

The state of modern environmental law in the Russian Federation

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Abstract: The article analyses the provisions of domestic legislation and legal doctrine on the issues of formation and development of the branch of environmental law in Russia. Opinions and approaches of domestic specialists are studied, significant problems of theoretical and applied nature on the stated subject are presented, as well as ways to solve them in the foreseeable future, taking into account the requirements of today. The research is aimed at developing measures to eliminate theoretical problems in the sphere of modern environmental law. The use of a wide range of research methods contributed to the achievement of substantiated results. Key words: environmental law, ecology, environmental legal relations, law, legislation.

1 Introduction

Modern legal doctrine is characterized by the presence of a variety of approaches and opinions regarding the system and the subject of normative-legal regulation in the field of environmental legal relations. Researchers and practitioners note that the current state of environmental law contains the basic "prerequisites" for its designation as an independent branch of national law. However, some authors still note the insufficient level of its theoretical development. In this regard, the issues of genesis of environmental law remain relevant.

Basically, insufficiently developed in the doctrinal plane are the issues of functional significance of the main directions of environmental protection and use of natural resources. At the same time, conceptual issues of the functions of modern environmental law and their connection with the process of ecologization of national legislation, through its systematization and bringing it in accordance with universally recognized norms and principles, in the conditions of the effect of permanence of science and technology development need additional research.

The analysis of doctrinal sources also allows us to state the presence of significant contradictions in the issues of the content of the subject of environmental law.

Thus, modern environmental law is a rather "young" branch of law, which, to a large extent, predetermines the relevance of further scientific developments on the issues of its development in the foreseen future [1, 13].

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Analysis of the provisions of foreign doctrinal sources shows that the problem of systematisation and codification of the foundations of environmental legislation is not exclusive for the domestic legislator. For instance, in the national legislation of the United States of America (hereinafter - the USA), environmental legal prescriptions are scattered in various normative-legal documents of differentiated force, which, of course, burdens their application in practice, even in a decentralized legal system. A similar situation is characteristic of most states of the Anglo-Saxon legal system.

Representatives of the legal doctrine explain this problematic by the relatively recent formation of the named branch of law as an independent and separate from others.

2 Materials and Methods

The author used a very wide range of methods of scientific research, including analysis, synthesis, induction, deduction and others.

Specific attention was paid to modern methods of cybernetic research, which involve the use of electronic computers in working with various databases.

These methods allowed to summarize the results of the study, formulate reasonable conclusions on the problems of development of environmental law of the Russian Federation.

3 Results

The main problems of modern environmental law should include:

- The absence of a codified legal document that would accommodate legal norms designed to regulate legal relations in the field of environmental protection and the use of natural resources;
- unsatisfactory state of scientific development of certain structural elements of the branch of environmental law, including the subject and functions;
- "blurred" ideas about certain categories of environmental law in terms of their correlation with related phenomena of other branches of national law;
- insufficient development of applied issues in the sphere of prevention, suppression and counteraction to environmental offenses and crimes.

The above list of problems is not exhaustive, as the investigated branch of national law is a novelty of the domestic legal system, which, of course, allows to state the presence of other problems directly related to its individual structural elements.

The following steps should be taken to resolve the stated problems:

First, it is reasonable to consider the issue of systematization and codification of environmental-legal norms by adopting an independent normative-legal document - the Environmental Code of the Russian Federation. The structure of the said normative-legal document should include substantive and procedural norms regulating environmental legal relations, as well as legal prescriptions defining the basic concepts, categories and phenomena constituting environmental legal relations. Norms on legal liability for committing environmental crimes and offences, due to the circumstances set out in the provisions of criminal and administrative legislation, cannot be placed in this legal document.

Second, it is necessary to strengthen doctrinal attention to specific problems of modern environmental law by creating various grants and competitions on the basis of well-known platforms that promote the popularization of 'green' research. A similar policy of stimulating environmental-legal research was carried out in a number of Western European states in 2016-2018.

It should be noted that the presented set of measures to resolve problems of a general nature is an embodiment of the author's subjective opinion.

4 Discussion

Considering the genesis of the national environmental law, we should agree with the opinion of a well-known domestic researcher F.M. Tulpanova, who in her works notes that environmental law acts as an independent discipline and is a specific category placed in the system of "doctrinal coordinates". Thus, national environmental law is presented as a phenomenon underlying the state's activity on the protection of the environment and natural resources. However, environmental legal relations, regulated by the norms of environmental legislation and being structural elements of the branch of law of the same name, are a very extensive doctrinal category, which covers a very wide range of legal phenomena, among which are:

- utilization of natural resources;
- environmental protection;
- protection of the environment and natural resources from unlawful encroachments.

