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## CURRENT TRENDS IN THE DEVELOPMENT OF ENVIRONMENTAL LAW IN GLOBALIZATION

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The modern world is at a crossroads where the development of society is inevitably intertwined with the growth of environmental challenges. Above all, globalization appears to be a determining factor influencing the development of environmental law. Climate change, loss of biodiversity, environmental pollution - these problems do not stop at the borders of countries and require international cooperation and regulation.

Modern trends in the development of environmental law indicate the search for new approaches and tools to ensure sustainable development and preservation of natural resources. Global problems require global answers, and that is why the development of environmental law is gaining more and more importance in the conditions of globalization.

In this scientific study, we will try to consider the main directions of the modern development of environmental law in the context of globalization. We will investigate the influence of global processes on the formation of environmental law at various levels - from international to national. We will also consider the key challenges faced by modern environmental legislation and ways to solve them.

It is necessary to take into account that effective regulation of environmental issues requires not only the adoption of new legislative acts, but also the development of international cooperation mechanisms, the involvement of target groups of the public, and the creation of conditions for environmental education and awareness.

In this context, the analysis of modern trends in the development of environmental law in the context of globalization becomes a relevant and important task, which will allow more effective response to the challenges facing modern society.

Environmental and legal problems of society attract the attention of government representatives, scientists, practical workers and others. The essence of the rule of law is that it ensures the honor and dignity, personal and property security of citizens, their rights and freedoms. And in particular, it is about the constitutionally enshrined environmental rights of citizens.

According to forecasts, the coming years for Ukraine, as well as for the whole world, will be years of various kinds of disasters and ecological cataclysms. All countries have entered an era of crisis, which is associated with the availability of a limited amount of natural resources, the deterioration of the ecological situation, climate change and many other problems of both an objective and subjective nature.

To eliminate these and many other problems, as well as to form a system of effective legal regulation in the field of effective use of natural resources and protection of the natural environment, as well as ensuring environmental safety, such a legal branch as environmental law of Ukraine is called.

Environmental legislation of Ukraine today represents a multi-sectoral system of regulatory acts of different legal force, which complicates their use and leads to numerous contradictions between them or inconsistency of individual acts, duplication. The presence of regulations in a large

number of rights and acts creates significant difficulties not only in their practical use, but also for specialists in the field of environmental law.

Environmental law of Ukraine is an interconnected set of its part in the field of natural resource law and its components - land, water, natural resources, forest, plant, fauna, medical and health, recreational and resource law, environmental protection or landscape law with a division into natural and artificially created landscapes with the appropriate legal regime and the right to environmental safety, which is based on the subjective right to the safety, health and life of citizens and other legal subjects (residents and non-residents of Ukraine), which regulates relations regarding the provision of environmental safety and anthropogenic relations, which include the regulation and protection of the highest social values defined by the Constitution of Ukraine (Article 3) [2].

Natural resource law in the system of environmental law of Ukraine corresponds to the first historical form of the relationship between man and the environment in the process of historical development from the point of view of the economic function of environmental law, which is the sphere of legal relations regarding the use and reproduction of natural resources as a basis for the development of economic sectors and the satisfaction of other subjects in meeting and providing life's essential needs. From the point of view of their relationship in the system of environmental law, unity and difference in legal regulation is the most mythologized issue of the theory and practice of natural resource and environmental law.

The Law of Ukraine "On the Basic Principles (Strategy) of the State Environmental Policy of Ukraine for the Period Until 2030" defines the strategic goals and objectives to be achieved by the national environmental policy [4].

The strategic goals and tasks envisaged by this law can be achieved exclusively by simultaneously combining to solve economic, social and environmental problems. Solving such tasks is preceded by the constitutionally established economic system of the state as the basis of legislative support not only for the economic policy of Ukraine, but also for its social and environmental policy. Therefore, we need such legislative provision of socio-economic policy, which would really ensure the achievement of the goals and objectives of environmental policy.

