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CURRENT THEORETICAL ISSUES OF ECOLOGICAL LEGAL ORDER IN THE REPUBLIC OF KAZAKHSTAN

This article discusses current theoretical issues of ecological legal order in the RK. The authors claims that the rule of law is a particularly effective mechanism for increasing the level of environmental awareness of citizens, forcing nature users to comply with the established level of ecological legal order. The scientific novelty of this study is determined by the fact that the paper clarifies and details certain understudied aspects of the concept “ecological legal order”, and also considers ecological legal order as the main ecological and legal institution. The article analyzes that legal order of rational nature management is established under the influence of legislative and other requirements of environmental law. The authors also note that ecological legal order is established on the basis of legal liability. The general trend in developing ecological legal order is to increase social significance of environmental legislation, further modernization of material norms and improving protective forms of their implementation. The purpose of the work is to create a general theoretical and practical concept of ecological legal order in modern Kazakhstan. The authors sets the task to determine the ecological legal order, analyze its place in the field of law, consider the relationship of environmental law and legal responsibility, determine the relationship of environmental legal awareness, education, culture and law and order. The preparation of the work required analysis of prominent research papers, which significantly contributed to development of environmental and legal science.

Key words: ecological legal order, environmental law, legal awareness, norm, environmental legislation, legal relations, law, responsibility.

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Қазақстан Республикасындағы экологиялық құқық тәртібінің өзекті теориялық мәселелері

Бұл мақалада Қазақстан Республикасындағы экологиялық құқықтық тәртіптің өзекті теориялық мәселелері қарастырылған. Авторлар заңның үстемдігі азаматтардың экологиялық құқықтық сана деңгейін арттырудың, табиғи ресурстарды пайдаланушыларды экологиялық құқықтық тәртіптің белгіленген межесін сақтауға мәжбүрлеудің ерекше тиімді тетігі екенін атап өтеді. Зерттеудің ғылыми жаңалығы жұмыста «экологиялық құқық тәртібі» түсінігінің кейбір аз зерттелген аспектілері нақтыланып, егжей-тегжейлі зерттеумен, сонымен қатар экологиялық құқық тәртібінің негізгі экологиялық құқықтың институты ретінде қарастырылуымен айқындайды. Табиғатты ұтымды пайдаланудың бұл тәртібі экологиялық құқықтың заңнамалық және басқа да талаптарының әсерінен қалыптасатындығы талданды. Сондай-ақ авторлар экологиялық құқықтық тәртіп заңды жауапкершілік негізінде белгіленетінін атап көрсеткен. Экологиялық құқық тәртібін дамытудың жалпы тенденциясы – табиғатты қорғау заңнамасының әлеуметтік маңызын арттыру, материалдық нормаларды одан әрі жаңғырту және оларды жүзеге асырудың қорғау нысандарын жетілдіру. Жұмыстың мақсаты – қазіргі Қазақстандағы экологиялық құқықтық тәртіптің жалпы теориялық және практикалық тұжырымдамасын жасау. Авторлар экологиялық құқықтық тәртіпті анықтау, оның құқық саласындағы орнын талдау, экологиялық құқықтық тәртіп пен құқықтық жауапкершілік арасындағы байланысты қарастыру, экологиялық құқықтық сананың, тәрбиенің, мәдениеттің және құқықтық тәртіптің байланысын анықтау міндетін қойды. Жұмысты дайындауда ғалымдардың еңбектері пайдаланылды, бұл экология және заң ғылымының дамуына зор үлес қосады.

Түйін сөзгер: экологиялық құқық тәртібі, экологиялық құқық, құқықтық сана, норма, экологиялық заңнама, құқықтық қатынастар, құқық, жауапкершілік

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Актуальные теоретические вопросы экологического правопорядка в Республике Казахстан

В данной статье рассматриваются актуальные теоретические вопросы экологического правопорядка в Республике Казахстан. Авторы отмечают, что правопорядок является особо действенным механизмом повышения уровня экологического правосознания граждан, понуждающим природопользователей к соблюдению установленного уровня экологического правопорядка. Научная новизна данного исследования определяется тем, что в работе уточняются и детализируются отдельные малоизученные аспекты понятия «экологический правопорядок», а также рассматривается экологический правопорядок как основной эколого-правовой институт. Проанализировано, что данный порядок рационального природопользования формируется под влиянием законодательных и иных требований экологического права. Авторы также отмечают, что экологический правопорядок устанавливается на основе юридической ответственности. Общая тенденция развития экологического правопорядка заключается в повышении социальной значимости природоохранного законодательства, дальнейшей модернизации материальных норм и совершенствовании охранных форм их реализации. Цель исследования – создание общей теоретико-практической концепции экологического правопорядка в современном Казахстане. Авторами поставлена задача определить экологический правопорядок, проанализировать его место в сфере права, рассмотреть соотношение экологического правопорядка и юридической ответственности, определить взаимосвязь экологического правосознания, образования, культуры и правопорядка. При подготовке работы были использованы труды ученых, значительный вклад в развитие эколого-правовой науки.

