

Environmental legal culture legislative consolidation methodology in the Russian Federation

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Abstract. Research on the formation of environmental legal culture in modern science requires not only theoretical justification, but more importantly, practical principles of building sustainable relations between man, society and the environment. In this direction, the development of national environmental policy is based on the support of environmentally significant activities of the state and society through competent legal regulation, educational activity, modernization of the system of moral and ethical guidelines and elaboration of existing legislative standards. The basic principle in this area is the consolidation of the foundations of environmental and legal culture at all levels of state regulation in order to modernize environmental policy in Russia in the direction of legal awareness of citizens, social equality and priority solution of environmental problems.

1 Introduction

The integration of environmental concepts into various spheres of activity of the state and population implies the formation of a complex environmental legal system regulating political, economic and social processes.

In the social aspect, one of the most important elements of environmental safety is the dissemination of environmental culture and its incorporation into the public worldview and national mentality of citizens [1].

In the context of economic development, environmental and legal culture intensifies the process of ecologization of economic structures, regulating the conditions of nature management, technological equipment and humanization of productive processes [2].

The implementation of environmental policy on the territory of the Russian Federation is deeply connected with the system of implementation of environmental legal culture. However, at the level of state regulation, the perception of environmental relations as secondary and insignificant hinders the formation of global environmental legal culture, despite the multiple innovative achievements in the field of sustainable development.

The main gap in maintaining environmental safety in Russia at the moment is the lack of a full-fledged legislative consolidation of the environmental legal culture formation concept.

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Current regulatory sources emphasize environmental education and enlightenment, responsible for the dissemination of knowledge about ecology, nature management and environmental protection. However, as practice shows, theoretical foundations do not ensure the achievement of environmental awareness and applicable in reality skills or abilities to maintain nature.

In this regard, the purpose of the research is to determine the methodological basis for the legislative consolidation of the principles of formation of environmental legal culture.

The realization of the set goal implies the solution of a number of research objectives:

1. Identification of the most complete definition of the concept of "environmental legal culture";

2. Studying the mechanisms of formation of environmental legal culture and its global dissemination;

3. Distribution of methodological mechanisms of implementation of the basics of environmental legal culture by levels of organization, planning and implementation in the field of modernization of environmental policy of the Russian Federation.

Determination of mechanisms of state management in the sphere of environmental protection and formation of environmental awareness of citizens is aimed at the development of effective national and regional programs, clear definition of legal competencies, coordination of the work of management structures and the population [3], as well as building functional environmental legal values and beliefs, which together will contribute to improving the effectiveness of environmental policy of the country.

2 Methods and Materials

The study of legal mechanisms for the formation of environmental culture is becoming increasingly relevant in the context of limited environmental perspectives around the world. The significance of the aggravation of a number of environmental problems leads to the research of relevant scientific hypotheses and provisions at the interdisciplinary level.

The analysis of scientific and doctrinal approaches to the definition of the concept of environmental legal culture confirms the inconsistency of conceptual ideas and interpretations. Thus, A.V. Urakova means under this term the state of personal and public consciousness characterized by the accordance of the solution of environmental problems in compliance with legal norms. Ecological and legal culture forms the quality of these norms, their dissemination and understanding in society, as well as the readiness of citizens to defend their environmental rights and fulfill environmental responsibilities [4].

In this direction X. Zheng, R. Want and A.Y. Hoekstra distinguish two levels of environmental legal culture: entitlement and functional. The first level forms a set of environmental values, beliefs, requirements and norms, with the help of which the behavioral framework is rooted in the consciousness of citizens; the second level involves the practical application of this system through personal responsibility, ecological production, reasonable consumption of resources, etc. [5].

S.I. Kodaneva confirms this idea by the need to develop legal mechanisms for the formation of legal culture, based not only on the educational process, but also on their legislative fixation [6].

The analysis and structuring of foreign experience explains the significance of the process of "ecologization" in the general system of law. Zh. Mingzhe uses this term to denote agenda that refutes the artificial boundaries that the modernization process has created between law, politics and science in the conditions of internal and external environmental relations [7].

Systematization methods, which include convergence and integration of divergent approaches and concepts, are focused on the continuity of positive experience of greening legislation in order to optimize modern environmental solutions.

The application of the method of constitutional taxonomy allows building a hierarchical structure of environmental legal norms and step-by-step implementation of environmental culture in the process of state regulation, taking into account regional and national vectors of environmental policy development.

3 Research Results

In the context of international recognition of environmental legal culture, it is possible to affirm the independence of this phenomenon, which arises at the intersection of various scientific disciplines: law, ecology, sociology, pedagogy, philosophy, culture studies etc.

In the process of transformation of political, social, economic and legal relations in the direction of sustainable development and ecologization, the changing presumptions of citizens' behavior, their integrity and legal consciousness consolidated in a number of normative documents are revealed: UN Stockholm Declaration on Environmental Problems, Paris Agreement on Climate Change, Constitutional requirements of the Russian Federation, Civil Code of the Russian Federation and many others. However, the definition of theoretical objectives of forming the appropriate level of environmental legal culture is not enough to solve environmental problems.

At the same time, the efforts of state regulation can achieve success only in case of consolidation with the scientific community and support of citizens.

To achieve the set goals, first of all, it is necessary to fully substantiate the concept of environmental legal culture, which includes several components:

1. System of public values, moral and ethical norms, behavioral patterns and ways of interaction of people with the environment;
2. Environmental education, forming environmental literacy and awareness for the purpose of practical realization of knowledge and skills of citizens in the field of maintenance and protection of nature;
3. Legal regulation of the relationship between man, society and the environment within the framework of systemic assessment of knowledge, skills and legislative norms regulating these relations [8].

