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CONCERNING MATTER OF OBJECT OF CRIME AGAINST
THE ENVIRONMENT (COMPARATIVE ANALYSIS
OF UKRAINIAN AND RUSSIAN LEGISLATION)

There is appropriating of land top soil (surface layer) by stripping of it became the one of the forms of negative development in the field of natural resource management.

As regards existing measures of regulatory reaction to the illegal stripping of land top soil (surface layer), we believe that according to the effective Criminal Code of Russian Federation there is one direction that cannot be estimated because no relevant norm exists.

In a certain way the protection of public relations is provided in considered cases by the norm of art. 8.6. «Land damage» of Administrative Violations Code of Russian Federation according to which the responsibility for unauthorized stripping or displacement of rich soil layer is provided. The Ukrainian legislator appeared as more far-sighted with respect to the protection of public relations in the field of land-use and has provided the criminal responsibility.

The validity of criminal law system construction depends directly on the clear definition of scope of public relations.

By expressing our opinion concerning the general object of considered crimes we believe that it is necessary to mention the following.

The direct objects which are put under protection of Ukrainian Criminal Law include public relations regarding the providing of protection of land, its components, continental shelf, river waters etc. These similar objects are put under protection also in the Criminal Code of Russian Federation, for example, in the Chapter 26 of Criminal Code of Russian Federation «Environmental crimes».

So, the Russian legislator has put under protection of criminal law the same objects of natural origin as the Ukrainian one. But the Ukrainian legislator has chosen the way of detailing.

Finally, the public relations regarding the protection of constitutional rights of citizens to the safe environment as well as regarding the protection, use, conservation and restoration of natural resources, providing of environmental security, caution and elimination of negative influence of business or similar human activity on the natural environment, preservation of wild life gene diversity, lands, capes and other natural habitats, unique territories as well as natural objects related to the historical and cultural heritage shall appear as an object of crime against the environment.