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Rationality of Economic Nature Use as a Transboundary Problem: Legal Approach

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Abstract

The article considers the legal approach to the rational economic management of nature from the standpoint of the global nature of this problem. At the end of the study, the conclusion is made that rational nature management should be the main paradigm (basic fundamental rule) of the exploitation of natural objects in entrepreneurial activity. Rationality in the use of natural resources includes two aspects: economic (the possibility of exploiting nature, its consumption,

ensuring sustainable economic growth) and actually ecological (preserving natural objects, their reproduction, avoiding causing harm to the environment). In this case, both sides coexist together and must be balanced.

Keywords: Nature management, Rational nature management, Entrepreneurial nature management, Economic nature management, Entrepreneurial relations

Racionalidad Del Uso De La Naturaleza Económica Como Un Problema Transboundary: Enfoque Legal

Resumen

El artículo considera el enfoque legal de la gestión económica racional de la naturaleza desde el punto de vista de la naturaleza global de este problema. Al final del estudio, se llega a la conclusión de que la gestión racional de la naturaleza debe ser el paradigma principal (regla fundamental básica) de la explotación de objetos naturales en la actividad empresarial. La racionalidad en el uso de los recursos naturales incluye dos aspectos: económico (la posibilidad de explotar la naturaleza, su consumo, asegurar un crecimiento económico sostenible) y en realidad ecológico (preservar los objetos naturales, su reproducción, evitando dañar el medio ambiente). En este caso, ambos lados coexisten y deben estar equilibrados.

Palabras clave: Gestión de la naturaleza, Gestión de la naturaleza racional, Gestión de la naturaleza emprendedora, Gestión de la naturaleza económica, Relaciones empresariales.

1. INTRODUCTION

Environmental problems traditionally relate to the main social problems of mankind. Legal states seek to solve them in various ways and with the help of various tools: economic, organizational, and political and others. At the same time, each of these ways of solving environmental issues should have a clear, structured, developed legal foundation. Modern natural resource and environmental legislation should correspond to socio-economic realities, reflect various public and private interests.

Over time, the economy is increasingly affecting natural resource relations and it would be wrong to ignore this. The scope of contractual relations is expanding, business entities proactively carry out environmental management, and natural resources are actively involved in entrepreneurial activity and economic turnover. At the same time, when modernizing the economy and in the process of innovative development, it is necessary to ensure environmental safety and rationality of consumption and exploitation of natural resources.

On the other hand, business entities and the business community as a whole have sufficient potential that can be involved in solving environmental issues. An economy can and should be environmentally oriented. This requires states, including legal measures of support and support.

Achieving these goals includes, first of all, the creation of such a system of economic exploitation of natural resources, which will ensure maximum economic efficiency of their use in compliance with

environmental environmental requirements. In general, the requirement of rational nature management is of an economic nature, arising from the economic function of natural resources.

The development of the legal foundations of environmental management without fundamental scientific principles is impossible. Therefore, it is necessary to formulate conceptual, doctrinal approaches to legal support for the conservation of natural resources during their economic use in a changing economic and environmental environment.

2. METHODOLOGY

Since in order to achieve the goals stated in the article, it is necessary to generalize the accumulated scientific knowledge about the legal regulation of rational economic management of nature, and the cognizable phenomenon itself is complex and complex, we have identified such general scientific methods as analysis and synthesis as one of the main ones. Analysis means the conditional division of the system of legal regulation of rational entrepreneurial nature management into separate parts with the aim of more complete knowledge by revealing their essential features, properties, qualities. Synthesis, on the contrary, involves the study of this system by conditionally combining its components.

The study used purely legal formal legal and comparative legal methods.

The terminology of each field of knowledge is based on the conceptual links of professional knowledge. The terminological apparatus is an integral component of any concept; therefore, the use of the formal legal method allowed us to define legal concepts in the field of entrepreneurial nature management and to reveal their signs. The use of the comparative legal method made it possible to compare various doctrinal concepts and legislation on the rational use of natural objects by entrepreneurs in order to identify their general and special properties.

3. RESULTS and DISCUSSION

The rational use of natural resources is one of the main paradigms of the modern view of environmental relations. Moreover, this attitude is shared by most states and the international community. Considering that the totality of natural objects is a global system with its internal interconnections and interdependencies, the main challenges and threats to environmental safety are large-scale, one might say, global in nature. Therefore, the subject of legal regulation of environmental management more than once has become the subject of scientific research in various states.

In this case, mainly scientists, which is understandable, dwelled on the features of the legal regulation of environmental management in the respective states. In addition, their work is devoted either to the legal aspects of nature management in general (without specifying its

economic aspect), or to individual measures to ensure rational nature management.

So, the general legal issues of nature management are considered in the works of such authors as: Jans Jan H. (JANS JAN H., VEDDER HANS H.B. 2008), Vedder Hans H.B. (JANS JAN H., VEDDER HANS H.B. 2008), Kenig-Witkowska M.M. (KENIG-WITKOWSKA M.M., 2006) Krämer L. (KRÄMER L. 2007, KRÄMER L. 2002), Meßerschmidt K. (MEßERSCHMIDT K. 2011), Jukka Simila (Jukka Simila Pollution Regulation and its Effects on Technological Innovations. 2002), Winter G. (WINTER G. 2004), Onida M. (ONIDA M. 2006), (MITYAKINA N.M. et. Al. 2019).

Legal regulation of the best available technologies reviewed by Amy Sinden (Amy Sinden Cost-Benefit Analysis, Ben Franklin, and the Supreme Court. 2016).

The following scholars are devoted to public-private partnership issues: J. Juis Guasch (J. JUIS GUASCH. 2004), Wendell C. Lawther (WENDELL C. 2007), Jeffrey N. Buxbaum and Iris N. Ortiz (JEFFREY N. 2009).

The need to ensure sustainable environmental management in the long term is recognized by the scientific community and states. Also indisputable is the fact that the environment experiences the main burden in the framework of exploitation and consumption from business entities, for which, as a rule, environmental management is part of entrepreneurial activity. Therefore, an integrated approach to the legal concept of rational entrepreneurial nature management is currently required, that is, an intersect oral view of the legal regulation

of not just nature management, but its entrepreneurial sector from the standpoint of ensuring the rational exploitation of natural resources in the context of sustainable development.

The concept of sustainable development is reflected, for example, in EU law. The European Commission's Communication on the EU Sustainable Development Strategy contains a statement that environmental needs also include sustainable economic growth (Commission COM. 2001).

In order to formulate an adequate definition of rational environmental management applicable in the business sector and propose it for normative consolidation, it is necessary to identify a set of characteristics, criteria, conditions and indicators of rational environmental management. Summarizing the many doctrinal definitions of environmental management, it can be stated that the vast majority of scientists agree that rationality in the use of natural resources includes at least two aspects: economic (this is the possibility of exploiting nature, its consumption, ensuring sustainable economic growth) and environmental (preservation of natural objects, their reproduction, prevention of harm to the environment).

An interesting, debatable and significant for the formulation of the desired concept is the question of the ratio of rational environmental management and environmental protection. It seems that it is not practical to separate the two components of environmental legal relations - nature management and environmental protection; it should be said that environmental protection and rational nature management are two components of one activity.

The purpose of environmental management is not only the consumption of environmental elements, but also its conservation, which coincides with the ultimate goal of environmental protection. Ultimately, the main goal of both types of anthropogenic activity is a quality environment. We propose not to mix these concepts (they are by no means synonyms), but to consider them in indissoluble unity, within the framework of an activity system whose goal is to preserve the quality of the environment.

So, rational nature management and environmental protection have one common goal - to preserve the environment and its components and ensure their quality. But does this mean that environmental management cannot have other goals that are not common with environmental activities? Why not? If they do not contradict the common goal, then they may well exist. Such an own goal, in our opinion, will be to achieve an economic effect. Economic efficiency is an indicator of the level of profitability of an activity, which is determined by comparing the effect and costs. At the same time, both environmental management goals coexist together, intertwine, influence each other and must be balanced.

Therefore, the criteria for the rationality of environmental management are ecological and economic in nature. Rational nature management - it should be economically and environmentally efficient. In this case, the environmental result is the sum of the prevented environmental damage and environmental benefits (including income or savings from environmental management). The optimal criterion for the ratio of economic and environmental interests

is the minimum cost and maximum profit in the absence or minimum residual environmental damage. As for the sustainability of nature management, it is correlated with rationality as a result and means of achieving it.

If we consider with a high degree of generalization the stability of the development of the state as the movement of a certain system, then it should be remembered that this is the ability to maintain the intended mode of functioning, despite the changing conditions. The stability of the system is achieved by the stability of its components. Therefore, the sustainability of nature management is one of the foundations of sustainable development of the state. And this sustainability will be maximized if both environmental public interests and economic private business interests are reasonably combined.

4. CONCLUSION

The need for a conceptual integrated approach to the formation of a system of legal regulation of rational entrepreneurial nature management is dictated both by objective circumstances (the increasing impact of economic entities on the environment and, as a consequence, its degradation), as well as general legal problems and the complexity of legislation in this area. Rational nature management should be the main paradigm (basic fundamental rule) of the exploitation of natural objects in entrepreneurial activity. In this case, the goal of environmental management is the consumption of

environmental elements, provided that they are preserved, which coincides with the ultimate goal of environmental protection. This proves that rational nature management and environmental protection are two elements of the same environmental activity. Rationality in the use of natural resources includes two aspects: economic (the possibility of exploiting nature, its consumption, ensuring sustainable economic growth) and actually ecological (preserving natural objects, their reproduction, avoiding causing harm to the environment). In this case, both sides coexist together and must be balanced. Rational nature management should be economically and environmentally efficient. The optimal criterion for the ratio of economic and environmental interests is the minimum cost and maximum profit in the absence or minimum residual environmental damage. At the same time, environmental management is correlated with its rationality as a result and means of achieving it.

CONFLICT OF INTEREST

The authors confirm that the information provided in the article does not contain a conflict of interest.

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