methods allowed the author to develop an algorithm for solving the problems posed, taking into account the requirements of the present day.

The presented range of scientific research methods used in the study part allowed the author to formulate a list of valid conclusions and outcomes of the research.

3 Results

The resolution of applied problems of the methodology of investigation of environmental crimes is possible through:

- improving the activities of the investigator and interrogator, continuous improvement of knowledge in the field of environmental legislation;
- introducing amendments and additions to domestic criminal legislation in terms of establishing legal liability for unauthorized actions with natural components (seizure of land, extraction of water resources, flora and fauna, etc.), regardless of the damage caused, since its amount is often laborious to determine;
- toughening criminal liability for environmental offenses, since these acts cause harm not only to the environment, but also to public health, which is also an independent object of criminal law protection.
- establishing requirements for mandatory environmental impact assessment for all large operating and projected enterprises;
- conducting work with the population on the prevention of environmental crimes and offenses;
- development of basic recommendations for the investigation of frequently committed environmental crimes, expansion of methods and techniques of preliminary investigation and investigative actions, and development of methodological support for their production;
- establishing specialized institutions or departments with employees who will specialize in solving environmental crimes;
- developing special programs for forecasting environmental offenses and crimes through monitoring and automated surveillance systems;
- educational work with enterprises and organizations in the field of ecology, to improve the education and environmental culture of officials;
- prohibition of the circulation of natural resources that are in danger of extinction and careful monitoring of their condition;
- introduction of state incentive bonuses for strict implementation of environmental legislation, both for ordinary citizens and workers, and for government officials;
- regular monitoring (organization of raids by both public movements and law enforcement agencies) of habitats of valuable water, forest and animal resources and possible locations of environmental crimes for their timely detection or suppression.

Summarizing the aforesaid we note that the proposed measures to improve the provisions of the methodology of investigation of environmental crimes are the embodiment of the author's subjective view, which, of course, is not a basis for leveling the existing in the legal doctrine opinions and positions on the issues considered in this research.

Special attention should be paid to the issues of integration of foreign experience in the construction of methodologies for the investigation of environmental crimes. However, the "full integration" of legal mechanisms for organizing the investigation of these crimes is not appropriate in this case, because the indicated approach can have a destructive impact on the activities of law enforcement agencies.

This state of affairs is determined by the fact that differentiated socio-economic and spiritual-moral formations prevail in different states, which represent the life of society and

the state for specific periods of time. Thus, it seems possible to integrate certain components of the techniques of investigation of environmental crimes in "manual mode" with their subsequent adaptation to the "legal reality" of the Russian Federation.

To exclude the admissibility of the use of foreign methods and techniques of organizing the investigation of environmental crimes today is impossible for the following objective reasons. Thus, environmental crimes in the conditions of globalization and "technicalization" of the criminal world have features of international and transnational crimes, which ultimately determines the importance of the development at the interstate level of methods and techniques of organization and planning of investigation, forming certain provisions of criminalistic methodology.

In conclusion, it should be noted that environmental crimes, occupying an insignificant place in the system of qualitative indicators of national crime, entail the occurrence of significant consequences of their commission, which also determines the relevance of the selected topic of research in the foreseeable future and the importance of the development of the latest components of forensic methodology of their investigation.

4 Discussion

The stage of preliminary investigation of environmental crimes should consist of certain specific actions that allow to quickly and effectively identify guilty persons. However, complex situations arise here, as it is necessary to sort out the problematic issues that should be addressed in the first place [3, 4].

For this purpose, it is necessary to determine the possibility of the occurrence of negative consequences due to natural causes. However, the process of investigation of environmental crimes will be effective only if the investigative and operative-search bodies will timely and with a comprehensive approach (with the participation of experts, specialists and others) identify the facts of committing offenses in the field of environmental protection [5, 6].

The main problematic issues arising in the preliminary investigation of environmental crimes should include:

1) Lack of special technical equipment. This problem is also caused by the lack of specialized knowledge of the officials who carry out the inspection of the scene. Often officials are not aware of any subtleties of environmental legislation at all. Effective investigation of such crimes requires the use of quality equipment to detect or prevent criminal acts (omissions). Such equipment is necessary for the implementation of operational-search activities, detection of the fact of committing a criminal act (identification of the fire center, etc.). Quite often, failure to solve this problem leads to refusal to initiate criminal proceedings for lack of any confirmed information about the crime (grounds).

2) Failure to make a decision to initiate criminal proceedings is one of the key problems of preliminary investigation. Investigative authorities are not always able to initiate criminal proceedings or refuse to initiate criminal proceedings due to lack of proper expertise and lack of expert opinion. Because of this, the investigation process can be delayed for a long time, which affects the effectiveness of detection and investigation of the criminal case [7]. During the time of conducting and appointing an expert examination, physical evidence may disappear under the influence of natural (or artificial) forces.

3) Inability to determine the causal relationship between the committed act and its consequences, as well as the amount of harm caused. The difficulty lies in the fact that in a short period of time it is difficult for the investigating authorities to determine the specific victims and the real scale of the spread of the consequences of environmental crimes. It is also difficult to calculate the economic damage caused to the natural environment.

