

THE RIGHT OF ENVIRONMENTAL EDUCATION AND ENERGY SAFETY

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INTRODUCTION

Implementation of state and regional environmental policy in Ukraine is characterized by ongoing stagnation, which is confirmed by a number of objective and subjective factors. Such factors should include: the imperfection of the organizational and legal mechanism for the application of measures of legal responsibility for the commission of environmental offenses; lack of normatively defined effective methods for assessing harmful effects on the environment; ongoing processes of reforming the system of state authorities and local self-government in the field of natural resource use; strategic calculations on the implementation of the concept of "greening of production" and the principles of sustainable development; low level of legal awareness and legal knowledge of participants in social relations, which negatively affects the implementation of national environmental security. One of the most painful negative factors affecting the environment is undoubtedly Russian military aggression, as a result of which, according to preliminary estimates, damage to the natural environment of Ukraine in the amount of more than 9 billion US dollars has been caused. The above-mentioned circumstances force us to turn once again to the problem of finding effective ways to ensure environmental protection as one of the priorities of the development of the modern Ukrainian state.

Ensuring the implementation of an effective state environmental policy requires the formation of an effective mechanism of public management and administration in this area, the establishment of its organizational and legal foundations, and the implementation of appropriate measures for legal protection of the environment. The implementation of such a strategy requires the adoption of a set of measures, both in the sphere of stimulating positive regulatory activities for environmental protection and the use of natural resources, and in the sphere of ensuring national environmental security. At the same time, one of the main preventive measures to ensure environmental safety and stimulate legitimate activity in the field of natural resource use is the creation of a mechanism for realizing the individual's right to environmental education and the formation of the personality of an environmental lawyer.

Analysis of recent research and publications. The determination of the content of the organizational and legal mechanism for ensuring environmental safety and rational use of natural resources is reflected in the works by V. P. Dichtievsky¹, H. V. Kadnykova², N. V. Kovalenko³, O. V. Hladii⁴ and others.. At the same time, the issue of the realization of the right to environmental education as a component of the system of subjective public rights of the individual, which determine the content of the organizational and legal mechanism for ensuring the requirements of rational nature use, is considered only in individual publications, in particular in works by A. Yu. Barlit⁵, N. R. Kobetska⁶ and others. But at the same time, the strategic issue of determining directions for ensuring the effectiveness of acquiring knowledge about the regulatory regulation of the use of natural resources has not been resolved, which is evidenced by the level of formation of environmental legal awareness and the quality of environmental education, and determines the relevance of this scientific work.

The purpose of the study is to establish the content and essence of the individual's right to environmental education.

1. The system of rights of a private person

The subjective right of a private person plays a central role in the system of legal regulation of social relations. In the course of human development, the study of the problem of ensuring the implementation and protection of socio-cultural, economic, political, environmental rights and freedoms of the individual does not lose its relevance. The creation of effective mechanisms

¹ Діхтієвський В.П. Адміністративно-правове регулювання доступу до публічної інформації про стан використання природних ресурсів. Кваліфікаційна наукова праця на правах рукопису. Дисертація на здобуття наукового ступеня доктора філософії за спеціальністю 081 «Право». Запорізький національний університет, Запоріжжя, 2020. 197 с.

² Кадницька Г.В. Правовий режим доступу до публічної інформації : адміністративно-правовий аспект. Кваліфікаційна наукова праця на правах рукопису. Дисертація на здобуття наукового ступеня кандидата юридичних наук за спеціальністю 12.00.07 «Адміністративне право і процес; фінансове право; інформаційне право». Запорізький національний університет, Запоріжжя, 2019. 267 с..

³ Коваленко Н. В. Теорія адміністративно-правових режимів. Запоріжжя : Видавничий дім «Гельветика», 2017. 548 с.

⁴ Hladii O. V., Leheza Y. O. Administrative and legal regime of the using and protection of technological fields : monograph. Riga : Izdevnieciba «Baltija Publishing», 2017. 188 p.

⁵ Барліт А.Ю. Адміністративно-правовий механізм реалізації та захисту суб'єктивних публічних екологічних прав. Кваліфікаційна наукова праця на правах рукопису. Дисертація на здобуття наукового ступеня доктора філософії за спеціальністю 081 «Право». Запорізький національний університет, Запоріжжя, 2020. 226 с.

