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ENVIRONMENTAL OFFENCES AND ENVIRONMENTAL PROTECTION: THEORETICAL AND APPLIED ASPECTS

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ABSTRACT

The peculiarities of protection of environmental law and order derive from the interplay of international and national law in the field of protection of Ukraine's unique ecosystem, compliance with which is a must for accession to the European Union. The purpose of this study is to analyse the doctrinal and legal aspects of environmental protection and to identify the main trends in ensuring environmental law and order by bringing individuals to legal liability. The main methods used in the study of environmental offences and environmental protection are the method of observation, empirical description, and experimentation. Environmental legal liability is manifested in conventional forms of legal liability: criminal, administrative, disciplinary, civil. The distinction between environmental offences and other offences involving components of the natural environment is made to the object of the infringement and its social role in various social relations, which may involve the same elements of nature. The most crucial objectives of the state authorities are to implement a set of legal, organisational measures designed to improve environmental protection activities and to increase the effectiveness of the application of criminal and legal norms to combat environmental crime in society and the state in general. The main priority is to improve environmental legislation in line with the international obligations of the state in the field of environmental protection. The material in this study is of practical value for the Ukrainian state given the reverse course of our state towards European integration.

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INTRODUCTION

A fundamental method of preserving environmental law and human rights in this field is legal liability for environmental offences, which are now becoming socially dangerous and threaten the national security of any state. Therefore, the most important objectives of the implementation of national policy in the field of ecology are to establish a functioning legal mechanism to provide for environmental security and to improve enforcement practices to ensure that environmental offences are not committed. The system of legal responsibility is one of the key elements of ensuring the implementation of any national policy and compliance with the law, in particular on the protection of the natural environment, and includes civil liability, administrative liability for committing administrative

offences in the field of nature conservation and use of natural resources and criminal liability for criminal offences against the environment (Decree of the President..., 2020; Order of the Cabinet,... 2021; Decree of the President No 104/2021..., 2021; Decree of the President No 111/2021...,2021; Decree of the President No 228/2021..., 2021).

A planetary dimension of the social danger of environmental malpractice is life-threatening to the Earth (Directive 2004/35/CE..., 2004). Nature is now in such a critical condition that it has already affected living conditions and, consequently, on people's health, the number of genetic deviations has increased, and life expectancy has shortened (Mazur et al., 2018). The current stage of civilisational development is defined by the increasing breakdown of conventional bonds between human beings and nature. Under these circumstances, the scale of environmental crime and its detrimental impact on the environment is intensifying. As a result, environmental problems are intensifying and can cause an environmental disaster, especially as the signs of this disaster are emerging more widely every day (Sydor, 2018). However, the level of lawlessness in Ukraine is very high: every year hundreds of thousands of cases of environmental pollution, breaches of animal welfare legislation, and so on are reported. For example, the number of forest fires is increasing annually. Last year in 2020, according to Sergiy Zibtsev, head of the Regional East European Centre for Fire Monitoring at the National University of Bioresources and Nature Management, Ukraine recorded at least 120,000 hectares of forest fires, whereas until recently that was 5-7,000 hectares ("Ukraine on fire" ..., 2020). Notable that most fires are caused by people. Tens of thousands of water law violations per year are identified during inspections, a significant proportion of which are illegal discharges of wastewater into water resources. For example, in 2019, 48.5 thousand tonnes of harmful pollutants of the second and third classes were dumped into surface water in Ukraine (In Ukraine..., 2020). Every year in Ukraine hundreds of thousands of violations of fishing and wildlife protection rules and tens of thousands of violations of subsoil protection rules are recorded. However, environmental offences are defined by their high latency. However, the level of legal responsibility for perpetrators is low (Tatsiy, 2018).

At the current stage, one of the most forceful and effective means of solving Ukraine's environmental crisis is the development and improvement of environmental legislation in general and the legal institute of liability for environmental offences in particular. Thus, according to Directive 2008/99 / EC of the European Parliament and the Council on the protection of the environment through criminal law (2008) (hereinbelow – the Directive), member states must ensure that certain acts are criminalised. However, notable that most of the research of Section VIII "Criminal Offences against the Environment" of the Special Part of the Criminal Code of Ukraine (2001) (hereinbelow – CC) has not been reconsidered since 2001. Thus, they are not strictly aligned with the provisions of the Directive. In addition, the legislation does not provide for the possibility of establishing and examining protocols on administrative offences against legal persons, although most environmental offences are committed to their activities (Order of the Cabinet..., 2021). The situation is comparable to the implementation of criminal liability for legal persons. Thus, according to the CC, the commission by an authorised person on behalf and in the interests of a legal person of any of the criminal offences provided for in Sections 236-254 of the present Code does not involve the implementation of criminal liability measures by a legal person.