Ключевые слова: экологический правопорядок, экологическое право, правосознание, норма, экологическое законодательство, правоотношения, закон, ответственность.

Introduction

Along with rapid development of production, environmental situation is currently deteriorating all over the world. There are many reasons for this. For example, growth of harmful emissions and waste from industrial enterprises, their failure to comply with technical, environmental and sanitary requirements, lack of interest from our domestic entrepreneurs in producing environmentally friendly products, exhaustion of natural resources, low level of environmental awareness among people, lack of concern for the health of future generations, etc.

It should also be noted that climate change caused by “warming effect” is one of the global problems. In addition, negative attitude of people to environment poses the greatest potential threat here. Taking into account that shaping legal awareness by entering into environmental legal relations without harming nature is one of the most important conditions in human life, let us emphasize the issue of improper environmental law enforcement and lack of proper environmental awareness.

Solving environmental problems requires a comprehensive approach, they cannot be partially solved. Measurement and assessment of life quality include various aspects that need support from legal system and environmental conservation policy (Krisnandar 2022: 616).

In recent years, we have seen that “ecological legal order” has evolved into a normative legal acting system of regulations, including rules, guidelines, requirements, policies, and case law and administrative interpretations related to a wide range of environmental issues and problems.

Harmonious relations between man and nature require development everywhere under the influence of legal, educational, and economic mechanisms, which encourage rational and careful treatment of nature, its resources, and ecological systems everywhere.

Environmental protection programs and laws are useless as long as victims of pollution are denied participation in the process of law implementation. Wider public participation can be of great importance in solving problems of environmental management. Nevertheless, dissemination of information is

crucial for creating opportunities for such participation (<https://doi.org/10.1177/0975425314521547>).

Law is a particularly effective mechanism for increasing the level of environmental awareness among citizens, forcing nature users to comply with the established level of ecological legal order. This order of rational use of nature is formed under the influence of legislative and other requirements of environmental law, which are currently being developed and improved within the framework of international environmental law norms.

As for the issue of ecological legal order, the problem of exercising individual environmental rights is much broader and includes areas, which, at first glance, do not have a direct relationship to it. In the context of global environmental crisis, not only human rights to a favorable environment are under threat, but also other rights, primarily the right to life, can be targeted. Any ecological catastrophe can eventually lead to the loss of meaning of other human rights along with environmental.

Experience of nature management has revealed many systemic and local shortcomings in the procedures and rules, established by the current legislation. Many attempts to improve individual controls are not enough to improve the entire system. The remaining elements of authoritarian ideology, supplemented by detailed procedures, complicated and bureaucratized the management system.

Environmental legislation acts as the most effective means of educating citizens at the level of ecological and legal consciousness, forcing nature users to comply with ecological legal order, established by a legal act. We notice that the rule of law occupies a special place in the system of legal categories that ensure the rational and efficient use of natural resources and the protection of the environment. However, the concept was studied only within common law theory, leaving behind any relations to other branches of law. Ecological legal order is still applied only as a legal definition, approved in some regulatory legal acts. Therefore, ecological legal order is one of the urgent issues of environmental law studies and requires conceptual development of its theoretical issues.

Materials and methods

Comparative and legal, formal and logical, systemic, real and social methods are research methods used in the article. The methodological basis of the study includes the norms set forth in theoretical papers in the field of environmental policy theory,

environmental law, state and law, directly related to ecological legal order, constitute

Systematic approach to determining the system-structural characteristics of legality and law and order in the field of environmental law has proved to be very effective. From its point of view, the rule of law in our society is considered as a complexly organized, internally differentiated whole, and its system components are the rule of law in various spheres of society.