⁶ Кобецька Н.Р. Особливості викладання екологічного права: висновки з досвіду університетського професора. *Міжнародний науковий журнал «Інтернаука». Серія: «Юридичні науки»*. 2020. № 5(27). С. 34-41

for ensuring the realization and protection of individual rights and freedoms is a guarantee of overcoming the arbitrariness of state power, a guarantee of the protection of a person in his interaction with the state apparatus and officials.

Establishing the essence of human rights and freedoms in the mechanism of the state is the subject of research not only in jurisprudence, but also in research conducted within such branches of science as philosophy, ethics, sociology, political science.

Normative consolidation of subjective rights has an important social significance, establishing the limits of a person's realization of his interests and needs. Scientific developments both within the framework of general theoretical jurisprudence and by representatives of branch legal sciences are devoted to the study of the issue of ensuring the realization and protection of the subjective rights of an individual.

The relationship between the state and the person is reflected in the appropriate form – in the form of rights and obligations, the interests of the person as the central element of the legal status of a person or organization.

The legal status of a person in the legal system of Ukraine is an unconditional component of a sovereign and national, democratic and legal, social state, the formation of which is defined as a priority in accordance with the declarative and constitutional provisions of the current legislation (preamble to the Declaration on the State Sovereignty of Ukraine of 1990, Article 1 of the Constitution of Ukraine). The next step in the normative-legal consolidation of human rights and freedoms as a component of its legal status should be noted the adoption of the Resolution of the Verkhovna Rada of Ukraine dated June 17, 1999 No. 757-XIV, which establishes directions for the implementation and protection of human rights and freedoms. In particular, the provisions of the Resolution of the Verkhovna Rada of Ukraine dated June 17, 1999 No. 757-XIV define that the areas of realization and protection of rights and freedoms are, in particular: creation of appropriate conditions, development of mechanisms and procedures for the full and unimpeded realization of each person's rights and legitimate interests ; reforming administrative and administrative-procedural legislation in order to properly ensure citizens' realization of their rights and legitimate interests in the sphere of executive power activities, their effective protection and defense in court in case of their violation; creation of a system of administrative justice for the purpose of protecting the rights and basic freedoms of people and citizens. The provisions of the Resolution of the Verkhovna Rada of Ukraine dated June 17, 1999 No. 757-XIV are correlated with the Administrative Reform Concept approved by the Decree of the President of Ukraine dated July 22, 1998 No. 810/98.

The further formation of the idea of ensuring the rights and freedoms of the individual as a priority vector of Ukraine's development is connected with the adoption of the Law of Ukraine "On the Basics of National Security of Ukraine" dated June 19, 2003⁷. In the mentioned legislative act, the implementation and protection of the fundamental rights and freedoms of a person and a citizen was established as the main object of relations in the sphere of ensuring national security requirements. In fact, the specified normative legal acts determined the vector of development of the Ukrainian state, for which the priority is to create a mechanism for ensuring the realization and protection of the rights and freedoms of a private person. As noted by I. O. The Jerusalem adoption of the specified regulatory legal acts determined the program of development of the bodies of legislative, executive and judicial state power, other participants of public-administrative and private social relations in the sphere of implementation and protection of human and citizen rights and freedoms⁸.

The rights and freedoms of a private person are a component of his legal status and determine the scope of his legal personality. The problem of the legal status of a person is the subject of research in both the general theory of the state and law, constitutional law, and complex branch sciences, and therefore the search for ways to solve it is characterized by its versatility, social significance and value for optimizing the implementation of public administration tasks. At the same time, the unity of approaches to the understanding of the category "legal status of a private person" within the framework of jurisprudence has not yet been developed, which is complicated by the presence of law enforcement practice in the researched area.

The application of the etymological approach to the definition of the category "legal status" allows to make correlations with such categories as "legal status of a person", "legal status of a person", "legal personality of a person", which are structurally determined from a combination of such elements as needs, interests, motives, professional and other forms of social activity, the relationship between the individual and the state⁹.