The purpose of this study is to analyse the doctrinal and legal aspects of environmental protection and to identify the main trends in ensuring international environmental safety by bringing individuals to legal liability.

METHODOLOGY

The research methodology is based on general and special methods of scientific knowledge: generalisation, comparison, structural-functional (systemic) analysis. In addition, the main methods used in the study are the observation method, the empirical description method, and the experimentation method. These methods investigated the institutional provision of environmental safety, which made it possible to further develop established and new mechanisms for ensuring environmental law and order through legal liability for environmental offences.

In addition, this research methodology has allowed us to note that legal liability arises for environmental offences and is based on the illegality of the act of a natural resource user. It is administered by legal methods and is divided into criminal, administrative, civil, material, and disciplinary.

The method of theoretical generalisation allowed the establishment of scientific statements and clarifications of the terminology of environmental law, administrative law, and criminal law in the context of the definition of environmental offences (Pankratova, 2021). The system-structural method helped to define the elements of environmental offences in terms of their impact on the development of environmental security.

Observation and diagnostic methods have been applied to identify patterns and problematic aspects of Ukraine's environmental policy and the consequences of the environmental crisis. The method of analysis helped to investigate the organisational and functional status of the subjects of environmental offences.

The value of the systems approach is its ability to comprehensively analyse holistic objects whose structural elements are interconnected in complex ways (Hetman and Anisimovaб 2021). Consequently, systems-dynamic modelling has been useful in establishing the causal relations between the environmental offences committed and the consequences that have ensued. In addition, it has been applied to the description of environmental liability as a complex legal institution consisting of norms of administrative, civil, criminal, and other branches of law.

A comparative analysis of environmental policy development and implementation practices in Ukraine and foreign countries was also used in the research process. Eventually, the abstract-logical method contributed to summarising the results and summarising the research on environmental offences and environmental protection. It was consolidated that environmental liability as a constituent part of the environmental law mechanism is one of the types of legal liability, as a result of which it has all the features of the former, including certain specific features, such as is a special type of legal relationship between the state and other legal entities which violated the provisions of the Constitution of Ukraine (1996) and other laws (herewith, this legal relationship arises, changes and terminates as a result of the violation of environmental legislation); Environmental liability is implemented in the form of a conciliation using the state system to protect environmental requirements; the environmental liability system is an integrated legal system, etc.

A generalisation of knowledge about the theoretical construction of liability for environmental offences, special methodology, and empirical material has allowed us to provide a research methodology for a model of environmental protection. The specified methodology will be as follows: determination of the legal systems included in the object of research (in particular, the legal system of Ukraine); determination of the subject of research (features of legal responsibility in general); selection of multilevel methods and tools of the proposed or conducted research; determination of the sources of research to be studied (Constitution of Ukraine (1996), environmental legislation, etc.); analytic-synthetic comparison of normative and theoretical models of legal responsibility and inconsistency of legal responsibility; generalisation of the results obtained and development of recommendations for improving law-making, law implementation and law interpretation in the field of environmental protection; assessment of the prospects and directions of further research in the field of establishing and implementing legal responsibility for environmental offences.

RESULTS

Environmental offences are acts (actions or omissions) against environmental law and order that are harmful to the environment, human health, and property. Liability for environmental offences is connected to general problems of implementation of laws, i.e., it has the basic features and principles specific to legal responsibility in general. However, legal responsibility in the environmental field also has its specific nature, based on the specific nature of environmental offences as mandatory grounds for imposing sanctions on violators of environmental legislation. The researcher notes, however, that such features result from the specific nature of the field of rational use of natural resources, environmental protection, and environmental safety (Overkovskaya and Opolskaya, 2020). Consequently, the essence of an environmental offence is that the offender's behaviour is designed to adversely change the state of the environment, violating the legal status of natural resources. Environmental risk covers not only the potential for disruption of society's ecological interests but also the elevated risk to established ecological relationships in the ecosystems themselves (Chuprina, 2021).

