

Legal and regulatory institutions integration in environmental policy of the Russian Federation

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Abstract. The legal regulation of environmental policy in the Russian Federation is carried out by a number of institutions and organisations, the management process of which in practice proves to be fragmented and uncoordinated. The functioning of this system, which lacks internal unity, leads to larger crises at the social, economic, and international levels. In today's increasingly globalised environment, environmental law seeks new ways of consolidation and international cooperation, which can only be achieved through the internal integration of legal institutions. Examining the shortcomings of the existing legal system, identifying ways to address them, and identifying mechanisms for integration will lead to positive effects in addressing environmental issues, both nationally and internationally.

1 Introduction

1.1 Relevance of the research

The relevance of the topic of this study is due to the importance of environmental issues in all areas of life, not only for a single state but also for the entire global community. Legal regulation in the field of environmental protection in the Russian Federation is carried out through various institutions and agencies specializing in environmental policy, but the management process of these structures seems to be fragmented and unsystematic. The autonomy of the legal institutions does not provide formation of a unified set of solutions for environmental problems, to obtain sufficiently objective scientific information about the processes taking place and their interrelation with both social problems and the economic development of the country as a whole. Recognising the global nature of environmental protection issues, states invariably arrive at a system of integration that is flexible and amenable to adjustments and innovations, taking into account improvements in international environmental policy and the scale of environmental protection measures.

1.2 Literature review

In the context of foreign and domestic scientific literature, the concept of environmental

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policy and its legal regulation has received considerable attention and in-depth study.

The solution of urgent problems of modern environmental law is revealed in the works of many domestic researchers, including: Vakula M.A., Umnova-Konyukhova I.A. [1], Alferova E.V. [2], etc. The authors reveal the significance of institutional and legal aspects of environmental law of the Russian Federation, and also emphasise the need to create new institutions and branches of environmental law, which will further lead to the greening of the constitution, both at the national and international levels.

Among the foreign scientific works of particular interest are the works of Patrick Parenteau [3], Louis J. Kotze and Rahyun E. Kim [4], which address both the fundamental issues of environmental law and their regulation, and the specific aspects of anthropocoenology. The researchers highlight the term "anthropocene", denoting the connection of human activity affecting the ecosystem with public management systems in the field of environmental protection. Particular attention is also paid to the problems of fragmented and fragmented governance in environmental policy, which fails to fill the gaps in international ecological law.

Among the innovative modern studies, we can also highlight the work of the President of the Noosphere Spiritual-Ecological Assembly of the World Gordina L.S. [5], who has developed the Noosphere Ethico-Ecological Constitution of Mankind. This document is a guarantor of the basic legal, spiritual-ecological, ethical and social norms, ensuring the safety of mankind in the conditions of cataclysms, crises, disasters and socio-ecological upheavals.

The common feature of all the studies highlighted above is that environmental law at the present stage of development seeks new ways of consolidation and global integration.

1.3 Problem justification

A study of the provisions of the current legislation of the Russian Federation, the practical functions of legal institutions and organisations, international conventions and other documents regulating environmental protection and nature management allows us to generalise a common shortcoming at all levels of environmental policy implementation - fragmentation and lack of integration. There is heterogeneity in the system for regulating environmental issues within the Russian Federation, leading to larger crises at the social, economic and international levels.

1.4 Aims and objectives of the study

The need for the entire international community to address environmental protection issues highlights the obstacles in the interaction of institutions of environmental legal regulation, the execution of relevant treaties and agreements, and the creation of integration structures with competencies for environmental policy management in the Russian Federation. This indicates that the process of conducting national environmental policy is becoming part of a more complex system involving international relations. In this context, the aim of this paper is to identify the relationship between the disintegration of the functioning of the institutions of legal regulation of environmental policy in the Russian Federation and the existing problems of the environment and natural resource management.

The research objectives are:

- Identification of the main institutions and organisations regulating the environmental policy of the Russian Federation;
- Study their functions and activities as they relate to environmental protection and nature management issues;
- Identification of ways to integrate legal regulatory institutions in the process of

environmental policy;

- Justification of the positive effect of the application of the integration system in relation to the entire global community.