Despite the aforementioned multifaceted approaches to understanding the idea of the legal status of a person, the development of international legislation in the researched area is characterized by tendencies towards its unification, which is manifested in the adoption of such universally recognized

⁷ Про основи національної безпеки України : Закон України від 19 червня 2003 року. URL.: <https://zakon.rada.gov.ua/laws/show/964-15#Text> (втратив чинність).

⁸ Іерусалімова І.О. Поняття правового статусу громадянина України у сфері виконавчої влади. Держава і право. 2000. Випуск 6. С. 108-114.

⁹ Адміністративно-правове забезпечення прав і свобод людини та громадянина : Навч. посіб. / І.О. Іерусалімова, І.О. Іерусалімов, П.М. Павлик, Ж.В. Удовенко. К.: Знання, 2007. С. 13.

international acts as the Universal Declaration of Human Rights (1948), the International Covenant on Economic, Social and Cultural Rights (1966), the International Covenant on Civil and Political Rights (1966), the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950), etc.

Therefore, the legal status of a private person is differentiated into a number of interdependent subsystems (constitutional-legal, civil-legal, administrative-legal, criminal-legal, etc.) and their structural elements of content – rights and freedoms, obligations of a person, as well as defined by the current the legislation of the measure and grounds of application of responsibility¹⁰.

Therefore, the rights of a person determine the basis of his legal status in general, and in particular, are a component of his legal personality as a participant in administrative legal relations. At the same time, the unity of scientific-theoretical and law-enforcement approaches to establishing the essence of the category of "human rights" and "rights of a private person" has not yet been developed, which necessitates the clarification of a number of conceptual positions.

M. M. Gurenko defines human rights and freedoms as materially determined, normatively established and guaranteed opportunities for a person to own and use specific social goods¹¹. Within the scope of the science of constitutional human rights, human rights are considered as defined opportunities of a person, the realization of which ensures his existence, determined by specific historical and national factors of the development of society, which must be equal for all participants in legal relations¹².

It is worth emphasizing the paradoxical fact that the normative definition of the category "human rights", "personal rights" at the level of no international act has taken place. On this occasion O.V. Negodchenko notes that human rights are an unconditional value, and the absence of established normative approaches to determining their essence in no way affects the need for its application as an evaluation criterion for the effectiveness of the functioning of public authorities¹³.

¹⁰ Степаненко К.В. Адміністративно-правові основи забезпечення прав і свобод громадян України за кордоном : монографія. Дніпропетровськ: ДДУВС, 2012. С. 20-21.

¹¹ Гуренко М.М. Конституційні гарантії прав та свобод людини й громадянина : можливість системного підходу. Науковий вісник Дніпропетровського юридичного інституту МВС України. 2000. №1. С. 96-99.

¹² Рабінович П.М. Проблеми юридичного забезпечення прав людини (загальнотеоретичний аспект). Український часопис прав людини. 1995. №2. С.18-24.

¹³ Негодченко О.В. Організаційно-правові засади діяльності органів внутрішніх справ щодо забезпечення прав і свобод людини: монографія. Д.: Вид-во Дніпропетр. ун-ту, 2003. С. 24-25.

Awareness of the essence of the category of the human rights system, which is necessary for determining the author's approach to understanding such a legal construction as "subjective public environmental rights", is impossible without determining the criteria for their classification.

Classification of human rights is possible with the application of certain criteria for their demarcation¹⁴. The general scientific approach to understanding the value of the classification of any social phenomenon or categories is based on the definition of a certain characteristic, which allows, under the condition of its separation, to distinguish one object of social relations from others, to evaluate it among other similar ones. That is why the effectiveness of the classification of any social phenomenon, including human rights, requires the use of the most characteristic features and evaluation categories¹⁵.