The legislative definition of environmental offence was established in Law of Ukraine No. 1264-XII "On environmental protection" (1991) namely: they must,

illegal acts violating environmental legislation and causing harm to the natural environment and human health. The Law of Ukraine No. The Law of Ukraine No. 1264-XII "On environmental protection" (1991) identifies types of liability for violation of legislation in the field of environmental protection. These include fines; confiscation of the objects of the offence; deprivation of the right to engage in special activities; confiscation of the instruments of the offence; and restrictions, suspensions, termination of activities or exploitation of objects. Penalties for environmental crimes are defined as follows: correctional labour; criminal fines; imprisonment; confiscation of illegally obtained goods and implements; disqualification from occupying relevant positions (Criminal Code of Ukraine, 2001).

According to Part 2 p. 9 of the Code of Administrative Offences, administrative liability for violations under this Code is applied only if these violations, by their nature, do not cause criminal liability (Code of Ukraine on Administrative Offences, 1984). The author of this study believes that we can consider an offence only when we have all the elements that constitute it: the object of the offence, the objective side, the guilt, the subjective side and the subject, i.e., the composition of the offence. Under criminal law, legal liability is the personal or material loss for the offence committed. The object of an environmental offence is public relations in the field of rational use of natural resources, preservation of the environment favourable for people and ensuring the environmental safety of society.

The subjective side of an environmental offence is guilt, which occurs in two forms: intent (specific and implied) and negligence. The subject of an environmental offence may be citizens (imputed natural persons of a certain age) and legal persons, and non-profit associations. In some cases, it is necessary to mention a special subject, i.e., persons specifically referred to in the studies Water Code of Ukraine (1995), Forest Code of Ukraine (1994), Law of Ukraine No. 1264-XII “On environmental protection” (1991), etc. Thus, citizens of Ukraine, legal entities and municipalities are also subjects of the Water Code of Ukraine.

Environmental offences are punishable irrespective of the socially dangerous consequences they cause. The specifics of imposing liability on a special subject, including officials, is that by the offence committed, they may be held liable for the relevant official offence, or environmental offence, or a combination of offences (Kolpakov, 2008). The specifics of environmental liability are as follows:

1) all environmental offences involve the field of the environment.

2) the object of the offence is an environmental component (pollution of the waters of an artificial water reservoir may qualify as both vandalism and damage to personal property, but not as a violation of the rules on the protection of water resources.

3) environmental offences are usually twofold: the environment and human health (therefore, there are no purely environmental offences).

Environmental legal liability is manifested in conventional forms of legal liability: criminal, administrative, civil-legal. Any form of liability, including environmental liability, has these attributes:

1) the degree of public danger of the act (e.g., an administrative offence or a criminal offence) the proportionality of sanctions for violation applies only to persons who were aware of the significance of their acts and understood their environmental danger.

2) timeliness of implementation.

3) implementation of measures by competent authorities or persons (sanitary and epidemiological service authorities, State Land Committee authorities, fisheries protection authorities, forestry authorities, MENR authorities, etc.).

4) apply where required (the offence can be remedied without the imposition of a penalty).

Thus, an offence is a criminal and illegal act of a person who has reached the age of legal responsibility was aware of the meaning of his actions and was able to manage them. However, we can only discuss the offence when all its basic elements are present: object, subject, objective and subjective sides. The protection of the natural environment can be accomplished by organisational, technical, technological, economic, ideological and legal means.

Legal protection of the natural environment includes defining the objects of protection, measures and means of state environmental control; establishing prohibitive, permissive, compensatory and other regulations governing environmental relations; establishment of legal liability for environmental offences, including compensation for damage to the natural environment and therefore to human health and property of citizens and legal entities.

Environmental offences can be classified as follows:
1) by the subject of the offence, acts are identified: violating the right of ownership, possession and use of natural resources; that contradict environmental requirements for the protection of the natural environment; that interfere with the economic exploitation of natural resources - the destruction of boundary markers, damage to hydraulic structures, etc.
2) by the object of protection – land, water, forest offences, violations of legislation on subsoil, protection of atmospheric air, protection and exploitation of wildlife.
3) by legal sanctions - criminal, administrative, disciplinary, civil.
4) according to the degree of public danger – environmental crimes and environmental offences.
5) according to the way the damage is caused – pollution of the natural environment; irrational use of natural resources; damage, destruction of natural objects; devastation, destruction of the natural environment, its ecological bonds (Overkovskaya and Opolskaya, 2020).
Consequently, regardless of the numerous types and varieties of damage to nature, its elimination is reduced to three main methods – prophylactics (prevention), cessation and restoration of the consequences resulting from the economic offence.

