

CRIMINAL LIABILITY FOR LAND DAMAGE REGARDING THE CIS COUNTRIES' LEGISLATION

RESPONSABILIDAD PENAL POR DAÑOS A LA TIERRA EN RELACIÓN CON LA LEGISLACIÓN DE LOS PAÍSES DE LA CEI

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ABSTRACT

This present study comprises observations of the norms on land damage under the criminal legislation of the CIS nations, an investigation of means and outlooks to the legal regulation of land preservation in criminal legislation. The general scientific methods (logical, system, synthesis, and analysis) and specific scientific techniques are deployed to satisfy the study's objectives. Based on the results It is concluded that not all criminal regulations only hold specific regulations preserving the land. This study makes an attempt to analyze the land damage signs, indicate the particulars of objective signs of land damage, and analyze the benefits and drawbacks of legal laws in comparison. Furthermore, It can be observe that relationships on the rational use and protection of land and guaranteeing environmental health and safety are substantial for the uninterrupted provision of the people with an adequate number of affordable and safe products in the near future.

Keywords: land damage, food security, environmental crimes, signs of crime.

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RESUMEN

El presente estudio comprende observaciones de las normas sobre daños a la tierra bajo la legislación penal de las naciones de la CEI, y una investigación de los medios y perspectivas de la regulación legal de la preservación de la tierra en la legislación penal. Los métodos científicos generales (lógico, sistema, síntesis y análisis) y las técnicas científicas específicas se despliegan para satisfacer los objetivos del estudio. En base a los resultados se concluye que no todas las normas penales solo contienen normas específicas preservando la tierra. Este estudio intenta analizar los signos de daño a la tierra, indicar los detalles de los signos objetivos de daño a la tierra y analizar los beneficios y los inconvenientes de las leyes legales en comparación. Además, se puede observar que las relaciones entre el uso racional y la protección de la tierra y la garantía de la salud y seguridad ambiental son sustanciales para la provisión ininterrumpida de la población con una cantidad adecuada de productos asequibles y seguros en el futuro cercano.

Palabras clave: daños a la tierra, seguridad alimentaria, delitos ambientales, signos de delincuencia.

INTRODUCTION

Safety is regarded as a condition in which there exists not any hazard, there exists danger protection (Bezugly et al., 2019). The essence of the order of the modern world defines the correlation of all levels of security, dominantly proved by the incidents of the XX-XXI centuries. Indeed, threats and dangers are changed, and that promotes the pursuit of brand-new tools of guaranteeing security. This state with food-security, demonstrated by a specific security component as a whole, holds substantial importance at the prevailing era.

As a consequence, in accordance with the document provided by experts from related UN agencies, such as UNICEF, FAO, and the World Health Organization (WHO): “Concerning 2 billion individuals on the globe don’t access the chance of properly eating, to virtually getting nutritious and sufficient food (Oliinyk et al., 2020). If nothing undergoes change, human beings can’t satisfy the purpose of terminating hunger by the year 2030. Furthermore, regarding that case, the quantity of the hungry on earth may well surpass 840 million individuals over the course of next 10 years”. With no appropriate legal land protection, it seems unlikely to attain the aims of securing food security for the globe, as well as the state and the region (Bezugly et al., 2021).

The perplexed essence of all security elements’ interdependence recommends a inextricable link among them, meaning that environmental security is positively associated with food security. Environmental crimes considering the public danger level are underrated. As a matter of fact, they can have an impact on several objects protected through criminal law.

There stand researches dedicated to the land legal protection in academic studies as well as science (Rumyantsev et al., 2020; Ali et al., 2021). Having said that, it may be noted that the prevailing legislation in various nations is making an attempt to adjust to the facts of contemporary consumption and agriculture, endangering the land’s pureness (Vakulyk et al., 2019).