Therefore, the implementation of human rights and freedoms requires ensuring their normative consolidation, therefore, its use as a criterion for classification is necessary for understanding the essence of the studied category. That is why it is necessary to distinguish positive and negative human rights according to the method of normative consolidation¹⁶. Positive rights are fixed by establishing the state's obligations to create a certain mechanism for a person to exercise certain authority. Instead, a negative method of normative consolidation of the right of an individual requires the establishment of a ban on a certain form of activity on the part of any subject, including a public authority¹⁷. An example of a positive approach to the normative consolidation of human rights is the wording set forth in Article 50 of the Constitution of Ukraine, which defines the right of everyone "to an environment safe for life and health and to compensation for damage caused by the violation of this right"; negative is the establishment of a ban for any participant in public legal relations regarding the inadmissibility of "collection, storage, use and distribution of confidential information about a person without his consent, except for cases specified by law, and only in the interests of national security, economic well-being and human rights" (Article 32 of the Constitution of Ukraine).

¹⁴ Олійник А.Ю. Поняття та класифікація конституційних свобод людини та громадянина в Україні. Науковий вісник Київського національного університету внутрішніх справ. 2009. №2. С. 52-60

¹⁵ Колодій А.М. Права людини і громадянина в Україні. К.: Юрінком Інтер, 2003. С. 59-65

¹⁶ Кушніренко О.Г. Права і свободи людини і громадянина: навчальний посібник. Харків: Факт, 2001. С. 48-50.

¹⁷ Загальна теорія держави і права: підручник. За заг. ред. М.В. Цвік, В.Д. Ткаченко, О.В. Петришин. Х.: Право, 2002. С. 139-140

Therefore, the development of modern society is impossible without determining the priority of ensuring the realization and protection of human and citizen rights and freedoms. At the same time, within the current national legislation of Ukraine, the categories of "human rights" and "citizen's rights" are demarcated. The application of such a legal construction as "everyone has the right to...", which is inherent in the norms of the current Constitution of Ukraine, indicates the definition of the basis for the implementation and protection of "human rights", while the presence of clear emphasis on granting certain rights to citizens of Ukraine emphasizes certain public relationships in the languages of the person and the state, which grants him a certain type of authority. Such a normative approach indicates the consolidation of the criterion of a person's relationship with the state, human rights and citizen's rights are distinguished, which, as noted by O. F. Frytsky testifies to the duality of modern society, which includes civil and political components¹⁸.

Depending on the method of realization of human rights, they are divided into powers that require a person to perform active actions, refrain from certain actions (i.e. passive actions), as well as empowering others to perform a certain form of activity.

Depending on the subject characteristics of the authorized person, human rights are divided into rights that are exercised individually, and rights that require a joint form of activity. As an example of the implementation of the rights of common rights, it is necessary to note the implementation of the rights of national minorities (for example, in accordance with Article 6 of the Law of Ukraine "On National Minorities in Ukraine" the right to national and cultural autonomy is defined, the constituent elements of which are the right to demand from the state the creation of mechanisms for the use and teaching of the native language or learning one's native language in state educational institutions or through national cultural societies for representatives of national minorities, ensuring the development of national cultural traditions, using national symbols, celebrating national holidays, practicing one's religion, meeting needs in literature, art, mass media, creating national cultural and educational institutions and any other activity that does not contradict the current legislation of Ukraine)¹⁹.

Depending on the limit of exercising the rights of persons, they are divided into absolute and relative. Absolute rights must be ensured under any circumstances, except in the event of the impossibility of their realization due

¹⁸ Фрицький О.Ф. Конституційне право України: підручник. К.: Юрінком Інтер, 2002. С. 20.

¹⁹ Про національні меншини в Україні : Закон України від 25 червня 1992 року. *Відомості Верховної Ради України*. 1992. № 36. Ст. 529.

to objective reasons, while relative rights are realized in the presence of a certain set of factors²⁰.

According to the content of a person's needs, the satisfaction of which occurs as a result of the implementation of a certain type of right, P. M. Rabinovych singles out physical (in the sense of understanding – vital), cultural, personal, economic, political. It is interesting that any subjective right belongs to scientists in the category of social rights, and therefore its allocation is impractical²¹.

According to the provisions of international law, there is a tendency to distinguish such groups of rights as basic, additional and special. The category of international rights includes the majority of human rights, the groups of additional rights in accordance with international acts include the rights of representatives of national minorities and ethnic groups. Special rights in accordance with the provisions of the Convention of the International Labor Organization No. 169 include the rights of local peoples²².