DISCUSSION

There is no agreement in the scientific and academic literature on the concept, content and types of responsibility in the field of environmental protection. In one case, it is called environmental liability, proposing to differentiate and distinguish it from other types of legal liability. The other is legal liability for environmental offences, defining this as the relationship between the state, represented by designated authorised in the field of environmental protection, law enforcement agencies, other authorised entities and the person (individual, official or legal entity) who has committed an environmental offence, to the application of appropriate penalties to the offender". Thus, environmental liability is a complex socio-economic and legal institution that requires further scientific development (Korolchuk, 2021). However, the effectiveness of applying liability for environmental damage cannot be improved without enhancing the legal framework governing such liability, i.e., without modernising the rules of procedural law. Back in 2016, for example, the Global Institute of Environmental Judges was established at the international level (Global Judicial Institute for the Environment, GJIE). In the same year, the Charter of the Institute was established (Charter of the Global ..., 2016).
In general, in the current context of civilisational development, everyone has to preserve nature and the environment and be legally responsible for violations of environmental legislation (Hinteregger, 2008). The essence of environmental responsibility is the preservation of a sustainable balance between the economic and environmental interests of society through the prevention, reduction and restoration of losses in the natural environment. In accordance, environmental liability has three main functions: promotional, compensatory and preventive (Ustimenko, 2016). The promotional function involves economic and legal incentives to encourage the natural resource user to implement the requirements of environmental legislation conscientiously. For example, the government obliges to buy environmentally friendly products at a higher price, rather than encouraging the producer to use environmentally friendly production technologies etc (Levchenko, 2021). The compensatory function consists of indemnifying damage caused to the environment, human health and property (ownership) of natural and legal persons (Shemshuchenko *et al.,* 2018). This compensation may be in kind or cash. The preventive function is designed to prevent the further behaviour of both the offender and other participants in environmental relations by imposing penalties.
Environmental liability has two forms: environmental-economic and legal. Environmental-economic liability (responds to the "polluter pays" principle) is governed by economic methods in the form of charges for pollution and other harmful effects on the environment. It is based on lawful (permitted by regulations) activities of legal and natural persons – natural resource users. Legal liability occurs for environmental offences and is based on the unlawfulness of act of a natural resource user. It is administered by legal methods and is divided into criminal, administrative, civil, material, and disciplinary. Whereas the mere fact of pollution or other harmful effects on the environment is sufficient for environmental and economic liability to arise, the occurrence of legal liability requires the combination of two obligatory moments:
1) the occurrence of circumstances (legal facts) that may cause the emergence, modification or termination of

relations regulated by environmental legislation (the existence of the violation of environmental legislation itself)

2) the existence of certain conditions (elements of an offence) that allow the offender to be held legally responsible (unlawfulness of the act, guilt, harm or its real threat, causal link between the unlawful act and socially dangerous consequences, i.e., harm or its real threat). For criminal and administrative liability, all conditions necessarily apply, whereas, for other types of legal liability, the absence of some of them is permissible. For example, disciplinary liability may also occur in the absence of harm, e.g., for not obeying an order or instruction given by a supervisor to a subordinate employee. Civil liability is possible in the absence of the fault of the offender - by the very fact of infliction of harm by a legal entity or a citizen whose activity is connected with increased danger to the environment (Civil Code of Ukraine, 2003).

Legislation has defined environmental offences as must, unlawful acts that violate environmental legislation and cause harm to the natural environment and human health. This definition is still being developed and refined by lawyers. However, the four basic features of environmental offences, which are both conditions for legal liability, remain unchanged: unlawfulness of the act, infliction of harm (real threat of detriment), guilt, and a causal connection (Overkovskaya and Opolskaya, 2020). These factors are usually also part of the offence, which consists of four elements: the object, the subject, the subjective side and the objective side. An exception to the general rule is the absence of a subjective side in the commission of an environmental offence by a legal person since this concept has been developed in legal theory and practice to natural persons (Lopashenko, 2001).

The object of the offence is that to which the unlawful criminal act of the perpetrator refers. There are different views on the object of the environmental offence. It is explained by the fact that a natural object (not to be confused with an object of offence) can appear both in three meanings: as an object of nature, property rights and housekeeping rights (Shumilo, 2017; Pylypchuk *et al*., 2021). It causes different approaches in defining the object and subject matter of the offences in the issue. The following definition seems most appropriate: the object of environmental offences is a set of social relations developed in the field of environmental protection, the rational use of environmental resources and environmental safety (Mazur *et al*., 2018).

