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## Protection of the environment under the draft Criminal Code of Ukraine and the European criminal law: a comparative study

### Кримінально-правова охорона довкілля за проектом Кримінального кодексу України та європейським кримінальним законодавством: компаративістське дослідження

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#### Abstract

The purpose of the article is to study approaches used in the Criminal Codes of certain European countries regarding: 1) location in their systems of special parts of norms on liability for encroachment on the environment; 2) comparison of these approaches with the version embodied in the project of the new Criminal Code of Ukraine (hereinafter – the Project); 3) development of scientifically founded recommendations on this basis, which can be used both for the improvement of the relevant provisions of the Project and for the relevant prescriptions of the criminal laws of European states.

#### Анотація

Метою статті є дослідження підходів, які використовуються в кримінальних кодексах окремих європейських країн щодо: 1) розміщення в їх системах особливих частин норм про відповідальність за посягання на довкілля; 2) порівняння цих підходів із редакцією, закладеною в проект нового Кримінального кодексу України (далі – Проект); 3) розробка на цій основі науково обґрунтованих рекомендацій, які можуть бути використані як для вдосконалення відповідних положень Проекту, так і для відповідних

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When analyzing legislation of specific European countries, as well as substantiating research results, a wide range of scientific methods has been used: comparative legal, dialectical, methods of system analysis and modeling.

Based on the research, it is summarized that, contrary to the Ukrainian Project, the majority of European states consolidated all criminal offenses against the environment within a single structural element of the Special part of national Criminal Codes.

Borrowing experience of countries where criminal law recognizes some offenses against the use of natural resources as types of offenses against property or economy was recognized as impractical.

**Keywords:** comparative studies, criminal offense, criminal liability, environment, natural resources, economy, environmental security, illegal possession, health, public safety, society, traffic safety, national security.

## Introduction

The conceptual novelty of the Project (EUAM Ukraine, 2023) lies in its additional structuring, which is uncharacteristic of the Special Part of the current criminal legislation. In particular, taking into account the rather heterogeneous range of social relations which are violated as a result of the commission of criminal offenses against the environment (Movchan, 2020), developers of the Project have actually implemented the so-called two-level interpretation of the generic object of environmental criminal offenses proposed by many domestic researchers (Kornyakova, 2011; Samokysh, 2011; Turlova, 2018). This was manifested in the proposed division of all sections provided for in the Project. VIII of the Special Part of the current Criminal Code of Ukraine (hereinafter – the CC) criminal offenses into two separate groups of offenses – “*criminal offenses against the safety of the environment*” and “*criminal offenses against the order of use of natural resources*”.

From both a theoretical and a practical point of view, the most interesting thing is that the authors of the Project not only divided all the criminal offenses provided for in Chapter VIII into two groups, but also placed the corresponding chapters in different books of the Special Part. If

приписів кримінального законодавства європейських держав.

Під час аналізу законодавства окремих європейських країн, а також при обґрунтуванні результатів дослідження використовувався широкий спектр наукових методів: порівняльно-правовий, діалектичний, методи системного аналізу та моделювання.

На основі дослідження підсумовано, що, на відміну від українського Проекту, більшість європейських держав об'єднали всі кримінальні злочини проти довкілля в єдиний структурний елемент Особливої частини національних кримінальних кодексів.

Визнано недоцільним запозичення досвіду країн, де кримінальне законодавство визнає деякі правопорушення проти використання природних ресурсів видами злочинів проти власності чи економіки.

**Ключові слова:** компаративістика, кримінальне правопорушення, кримінальна відповідальність, довкілля, природні ресурси, економіка, екологічна безпека, незаконне заволодіння, здоров'я, громадська безпека, суспільство, безпека руху, національна безпека.

criminal offenses against the environmental safety (Chapter 5.3) are included in the book 5 “Criminal offenses against public health”, then criminal offenses against the order of use of natural resources (section 6.5) – in book 6 “Criminal offenses against the economy.”

