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## PROBLEMS OF SECURITY IN THE FIELD OF ENVIRONMENTAL PROTECTION IN UKRAINE

**Abstract. Purpose.** The purpose of the article is to identify the problems of ensuring security in the field of environmental protection. **Results.** The article considers the existing problems and the current state of the environment in Ukraine. The author emphasises the main principles of the state environmental policy in Ukraine. It has been determined that the root causes of environmental problems in Ukraine are the subordination of environmental priorities to economic expediency; failure to consider environmental impacts in legal regulations; predominance of resource- and energy-intensive industries in the economic structure with a mostly negative impact on the environment, which is significantly exacerbated by the lack of regulatory framework in the transition to market conditions; physical and moral depreciation of fixed assets in all sectors of the national economy; inefficient system of public administration in the field of environmental protection and regulating the use of natural resources, in particular, the lack of coordination between central and local executive authorities and local self-government bodies, the unsatisfactory state of the state environmental monitoring system, etc. The development of scientific and technological progress and, as a result, the increased anthropogenic pressure on the environment have led to a change in the focus and manner in which criminal offences against the environment are manifested. The current environmental situation in Ukraine is largely due to the existence of large-scale environmental crime. The article reveals that today, Ukraine is facing one of the largest environmental disasters as a result of the war, which has a devastating impact on the environment and health of the Ukrainian people. **Conclusions.** It is concluded that the goal of the state environmental policy is to achieve a good state of the environment by introducing an ecosystem approach to all areas of social and economic development of Ukraine in order to ensure the constitutional right of every citizen of Ukraine to a clean and safe environment, implementing balanced nature management and preserving and restoring natural ecosystems. The main principles of environmental policy include: preserving a state of the climate system that will prevent an increase in risks to human health and well-being and the environment; promoting balanced development by achieving a balance of development components, focusing on the priorities of balanced (sustainable) development; preventing natural and man-made emergencies, which involves analysing and forecasting environmental risks based on the results of strategic environmental assessment, environmental impact assessment, and comprehensive environmental monitoring; ensuring environmental safety and maintaining environmental balance in Ukraine, etc.

**Key words:** environment, war, state environmental policy, ecology, natural environment, counteraction.

### 1. Introduction

Assessing the existing problems and the current state of the environment in Ukraine, it should be noted that in the modern world there are a number of global issues that affect not only the interests of individual states but also the entire world and may even pose a threat to human existence. These include environmental issues, including pollution of the environment and all its components, including atmospheric air. For example, hazardous substances released into the Earth's atmosphere have a significant impact on people's lives, deteriorating their quality, causing various

diseases and reducing overall life expectancy. In most cases, air pollution is anthropogenic in nature and, therefore, can be addressed to reduce its volume. For this reason, the most dangerous acts against the environment, including air pollution, are criminalised in many countries around the world. Preventing such acts requires a wide range of human actions. In this regard, one of the most important areas of state activities is the prevention of crime, including in the field of the environment. In order to increase the effectiveness of preventive activities, it is extremely important to conduct theoretical developments in the prevention of criminal

offences. Moreover, it is imperative to consider the provisions of existing legal regulations and law enforcement practice. Comprehensive studies of certain types of crime enable to examine the deterministic complex of relevant offences, conduct criminological analysis and, based on their results, develop new or improve existing means of preventing criminal offences.

The following scholars have made a significant contribution to the study of this issue: O.K. Halytska, O.O. Dudorov, L.H. Kozliuk, R.O. Movchan, H.S. Polishchuk, O.I. Revenko, O.V. Tkachenko, O.O. Cheremis, N.S. Shevchenko, A.M. Shulha and others.

## 2. Principles of environmental protection

The processes of globalisation and social transformation have increased the priority of environmental protection and, therefore, require Ukraine to take urgent measures. For a long time, the country's economic development has been accompanied by unbalanced exploitation of natural resources and low priority for environmental protection, which made it impossible to achieve balanced (sustainable) development (Shulha, 2023, p. 32).