Research papers of law scholars, who study various branches and sciences of law and belong to various directions and schools, as well as materials published in the periodical press, serve as the theoretical foundation to substantiate the provisions highlighted in the paper. The scientific foundation is the number of research papers by Kazakhstani, Russian and foreign scholars, who specialize in environmental, land, natural resource law: Erkinbaeva L.K., Bajdel'dinov D.L., Bekisheva S.D., Bogoljubov S.A., Gerasimov V.S., Rashhupkina L.V., Gupta N., Iis K., Taty S., Endang S., Iis I. N., Isakova Ju.I., Meng-Meng Geng, Ling-Yun He, Muhina I.D., Storm P., Saheb S. U., Sepuri S., Buddolla V. and Vlasova Yu.V. и.д.

Results and discussion

In legal science, ecological legal order is currently understood as a sphere of interaction between society and nature, based on legal norms that ensure citizens' lives in a safe environment.

Social and environmental responsibility, commonly known as corporate social responsibility, has different dimensions (Rosa-Jiménez & Nebot, 2021). It is necessary to take into account the law and moral burden, initially striving for economic attractiveness, since the beginning of business activity can turn into attraction of law energy and morality of business entities (Mazzone 2021). This condition reveals that these provisions of the law must be consistently applied, even though the facts prove that the problem of law enforcement in the country is a serious problem, requiring in-depth study, since law enforcement includes many components (Sutrisno 2019).

As a legal phenomenon, ecological legal order can be shaped only on the basis of law, that is on the basis of norms (rules of conduct) expressing the will of the state in normative acts (laws and by-laws).

The category of "ecological legal order" is understudied and rarely used in modern environmental law, as well as in other branches of modern law. At

the same time, it has important theoretical and practical significance for further establishment and improvement of environmental legislation and practice of its implementation (http://teoria-practica.ru/rus/files/arhiv_zhurnala/2015/9/law/mukhina.pdf).

The concept of environmental law and order is substantiated, firstly, by the need to determine the state of environmental legislation at the present stage of its development, secondly, by determining the directions for further development of legal regulation of environmental legal relations in the RK, and thirdly, monitoring implementation of environmental legislation in the country. Ecological legal order is a system that is based on legal norms and public ecological and legal relations (Vlassova 2019: 176).

Ecological legal order, which is understood as a set of rules and institutions that serve to protect, maintain and develop natural foundations of human life, focused on sustainability and standardization of environmental protection. This is more than peripheral short-term environmental protection, which is carried out individually to prevent risks; rather, it means comprehensive, comprehensive and long-term protection in accordance with ongoing responsibility we bear for the world around us, for the world we share with others, and for the world of future generations (<https://www.iuscomp.org/gla/literature/envirmt.htm>).

Ecological legal order is a state of inter-subject relations within subject-object system relations in the sphere of interaction between society and nature. It is designed to ensure legal capacity of environment and carried out in accordance with the norms established by legal acts (<https://www.dissercat.com/content/ekologicheskii-pravoporyadok-obshcheteoreticheskii-analiz>).

The provision of ecological legal order is understood as the legal regulation of public relations in the field of nature protection, sub-normative regulation, their protection and control, as well as other activities, contributing to establishment of environmental protection and development of law and order.

The mechanism for ensuring ecological legal order is proposed as a system of subjects, using a set of legal instruments within the framework of technologies for legal regulation of interaction between society and nature.

Legal behavior of environmental subjects is formed in different ways. These are forms of environmental and ecological-legal education and training, shaping legal behavior of subjects of environmental relations and other positive incentives aimed

at developing ecological culture, ecological and legal consciousness, responsibility for prevention of environmental offenses (<https://lawbook.online/ekologicheskoe-pravo-rossii-kniga/ekologicheskiiy-pravoporyadok-sposobyi-ego-68141.html>).

The main goal of law and order in the field of environmental protection is based on legal norms, public ecological and legal relations, harmony between human development and favorable environmental conditions.

As a legal phenomenon, the ecological legal order is organized on the basis of state and legal norms that preserve the environment suitable for the members of Kazakhstani society and the ecological safety of future generations. Environmental legal order does not exist and cannot exist without these legal norms. They are the main foundation of the environmental legal order.

The rules of procedure (norms) established in environmental legislation are “paper” rules. They acquire their authenticity and “live” in behavior and actions of subjects of ecological legal order. Over the years of independence, our country has adopted several legal acts in order to regulate ecological legal order. In order to regulate environmental law, including legal order on January 2, 2021, the new Environmental Code of the RK was adopted (<https://adilet.zan.kz/rus/docs/K2100000400>).