As researchers note, environmental legal culture has 3 basic states: subject's awareness of environmental laws, practical activity aimed at their legal fulfillment and achievement of environmental results [9].

Based on the above, we can generalize that environmental legal culture implies the maintenance of environmentally significant activities of individual, public and professional nature on the part of state regulation, educational systems and sustainable social consciousness, as well as by maintaining the quality of legislative standards in the field of environmental policy.

In the direction of formation and widespread dissemination of environmental legal culture, it is important to take into account the duration and complexity of this process, the building of which has a hierarchical structure:

1. The legal consciousness of the family as a primary basis in respect of careful attitude to nature gives birth to the same reasonable interaction with the environment in the individual from a young age.
2. The educational system at all its levels is the second stage of development of eco-legal culture, and are of no less importance for the formation of eco-legal consciousness.
3. Familiarization and gradual study of legal disciplines related to environmental protection develop in the individual a holistic understanding and a correct system of environmental assessment.

4. Mass media as a powerful tool for developing environmental legal culture allows to disseminate environmental information, promote environmental awareness and form sustainable patterns of behavior [4].

5. Legal consolidation of the basics of environmental culture at all levels of legislative regulation.

The diversity and variability of methods of public administration in the environmental legal field form different options for systematization of the approaches under consideration. The first option implies technological reforms in the field of sustainable development, clean production, redistribution of environmental activities, etc., which affects to a greater extent the greening of the existing system and does not affect social institutions and legislative regulation. The second option requires deep social changes in the field of transformation of social values, restructuring of consciousness and transition to a global ecological mentality [9]. The third option concerns modernization of lawmaking and law enforcement structures in order to complement and elaborate traditional approaches used in state regulation, education, medicine and legal education. In this context, it is necessary to identify fundamentally new environmental threats (environmental terrorism, hydrometeorological risks, the impact of nanotechnology on the environment and human health [10]) and pay specific attention to environmental awareness and consciousness at the level of institutional regulation.

Understanding the significance of environmental legal culture and the consistency of its realization depends on the integration of the above-mentioned approaches that combine ethical, moral, legal and regulatory structures.

Legislative improvement of the environmental legal system should begin with the greening of the primary branches of law that form the foundation of the entire legal system (civil, administrative and criminal law).

In modern realities, the section of environmental law is usually referred to secondary branches, but as the research results show, the issues of environmental protection are inextricably linked with all areas of the legal system, which gives us the possibility to consider the concept of environmental legal regulation as a sub-branch, integrating the norms, function and principles of traditional branches of law.

In domestic legislation, the system-forming core is the Law on Environmental Protection, in relation to which the Civil and Administrative Codes function in isolation and fragmented, in connection with which we propose to make a number of adjustments and additions to the current requirements, taking into account the environmental legal specificity of relations between man, society and nature in order to ensure the effective implementation of environmental protection measures.

The implementation of environmental legal norms in other sections of Russian legislation means that the requirements of environmental legislation regulating property and non-property relations, internal and external organizational and regulatory processes, systems of punitive measures, etc., should correspond to similar provisions of the primary branches of law.

On this basis, the introduction of legislative changes will help to eliminate legal gaps in the field of environmental regulation and will contribute to the harmonization of the functions of civil, administrative, criminal and environmental codes.

Methodological principles of spreading environmental legal culture in the territory of the Russian Federation also imply the coordination of educational processes with the system of training at the level of state regulation. Arrangement of environmental legal values in the minds of citizens should be supported not only by theoretical knowledge, but by effective examples of conscious behavior in honesty on the part of representatives of the authorities and bureaucracy, which implies strict execution of established legal norms on the part of management structures and state representatives.

Both in social structures and in professional activities it is necessary to develop a set of stimulating and encouraging measures aimed at motivating environmentally conscious behavior and voluntary participation in the process of maintaining the environment.

Public involvement in the organization and implementation of environmental policy will contribute to the embedding of environmental legal culture in the national mentality, which can be achieved through permanent notification of citizens about current projects and changes in legislation in the field of environmental protection, free access to environmental information and relevant data, as well as the attention of the authorities to the degree of satisfaction of the population with the state of the environment [4].

Thus, the integrated impact at the level of the entire system of environmental regulation (public administration, legal support, citizen support, education and awareness, development of moral and ethical values) will modernize Russia's environmental policy and accentuate the problems of environmental protection.

4 Discussion and Conclusions

The research conducted on the methodological foundations for the formation of environmental legal culture in Russia shows insufficient accordance of the objectives of environmental policy with the mechanisms of legal regulation and environmental awareness of citizens.

In this context, the consideration of domestic legislation on the subject of ecologization is an effort to justify the process of generalization of law in order to refute legal concepts as a simple set of rules that form the boundaries between society and nature.

The system of legislative consolidation of environmental legal culture extends to all primary branches and sections of law and entails a more pragmatic, consistent and society-oriented policy [7].

Developing a new worldview philosophy of environmental consciousness, we talk about modern methods of environmental culture development. Traditional mechanisms of public administration in the sphere of environmental legal culture are based, as a rule, on legal stimulation and coercion of a person and social groups to environmentally oriented behavior [11]. While the priority methods are voluntary participation of citizens in environmentally significant activities, involvement of different segments of the population in the decision-making process and meaningful development of environmental projects.

Consideration of legal norms from the point of view of ecologization changes the direction of domestic law and interprets it towards individual autonomy, social equality and conscious environmental protection [7].

Consequently, the improvement of environmental legislation is one of the main objectives of modernity, due to the ongoing environmental crisis, climate change and lack of awareness of citizens in relation to environmental problems.

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