According to the Law of Ukraine "On Basic Principles (Strategy) of the State Environmental Policy of Ukraine until 2030", it is possible to identify what has led to environmental problems in Ukraine at present, namely the subordination of environmental priorities to economic expediency; failure to consider environmental impacts in legal regulations in particular in decisions of the Cabinet of Ministers of Ukraine and other executive authorities; predominance of resource- and energy-intensive industries in the economic structure with a mostly negative impact on the environment, which is significantly exacerbated by the lack of regulatory framework in the transition to market conditions; physical and moral depreciation of fixed assets in all sectors of the national economy; inefficient system of public administration in the field of environmental protection and regulating the use of natural resources, in particular, the lack of coordination between central and local executive authorities and local self-government bodies, the unsatisfactory state of the state environmental monitoring system; low level of public understanding of environmental protection priorities and the benefits of balanced (sustainable) development, imperfect system of environmental education and awareness; unsatisfactory level of compliance with environmental legislation and environmental rights and obligations of citizens; inadequate control over compliance with environmental legislation and failure to ensure inevitable liability for its violation; insufficient funding from the state and local

budgets for environmental protection measures, and funding of such measures on a residual basis (Shevchenko, 2023).

Air pollution is one of the most pressing environmental issues in Ukraine. Despite a certain decline in production in Ukraine, the level of air pollution in large cities and industrial regions remains consistently high. Enterprises in the mining and processing industry, heat and power generation, and motor vehicles are the main air pollutants and sources of greenhouse gas emissions in Ukraine. It has been found that, in fact, two-thirds of the country's population live in areas where the state of the atmospheric air does not meet hygiene standards, which affects the overall morbidity of the population (Law of Ukraine On the Basic Principles (Strategy) of the State Environmental Policy of Ukraine for the Period until 2030, 2019, pp. 73-74).

The main reasons for the unsatisfactory state of atmospheric air quality in settlements and the concentration of greenhouse gases in the atmosphere are non-compliance with environmental legislation by business entities and the slow pace of implementation of the latest technologies. In order to improve air quality and strengthen the response to the effects of climate change and achieve the goals of sustainable low-carbon development of all sectors of the economy, Ukraine shall ensure the implementation of ratified international instruments on combating climate change and improving air quality.

Ukraine is one of the least water-supplied countries in Europe, and its water use is largely unsustainable. Toxic, microbiological and biogenic pollution is causing a deterioration in the ecological state of river basins, as well as coastal waters and territorial waters of the Black and Azov Seas. It should be noted that the condition of the Black Sea estuaries, most of which belong to the nature reserve fund and are unique recreational resources, is particularly unsatisfactory. In many regions, Ukraine's groundwater does not meet the established requirements for water supply sources, primarily due to anthropogenic pollution, and its intensive use leads to the depletion of groundwater horizons (Movchan, Dudorov, 2020, pp. 127-128).

The main sources of water pollution include discharges from industrial facilities, inadequate water disposal infrastructure and treatment facilities, non-compliance with water protection zones, and the washing away and drainage of toxic substances from agricultural land. The main substances that cause pollution include heavy metal compounds, nitrogen and phosphorus compounds, oil products,

phenols, sulphates, and surfactants. Recently, pollution by medical waste and microplastics has been increasing and is currently uncontrolled. Water pollution leads to various diseases of the population, a decrease in the overall resistance of the body and, as a result, an increase in the overall morbidity rate, including infectious and cancerous diseases (Polishchuk, 2006, pp. 132-133).

The main reasons for the problems in the forestry sector are the imperfection of the forestry management and development system, the lack of legal and economic mechanisms to encourage the introduction of environmentally friendly technologies, the imperfection of the tax base, and the unclear legal status of the land under shelterbelts.

Another environmental problem in Ukraine is the significant amount of waste accumulated in Ukraine and the lack of effective measures aimed at preventing its generation, recycling, utilisation, disposal and environmentally safe disposal, which deepen the environmental crisis and become a hindrance to the development of the national economy. Significant resource potential is lost, while the already unfavourable environmental situation is worsening. The lack of effective control leads to the massive creation of unauthorised landfills and numerous violations of the law in the management of hazardous waste. In the absence of separate collection of household waste, the problem of managing hazardous waste contained in household waste is practically not solved (Halyska, 2019, pp. 157-158).