The land damage examination from the viewpoint of relevant regulations seems incredibly relevant and

consequential (Oliinyk et al., 2020). It permits to learn from informative experiences. A lot attention is paid to the legal literature on how the law shall utilize a criminal penalty to stop environmental pollution (Bezugly et al., 2019), which appears absolutely crucial today.

It is worth noting that in the emergence of theoretical improvements, issues associated with the legal regulations of land damage pursue to be arguable in the criminal law science as well as in other ones, following from the intersectoral essence of the norm (Ali et al., 2021).

In a nutshell, the main aim of the research is analyzing the norms' consideration on land damage under the CIS nations' criminal legislation.

METHODOLOGY

This current survey is on the basis of a dialectic method to the legal phenomena's disclosure and processes utilizing general scientific (logical, system, synthesis and analysis) and specific scientific techniques. The last one includes linguistic-legal, comparative-legal, and formal-legal, utilized to analyze the contexts of criminal regulations of ten post-Soviet nations so as to recognize the specifics of demonstrating the crime "the land damage" in the criminal law.

The selection of that group is because of the commonality of the former historical expansion of criminal legislation within the USSR and the equal era of post-Soviet growth. That permits foreseeing, on the one hand, the existence of prevalent characteristics in the land damage's legal regulation and, in the meanwhile, the variety regarding individual characteristics.

RESULTS AND DISCUSSION

Food security is able be act as a condition under which all individuals hold at any time economic and physical access to adequate nutritious and safe food to satisfy their nutritional necessities and preferences for a healthy and active life (Rumyantsev et al., 2020). Considering the definition above, it can be concluded that the land damage immediately impacts the quantity and quality of food generated. In case we take a glance at the standards on land damage via the modern realities prism, it gets clear that land damage can be an imminent hazard to food security. Food security's legal provision is likely merely by thorough regulation, nonetheless, it shall be mentioned that the criminal law, the last barrier of all kinds of regulations on food security, supplies for punishment for these actions leading to substantial harm to food security, with decisive and clear principles that deter overlooking any of them (Carpov, 2010; Ali et al., 2021).

The protection of agricultural lands' soil fertility and its sensible utilization have substantial significance for the growth of the agro-industrial complex of the CIS member states (Vakulyk et al., 2019). The mentioned thesis determines the progressive benefit in the preservation of clean, safe, as well as fertile land.

Considering the examination of the legal laws of land damage regarding the legislation of the CIS nations, it is worth noting that relationships upon the preservation and sensible utilization of land, and guaranteeing environmental safety are quite substantial for the adequate provision of the people with enough number of affordable and safe goods in the future. Efficient preservation of land by legal tools is fundamental to the growth of the agro-industrial complex.

There stand norms and standards managing the accountability for land damage in all the criminal codes of the CIS nations. In the meanwhile, it is worth mentioning that all of the codes, but one, comprise specific standards regulating relationships and connections for the preservation and sensible utilization of land, securing ecosystem safety. The Republic of Uzbekistan's Criminal Code (Ochilov & Kamalova, 2020) comprises a common norm regulating liability for the pollution of environmental, = listing water, land, as well as atmospheric air. It is believable that the method doesn't entirely correspond to contemporary facts, each of the objects shall be subjected to individual criminal preservation.

The regulations, while defining the accountability for land damage, normally designed the chief structure with further objects, defined through the existence of consequences. several criminal regulations comprise consequences in the shape of damage to the environment, or human health, allowing arriving at a conclusion concerning further non-compulsory objects (The Russian Federation's Criminal Code) (Pantyukhina & Larina, 2020).

Damage to land is among of the most hazardous environmental crimes, defined by the detrimental effect not merely on the land, but also on people's lives, health, and the environment's status. The environmental crimes specifics are in a way that the effect upon the environment is able to generate several optional objects. However, the legislator defines ones who may often suffer or ones that shall be preserved mainly. As a consequence, the Republic of Azerbaijan's Criminal Code (Mammad, 2020) supplies extra objects in the shape of relationships for the preservation of the environment and or human well-being. The Republic of Armenia's Criminal Code (Yaminova et al., 2019) determines relationships upon environmental preservation as a further compulsory object.

