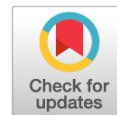


Determinants of Environmental Crime



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Abstract. *The article discusses the main determinants of environmental crime. The causal complex that gives rise to environmental crime is multifaceted and consists of a combination of objective and subjective factors. The main causes remain the contradiction between society and the environment, deformation of the society's environmental consciousness of the population, underestimation of nature and the degree of danger or harm caused as a result of their commission. In general, the type of crime is determined by several groups of factors considered in the article: social, economic, legal, organizational. and political.*

Keywords: *environmental crime, determinants of environmental crime, economic causes of crime, self-determination of environmental crime, environmental legal awareness.*

The concepts related to the causes and conditions of environmental crime are based on the philosophical and sociological doctrines of social causality and the criminological doctrine of the causes of crime [1, p. 23]. Despite the fact that the problem of determination and causes of crime occupies a central place in criminological research, a unified approach to understanding the causes, conditions, and factors of crime has yet to be proposed. In the field of criminology, numerous scientific schools and studies have explained the main determinants of crime [2, p. 23].

Most scientists distinguish between the concepts of causes and conditions of crime [3, p. 188]. As a rule, the causes include phenomena that can generate an effect, whereas the conditions are phenomena that contribute to the emergence and action of the cause. However, given that crime is a social phenomenon, attributing some factors to causes and others to conditions is highly relative. This is due to the fact that the same phenomenon can be either a cause or a condition in different situations [4, p. 87]. In this regard, when describing the system of crime determinants, it is often very difficult to attribute a particular phenomenon to the actual causes or conditions. For this reason, scientists proposed to describe the causal complex as a system of factors that cause crime. For example, according to K.K. Goryainov, the factor can be considered both, the cause and the conditions (necessary and concomitant) as well as the phenomenon consisting in a functional connection, among others. Under such a factor, a certain property of social processes and phenomena can be understood, and their interdependent combinations serve as a variable in the

formation and changes in the state of a criminological situation [5, p. 24]. Thus, the most diverse factors of objective and subjective nature, which interact with one another, determine crime; in other words, the cause of crime is a combination of such factors [6, pp. 197–198].

The first most complete description of the causes of environmental crimes was developed in the late 1980s by O.L. Dubovik and A.E. Zhalinsky. Scientists have rightly pointed out that the causes of criminal encroachments on the environment are rooted, first of all, in the contradictions arising from the interaction between man and nature. They are complex social processes that, under conditions of unfavorable (extensive) economic development, create stable prerequisites for illegal and often criminal environmental behaviors [7, pp. 93–94]. One cannot but agree with this opinion. It is obvious that the causes of environmental crimes should be studied on the basis of data regarding the direction and content of the interaction processes between society and the environment [8, p. 163].

The causal complex that generates environmental crimes is multifaceted. At the same time, it largely depends on the type of environmental crime and on the subject who commits it. In the scientific literature, various classifications of the causes of environmental crime have been proposed. Zhevlakov [9, p. 30], for example, identifies the general causes, the causes of crimes and offenses related to the impacts on the natural environment, and the causes of crimes and offenses related to the illegal use of natural resources. Tangiev offers a more detailed classification of the causes and conditions of environmental crime

[10, p. 48]. Depending on the content, Tangiev speaks about the presence of sociopsychological, socioeconomic, political, ideological, educational; legal, organizational, and managerial reasons. According to Tangiev, the causes can be divided into three categories: objective–subjective, objective, and subjective causes. Furthermore, Tangiev names internal and external (having an international, transnational character) causes of crime depending on the sources of occurrence. As noted in that work [10, p. 49], the main conditions of environmental crime include the following: frequent reforms of specially authorized state bodies in the field of environmental protection and the use of resources, which do not allow the maximization of its potential; gaps, declarative nature, and inconsistency of environmental standards; low environmental culture of the population and low efficiency of environmental education and training; inconsistencies in the level of funding, technical equipment, personnel, and resource support of environmental state bodies with the complexity of their tasks; and break of economic ties, violation of design technologies, and increase in production accidents.

Within the framework of the current study, it is advisable to talk about the following groups of factors that determine environmental crimes: social, economic, legal, organizational, and political factors. Let us look at them in more detail below.