State environmental policy is a special type of state policy, its independent direction. Paying attention to such a main feature of state environmental policy, it is necessary to emphasize a number of its specific features, namely:

- it is related to the legal field of issues and not only to environmental issues;

- environmental law is the object of state environmental policy, and is also related to the means of its implementation;

- the relationship of different levels of environmental law (national, regional, municipal, local);  
carried out by legal methods;

- is based on coercion and is public, official.

It should be emphasized that the subject of the state environmental policy is the state. However, the state environmental policy should be considered as a product of the activity of not only the state, but also the structures of civil society, and therefore it is very important that the state environmental policy is imbued with the interests of the subjects who implement it.

It is extremely important that the state environmental policy meets the interests of the bearer of sovereignty and the only source of power - the Ukrainian people. It is these interests that should influence the formation and development of such means of implementation of state environmental policy as environmental law and legislation.

Important importance for the implementation of the state environmental policy is attributed to the principles on which it is based. However, it should be noted that among the principles on which it is proposed to implement the state environmental policy, unfortunately, the following are missing: scientific validity, legality, predictability, justice, combining the interests of the individual, society and the state, prioritizing human environmental rights, compliance with international legal standards .

An important fact is that all the mentioned principles must be legally enshrined. Without underestimating the importance of each of them, we focus special attention on such a principle as justice.

According to the current legislation of Ukraine, rational management involves several basic plans and targeted methods, including national and regional programs for the protection and restoration of natural resources with the aim of obtaining ecological priorities in the development of economic sectors and protection of the natural environment for future generations. Legal basis and requirements for approximation processes. The legislation of Ukraine in the field of environmental protection is subject to both the main international legal norms of bilateral cooperation between Ukraine and the EU, as well as the norms of national legislation. According to the law of Ukraine "On the Basic principles (strategy) of the state environmental policy of Ukraine for the period until 2030", the implementation of the environmental policy requires the effective action of legislation in the field of environmental protection in order to achieve national priorities [1].

The modern world is going through a period of significant changes in all spheres of life, including ecological ones. Globalization, which turns out to be an integral part of this process, has a huge impact on the development of environmental law. Here are some current trends in this field:

1. In the conditions of globalization, there is an increasing need for international cooperation in the field of environmental law. Countries constantly make joint efforts to solve transboundary environmental problems, such as air or water pollution, biodiversity conservation, etc.

2. A change in management approaches is observed during the global environmental crisis, which requires innovative approaches to natural resource management. Environmental law is moving away from the traditional "command" model to more flexible, market-oriented mechanisms, such as market-based instruments of environmental regulation and economics-based approaches.

3. The creation of international normative acts is carried out thanks to globalization - the process of creating international agreements and conventions aimed at preserving the environment and reducing its negative impact is being intensified.

4. Increasing attention to environmental human rights in the context of globalization - the understanding of the importance of protecting human environmental rights as a component of general human rights is growing. International organizations and authorities pay attention to human rights in the context of environmental crises.

5. Development of the "polluter pays" principle - on a global scale, more and more countries are implementing the "polluter pays" principle, encouraging businesses and individuals to be environmentally responsible through economic mechanisms.

6. Development of environmental justice and transparency - in recent years, there has been an increase in the number of court cases on environmental protection, as well as an increase in transparency and availability of information regarding environmental problems and violations.

7. Digital technologies and environmental monitoring contribute to the improvement of environmental monitoring systems and detection of environmental violations. This opens up new opportunities for effective response to environmental problems and monitoring compliance with environmental norms and standards.

8. Challenges and threats of climate change are observed with the growing threat of climate change - this requires immediate actions to reduce greenhouse gas emissions and adapt to negative consequences. This stimulates the development of environmental law aimed at reducing the impact of human activity on the climate.

These trends indicate the need for global coordination of efforts in the fight against environmental problems and reflect new challenges facing modern environmental law in the context of globalization.

The conditions of globalization give special importance to the economic component of the development of environmental law and affect the methods of regulating environmental activities (Fig. 1).