Depending on the realization of a person's status, rights can be classified into subjective public rights (as a component of his administrative-legal status) and subjective private rights (as a component of his civil-legal status).

Therefore, it is reasonable to conclude that natural persons (citizens of Ukraine, foreigners, stateless persons) are participants in social legal relations, realizing the subjective rights granted to them and fulfilling the obligations defined by the current legislation of Ukraine or the contract. Individual rights can be classified according to a number of criteria, in particular: according to the method of normative consolidation (positive, negative); according to the content of a person's needs (cultural, political, economic, physical); according to the definition of the limits of the exercise of personal rights (absolute and relative); according to the functional content of implementation (subjective private rights and subjective public rights), etc.

2. The right to environmental education in the system of individual rights

The creation of conditions for the realization of the human right to life and health depends on the formation of a high-quality and favorable natural environment, which is embodied in the development and implementation of the state environmental policy and the environmental function of the state and society. It is worth emphasizing that the issue of implementing the ecological

²⁰ Дворкін Р. Серйозний погляд на право. К.: Основи, 2000. С. 141

²¹ Рабінович П.М. Основні права людини: поняття, класифікація, тенденції. Укр. часопис прав людини. 1995. №1. С.14-22.

²² Пушкіна О.В. Система прав і свобод людини та громадянина в Україні: теоретичні та практичні аспекти забезпечення. К.: Логос, 2006. С. 22.

function of the state qualitatively and effectively appeared before humanity in the second half of the 20th century, and is especially relevant at the beginning of the 21st century.

Agreement on the Association of Ukraine and the European Union of 2014²³ is recognized as a unique concept that proclaims the circle of priority public interests for the development of the Ukrainian state and society, where the formation and implementation of the Strategy for sustainable development and greening of production, the formation of environmental legal awareness and an ecological culture of thinking are of great importance. The introduction of an effective strategy for the development of the system of environmental education of the population in accordance with the content of the Agreement on the Association of Ukraine with the European Union should be considered one of the conceptually important public interests of the development of Ukrainian society.

The creation of a system of environmental education should be recognized as a component of the system of guarantees for ensuring the proper implementation of subjective public environmental rights, which, along with the implementation of measures of jurisdictional influence, requires the implementation of measures of a general preventive and special preventive nature. One of the priorities for the development of Ukrainian society in accordance with the Strategy for the implementation of the state environmental policy until 2020 was the formation of an appropriate level of environmental legal awareness and environmental legal culture²⁴. "The imperfection of the system of environmental education and enlightenment" is defined as one of the root causes of the existing environmental problems of the Ukrainian state and in accordance with the State Environmental Policy Strategy of Ukraine for the period until 2030²⁵.

The effectiveness of the environmental education system depends on the methods used for its implementation. An important place in the methodology of ecological and legal knowledge of social relations is definitely occupied by such methods as the method of persuasion, the method of psychological influence, which are effective in forming a morally humanistic awareness of

²³ Угода про асоціацію між Україною, з однієї сторони, та Європейським Союзом, Європейським співтовариством з атомної енергії і їхніми державами-членами, з іншої сторони (угоду ратифіковано із заявою Законом України № 1678-VII від 16 вересня 2014 р.). *Відомості Верховної Ради*. 2014. № 40. Ст. 2021. URL: https://zakon.rada.gov.ua/laws/show/984_011

²⁴ Основні засади (Стратегія) державної екологічної політики України на період до 2020 року : Закон України від 21.12.2010 № 2818-VI. *Відомості Верховної Ради України*. 2011. №26. Ст.218

²⁵ Про Основні засади (стратегію) державної екологічної політики України на період до 2030 року: Закон України від 28 лютого 2019 року № 2697-VIII. URL.: <https://zakon.rada.gov.ua/laws/show/2697-19#Text>

the urgency of protecting the natural environment for present and future generations, which should be inherent both to ordinary citizens and officials of state authorities and local self-government.

