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ENVIRONMENTAL CONTROL AS A FRAMEWORK FOR ENVIRONMENTAL LAW AND STATE CONTROL

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This paper explores the concept of ecological control as a distinct form of state control within the framework of environmental law, with the aim of analyzing how it can serve as an effective institutional mechanism for addressing environmental challenges. The study employs a theoretical approach, utilizing comparative analysis to examine the implementation and effectiveness of ecological governance strategies. Data is collected from legal documents, and empirical research to assess the impact of these strategies on environmental outcomes. The findings reveal that ecological control encompasses a range of regulatory tools and practices that integrate environmental considerations into state control mechanisms. This includes examining the roles of various stakeholders, such as government agencies, non-governmental organizations, and local communities, in fostering collaborative approaches to environmental management. The study concludes that ecological governance represents a vital evolution in environmental law, offering a more holistic approach to regulation that aligns with sustainable development goals.

Keywords: *environnement, ecological control, state control, sustainable development, regulatory frameworks.*

CONTROLUL ECOLOGIC: VARIETATE A CONTROLULUI DE STAT ÎN CADRUL INSTITUTIEI DE DREPT A MEDIULUI

Prezentul articol explorează conceptul de control ecologic ca o formă distinctă de control de stat în cadrul dreptului mediului, cu scopul de a analiza modul în care acesta poate servi ca mecanism instituțional eficient pentru abordarea provocărilor de mediu. Studiul utilizează o abordare teoretică, folosind analize comparative pentru a examina punerea în aplicare și eficacitatea strategiilor de guvernare ecologică. Datele sunt colectate din documente juridice și din cercetări empirice pentru a evalua impactul acestor strategii asupra rezultatelor de mediu. Constatările arată că controlul ecologic cuprinde o serie de instrumente și practici de reglementare care integrează considerentele de mediu în mecanismele de control de stat. Aceasta include examinarea rolurilor diferitelor părți interesate, cum ar fi agențiile guvernamentale, organizațiile neguvernamentale și comunitățile locale, în promovarea abordărilor colaborative ale gestionării mediului.

Cuvinte-cheie: *mediu, control ecologic, control de stat, dezvoltare sustenabila, cadru de reglementare.*

CONTRÔLE ÉCOLOGIQUE: VARIÉTÉ DU CONTRÔLE ÉTATIQUE AU SEIN DE L'INSTITUTION DU DROIT DE L'ENVIRONNEMENT

Cet article explore le concept de contrôle écologique en tant que forme distincte de contrôle étatique au sein du droit de l'environnement, dans le but d'analyser comment il peut servir de mécanisme institutionnel efficace pour relever les défis environnementaux. L'étude utilise une approche théorique, utilisant des analyses comparatives pour examiner la mise en œuvre et l'efficacité des stratégies de gouvernance écologique. Les données sont collectées à partir de documents juridiques et de recherches empiriques pour évaluer l'impact de ces stratégies sur les résultats environnementaux. Les résultats montrent que le contrôle environnemental englobe une gamme d'instruments et de pratiques réglementaires qui intègrent les considérations environnementales dans les mécanismes de contrôle de l'État. Cela comprend l'examen des rôles de diverses parties prenantes, telles que les agences gouvernementales, les organisations non gouvernementales et les communautés locales, dans la promotion d'approches collaboratives de la gestion de l'environnement.

Mots-clés: écologie, contrôle écologique, contrôle étatique, développement durable, cadre réglementaire.

ЭКОЛОГИЧЕСКИЙ КОНТРОЛЬ: РАЗНОВИДНОСТЬ ГОСУДАРСТВЕННОГО КОНТРОЛЯ В РАМКАХ ИНСТИТУТА ЭКОЛОГИЧЕСКОГО ПРАВА

В данной статье рассматривается концепция контроля за окружающей средой как отдельной формы государственного контроля в рамках экологического права с целью анализа того, как он может служить эффективным институциональным механизмом для решения экологических проблем. В исследовании используется теоретический подход, с использованием сравнительного анализа для изучения внедрения и эффективности стратегий управления окружающей средой. Данные собираются из юридических документов и эмпирических исследований для оценки воздействия этих стратегий на экологические результаты. Результаты показывают, что контроль за окружающей средой охватывает ряд нормативных инструментов и практик, которые интегрируют экологические соображения в механизмы государственного контроля. Это включает изучение ролей различных заинтересованных сторон, таких как государственные учреждения, неправительственные организации и местные сообщества в продвижении совместных подходов к управлению окружающей средой.