As already noted, the main cause of environmental crime is the contradiction between society and the environment, thus reflecting the relationship between society and nature [11, p. 522]. This contradiction is dictated by three main ideas: (1) to maintain life, it is necessary to spend a large amount of resources, so their consumption in nature increases, although there is a reduction in reserves; (2) with increasing human well-being, pressure on nature is increasingly exerted; and (3) the scarcity of natural resources [7, p. 92].

At the heart of the existing relations of man with nature is the ingrained attitude regarding the “ownerlessness” of the natural environment, that is, nature as a whole and its individual components are perceived as something common, to which everyone has the right (i.e., the right to use at their own discretion) [1, p. 27].

The dominance of consumer attitude to natural resources, at the background of our vast territory with significant natural resources, has formed a false opinion about their immensity and the ability of nature to heal itself — indifferent to the fate of nature and its condition as well as the lack of awareness of the public dangers of ecological crimes and the significance, the scale, and seriousness of the possible consequences of illegal actions. All these inevitably lead to the adoption of environmentally ill-considered decisions at the

state level and the careless attitude of citizens towards nature at the domestic level.

As a result, one of the common causes of environmental crime is connected with persistent gaps and deformations of public environmental consciousness. It should be noted that the study of ecological consciousness takes place within the framework of various sciences, including philosophy, history, geography, psychology, cultural studies, sociology, ecology, and ethnoecology, to name a few. However, along with certain achievements in research, many controversial and unresolved issues remain [12–15].

Ecological legal awareness in science is understood as “a form of legal awareness that acts as a regulator of socio-natural interactions, manifested in the ability of an individual, a social group to implement legal norms in interaction with the natural environment” [16, pp. 12–13]. The deformation of environmental justice, according to Sobol, can be expressed in the concepts of ecological legal infantilism, environmental legal nihilism, and the rebirth of environmental awareness [17, p. 444].

Past studies [1, 18, 19] have shown that the population is not sufficiently informed about the real state of the environment both in a particular region and in the country as a whole. Despite the fact that the environmental situation is noticed by the majority of citizens, and the population is concerned about the protection of the natural environment, in modern Russia, the problems of environmental safety are often relegated to the background — both in the fields of politics and in the public consciousness. This is because solving social and economic issues is considered much more important than ecological ones.

The reflection of the danger of environmental crimes in the public consciousness is often disordered and spontaneous. For example, a major accident that has resulted in environmental pollution can cause a public reaction on the Internet or other mass media. In turn, this can lead to the increased attention to such an issue by both regulatory and law enforcement agencies as well as politicians. In this case, these out-of-control events occupy the center of attention for a certain period of time, after which they are forgotten. At the same time, individual offenses may not be recognized by society as criminal for a long time, because they are not as obvious. Many types of pollution become known only to specialists, and the dangers they cause can only manifest in a few years and are expressed in the deteriorating health of the populations living in areas where the environmental offenses have been committed.

Despite the relatively regular appearance of environmental publications in the media, their nature is mainly educational, narrative, and not always problematic. As Podlesnaya notes, the

media tend to avoid naming and discussing persons and organizations responsible for violations of environmental protection legislation. They rarely resort to the help of representatives of environmental protection agencies, and give out information in a controlled manner, without focusing readers' attention on it (for example, with catchy headlines or placement on the first pages). One common practice of the Russian mass media is the "de-dramatization of the problem [by] removing it from the category of priority." As the level and quality of public information on environmental issues are extremely low, such information is usually not enough to enable the public to understand the danger of environmental risks and the corresponding responsibilities of citizens and representatives of management structures for the current state of the environment [20, p. 67]. At the regional level, information policy is static and takes the form of very rigid structures due to the media's dependence on the authorities; as a rule, the former only cover a limited range of environmental subjects and avoid discussing more serious environmental problems [21, p. 17].

This cannot but affect the perception and awareness of the population about the significance and seriousness of the possible consequences of illegal encroachments on the environment. This has become one of the main reasons behind the continued acts of environmental crimes. In turn, the population has learned to develop an apologetic attitude towards persons who commit criminal violations of environmental legislation. Thus, the formation of ecological legal awareness at the level of each individual member of society "should be carried out with close interaction of its triune elements: environmental and legal education, upbringing and education carried out in the field of nature management and environmental protection" [22, p. 46].

