Legislation system as an element of state sustainable development in the XXI century

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Abstract. Materials and Methods. Implementation of the goal and objectives is achieved by using a comprehensive methodological approach with the participation of general scientific and specifically legal methods, as well as methods of applied analysis. The method of scientific criticism allowed us to identify the main contradictions of the theory of sustainable development. Results. The authors highlighted, scientifically substantiated, and characterised the structural elements of the system of state legislation aimed at sustainable development. The article concludes that at the present stage of development the state remains the only force capable of organizing society, coordinating individual and group behavior and providing power and normative order to solve common problems that threaten the foundations of human life. Discussion and Conclusions The authors believe that the theory of sustainable development, perceived in world politics as a strategy for the future, has serious contradictions. Failure of the theory of sustainable development as a holistic concept should not lead to ignoring the problems it is aimed at. At the present stage, measures taken at the level of individual states and their regional associations may be the most effective. The possibilities for global regulation under the conditions of "permocrisis" and the denial of the foundations of the current world order are very limited, largely due to their unfairness. Therefore, an effective regulator of sustainable development at this stage can be a dynamically developing system of national legislation. Key words: legislative system, sustainable development, state, legislation, legislative regulation, rule of law, legal provisions, environmental transformation, implementation.

1 Introduction

The current trend of state development is the availability of its institutional system to overcome a variety of crisis phenomena. Their emergence, scaling, and complication are directly related to the growth of human activity in the socio-natural environment. After the debunking of the myth about the inviolability of progress as a result of human activity and the recognition of the destructiveness of the concept of the growth state by postmodernist ideologists, it becomes relevant to search for intellectual ideas to ensure, on the one hand,
common cooperation, maintaining high living standards, and reducing socio-economic imbalances in a multipolar world. On the other hand, to reduce anthropogenic pressure on the environment.

It is impossible to solve problems that entail socionatural collapse either within the framework of a single national social system or by the intellectual efforts of one or more scientific fields. A challenge of this level of complexity requires the consolidation of the resources of all states, international organisations, national intellectual elites, and the scientific community.

One of the widely discussed and implemented theories in the practise of public administration in recent decades has been the theory of sustainable development. The analysis of extensive foreign and domestic scientific literature \[1, 2, 3, 4, 5, 9, 10, 11, 12\] has revealed insufficient attention by lawyers, including Russian ones. This is all the more surprising because, first, ensuring sustainable development of the state is one of the main functions of positive law. Second, sustainable development is enshrined in the laws of all leading states of the modern world. Thus, in the Russian Federation (hereinafter referred to as RF) sustainable development is called a strategic direction of state policy.

The legislation enshrines a system of measures to ensure the sustainability of socioeconomic and environmental development of both the state as a whole and its individual regions. At the same time, the structure of the system of legislation, providing sustainable development of the state in the XXI century is not developed \[13, p.398-405\]. On this basis, the purpose of this study is to develop the structure of the legislative system of the state, aimed at sustainable development in various spheres of life.

To implement the purpose of the study, the following tasks are set scientifically critical understanding of the prevailing theory of sustainable development for the presence or absence of common provisions and basic principles, universal for application in different national systems; to determine the structure of the system of legislation of the state, which has chosen the strategy of sustainable development; to establish a possible correlation between the state of the legislation system and the implementation of the strategy of sustainable development.

### 2 Methods

The implementation of the goal and objectives is achieved by using a comprehensive methodological approach with the involvement of general scientific and specifically legal methods, as well as methods of applied analysis. In particular, the method of scientific criticism allowed to identify the main contradictions of the theory of sustainable development. The method of analysis and synthesis is used to assess the possibility of including the provisions of the theory of sustainable development in the concept of laws. The method of regulatory impact assessment allowed to determine some negative consequences of the implementation of international acts based on the theory of sustainable development into the national legislation.

The planning method was used to develop a legislative mechanism for implementing the program of sustainable development and ensuring the rational use of national resources of life support that does not hinder innovation and the growth of reasonable needs of people. This method is necessary to develop a balanced approach to the ratio of centralized and decentralized regulation, coordination of individual and collective behavior, as well as to achieve common goals of sustainable development.

In addition, the study used formal-legal, comparative-legal, statistical, system-structural, structural-functional and other methods.
3 Discussion

The law appears as a verbal and grammatical form of expression of the thoughts put into it by the legislator. Using the theory of sustainable development as a concept of legislation implies a comprehensive analysis of its compliance with the law of inconsistency. The embodiment of ideas that violate logic in individual laws leads to systemic violations in the national legislation, the destruction of permanent and necessary links that give integrity to the system of legislation, that is, to consequences that are contrary to the nature of the law.

In addition, the enshrining in the law of complex contradictory goals and rules of conduct, containing absurd recommendations, makes the law meaningless. Since declarative and contradictory provisions cannot be implemented, the state has no right to demand obedience to these rules.

Based on the analysis of scientific literature [1, 4, 7], regulatory and international acts we can identify the essence of the theory of sustainable development. As it seems, it is a human impact on the socio-natural environment, which leads to purposeful changes that meet the following requirements: program-project structure of interrelated measures of impact, leading to changes; reliable measurability of changes through stable values; stability of changes in time, space and persons, providing balance and dynamic balance in the system of relations "nature-society-human"; effectiveness, which involves qualitative improvements in the object of influence.