Since ecological ecological legal order is implemented and established under the guidance of legal norms mentioned above, legal norms have to be described and assessed in general.

Ecological legal order is based on normative and constitutional foundations of legal system, which includes two levels of legislation – basic principles and norms of international law and legislation of the RK. In this regard, two types of ecological legal order should be distinguished – international and national.

International ecological legal order is formed as a result of commitment of the world community to generally recognized principles and norms enshrined in international legal documents on environmental protection and rational use of environment in the interests of present and future generations. National ecological legal order is based on application of norms throughout the territory of the RK.

In particular, issues such as correlation of legal status of land, water, forest, and other natural objects as a part of nature, environment and, at the same time, the object of property turnover remain unexplored. It is important to have clear regulations to determine the balance of environmental and legal priorities (Bogolyubov 2011: 5).

Considering the civil law type of liability for environmental offenses in domestic science, in our opinion, current procedure works properly in bringing civil liability, claims for misuse of recovered funds for causing damage to environment, claims for incomplete satisfaction. Imperfect calculation methodology for determining the amount of damage caused does not ensure effectiveness of this liability. Therefore, we consider it important to take into account distinction between administrative and criminal liability (Baideldinov 2004: 29).

In recent decades, legal science has been actively exploring the criteria for determining legal liability, authors have developed new ones, supplemented the existing theoretical constructions of legal liability model. Classification of liabilities for environmental offenses is quite different. In addition, there is currently no single way to solve the problem of limiting types of liability.

Environmental responsibility is an environmental protection tool aimed at preventing and compensating for environmental damage. This helps to increase the personal responsibility of (economic) players. A well-developed law on environmental responsibility creates economic incentives to prevent damage, freeing the way for the polluter to pay compensation for any damage caused.

The legislative body can adopt legislation on environmental responsibility both within the framework of public and civil law. In civil law, we are talking about compensation for damage to the life, health or property of persons who have become victims of such damage, mediated by environmental means, as a result of the actions of other persons.

Responsibility for harming the environment as a common good – for example, biodiversity, water and soil – can strengthen preventive environmental protection and provide compulsory compensation for environmental damage in accordance with the principle of “the polluter pays”.

Legal sources suggest customary division of legal liability into branches such as criminal, administrative, civil, disciplinary, property. According to the above classification, legal liability is characterized by such elements as grounds for liability, subjects, conditions, liability measures, procedures for liability application.

At this stage, administrative responsibility for environment, law and order and environmental protection are of great importance.

The administrative impact and wide scope of offenses, harming the environment (compared to the

Criminal Code of the RK), show that prevention of new offenses is quite significant.

If environmental offenses cause great harm to the environment, they are qualified as criminal offenses. A system of norms representing liability for violations in actual social relations has been established in Kazakhstani society. This is the application of administrative and legal sanctions of environmental legislation to violators of legal liability.

The list of application of administrative liability for environmental offenses was approved by Chapter 21 of the Administrative Code of the RK “Administrative offenses in the field of environmental protection and nature management” (<https://adilet.zan.kz/rus/docs/K1400000235>)

Administrative liability is provided for administrative environmental offenses in the event of harm to the environmental order established in the RK, public health and environmental safety, environment, or harm caused as a result of inaction.

Citizens, officials and legal entities who violate administrative and legal norms bear administrative responsibility for violating environmental legislation, including causing harm to the environment or threat of harming it.

There are many environmental norms in criminal law. The norms of criminal law are an integral part of environmental law without ceasing to be a criminal law. Along with it, they are the subject of regulation and partly a method of regulation.

Offenses are commonly divided into crimes and other offenses according to the degree of public danger. The current Criminal Code introduces the category of environmental offense, summarized in Chapter 13 “Environmental criminal violation” (https://adilet.zan.kz/rus/docs/K1400000226/k226_).

Environmental criminal offenses are distinguished from other offenses by the degree of public danger. The Criminal Law clearly defines the range of actions which are criminally punishable offenses.

Liability for environmental offenses has a number of basic functions:

- incentives encouraging compliance with environmental standards;
- compensation, which focuses on compensating for damage to the environment and human health;
- preventive, stop new offenses from happening;
- punisher, he punishes a person who violates the environmental law.

The main task of liability is to support establishment of law and order in the field of environ-

mental protection. The ecological legal order, which includes these components (elements, institutions), requires guarantees of its sustainable functioning and strengthening. One of such guarantees is legal liability of ecological legal order subjects.

