

DEPÓSITO LEGAL ZU2020000153
*Esta publicación científica en formato digital
es continuidad de la revista impresa*
ISSN 0041-8811
E-ISSN 2665-0428

Revista de la Universidad del Zulia

**Fundada en 1947
por el Dr. Jesús Enrique Lossada**



Ciencias

Sociales

y Arte

Año 13 N° 38
Septiembre - Diciembre 2022
Tercera Época
Maracaibo-Venezuela

Regulatory principles of public administration in the field of state and regional environmental policy as part of the strategy for sustainable development of Ukraine

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ABSTRACT

The purpose of the scientific article is to identify the administrative and legal foundations of public administration in the field of environmental policy, and to determine the directions of its development at the present stage. Main content. The authors of the article established that the principles of public administration in the implementation of state and autonomous environmental policy must meet the requirements of: accessibility, timeliness and reliability of environmental information; as well as ensure the accountability of executive bodies and bodies of local self-government. The research used general and special scientific methods, the main of which are: abstract-logical, deductive, inductive, historical, modeling and forecasting, systemic-structural, systemic and functional, economic-statistical (grouping and comparison) methods of analysis. As a conclusion, the authors argued that the priority areas of public administration reform, in the implementation of state and regional environmental policy, include the feasibility of creating and operating a special information service, the content of which is the implementation of human rights to a safe environment, favorable environment and quality.

KEYWORDS: Environmental Law, environmental policy, national government, public administration, referral services.

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Recibido: 18/05/2022

Aceptado: 06/07/2022

Principios regulatorios de la administración pública en el campo de la política ambiental estatal y regional como parte de la estrategia para el desarrollo sostenible de Ucrania

RESUMEN

El propósito del artículo científico consiste en identificar los fundamentos administrativos y legales de la administración pública en el campo de la política ambiental, y determinar las direcciones de su desarrollo en la etapa actual. Contenido principal. Los autores del artículo establecieron que los principios de la administración pública en la ejecución de la política ambiental estatal y autonómica deben cumplir con los requisitos de: accesibilidad, oportunidad y confiabilidad de la información ambiental; así como velar por la rendición de cuentas de los órganos ejecutivos y de los órganos de autogobierno local. La investigación utilizó métodos científicos generales y especiales, los principales de los cuales son: abstracto-lógico, deductivo, inductivo, histórico, modelado y pronóstico, métodos de análisis sistémico-estructural, sistémico y funcional, económico-estadístico (agrupación y comparación). Como conclusión, los autores fundamentaron que las áreas prioritarias de la reforma de la administración pública, en la implementación de la política ambiental estatal y regional, incluyen la viabilidad de crear y operar un servicio de información especial, cuyo contenido es la implementación de los Derechos Humanos a un medio ambiente seguro, entorno favorable y de calidad.

PALABRAS CLAVE: Derecho ambiental, política ambiental, gobierno nacional, administración pública, servicios de referencia.

Introduction

The development of a modern state is impossible without ensuring the effectiveness of environmental policy. The implementation of state and environmental policy in Ukraine should be based on the principles of transformational transition from the policy of extensive use of natural resources to the policy of introducing renewable development technologies as an integral element of the Sustainable Development Strategy. Isolation as a separate component of the Sustainable Development Strategy to ensure the effectiveness of state and regional environmental policies determines the feasibility of finding ways to form effective mechanisms of public administration in the use of natural resources, environmental policy requirements, introduction of alternative energy sources. Despite the extreme importance of the implementation of state and regional environmental policies, their regulatory

uncertainty, the lack of implementation strategy is exacerbated by the ongoing state of Russian aggression in Ukraine.

Public administration in the field of state and regional environmental policy has repeatedly been the subject of research by representatives of various special and branch sciences. Quite a lot of attention is paid to the study of the implementation of state and regional environmental policies in the development of administrative law. It is worth highlighting the research of such scientists as V.V. Kostytsky (Kostytsky, 2001), Yu.O. Legeza, O.O. Surilova (Leheza & Surilova, 2019), B.G. Rozovsky (Shemshuchenko, 1978), Yu.S. Shemshuchenko (Pogorilko, 1973) and others. Representatives of the science of environmental law, in particular G.I. Balyuk (Balyuk, 2017), A.P. Hetman (Hetman, 2014) and others. Within the framework of this publication, the attention will be focused on establishing the essence and legal framework for public administration in the field of state and regional environmental policy as part of the Sustainable Development Strategy of Ukraine.