Most criminal attacks on the environment are motivated by self-interest, so the economic component is at the heart of the determinants of environmental offenses. Environmental crimes are one of the most profitable forms of criminal activity [23, p. 49]. According to various estimates, the profits illegally generated from environmental crimes range from US\$70 to US\$213 billion per year [24]. In terms of profitability, the illegal trading of wildlife products is not inferior to drug trafficking, manufacture and distribution of counterfeit products, and human trafficking which generate profits of between US\$7 and US\$23 billion annually.

As Gilinsky rightly notes, criminal business arises, exists, and develops under certain conditions: the demand for illegal goods, the labor market, unemployment, shortcomings of the tax system, customs, and economic policies of the state, as well as corruption that hinder the normal development of the legal economy [25, p. 29].

The main array of environmental crimes in Russia is committed in rural areas (80%–85%) by people living there (90%) who do not have a permanent source of income (about 60%). Of the total number of persons convicted of environmental crimes, 62%–64 % did not have a permanent place of work, while only 5%–6% of them were disabled [26]. All these conditions serve as a favorable background for the population to be involved in environmental crimes. After all, organized groups that use modern equipment to commit crimes and establish sales channels for illegally obtained biological resources have the opportunity to make significant profits, which certainly attracts young people to participate in such criminal groups. Not surprisingly, the largest number of people brought to criminal responsibility for committing environmental crimes are between the ages of 18–29 years and hail from the Siberian and Far Eastern Federal Districts, where the largest number of criminal cases related to the illegal extraction of biological resources and illegal logging of forest plantations are registered.

This problem is not unique to our country. A similar situation is developing in a number of foreign countries. In Poland, for example, several villages that specialize in illegal fishing. In some parts of Estonia and Lithuania, illegal fishing is also common in coastal regions where employment opportunities are limited [27]. Often, members of organizations that commit environmental crimes do not have a permanent source of income, particularly because there are no enterprises engaged in the legal extraction of biological resources, especially in the regions where illegal fishing activities are carried out. Hence, in such situations, illegal business becomes the only viable opportunity for "employment." Thus, fostering conditions that encourage people to participate in legitimate economic activities related to the use of natural resources can become an effective measure for the prevention of environmental crimes.

Ironically, according to the Interpol, it is the consumer who can be considered the main link in the illegal extraction and trade of biological resources. These crimes will not be eradicated until the demand from consumers and the high prices at which people are willing to buy illegal items on the black market are completely eliminated. This is why measures to reduce the demand for illegally extracted resources are of particular importance in preventing criminal encroachments on the environment.

As foreign researchers have pointed out [28, p. 332], there are two types of demand that generate environmental crimes: (1) the demand for rare and endangered species of plants and animals and (2) the demand for biological resources, which entails their large-scale illegal

extraction. This difference, according to scientists, has a crucial role in the implementation of demand reduction strategies. To prevent crimes generated by the first type of demand, it is advisable to first try to reduce it by educating the population about the consequences that can occur when such biological resources are destroyed. In the regions where such illegal actions are most widespread, the activities of law enforcement agencies must also be strengthened to better identify and suppress criminal encroachments on biological resources.

At the same time, it is impossible not to consider the fact that this type of demand in some cases is influenced by the culture of the demonstrative consumption of rare and endangered species of plants and animals. This is especially true in the use of products made of ivory, rhino horns, and the skins of rare species of carnivorous animals for decorative purposes as well as for traditional medicinal purposes, especially in Asian markets [29].

With regard to the second type of demand, the establishment of a legal system for verifying the origin of the product can be an effective measure to help prevent environmental crimes. This can be facilitated by product certification and labeling. In addition, it seems that the formation of the population's interest in purchasing products from legally obtained biological resources may be of no small importance. Thus, along with their implementation, consumers should also be made aware of such systems.

Meanwhile, the development of a market economy entails an increase in competition among economic entities. In the pursuit of increasing profits, managers of enterprises and organizations often cut costs in implementing necessary measures to protect the environment. Insufficient funds and the reluctance of managers of enterprises and organizations to spend on the introduction of energy-saving technologies, treatment facilities, waste recycling, and so on, lead to so many possible consequences. For example, the use of obsolete equipment and technologies in the operation of production facilities can induce accidents that, in turn, can cause serious environmental damage and other negative effects on the environment [30, p. 82].