The priorities of public policy on biological safety and biological protection are the implementation of systemic measures to create and effectively function the national system of biological safety and biological protection, counteract bioterrorism, and protect the population from uncontrolled and illegal spread of genetically modified organisms. The priorities of public policy on biological security and biological protection are to implement systemic measures to create and effectively function the national system of biological security and biological protection, counteract bioterrorism, protect the population from uncontrolled and illegal spread of genetically modified organisms, and preserve the environment safe for human health, create a system of early detection and rapid response to the spread of pathogens of particularly dangerous diseases and those of international importance, as well as improve the material and technical condition of laboratories, institutions and facilities that diagnose infectious diseases, monitor the circulation of infectious diseases in the human environment,

involved in the system of indication of biological pathogenic agents, determine the quantitative and qualitative content of genetically modified organisms in plant and animal products working with pathogens of particularly dangerous infectious diseases, determining their impact on the environment, including biodiversity, in view of risks to human health; create a system of rapid response to bioterrorism (Shevchenko 2022, pp. 257-258).

Obviously, the fact that in 2022 the world is facing one of the biggest environmental disasters as a result of the ongoing war in Ukraine cannot be avoided. The conflict, which began in 2014, has had a devastating impact on the environment and the health of the Ukrainian people. In particular, air, water and soil pollution has become one of the most important environmental problems in Ukraine during the war. The constant bombardment and shelling of cities and towns has resulted in the release of large quantities of toxic chemicals into the environment. These chemicals have contaminated the soil, water sources and air, causing a number of health problems for the local population, including respiratory diseases, skin irritation and various types of cancer (Turlova, 2018, pp. 85-86).

It is emphasised that another serious environmental problem in Ukraine during the war is the destruction of forests and wildlife habitats. The constant bombardment and shelling of forests caused significant damage to the ecosystem, and many species of plants and animals have been forced to leave their homes. This has had a significant impact on the biodiversity of the region, as well as affected the livelihoods of local communities that depend on the forest for food, fuel and other resources.

### **3. State of security in the field of environmental protection**

The war also caused significant damage to Ukraine's infrastructure, including factories, power plants and oil refineries. This has led to spills and leaks of hazardous materials such as oil, chemicals and radioactive substances into the environment. This has led to further air, water, and soil pollution, causing long-term health and environmental problems for the population of Ukraine (Shevchenko, 2023, pp. 179-180).

In addition to the damage caused by the war, the ongoing conflict has also hampered efforts to address environmental issues in the regions. The lack of stability and security has made it difficult for environmental organisations to access areas of concern, and the limited resources available for environmental protection have been redirected to other needs, such as health and food security.

Despite these challenges, Ukraine continues to make efforts to address environmental issues. International organisations, such as the United Nations Environment Programme, work to support the country in cleaning up contaminated areas and restoring damaged ecosystems. In addition, the Ukrainian government is taking steps to improve environmental protection, including adopting new laws and increasing funding for environmental initiatives (Kozliuk, 2019, p. 367).

Therefore, the war in Ukraine has had a devastating impact on the environment and the health of the Ukrainian people. Despite the challenges, efforts are being made to address the environmental problems caused by the conflict, and it is important that the international community continues to support these efforts to ensure a sustainable future for the country and its people (Cheremis, 2021, pp. 132-133).

#### 4. Conclusions

Therefore, the goal of the state environmental policy is to achieve a good state of the environment by introducing an ecosystem approach to all areas of social and economic development of Ukraine in order to ensure the constitutional right of every citizen of Ukraine to a clean and safe environment, implementing balanced nature management and preserving and restoring natural ecosystems. The main principles of environmental policy include: preserving a state of the climate system that will prevent an increase in risks to human health and well-being and the environment; promoting balanced development by achieving a balance of development components, focusing on the priorities of balanced (sustainable) development; preventing natural and man-made emergencies, which involves analysing and forecasting environmental risks based on the results of strategic environmental assessment, environmental impact assessment, and comprehensive environmental monitoring; ensuring environmental safety and maintaining environmental balance in Ukraine, etc. The implementation of the principles of the state environmental policy is based on the principles of openness, accountability, and publicity of public authorities; public participation in shaping state policy; observance of environmental rights of citizens; encouragement of environmentally responsible business and environmentally conscious behaviour of citizens; prevention of environmental damage; international cooperation and European integration.

