

LEGAL TERMINOLOGY IN ENVIRONMENTAL AND LAND LAW: THEORETICAL-LEGAL ANALYSIS

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DOI: <https://doi.org/10.61345/1339-7915.2024.1.7>

Annotation. The article examines the peculiarities of the formation of legal terminology in the field of environmental and land law and proves the feasibility of its improvement in connection with the adaptation of the norms of national law to the law of the European Union.

The article states that today in Ukraine there is significant environmental pollution, climate change, land deterioration, which significantly worsened in connection with the military aggression of the Russian Federation and caused a particularly dangerous ecological situation in the country.

The article proves that the implementation of the principles of the right of citizens to a safe environment, ensuring human safety, protection and rational use of land, forest, water and subsoil resources is not possible without a clear definition of legal prescriptions enshrined in the law.

The article states that one of the important aspects of the language of law is legal terminology, which makes it possible to formulate the content of a legal document. The article defines the concepts of “terminology”, “terminology”, “legal terminology”. It is noted that it is not appropriate to equate the concepts of “terminology” and “terminological system”.

It has been investigated that despite the presence of established terminology in environmental law, the presence of terms in need of improvement is observed in this field, namely: “ecological law” and “environmental law”. It has been proved that for the purpose of further codification of environmental law, it seems appropriate to use the term “environmental law” as an established term of EU legislation.

It has been analyzed that today the language of the law in the field of land relations is gaining importance, which is due to the formation of the land market in Ukraine and the need to adapt the norms of land law to EU law. It is noted that in land law there is a problem of identifying the terms: “land”, “land plot”. It was noted that the legal terms related to the formation of the land market in Ukraine need improvement and detailing.

It was concluded that legal terminology in the field of environmental and land law is one of the important aspects of the development of the language of law. The issue of improving legal terminology in the field of environmental and land law is one of the necessary steps that will contribute to the unification and harmonization of the legal norms of the specified fields in the context of adapting the norms of national law to EU law.

Key words: terminology, legal terminology in the field of environmental and land law, natural environment, lands of Ukraine, land plot, environmental pollution, land pollution, land market.

1. Introduction.

The formation of the legal system of Ukraine, in the context of the process of adaptation of Ukrainian legislation to EU legislation, requires the improvement of the forms of expression of law and the conceptual apparatus of the branches of national law, including the branches of natural resource law, namely: environmental and land law.

Environmental pollution in Ukraine, climate change, deterioration of the land, in connection with the military aggression of the Russian Federation, have caused a particularly dangerous ecological situation in the country.

Thus, at the current stage of the development of the legal system of Ukraine, including in the field of environmental and land law, the improvement of legal terminology in Ukraine acquires a new meaning.

Implementation of the principles of citizens' right to a safe environment, ensuring human safety, protection and rational use of land, forest, water and subsoil resources is not possible without a clear definition of legal prescriptions enshrined in the law.

The language of normative legal acts is one of the important indicators of the level of development of the legal system of society.

One of the important aspects of the language of law is legal terminology, the accuracy of which depends on the state of the language of law as a whole. 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 [1, p. 6]. Thus, the language of law used in legal regulations is a special symbolic system that serves as a means of transmitting professional (legal) information and includes special legal terms [2, p. 13].

The possibility of setting out a legal norm with maximum clarity, precision and simplicity is becoming increasingly necessary, extremely relevant and highly demanded phenomenon [3, p. 584].

The issue of improving legal terminology in the field of environmental and land law is one of the necessary steps that will contribute to the unification and harmonization of the legal norms of the specified fields in the context of adapting the norms of national law to EU law.

2. Analysis of scientific publications.

Issues of legal terminology were considered in the works of such scientists, namely: Artikutsa N.V., Bilya I.O., Burdina M.Yu., Brynchuk M.M., Hetmana A.P., Dorda S.V., Zyabluk M. .P., Kvitko I.S., Klochko I.M., Leychyk V.M., Lyubchenko M.I., Ovsienko L.M., Rusanivskoho V.M., Taranenko O.O.

The formation of legal terminology in the field of environmental law is the object of attention of many Ukrainian researchers, such as: V.I. Andreytseva, A.P. Hetmana, M.M. Brynchuk, I.I. Karakasha, I.B. Machuska, O. Pogribny. O., Semchyka V.I. The study of Ukrainian legal terminology in the field of land relations is the subject of research by such scientists, namely: V.I. Andreytseva, M.Yu. Burdina, A.P. Hetmana, I.B. Machuska.