Ключевые слова: окружающая среда, контроль за окружающей средой, государственный контроль, устойчивое развитие, нормативная база.

Introduction

It is imperative to acknowledge from the outset that environmental control constitutes a highly intricate and multidimensional category. Primarily, it is a function of public authorities in relation to citizens as beneficiaries of the right to an ecologically balanced environment. In addition, it is also in relation to the beneficiaries of the use of environmental resources. Environmental legislation plays a crucial role in protecting the environment and ensuring sustainable development, especially in the context of the global environmental challenges facing contemporary societies. The Republic of Moldova, as part of the international

community, has adopted a number of regulations aimed at protecting natural resources and promoting a healthy environment for citizens. However, effective implementation of these regulations and state control of compliance with them remain significant challenges.

The purpose of this research is to analyse the existing legislative framework in the Republic of Moldova with regard to environmental control and state control, identifying gaps and opportunities for improvement. Through a detailed examination of the relevant legislation, current practices and their impact on the environment, this paper aims to provide a clear picture of the effectiveness of environ-

mental control mechanisms in the country. The research also highlights the importance of closer collaboration between regulators, environmental institutions and civil society to ensure more effective and sustainable control of natural resources.

The paper also contributes to academic and policy discussions on the need to reform environmental legislation in the Republic of Moldova, with the main objective of improving the state of the environment and promoting sustainable development. The research concludes with recommendations for enhancing ecological governance frameworks, including fostering public participation, improving access to information, and ensuring compliance within corporate practices to promote sustainable development.

Methodology

This paper employs a qualitative research methodology to explore the concept of ecological control as a form of state control within the framework of environmental law, with a specific focus on Moldova. The methodology consists of several key components:

Literature Review: A comprehensive review of existing literature on environmental law, ecological control, and state governance is conducted.

Data Synthesis: The data collected is synthesized to draw conclusions about the effectiveness of ecological control mechanisms in achieving environmental sustainability and their implications for state governance.

Literature review

The encyclopedic dictionary of environmental control [6, p. 86] defines state control as one of the forms of implementation of public administration, ensuring compliance with regulatory acts issued by state authorities.

In many scientific works the terms “control”, “audit”, “verification” and “supervision” are used synonymously. However, the use

of these terms in different contexts still causes scientific controversy.

The role and essence of ecological control are considered by scholars in two broad ways: as either a broad or narrow aspect [3, p. 46]. In the narrow sense, ecological control is defined as a set of government regulation measures that ensure effective environmental policy governance, state economic security and compliance with state environmental interests. The control covers all areas of activity of authorised authorities (state registration of beneficiaries of environmental use, environmental accounting, environmental inspections, as well as areas of activity controlled topics related to payment for rational use of natural resources).

In our opinion, environmental control in a broad sense refers to the activities of the state, as represented by authorised (competent) bodies, for the monitoring of compliance with legislation on the control of the use of environmental resources by all participants in environmental control relations, in accordance with the legislation in force.

Data Synthesis

State control is a component of government management activities. It is a function of the mechanism of management of all state affairs and one of the most effective mechanisms of management of the mechanism of solving public interests.

The control function is associated with checking how the authorities have ordered the realization of public interest tasks [1, p. 3].

Ecological control, is one of the types of state control and it is carried out at all stages of the activities of using environmental resources, such as in the process of authorization of environmental uses, as well as in the process of realization of environmental uses, and also after the realization of environmental uses. Its main purpose is to verify whether the beneficiaries of the use of environmental resources

comply with environmental legislation in the activity they carry out.