2 Methods

In the process of conducting this study a set of scientific methods was used: general scientific methods of empirical and theoretical analysis (study and synthesis of previous experience of legal regulation in the field of environmental protection, as well as its description and evaluation), private scientific methods of legal nature (comparative legal, formal legal, legal prediction and modeling method), methods of processing the work results, as well as specialized methods of structural and functional analysis of environmental as

A significant part of the methodological basis of scientific work is due to the need for analysis of the institutions of legal regulation of environmental policy of the Russian state, as well as systematisation of data on the achievements of international organisations, in order to model a successful integration system and predict the positive results of its application.

3 Results and discussion

The study of the structure of the branch of environmental law in Russia shows that the constituent parts of this branch are autonomously regulated by separate legal institutes, which is conditioned by functional features, specific legal relations, private methodologies, goals and objectives of the regulatory process. For example, the mechanism of ecological expertise, the ecological status of citizens, the rights and obligations with regard to specially protected areas and many others are singled out separately.

By distributing the structural functionality of legal regulation among various institutions, the state seeks clear management and control, implicating positive intentions. However, the current environmental legal and institutional governance mechanism appears insufficiently effective and fragmented. The institute of environmental expertise was taken as an example, including: audits, environmental insurance, certification of economic and other entities, etc.

In the process of environmental expertise and provision of certificates, a significant legal gap is found in determining the validity period of the positive conclusion issued by the environmental expertise, which creates favourable conditions for conducting abusive contractual relations between business entities and state structures. When deciding on the validity period of an environmental certificate or insurance, the legal entity tends to prolong this process, thus violating environmental standards of natural resource management.

The Federal Law dated 23 November 1995, No. 174-FZ "On environmental expertise" (Clause 5, Article 18) stipulates that a positive conclusion of a State Environmental Expert Review is valid for the period specified by the federal environmental expert review agency or the authorities of the Russian Federation legislative entities performing the particular State Environmental Expert Review. However, this law does not contain any requirements for the procedure for determining this term, nor any criteria allowing to differentiate the terms of validity of positive conclusions of the State Environmental Expertise, for example, depending on the degree of environmental impact of economic and other activities that are the subject of the environmental impact assessment. "In this connection, in practice it is not uncommon for authorized state authorities to establish different terms of validity of positive conclusions of state environmental expertise in relation to similar objects of expertise implemented within the administrative-territorial boundaries of one subject of the Russian Federation" [6].

Along with the above-mentioned problems, domestic legislation implies fines for violations and damage caused to nature, in order to eliminate the violation of environmental

rights of Russian citizens, which in reality leads to corruption and bribery, both at the municipal and national levels.

In addition to legal gaps in environmental legislation of the Russian Federation, the institutions of legal regulation have been studied, which do not represent fully formed management organizations and are of a debatable nature.

In the current context of the development of a digital society, institutions of information support in the field of ecology, protection of Earth systems, research into damage to the Earth's ozone layer, study and tracking of climate change, and environmental protection in the Russian sector of the Arctic are of particular relevance. At the moment, these areas are completely undeveloped in terms of environmental law, and the methods of resolving these problems are dissolved in the general flow of tasks of environmental legal institutions.

The cross-sectoral nature of the institutions of legal regulation of environmental policy explains the need for integration processes that construct an integrated agency, including norms, standards and instruments of various branches of law: constitutional, administrative, municipal, civil, labour, etc.

Let us examine the proposed integration system in more detail:

1. The conduct of environmental control implies the co-operation of administrative, constitutional and municipal law activities, because administrative oversight needs the continuous support of law enforcement agencies and the systemic objectivity supported by the Constitution.

2) The institution of liability for environmental offences involves the interaction of civil, labour, administrative and criminal law functions, which together will have the effect of encouraging compliance with environmental norms and preventing new offences.

3 The protection of natural resources must involve the integration of constitutional, administrative and international law, using international economic resources. Here it is impossible to distance ourselves from international cooperation, as natural resources are universal goods in demand all over the world.

4. The legal regulation of national and international activities in the field of electric power, oil, gas, transport activities, rational use of water bodies and conservation of forest resources stands as a separate item requiring close attention and development. The step-by-step formation of unified international institutions overseeing the activities of countries and organisations in these areas should be carried out on the basis of international legal treaties that promote environmental integration.