The article reveals that today, Ukraine is facing one of the largest environmental disasters as a result of the war, which has a devastating impact on the environment and health of the Ukrainian people. In particular, one

of the most important environmental problems in Ukraine during the war was air, water and soil pollution. The constant bombardment and shelling of cities and towns resulted in the release of large amounts of toxic chemicals into the environment. These chemicals have contaminated soil, water and air sources, causing a number of health problems for the local population, including respiratory diseases, skin irritation and various types of cancer.

#### References:

Cheremis, O.O. (2021). *Zemelne pravoporushennia u sferi mistobuduvannia yak pidstava yurydychnoi vidpovidalnosti* [Land offense in the field of urban planning as a basis for legal responsibility]. *Candidate's thesis*. Kyiv (in Ukrainian).

Halytska, O.K. (2019). *Teoretychni osnovy kryminalistychnoi kharakterystyky zlochyniv, pov'iazanykh iz zabrudnenniam vodoim ta moria* [Theoretical foundations of forensic characterization of crimes related to water and sea pollution]. *Naukovyi visnyk Mizhnarodnoho humanitarnoho universytetu*. Ser: Yurysprudentsiia. Odesa. no. 38. pp. 156-159. (in Ukrainian).

Kozliuk, L.H. (2019). *Deiaki aspekty protydivii ekolohichnoi zlochynnosti v Ukraini* [Some aspects of combating environmental crime in Ukraine]. *Pravova derzhava*. no. 30. pp. 361-368 (in Ukrainian).

Movchan, R.O., Dudorov, O.O. (2020). *Zemelni zlochyny ekolohichnoi spriamovanosti: vid deliktiv stvorennia nebezpeky do optimalnoi zakonodavchoi modeli* [Land crimes of ecological orientation: from torts of creating danger to the optimal legislative model]. *Yurydychnyi naukovyi elektronnyi zhurnal*. no. 1. pp. 120-130 (in Ukrainian).

Polishchuk, H.S. (2006). *Kryminolohichna kharakterystyka ta zapobihannia zlochynam proty dovkillia (za materialamy Prychornomorskoho rehionu Ukrainy)* [Criminological characteristics and prevention of crimes against the environment (based on the materials of the Black Sea region of Ukraine)]. *Candidate's thesis*. Kyiv (in Ukrainian).

Shevchenko N.S. (2022). *Analiz stanu porushennia kryminalnykh provadzen shchodo dovkillia z pochatku zbroinoi ahresii Rosiiskoi Federatsii* [Analysis of the state of criminal proceedings against the environment since the beginning of the armed aggression of the Russian Federation]. *Ekoloho-pravova bezpeka suverennoi derzhavy v umovakh voiennoho stanu: materialy nauk.-prakt. onlain-konferentsii*. Kharkiv: Pravo, 2022. pp. 255-259. (in Ukrainian).

Shevchenko, N.S. (2023). *Teoretychni zasady zahalnosotsialnoho zapobihannia kryminalnym pravoporushenniam, poviazanym iz zabrudnenniam atmosferneho povitria* [Theoretical principles of general social prevention of criminal offenses related to atmospheric air pollution]. *Vcheni zapysky TNU imeni V.I. Vernadskoho. Seriia: yurydychni nauky*. no. 1. pp. 71-76 (in Ukrainian).

Shevchenko, N.S. (2023). *Zabrudnennia dovkillia vnaslidok udariv po ob'ektam krytychnoi infra-*

структуры [Environmental pollution as a result of strikes on critical infrastructure facilities]. Bezpeka ta stalyy rozvytok krytychnoi infrastruktury v umovakh voiennoho stanu: tezy dop. nauk.-prakt. konf. Kharkiv: Natsionalnyi aerokosmichnyi universytet im. M.Ie. Zhukovskoho «Kharkivskiy aviatsiyniy instytut», pp. 177–180 (in Ukrainian).