In contemporary conditions, no economic activities can be considered as entirely independent of environmental conditions, and any economic activity is inherently complex. This inherent complexity of economic activities is further compounded by the implementation of state control mechanisms in this field, which also introduces various difficulties in its execution. The complexity of environmental control activities is primarily attributed to the broad scope of economic entities targeted by these activities, which are characterised by diverse forms of ownership and a wide range of activities [4].

In a broad sense, environmental control can be defined as the process by which states ensure compliance with environmental laws by all participants in environmental control relationships at all stages of the environmental control process. This includes the establishment of rational use of natural resources and charges, as well as the termination of environmental obligations.

In a narrow sense, environmental control in the literature is defined as state control exercised by the competent authorities over the legality and appropriateness of actions in the process of introduction, payment or collection of natural resources [7, p. 399].

In a narrow sense, environmental control is directly the carrying out of checks by authorized bodies. These are the power actions of authorized bodies of the states to verify the legality of the calculation, deduction and payment of controls by the beneficiaries of environmental use and ecological agents.

Discussions

In our opinion, environmental control in the narrow sense is the activities of the authorized bodies for prevention, identification and suppression of violations by the beneficiaries

of environmental use, tax payers and environmental agents of the legislation on control in the process of environmental inspection.

At the same time, the components of this system are:

- public administration function;
- a set of techniques and methods (forms and methods) used environmental authorities;
- normative framework of environmental control;
- factual relations of ecological (environmental) control;
- actions and decisions of environmental authorities as the final stage of control
- control management process;
- feedback forms through which environmental control authorities receive the necessary information about the activities of the beneficiary of the use of environmental resources, which are interconnected and act as a synergy

The interconnected components of this system permit us to conceptualise ecological control as an organisational and legal mechanism through which the state implements legal regulations in the domain of environmental relations. It establishes a system of authorised bodies that execute, on behalf of the state, activities of monitoring environmental compliance legislation using special forms and methods. It also establishes conditions for effective interaction between the authorised bodies as between themselves and with taxable persons [2].

Consequently, the institution of ecological (environmental) control encompasses not only the activity of public authorities in its realisation, but also the peculiarities of the regime of ecological control of activity of enterprises and organisations that by carrying out their activity, use environmental resources.

In the specialized environmental monitoring literature there is no single definition of environmental monitoring or control. It is defined as a type of control carried out by autho-

rities [5] and other persons authorized by law to verify that activities related to the use and protection of environmental resources are carried out in accordance with the relevant legal provisions. In particular, this paper deals with issues related to the legality of actions in the process of authorization of activities for the use of environmental resources, the activities of environmental resource use itself, as well as those related to the removal of the consequences of improper influences on environmental factors. Environmental control is an effective tool for implementing environmental policies and giving society confidence in the state's ability to protect the environment.

Findings and Results

The results of the research on ecological control in relation to state control present a significant interest for researchers in the field of Moldovan legislation in the following aspects:

1. *Analysis of the synergy between ecological and state control*: The study highlights how these two forms of control interact, emphasizing the importance of an integrated approach for effective environmental protection [1].

2. *Identification of challenges and opportunities*: The challenges faced by environmental authorities in enforcing the legislation will be discussed, as well as opportunities for improving control practices [2].

3. *Policy recommendations*: The research will provide concrete suggestions for reforming environmental legislation and control mechanisms, contributing to the development of more effective policies [1].

4. *Impact on sustainable development*: The implications of the legislation for sustainable development in Moldova, including in the context of alignment with international standards.

5. *Institutional Challenges*: The discussion highlights institutional challenges faced by Moldova, such as:

◀ Fragmentation of responsibilities among various agencies.

◀ Lack of coordination between governmental bodies and civil society.

◀ Insufficient public awareness and engagement regarding environmental issues.

6. *Moldova's Environmental Legal Framework*: An examination of Moldova's environmental laws reveals both strengths and weaknesses. While there are legal provisions aimed at protecting natural resources and ensuring sustainable development, enforcement remains a significant challenge due to limited resources and institutional capacity.

This structured approach aims to contribute to the understanding of how ecological control can serve as an effective institution within environmental law, particularly in transitioning economies like Moldova.