4) Delayed receipt of reports and statements on environmental crimes. This is one of the main problems of preliminary investigation. When reports are received after a long period of time, many traces and evidence are erased under the influence of natural and anthropogenic factors, making it very difficult to investigate crimes.

5) Absence of crime victim. In environmental crimes most often there is no victim of crime - a person who actually suffered moral, physical, property damage from the acts of another person [8]. For example, in the case of illegal deforestation, extraction of water and animal resources, harm is caused to the entire environment, not to a particular person.

6) Lack of special structural subdivisions of law enforcement agencies for prevention, prophylaxis, investigation and disclosure of facts about environmental violations, which may or do have a negative impact, in order to quickly respond and productively investigate and combat crimes in the field of ecology.

The listed problematic issues cannot be considered exhaustive. However, it can be unequivocally concluded that each highlighted problem is related to another or, as a consequence, derives from another problem [9].

Considering the problem of integration of foreign experience in relation to the research topic, the author of the publication, based on the opinions and approaches of domestic and foreign researchers [10, 11] believes it necessary to note the following. Foreign experience of building models of forensic techniques of investigation of environmental crimes can be useful for domestic law enforcement agencies in terms of the use of certain technical and forensic means that allow timely recording of criminally significant information, which will ultimately contribute to the speedy investigation of a particular criminal case.

It is appropriate the statement of the famous Russian scientist R.S. Belkin, who noted the special importance of initial investigative actions in his research, in particular, the inspection of the scene, the effectiveness of which largely determines the success of the entire investigation [12, 13].

Thus, the use of foreign components of the methodology of investigation of environmental crimes is certainly a commonplace of the modern developmental stage of society and the state. Accumulation of accumulated domestic and foreign empirical experience will allow to develop highly effective ways and means of investigation of environmental crimes, which will ultimately reduce the level of latency of the considered group of crimes and ensure the realization of prompt and effective investigation of environmental crimes.

5 Conclusions

Of crucial importance in increasing the effectiveness of preliminary investigation of environmental crimes are restrictive actions of risk-oriented spheres of human activity (in particular, mining, metallurgical, energy and other industries) and elimination of contradictions between nature and society on the basis of well-calculated, scientifically grounded economic and legal measures [14, 15]. This will minimize the negative harm and consequences of environmental crimes, preserve a quality environment for the growing and future population of the country and restore the balance between society and nature.

Thus, there are many certain interrelated problems in the preliminary investigation of environmental crimes that need to be solved already now.

References

1. E.A. Korshunova, A.S. Lukomskaya, Vestnik of Udmurt University. Series "Economics and Law". - Udmurtia, **3**. 121-129 (2017)

2. F.N. Mukhambetov, Illegal extraction and turnover of aquatic biological resources: criminal-legal and criminological aspects: auth. Cand. jurisprudence: 12.00.08 / F.N. Mukhambetov. (Kaliningrad, 2022)
3. A. G. Bezverkhov, Yu. S. Norvartyan, Journal of Siberian Federal University. Humanities and Social Sciences **12**, 3. 325-342 (2019). DOI 10.17516/1997-1370-0397
4. B.B. Tangiev, Citizen and Law **6**. 42-59 (2011)
5. M. A. Ipek-Artamonova, A. G. Bezverkhov, V. S. Korostelev. The correlation of environmental crimes and administrative offenses in the field of environmental protection (Samara: Samara Humanitarian Academy, 2015)
6. J.I. Gilinsky. Criminologist. **1 (38)**. 3-7 (2022)
7. E. Ucar, A. Staer. Journal of Business Research **116**, 2. 266-282 (2020) DOI 10.1016/j.jbusres.2020.05.012
8. I.V. Popov, Crimes against the natural environment: theoretical foundations and practice of application of the norms of Chapter 26 of the Criminal Code of the Russian Federation (Moscow: Yurlitinform, 2015)
9. Y. V. Mokretsov, Environmental law. General part [Text]: textbook /Federal Penitentiary Service, Vologda Institute of Law and Economics. (Vologda: Vologda Institute of Law and Economics of the Federal Service for the Execution of Punishments, 2020)
10. H. Matsuda, Ecological Risk Management: for Conservation Biology and Ecotoxicology (Berlin: Springer, 2021)
11. T. Rume, S.M. Didar-Ul Islam. Heliyon **6**, 9. 49-65 (2020) DOI 10.1016/j.heliyon.2020.e04965
12. R.S. Belkin, The course of criminalistics. Textbook for universities in 3 volumes. (3rd edition, supplemented, 2001)
13. N.I. Kuznetsova, Vestnik of the Omsk Law Academy **15**, 1. 64-69 (2018) DOI 10.19073/2306-1340-2018-15-1-64-69
14. M. Avolio. Ecological Monographs **88**, 2. 259-276 (2018) DOI 10.1002/ecm.1290
15. N.A. Lopashenko, Ecological crimes: criminal-legal analysis (Moscow : Yurlitin-form, 2017)