Based on the results of this scientific investigation, we will try to find out how correct this approach is, and if it is unjustified, then what version of the regulation of liability for criminal offenses against the environment could be embodied in the Project.

In order to achieve the highest efficiency of criminal law norms (in particular, regarding liability for encroachment on the environment), their improvement should be carried out on the basis of taking modern achievements of European and world criminal law opinion into account and also be based on the advanced practices of foreign legislation (Khavronyuk, 2013). In Ukrainian realities, it is primarily about the legislation of European countries, which experience in the field of criminal law environmental protection will be studied in the course of writing this article with the possibility of its further use.

The significance of conducting comparative research is amplified when considering the Association Agreement between Ukraine and the EU, which was signed in 2014, as well as the significant EU decision in 2022 to designate Ukraine as a candidate for EU membership. These documents explicitly emphasize that the future political association and economic integration between Ukraine and the EU are contingent upon Ukraine's advancements in aligning with the EU in political, economic, and notably, legal domains.

Criminal law assumes a crucial role in this context as it addresses the necessity of harmonizing Ukraine's criminal legislation with pan-European standards for combating environmental crimes. Additionally, it takes into consideration the existing legislative measures implemented by the EU member states.

### Literature Review

The works of such Ukrainian researchers as T. Korniyakova, I. Mitrofanov, V. Samokysh, Yu. Turlova, A. Savchenko, A. Shulga, O. Yara have made a notable contribution to the development of issues of criminal law protection of the environment with regard to improving its legislative support.

A number of publications of comparative nature regarding the European experience of criminal law counteraction to environmental encroachments on certain types of natural resources (land (Movchan, 2016; Lisova & Sharapova, 2020; Meiyappan *et al.*, 2014), subsoil (Movchan *et al.*, 2021a; Movchan *et al.*, 2022)), have also been published by the authors of this article.

At the same time, given the fact that Ukraine is currently at the stage of developing a new criminal law (comprehensive reform of criminal legislation is being carried out), designed to significantly improve the mechanism of criminal law regulation taking into account Ukraine's aspirations to become the EU member, research, the subject of which is a comprehensive analysis of the provisions of the Project, becomes of particular importance. Conducting such research will make it possible to properly evaluate its novels, identify potential risks in law enforcement, respond to weaknesses in a timely manner, etc. It is natural to study relevant issues through the prism of criminal legislation of European countries. It is necessary to state the absence of similar academic works in the field of criminal law protection of the environment,

which necessitated the preparation of this article. It should be taken into account that available publications relate to the study of either international legal aspects of the subject under consideration, or the legislation of only certain countries, or are focused purely on the ecological components of combating crimes against the environment.

It is worth adding that previous researchers of the topic at hand have concentrated either on international (Lammers, 2001; Eshmurodov, 2020; Hollins & Percy, 1998) or merely internal (Goyes *et al.*, 2017; Ladychenko *et al.*, 2019; Savchenko *et al.*, 2017) aspects of the problem.

### Methodology

This study is based on the use of the comparative law method (Minchenko *et al.*, 2021), which was applied to find out existing approaches in European countries to the regulation of liability for criminal offenses against the environment. The philosophical (dialectical) method made it possible to understand problems of the research, its methodological foundations, to structure the research, to comprehend the research object in a step-by-step mode. By employing the modeling method, the provisions of the legislation of European countries are determined, which can be used during the improvement of domestic criminal legislation.

Legislation of twenty-five European countries, whose criminal legislation provides for liability for criminal offenses against the environment, was selected for consideration. Among those are Austria, Albania, Bulgaria, Denmark, Estonia, Iceland, Spain, Latvia, Lithuania, Macedonia, the Netherlands, Norway, Poland, Portugal, San Marino, Serbia, Slovakia, Slovenia, Turkey, Hungary, Finland, Germany, Croatia, Montenegro, Czech Republic. Selection of such a wide range of countries is explained by the scientifically proven fact that studying foreign experience of as many countries as possible contributes to the transposition of the relevant provisions of the criminal legislation of various foreign countries, their adaptation, convergence, harmonization, unification, etc. (Movchan *et al.*, 2021b).