Requirements of ecological legal order are implemented through decisions and actions of subjects of ecological legal order in an orderly system of environmental legal relations, as proved above. In order for ecological legal order to reach the quality established by law, it should be shaped only by legal actions and actions of environmental law subjects. This is possible only if these subjects themselves have a certain ecological sense of justice.

When a new branch of law is born, process of its introduction takes place. Apart from this, the question of its name always arises, which should be derived from the nature of public relations regulated by the branch. In order to understand true nature and patterns of ecological legal order, we have to analyze development of phenomenon, historical sources and official documents, which allow us to assess emergence and dynamics of solving environmental problems, understand its modernity, environmental law in the general legal system, causes, consequences, scope of human activities in the field of pollution and environmental protection.

The norms of environmental law as well as ecological culture and ecological legal awareness are crucial in ensuring ecological legal order.

Due to the diversity of ecological law norms, it will not be possible to create a system of complex control, preservation and prevention of violations only by the efforts of state bodies, local self-government bodies and public organizations. Often compensating for ecological violations, they do not eliminate irreversible changes in the natural environment. Therefore, it is fundamentally important to form a conscious legal behavior in the sphere of interaction with the environment. Such a level of general ecological and legal awareness is necessary so that all subjects of environmental legal relations voluntarily and consciously fulfill the requirements of environmental legal norms. The system of ecological education and information can solve this problem.

Although environmental legal awareness of civil society members is at a high level, effectively functioning ecological legal order cannot be established independently. Ecological legal order can be ensured through consistent implementation of the system of scientifically sound legal, organizational, economic, technical, educational and other mea-

asures for ecological protection and rational use of natural resources. The question remains open as to which legal instruments constitute the essence of legal mechanism for ensuring ecological legal order (Gerasimov 2006: 25).

Educational activities in any forms are considered as measures to improve ecological culture. It is necessary to add special norms to the new Environmental code as the basis for shaping environmental culture through organization of environmental education, teaching foundations of environmental education in educational institutions, environmental training of managers and specialists, ecological education.

Ecological education is an important component of environmental culture. Ecological education is a way of influencing people's consciousness through a system of knowledge, skills and abilities in the field of relations between society and nature. In addition, these should be natural law knowledge and skills (Isakova 2017: 297).

Teaching foundations of ecological education regardless of the nature and organizational and legal forms in all preschool educational organizations, secondary education institutions and organizations of additional training, as well as taking into account specialization of educational organizations studying environmental protection, environmental safety and rational use of natural objects. In addition, to general environmental education, teaching foundations of environmental law as a part of environmental and legal training is to be implemented at universities, educational institutions that train ecologists and specialists in the field of environmental protection and nature management.

Legal behavior of subjects of environmental relations is stimulated by using moral and material incentives through providing benefits.

These measures are state (used by state bodies of the RK and subjects of the RK), local authorities, public (used by public associations), local (used by subjects of environmental relations).

Ecological moral support includes incentive measures provided by labor legislation, awarding of honorary titles, state awards, honorary certificates, etc.

Ecological material incentives include bonuses for employees of enterprises and other organizations provided by remuneration system, awarding them with valuable gifts, payment of one-time bonuses from public associations, state bodies, and local authorities.

It is worth considering whether governmental policy in the field of ecological regulation can meet

the requirements of residents to the environment quality and benefit people. The subjective assessment of public opinion can more intuitively show whether state environmental regulation has brought “environmental benefits for people”. The study showed that environmental regulation has a significant positive impact on satisfaction with environmental management, while environmental awareness has a significant negative impact on satisfaction with environmental management. We also found out that when public environmental awareness is taken into account, it affects positive relationship between environmental regulation and satisfaction with environmental management (<https://www.mdpi.com/journal/sustainability>)

Ecological consciousness must be shaped in order to create an ideal society. The dictionary meaning of the word “environment” is surrounding objects, region or circumstances, and the phrase “environmental awareness” will mean that a person must be aware of his environment so that this environment is not abused. Recently, this connection of environment with human life has developed into an independent research area, called environmental sciences. According to the literature, interaction of man and environment dates back to the most remote times in the history of mankind. Sometimes this is perceived as the struggle between them. There were also times when these relationships took the form of respectable coexistence. While the history of mankind over the past few millennia has been known for its constant and/or consistent progress in various spheres of life, mysteries of nature have often proved very tempting for human thinking and actions to solve. The key theme of which is that natural balance between human life and environment should not be lost. This is the basic requirement for life, especially human, to thrive (Syed Ussain Saheb et al. 2012).