Focusing on the imaginary reduction in the cost of mining and raw materials due to the refusal to perform timely environmental measures, failure to consider the adverse side effects of environmentally significant activities, the unjustified simplification or acceleration of production planning for shallow processing, and the incomplete and inefficient use of natural resources — all of these entail the commission of environmental crimes by officials [31, p. 22].

In addition, as discussed in the literature, the mechanisms of economic regulation in environmental protection are not sufficiently developed in our country. In particular, in accordance with the requirements of the Federal Law “On Environmental Protection,” the rules for the use of “the best available technology” in the course of economic or other activities, which have a significant negative impact on the environment, have been established. At the same time, the budget and tax legislations do not provide for a system of benefits and other incentives to encourage economic entities to modify their operations [30, p. 82].

Thus, we agree with the opinion regarding the inefficacy of the current system of fines for exceeding the limits of negative impact on the environment. As a result, it is often more profitable for managers of economic entities to pay a fine (or enter into a corruption conspiracy with an official of the state environmental supervision) than to install expensive cleaning equipment in their production facilities in accordance with legal requirements [30, p. 82]. Indeed, economic considerations inevitably affect the motives behind people's behaviors and their decision-making, including those related to criminal activities [32, p. 63].

Other determinants of environmental crime include (1) the shortcomings of the legal regulations ensuring environmental protection and the optimal regime of nature management, and (2) the imperfection of the legislative regulations covering criminal liabilities for illegal encroachments on the environment, and (3) the sanctions of criminal law norms, which do not always allow the imposition of penalties that correspond to the nature and degree of public danger of environmental crimes, thus reducing the general value of the criminal laws.

One example is the kind of punishments meted out for criminal attacks on the environment committed by organized groups, which do not fully correspond to the nature and degree of public danger imposed by such crimes. The sanctions mentioned in Part 3, Article 256 and Part 2, Article 258 of the Criminal Code of the Russian Federation provide for the maximum penalty in the form of imprisonment for up to five years for the illegal extraction of biological resources committed by organized groups or persons using official positions. However, if this type of punishment is applied, it is with reference to Article 73 of the Criminal Code of the Russian Federation, i.e., it is applied conditionally. Thus, only in 5% of cases of imposing the deprivation of liberty are persons sent to correctional institutions to actually serve the punishment, and the provisions of Article 73 of the Criminal Code of the Russian Federation are applied to convicts in 95% of the cases. A more severe punishment

is provided in Part 3, Article 258¹ of the Criminal Code and Part 3, Article 260 of the Criminal Code, which establish liability for the illegal production and trafficking of especially valuable wild animals and aquatic biological resources, as well as the felling of the forests, when committed by an organized group. Guilty persons may be sentenced to imprisonment for 5–8 years under Part 3, Article 258¹ of the Criminal Code and for up to 7 years under Part 3, Article 260. However, it should be noted that a significant tightening of the sanction in Part 3, Article 260 of the Criminal Code of the Russian Federation occurred twice — in 2008 (Federal Law No. 145-FZ of 22.07.2008 increased the term of imprisonment from 3 to 6 years) and in 2014 (Federal Law No. 277-FZ of 21.07.2014 increased the term of imprisonment by up to 7 years). In this category, real deprivation of liberty is also appointed by the courts in individual cases. As an alternative to imprisonment, in cases of illegal production of biological resources committed by an organized group, the legislator provides for the possibility of assigning the offender under Articles 256 and 258 of the Criminal Code of the Russian Federation punishment in the form of a fine ranging from 500,000 to 1 million Russian rubles or the salary or other income for a period of three to five years. If we consider the fact that the profits from illegal mining often reach 130 million, then we have to admit that the illegal extraction of aquatic biological resources is profitable. Similar situations can be found in foreign countries. Studies of organized environmental crime have shown that the rather mild sanctions for illegal encroachments on the environment and the high latency of these crimes make them “more profitable than drug trafficking” [33]. Unfortunately, environmental crimes are perceived as bringing high profits with a low probability of being brought to criminal responsibility [34].