The Republic of Kazakhstan's Criminal Code (Rustemova & Tazhibayev, 2015), the Criminal Code of the Russia supplies extra objects in the shape of relationships for the preservation of the environment as well as human health. The Republic of Tajikistan's Criminal Code (Shirinjonov, 2020) supplies further objects in the shape of relationships for the preservation of the natural environment or human health. The Criminal Code of the Republic of Moldova (Carpov, 2010) comprises multiple further non-compulsory objects, including relationships for the preservation of the environment, public health, and agricultural goods. The Criminal Code of Turkmenistan (Denysov & Suyundykova, 2016) determines relationships between the preservation of agriculture and the natural environment as extra objects.

The Republic of Belarus Criminal Code (Marchuk, 2020) doesn't supply further objects in the primary structure. That is following both from the norm's text and also from the environmental crimes' definition, including: "crimes against the natural environment and environmental security and are discovered as socially hazardous actions committed negligently or intentionally, which have led to or may lead to damage to the forests, waters, earth, subsoil, plant life, animal, and atmospheric air and other natural objects classified as such by the legislation on environmental preservation, regardless of the ownership form".

The Criminal Code of the Republic of Uzbekistan comprises a law planned in a way that it supports several further optional objects, and the wording of other dire consequences makes their list inexhaustible.

Overall, it is worth mentioning that the range of extra objects is totally wide. Having said that, is it

commonly believed that the utilization of evaluative notions is most proper in that standard. It is also assumed that the normal performing of agriculture is regarded as the clearest object for the criminal protection of that norm.

Given the investigation of the plus side of the chief land damage composition, it is striking to state that in most regulations the primary composition is designed as a dangerous composition or as a material. The exception one worth noting is the Republic of Belarus Criminal Code, where accountability comes just for action in the land damage form.

The major composition disposition of land damage in the regulations of the CIS nations is shaped considering the particulars of the legislation of a specific state. In most criminal regulations of the CIS nations, damage to the land is defined as contamination, poisoning, or other types of damage to the land by detrimental goods of economic or other manmade actions, occurring as a consequence of the rules' violations for managing plant growth stimulants, biological substances, fertilizers, pesticides, and other hazardous substances throughout their use, transportation, or storage.

The record of those substances, and also the circumstances and regulations for their turnover, are defined through national legislation. Poisoning of the land is regarded as a soil illness stemming from exposure to detrimental goods of economic or other man-made actions, resulting in the improbability of further soil usage (Ali et al., 2021). Pollution is a chemical, biological, and physical shift in the quality of soil, exceeding the planned criteria of detrimental impacts and raises a threat to human being well-being and health, the condition of the animal and plant world (Bezugly et al., 2021). Other land damages may be disrepair because of the harmful microorganisms' reproduction. It is worth mentioning that "other damages to the land "don't hold an exhaustive content, and as a result, permits to cover quite a number of life conditions.

After the analysis the plus side, it seems vital to mention the distinguished, and core characteristics of the criminal laws' norms. Therefore, the Republic of Armenia Criminal Code explains: "contamination or poisoning, other land damage through detrimental goods of economic or other man-made actions taking place in violation of the rules for the use, storage, and transportation of plant growth stimulants, fertilizers, pesticides, or other hazardous biological or chemical substances, and also the regulations for the storage, transportation, excavation, or utilization of land...".

It seems to be concluded that breaking the regulations of transportation, excavation, storage, or usage of land can result in its harm. In the Republic of Belarus's Criminal Code, the sabotage of a fertile soil layer or failure to abide by the land reclamation regulations refers to damage to the land. The Criminal Code of the Republic of Tajikistan comprises the statement "other land damage" in the disposition, without connecting it to breaking the regulations for managing hazardous substances.

