

ŽIVOTNÉ, PÔDA, POĽNOHOSPODÁRSKY PRÁVO**LEGAL ASPECTS OF ECOLOGIZATION
OF TOWN PLANNING BRANCH****Ignatenko I. V.***PhD in law, assistant of the department of land and agrarian law
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In the past decade the adoption of regulatory legal acts in the sphere of town planning and permanent change of their standards (including «under the auspices of» creation of conditions for residential construction) shows peculiar public interest to the regulatory registration of legal relationships related to land development. Legal rules, regulating relationships related to land development, are aimed at ensuring reasonable use of natural resources and environment and its components protection, when developing lands. Both forms of society and nature interaction, namely, economic and ecologic fall within the sphere of legal control over the land development.

According to the goal the norms, regulating the management of natural resources, in some cases allow using natural resources, in other cases, they bind to improve and restore resources, otherwise, they prohibit to make their condition worse [1, p. 452-453]. General regulatory provisions are transformed into the legal rights and legal obligations of certain parties, more specifically, subject of legal relations upon availability corresponding legal fact. Users of natural resources, who obtained natural object to erect building, construction, are vested with rights and obligations related to such use. One of such legal rights of a certain person (user of natural resources), consisting in legally provided possibility to use a certain natural object (its part) to construct building, construction, to reconstruct them, is a development right.

Land development is a particular kind of management of natural resources. During the process of land development entities enter into public relations on using natural objects in order to erect buildings, constructions, to reconstruct them. Using natural resources generates environment protection relations related thereto.

When developing lands, immediate change of qualitative and legal characteristics of ground surface and natural objects located thereon (there under) is involved. Correspondingly, these relations comprehensively engage various natural resources, and the relations themselves concerning the management of natural resources can have complex nature.

Content of relations related to the land development consists of active actions aimed at purposive nature transformation, the result of which is an artificially created real estate unit and environment and its individual components protection measures related thereto. At the same time, people, having an effect on the environment, first of all, set objectives to use it, not to protect.

Therefore, real relations related to the nature transformation during the land development are systematic. They are ecologic; possess single content, that is aimed at the change of nature, immediately at such changes and complex environmental impact; they are subordinated to the ultimate goal, namely, to create artificial real estate unit, or a particular natural object.

Because of progressive advance of systematically organized and interconnected relations on the land development they include not only relations resulted from immediate transformation of natural object, but the accompanying them as well. The public relations related to the provision of natural objects for construction, reconstruction, environment and its component protection during the land development, related to government action for environmental offence in the concerned sphere are interconnected and interdependent with the relations on the immediate management of natural resources.

Backbone relations between individual components of nature define the approach to the environment as an integral, system-related comprehensive unit and related to the interconnection of the management of natural resources and environment protection. «Use and protection of natural environment are different sides of the same coin.» «If society does not use any part of nature, Krasnov N. I. emphasized, so there will no be legal protection problem.» [2, p. 11]. An entity, using natural resource, is obliged to protect this resource, including to use it reasonably. Due to the nature integrity an entity, transforming the environment during the construction, has to perform other obligations related to the environment protection.

It is obvious, that the specified relations related to the land development as relations, by means of which changes occur in the nature condition, related to its use, its improvement or change for the worse, are not indifferent for the state. Management of natural resources is ecologically important behavior, implemented in the system of public relations, the most important form of which is their legal regulation. The task of legislator is to ensure reasonable use of natural resources and environment protection in case of occurrence and development of these relations in whole. Legal regulation of the relations related to the land development in Ukraine shall be aimed at the supporting the objective of economic and ecologic interest of society coordination.

When erecting buildings, constructions natural resource is used, and regulations related to the use of natural resources play an important role in the legal mediation of such kind of natural resource use. Taking into consideration, that lands covered with forest or water can be subject to development, and it is allowed to construct underground facilities, using the mineral resources, when constructing buildings,

constructions, there can be not only land use, but also use of other kinds of natural resources (forest, water, mineral resources use) and their corresponding legal regulation.

Applicable legislation in the sphere of land development carries out legal control over the relevant relations on a case-by-case basis, when used in respect of particular natural objects, despite the existing integrity, defined by the effect of general laws of nature. This is due to the specificity of every component of natural environment individually, but their commonness, in actual fact, single designation, social role, and ecologic importance require system approach to the occurring public relations and their legal regulation during land development.

Since sometimes land development is associated with use of various natural objects, natural resources, so it is required to protect all components of natural environment, natural objects, interacting with the territory being developed. The man-made feature, located in the territory of influence of developed lands and lands under development, is also affected (for example, erection of building can break the steadiness of real estate units located on the neighboring land plot). Such location emphasizes the existing dialectical relationship of the environment components.

Consecutive implementation in the legislation of eco-system approach to the use of natural objects, when developing lands, taking into consideration the existence of dialectical relationship of the environment components, will allow guaranteeing ecologically and economically fair use of useful properties both of the natural objects themselves and the resources contained therein.

On the basis of foregoing it may be concluded, that land development and its nature, kind of building, construction, being erected, define not only current use of natural object and degree of impact thereon, but also create a foundation for a long period of perspective influence of anthropogenic activity on the environment and its individual components. That is why, ecologization of town planning branch is very important, which is not priority of Ukraine development, however, modernization of economy and formation of socially oriented kind of its development without defining this policy is impossible.

References:

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