

Bifurcation of environmental safety: science and technology

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Abstract. The paper analyzes the provisions of the domestic legislative base and legal doctrine on the discussion issues of substantive and essential parameters of the category of environmental safety of the state. The opinions of domestic and foreign authors are studied, an extensive layer of theoretical and applied problems in the field of normative-legal support of the activity of state-public entities to ensure environmental safety, as well as ways to neutralize them in the foreseeable future are presented. Accumulation of the accumulated theoretical and empirical material, combined with the use of modern methods of cybernetic research made it possible for the author of the publication to present a set of measures to modernize the normative-legal parameters of state policy in the field of environmental protection. The theoretical and practical significance of the obtained results is multifaceted, as the substantiated conclusions can be a foundation for further doctrinal developments on auxiliary issues of ensuring environmental safety of the state, as well as in the development of educational and methodological material for disciplines of public-law cycle.

1 Introduction

The development of science and technology, which resulted in the integration of more advanced production processes into the life of society and the state, on the one hand, was marked by the establishment of the phenomenon of humanization of work, expressed in the automation of specific processes of professional activity with the use of electronic computing power. On the other hand, the widespread use of such means leads to the emergence of global problems directly related to ensuring the proper state of the environment. In this connection, in recent decades, the issues of minimizing harm and damage to the environment through the establishment of a harmonious balance between production processes and the admissibility of the use of potentially dangerous methods and forms of its implementation, have acquired special importance.

Consequences of man-made disasters caused as a result of violation of regulatory requirements are, as a rule, unrecoverable. Suffice it to recall the major accidents at nuclear power facilities over the past fifty years, as a result of which impressive areas became uninhabitable for the next centuries.

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Insufficient level of environmental education, combined with cold-blooded and negligent attitude to the environment, supported by the human desire to increase the volume of industrial production in geometric progression, are one of the root causes of the unfavorable state of the environment.

Contributing to the actualization of environmental safety issues is the unsatisfactory state of the legal and regulatory framework, which lacks a single codified source that would unitedly contain the basic legal postulates that define the boundaries of acceptable behavior, in the broad sense of the word, in human interaction with the environment.

Thus, the research topic is caused by numerous determinants differentiated by their own coloring, their neutralization in the foreseeable future, in the author's opinion, is a necessary condition for the favorable existence of man and the environment.

2 Materials and Methods

During the preparation of the analytical and investigative part of the work, the author used a very wide range of research methods, including: general scientific, private-scientific and special. The formation of the final (concluding) part of the work, which contains reasonable conclusions, was carried out with the use of methods of analysis, synthesis, induction, deduction, comparative-legal, systemic, historical-legal, and others.

Special attention was paid to the use of modern cybernetic methods of research in working with digital tools, which allowed to formulate general ideas about the state of environmental safety of the state through the prism of statistical data with maximum productivity.

3 Results

Summarizing the analytical and research part of the work, the author proposes the following measures to improve the domestic state-legal policy in the field of environmental safety:

Firstly, the absence of a codified normative-legal document containing legal norms defining behavioral parameters in the context of environmental-legal relations is a significant omission, as the dispersion of such prescriptions in legal documents of differentiated legal force leads to numerous problems of law enforcement, which ultimately levels quantitative and qualitative indicators of the state of law and order and legality in the state. In other words, it is necessary to resume work on the codification and systematization of national environmental law, to raise long-standing pressing issues related to the development and adoption of the Environmental Code of the Russian Federation.

Secondly, a serious omission in the current realities is the insufficient specification of the signs of environmental offenses and crimes. Thus, the existing legal constructions are oversaturated with various evaluative categories, provided that the norms on liability are material compositions, where socially dangerous consequences act as mandatory features of the completed act. The key to solving the problem is, firstly, the accumulation of the accumulated empirical material with the subsequent statement of additional qualified and especially qualified circumstances, leveling the evaluative constructions. Undoubtedly, for a long time of functioning of the provisions of administrative and criminal legislation, such practice has already accumulated, therefore, it is necessary to analyze it comprehensively in order to identify patterns that can be the basis of subjective and objective signs of misconduct.