Consequently, efforts are being made to develop environmental consciousness or awareness among masses. It is education that can make a person conscious and aware of environment and ecological issues. Existing principles, acts, case law, regulations, norms, etc. already constitute an extensive and complex apparatus of documents and duties assigned to certain bodies or persons.

However, if we take into account that the existing law also seems to be completely inadequate to this problem and that much more may be needed, the question arises as to how much resources, wealth, energy and intelligence India should spend on this task of regulation and control. Pollution re-

sulting from excessive complexity and a huge number of laws, regulations and officials is by no means the least of the threats to our habitat. Another cause for concern is the need to ensure sufficient flexibility of laws and regulations in this area and their openness to change direction when it is necessary. Good environmental laws are based or should be based on lessons that can be learned from natural sciences and technology (<https://www.mdpi.com/journal/sustainability>).

Public awareness of environmental laws plays a vital role in prevention and control of pollution at both industrial and public levels. Moreover, awareness is necessary for taking action.

Conclusion

Having studied the theoretical issues of ecological legal order, we came to the following conclusions.

Ecological legal order is a systemic phenomenon that has an external and internal structure. Ecological legal order is considered as an element of higher law and order in society as a whole. Connections with other legal systems (economic, social, political) form an external structure. Therefore, ecological order should be considered as an institution of environmental law.

Legal liability is one of the important structural elements of legal support for environmental law. Its essence lies in negative consequences for a violator of environmental requirements. State enforcement of environmental requirements is carried out through the application of legal liability. The main task of responsibility is to support establishment of law and order in the field of environmental protection. Ecological legal order, which includes these components (elements, institutions), requires guarantees of its sustainable functioning and strengthening. One of such guarantees is the legal responsibility of the subjects of ecological legal order.

Ecological legal order consists in increasing social significance of environmental legislation, further modernization of material norms and improving safe forms of their implementation. Environmental, criminal, administrative, civil, civil proceedings and other branches of law and legislation, nature protection, land and other natural resources represent a combination of public and private methods of regulation.

We need a high level of environmental legal awareness, in which all subjects of environmental legal relations voluntarily and consciously comply

with the requirements of environmental legal norms. Ecological consciousness must be shaped in order to create an ideal society.

In order for ecological legal order to reach the quality established by law, it should be formed only by legal actions and actions of environmental law subjects. This is possible only if these subjects themselves have a certain ecological sense of justice.

All forms of education serve as measures to increase ecological culture. It is necessary to add special norms to the new environmental code as a basis for the formation of environmental culture through the organization of environmental education, teaching the basics of environmental education in educational institutions, environmental training of managers and specialists, and environmental education.

Teaching foundations of environmental education should be introduced regardless of nature and

organizational and legal forms in all preschool educational organizations, general education institutions and organizations of additional education, as well as taking into account the nature of educational organizations studying environmental protection, environmental safety and rational use of natural objects. In addition, to general environmental education, environmental and legal education, consisting in teaching foundations of environmental law, is to be implemented at universities, educational institutions that train ecologists and specialists in the field of environmental protection and nature management.