Shulha, A.M. (2023). Zabrudnennia ta psuvannia zemelnykh resursiv Ukrainy, yak oznaka kryminalnykh pravoporushen proty myru, bezpeky liudstva ta mizhnarodnoho pravoporiadku v umovakh rosiiskoi voiennoi ahresii [Pollution and destruction of Ukraine's land resources as a sign of criminal offenses against peace, human security and international legal order in the conditions of Russian mili-

tary aggression]. ScienceRise: Juridical Science. no. 2 (24).pp. 31–37 (in Ukrainian).

Turlova, Yu.A. (2018). Protydiia ekolohichnii zlochynnosti v Ukraini: kryminolohichni ta kryminalno-pravovi zasady [Combating environmental crime in Ukraine: criminological and criminal law principles]. *Doctor's thesis*. Kyiv (in Ukrainian).

Zakon Ukrainy Pro Osnovni zasady (strategiiu) derzhavnoi ekolohichnoi polityky Ukrainy na period do 2030 roku: vid 28.02.2019 r. № 2697-VIII [Law of Ukraine On the Basic Principles (Strategy) of the State Environmental Policy of Ukraine for the Period Until 2030: dated February 28, 2019 No. 2697-VIII]. *rada.gov.ua*. URL: Retrieved from <https://zakon.rada.gov.ua/laws/show/2697-19#Text> (in Ukrainian).

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## **ПРОБЛЕМИ ЗАБЕЗПЕЧЕННЯ БЕЗПЕКИ У СФЕРІ ОХОРОНИ ДОВКІЛЛЯ В УКРАЇНІ**

**Анотація. Мета.** Метою статті є з'ясувати проблеми забезпечення безпеки у сфері охорони довкілля. **Результати.** У статті розглядаються існуючі проблеми та сучасний стан довкілля в Україні. Наголошується на основних засадах державної екологічної політики України. Визначено, що першопричинами екологічних проблем в Україні є підпорядкованість екологічних пріоритетів економічній доцільності; неврахування наслідків для довкілля у законодавчих та нормативно-правових актах; переважання ресурсо- та енергоємних галузей у структурі економіки із здебільшого негативним впливом на довкілля, що значно посилюється через неврегульованість законодавства при переході до ринкових умов господарювання; фізичне та моральне зношення основних фондів у всіх галузях національної економіки; неефективна система державного управління у сфері охорони навколишнього природного середовища та регулювання використання природних ресурсів, зокрема неузгодженість дій центральних і місцевих органів виконавчої влади та органів місцевого самоврядування, незадовільний стан системи державного моніторингу навколишнього природного середовища та інше. Розвиток науково-технічного прогресу та, як наслідок, посилення антропогенного навантаження на навколишнє природне середовище призвели до зміни спрямовання та якісного прояву кримінальних правопорушень проти довкілля. Наявна екологічна ситуація в Україні суттєвим чином обумовлена існуванням масштабної екологічної злочинності. Досліджено, що в умовах сьогодення, Україна зіткнулася з однією з найбільших екологічних катастроф внаслідок війни, яка має руйнівний вплив на навколишнє середовище та здоров'я українського народу. **Висновки.** Зроблено висновок, що довкілля шляхом запровадження екосистемного підходу до всіх напрямів соціально-економічного розвитку України з метою забезпечення конституційного права кожного громадянина України на чисте та безпечне довкілля, впровадження збалансованого природокористування і збереження та відновлення природних екосистем. До основних засад екологічної політики слід віднести: збереження такого стану кліматичної системи, який унеможливить підвищення ризиків для здоров'я та благополуччя людей і навколишнього природного середовища; сприяння збалансованому розвитку шляхом досягнення збалансованості складових розвитку, орієнтування на пріоритети збалансованого (сталого) розвитку; запобігання виникненню надзвичайних ситуацій природного і техногенного характеру, що передбачає аналіз і прогнозування екологічних ризиків, які ґрунтуються на результатах стратегічної екологічної оцінки, оцінки впливу на довкілля, а також комплексного моніторингу стану навколишнього природного середовища; забезпечення екологічної безпеки і підтримання екологічної рівноваги на території України та інші.

**Ключові слова:** довкілля, війна, державна екологічна політика, екологія, навколишнє природне середовище, протидія.