In general, the idea of sustainable development is aimed at resolving the existing and emerging contradictions in the system "nature-society-human". Realization of this purpose is complicated by dichotomous nature of the theory of sustainable development itself, as well as dynamically increasing contradictions due to complication of social systems.

The dichotomous nature of the theory of sustainable development is expressed in its emphasis on the "environment-human" relationship. Moreover, the protection of natural resources in this relationship is a priority due to the objective dependence of man on nature. Therefore, preservation of the environment in this theory implies a change in the way of life of modern man in the direction of controlling the consumption of natural resources and setting limits to economic development in the form of the requirement to preserve the environment in all its diversity.

The theory, which claims to balance interests, has three directions social, economic and environmental. At the same time, the priority is the environmental development [10], which is proposed to subordinate the economy and the way of life in the current consumer society and man-made type of economy, created without regard to environmental constraints.

Confirmation of the fact that the three above-mentioned directions can not be a single goal of development, give the executors of the programs of sustainable development. Thus, indicators of sustainable development are developed and grouped in groups for each of the directions. However, the complex is not the sum of simple states and is not reduced to a set of properties that make up its elements.

Scientific approaches to the concept of sustainability are different for each of the systems. For example, for socio-economic systems, sustainability is associated with safety, reliability, robustness, integrity, the ability to develop over time, moving from one steady state to another, and is a quantitative characteristic to assess changes [11]. In environmental science, sustainability is seen as an environmental imperative and a rejection of technocratic culture [9].

Sustainability theorists aim to harmonize relations that are antagonistic in nature. In particular, the relationship between rich and poor people, developing and economically developed countries, increasing human needs and exhaustible natural resources, present and future development, etc.
The world historical process shows that these relations are permanently in a state of struggle and the intention of erasing the difference, harmony and balance between these antagonistic groups without a qualitative change in such relations seems to be declarative in nature and practically not feasible [6].

Moreover, defending the idea of biological diversity supporters of the theory of sustainable development deprive humanity of social diversity, the preservation of multipolarity, giving civilizational and cultural alternatives for development.

The implementation of the idea of sustainable development implies global cooperation, since the preservation of the ecosystem is only possible on a planetary scale. It is no coincidence that legal acts on sustainable development have been adopted at the international level. For example, the Declaration on the Strategy for Sustainable Human Development and the Planet as a Habitat was adopted in Rio de Janeiro in 1992, with the participation of more than 150 heads of states (https://www.un.org/ru/documents/decl_conv/declarations/riodecl.shtml).

However, the introduction of eco-technological types of production, firstly, involves abandoning the use of nature-destroying technologies, which not all states can afford. Secondly, "green" technology is expensive and not universal, because the negative economic impact of man on nature has a regional identity [2].

State development is always unique and individual. Therefore, global cooperation of states on a number of topical economic, environmental and social issues is complicated by their natural specificity.

Thus, despite the importance and relevance of individual elements as a whole, the theory of sustainable development, perceived in world politics as a strategy for the future has serious contradictions. The main of them, preventing a clear legislative regulation, we consider: polydisciplinarity, inclusion of antanonistic elements in the subject of regulation; declarative goals and their disproportionality with proposed practical measures; emphasis on the negative consequences of socio-economic and environmental problems rather than on their causes; predominance of quantitative (constantly changing) indicators of stability over qualitative, which does not give understanding of the state of relations within the system, its viability, i.e. the ability to

Failure of the theory of sustainable development as a holistic concept should not lead to ignoring the problems it aims to address. The rejection of the strategy of development at all costs is an important idea that unites all mankind. At the end of the last century, scientists calculated the limits of the growth economy and its negative consequences for all states [8, p.72]. Therefore, an integrated approach to solving environmental problems, which requires adequate measures in all areas of human activity, can be recognized as universal. No less important is the coherence of the actions of different states.

At the same time, at the present stage, the most effective measures can be taken at the level of individual states and their regional associations. The possibilities of global regulation in conditions of "permocrisis" and denial of the foundations of the existing world order are very limited, largely due to their unfairness. Thus, the UN Committee on Sustainable Development includes representatives of 53 states. Most of them (39) represent three regions (North America, Western Europe and Africa). Therefore, an effective regulator of sustainable development at this stage can be a dynamically developing system of national legislation.

4 Research results

In the positivist theory of law, there was a stable notion that legislation regulates relations between people. And law (in the positivist doctrine synonymous with legislation) acted only as one of the social regulators, performing a protective and regulatory role with reliance on
state coercion. At the same time, social norms were separated from technical rules intended to regulate relations between man and the sphere of technology.

On this basis, a hierarchical centralized system of legislation was built. In it, the legal force of the rules of conduct (norms of law) was determined based on the enforcement capabilities within the competence of this or that competent body.