The detection and investigation of crimes, as stipulated by Chapter 26 of the Criminal Code, present significant difficulties associated with identifying the persons involved in their commission and proving a causal connection between the violation of environmental legislation and the consequences. Most criminal encroachments on the environment are committed in non-obvious environments. There are no “direct” victims in such cases due to the peculiarities of the dangers caused. The need to conduct various special studies, such as examinations, interrogations of specialists, and the study of a large number of regulations in this area, among others, causes many problems for law enforcement agencies. Thus, to counteract environmental crimes, especially those related to environmental pollution and those committed by organized groups, we need specialists who are

well aware of the methods of proving such criminal cases and their features [34].

Shortcomings in the work of regulatory authorities and officials of enterprises in the field of environmental protection have a huge impact on the level of environmental crimes being committed. The irregularity and superficiality of inspections by specialized state bodies as well as their unsatisfactory provision of control devices and the means of communication and transport (criminal structures often have more powerful boats, means of communication, etc.) have both affected the quality of the implementation of existing laws.

Another serious problem is the lack of personnel operating these structures, which prevents the effective implementation of mechanisms to counteract environmental crimes. A study conducted a survey to investigate the problems of environmental crime prevention and found that 75% of law enforcement and 86% conservation workers are the main factors influencing the level of environmental violations (including environmental crimes); this study also noted insufficient number of staff supervisors in the field of environmental protection [35, pp. 32; 36]. The problem regarding the lack of employees in regulatory bodies in the field of environmental protection is a common one in Russia. Due to the numerous reorganizations in the country’s environmental agencies, the number of employees has constantly decreased, negatively affecting the detection of illegal encroachments on the environment and efforts to bring perpetrators to justice.

Kruter, meanwhile, cites the underdevelopment of domestic policies meant to ensure environmental safety as another reason for the widespread occurrence of environmental crime. According to the scientist, for decades, the problems arising from environmental impacts on the people’s health were secondary in comparison with the concern for the development of industry and agriculture in the country. Until now, this important state function has yet to become a primary concern. Environmental parties and movements have an important role in solving social and environmental problems, especially because their activities are generally determined by social interests. The lack of development of such organizations and movements engaged in environmental protection and the insufficient support they receive from the general public are also negative factors contributing to the rise of environmental crimes. At present, the total number of Russian non-governmental environmental organizations of various forms is about 700. However, there is no active and constructive interaction between the government authorities and these organizations [31, pp. 17–18]. Moreover, non-state associations enter into protracted, often aggressive conflicts with large commercial

organizations and government structures, and such an act negatively affects their credibility and undermines public confidence in the activities they undertake. Furthermore, unlike in Europe, there is no serious political party in the Russian parliament country that would defend the environmental interests of society [30, p. 82].

In addition, urbanization is another cause of environmental crime that has been mentioned in the scientific literature. Urbanization refers to the growth of the urban population, which in turn, entails a significant increase in the load of the household and industrial waste disposal systems, the creation and maintenance of which can be quite expensive. This contributes to the criminalization of many activities in this field. In addition, the need to dispose large amounts of wastes leads to the search for ways to reduce the cost of these processes, which often lead to the emergence of illegal landfills that violate the rules of land use [8, p. 165].

The self-determination of environmental crimes plays an important role in the causal complex, and the high level of latency of criminally punishable acts gives rise to their repeated commission. Another circumstance that contributes to the self-determination of environmental crimes is the commission of "auxiliary" official crimes. The negligence committed by employees of regulatory authorities, as expressed in the failure to conduct or the performance of poor-quality verification of compliance with the requirements of the law by users, creates conditions for the commission of environmental crimes. As a result, one crime generates another, which in turn, affects the overall criminal situation in the environmental sphere.

Finally, the self-determination of environmental crimes is manifested through the attitude of the population toward illegal actions deemed permissible, as well as through the public's forgiving attitude toward entities who have committed environmental crimes. Under such circumstances, the spread of environmental crimes provokes an even greater increase in such acts.