The purpose of the scientific article is to implement the scientific and theoretical justification of the administrative and legal foundations of public administration in the field of environmental policy and determine the directions of their development at the present stage using the obtained scientific results

1. Materials and methods

The research used general scientific and special methods, the main of which are: abstract-logical, deductive, inductive, historical, modeling and forecasting, methods of system-structural, systemic and functional analysis, economic-statistical (grouping, comparison, etc.). The application of methods of systems analysis allowed to structure the constituent elements of the system of legal framework for public administration in the field of state and regional environmental policy.

2. Results and discussion

Approval and implementation of a comprehensive unified state environmental policy in Ukraine takes place at the level of proclamation of targeted programs, strategic development plans, the priority goals of which include the creation of an effective mechanism of public administration in the field of environmental protection.

It should be noted that as of June 1, 2022, there are about 300 targeted state programs and strategic plans for regional development in Ukraine. It should be noted that a number of such national strategies have been approved since the 1990s and are still being implemented, in particular, the Concept of Administrative Reform in Ukraine, adopted in 1998.

Among the national programs aimed at ensuring an effective state environmental policy are: 1) National program for the formation of the national ecological network of Ukraine for 2000-2015; 2) National program for biodiversity conservation for 2005-2025; 3) Program for the use of production and consumption waste for the period up to 2005, which subsequently led to the adoption of the basic principles of the state system of waste management as a secondary resource; 4) Strategy of the state ecological policy of Ukraine for the period till 2030.

The Strategy of State Environmental Policy of Ukraine for the period up to 2030 (Law of Ukraine, 2019) identifies a number of national and regional issues that need urgent solution, among which one of the priorities is the need to reform the system of public administration in the field of environmental protection and regulation use of natural resources, in particular, inconsistency of actions of central and local executive bodies and local self-government bodies, unsatisfactory state of the state environmental monitoring system ”.

The provisions of the Strategy of State Environmental Policy of Ukraine define the need to integrate environmental policy into sectoral policies, mandatory consideration of the environmental component in drawing up strategies, plans and programs for Ukraine's development, implementation of environmental management in enterprises, greening of economic activity, which is implemented in Eastern, Western and Central Europe. The main directions became an important political and legal document, which contained the conceptual principles of environmental policy, which are mandatory for implementation by the Cabinet of Ministers of Ukraine in three stages.

During the first stage, the urgency of implementing and completing urgent measures to limit the negative impact on the environment was determined, which include: a) ensuring the quality of the regulatory framework for environmental protection and environmental safety requirements; b) revision of approaches to establishing the content and essence of the environmental protection and economic mechanism (in particular, revision of

approaches to understanding the procedure for allocating natural resource rents and the introduction of the economic passport of Ukrainians); c) functioning of a perfect system of state control over the state of the environment on the basis of objectivity and comprehensive intersectional environmental monitoring; d) implementation of effective programs of environmental education, legal education and environmental awareness (Leheza et., 2020).

In the process of implementing the second phase, designed for 10-15 years, starting in 1998, it was planned to develop and implement comprehensive programs aimed at achieving a balance between the levels of harmful effects on the environment and its ability to recover. However, as in the first stage, this goal was not detailed in its main objectives, as they are aimed at:

- a) optimization of the structure of nature management;
- b) ecologically oriented structural restructuring of the economy;
- c) development and implementation in Ukraine of a system of state environmental monitoring, creation of a system of analysis of the environmental situation, forecasting, planning and implementation of precautionary measures against possible factors of harmful effects (Khilko, 1999).

Priority areas for the implementation of state and regional environmental policy should include: creating a climate that will reduce risks to human health and well-being, thus determining the "quality" of the environment; ensuring a balance of private and public interests that will contribute to the achievement of economic, environmental, social well-being; introduction of ecological requirements to the processes of state and regional planning; establishing social partnership and dialogue; elimination of consequences of natural and man-made emergencies; ensuring environmental safety and maintaining ecological balance in Ukraine; the effectiveness of the mechanism of legal liability for violations of environmental legislation; introduction of the principles of prevention (prevention) and priority of eliminating sources of environmental damage, "the polluter pays".

The principles of public administration in the implementation of state and regional environmental policy must meet the requirements of accessibility, timeliness and reliability of environmental information; as well as ensuring the accountability of executive bodies and local self-government bodies (Leheza et., 2018).