Thirdly, the issues of pedalization of state coercive measures in relation to a group of environmental crimes and offenses deserve special attention. Overly humane frameworks of

legal sanctions, as a rule, level the preventive function of environmental legislation. In other words, deliberate omissions expressed in crimes and offenses are “profitable” for the violator, as they, for instance, can provide an increase in the level of productivity with a further increase in profits. Thus, tightening the mechanisms of legal responsibility, setting higher limits for the lower and upper boundaries of the sanction, will strengthen the preventive effect, contributing to the refusal to commit such acts.

The problem of ensuring environmental safety is inextricably linked to the state supervisory activity, existing legal mechanisms to counteract its realization. The distraction of the “state supervisor” on traditionally pressing problems, according to the author of the publication, has led to the silencing of environmental problems, which is unacceptable in the era of continuous scientific and technological progress. Procuratorial and supervisory activities and state supervision are one of the key legal tools to suppress possible environmental crimes and offenses.

4 Discussion

Analyzing the provisions of legislative acts and environmental-legal doctrine, we can conclude the emergence of a new function of the state, which has received the designation of ecological [1]. The environmental function is designed to ensure the right of every person to a favorable environment. The exhaustibility of resources, the approval and wide spread of “harmful” industries in recent decades predetermined the relevance and demand for the above-mentioned state function. The realization of the environmental function is carried out through a wide range of methods and forms, their essential coloring is determined by the nature of legal relations in the field of environmental safety in society and the state [2].

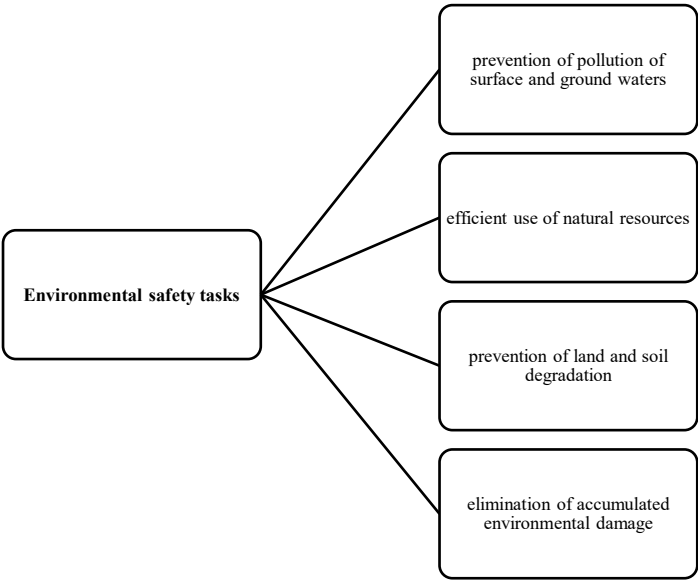


Fig. 1. The set of tasks of environmental safety of the state, formulated in the Decree of the President of the Russian Federation of 19.04.2017 No. 176 “On the Strategy of Environmental Safety of the Russian Federation for the period up to 2025”.

Thus, the relevance of the research topic is determined by the change of existing conceptual foundations of state policy in the field of environmental resources management and environmental protection. Transformation of social relations, integration of the latest

forms and means of realization of production processes requires from society and the state to create a modern sustainable regulatory and legal platform capable of ensuring proper legal protection of social relations in the considered sphere.

Actualization of the “green” agenda is widely spread in the provisions of domestic and foreign doctrine [3]. Thus, the environmental-legal problematics is the subject of numerous acute interdisciplinary discussions. In turn, the above makes it possible to say that the course of state-legal policy in the field of environmental safety can be considered as an independent turn of domestic legal doctrine. However, no comprehensive measures to improve the regulatory and legal framework in this area have been undertaken in recent decades.

Environmental legal policy of the state has as its functional purpose the creation of a legal foundation that ensures the proper state of environmental protection [4].