References

1. Lavygina I.V. Prichinnyj kompleks ekologicheskoy prestupnosti. *Kriminologicheskij zhurnal Bajkal'skogo gosudarstvennogo universiteta ekonomiki i prava*. 2007;3-4(2). (In Russ.).
2. Beloglazov V.A. Prichinnyj kompleks prestupnosti: voprosy teorii i metodologii. Moscow, 2003. (In Russ.).
3. Zvirbul' V.K. Kriminologiya: uchebnik. Moscow, 1979. (In Russ.).
4. Burlakov N.M. Kriminologiya: uchebnik dlya vuzov. Saint-Petersburg, 2003. (In Russ.).
5. Goryainov K.K. Kriminologicheskaya obstanovka: metodologicheskie aspekty. Moscow, 1991. (In Russ.).
6. Gorshenkov G.N. Kriminologicheskij slovar'. N. Novgorod, 2004. (In Russ.).
7. Dubovik O.L., Zhalinskij A.E. Prichiny ekologicheskoy prestupnosti. Moscow, 1988. (In Russ.).
8. El'chaninova O.V. Osnovnye determinanty ekologicheskoy prestupnosti. Pravovaya ohrana okruzhayushchej sredy: material'nye i processual'nye aspekty. Sbornik statej po materialam mezhdvuzovskogo Kruglogo stola (posvyashchaetsya pamyati professora I. A. Sobolya). Sankt-Peterburgskij universitet MVD Rossii. Saint-Petersburg, 2016. (In Russ.).
9. Zhevlakov E.N. Ekologicheskie prestupleniya i ekologicheskaya prestupnost': uchebnoe posobie. Moscow, 1996. (In Russ.).
10. Tangiev B.B. Nauchnyj ekologo-kriminologicheskij kompleks (NEKK) po obespecheniyu ekologicheskoy bezopasnosti i protivodejstviyu ekoprestupnosti. Saint-Petersburg, 2010. (In Russ.).
11. Kudryavcev V.N. Kriminologiya: uchebnik. Moscow, 2005.
12. Ashkhamaf A. R. Ekologicheskoe soznanie: k probleme opredeleniya ponyatiya. Vestnik Adygejskogo gosudarstvennogo universiteta. Seriya 1: Regionovedenie: filosofiya, istoriya, sociologiya, yurisprudenciya, politologiya, kul'turologiya. Majkop, 2010. (In Russ.).
13. Berkut V.P. Fenomen ekologicheskogo soznaniya: social'no-filosofskij: avtoref. dis. ... dokt. filos. nauk. Moscow, 2002. (In Russ.).
14. Medvedev V.I., Aldasheva A.A. Ekologicheskoe soznanie: ucheb. posobie. Moscow, 2001. (In Russ.).
15. Kalendarov K.H. Ekologicheskoe soznanie. Sushchnost' i sposoby formirovaniya. Moscow, 1999. (In Russ.).
16. Shishkina E.A. Social'noe konstruirovaniye ekologicheskoy kul'tury na regional'nom urovne globalizacii: avtoref. dis. ... dokt. sociol. nauk. Saratov, 2009. (In Russ.).
17. Kriminologiya. Uchebnik dlya yuridicheskikh vuzov. Ed. V.N. Burlakova, V.P. Sal'nikova. Saint-Petersburg, 1998. (In Russ.).
18. Timoshenko Yu.A. Public Opinion and the Criminalization of Environmental Offenses. *Russian Journal of Legal Studies*. 2016;3(4):104-107. <https://doi.org/10.17816/RJLS18212> (In Russ.).
19. Lavygina I.V. Model' ekologicheskogo soznaniya v kontekste preduprezhdeniya ekologicheskoy prestupnosti. *Kriminologicheskij zhurnal Bajkal'skogo gosudarstvennogo universiteta ekonomiki i prava*. 2015;9(3). (In Russ.).
20. Podlesnaya M.A. Social'no-regulyatornye funkcii SMI v usloviyah formirovaniya gosudarstvennoj ekologicheskoy politiki. Moscow, 2007. (In Russ.).
21. Podlesnaya M.A. Social'no-regulyatornye funkcii SMI v usloviyah formirovaniya gosudarstvennoj ekologicheskoy politiki: avtoref. dis. ... sociol. nauk. Moscow, 2006. (In Russ.).
22. Vershok I.L. Ob ekologicheskom pravosoznanii. *Gosudarstvo i pravo*. 2003;(3). (In Russ.).
23. Banks D et al. Upholding the Law: The Challenge of Effective Enforcement. EIA, London. 2007.
24. Clarke E. Environmental Crime and National Security. Environmental Crime and Security Workshop, Antigua: United Nations Environment Programme, 2 March. 2011.