3. The purpose of the work is the study of legal terminology in the field of environmental and land law and the consideration of individual problems of the application of modern natural resource terms in legal norms.

4. Presenting main material.

At the current stage of law-making and law enforcement, the problem of the "language of the law" has acquired a new color, as it is connected with the emergence of a significant number of spheres of social relations that require an appropriate mechanism of legal regulation.

The language of law is one of the most peculiar communicative codes traditionally used in the institutional environment [4, p. 12]. Yes, according to N.V. Artikuts, the language of law is a functional type of literary language with characteristic linguistic-stylistic features determined by the specificity of the legal sphere [5, p. 156]. Normative expression, the use of terminological apparatus is extremely relevant for all branches of legislation without exception, as it is an integral part of the process of their codification and unification [6, p. 53].

Armed aggression and full-scale invasion of the Russian Federation on the territory of Ukraine created a real threat to the country's environment and the safety of citizens. Also, the military aggression of the Russian Federation, the consequences of the use of weapons affected the state of Ukraine's land resources, especially agricultural land, which affected the food security not only of our country, but also of the whole world. Thus, improvement of environmental and land law norms, their regulatory expression, unification of legal terminology is an extremely relevant issue today.

Legal terminology is a tool that not only formulates the content of a legal document, but also ensures adequate awareness by subjects of the content of a legal claim [1, p. 53].

A term (from Latin, terminus - limit, end) is a word or word combination that denotes the concept of a certain field of knowledge or human activity.

Terminology is a "tool for the organization and representation of special knowledge in the relevant scientific and professional field" [7, p. 67]. In scientific circles, the concept of "terminology" is considered by many scientists. Yes, I.S. Kvitko considers terminology as "a set of terms that express historically formed concepts of any branch of science or technology - a special sphere of human knowledge or activity" [8, p. 17]. V. M. Rusanivskyi believes that terminology is a special layer of vocabulary that is amenable to conscious regulation and ordering [2, p. 13].

It should be noted that the concepts of "terminology" and "terminological system" should not be equated. Thus, the main features of the term are the specific scope of its application and the exact relationship between the word and the object [9, p. 3]. The concept of "terminological system" is related to the classification activity of a person and is characterized by structuredness, integrity, connectivity and relative stability [10, p. 73]. A legal term (from the Latin terminus - border, border) is a word or phrase that expresses a concept from the legal sphere of social life and has a definition (definition) in legal literature (legislative acts, legal dictionaries, scientific and legal works). The legal term is related to the legal concept as the first element of legal knowledge and serves as its symbolic (linguistic) model, represented in sound and letter forms [11, p. 471]. Based on the above, it is possible to define "legal terminology" as a set of special terms used in various fields of national law, reflecting the essence and content of the fields of law and being the basis for the formation of legal norms.

At the same time, it is appropriate to note that legal terminology must meet certain requirements. Thus, the terms should ensure the brevity and clarity of the law, and have a defined meaning that expresses the legislator's idea, reflect logical connections between legal phenomena and concepts, be established and prevent ambiguous understanding [9, p. 3].

With the development of society and the state, new objects for legal regulation appear, which cause the emergence of certain normative institutions [12, p. 55].

The language of environmental and land law, as natural resource industries aimed at the protection and rational use of natural resources, including land, should have inherent clarity and clarity in the definition of terms.

The language of environmental legislation, the meaning of regulatory definitions and terms used in it are extremely relevant. First of all, they are a means of determining the objects of legal regulation, the goals of implementing the norms of legislation regulating the relevant circle of social relations [3, p. 584].

Despite the presence of established terminology in environmental law, namely: "natural resources", "forest resources", "water resources", "atmospheric air", "subsoil", etc., in the specified field there is a presence of terms that require streamlining and improvement .

It is appropriate to note that the formation of "environmental law" is connected with the holding of the Stockholm UN Conference on the Environment (1972), where the name "environmental law" first became widespread. The natural environment is a complex concept within which two forms of interaction between society and nature have developed.

Thus, the very name of the field of "ecological law" comes from the term "ecology" (Greek: oikos - house, dwelling, place of residence, logos - science), which literally means "the science of the place and conditions of human life." At the same time, the main legislative act of environmental law is called the Law of Ukraine

"On Environmental Protection". Therefore, the official name of the field "environmental law" does not coincide with the name of the Law of Ukraine "On Protection of the Natural Environment" dated June 25, 1991.

