

Discussion issues of state support for environmental entrepreneurship in the Russian Federation

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Abstract. The article analyzes the provisions of the domestic legal framework and legal doctrine on the controversial issues of legal regulation of state support of environmental entrepreneurship in the Russian Federation. The opinions and approaches of domestic and foreign researchers are studied, the vector of development of legal regulation in the above mentioned sphere is outlined, theoretical and applied problems are presented, as well as ways of their neutralization in the foreseeable future. Theoretical and practical significance of the achieved results consists in the possibility of their use in the course of further scientific development on the issues of normative-legal provision of state support of environmental entrepreneurship, as well as in the development of educational and methodological materials on the disciplines of the public-law cycle. The formulated results of the study embody the author's subjective view of the stated problems, which does not diminish the axiology of the research results of other authors. **Keywords:** environmental law, environmental entrepreneurship, environmental legislation, ecology, state support, legal regulation, business.

1 Introduction

The integration of market economy mechanisms into the life of society and the state, the departure from command-planned foundations, has led to the emergence of many spheres of activity, where environmental entrepreneurship is no exception [1]. Relative novelty in conjunction with the lack of a codified legal framework has determined the emergence of a number of difficulties directly related to the implementation of environmental business in the Russian Federation.

The main destructive factor affecting the above-mentioned sphere is the imperfection of mechanisms of legal regulation of state support [2]. The consequence of this is the formation of a number of applied problems, causing insufficient popularization of the mentioned sphere, ignoring the problems of ecology and environmental protection and so on.

Thus, the problem of normative-legal provision of state support for environmental entrepreneurship, after a long time since the adoption of conceptually new provisions of

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administrative, arbitration, civil and criminal legislation (both substantive and procedural), remains to this day.

In the framework of this study, the author has accumulated the accumulated theoretical and empirical material, identified problems of theoretical and applied nature, presented measures for their resolution in the foreseeable future, taking into account the requirements of the present day.

2 Materials and methods

During the preparation of this study the author used a very wide range of methods of scientific research, typical for this type of work. Among them: general scientific, private-scientific and special ones. The use of such methods as analysis, synthesis, induction, deduction, systematic, comparative, historical and legal, etc. contributed to the achievement of positive results in the work on accumulation of the accumulated theoretical and empirical material.

Modern methods of cybernetic research were used to work with program complexes containing various databases in open access.

3 Results

The main measures to improve the mechanisms of legal regulation of state support for environmental entrepreneurship should include:

First, strengthening the concept of “hard” regulatory and legal support by adopting a single codified regulatory and legal document containing legal norms regulating substantive and procedural aspects of state support for environmental entrepreneurship in the Russian Federation.

Secondly, it is necessary to reconsider the issue of criminalization and penalization of certain types of socially dangerous acts. It should be borne in mind that violations in the sphere of environmental legal relations can cause harm not only to the participants of the relevant legal relations, but also to the environment. As a rule, such harm can not always be “mitigated”, especially if we are talking about the application of only sanctions provided by the provisions of administrative and criminal legislation. In this regard, it is advisable to talk about the admissibility of the application of mechanisms of civil liability, which provide for compensation payments, through which the socially dangerous consequences are leveled.

Thirdly, it is necessary to pay attention to the practice of realization of state control and prosecutor's supervision in the investigated sphere. Prevention in this matter is able to ensure the reduction of quantitative and qualitative indicators of crime through long-term and fruitful work with the participants of environmental legal relations.

Thus, the state support of environmental entrepreneurship, as one of the most important areas of activity, is a vulnerable sphere in need of normative and legal transformations.

4 Discussion

Environmental entrepreneurship in the modern perception includes the following components:

- Development of ecological techniques;
- Integration of resource-saving technologies into production processes;
- Organization of production of environmentally friendly goods;
- Development of mechanisms for secondary processing and utilization of resources;

- Provision of ecological services;
- Integration of mechanisms of environmental upbringing and education.

Analyzing the provisions of the environmental-legal doctrine, we can conclude that the emergence of such a type (direction) of activity as state support of environmental entrepreneurship is largely associated with the transformation of socio-economic relations, the departure from the command (planned) economy [3, 4]. Today, environmental business is an independent cluster of the national economy, whose contribution to the economic component of the state is not insignificant. In particular, the development of ecological entrepreneurship contributes to the growth of investment attractiveness, the development of a careful attitude to the environment, and also contributes to the reduction of unemployment.

Some authors link the need for state support of ecological business with the leveling of certain aspects of human activity related to interaction with the environment [5, 6]. In this regard, state support of environmental entrepreneurship is designed to ensure the rational use of natural resources by economic entities.

In the provisions of legal doctrine, state management in the sphere of natural resources use is understood as a complex interrelated system of activities of public authorities to minimize the negative consequences of human impact on the environment in the context of economic processes [7].