In modern doctrinal sources the subject of environmental law refers to social relations that arise in the process of protection, defense and use of natural resources. These relations arise in conditions of close interaction between man and nature. Consequently, they can be called environmental or environmental-legal.

Among the main properties of environmental relations in the legal doctrine are [2, 14]:

- The presence of a specific subject composition, where, on the one hand, the participant of legal relations is the state in the person of state-public entities. For public authorities in the field of environmental legal relations is characterized by the presence of powers directly related to the protection of the environment and natural resources;
- ecological legal relations are closely connected with human activity in the sphere of production and use of basic material goods, in cases when natural resources are necessary for their production and use;
- the legal relations under study are in correlative connection with the socio-economic and spiritual-moral formations prevailing in society and the state.

Considering the methods of modern environmental law, authors and practitioners name the following:

- General scientific, allowing the subject to obtain truthful information about the state of the environment, the state of its protection and the level of fulfilment by specific subjects of the prescriptions of environmental legislation (prognostic method);
- methods arising from the spheres of administrative-legal and civil-law relations;
- the newest methods of ecologization, which presuppose the implementation of the general ecological approach to various categories and phenomena of the modern social structure.

The above allows us to state that modern environmental law is a set of homogeneous and interrelated legal norms, which are designed to regulate public relations in the sphere of natural resource use and environmental safety in society and the state. It should be noted that the norms of environmental law are also aimed at the protection of the environment and natural resources.

The judgment about the complex structure of national environmental law is determined by the fact that modern environmental law regulates the above-mentioned legal relations through the application of both its own "legal prescriptions" and those that are enshrined in the provisions of domestic administrative, civil and criminal legislation.

The sub-branches of modern environmental law in legal doctrine include:

- water law;
- air law;
- forest law;
- land law, etc.

It would not be wrong to assume that the improvement of these branches of law in general embodies the phenomenon of the process of ecologization of national legislation in the field of environmental protection and use of natural resources [3, 15].

In the provisions of modern legal doctrine there are very acute questions about modernization of the system of principles of national environmental law in the context of the process of integration of digital technologies in the life activity of society and man [4]. Undoubtedly, digital monitoring, the use of artificial intelligence and Big-Data technologies contribute to transparency and publicity of environmental legal activities of the state in the relevant area. However, at the same time, there is a need to reform the existing legal foundations.

The existing methods of extraction of environmental resources require special attention [5, 6]. Thus, continuous scientific and technological progress has led to the creation of 'safe' algorithms of work in the designated area, which, of course, entails the need to modernise the applied components of national environmental law.

K.V. Pitulko and P. Ermolaeva among the main problems of modern environmental law refer to the inadequate state of legal mechanisms ensuring environmental safety of the state, in particular, these authors note the insufficient level of development of the group of sanitary-hygienic norms. Their unsatisfactory state negatively affects the quality indicators of economic activity of economic entities, the emergence of certain risks to public health [7, 8].

V.Sh. Shaykhatdinov and M.S. Kurguzikov in their works touch upon the debatable issues of the moment when a person acquires basic environmental rights, the role of the right of each person to form and further develop the general institute of environmental rights for future generations [9, 10]. Modern environmental law is also characterised by a set of problems related to the normative-legal regulation of legal responsibility for committing environmental crimes and offences.

Thus, the provisions of domestic administrative and criminal legislation do not contain specific objective and subjective features of the relevant corpus delicti, which leads to a number of difficulties in the legal assessment of the offence by the law enforcer. At the same time, this problem leads to the formation of differentiated legal practice on identical acts. The author of the publication believes that the domestic legislator needs to consider the issue of specifying the constructive elements of 'environmental compositions' by establishing the conditions and criteria for the application of the relevant legal provisions.

Of specific interest for a wide range of people are the applied problems of strategic planning in the sphere of environmental activities, embodying the need to revise the content component of the management function in environmental-legal relations [11, 12].

The presented block of theoretical and applied problems in the legal doctrine is not exhaustive. Their resolution in the foreseeable future is one of the most important objectives of the state in the field of legislative construction.

5 Conclusions

Environmental law is one of the "young" branches of national law, which is characterized by a lot of theoretical and applied problems. Their solution in the foreseeable future is one of the priority directions of activity in the areas of legislative and state building.

The need to improve the foundations of environmental legislation is determined primarily by the constant development of science and technology, the introduction of the

latest mechanisms that make up the production processes, which are not always characterized by their own environmental friendliness, and at all, lead to environmental pollution.

The need to systematize the norms of environmental legislation, the adoption of a codified normative-legal document in the field under study is presented by the author as one of the main requirements of the modern stage of formation and development of the branch of law under study. Thus, the vector of development of environmental law should be focused on the ordering of legal provisions, the creation of a comprehensive legal document that will minimize the number of problematic issues in the system of environmental legislation.

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