Analyzing the provisions of domestic and foreign doctrinal sources, it seems possible to state that there are numerous scientific approaches to determining the main attributive and substantive parameters of modern environmental-legal policy of the state. A well-known domestic researcher V.V. Petrov in his scientific works calls as the subject of environmental-legal policy of the state a set of homogeneous and interrelated social relations that arise in the activities of man, society and the state in interaction with the environment and natural resources [5].

Linton K. Caldwell in his research notes that environmental-legal policy is a set of differentiated measures of political-economic and socio-legal nature aimed at creating a favorable environment [6]. These measures should contribute, according to the above-mentioned author, to the development of a rational and careful attitude of society to the natural environment.

The author of the publication notes that the presented foreign approach is broad, as it includes such parameters as environmental safety (development of an appropriate degree of protection) and rational use of natural resources by man.

It should be noted that the national environmental-legal policy of the Russian Federation has a special significance, its realization is able to bring positive changes not only for the population of the country, but also for the international community [6. 7].

Among the main objectives of the modern environmental-legal policy of the Russian Federation, in accordance with legislative acts, it is accepted to include [8]:

- preservation of ecological systems of the state and natural resources;
- ensuring the optimal life of fauna and orientation to increase the quantitative and qualitative indicators of human well-being;
- increasing the level of public health;
- ensuring natural security of the state, as well as protection from risks of man-made and natural nature.

Environmental factors that make up the vast array of environmental and legal policy of the state (being its subject), largely predetermine the resolution of the following problems that are in the plane of the socio-economic block [9]:

- migration problems;
- problems of labor activity (unemployment);
- problems of national security of the state;
- problems of political stability of society.

Thus, the improvement of specific aspects of environmental-legal policy of the state fully contributes to the resolution of numerous other problems that constitute a vast layer of socio-economic and spiritual-moral nature [10].

For a long period of formation and development of socio-economic and spiritual-moral foundations of society and the state, the legislative perception of environmental safety of the state has significantly differentiated [11]. Such a close attention to the issues of ecology

and rational use of natural resources by man was manifested only at the intersection of XX and XXI centuries. The prerequisite for this, according to the author of the publication, were global technological disasters that led to the loss of large areas due to pollution, as well as rapid scientific and technological development, which showed the inefficiency of using certain methods of natural resource extraction [12].

The above-mentioned correlation predetermined the urgent need to modernize the legal framework regulating legal relations in the studied area. The presence of a stable relationship between the state of protection and quality of the environment with other factors that determine the success in solving problems of socio-economic nature requires the domestic legislator to revise the traditional approaches, formulated on the basis of morally outdated subjective perception of the importance and benefits of the environment by man, to the normative-legal provision of legal relations in the sphere of natural resources use and environmental protection.

The programs of integrated development of the Far East regions, expressed in the creation of special economic zones in specific territories, within which environmental and business activities are supported by the state, have had a positive impact on the environment [13].

Over the past decades, the state has made repeated attempts to popularize the course of environmental and legal policy, changes were made in the provisions of legislative acts in terms of regulation of issues related to the extraction and use of natural resources. Also, numerous open events, forums and conferences with the participation of foreign elements were held, the main results of which were the accumulation of accumulated theoretical and empirical material on the prevention of environmental and man-made disasters [14, 15].

Despite this, some problems still remain unresolved, in particular, there is no comprehensive systematization and codification of domestic environmental legislation, the problems of state control and prosecutor's supervision over the activities of participants of environmental-legal relations remain imperfect.

5 Conclusions

In conclusion of this research, we note that the improvement of legal regulation mechanisms in the environmental cluster will contribute to the resolution of numerous applied problems, which in turn will lead to the optimization of production processes and a gradual reduction in the level of negative impact on the environment.

Putting the course of national policy on “green rails” will make it possible to solve a wide range of problems of demographic character and general health of the population, increase the quality and duration of life of citizens.

At the same time, the neutralization of legal gaps that define the parameters of legal responsibility for offenses and crimes in the field of environmental protection will make it possible to strengthen the preventive function and reduce the overall quantitative and qualitative indicators of national crime in the segment under consideration. Thus, the “green agenda” of today is an indispensable condition for the comprehensive development of public and state foundations.

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