There exist implications of 2 orders in the CIS nations' Criminal Code, where the composition is designed as material. The building norms' logic is in a way that firstly there exists a violation of the regulation for managing hazardous materials throughout their use, transportation, or storage as a consequence of which there is pollution, poisoning, or other harms to the land, and just that time there remain implications in the kind of damage to human health. while examining that outlook, it appears crucial to focus on the Criminal Code of the Kyrgyz Republic (Serebrennikova & Lebedev, 2019), containing the next norms: "negligent or intentional violation of the regulations for managing plant growth stimulants, poisonous chemicals, and other hazardous biological or chemical materials

throughout their transportation, use, or storage, leading to inadvertently contamination, poisoning, or other harms to the land, destroying the fertile layer over large spaces or other substantial harms”. From where we stand, that norm construction appears to be among the most desirable, the legislator could dispose of the objective characteristics’ inversion by calculating and designing a vivid and comprehensible composition. It can be stated that another benefit of such a revision is the alleviation of setting out a causal relation by the officer of law enforcement.

Subjectively analysis of land damage, it is worth mentioning that the guilt form isn’t stated in the most cases. The regulation of the guilt form is incorporated in the Republic of Armenia’s Criminal Code, as well as in the Kyrgyz Republic Criminal Code.

Most criminal laws of the CIS nations comprise particularly potent compositions of land harm. Among the most prevalent places of crime is a emergency or space of hazardous ecological state (Republic of Azerbaijan Criminal Code), an area of an ecological catastrophe or emergency ecological state (Criminal Code of the Republic of Tajikistan, Criminal Code of the Republic of Armenia, Criminal Code of Turkmenistan), ecologically undesirable area (the Republic of Belarus Criminal Code), area with an emergency ecological state (Republic of Kazakhstan Criminal Code), area of emergency ecological situation or area of natural disaster (the Republic of Moldova Criminal Code), area of ecological catastrophe or area of the emergency ecological state (Criminal Code of the Russian Federation) (Pantyukhina & Larina, 2020).

Mostly, the legislators of the CIS nations reveal implications of qualified composition: damage to human being well-being and health (Criminal Code of the Republic of Armenia), harm (the Republic of Belarus Criminal Code), mass diseases of population (the Republic of Kazakhstan Criminal Code) damage to human well-being and health (the Republic of Tajikistan Criminal Code), results in the shape of death of an individual (the Republic of Azerbaijan Criminal Code, the Russian Federation Criminal Code and in several other criminal regulations).

CONCLUSIONS

Relationships on the rational use and preservation of land, guaranteeing environmental preservation and health are quite significant for the uninterrupted provision of the people with an adequate number of affordable and safe goods in the near future. Efficient preservation of land by legal approaches seems to be the cornerstone of the growth and expansion of the agro-industrial complex.

All of the criminal codes of the CIS nations hold norms and standards managing accountability for damage to the land, but merely the Criminal Code of the Republic of Uzbekistan comprises general norms, and the remaining of the Criminal Code of the CIS nations comprises special norms.

Because of the particular essence of the composition of damage to the land as an environmental crime, nearly most of the legislators have supplied further objects, which often incorporate relationships for the preservation of human health and the environment. The norm is considered under the preservation of agricultural goods, agriculture just in 2 codes.

Regular for the CIS nations is the definition of land damage as pollution, poisoning, or other kinds of harm to the land by hazardous goods of economic or other man-made actions, occurring as a consequence of violations of the regulations for managing pesticides, fertilizers, biological substances

plant growth stimulants, and other detrimental materials over the course of their use, storage, or transportation. Oftentimes, the composition is planned as material and has results and effects of 2 levels. The most desirable version of the norm on land damage is incorporated in the Kyrgyz Republic's Criminal Code. Its benefit includes a level of effects, making it more straightforward for the officers of law enforcement to set out a causal relation.

While taking into account the land damage composition, it seems to be concluded that the most prevalent qualified characteristic is the crime scene.

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