Last but not least, environmental control is aimed at protecting environmental conditions and as a tool for implementing the policies enshrined in the international acts and conventions to which the Republic of Moldova is a party. On the other hand, ecological control itself can be considered as a management activity that has its own methods and forms of implementation.

However, determining the place of “ecological control” in the system of ecological control means of ensuring the rights and freedoms of public interest, it is noted that the purpose of ecological control is to ensure an ecological management of state affairs, i.e. an order of ecological control of environmental conditions [2, p. 106].

Consequently, we can conclude that the ecological control manifests itself as a means of realization of the tasks faced in order to ensure the rational use and protection of environmental resources. So, the purpose of ecological control is, to realize the provisions of the law and to ensure the legal order in this field.

Traditionally, control is defined as an institution of administrative law, but once we give it the title of “ecological control”, it is inherently necessary to consider whether this institution, as a control institution, would also be an administrative law institution, or we could place it in the series of environmental law institutions.

Moreover, like other institutions, which have their beginnings in administrative law or civil law, the institution of “environmental control” also has its beginnings in administrative law. Today, however, we can argue that this institution is an environmental law institution. Even if in the framework of environmental control, it operates with mechanisms that find their regulation in administrative law.

A number of scientists advocate for the utilisation of the term ‘ecological control’ [5], which is actually carried out in specific areas of the environment, as a specific type of administrative control. This is performed by various bodies in a particular field, namely environmental protection. This approach would result in the administrative essence of ecological control being derived from its environmental protection function, which would not be associated with environmental law institutions. However, this perspective is not aligned with the prevailing view within the developing institutions of law. Contemporary case law no longer exhibits the clear delineations between different legal branches. In most cases, it is of little consequence whether the effective resolution of a particular interest, such as a public interest, necessitates the utilisation of private law institutions, and vice versa for the resolution of a private interest. This is particularly evident in cases involving branches of the same system, such as administrative and environmental law, which form the institutional foundation of numerous branches of public law.

According to V.V. Petrov [13, p. 56], legal norms and guarantees are implemented in va-

rious directions, such as ensuring the process of greening legislation. This, the author argues, contributes to the translation of ecological norms into a real economic relationship, which provides organizational, ecological control, ideological guarantees of implementation of environmental requirements. The rules that are involved in this process are part of administrative legislation (management, control, responsibility), environmental law (compensation for damage caused), labor (material incentives), criminal (liability) and other legislation.

So to limit ourselves in “taking over” some institutions of administrative law in the “house” of environmental law would be a mistake, especially if the use of these institutions provides the most effective way to solve the goal of rational use and protection of the environment.

Ecological control in the procedural sense is the action of the environmental authority to control the correctness of the realization of the rational use of natural resources. It is carried out by comparing the actual data obtained as a result of the environmental audit with the data from the environmental statements and the documentation submitted by the beneficiary of environmental use [10, p. 624].

In our opinion the conception of ecological (environmental) control as a form of state control should be reflected in its conceptualisation. Therefore, it can be posited that an ecological (environmental) control is regulated by regulatory ecological control acts on control of economic activity.

The purpose of ecological (environmental) control is threefold: firstly, to ensure the correctness of the implementation of environmental uses; secondly, to identify cases of acts causing environmental damage; and thirdly, to ensure the completeness of payments for the rational use of natural resources.

The subject matter of an environmental control is the documents which refer to the

confirmation of the right to use natural resources and any documents at the disposal of the beneficiary of use of environmental resources, including and related to this activity, as well as objects, premises and territories, the use of which is related to the activities of the beneficiary of use of environmental resources [11].

This is the view we share.

At the same time, the main findings of the paper, can be summarized as follows:

- **Integration of Ecological Governance:**

The study identifies ecological governance as a crucial framework that merges state control with environmental law, facilitating a more holistic approach to managing environmental issues.

- **Stakeholder Collaboration:** Findings indicate that successful ecological governance relies on active collaboration among various stakeholders, including government agencies, private sectors, and local communities. This collaborative approach enhances the effectiveness of environmental management practices.