The legislation of Ukraine on the protection of the natural environment defines several objects that may become the subject of an environmental offence. Thus, the subject matter is the main criterion for distinguishing these offences from other (non-environmental) ones that are similar to them. The subject must be analysed in inseparable connection with the object of the crimes in question to determine which social relations this subject is a part of, and which specific relations are or may be harmed. It is possible to conclude that the distinction between environmental offences and other offences involving components of the natural environment is made to the object of the infringement and its social role in various social relations, which may involve the same elements of nature. Therefore, catching fish in a river in violation of the established rules constitutes illegal fishing, while the same acts committed in a fishery pond constitute theft of property, since in the latter case fish is not a natural resource in its natural environment and is of commercial material value (Law of Ukraine..., 2021b).

The environmental offence of polluting the air of industrial premises (mines, workshops, etc.) cannot be regarded as an environmental offence (Law of Ukraine…, 2021a). The act here encroaches on a relationship not for the protection of a natural site, but of health care in the performance of work functions (Hinteregger, 2008). Illegal pollution of atmospheric air outside a confined area, on the other hand, is classified as an environmental offence. The subjects of environmental offences can be:

1) natural persons (citizens of Ukraine, foreign citizens, stateless persons).

2) legal persons.

3) specific subjects that are identified separately in legislation (e.g., officials and other employees, persons committing environmental offences using their official position, etc.).

Legal persons can only be held administratively and civilly liable by Ukrainian law. The subjects of environmental offences are the owners, users and lessees of natural objects, but in all cases, the requirements for environmental protection are the same for them, i.e., legal liability for violation of environmental legislation is applied regardless of the form of ownership and economic activity (Kuzmenko *et al*., 2021). The subjective side is the third element of the environmental

offence. In legal theory, it is called guilt. According to the law, guilt is the inner mental attitude of a physical person towards the unlawful act committed, his motives, purposes, interests. Two forms of guilt are distinguished: intent and negligence. There is specific and implied intent. In the case of committing an environmental offence with specific intent, a natural person was aware that by his/her actions he/she violates environmental legislation, that these actions (inaction) are socially dangerous for the environment and provide for the possibility or inevitability of socially dangerous consequences by causing harm to the environment or real threat of such harm and willing to cause such harm.

An offence is committed with implied intent if a person was aware of the social danger of his act, predicted the possibility of causing harm or establishing a real threat of harm, was unwilling but consciously allowed it or was indifferent to it. Negligence occurs in the form of the commission of an environmental offence through carelessness or negligence. In the first case, the natural person predicted the possibility of causing damage to the natural environment by their illegal actions (omissions), but without sufficient reason, presumptuously expected to prevent it. In the second case, the individual did not predict the possibility of socially dangerous consequences of his actions (omissions), although with the necessary care and due diligence he must and could have predicted them.

In practice, the issue of unlawfulness is resolved by comparing the act with its reflection in legislative and sub-legislative acts. Ukraine's environmental legislation is being developed and improved. When compiling protocols on administrative offences in the field of ecology and indictments for environmental crimes, one should refer to the relevant norms of environmental legislation, especially since the dispositions of many articles of the Criminal Code and the CAO must be referential and require knowledge of changes in environmental legislation. Investigators and other law enforcement officials have to consider this. Illegality is that the offender's actions are in contradiction with the rules of law, legal values and principles of environmental protection established by law. The specific nature of environmental legal relations is that everything that is not prohibited by law cannot be applied here, because the rules of civil law, which apply to the institution of compensation for damage caused to the environment and human health, enshrine the general rule about the illegality of any damage (except in cases where it is permitted by law, such as in cases of extreme necessity, necessary defence, etc.).

In addition, environmental law is defined by the so-called licensing system, under which any interference by a natural or legal person with the environment (hunting, fishing, land acquisition, land reclamation, prospecting and extraction of natural resources, etc.) must be authorised by the competent authorities of the state. For example, a company that uses water from its artesian well. According to section 48 of the Water Code of Ukraine (1995), this is special water use and, accordingly, a permit for special water use must be obtained (section 49 of the Water Code of Ukraine (1995)) (Liability for violation of environmental legislation, 2020). Thus, without an appropriate permit or licence, any unauthorised activities of these persons in the field of natural resource management, and even those involving damage to the natural environment, will be illegal, even if they are not yet reflected directly in the environmental legislation (Borishpol, 2017).

