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Shpyrko Y.I.

Student,

Research supervisor: Guzhva G.

University of State Fiscal Service of Ukraine

THE ENVIRONMENTAL LAW IN UKRAINE: ISSUES AND WAYS OF DEVELOPMENT

Environmental law and legislation is a complex branch of law, consisting of environmental and natural resource parts, containing a common subject, methods and operating within the environmental sphere of society. Environmental law is not only a system of legal norms, but also a system of legal knowledge in the environmental field: on the one hand, it is an independent branch of the legal system, and on the other – a separate unit of legal science and social ecology. Environmental legislation is characterized by certain general provisions, features, principles, specific legal concepts and denote their environmental and legal terms that define a special regime of legal regulation [4, p. 35].

According to modern notions, in the legal literature, environmental protection can be ensured by applying a set of organizational, legal and economic measures aimed at restoring destroyed environmental objects, reducing the level of anthropogenic pressure on ecosystems, restoring natural resources and ensuring their rational use. The set of such measures is considered as an organizational and legal mechanism of environmental protection, which consists of two system-forming elements – institutional (system of state and public institutions that manage) and functional (examination, control, regulation and standardization, cadastre, accounting for natural resources, monitoring, etc.).

Ukraine has the highest level of water consumption, deforestation and plowing in Europe. There are about 15% of the territory of Ukraine with a population of over 10 million people in critical ecological condition. Thus, the current environmental situation in Ukraine at all levels, both formal and informal, is clearly defined as a crisis. The rate of environmental degradation in Ukraine has exceeded the rate of processes of biological adaptation of living organisms to the habitat, the violation of the ecosystem becomes irreversible [1, p. 10].

Ukraine's entry into the global civilization process necessitated a change in the practice of economic activity, as well as stressed the need to preserve the environment. From the first years of independence, the issues of overcoming discrepancies in the pace of economic development and strengthening the requirements of environmental safety, the dominance of raw materials export orientation and the militarization of production have become acute. This has led to a deterioration in the quality of the environment and a weakening of the ability of ecosystems to restore the natural foundations of life, deepening the economic crisis, creating real threats to human life, as well as biological and landscape diversity [2, p. 257].

The current socio-economic, political conditions, environmental situation and current challenges of society require a balanced approach to rethinking the highest social values of mankind, which are vital: human rights; safety of society as a whole and its component of ecological safety; sovereignty of the state (not only as the supremacy, independence, completeness and indivisibility of power within the territory of the state, independence and equality in foreign relations, but also the protection of human rights and freedoms, its interests). Naturally, in order to solve this problem, you need: knowledge of many branches of science; the latest conceptual approaches to understanding environmental relations, their elements; formation of updated

environmental legislation with its subsequent codification, which would meet EU requirements; development of intersectoral cooperation [3, p. 496].

The current state of development of environmental legislation in Ukraine causes dissatisfaction among many experts. Thus, there is a public need for further development and improvement of this area of law and legislation. Environmental legislation refers to new industries, and, as theory and practice show, is a rather complex industry.

In this regard, there is a need to develop a Concept for the development of environmental law and legislation of Ukraine. The purpose of such a Concept should be proposals on the basics of environmental legislation, both the existing and the development of the regulatory system, based on forecast assessments and long-term programs of socio-economic development of the state; substantiation of the system basis and principles of construction, implementation and development of legislation, which implies the preparation of reasonable proposals for types of laws, laws and regulations, laws and international legal acts, as well as internal relations between units of legislation (industries, subsectors, regulatory complexes and legal institutions); clear definition of criteria of legislative regulation, development of the mechanism of maintenance of action of the law, its monitoring; ensuring the functioning of legislation on the implementation of conditions for state reforms in the economic, social, judicial, administrative and other spheres; improving legislation in the field of developing a mechanism for balancing the «challenges» of globalization processes, which may be negative; development of recommendations for optimizing the process of preparation, adoption and implementation of laws.

Nowadays, Environmental law concentrates on the reduction of negative anthropogenic impacts and the guarantee for the realization of rights to an unfavorable environment. Today the role of international cooperation in the environmental sphere on the basis of international legal principles and norms, which regulates relations between the subjects of international law on the entry of environmental protection, environmental management, environmental safety and environmental human rights. The issue of legal regulation in this area at the national level requires special attention.

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