INTRODUCTION

Environmental law is one of the most dynamic sciences nowadays, which is objectively conditioned by the increasing environmental challenges that confront the current civilization. We consider the response to these challenges to be an important element of both the planetary-scale ecological disaster prevention and the attempt to elaborate mechanisms to address other global, regional and local environmental problems.

In his previous works the author has already noted that in the coming years a significant increase in Ukraine's international commitments is expected, since there is a number of international conventions, accession to which (as well as the signing of the new ones) would be of considerable political importance for Ukraine and would increase the opportunities for exploitation and reproduction of natural resources.

In such circumstances, it is necessary to increase the effectiveness of legal regulation in the field of environmental legal relations and to strengthen the role of the state in solving environmental problems of the modern world. In this regard, peculiar interest is aroused by the studies of the American scholar Th. W. Hoya who concluded based on the analysis of the methods of market economy in American and Russian environmental law that "of all industrialized countries of the West, US environmental law is mostly based on command-and-control methods"[1].

At the same time, strengthening the role of the state, both within the country and in the system of international relations, does not mean that the full burden of the transition to sustainable development should be concentrated on the state only, without interaction with the civil society. In modern theory of law and constitutional practice saving the environment for present and future generations is seen as a shared responsibility of the state, the civil society and a human. This approach can be defined as a moral and ethical environmental legal imperative, which is accepted in almost all countries of the world.

Legal scholars are right to say that protection and exploitation of nature are two sides of the same coin, considering them as a dual process of the interaction between the nature and the society. It is interesting that representatives of economic science tend to see nature protection as a kind of rational exploitation of nature, namely as a broader concept than material

[1] Th. W. Hoya. Methods of Market Economy in American and Russian Environmental Law (Хойа, Т. Методы рыночной экономики в американском и российском экологическом праве) / Th. W. Hoya // International University, Newsletter (Вестн. междунар. ун-та). Law. – Issue No. 5. – Moscow, 2001. – P. 152.

production, since it covers not only product consumption and reproduction of natural resources, but also environmental protection activities in regard to withstanding degradation and pollution of nature to shape the foundation of the future civilization. Such opinion is reasonable to some extent, because, in addition to the use of minerals, water and atmospheric air for the production and operation of transport, even the use of the environment for waste disposal or wastewater disposal purposes should be considered as a type of exploitation of the environment. Indeed, even landfilling requires the permission of the landowner, even though it may involve subsoil or water resources. However, for the nitrogen fertilizers production by means of nitrogen removal from the atmospheric air, no environmental use permit has been established, despite the fact that the author included relevant proposal regarding legal regulation of the use of atmospheric air for industrial needs into the draft Law of Ukraine "On the protection of Atmospheric Air" Instead, the Ministry of Environmental Protection of Ukraine exerted pressure on the relevant committees of the Ukrainian Parliament (Verkhovna Rada of Ukraine), using political party support to remove the referred article from the Law of Ukraine "On the protection of Atmospheric Air" in the late 1990s.

Therefore, nowadays the system of legal norms, united by a common subject, namely legal relations in the field of protection and use of natural resources, includes not only the norms of environmental safety and environmental protection law, but also land, water, forest, subsoil, faunistic, floristic, aeronautical legislation (which are or have already been formed as separate fields of law or fields of legislation, undergoing legal transformation into fields of law). In the light of the above-mentioned problems regarding the combination of global and local approaches to environmental issues and the use of natural resources, there is an increase in the role and capabilities of legal science both in the historical context for the study of national environmental legal traditions and in the context of comparative jurisprudence described by us "the law of united vessels" (as a phenomenon of mutual flow of advanced ideas, rules, principles and concepts between national legal systems, as well as between them and international law), as well as provision of complex systematic approach to the development of environmental law that makes it possible to take into account the most diverse developments. Exactly such approach has laid the foundation for the formation of the subject of this book.

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