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## **Features of legal regulation of environmental quality on the example of law and administration of Ukraine**

### **Introduction**

Environmental practice in the modern world occupies a dominant position. In social practice is a very vague awareness of the important topics, although it is about the future of the whole human race. The development of environmental status on the planet encourages people to find ways to overcome the environmental crisis.

To find the most acceptable forms of human coexistence and nature is not only taking into account anthropogenic factors but also comprehensive ecological substantiation of economic projects, organization of permanent environmental monitoring, the introduction of independent, mandatory competent service of environmental experts, protection of some important natural objects, control over the rational use of natural resources, development of environmental education, education of environmental awareness, solving the problem of complex legal regulation of environmental quality.

### **The concept of environmental security**

In the current economic, political, and environmental situation Ukraine has become extremely important to enshrine in the Constitution of Ukraine (Article 16) the obligation of the state to ensure environmental security within its territory.

In addition, the Basic Law (Article 50) enshrines the right of citizens to safe life and a healthy quality environment, which, from a scientific point of

view approaches, is considered through the category of the right to environmental security<sup>1</sup>.

Environmental security of the population is the most humane, noble and responsible task of environmental legislation, which, firstly, enshrines the environmental rights of Ukrainian citizens, and secondly, guarantees their implementation, thirdly, determines the legal, economic and social foundations of environmental protection.

In accordance with Art. 9 Law of Ukraine “On Environmental Protection” from 25.06.1991 every citizen of Ukraine has the right to: safe for him life and health environment; participate in the discussion draft legislation, materials on placement, construction and reconstruction of facilities that may adversely affect the condition environment, and making suggestions to state and economic bodies, institutions and organizations on these issues, participation in the development and implementation of measures to protect the environment natural environment, rational and integrated use natural resources; association in public environmental formations; obtaining in the prescribed manner complete and reliable information about the state of the environment and its impact on public health; participation in the event public ecological expertise, receiving ecological education; presentation to court lawsuits against government agencies, enterprises, institutions, organizations and citizens about compensation for damage caused to their health and property due to the negative impact on the environment<sup>2</sup>.

Awareness of the nature of the scale of natural and man-made threats national security of Ukraine requires the application of adequate measures by the state and conducting a balanced state policy. An important factor in the successful implementation of environmental strategy is the comprehensive legal regulation of environmental quality in Ukraine, the development and creation of optimal legislation in the field of environmental safety to the settlement of public relations in this area.

### **Specific features of formation of environmental policy of Ukraine**

The essence of state regulation of environmental protection environment is determined by the environmental policy of the state being directed to preserve the safe for the existence of living and inanimate environment, to protect the life and health of the population from the negative effects of pollution

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<sup>1</sup> Constitution of Ukraine dated June 28, 1996. Retrieved from: <https://zakon.rada.gov.ua/laws/card/254%>.

<sup>2</sup> On Environmental Protection: Law of Ukraine from 25.06.1991. Retrieved from: <https://zakon.rada.gov.ua/laws/show/1264-12#Text>.

environment, to achieve a comprehensive legal regulation of environmental quality, protection, rational use and reproduction of natural resources.

The basis for the formation of Ukraine's environmental policy was laid the basic principle according to which the ecological security of the state has become an important element and component of national security. Developing provisions this principle was enshrined in the Constitution of Ukraine, and several other laws and bylaws that implement a comprehensive legal regulation of environmental quality<sup>3</sup>.

One of the main regulatory acts relations in this area is the Law of Ukraine "On Environmental Protection" (1991). This law defines the principles and framework activities for the legal regulation of environmental quality, provides an implementation of state environmental programs, and asserts ownership of natural resources.

The law defines the following objectives: regulation of protection environment, use of natural resources and environmental protection security; prevention of possible damage to the environment from economic and other activities; conservation of natural resources, the genetic fund of living things nature, landscapes and other natural complexes, unique areas and natural sites that are part of the historical and cultural heritage of Ukraine<sup>4</sup>.

### **Control over compliance with comprehensive legal regulation of environmental quality**

Awareness of the nature of the scale of natural and man-made threats national security of Ukraine requires the application of adequate measures by the state and conducting a balanced state policy. An important factor in the successful implementation of the country's environmental development strategy creation of optimal legislation in the field of environmental protection security to regulate public relations in this area<sup>5</sup>.

Control over compliance with comprehensive legal regulation of the quality of the environment is carried out by various state and public organizations. Including distinguishing between state bodies of general, special and sectoral competence. To the first group of bodies, environmental control is a part of their general, controlling powers exercised in various fields of life of society. These bodies include the Verkhovna Rada of Ukraine, the Cabinet Ministers

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<sup>3</sup> Constitution of Ukraine dated June 28, 1996. Retrieved from: <https://zakon.rada.gov.ua/laws/card/254%>.

<sup>4</sup> On Environmental Protection: Law of Ukraine from 25.06.1991. Retrieved from: <https://zakon.rada.gov.ua/laws/show/1264-12#Text>.

<sup>5</sup> H. Balyuk, *Legal aspects of nuclear and radiation support (radioecological) security in Ukraine*, K. 1997.

of Ukraine, executive committees of local councils of people's deputies, and local administrations.

An important role in the comprehensive regulation of environmental quality belongs to law enforcement agencies. Prosecutors exercise supreme supervision and compliance with environmental legislation by all ministries and departments, enterprises, institutions and citizens. Court criminal and administrative cases related to, in particular, are considered a violation of the requirements of environmental legislation.