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Литература

- Байдельдинов Д.Л., Бекишева С.Д. Экологическое право Республики Казахстан: Учебное пособие. – Алматы: Издательский центр ОФППИ «Интерлигал», 2004. – С. 175-176.
- Боголюбов С.А. Право и единая государственная экологическая политика // Журнал российского права. – 2011. – № 3. – С. 5-8.
- Власова Ю.В. (2019) Экологический правопорядок: понятие и способы защиты // Международный журнал гуманитарных и естественных наук. – Том. 3-2. – С. 176-179.
- Герасимов В.С., Ращупкина Л.В. (2006) Правовые средства обеспечения экологического правопорядка: Учеб. пособие / Владим. гос. ун-т. – Владимир: Изд-во Владим. гос. ун-та, – 176 с.
- Gupta N. (2014) Environmental Awareness Policies and its Effectiveness: A Study of Ludhiana City (India). *Environment and Urbanization ASIA*. – 5(1). – Pp. 147-160. <https://doi.org/10.1177/0975425314521547>
- Еркинбаева Л.К. Экономические инструменты охраны окружающей среды и проблемы их реализации в экологическом законодательстве Республики Казахстан: проблемы теории и практики // Вестник КазНУ. Серия Юридическая. – Vol. 58, №. 2. – 2016 // <https://bulletin-law.kaznu.kz/index.php/journal/article/view/300>
- Исакова Ю.И. Формирование экологического правосознания // Россия в современном мире: политико-правовой аспект. Сборник научных трудов ИИИ Международной научной конференции. – Ростов н/д., 2017. – С. 297-301.
- Iis Krisnandar, Taty Sugiarty, Endang Sutrisno, Iis Isnaeni Nurwanty (2022) Law awareness and law compliance of business actors in the iso 26000 perspective based on sustainable development. *Journal of Positive School Psychology*. – Vol. 6, No. 5. – Pp. 616-622.
- Mazzone A., Yanagida T., Camodeca M., & Strohmeier D. (2021). Information processing of social exclusion: Links with bullying, moral disengagement and guilt // *Journal of Applied Developmental Psychology*. – Vol. 75 (May), 101292. <https://doi.org/10.1016/j.appdev.2021.101292>
- Meng-Meng Geng, Ling-Yun He (2021) Environmental Regulation, Environmental Awareness and Environmental Governance Satisfaction Sustainability. – Vol. 13. 3960 <https://www.mdpi.com/journal/sustainability>
- Мухина И.Д. Экологический правопорядок: проблемы содержания // http://teoria-practica.ru/rus/files/arhiv_zhurnala/2015/9/law/mukhina.pdf
- Об административных правонарушениях Кодекс Республики Казахстан от 5 июля 2014 года № 235-В ЗПК. [хттпс://адилет.зан.кз/рус/доцс/К1400000235](https://adilet.zan.kz/rus/doc/K1400000235)
- Peter-Christoph Storm (2000) Environmental Laws: Introduction. *Wangen im Allgäu* // <https://www.iuscomp.org/gla/literature/envirmt.htm>
- Ращупкина Л.В. Экологический правопорядок: Общетеоретический анализ: Автореф. дисс. кандидата юрид. наук. – Владимир, 2006 // <https://www.disscat.com/content/ekologicheskii-pravoporyadok-obshcheteoreticheskii-analiz>
- Rosa-Jiménez C., Nebot, N. (2021). Economic viability of neighborhood cooperatives for active aging. Malaga as a case study. *Viabilidad económica de las cooperativas vecinales para el envejecimiento activo. Málaga como caso de estudio. Architecture, City and Environment*. – Vol. 15(45). – Pp. 1-13.
- Sutrisno E. (2019). *Pemaknaan Budaya Hukum: Menggagas Kesejahteraan Masyarakat*. Bogor: In-Media

Syed Ussain Saheb, Sepuri Seshaiyah and Buddolla Viswanath (2012) Environment and Their Legal Issues in India// International Research Journal of Environment Sciences. – Vol. 1(3). – Pp. 44-51.

Стеблов А.Л., Вайсман Я.И. (2010) Экологическое право Российской Федерации и стран Европейского сообщества: Учебное пособие. – Пермь, 2010 <https://lawbook.online/ekologicheskoe-pravo-rossii-kniga/ekologicheskii-pravoporyadok-sposobyi-ego-68141.html>

Уголовный кодекс Республики Казахстан от 3 июля 2014 года № 226-V ЗРК // <https://adilet.zan.kz/rus/docs/K1400000226>
Экологический кодекс Республики Казахстан от 2 января 2021 года // <https://adilet.zan.kz/rus/docs/K2100000400>

References

Bajdel'dinov D.L., Bekisheva S.D. (2004) Jekologicheskoe pravo Respubliki Kazahstan [Ecological law of the RK]: Uchebnoe posobie. – Almaty: Izdatel'skij centr OFPPI «Interligal». – S. 175-176.

Bogoljubov S.A. (2011) Pravo i edinaja gosudarstvennaja jekologicheskaja politika [Law and unified state environmental policy] Zhurnal rossijskogo prava. – № 3. – С. 5-8.

Erkinbaeva L. K. Jekonomicheskie instrumenty ohrany okruzhajushhej sredy i problemy ih realizacii v jekologicheskom zakonodatel'stve Respubliki Kazahstan: problemy teorii i praktiki. [Economic instruments of environmental protection and problems of their implementation in ecological legislation of the RK: problems of theory and practice]. Vestnik KazNU. Serija Juridicheskaja, vol. 58, no. 2, 2016. <https://bulletin-law.kaznu.kz/index.php/journal/article/view/300>

Gerasimov V.S., Rashhupkina L.V. (2006) Pravovye sredstva obespechenija jekologicheskogo pravoporjadka [Legal means of ensuring ecological legal order]. Ucheb. Posobie. Vladim. gos. un-t. – Vladimir : Izd-vo Vladim. gos. un-ta, – 176 s.

