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# USE OF CERTAIN TERMS IN THE SPHERE OF ENVIRONMENTAL PROTECTION

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**Annotation.** The publication is dedicated to the coverage of legislative and theoretical approaches to the use of the interpretation of certain terms and concepts in the field of environmental protection, based on which suggestions are made regarding their optimal use in scientific circulation and relevant regulatory and legal acts. It is emphasized that the stability of informational and legal provision, in particular in the environmental sphere, is possible under the condition of unification of legislative terms, clear regulatory consolidation of their content with the aim of uniform understanding and application in practical activities. It is possible to secure interests and implement strategic priorities in the field of environmental protection through the creation of effective legal regulation, which includes various legal means, in particular regulations. The important role of definitions in legal regulation, which contain definitions of concepts as integral elements of the legal basis for ensuring the environmental policy of the state, is pointed out. It is noted that the legal definitions of the concepts have a universally binding nature and contribute to the formation of a single legal space. An attempt was made to evaluate the conceptual and categorical apparatus in the analyzed field from the point of view of the universality of the relevant definitions, the completeness of their textual expression, as well as state policy. It is noted that the relevant legislation does not contain a legislative definition of key concepts in the field of environmental protection. It was concluded that the identification of the definitions “ecology” and “surrounding environment” is erroneous, because “ecology” is the part of it that refers to the natural component of the environment. In this regard, as well as in view of the need to bring national legislation to international standards in the researched area, it is more appropriate to use the term “surrounding environment”, which is synonymous with the concept of “environment”, which would cover not only the natural component, but also the environment the existence of humanity in general.

**Key words:** environment, surrounding natural environment, criminal offenses, legal regulation, interpretation, definition.

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**Formulation of the problem.** The rapid development of social relations requires a timely response to their proper legal regulation. Such a postulate reflects the social need to regulate new phenomena and processes that become objects of legal regulation and underlie the formation of new legal branches, sub-branches or institutions [1, p. 4]. An important role in this matter is played by the norms that protect the environment and its components.

Article 68 of the Law of Ukraine "On Environmental Protection" states that violation of the legislation of Ukraine on environmental protection entails disciplinary, administrative, civil and criminal liability [2]. Defined in Art. 66 of the Constitution of Ukraine, everyone's duty not to harm nature [3] should be supported by such legal means that would ensure a reliable preventive effect on potential violators and would severely punish every actual encroachment on the environment. Criminal liability for environmental offenses is provided for in Chapter VIII of the Criminal Code of Ukraine, which contains a list of the most dangerous criminal offenses in the field of natural resource use and environmental protection, and responsibility for their commission is established [4].

The question of the use of terms and their meaning has an important place in jurisprudence, particularly in criminal law. Legal terminology is a tool that allows not only to formulate the content of a legal document, but also to ensure adequate awareness by subjects of the content of a legal claim [5, p. 7]. The use of clear definitions is very important if the legislator aims at unification, harmonization of legislation, its compliance with European standards and traditions. Only such a system can ensure uniform interpretation and correct application of legal norms. The concept is a means of expressing goals and defining objects of ecologically correct behavior, to achieve which their addressees and other subjects of legal relations should strive [6, p. 266].

In order to obtain a balanced answer to the questions regarding the interpretation of the concepts of "natural environment", "natural environment", "environment" and "security", we will examine the etymology of these terms, which are used in the researched field by scientists and in the legislative sphere.

**The state of development of this problem.** The stability of information and legal provision, in particular in the environmental sphere, is possible under the condition of unification of legislative terms, clear normative consolidation of their content. The lack of a clear legal definition of certain concepts determines the need for scientists to search for author's approaches to their uniform understanding and application.

The problem of the use of terminology in the legal regulation of certain spheres of social activity was studied in the scientific works of M.I. Lyubchenko, T.V. Hrushkevych, V.O. Chudnenko, O.M. Kostenko, V.O. Navrotskyi, I.I. Onyshchuk and others.

Today, the issues of understanding the essence of the environment, its components and factors influencing the ecological sphere of the state remain insufficiently researched. In particular, the completeness of the development, scientific validity and quality of individual definitions cause certain comments. Unfortunately, there are no uniform approaches to the interpretation of certain

concepts in the environmental field in legislation and scientific research, the unjustified use of synonyms is allowed, which significantly complicates the clarification of the concept and signs of the environment and its natural component.

**The purpose of the article** is to investigate theoretical and legislative approaches to the use of certain terms and concepts in the field of environmental protection, based on which to formulate scientifically based proposals regarding the essence of the main definitions, their interpretation in scientific circulation and reflection in legislation.

**Presenting main material.** The human right to a safe natural environment is a legal opportunity to live in a natural environment that does not harm one's health and life, and in case of violation of this right, to demand its protection in accordance with the procedure established by law. This general definition covers all the main features of this subjective right: first, the right to live in a favorable natural environment that is safe for human health and life; secondly, the right to demand the removal of various obstacles to the exercise of this right in accordance with the procedure established by law; thirdly, the right to apply to the relevant authorities for the protection of the violated right with the aim of its renewal (restoration); fourthly, implementation of the protection of the violated right by establishing certain legal guarantees by the state [7, p. 148].

In the literature, the term "natural environment" is used to mean that part of the earth's nature that is directly related to the life and economic activity of a person, adapted to his vital needs. The natural environment forms the material basis of the existence of human society [8, p. 15].

Along with the concept of "natural environment", the terms "surrounding natural environment" and "environment" are widely used. The surrounding natural environment is a set of natural and natural-anthropogenic conditions (land, water, forests, subsoil, atmospheric air, flora and fauna) that surround a person, interact with him in the process of production and non-production activities, and are necessary for his life and activities [9, p. 127]. Adding the word "natural" to the term "surrounding environment" emphasizes the presence of an important component of the environment - untouched and man-made nature as an object of legal protection [10, p. 68].

