

О.Н. (2021). Cybercrime and subculture of cybercriminals. *Linguistics and Culture Review*, 5(S4), 858-869. URL : <https://doi.org/10.21744/lingcure.v5nS4.1769>.

10. Котух Є.В. Кібербезпека у публічному секторі : монографія. Х. : Вид-во ХарPI НАДУ «Магістр», 2021. 272 с.

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THE CODIFICATION OF THE ENVIRONMENTAL LEGISLATION IN UKRAINE

Environmental legislation of Ukraine, which provides environmental protection, rational use and reproduction of natural resources, environmental rights and responsibilities of human and citizen, has passed a difficult way their development. Today, this branch of law is an extensive system of legal acts, which have different regulatory level, legal force and scope.

This topic has been researched by such scientists as A. Hetman, A. Kobrin, V. Kostytsky, Yu. Shemshuchenko and others. In the manuscripts of these scientists were investigated the main forms of systematization of the environmental legislation in Ukraine, the current state of codification of sources. Simultaneously scientists offer their own proposals for the development of the future Environmental Code in Ukraine.

The environmental protection unit and the environmental safety unit are much more problematic, which means they are more prone to codification through the development and adoption of the Environmental Code and the Environmental Safety Act. Thus, the Environmental Code is more a perspective than a reality [1, p. 65].

In general, during the period of Ukraine's independence, environmental legislation was updated. There is a tendency to implement international legal documents on environmental issues as part of national legislation. Environmental law is a complex branch of law, It undoubtedly affects the content of the Environmental Code. In the theory of environmental law, subject of legal regulation is social relations in the field of interaction of society with the environment on the use and protection of natural resources, environmental protection and environmental safety [2, p. 29]. Thus, in environmental law there is a clear and

historically determined division of natural resources (called, as a rule, special) part, which includes as subsectors land, water, mining, forest flora and fauna, atmospheric air legislation, and groups of legislation that ensures environmental protection and environmental safety. Based on this, we can say that the laws still have serious shortcomings: they have too many declarative provisions, weak regulation of procedures such as an environmental regulation [3, p. 86].

The idea of creating a Ukrainian Ecological Code is supported by such scientists as Yuri Shemshuchenko, Halyna Balyuk, Svitlana Kuznetsova and others. [4]. Environmental codes exist in some developed European countries – such as France, Sweden, Italy, and in some countries – former members of the USSR - Kazakhstan, Tajikistan. Moreover, there is even a Model Environmental Code for CIS member states [5].

As now in Ukraine, in many European countries, environmental legislation came from different parts of sectoral protection legislation (water, land, etc.). This led to differences, as the environmental provisions of the legislation could be quite different.

An important question remains unresolved to what extent land use relations will fall under the Environmental Code or they will be regulated in the traditional way, or mainly by special land legislation.

The problem is how expedient it is to artificially separate land relations, which constitute an organic complex of interconnected relations on land use and protection, into two unequal parts.

Priorities for legal regulation established by the Environmental Code for Land Protection need to take into account several circumstances: firstly, inseparable connection of land protection with the use of land plots which can be carried out on various legal grounds; secondly, the content of legal protection lands determines – assignment of lands to one or another category.

There can be no doubt that rules on land protection should also be secured by the land legislation first of all by the Land Code, otherwise the role of this act as a system regulator of land relations cannot be fulfilled. We can assume a leading role conservation land law (eg specific legislation) for the relationship on land use. The content of the draft Environmental Code does not provide for detailed regulation of nature relations in general and land use in particular. The essence of natural resource relations requires the connection of norms with different types of nature management which can be done only within the framework of natural resource legislation. Thus, recognition of the Environmental Code of higher legal force than the Code on the ground does not meet the objectives of the adoption of this act.

The future Ecological Code of Ukraine as a codified normative legal act of a complex nature will be regulate the whole set of legal relations arising in the field of environmental protection and rational use of natural resources.

The structure of the Code should contain a general part, which includes the main environmental legal institutions (such as environmental accounting, environmental monitoring, environmental expertise, environmental certification, environmental regulation, environmental audit, environmental management and use of natural resources, control in the field of environmental protection, environmental requirements, etc.) and a special part, which includes as institutions regulations on the protection and rational use of components of the natural environment (land,

subsoil, water, flora and fauna, air and ozone) and natural objects (forests), natural complexes (especially protected natural areas). At the same time it is necessary to revise the norms contained in the current natural resource acts (Land Code, Water Code, Subsoil Code, Forest Code, "On Flora", "On Atmospheric Air Protection" and others).

As a basic environmental principle in the general part of the Environmental Code to establish the priority of environmental protection and environmental safety.

REFERENCE:

1. Environmental law: education. manual / quantity author [K. Rezvorovych , O. Yunin ,R. Kirin and others]. Dnipro: Bila K. O. Publisher, 2020. 318 p. [in Ukrainian].
2. Environmental law: a textbook / edited by I. Lychenko, H. Marich. Lviv: Educational and Scientific Institute of Law, Psychology and Innovative Education of Lviv Polytechnic National University, 2019. 432 p. [in Ukrainian].
3. T. Hryhorieva Problems of systematization of ecological legislation. Actual issues of the codification environmental legislation in Ukraine: Collection. theses of sciences add. participation "round table" (November 9, 2012) / National University of Law Acad. of Ukraine named after Yaroslav the Wise", 2012. P. 85-87 [in Ukrainian].
4. Problems of the systematization of environmental, land and agrarian legislation of Ukraine: a scientific view URL: <http://legalweekly.com.ua/index.php?id=16061&show=news&&newsid=122649> (access date 04/19/2023).
5. Model environmental code for the member states of the Commonwealth of Independent States dated November 16, 2006 URL: http://zakon0.rada.gov.ua/laws/show/997_g03 (access date April 19, 2023).

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HUMAN RIGHTS VIOLATIONS IN THE 21ST CENTURY

It would seem that in the 21st century there will be no more ignobility, threatening human rights, that will be only protection of human dignity, the right to life, medical care, education and freedom. Unfortunately, it is not true. The persecution of oppositionists in Belarus, the regime in North Korea, the dictatorship in China, the terror in Iran and the war in Ukraine are just examples for deliberate, planned activity of man against man. The fundamental right of every human being is the right to life and respect for dignity. [1. p. 74]. Anna Michalska emphasizes that “all international instruments aimed at protecting or promoting human rights place the right to life in the first place in the catalog of guaranteed rights, using almost identical formulations. Thus, the Universal Declaration states: every human being has the inherent right to life (Article 3); American Declaration: every human