25. Gilinskij Ya.I. Prestupnost' v sovremennoj Rossii: situaciya, tendencii, perspektivy. Saint-Petersburg, 2005. (In Russ.).
26. Timoshenko Yu.A. Sub"ekty ekologicheskikh prestuplenij: ugolovno-pravovaya i kriminologicheskaya harakteristika. Moscow, 2017. (In Russ.).
27. Organised environmental crime in a few Candidate Countries. Final Report / coordinated by Dipl.Oec. T. Fröhlich. BfU. Kassel, 2003.
28. Wright G. Trends Organ Crim. 2011.
29. Elephant Poaching & Ivory Trafficking Problems in Sub-Saharan Africa: An Application of O'hara's Principles of Political Economy. Ecological Economics 120.
30. Anisimov A.P., Alekseeva A.P., Melihov A.I. Aktual'nye problemy protivodejstviya ekologicheskoy prestupnosti v Rossii. *Kriminologicheskij zhurnal Bajkal'skogo gosudarstvennogo universiteta ekonomiki i prava*. 2013;(3). (In Russ.).
31. Kruter M.S. Kriminologicheskaya determinaciya narushenij pravil obrashcheniya opasnyh othodov. *Kriminologicheskij zhurnal Bajkal'skogo gosudarstvennogo universiteta ekonomiki i prava*. 2011;2(16). (In Russ.).
32. Kudryavcev V.N., Eminov V.E. Prichiny prestupnosti v Rossii: Kriminologicheskij analiz. Moscow, 2006. (In Russ.).
33. Schmidt C. Environmental Crimes: Profiting at the Earth's Expense. *Environ Health Perspect* 112(2). 2004.
34. Fröhlich T. Organised environmental crime in the EU Member States. BfU. Kassel, 2003.
35. Dicevich Ya.B. O nekotoryh faktorah, determiniruyushchih ekologicheskuyu prestupnost'. *Kriminologicheskij zhurnal Bajkal'skogo gosudarstvennogo universiteta ekonomiki i prava*. 2008;3(5). (In Russ.).
36. Trofimec S.S. Obrashchenie s othodami: voprosy gosudarstvennogo kontrolya. *Ekologicheskoe pravo*. 2007;(1). (In Russ.).

Детерминанты экологической преступности

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Аннотация. В статье рассмотрены основные детерминанты экологической преступности. Причинный комплекс, порождающий экологическую преступность, многогранен и складывается из совокупности разнообразных факторов объективного и субъективного характера. В то же время основными причинами экологической преступности остаются противоречие между обществом и окружающей средой, деформация экологического сознания населения, недооценка характера и степени опасности вреда, причиняемого в результате совершения экологических преступлений. В целом исследуемую разновидность преступности детерминирует несколько рассмотренных в статье групп факторов: социальных, экономических, правовых, организационных и политических.

Ключевые слова: экологическая преступность, детерминанты экологической преступности, экономические причины преступности, самодетерминация экологической преступности, экологическое правосознание.

Список литературы

1. Лавыгина И.В. Причинный комплекс экологической преступности // *Криминалистический журнал Байкальского государственного университета экономики и права*. 2007. № 3–4 (2).
2. Белоглазов В.А. Причинный комплекс преступности: вопросы теории и методологии. М., 2003.
3. Звирбуль В.К. Криминология: учебник / Отв. ред. В.К. Звирбуль, Н.Ф. Кузнецова, Г.М. Миньковский. М., 1979.
4. Бурлаков Н.М. Криминология: учебник для вузов / Под ред. В.Н. Бурлакова, Н.М. Кропачева. СПб., 2003.
5. Горяинов К.К. Криминологическая обстановка: методологические аспекты. М., 1991.
6. Горшенков Г.Н. Криминологический словарь. Н. Новгород, 2004.
7. Дубовик О.Л., Жалинский А.Э. Причины экологической преступности. М., 1988.
8. Ельчанинова О.В. Основные детерминанты экологической преступности // *Правовая охрана окружающей среды: материальные и процессуальные аспекты. Сборник статей по материалам межвузовского Круглого стола (посвящается памяти профессора И.А. Соболя)*. Санкт-Петербургский университет МВД России. СПб., 2016.
9. Жевлаков Э.Н. