

Секция «Юриспруденция»

**On improvement of the criminal legislation for environmental crimes.**

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One of the major manifestations of ecological crisis is connected with overconsumption of natural resources. In this regard criminal-legal protection of environment is necessary. It is based on the provisions of the Constitution, where in article 42, the right of everyone to the favorable environment, reliable information about its condition and to the compensation for damage caused to his health or property by an ecological offense is guaranteed.[1]

In Criminal Code of the Russian Federation of 1996, for the first time in the history of Russian law, environmental crimes were highlighted in a separate chapter, located in the system of crimes against: public security and public order. Now, the system of these crimes has 17 components. The dispositions of these articles have almost absolute blanket character, i.e. in investigation and disposal of criminal cases on environmental crimes, explanation of criminal and legal concepts requires the appeal to the acts relating to other branches of law, in particular, environmental, land, water etc.[2]

We investigated the problem of spreading of these crimes and also the mechanism of counteraction in the Republic of Dagestan. 539 environmental crimes which were registered in our republic in 2012 included: illegal production of water biological resources, illegal felling of forests and illegal hunting. The most part of environmental crimes is made by illegal catch of water biological resources. In connection with the special prevalence of these crimes in our republic, consideration of such corpus delicti would be reasonable. In this regard, we can identify the first problem in the framework of corpus delicti. It is a high level of latency of these crimes.

The second problem of this article is in the imperfection of the criminal law defining the sanction on art. 256. For the commission of this crime, the perpetrator can be assigned to a fine of one hundred to three hundred thousand rubles, compulsory work for a period of up to 480 hours, corrective works for up to 2 years, or arrest up to 6 months. Sentences appointed by the court often do not reach the goals of criminal punishment.

Therefore, we believe that it is necessary to make amendments in the Criminal Code, that would set the punishment of imprisonment under 3 parts of article 256. In practice, the law enforcement agencies are often faced with such problems as proving a causal link between environmental crimes and socially dangerous consequences.

The concept of "environmental damage" in the legislation is not solved certainly. The legislator is limited to phrases like "if it involved a substantial change of radioactive background, mass destruction of animals or other heavy consequences"(Art.246), "posed a threat of causing substantial harm to human health or to the environment"(Article 247), "have caused significant damage to animal or plant life, fish stocks, forestry and agriculture"(Article 250), "pollution or other modification of the natural properties of the air"(Art. 251).

Therefore, we believe that these estimated categories should not be in the law, or their interpretation and explanation must be explicitly defined in the Resolution of the Plenum

of the Supreme Court of the Russian Federation.

In addition, up to now, is the question of allocating them to a number of sources of law. In connection with this, in our opinion, it is necessary to improve the sectoral legislation: natural-resource and environmental.

To summarize the above, it should be noted that the criminal law in the area of natural resources and environmental protection needs serious reforming, otherwise, unsolved specified problems will have negative impact on the health of present and future generations.

### **Литература**

1. 1. Constitution of the Russian Federation.
2. 2. Criminal Code of the Russian Federation.

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