### Results and discussion

Despite the conceptual change in the approach to the construction of the Special Part of the Criminal Code, the main principle of placing norms in specific structural links of the Project remained unchanged: from now on, these articles

should be grouped into sections based on the characteristics of the specific, not generic object of criminal law protection; while the chapters should be grouped into books based on the characteristics of the generic object. In other words, the main direct object of the criminal offense provided for by a specific article must be part of the specific object of the corresponding group of criminal offenses (it is reflected in the title of the section); the specific – of the generic one (it can be judged from the title of the corresponding book).

In turn, this means the need for a correlation between the main direct object of criminal offenses, which is provided for by the article placed in a certain section, and the generic object of criminal offenses to which a relevant book is devoted. Of course, these objects can be and most often are “distant” from each other in a certain way, which is explained by the placement “between them” of a link in the form of a specific object closer to both. However, they must have a fairly close connection, i.e., when causing damage to the main immediate object, there must be a “visible” violation of relations (values, etc.), which are covered by the corresponding generic object.

At the same time, we consider it erroneous to attribute criminal offenses against the order of use and protection of natural resources (section 6.5) in general, as well as, for example, their varieties, such as the destruction or damage of plant or animal natural resources, to encroachments on the economy (book 6 of the Project) (Mitrofanov, 2022). We consider as an example mutilation of a wild animal, which is as “remote” from the economy as, say, the infliction of bodily harm on a person, the damage from which can also be partially expressed with the help of a property equivalent and which (according to a similar logic) can be considered an encroachment on the economy. Is it justified to recognize as economic criminal offense the behavior of the owner of a land parcel, who removes the soil cover of the land located on it without the permission established by law, i.e. commits actions which qualify under Art. 254 of the current Criminal Code of Ukraine, and if the Project is adopted as a law, will it be considered either as “illegal possession” (Article 6.5.4) or as “depletion” of a natural resource (Article 6.5.7)?

In our opinion, the answer to these (and similar) questions should be negative. The conclusion cannot be affected by the fact that criminal liability for the above-mentioned acts is associated with their causing certain (significant

or insignificant) property damage. After all, the latter is (should be) only a formalized and most objective indicator of damage that has been done to *ecological* legal relations, which are fundamentally different from economic ones, and some of which are the main direct objects of the mentioned violations.

If not to the economic one, then to which block of the encroachments provided by the Special Part of the Project (that is, book) should criminal offenses against the order of use and protection of natural resources be assigned? The same issue is brought up to date in the same way in relation to the placement of norms on criminal offenses against environmental safety.

And precisely in order to obtain a properly substantiated answer to the question of the optimal location of the prohibitions under consideration in the Project, it is necessary to refer to the relevant experience of European countries, in which liability for environmental torts is regulated (in various forms) by criminal codes. As a result of the conducted comparative analysis, it was found that foreign parliamentarians primarily use six main approaches to the location of norms on encroachments, which are considered by the current Criminal Code of Ukraine as criminal offenses against the environment, and in the Project – as criminal offenses against environmental security (Chapter 5.3) and against the order of use and protection of natural resources (Chapter 6.5).

In most of the codes we have analyzed, all articles on criminal offenses against the environment are concentrated within one structural subdivision of the Special Part. Therefore, there are no examples of recognition of the considered torts as encroachments on various protected relations (group object), that is, the placement of such units within the boundaries of distinct links of a higher order. Despite the unity on this issue, the parliamentarians of the countries whose legislation is being studied come from four different positions regarding the location of the appropriate universal structural unit. Such approaches largely depend on the complexity of the architecture of the Special Part.

In particular, legislators of the countries whose criminal codes implemented the so-called “simple” (one-level) architecture of the Special Part took two options for solving the specified issue as a basis.