In the current realities of globalisation, the influence of external factors on national environmental policy is increasing by the day. Therefore, it is impossible to imagine the functioning of the Russian Federation's legal institutions without interaction with international environmental legal organisations. The main documents regulating environmental policy at the international level are environmental conventions and agreements. These standards represent ways of harmonising the environmental interests of different states, aiming to unite universal efforts in environmental protection issues.

While international conventions and cooperative agreements exist between different countries, it is possible to achieve efficiency in the legal regulation of environmental processes by developing an effective system for the resolution of international disputes and conflicts related to environmental protection and the rational use of natural resources.

An international institution for environmental conflict resolution should be established to deal with all kinds of conflicts between national environmental regimes, differences in legal systems and economic components of environmental policy, and disputes over human rights and their protection. Inter-state projects that have proved to be effective in practice can be regarded as a monitoring tool for such an institution.

The systematisation and integration of various global environmental monitoring systems into the management of international conflicts can clearly prove effective in practice. This

mechanism can be visualised in Figure 1.

Hence, it follows that the creation of an integrative institution for the resolution of environmental conflicts will enable the entire global community to cooperatively prevent environmental crises, to maintain an objective level of information provision, and to improve the responsiveness of state ecosystems to environmental protection problems.

Ecological conflicts and disputes at the state level within the Russian Federation have recently been characterised by a marked increase in intensity, indicating a lack of institutional governance, insufficient legal provision and, as a result, a variety of misleading interpretations about the state of the environment in the regions and the country as a whole.

A solution in this direction could be the creation of a unified national commission for resolving environmental conflicts, which should include representatives of the authorities, legal organisations, conflictologists and environmental experts. However, the definition of conflict resolution options, with the allocation of steps, methodologies, resources and timelines, should be based on internal environmental monitoring.

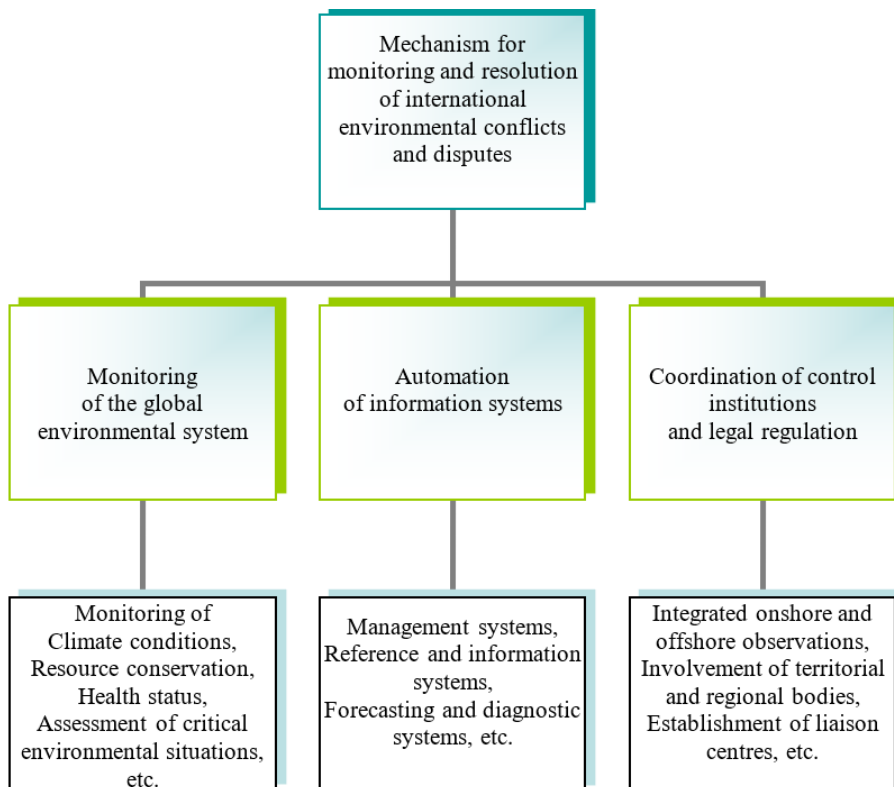


Fig. 1. Mechanism of the International Institute for Environmental Conflict Resolution.