The effectiveness of the method of persuasion as a method of environmental and legal knowledge requires the implementation of a system of environmental education and environmental education, which can be implemented by creating and demonstrating effective personal examples of the activities of public officials in the development of preventive environmental protection measures, the development of measures to encourage the introduction of the latest technologies for environmental protection and greening of production, which, in particular, requires a review of regulatory approaches to the formation of the basis of environmental taxation of economic activity, the settlement of natural resource rent payments, waste management and the implementation of the principles of the "closed" cycle economy²⁶.

In this sense, the method of persuasion shows its effectiveness through the prism of the use of methods of social influence and formation of public opinion, which is impossible without the use of methods of cognition available in modern mass media. As noted in a number of scientific publications, the formation of legal awareness and legal culture, including the formation of environmental legal thinking, cannot be implemented outside of effective information interaction of the triad "person-society-state"²⁷. Raises the question of the appropriateness of the level of legal activity as a consequence of ensuring access to public environmental information H. V. Kadnykova²⁸.

The idea of understanding the need to create a system of environmental education and upbringing is supported in a number of industry studies, in particular, on the issue of public management in the field of land resource use – in the scientific works of O. S. Miroshnychenko²⁹; on the issue of rational subsoil use, carried out by A. Yu. Makarenko³⁰.

²⁶ Балюк Г. Вплив міжнародного досвіду на вирішення проблем судового захисту екологічних прав громадян в Україні. *Міжнародний судовий форум: «Судовий захист природного довкілля та екологічних прав»* (м. Київ, 7 листопада 2019 року): Збірник матеріалів. Київ, 2019. С. 172-178

²⁷ Легеза Ю.О. Публічне управління у сфері використання природних ресурсів: адміністративно-правові засади: монографія. Запоріжжя: Видавничий дім «Гельветика», 2017. 432 с.

²⁸ Кадникова Г.В. Адміністративні процедури як елемент правового режиму доступу до публічної інформації. *Прикарпатський юридичний вісник*. 2018. № 3. С. 75–80

²⁹ Мірошніченко О. С. Адміністративно-правові засоби охорони земельних відносин в Україні : дис. ... канд. юрид. наук : 12.00.07. Х., 2005. С.71

³⁰ Макаренко О. Ю. Використання методів переконання та примусу в діяльності суб'єктів охорони надр України. *Наше право*. 2013. № 3. С. 51-54

Currently, the relevance of implementing an effective system of environmental education has been determined at the government level through the creation of an Interdepartmental Working Group of representatives of the Ministry of Education and Science of Ukraine and the Ministry of Environmental Protection and Natural Resources, the functional tasks of which include: normative support of high-quality multi-level, integrated and accessible environmental education and upbringing Ukrainians; definition and improvement of environmental education standards; development and implementation of the Strategy for the Development of Environmental Education, Education and Information for the Sustainable Development of Ukraine³¹.

Environmental legal awareness and ecological legal culture, according to R. Strilets, should be formed already at the level of preschool education, and it is the system of environmental education, its effective construction, that is the necessary basis that determines the movement towards the implementation of ideas of sustainable development in Ukraine and in the world³².

But it should be noted that despite the determination of the extreme importance of creating an effective mechanism for obtaining environmental education as a factor in the formation of environmental legal awareness and environmental legal culture, this function is performed at an inadequate level, which is confirmed by the existing attitude of the population to the consumption of natural resources, the lack of regional programs to ensure the financing of separate collection waste, etc.

The creation of conditions for the realization of a person's right to obtain free legal aid in terms of the use of natural resources, environmental protection, implementation of state environmental control and audit should be recognized as components of the system of realization of a person's right to environmental education³³. In accordance with the current legislation of Ukraine, forms of acquiring environmental knowledge should be recognized as distance education, full-time education, as well as the dissemination of knowledge about the rational use of natural resources through the implementation of environmental protection measures, scientific and practical

³¹ Міндовкілля та МОН домовилися розвивати систему екоосвіти в Україні. URL.: <https://mepr.gov.ua/mindovkillya-ta-mon-domovylysyu-rozvyvaty-systemu-ekoosvity-v-ukrayini/>; Про утворення Міжвідомчої робочої групи з удосконалення системи екологічної освіти в Україні: Наказ Міністерства захисту довкілля та природних ресурсів № 424 від 20.06.2023; Наказ Міністерства освіти та науки України № 765 від 20.06.2023. URL.: <https://mepr.gov.ua/wp-content/uploads/2023/06/424n.pdf>