The complexity of the concept of sustainability shows that this approach to the construction of a system of legislation is one-sided. Firstly, the three main types of relations with human participation, namely "man-environment", "man-technology", "man-society" are closely interconnected [14, p.900-906]. Therefore, the legislative regulation cannot focus only on one type of relationship, but requires a comprehensive approach. Secondly, the increasing complexity, including the digitalization of social relations, stimulates the state to develop rules of conduct in new social and technical-economic spheres to ensure public order. All this leads to an increase in laws and a qualitative complication of the system of legislation.

The structure of the legislation is directly related to the law-making and norm-setting activities of the state, as well as the state of the subject, which it regulates.

The connection with the norm-establishing activity is manifested in the fact that the regulation of each of the elements of sustainable development requires the development of a whole range of technical (rules of convenient and simple achievement of a known practical result using the laws of nature), economic and economic (patterns of use of material means to achieve goals), social and technical (rules built on the principle of common good order), moral (establishment of a certain moral pressure coming from the state and on Norms-debt in the system of legislation of the state, aimed at sustainable development, must be balanced by legal regulations. These are understood as the rules of social life, giving the subject the opportunity to act at his discretion.

Every state's legal regulations are based on spiritual and moral principles that unite people into one organized whole. In this way, the individual within these spiritual and moral limits is given freedom of action. Both varieties of rules are subsequently formalized in the articles of the NLA. This balanced approach prevents the domination of the principle of formal legality over the principle of individual rights and serves as a guarantee of preserving the ideals of law and morality in society.

Ecology is rightly seen as a priority issue on the sustainable development agenda. Today, environmental security is a strategic national interest of most states of the world [8, p.200]. In particular, in the legislation of the Russian Federation environmental security is inseparable from national security Therefore, sustainable development issues must be addressed by environmental legislation, which plays the role of a special branch in the system of legislation of the state, aimed at sustainable development.

Thus, the acts of strategic planning establish goals, objectives, and mechanisms of implementation of sustainable development objectives. At the level of sub-legislative regulation, specific practical measures of their implementation are fixed. The system of legislative regulation is directly connected to the structure of the state. For example, in a federal state, regulation is carried out both at the federal and regional levels.

The object of the legislative regulation of the sustainable development strategy is complex and includes natural, natural-anthropogenic and anthropogenic phenomena, relations and processes.

The purpose of legislative regulation within the framework of implementation of the strategy of sustainable development can be formulated as follows: ensuring environmental safety and protection of the rights of citizens to a safe environment. Such formulation of the goal involves a balanced approach to the ratio of responsibilities and rights of citizens, contributes to the environmental transformation of both socio-economic and other spheres of public life [15].
This balance should be enshrined in the law. For example, in the Foundations of the state policy in the field of environmental development of the Russian Federation for the period up to 2030, along with other goals and principles, the observance of environmental rights of citizens is enshrined. However, this provision is not specified in the objectives, nor in the proposed mechanism for implementing state policy.

We believe that efficiency of norms of the environmental legislation and expectation of their positive influence on formation of ecological consciousness of the population is directly connected with the content of the norms which are expressed in them [2]. These norms should contain a clear option of possible or proper behavior in relation to nature to reduce the anthropogenic impact on it [8], to have the form of regulatory requirements or legal regulations, to be informative and understandable, to have a specific implementation mechanism.

Thus, the structure of the legislative system of the state, aimed at sustainable development, consists of the following elements: special legislation (environmental and environmental NLAs), general NLAs (acts of constitutional importance, acts of strategic planning), inter-branch NLAs (sectoral codified acts, general social laws).

In general, the structure of the system of legislation as an organized structure of interrelated elements (norms and legal provisions, expressed in NLAs), ensuring the preservation of the main properties and functions of the legislation includes the content (purpose, subject, elements, properties) and form can be expressed in the following scheme:

![The structure of the legislative system of the state, aimed at a sustainable development strategy](image)

**Fig. 1.** The structure of the legislative system of the state, aimed at a sustainable development strategy.

### 5 Discussion and Conclusions

All of the above suggests concluding the following observations: first, at the present stage of development, the state remains the only force capable of organising society, coordinating individual and group behaviour and providing a power normative order for solving common problems that threaten the foundations of people's livelihood. Their solution requires concrete realistic steps aimed at the gradual improvement of certain aspects of state life through strenuous and difficult routine work. Their implementation in the modern state requires the development of certain patterns of proper behavior, enshrined in the law.
Secondly, the theory which became a conceptual basis of international acts on sustainable development is characterized by such shortcomings as contradictory, multidisciplinary, declarative, which do not allow its implementation in national legislation. The negative consequences of its implementation will be the setting of contradictory goals of legislative regulation, the practical impracticability of doctrinal-declarative settings, reducing the authority of national legislation, and trust in the state.

Thirdly, the system of legislation of the state with sustainable development should have the following properties: balance (reasonable ratio of stable principles of life and positive dynamic principles of development, corresponding to the trends of modern life); proportionality, underlying its content norms and legal provisions; comprehensiveness of its structure and interconnectedness of its individual elements, provided by the state guaranteed and consistently implemented in specific activities.

Acknowledgement

The authors would like to thank the reviewer, whose critical appraisal of the materials and suggestions for improvement contributed significantly to the quality of the article.

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