Figure 1 Key aspects of the economic component of the development of environmental law in the conditions of globalization

Source: compiled by the authors based on [1, 5]

Analyzing some key aspects of the economic component of the development of environmental law in the context of globalization, it can be said that globalization stimulates the use of economic mechanisms to achieve environmental goals. Market instruments, such as environmental taxes, emissions trading, as well as financial incentives for the development of environmentally friendly technologies, are becoming effective environmental management tools.

Globalization opens up new opportunities for the development of a green economy, which contributes to the sustainable use of natural resources and reducing the negative impact on the environment. Economic legislation aimed at supporting green initiatives and investments becomes a key element in this process.

The conditions of globalization force companies to consider environmental aspects in their activities in order to preserve their reputation and ensure access to international markets. Accordingly, environmental law can regulate corporations' obligations to reduce emissions, use environmentally friendly technologies, and disclose information about environmental risks; globalization increases the volume of international trade and investment, which can have a significant impact on the state of the environment. Environmental law in the context of globalization includes mechanisms for regulating international trade and investments, taking into account their environmental consequences.

With the expansion of the activities of transnational corporations, the imperative to create mechanisms of international responsibility for environmental violations is growing. Environmental law in the conditions of globalization should take into account the specifics of the international activities of corporations and ensure their responsible attitude to the environment in all countries where they work.

These aspects demonstrate how the economic component of the development of environmental law in the context of globalization affects the formation of a more sustainable, efficient and responsible economy aimed at preserving natural resources and ensuring sustainable development.

Thus, it should be noted that global environmental problems such as climate change and biodiversity loss require global responses. The development of environmental law should be based on international cooperation and interaction between countries.

The conditions of globalization are changing the ways of determining and enforcing responsibility for environmental crimes and violations. It is important to ensure responsibility not only at the level of states, but also at the level of international corporations and other entities. The development of environmental law is related to the promotion of a green economy and sustainable

development. This involves the use of economic tools to stimulate environmentally friendly technologies and investments in the preservation of natural resources.

The conditions of globalization are constantly changing, and environmental law must constantly adapt to new challenges and trends in order to effectively protect the environment and ensure the sustainable use of natural resources.

In general, modern trends in the development of environmental law in the context of globalization indicate the need for cooperation, innovation and a comprehensive approach to solving environmental problems. Only through joint efforts at the international level can we ensure a sustainable and healthy future for our planet. Therefore, the global environmental policy priorities of any country in the world regarding effective nature management dictate the choice of environmental policy taking into account local, regional and global threats. The global nature of environmental problems makes it necessary to finance measures to eliminate threats and protect the environment, taking into account the priorities of global environmental policy and creating prerequisites for ensuring environmental safety in various countries and regions of the world.

It should be stated that currently the development of the system of normative legal acts aimed at the implementation of the state environmental policy is to some extent unsystematic and sometimes chaotic in nature, therefore this issue requires further research.

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#### КОММЕРЦИЯЛЫҚ КҰПИЯ ҚҰҚЫҚТЫҚ ҚОРҒАУ ОБЪЕКТІСІ РЕТІНДЕ

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Зерттеу тақырыбының өзектілігі қоғамның әлеуметтік-экономикалық дамуының қазіргі кезеңіндегі ақпараттың ролін арттыру, оның жеке тұлға, қоғам және тұтастай мемлекет үшін мүліктік және мүліктік емес құндылық ретіндегі маңыздылығын мойындау арқылы анықталады. Мұның дәлелі зерттеу объектісі ретінде коммерциялық құпияға белсенді ғылыми қызығушылық болып табылады. [1;36]

Адамның немесе тұлғалардың бірлестіктерінің экономикалық (коммерциялық, шығармашылық, кәсіби) қызметін жүзеге асыру процесінде құрылған ақпараттың құпиясы жеке өмір саласымен тікелей байланысты және мүліктік емес, материалдық емес сипатқа ие,