Based on **the first approach** (as well as in the current Criminal Code of Ukraine built on this model), a separate section (chapter) is allocated in the criminal codes of some states, fully devoted to the regulation of responsibility for criminal offenses (crimes) against the environment (natural environment) (Chapter 11 of the Criminal Code of Latvia, Chapter 22 of the Criminal Code of Macedonia, Chapter 24 of the Criminal Code of Serbia, Chapter 30 of the Criminal Code of Slovenia, Chapter XXIII of the Criminal Code of Hungary, Chapter 29 of the Criminal Code of Germany, Chapter XX of the Criminal Code of Croatia, Chapter 25 of the Criminal Code of Montenegro);

**The second approach** assumes that criminal offenses against the environment are consolidated into a single structural unit, within which, along with environmental torts, the following are placed: a) generally dangerous offenses (Chapter VII of the Criminal Code of the Netherlands); b) criminal offenses that cause harm to society (public interests) (Chapter 21 of the Criminal Code of Denmark, Chapter XIX of the Criminal Code of Iceland); c) criminal offenses against health care (Chapter XXXVIII of the Criminal Code of Lithuania, Chapter 23 of the Criminal Code of Norway).

In these countries, the relevant structural units are most often placed between criminal offenses against public safety, public transport (road safety), the state, less often – “next to” criminal offenses in the field of illegal drug trafficking or against human health.

However, when determining the structure of the Special Part of the Project, its developers took as a model the example of another group of countries, where a “complicated” (multilevel) model of the construction of the Special Part was used, which involves the division of units of a higher level (generic object) into parts of a lower order (special object). At the same time, in countries with this structure of the criminal law, the rule-makers also use two different methods of solving the issue at hand.

The parliamentarians of the conditionally first group of countries believe (in general, **the third approach**) that the specifics of criminal offenses against the environment is such that they do not allow to attribute (or combine) these torts to any other of the separate groups of offenses. With this in mind, in the Special parts of the criminal codes of these states, criminal offenses against the environment are dedicated to separate structural

units of a higher order, within which lower elements are often not distinguished at all (Chapter IV of the Criminal Code of Albania, Chapter 20 of the Criminal Code of Estonia, Chapter VIII of the Criminal Code of the Czech Republic).

It is also characteristic that, similar to the previous version, the corresponding structural links are again most often placed between criminal offenses against public safety, public order and morality, traffic safety, against the state.

Instead, legislators of other states (**the fourth approach**) see grounds: 1) for recognizing criminal offenses against the environment as a type of a group of offenses that is broader in content – criminal offenses against *security (public safety and public order)* or *society (community)*, to which they are included (Part 2, Chapter 3 of the Criminal Code of Turkey). Under such condition, together with criminal offenses against the environment in the relevant structural unit, liability for encroachment on public safety, as well as public peace, public health, traffic safety and operation of transport, etc. is assumed once again; 2) to combine criminal offenses against the environment and safety in one structural unit: a) at the higher level, within which separate elements of a lower order are distinguished, dedicated to the regulation of liability for, on the one hand, criminal offenses against the environment, and on the other – against public security (parts one and two of Ch. 6 of the Criminal Code of Slovakia); b) of a lower level – subject to the implementation of this option, the relevant norms are included in the group of criminal offenses against society (Part III, Chapter IV of the Criminal Code of Portugal, Part I, Chapter 3 of the Criminal Code of San Marino).

Much less often, foreign parliamentarians use the approach approved in the Project, when, in view of some difference in the objects of various criminal offenses against the environment, liability for their commission is assumed according to the norms that are placed in various structural units of the Special Part of the Criminal Code. At the same time, and within such an option, at least two varieties can be distinguished, which are fundamentally different from each other.