Harm is a necessary feature of the objective side of material environmental offences. However, as we have already mentioned, most environmental offences are formal offences: liability occurs for the very fact of the offence, regardless of the socially dangerous consequences. There are also the compositions that provide for liability both in case of the consequences and in their absence if the unlawful guilty act caused a real threat of their occurrence (Krasnova, 2008). The nature and degree of public danger of the harm caused by the unlawful culpable behaviour of the perpetrator determine the criminal or administrative liability (in other words, the classification of offences into environmental crimes and environmental misdemeanours) (Isakova and Pchelnikov, 2019). The implementation of measures of administrative liability does not exempt the perpetrators from compensation for the damage caused to the environment. However, if an administrative fine is applied to a violator, this does not mean that no more damages will be assessed for environmental damage. The amount of damage caused by the offence affects the type and length of the penalty.

A condition for liability and a necessary feature of the objective side of any offence is the causal relationship between the unlawful act and the consequences (damage or real threat). In some cases, the relation is obvious and the fact of harm itself is sufficient to prove it. For

example, an explanation by the offender and an order from the manager may be sufficient to impose a disciplinary sanction. To impose administrative liability for "clear" environmental offences, where the perpetrator does not deny the offence, police officers may limit themselves to compiling a report of the offence, documents confirming the amount of damage, explanations by the offender and witnesses, and a report on the detection and suppression of the offence It serves as the basis for an order to impose an administrative penalty on the offender by the relevant competent authorities or officials, and for an order to compensate for the environmental damage and other legally relevant documents.

Criminal prosecution is often accompanied by a denial of guilt and unlawful behaviour on the part of the suspect, particularly if he or she is not caught in the act itself or immediately afterwards. In such and other complicated cases, including those involving civil liability, forensic examinations must be conducted to consolidate and assess the evidence gathered and to prove a causal link. Under the Code of Criminal Procedure, the person conducting the enquiry, the investigator, the prosecutor or the court may order forensic environmental, botanical, zoological, soil science, mineralogical, technical, technological, ichthyological, chemical, medical and sanitary and other types of expertise. They are holistic, conducted collaboratively with the involvement of various specialists (ecologists, sanitary doctors, zoologists, ichthyologists, game wardens, soil scientists, foresters, chemists, physicists, university specialists in the relevant field, etc.). It is also encouraged by the above-mentioned resolution of the Plenum of the Supreme Court of Ukraine (2004).

CONCLUSION

The ecological crisis that humanity is experiencing at present makes it necessary for the legislator and scientific doctrine to pay more attention to the problems of nature conservation. Therefore, the institution of liability for environmental offences is still developing and improving. One of the major problems is that there is no universally recognised opinion on the nature of environmental liability, and there are different views in legal science on this matter. However, establishing clarity on the concept of environmental liability is fundamental to environmental protection, because without this key definition problems emerge in developing a mechanism for legal regulation in this area. This requires the consolidation of all environmental structures.

In addition, a brief analysis of the state of the environmental situation in the country indicates the catastrophic parameters of the social danger of the phenomenon, which poses a potential threat to society in general and its future. Therefore, the criminal codes of many countries contain a norm regulating responsibility for ecocide. With this regulation, the legislator once again specifies the high social danger of ecological crimes. They may also differ in the means and place of the unlawful act. There is a thin line between criminal and administrative liability. Therefore, the most crucial objectives of the state authorities are to implement a set of legal, organisational measures designed to improve environmental protection activities and to increase the effectiveness of the application of criminal and legal norms to combat environmental crime in society and the state in general. The most general, fundamental approach to this issue is to ensure that authorities perform the international obligations they have undertaken to protect the natural environment and to prevent transboundary pollution by various authorities, organisations, and individuals are implemented most effectively. For this purpose, the main priority is to improve environmental legislation in line with the international obligations of the state in the field of environmental protection.

Based on the study, we believe that the institute of legal responsibility as an independent and special type of legal responsibility is in the process of establishment since its emergence is caused by the need to adopt special legal acts of environmental legislation, the need for which is felt in practice. There is an ever-increasing number of specific environmental regulations, and human interaction with nature is also increasing, which consequently indicates the development of this institution.

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