Thus, in the field of environmental protection, there are two independent terms "environmental law" and "environmental law". Therefore, such a position of the legislator creates not only the subject of scientific discussion, but also introduces a certain confusion into the content of science, the subject and the formation of the terminology of the specified field.

According to M. Brynchuk, the effectiveness of legal regulation of environmental protection directly depends on the clear application of legal concepts and terms in the specified field [13, p. 20].

Therefore, according to the generally recognized principle of priority of international law, Ukraine should adapt the environmental legal terminology to international standards.

In our opinion, as of today, there is a need to improve environmental legislation by adopting the Environmental Code of Ukraine. It is appropriate to note that in many European states there is already an established practice of codifying environmental legislation. Yes, Environmental Codes have been adopted in the following EU countries, namely: Sweden in 1998, France in 2000, Italy in 2006.

In this context, A.P. Hetman believes that a more appropriate form of codification is the adoption of the Code of Laws of Ukraine on the Environment [14, p. 51]. In our opinion, the term "environment" is narrower, as it concerns only the protection and rational use of natural resources. At the same time, the term "ecology" includes not only environmental protection, but also ensuring human safety. Thus, it seems appropriate to use the term "ecology" in the norms of environmental law.

Today, the language of the law is also gaining importance in the field of land relations. The relevance of the development of land law, the study of legal regulation of the use, protection and restoration of land is due to the qualitatively new state of legal regulation of land relations, in the context of the formation of the land market in Ukraine and the need to adapt the norms of land law to EU law.

The relationship between man and the earth develops together with human society. It is appropriate to note that one of the main terms in land law are the following terms: "land", "land plot". These concepts are often identified. At the same time, these terms do not coincide and have different meanings.

According to Art. 14 of the Constitution of Ukraine, land is the main national wealth under the special protection of the state. The term "land" is defined as the land surface with soils, minerals and other natural elements that organically combine and function together with it.

At the same time, the term "earth" can be considered in different aspects - as a planet of the solar system, a globe, a part of the space system, an object of natural origin, soils, as a means of production in agriculture and a spatial basis. Characteristic features of the earth as a natural object are its resource irreplaceability and spatial limitation [15, p. 7].

The Land Code of Ukraine in Art. 79 defines "land plot" as a part of the earth's surface with established boundaries, a certain location, with defined rights in relation to it. In addition, one of the characteristics of a "land plot" is the presence of established boundaries.

Thus, it is advisable to distinguish between the concepts of "land" and "land plot", since they have different meanings, which affects the content of legal norms in the field of land relations. At the same time, the legislator often equates these terms. Thus, using such terms as: "land ownership right", "land trust ownership right", etc., the legislator using the term "land" means the concept of "land plot".

In accordance with the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine Regarding Conditions of Agricultural Land Circulation" No. 552-IX, free circulation of agricultural land has been introduced in Ukraine.

In this context, legal terms related to the formation of the land market in Ukraine, namely: "agricultural land market", "circulation of agricultural land plots", "appraisal of agricultural land plots", "consolidation of land" need to be improved and detailed agricultural purpose".

Thus, to date, in the field of environmental and land law, there are terms that complicate the interpretation of legal norms in these fields. Codification of environmental legislation and the adoption of the Environmental Code of Ukraine remain an urgent problem in the field of environmental law.

The improvement of legal terminology is also of particular importance in connection with the introduction of the land market in Ukraine.

5. Conclusions.

To date, the active development of the legal system of Ukraine is conditioned by the rejection of a narrowly normative understanding of law, liberation from excessive ideologization.

The formation of the legal system of Ukraine, in the context of the process of adaptation of Ukrainian legislation to EU legislation, requires improvement of the forms of expression of law and the conceptual apparatus of the branches of national law, including in the field of natural resource law, namely: environmental and land law.

In connection with the catastrophic pollution of the environment caused by armed aggression and the full-scale invasion of the Russian Federation on the territory of Ukraine, the improvement of environmental and land law norms, their normative expression, unification of legal terminology is an extremely urgent issue today.

Legal terminology in the field of environmental and land law must meet certain requirements designed to ensure the clarity of legislative norms, reflect the idea of the legislator regarding the protection and rational use of natural resources, including land resources.

In the context of adapting national legislation to EU legislation, Ukraine should adapt environmental legal terminology and terminology in the field of land relations to international standards, by adopting the Environmental Code of Ukraine and adapting land law norms to EU law.

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