Having studied the issues of environmental monitoring, it can be noted that within a single state, it is usually carried out only at the federal level, while local governments and the population of the country have no authority to receive this kind of information, but in fact both citizens and municipal organisations have the right to reliable data on the state of the environment in the world, in the country and in the regional entity.

According to Article 42 of the Russian Constitution, every person in Russia has the right to a favorable environment and reliable information about the state of the environment, so public administration bodies are obliged to provide this kind of information, as well as to ensure the notification availability of the results of legal regulation institutions in the field of

environmental policy. Therefore, legal regulation must also focus on the population of the country, its safety and the development of citizens' interest in the environment.

In the development of this direction, the theory of the Noosphere Ethico-Ecological Constitution, which is a modern innovative research in the field of civil-legal ecology, can be effective.

Article 91 of this document formulates the basic provisions of ethico-environmental monitoring, implying participation not only of state systems, but also development of personal ecological awareness of each individual.

In order to protect the interests and rights of citizens it is necessary to establish a planetary ethical-environmental monitoring (permanent control and monitoring) of the ethical-environmental situation in places of settlement, production, health resort areas, recreation areas and various territories. Monitoring shall not affect citizens' constitutional rights to privacy and its results shall not be used to infringe on those legal rights, except for the need to investigate unlawful acts of the individual [5].

"Forecasting of risk situations using energy-information methods (energy-information forecasting) can be used by citizens and legal entities under licenses to prevent accidents, disasters and emergencies as part of energy-information monitoring. Control of the validity of forecasts is carried out by specially authorized bodies of energy information welfare of the population and rescue services. Forecasts found to be justified are transmitted to local and state authorities for publication and preventive measures. The authorities for the management and coordination of life activities as well as the local authorities are obliged to notify the population of the forecasted risk situations and preventive measures to reduce the level of danger for the population in a timely manner"[5]. In turn, citizens and legal entities are obliged to promote and participate in the implementation of the programme.

The application of the ethical-environmental approach in legal regulation involves an evolutionary transition from the private to the general, from the civil and community-wide to the global governance and coordination of the international community as a single civilizational system.

"Such transition is conditioned by the constant increase and development of global systems of communication and information, cultural and tourist exchange, free circulation of currencies on the planet and their convertibility, increasingly free movement of labor resources, goods and services, creation of global systems of transport, recognition of general rights and obligations of a man and a citizen in any part of the world" [5].

However, this integration system should be carried out in stages: at the state level with the transition to the international level, including the continental level, then from the international to the global level. At the global level of all mankind, the mechanism of management and coordination of legal regulation of environmental policy includes the following stages: continental, territorial, regional and local. This transition will ensure the creation of effective international environmental policy, taking place in legal, political, economic and civil forms.

Without a doubt, the formation of an integration system using all the studied and developed approaches at the initial stages should be carried out within one state, in our case on the territory of the Russian Federation. In the future, the evaluation of the effectiveness of this system will serve as the beginning of the application of the integration structure at the international level.

Thus, application of all above-mentioned systems of integration of institutions of legal regulation of environmental policy will allow to form international legislative unity and to solve many global problems of environmental protection.

4 Conclusions

In a study of contemporary problems of fragmentation and non-systemic legal management of environmental policy of the Russian Federation, not only national predicaments and shortcomings have been identified, but also their impact on the international environmental legal system.

Considering the global nature of environmental protection issues, we conclude that it is necessary to apply a system of integration of legal regulation institutions in the field of environmental policy of the Russian Federation. This system appears to be the most flexible and open to adjustments and innovations, taking into account the improvement of international environmental policy and the importance of environmental protection measures.

In adhering to the integration system, it is impossible to completely abandon the division of legal regulation into separate institutes. But "the division of each branch of law into legal institutions, including environmental law, is not an end in itself. It should serve to distinguish and develop specific methods of law, improve accounting and systematization of legislation, streamline and increase the effectiveness of its norms, differentiate them from the norms of related institutions and other branches of law in the interests of improving the implementation of legal prescriptions" [7].

The actual division of legal branch in the field of ecology into separate institutions should be objective, productive, practice-oriented and provide for clear actions for the adoption, compliance and application of legal standards and norms in the field of environmental protection.

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