Legislators who tentatively profess the first of them (in general, this is **the fifth approach**) proceed from understanding of the organic unity of all criminal offenses against the environment

(generic object), which, at the same time, does not prevent them from realizing that certain groups of such offenses encroach on rather heterogeneous social relations (specific object). This approach is implemented by selecting two sequentially placed structural parts (in a Criminal Code with a simple architecture, they are completely independent, and in the case of a complex one, they are included in a single link of a higher order). These parts, despite their different names, actually (meaningfully) refer to the same criminal offenses against the environment, some of which are considered in the Project as criminal offenses against environmental safety (environmental pollution, illegal waste management, etc.), while others as criminal offenses against the order of use and protection of natural resources (illegal hunting/fishing, felling of trees (forest crime), etc.). Taking into account this structuring criterion, in the Criminal Code of Spain all offenses against the environment are divided into crimes against natural resources and the natural environment (Chapter III), as well as crimes in the field of protection of flora, fauna and domestic animals (Chapter IV), and according to the Criminal Code of Finland – on environmental crimes (Ch. 48) and crimes in the field of natural resources (Ch. 48-a).

Legislators in the second group of countries include only those actions that the authors of the Project recognize as encroachments on environmental safety as criminal offenses against the environment (**sixth approach**). At the same time, certain criminal offenses against the order of use and protection of natural resources can be recognized as encroachments on: a) *property* (in the Criminal Code of Poland, this is Ch. XXII “Crimes against the environment” and Chapter XXXV “Crimes against property”, which, in particular, provides for liability for felling trees in the forest for the purpose of appropriation (Article 290); according to the Criminal Code of Austria – Chapter 7 “Generally dangerous acts and criminal acts against the environment” and Chapter 6 “Criminal acts against other people’s property”, which found a place for such traditional (from the standpoint of the current Criminal Code of Ukraine) environmental offenses, as provided for in paragraphs 137–140 – illegal fishing and hunting); b) *economy* – a relevant example can be observed in Bulgaria, which Criminal Code includes such actions as illegal mining, illegal felling of forests, destruction of trees, etc. Part II “Crimes in certain branches of the economy” includes Ch. 6 “Crimes against business” (at the same time, in Chapter III “Crimes against public health and the

natural environment”, Chapter 11 “Generally dangerous crimes”, the Bulgarian parliamentarians provided for liability not only for environmental pollution, violation of veterinary regulations, illegal handling of waste, but also for illegal drug trafficking, production of food items dangerous to human health, animal feed, etc. – that is, for actions similar to those for which liability is consolidated within the scope of Book 5 of the Project “Criminal Offenses Against Public Health”).

Based on the results of the comparative legal analysis, there are grounds to draw two main conclusions which influenced the final position on the issue under consideration, in particular, regarding the assessment of the approach to the placement of criminal offenses against the environment in the system of the Special Part of the Project.

*First*, it was possible to find only two countries whose Special parts of the Criminal Codes provide for the allocation of two structural units dedicated to the regulation of liability for certain types of criminal offenses against the environment – these are Spain and Finland. However, even “separated” environmental torts in the mentioned states are recognized as homogeneous, as evidenced by their placement within the boundaries of parts located one after the other, which are either independent or included in a single link of a higher order (in the Criminal Code with a simple and complex architecture, respectively). At the same time, not a single example of the approach embodied in the Project was found, according to which two relevant structural units (Section 5.3 and Section 6.5) are placed in different links of a higher order (Book 5 and Book 6, respectively).

*Secondly*, taking into account the above, the clarified fact that the parliamentarians of countries in which all criminal offenses against the environment are consolidated within a single structural element, most often: 1) recognize their organic kinship not with encroachments on the economy or security, becomes even more significant health, as provided for in the Project, and with criminal offenses against public safety or society: a) to which they are included (in various forms); b) or with which they are combined in single parts; 2) recognize the impossibility of including/combining environmental torts (taking into account their specifics) into/from any other groups of criminal offenses, singling out completely independent subdivisions devoted exclusively to criminal offenses against the environment. Moreover, this

is characteristic of both countries with complex and simple “architecture” of the Special Part of the Criminal Code. Against this background, it is characteristic that with such approach, the relevant structural links are most often placed next to articles on criminal offenses against public safety, public order and morality, traffic safety. Even indirectly, this fact can be considered an additional evidence of recognition of the closeness of the legal relations (values) protected by the relevant sections (chapters).