In accordance with the provisions of Russian legislation, state support of environmental entrepreneurship involves the financing of environmental entrepreneurship subjects and the organization of state control and prosecutor's supervision over the activities of subjects of the above-mentioned activities.

The regulatory and legal basis for the above-mentioned activities of the state consists of the provisions of federal legislation and bylaws. In the absence of a single codified source, the norms governing the mechanisms of state support for environmental business, as well as other environmental legal relations, are scattered among various legal documents of differentiated legal force, which, of course, aggravates their application in objective reality.

Speaking about the specifics of environmental entrepreneurship in the Russian Federation, it should be noted that its distinctive feature is the dominance of natural-mining and exploiting industries [8]. In this regard, the main attempts of the legislator to regulate legal relations in the sphere of environmental entrepreneurship support, as a rule, were focused on the legalization of extraction of certain resources by various state enterprises and organizations.

In the absence of a tolerant attitude to the environment and specific normative-legal postulates defining the order of the relationship between man and the environment, the activities of resource extraction enterprises and organizations are associated with systemic environmental damage.

Relevant are the positions of researchers who note the positive impact of consumer support and their desire to receive a safe and clean product or service obtained without harming the environment. This attitude to the results of labor activity predetermines the producer's desire to carry out its own activities with minimization of production risks for the environment. However, it would be misleading to say that exclusively consumer requirements determine the production vector [9, 10]. Since, the integration of production mechanisms that are safe for the environment is the prerogative of the domestic legislator, who is able to establish a certain imperative that prohibits the participants of environmental legal relations to use unsafe forms and methods of realization of environmental entrepreneurship.

According to specialists in the field of environmental law, a positive impact on the sphere of activity under consideration is made by point attempts of the state to stimulate environmental entrepreneurship through the creation of specialized narrow-profile

budgetary and extra-budgetary funds, where monetary resources are provided to business entities on a competitive basis.

As statistical data show, over the last 15 years the above funds have managed to accumulate over 550 million rubles in cash. Subsequently, substantial support was provided to the largest environmental enterprises and organizations, some of which were brought out of “pre-bankruptcy”.

The main disadvantage of the state's “fund policy” in the area of environmental business support is the rather high degree of corruption of certain subjects of state-public activity, the lack of “transparency” in the expenditure of fund resources, and the fact that financial support is not always provided to “really” needy participants in environmental legal relations. Thus, law enforcement practice knows cases when financial assistance was provided by specially created fictitious one-day environmental enterprises [11, 12].

Despite this, the state support of environmental entrepreneurship, with all the existing shortcomings, retains its demand for participants of economic activity.

Analyzing the foreign experience of state support of environmental business, it should be noted that its foundation is a tolerant attitude to the environment on the part of a person formed over a long period of time. At the same time, progressive centralized states are characterized by the presence of a codified legal document regulating substantive and procedural aspects of environmental entrepreneurship [13].

Acceptable for the Russian Federation is the best practices of such states as Germany, France, Great Britain, Czech Republic, etc. Its usefulness is revealed in the fact that at the state level attempts are made to abandon negative-impacting industries in favor of environmentally safe ones, with subsequent financial incentives for the subjects of environmental business.

However, the domestic legislative structure, according to the author of the published work, formed under the continuous impact of the prevailing socio-economic and spiritual and moral foundations, is characterized by differentiated from the foreign trajectory of its own development. In this regard, the integration of foreign experience should be adapted to the realities of today, taking into account the needs of society and the state.

5 Conclusions

As a conclusion of this study, it should be noted that the improvement of the course of national policy to support environmental entrepreneurship in the Russian Federation is one of the priority areas of socio-economic development. Thus, optimization of a number of bureaucratic processes, approval of state control and prosecutor's supervision in combination with strengthening budget financing will allow to achieve a positive result for both society and the state [14].

It should be borne in mind that environmental entrepreneurship is a separate sector of the national economy, the movement of funds within which provides a sustainable increase in the level of gross domestic product, therefore, the stimulation of the above-mentioned activities through state support is able to solve many optional problems of socio-economic development, which include: unemployment, insufficient welfare, ignoring the problems of ecology and environmental protection and others

Thus, improving the regulatory and legal framework of state support for environmental entrepreneurship, avoiding hyperbolized formulations, has unique axiological properties [15]. Addressing the issues of the design of legislative acts in the considered sphere, with the subsequent development of measures to neutralize legal gaps and collisions, it is possible to ensure the resolution of a set of tasks of the socio-economic block, which are the foundation of the spiritual and moral matter of society and the state.

Speaking about the integration of foreign experience, it should be noted that the integration of such experience should take place in a “manual mode” and in the conditions of their adaptation to the socio-economic and spiritual and moral realities of the state. Since the total borrowing of foreign experience, without taking into account the peculiarities of the national vector of legislative construction, can bring destruction to the way of life and society.

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