Problems of legal regulation of prevention and elimination of damage, caused to the environment by man-made and natural influences are characteristic not only of environmental legislation in Ukraine, which is developing but also of all national legislation and law enforcement practice<sup>6</sup>.

Theoretical, legal and scientific-practical issues of research, values, forms, methods and ways to compensate for environmental damage natural environment from man-made and natural factors modern conditions should determine the place and system of state and legal, organizational, economic, social and other means of support prevention and elimination of such damage within the environmental system legislation as a complex legal community, set law enforcement norms aimed at effective, optimal settlement public relations in the field of rational use of natural resources, environmental protection and environmental security<sup>7</sup>.

Environmental security is based on the concept of a comprehensive system of international (global) security, in which the former is considered an organic part and key component of this system<sup>8</sup>. Taking into account that environmental danger is manifested today at all levels of human activity – from global to local – in our opinion, environmental security in the system of national security of Ukraine should become the main direction of development. It is because environmental safety is the most important component national, woven into the personal security of man, his environmental security<sup>9</sup>.

The national security system of Ukraine provides for the following types of security: political, economic, social, military, environmental, scientific, technical, and information. They are integrated into a common system based on the concept of national security in Ukraine.

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<sup>6</sup> M. Krasnova, *Compensation for environmental damage legislation of Ukraine (theoretical and legal aspects)*, Monograph, VOC Kyiv University, 2008.

<sup>7</sup> O. Kolbasov, *Environmental safety concept (legal aspect)*, "Sov. state and law" 1988, No. 12, p. 47.

<sup>8</sup> V. Kartashkin, *The humanitarian component is comprehensive systems of international security*, "Soviet Yearbook of International Law: Sat. M." 1988, p. 20.

<sup>9</sup> O. Zarzhytsky, *Current issues of legal support of environmental policy Of Ukraine (theoretical aspects)*, Monograph D., National Mining University, 2012, p. 200.

## Conclusions

Thus, environmental safety as a phenomenon is one of the components of the overall security, forming the system of national security in Ukraine. Concept (Fundamentals of State Policy) of National Security of Ukraine among priority national interests include, in particular, ensuring environmentally and technologically safe living conditions of society, strengthening the gene pool of the Ukrainian people, its physical and moral health and intellectual potential, etc. State national security policy is determined based on priorities of national interests and threats to national security in Ukraine and is carried out through the implementation of relevant doctrines, strategies, concepts and programs in various areas of national security by current legislation.

The main directions of state policy of Ukraine in environmental areas are defined:

- implementation and control over observance of scientifically substantiated standards of nature management and environmental protection;
- control over the state of the environment, detection and elimination of threats to public health, timely warning of citizens of Ukraine in case of danger;
- reduction of anthropogenic loads, elimination of consequences harmful effects of human activities on the environment;
- introduction of environmentally friendly technologies into production;
- implementation of measures to reduce the impact of the Chernobyl impact disasters;
- prevention of uncontrolled import into Ukraine environmentally hazardous technologies, substances and materials.

Despite the troubles and economic difficulties, in recent years Ukraine laid the foundations (scientific and methodological, legal, economic) of state environmental policy inherent in the market countries economy. Today, polluting the environment and over-consume natural resources become economically unprofitable. In addition, this is the main result of comprehensive legal regulation of environmental quality.

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## Summary

### Features of legal regulation of environmental quality on the example of law and administration of Ukraine

**Keywords:** environment, policy, legislation, legal regulation, environmental security.

The understanding of the concept of the environmental security is considered in the article. It is characterized that the environmental safety of the population is the most humane, noble and responsible task of environmental legislation, which, firstly, enshrines the environmental rights of citizens of Ukraine, secondly, guarantees their implementation, thirdly, determines the legal, economic and social foundations of environmental protection. natural environment. The essence of state regulation of environmental protection is determined.

The normative legal acts regulating relations in the field of environmental quality are analyzed. It is described which organizations control the observance of complex legal regulations of environmental quality. The essence of Ukraine's environmental policy is determined. The main directions of the state policy of Ukraine in the ecological sphere are singled out. It is highlighted how today the ecological danger is manifested in human activities.

## Streszczenie

### Cechy prawnej regulacji jakości środowiska na przykładzie prawa i administracji Ukrainy

**Słowa kluczowe:** środowisko, polityka, prawodawstwo, regulacja prawna, bezpieczeństwo środowiskowe.

Artykuł dotyczy rozumienia pojęcia bezpieczeństwa środowiskowego. Bezpieczeństwo ekologiczne ludności jest najbardziej humanitarnym, szlachetnym i odpowiedzialnym zadaniem ustawodawstwa środowiskowego, które, po pierwsze, gwarantuje prawa ekologiczne obywateli Ukrainy, po drugie, gwarantuje ich realizację, po trzecie, określa prawne, ekonomiczne i społeczne podstawy ochrony środowiska środowisko naturalne. Określono istotę państwowych regulacji ochrony środowiska.

Analizie poddane zostały normatywne akty prawne regulujące stosunki w zakresie jakości środowiska. Opisano, które organizacje kontrolują przestrzeganie złożonych regulacji prawnych dotyczących jakości środowiska. Określono istotę polityki ekologicznej Ukrainy. Wyróżniono główne kierunki polityki państwowej Ukrainy w sferze ekologicznej. Podkreślono, jak dziś w działalności człowieka przejawia się zagrożenie ekologiczne.