### Conclusion

By synthesizing all previous developments, as well as taking into account the structure of the Project, we came to the general conclusion that the issue of regulation of liability for criminal offenses against the environment should be resolved in it (the Project) in one of two alternative ways.

The *option I* provides for inclusion of the two chapters, currently placed in different books, into a single structural link of a higher order, which deals not only with environmental, but also with other offenses. Having analyzed the structure of the Project, it can be stated that in the case of implementation of this approach, articles on the considered encroachments should be placed in the book 7 “Criminal offenses against society.” This approach is supported not only by the foreign experience highlighted above, but also by the placement in the book 7 of the Draft of norms on the group of criminal offenses against *security*.

Possibly the only disadvantages of this option are that, if it is implemented, firstly, there will be a certain imbalance between the book 5, in which only two chapters will remain, and book 7, which will concentrate eleven sections at once, and secondly, the peculiarity of the object of specific criminal offenses against the environment will not be fully taken into account.

That is why *option II* is considered optimal (with some reservations) – its essence is to allocate an independent book on criminal offenses against the environment, to which sections devoted to criminal offenses against environmental safety and against the order of use and protection of natural resources, which are not currently placed in “their” books, should be transferred, respectively. The advantages of this approach include the fact that it makes it possible to maximally ensure/take into account the following:

- 1) specifics of criminal offenses against the environment, which is quite sufficient (which is confirmed by the dominant foreign experience) to allocate a separate book, fully devoted to the relevant offenses;
- 2) absolute correlation between generic (relevant book), specific (two mentioned sections) and the main direct objects of specific criminal offenses;
- 3) continuity of criminal legislation of Ukraine. Given the presence of an unprecedentedly large number of other radical updates proposed in the Project, its authors should try to preserve the mentioned continuity at least in those few aspects, where it is possible and where it does not violate the conceptual principles of building a new CC. Such step will help both lawmakers (when updating criminal legislation) and law-enforcement bodies (criminal law responses, organization of reporting, keeping criminal-law statistics, etc.), which are “accustomed” to the presence of a separate independent structural unit that unites articles about all criminal offenses against the environment;
- 4) the best and at the same time the most common foreign practices, in particular the experience of those European countries which recognize, on the one hand, the organic unity of criminal offenses against the environment and their fundamental difference from all other criminally illegal acts (placement in a single chain of higher order), and on the other hand – the difference in the nature of their anti-social orientation (division into two parts of a lower order).

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### Bibliographic references

- Eshmurodov, E. (2020). Issues Of Criminal Liability For Violation Of The Requirements Of The Law On Ecology And The Environment. *The American Journal of Political Science Law and Criminology*, 2(11), p. 93-98.
- EUAM Ukraine (2023). Draft text of the new Criminal Code of Ukraine. Control text as of January 30, 2023. Retrieved from: <https://newcriminalcode.org.ua/criminal-code> [in Ukrainian].