³² Міндовкілля та МОН домовилися розвивати систему екоосвіти в Україні. URL.: <https://mepr.gov.ua/mindovkillya-ta-mon-domovylysyu-rozvyvaty-systemu-ekoosvity-v-ukrayini/>

³³ Макаренко О. Ю. Використання методів переконання та примусу в діяльності суб'єктів охорони надр України. *Науке право*. 2013. № 3. С. 51-54

measures, training webinars. Special attention in ensuring the effectiveness of the acquisition of environmental and legal knowledge is the creation and distribution of social advertising, where the ideas of sustainable development and closed-loop economic production should be displayed by means of online broadcasting³⁴. At the same time, it should be noted that in Ukraine, social environmental advertising as a means of obtaining environmental education and the formation of environmental consciousness and culture is used quite fragmentarily, if not at all. Even the Strategy of the State Environmental Policy of Ukraine for the period until 2030 does not contain any mention of environmental advertising, despite its obvious effective influence, which can be carried out through social Internet networks. The spread of environmental advertising will obviously contribute to increasing the effectiveness of the implementation of the principles of social responsibility of the population and the Ukrainian state, which should consist in the conscious minimization of the consumption of water resources, natural resources, minerals and the desire for separate collection and further use of waste³⁵.

The means of ensuring the effectiveness of the environmental education system should include the functioning of public organizations and political parties whose content is to determine the implementation of environmental protection measures, the representation of the interests of individuals for the protection of the right to a safe environment in court and administrative bodies. Such subjects include, in particular, the activities of the public organization "Ecology. Right. Man", which has been operating quite successfully and for a long time in Ukraine. As examples of achieving a high level of efficiency of the above-mentioned public activities, there is, in particular, case No. 910/8122/17, where the decision of the Grand Chamber of the Supreme Court upheld the cassation appeal of the International Charity Organization "Ecology-Law-Human"³⁶ etc.

Therefore, an environmental lawyer plays an important role in ensuring the right of a person to a safe environment. The creation of conditions for the formation of higher legal entity recipients of a conscious, moral-ethical, humanistic attitude to the use of natural resources and the implementation of state and regional environmental policy definitely affects the effectiveness of the practice of applying legislation in the field of environmental protection. "Environmental law" must be recognized as a basic educational component in

³⁴ Прищенко С. В. Екологічна соціальна реклама в структурі медіапростору. Культурологічна думка. 2016, № 10. С. 222-229

³⁵ Лесь А. В., Ращенко А. В., Смаглий В. О. Відповідальне споживання в умовах сталого розвитку. Ефективна економіка. 2019. №1. URL.: http://www.economy.nayka.com.ua/pdf/1_2019/38.pdf

³⁶ Постанова Великої Палати Верховного Суду у справі № 910/8122/17 від 11 грудня 2018 року. URL.: <https://reestr.court.gov.ua/Review/78977479>

the training of a lawyer. In this sense, special value is given to educational and professional programs that focus on the provision of professional training services in the field of jurisprudence, focusing on the formation of a specialist with a modern scientific outlook and thinking, who is able to carry out organizational, research and innovative activities in the legal field, and possesses scientific-theoretical and practical knowledge, abilities and skills, methods and means necessary for solving problems of legal regulation of public and private social relations in order to ensure the implementation of the concept of Sustainable Development of Ukraine.

Taking into account the difficulty of mastering the content of the educational discipline "Environmental Law", which is caused both by the presence of a large number of legislative and sub-legal normative legal acts, which in some places contradict each other, create legal conflicts and fictions, and by the ongoing processes of reforming state authorities and local self-government in the field environmental protection, which affects the level of effectiveness of the national environmental policy and its effectiveness. The determined circumstances determine the expediency of finding effective methods of teaching environmental and legal disciplines.