The terminology used in the normative and legal regulation of issues of ensuring environmental safety represents various definitions of concepts that are integral elements of the legal basis of environmental protection in general, and specific normative and legal acts in particular. Legal definitions in the current legislation are fixed by means of definitive norms, which in their essence are specific legal means, and – in contrast to regulatory and protective norms - do not contain permits, prohibitions, obligations, measures of responsibility and are not structured on hypothesis, disposition and sanction. However, this in no way reduces the importance of such norms and their functional purpose in legal regulation, as they ensure the clarity and accuracy of the provisions of normative legal acts, which means they influence the effectiveness of their action.

A special place in the legal regulation of relations in the field of environmental protection is occupied by definitions, which are used to fix a specific, clearly defined meaning for the relevant term, which ensures stability and unambiguity in the understanding of the law [11, p. 11]. In contrast to doctrinal concepts, all legal definitions are universally binding, which should ensure the unity of legal regulation and the application of the provisions of legislation throughout the territory of Ukraine, contribute to the formation of a stable conceptual and categorical apparatus in the specific sphere of social relations regulation, including the sphere of ensuring economic security. At the same time, in the clear absence of a universally binding nature of scientific and legal definitions, they are most often a source of formation of basic concepts used in the process of understanding the concept of a law or by-law.

Legal definitions perform special functions in the normative and legal regulation of national security, which ultimately determines their role and purpose. Such functions include the function of specifying the limits of the content of concepts used in regulatory legal acts, the function of unifying the conceptual-categorical apparatus, the function of dividing all concepts into basic and derived ones, etc.

The process of including legal definitions into the norms of the current legislation is quite subjective in nature, as it directly depends on the will, vision of the legislator or other subject of law-making activity, assessment of their significance for the regulatory legal act. The concept itself should reflect the essence of the subject, distinguish it from other objects of the environment due to the characteristic features reflected in the concept. The definition of the concept is extremely important, as it will allow defining the boundaries of its content and including it in the provisions of the current legislation.

Legal definitions are characteristic for the most part of profile laws, in particular issued in a codified form, operating in a certain sphere of social relations regulation.

The general object of environmental crimes (Chapter VIII of the Criminal Code of Ukraine) [4] is the environment itself – the environment in which the object functions (air, water, land, flora, fauna, etc.). That is, everything that surrounds a person, and therefore can be interpreted as space and objects of the environment (natural environment, anthropogenic environment, industrial environment) [12]. The environment is a set of natural and natural-anthropogenic objects, which is a formative set of factors affecting human life and health, and ensuring its favorability has the functional direction of the activities of state authorities and local self-government [13, p. 302-303]. In addition to the natural environment, the environment includes a set of material components, phenomena and processes artificially created by man [8, p. 15]. The environment consists of individual objects of nature, natural resources, landscapes and other natural complexes, ecological systems, mechanisms of interaction of its components, as well as the conditions of existence of everything on Earth.

It is worth noting that equating the terms “environment” and “surrounding environment” leads to a not always correct interpretation of these concepts, because

the basis of the term “environment” is the surrounding natural environment and an even more inexhaustible number of components, on the other hand, “natural environment” is actually nature in its pure form. Therefore, “environment” has a synonymous meaning with the concept of “surrounding environment”, and is broader than the concept of “surrounding natural environment”.

Some scientists prefer the concept of “environment”, indicating the expediency of abandoning the use of the term “environment”, since in its lexical-semantic meaning, the attempt to translate the term “environment” is unsuccessful, the Ukrainian word is more successful in translating this term environment” [14, p. 38-39].

In our opinion, taking into account the international standards in the environmental field, the domestic legislator should use the term “environment” (as a synonym for the concept of “surrounding environment”), as it corresponds to international norms and requirements of the Association Agreement of Ukraine and the European Union. In particular, according to the Resolution of the Cabinet of Ministers of Ukraine “Some issues of optimization of the system of central executive authorities” dated May 27, 2020 No. 425, the sphere of public interests in modern conditions includes: gradual associative rapprochement of Ukraine with the European community; intensification of political dialogue with the countries of the European Union; implementation of universally recognized democratic standards for the realization of human rights and freedoms, including improvement of the national justice system and ensuring the rule of law and respect for human beings; establishment of close economic and trade relations, with the aim of integrating Ukraine into the internal market of the European Union, to the legal doctrine of the European Union “*acquis communautaire*”; ensuring environmental protection standards, including the introduction of a system for assessing negative impacts on the natural environment in accordance with Western European standards [15].

Often, the concept of “ecology” is mistakenly identified with the concept of “surrounding environment”, which, in our opinion, is not entirely correct, because this is the part of it that refers to the natural component of such an environment. In view of this, at the legislative level and in scientific literature, it is more appropriate to use the term “surrounding environment” synonymous with the concept of “environment”, the structural element of which is “surrounding natural environment”.

**Conclusions.** The use of uniform terminology in the normative regulation of the field of criminal and legal protection of the environment requires a corresponding transformation, taking into account the state policy in the specified field. In our opinion, the adjustment of the content of key legal definitions should begin with the outline of the essence of the term “environment” in the relevant law and other normative legal acts.

The identification of the definition “ecology” and “surrounding environment” is erroneous, because “ecology” is the part of it that refers to the natural component of the environment. In this regard, as well as in view of the need to bring national legislation to international standards in the researched area, we consider it more appropriate to use the category “surrounding environment”, which is synonymous

with the term “environment”, which in terms of content covers not only the natural component, but also anthropogenic, that is, the habitat of mankind.

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