- Goyes, D., Mol, H., Brisman, A., & South, N. (eds) (2017) *Environmental Crime in Latin America: The Theft of Nature and the Poisoning of the Land*. *International Journal for Crime Justice and Social Democracy*, 8(3), 112-115. DOI:10.5204/ijcjsd.v8i3.1248.
- Hollins, M., & Percy, S. (1998). *Environmental Liability for Contaminated Land: Towards a European Consensus*. *Land Use Policy*, 15(2), 119-133.
- Khavronyuk, M. I. (2013). Scientific understanding of foreign legal doctrine and criminal legislation of foreign countries. *Bulletin of the Criminal Law Association of Ukraine*, 1, 98-347 [in Ukrainian].
- Kornyakova, T. V. (2011). *Criminological principles of prevention of crimes against by the prosecutor's office environment: a monograph*. Kyiv: In shaking [in Ukrainian].
- Ladychenko, V., Yara, O., Uliutina, O., & Golovko, L. (2019). *Environmental Liability in Ukraine and the EU*. *European Journal of Sustainable Development*, 8(2), 261-267.
- Lammers, J. G. (2001). *International Responsibility and Liability for Damage Caused by Environmental Interferences*. *Environmental Policy and Law*, 31(1), 42-50.
- Lisova, T., & Sharapova, S. (2020). Legal issues of protection of agricultural land in Ukraine at the present stage. *Amazonia Investiga*, 9(27), 209-216. DOI: <https://doi.org/10.34069/AI/2020.27.03.22>
- Meiyappan, P., Dalton, M., O'Neill, B., & Jain, A. (2014). Spatial modeling of agricultural land use change at global scale. *Ecological Modelling*, 291, 152-174. Retrieved from: <https://www.sciencedirect.com/science/article/pii/S0304380014003640>
- Minchenko, R., Lutsyuk, P., Kamensky, D., Kolodin, A., & Shamota, O. (2021). Civil and criminal liability in the field of transport relations: the impact of the Covid-19 pandemic. *Amazonia Investiga*, 10(40), 212-221. DOI: <https://doi.org/10.34069/AI/2021.40.04.21>
- Mitrofanov, I. I. (2022). Criminal offenses against the environment according to the project of the Criminal Code of Ukraine. *Legal Scientific Electronic Journal*, 12, 375-379.
- Movchan, R. O. (2020). *Criminal liability for crimes in the field of land relations: legislation, doctrine, practice: monograph; foreword by Dr. Jurid. Sciences, prof., honored worker of science and technology of Ukraine O. O. Dudorova*. Vinnytsia: Tavori LLC [in Ukrainian].
- Movchan, R. O. (2016) *Criminal law protection of land resources according to the legislation of the post-socialist countries of Central and Eastern Europe*. *Visegrad Journal on Human Rights*, 3, 130-135.
- Movchan, R. O., Dudorov, O. O., Kamensky, D. V., Vozniuk, A. A., & Babanina, V. V. (2022). Criminal liability for illegal mining: analysis of legislative novelties. *Scientific Bulletin of National Hirnichoho University*, 5, 116-121. DOI: <https://doi.org/10.33271/nvngu/2022-5/116>
- Movchan, R., Dudorov, O., Vozniuk, A., Areshonkov, V., Lutsenko, Y. (2021b). *Combating commodity smuggling in Ukraine: in search of the optimal legislative model*. *Amazonia Investiga*, 10(47), 142-151. DOI: <https://doi.org/10.34069/AI/2021.47.11.14>
- Movchan, R., Vozniuk, A., Burak, M., Areshonkov, V., & Kamensky, D. (2021a). *Criminal law counteraction to land pollution in the EU countries: searching for the optimal model*. *Amazonia Investiga*, 10(42), 15-23. DOI: <https://doi.org/10.34069/AI/2021.42.06.2>
- Rodríguez Goyes, D., Mol, H., Brisman, A., & South, N. (2019) *Environmental Crime in Latin America: The Theft of Nature and the Poisoning of the Land*. *International Journal for Crime Justice and Social Democracy*, 8(3), 112-115. DOI:10.5204/ijcjsd.v8i3.1248.
- Samokysh, V. P. (2011). Crimes against the environment: problems definition of a generic object. *Bulletin of the Academy of Advocacy of Ukraine*, 1, 84-88 [in Ukrainian].
- Savchenko, A., Babikov, O., & Oliinyk, O. (2017). *Comparative and Legal Analysis of Criminal and Legal Protection of Individual Components of Natural Environment: European Experience*. *Journal of Advanced Research in Law and Economics*, 8(7), 2209-2216.
- Turlova, Yu. A. (2018). *Combating environmental crime in Ukraine: criminological and criminal law principles: Thesis for the doctor of law degree*. Institute of the State and Law Named after V. M. Koretsky, National Academy of Sciences of Ukraine, Kyiv [in Ukrainian].