One of the ways to ensure the effectiveness of learning environmental and legal disciplines is to create conditions for their study using the methods of role-playing games, brain storms, solving practical cases and settling specific administrative, criminal, economic, and civil cases in the field of use natural resources and ensuring environmental safety requirements³⁷. The very application of such a methodology will contribute to the formation of professional competences in future lawyers, consisting in the ability to objectively assess the factual circumstances of the case and, on the basis of the established structural and logical connections, to carry out assessments of the relevant legal situation.

Taking into account the fact that mastering the discipline "Environmental Law of Ukraine" is associated with the application of knowledge and skills acquired during the study of civil procedural, administrative procedural, criminal procedural law and relevant norms of material branches of law, which requires the study of a significant number practical cases. In addition, the study of the educational discipline "Environmental Law of Ukraine" requires its structural placement in the educational and professional program after mastering the procedural branches of law.

It is important for legal students to study conflicting court decisions in cases in the field of environmental protection, which are, unfortunately,

³⁷ Robertson H. G. *Methods for Teaching Environmental Law: Some Thoughts on Providing Access to the Environmental Law System*. Columbia Journal of Environmental Law. 1998. Vol. 23. P. 237–279

characteristic of the national judicial system. And only on the basis of the analysis of such legal enforcement collisions of the national judicial system, students should be offered their own vision of the researched decisions in public-law and private-law disputes. Therefore, when training environmental lawyers, it is worth abandoning the widespread practice of theoretical surveys of lecture topics, which prevents the acquisition of the necessary professional competences.

CONCLUSIONS

Thus, one of the ways to ensure the effectiveness of policy implementation in the sphere of realization of a person's right to environmental education is the normative definition of the latter. As a proposal to supplement the current national legislation and, in particular, the provisions of Article 7 of the Law of Ukraine "On the Protection of the Natural Environment" in terms of establishing the normative content of the understanding of the right to environmental education as "a continuous process of education, knowledge acquisition and personality formation, which ensures the formation and implementation valuable perception of the natural environment as a national wealth, which should be used to introduce into society the ideas of smart consumption, greening of production with the aim of preserving and restoring natural resources and objects for present and future generations."

The above determines the expediency of supplementing the list of instruments for the implementation of the state environmental policy established in the Law of Ukraine dated February 28, 2019 No. 2697-VIII with such a means as "creating and distributing environmental advertising as information, the content of which consists in the formation of reasonable consumption in individuals, greening of production and its construction on the concept of a closed cycle and efficient separate collection of waste."

It must be emphasized that the effectiveness of the implementation of the organizational and legal mechanism for the realization of a person for environmental education creates an adequate basis for the formation of the basis of ecological and legal thinking, a conscious perception of the need and urgency of the transition to "smart" consumption, to the greening of production and separate collection of waste, and therefore in as a whole, will contribute to the preservation of the environment for present and future generations.

SUMMARY

The article highlights the problems of creating an organizational and legal mechanism for ensuring the realization of the individual's right to environmental education. The purpose of the article is to establish the content

and essence of a person's right to environmental education. The methods of this scientific article include both the application of general scientific methods of learning social phenomena (methods of synthesis and analysis, the structural-logical method), and specifically scientific methods, among which the method of comparative jurisprudence, methods of legal norm-making, etc. are distinguished. The authors established that the creation of a system of environmental education refers to the system of guarantees for the proper implementation of subjective public environmental rights. It was found that one of the priorities of the development of Ukrainian society in accordance with the Strategy for the implementation of the state environmental policy until 2020 was the formation of an appropriate level of environmental legal awareness and environmental legal culture. It was determined that the imperfection of the system of environmental education and enlightenment is one of the factors of the existing environmental problems of the Ukrainian state. The authors justify the author's approach to establishing the normative content of the category "ecological education" and develop proposals for amendments to the current legislation of Ukraine, in particular, to the Law of Ukraine of June 25, 1991 No. 1264-XII "On Environmental Protection" and to the Law of Ukraine of February 28, 2019 No. 2697-VIII "On the Basic principles (strategy) of the state environmental policy of Ukraine for the period until 2030". Separate research emphasis is made on the need to develop and spread social environmental advertising. Proposals for educational training in institutions of higher education for environmental lawyers are substantiated. Keywords: state environmental policy, environmental education, environmental education, organizational and legal mechanism, legal culture, legal awareness, social environmental advertising.

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