- **Impact of Environmental Rule of Law:**

The research underscores the importance of the Environmental Rule of Law in ensuring accountability and transparency within ecological governance. It highlights how clear and enforceable environmental laws contribute to better governance outcomes.

- **Sustainability Paradigm Shift:** The paper reveals a significant shift towards sustainability in environmental law, advocating for adaptive legal frameworks that can respond to dynamic environmental challenges such as climate change and resource depletion.

- **Human Rights Considerations:** The findings emphasize the need to incorporate human rights perspectives into ecological governance, recognizing that environmental protection is intrinsically linked to social justice and the rights of affected communities.

- **Challenges in Implementation:** The study identifies key challenges in implementing

effective ecological governance, such as legal fragmentation and inconsistent enforcement across jurisdictions, which hinder progress towards sustainable development goals.

These findings collectively illustrate the potential of ecological control as a transformative approach to environmental law and state control, emphasizing its role in achieving sustainable outcomes while addressing contemporary environmental challenges. And as for the arguments in favor of the consideration that environmental control is an institution of law, we will refer to the fact that the specifics that we will reflect further on the entire content of the thesis, will have as a subsidiary purpose specifically to demonstrate the distinct applicative and regulatory character of the institution of control in the field of environmental protection. By emphasising collaboration and adaptability, this framework can enhance the effectiveness of state control in mitigating environmental harm [9, p. 45].

The paper goes on to discuss the strengths and limitations of current ecological governance frameworks, highlighting the need for adaptive strategies that respond to evolving environmental challenges. Future research should focus on refining these governance models and exploring their applicability across different contexts.

Recommendations for Improvement

We suggest some recommendations for enhancing Moldova's ecological control measures through:

- Strengthening legal frameworks to ensure better enforcement.
- Promoting inter-agency collaboration.
- Increasing public participation in environmental decision-making processes.

Conclusions

The conclusions of this paper, can be summarised as follows:

1. Ecological governance is a vital framework that integrates environmental law with state control mechanisms. There is a strong need for a collaborative effort among various stakeholders, including government entities, private sectors, and civil society, to address environmental challenges effectively.

2. The Environmental Rule of Law, is defined as the set of principles, guidelines, and standards that govern the interaction between environmental law and state control mechanisms. The findings emphasised the pivotal role of the Environmental Rule of Law as a foundational principle for ecological governance. It ensures that environmental laws are clear, enforceable, and accessible, thereby fostering accountability and transparency in environmental decision-making processes. This approach is in alignment with the principles outlined by the United Nations Environment Programme (UNEP) regarding sustainable governance [1].

3. A shift towards sustainable development is indicated by the following evidence. The research indicates a paradigm shift in environmental law towards sustainability, necessitating adaptive legal frameworks that can respond to emerging environmental issues such as climate change and biodiversity loss. This transition demands not only the active involvement of state actors but also non-state actors in promoting sustainable practices [2, 4].

4. The integration of human rights is also imperative. The integration of human rights within ecological governance is imperative for safeguarding both the environment and the rights of individuals affected by environmental degradation. This approach underscores the interconnectedness of social justice and environmental protection, as evidenced by various case studies where courts have recognised environmental rights as fundamental [1].

5. Ongoing Challenges and Future Directions: The paper identifies ongoing challenges in

implementing effective ecological governance, such as legal fragmentation and varying levels of enforcement across jurisdictions. It calls for greater coherence in legal frameworks and enhanced collaboration among stakeholders to overcome these challenges and achieve sustainable outcomes [2, 3].

6. Recommendations for Policy and Practice: In order to strengthen ecological governance, the study recommends developing robust legal and institutional frameworks that facilitate public participation, access to information, and justice in environmental matters. Additionally, fostering a culture of compliance within corporate governance is crucial for integrating environmental considerations into business practices [3, 5].

In conclusion, ecological governance represents a transformative approach to environmental law that can significantly enhance state control while promoting sustainable development. Future research should focus on refining these governance models and exploring their practical applications across diverse contexts to achieve lasting environmental benefits [8].

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