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LEGAL GUARANTEES FOR THE IMPLEMENTATION OF ENVIRONMENTAL RIGHTS AND OBLIGATIONS BY CITIZENS

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Means of ensuring the realization of environmental rights of citizens are contained in the guarantees provided for in the environmental legislation. According to Art. 10 of the Law of Ukraine "About the protection of the environment" of June 25, 1991, the environmental rights of citizens are provided by: holding large-scale state measures for maintenance, restoration and improvement of the state of the environment; the responsibility of central executive authorities, enterprises, institutions, organizations to carry out technical and other measures in order to prevent the harmful effects of economic and other activities on the environment, to fulfill environmental requirements in planning, placement of productive forces, construction and operation of economic objects; participation of public associations and citizens in environmental protection activities; implementation of state and public control over compliance with legislation on environmental protection; compensation in the established procedure for damage caused to the health and property of citizens as a result of violation of the legislation on the protection of the environment; inevitability of responsibility for violation of the legislation on environmental protection; creation and functioning of the network of the national ecological automated information-analytical system providing access to environmental information. Activities that impede the exercise of citizens' right to a safe environment and other environmental rights thereof shall be suspended in accordance with the procedure established by the current legislation of Ukraine.

The guarantees of providing the proper fulfillment of ecological obligations by citizens are stimulating means of material and economic, moral and ethical content, as well as the types and extent of legal liability for violation of the requirements of environmental legislation. The Art. 48 of the environmental law provides for a wide range of incentive measures, some of which may encourage citizens to properly fulfill their environmental responsibilities. These can include: providing privileges for taxation of enterprises, institutions, organizations and citizens in the event that they implement measures for the rational use of natural resources and environmental protection, in the transition to low-waste and resource-saving and energy saving technologies; organization of production and introduction of treatment equipment and equipment for utilization and disposal of waste; installation of devices for monitoring the state of the environment and sources of emissions and discharges of pollutants; implementation of other

measures aimed at improving the environment protection; provision of concessional terms for short-term and long-term loans for the implementation of measures to provide the rational use of natural resources and protection of the natural environment; establishment of higher rates of depreciation of major production environmental funds; exemption from taxation of environmental protection funds; transfer of funds of environmental protection funds on contractual terms to enterprises, institutions, organizations and citizens for measures to provide the guaranteed reduction of emissions and discharges of pollutants and reduction of harmful physical, chemical and biological influences on the state of the environment, on the development of environmentally sound technologies and industries; providing the opportunity to receive natural resources on a pledge.

However, the state and its bodies, as well as legal and natural persons, are not sufficiently guaranteed to fulfill their obligations to citizens, in particular their legal responsibility for violating the environmental rights of citizens. First of all, it concerns the reimbursement of harm to the health and life of citizens. It is known that the establishment of the size of the damage caused in the environmental legislation is carried out according to approved rates and methods. Such taxes and methods are established for damage caused to land, water and forest resources, objects of the natural reserve fund, atmospheric air, plants of the plant and animal husbandry, and others like that. However, it does not have such methods for determining the amount of damage caused to health and living conditions by violations of environmental rights of citizens. The lack of a method for detecting the size of such damage complicates its reimbursement. At present, the establishment of the size of the harm caused to the health of citizens is possible on the basis of medical, environmental, forensic, medical, scientific and other types of expertise.

In today's society, guarantees of protection of environmental rights of a person and a citizen are of special importance. According to Part 2 of Art. 11 of the Law "About the protection of the environment", the violated rights of citizens in the field of environmental protection must be restored, and their protection is carried out in court according to the legislation of Ukraine. According to Art. 16 of the current Civil Code of Ukraine, each person has the right to apply to the court for the protection of his personal non-property or property rights and interests. The ways of protecting civil rights and interests may be: recognition of the right; recognition of the transaction invalid; termination of an action that violates the right; restoration of the situation that existed before the violation; compulsory execution of duty in kind; change of legal relationship; termination of the legal relationship; indemnification and other methods of indemnification; compensation for moral (non-property) damage; recognition of illegal decisions, actions or inactivity of the state authority, the authority of the Autonomous Republic of Crimea or a local self-government body, their officials and officers. The court can protect civil law or legal interest in another way, which is established by the contract or by law or court in cases determined by law. The judicial procedure for ensuring the protection of the rights of citizens is defined in

civil procedural law. At the same time, these civilized means and civil remedies for the protection of rights in court are extended to protect environmental rights, taking into account the specifics of their content and peculiarities of implementation.

In cases stipulated by law, the protection of environmental rights of citizens is carried out in an administrative manner. This may happen when the environmental rights of citizens are resurrected by specially authorized state authorities in the field of environmental protection and use of natural resources, relevant councils and their executive bodies, local self-government bodies, etc. Part 2 of Art. 11 of the Law "About the protection of the environment", local councils, state authorities in the field of environmental protection and use of natural resources are obliged to provide comprehensive assistance to citizens in the implementation of environmental protection activities, to take into account their proposals for improving the state of the environment and rational use of natural resources, involve citizens in the decision of issues of environmental protection and rational use of natural resources.

In some cases, the protection of environmental rights of citizens is carried out by public organizations. In particular, according to Art. 21 environmental law, public nature protection associations have the right: to initiate an all-Ukrainian and local referendum on issues related to environmental protection, use of natural resources and provision of environmental safety; To apply to the court for compensation for damage caused as a result of violation of the legislation on environmental protection, including the health of citizens and the property of public associations. Undoubtedly, the activities of public environmental organizations and their associations are carried out in accordance with the requirements of the current legislation and on the basis of their charters. Consequently, human rights protection functions for the protection of citizens' environmental rights, including on a healthy and high-quality environment, must be provided for in their charters.

In the statehood of society, the ecological rights of citizens correspond to the obligations of the state, and vice versa, the ecological duties of citizens correspond to the state's rights to provide the protection of the environment. Therefore, the recognition and legal consolidation of environmental rights and obligations of citizens, providing guarantees for their implementation and ensuring protection, is in the interests of individuals and the rule of law, and society as a whole. A socially responsible state, providing a wide range of environmental rights to its citizens, can count on the proper fulfillment of their environmental responsibilities. On this basis, active cooperation between the state and its citizens can be formed in order to provide the quality of the natural environment. The society itself is also interested in the active implementation of its environmental rights and obligations by both the state and citizens. Thus, a proper legal settlement of environmental rights and obligations in a modern state, along with other factors, opens up certain grounds for the formation of a civil society.