Gupta N. (2014) Environmental Awareness Policies and its Effectiveness: A Study of Ludhiana City (India). Environment and Urbanization ASIA, 5(1), pp. 147-160. <https://doi.org/10.1177/0975425314521547>

Iis Krisnandar, Taty Sugiarty, Endang Sutrisno, Iis Isnaeni Nurwanty (2022) Law awareness and law compliance of business actors in the iso 26000 perspective based on sustainable development. Journal of Positive School Psychology, Vol. 6, No. 5, pp. 616-622.

Isakova Ju.I. (2017) Formirovanie jekologicheskogo pravosoznaniya [ormation of environmental legal consciousness] // Rossiya v sovremennom mire: politiko-pravovoj aspekt. Sbornik nauchnyh trudov III Mezhdunarodnoj nauchnoj konferencii. – Rostov n/D.– S. 297-301.

Jekologicheskij kodeks RK ot 2 janvarja 2021 goda [Environmental Code of the RK dated January 2, 2021] <https://adilet.zan.kz/rus/docs/K2100000400>

Mazzone A., Yanagida T., Camodeca M., & Strohmeier D. (2021). Information processing of social exclusion: Links with bullying, moral disengagement and guilt. Journal of Applied Developmental Psychology, vol, 75 (May), 101292. <https://doi.org/10.1016/j.appdev.2021.101292>

Meng-Meng Geng, Ling-Yun He (2021) Environmental Regulation, Environmental Awareness and Environmental Governance Satisfaction Sustainability, vol. 13, 3960 <https://www.mdpi.com/journal/sustainability>

Muhina I.D. Jekologicheskij pravoporjadok: problemy sodержaniya [Ecological legal order: problems of content] http://teoria-practica.ru/rus/files/arhiv_zhurnala/2015/9/law/mukhina.pdf

Ob administrativnyh pravonarushenijah Kodeks Respubliki Kazahstan ot 5 ijulja 2014 goda № 235-V ZRK. [On Administrative Offenses Code of the RK dated July 5, 2014 No. 235-V ZRK.] <https://adilet.zan.kz/rus/docs/K1400000235>

Peter-Christoph Storm (2000) Environmental Laws: Introduction. Wangen im Allgäu // <https://www.iuscomp.org/gla/literature/envirmt.htm>

Rashhupkina L.V. (2006) Jekologicheskij pravoporjadok: Obshheteoreticheskij analiz [Ecological law and order: General theoretical analysis.]. Avtoref. dis. kandidat jurid. Nauk. – Vladimir <https://www.dissercat.com/content/ekologicheskii-pravoporyadok-obshheteoreticheskii-analiz>

Rosa-Jiménez C., Nebot, N. (2021). Economic viability of neighborhood cooperatives for active aging. Malaga as a case study. Viabilidad económica de las cooperativas vecinales para el envejecimiento activo. Málaga como caso de estudio. Architecture, City and Environment, vol. 15(45), pp. 1-13.

Steblov A.L., Vajsman Ja.I.. (2010) Jekologicheskoe pravo Rossijskoj Federacii i stran Evropejskogo soobshhestva [Environmental law of the Russian Federation and countries of the European Community]. Uchebnoe posobie: Perm', <https://lawbook.online/ekologicheskoe-pravo-rossii-kniga/ekologicheskii-pravoporyadok-sposobyi-ego-68141.html>

Sutrisno E. (2019). Pemaknaan Budaya Hukum: Menggagas Kesejahteraan Masyarakat. Bogor: In-Media

Syed Ussain Saheb, Sepuri Seshaiyah and Buddolla Viswanath (2012) Environment and Their Legal Issues in India// International Research Journal of Environment Sciences, vol. 1(3), pp. 44-51.

Ugolovnyj kodeks RK ot 3 ijulja 2014 goda № 226-V ZRK. [Criminal Code of the RK dated July 3, 2014 No. 226-V ZRK.] https://adilet.zan.kz/rus/docs/K1400000226/k226_

Vlasova Yu.V. (2019) Jekologicheskij pravoporjadok: ponjatie i sposoby zashhity [Ecological legal order: the concept and methods of protection] International Journal of Humanities and Natural Sciences, vol. 3-2. – Pp. 176-179.