Implementation of public administration in the field of state and regional environmental policy must meet the requirements of service. The concept of the "service state" was formed in the 1980s. The modern interpretation of the category "service state" is due to the need to integrate private and public interests, meet the needs of man and society (social groups). The implementation of service approaches is obviously possible within the framework of state and regional environmental policies, the subjects of implementation of which are the public, international and national public funds, public associations. The implementation of public administration in the field of state and regional environmental policy should take place on the basis of decentralization of power, bringing its institutions closer to the consumer of administrative procedures, where the priority is the proportionality of management decisions.

Normative principles of public administration in the field of state and regional environmental policy are determined primarily in accordance with the provisions of the Aarhus Convention, approved on June 25, 1998, which set priorities for access to information, public participation in environmental management decisions, access to justice on environmental issues. The Aarhus Convention, ratified by the Verkhovna Rada of Ukraine, was detailed in accordance with the provisions of the Association Agreement between Ukraine and the EU and EU Directive 2003/4 / EU of 28 January 2003 (Law of Ukraine, 1998).

Achieving the implementation of the concept of "service state" as a component of state and regional environmental policy is associated with the creation of effective mechanisms for public participation in management decisions, in particular by exercising the right to participate in strategic environmental assessment and public discussions. Ukraine, 2018). Forms of implementation of the service-oriented state in the field of environmental policy are: publication of reports of the central executive body in the field of environmental protection; responding to public information requests about the state of the environment; generalization of electronic appeals and their consideration in the planning and implementation of environmental management policy; organization of public discussions, including in the form of online surveys, questionnaires, systematization of public opinion (electronic public consultations and public opinion polls); assessment of harmful effects on the environment, which has become a substitute for public expertise (Leheza ect., 2021).

In order to overcome the devastating impact on the environment resulting from the Russian armed attack, the Verkhovna Rada of Ukraine acceded to the Convention on the Transboundary Effects of Industrial Accidents. Ratification of the Convention on the Transboundary Effects of Industrial Accidents will allow Ukraine to become a full participant in the process of overcoming industrial accidents that may have a transboundary impact; solve the problems of creating compatible accident alert systems and exchange of information necessary to counter transboundary impact; provide opportunities to receive assistance under the Convention to build capacity and share experiences in the prevention, preparedness and response to accidents; will allow the use of the Convention as an additional legal mechanism in the event that an accident that occurred in another country has provoked consequences in our territory (Andreytsev, 2002).

Thus, the normative principles of public administration in the implementation of state and regional environmental policy are provided by a significant array of laws and regulations (Leheza ect., 2021).

Agreeing with OA Ulyutina, we believe that the administrative and legal regulation of relations in the field of state and regional environmental policy can provide a strategy and tactics for environmental protection, rational use of natural resources and implement the basic tenets of sustainable development that meets international standards. legal standards of human-nature relations: "administrative-legal regulation with the help of specially authorized executive bodies allows to purposefully influence the course of human-nature relations, stimulating positive trends, providing strategy and tactics of environmental protection and nature management" (Ulyutina, 2011).

The structure of the public administration system in the field of natural resources use is characterized by a differentiated approach to its organization. At the same time, ensuring the strategy of sustainable development and integrated rational use of natural resources becomes possible only if the interaction and interconnection within the complex branched system of state executive power and local self-government. Ensuring an integrated approach to solving the problems of sustainable development and rational use of natural resources is seen in the reform of the system of public administration, which should take place by implementing the principle of landscape approach to solving the problem of rational integrated use of natural resources (Leheza ect., 2021).

Conclusion

Thus, establishing the effectiveness of public administration in the implementation of state and regional environmental policy should be based on the priority of public participation in administrative acts, the effectiveness of information interaction between society and the state, "digitalization" of public authorities and local governments. In general, it should be noted that in Ukraine the implementation of public administration functions is based on the service-oriented functioning of the subjects of power. In particular, such tools of the service-oriented state can be identified public information resources - "Action", "Prozorro", "Appeals in the field of state registration of civil status" and others. However, in the field of environmental protection and implementation of state and regional environmental policy, such public information services are absent, although they should have functioned. Public information services in the field of environmental protection are an effective guarantee of the effectiveness of the constitutional provision on the ownership of the Ukrainian people for natural resources and the transparency of management decisions on the use of natural resources and facilities of national and regional importance.

Thus, the priority areas of public administration reform in the implementation of state and regional environmental policy include the feasibility of creating and operating a special information service, the content of which is the implementation of human rights to a safe environment, favorable and "quality" environment.

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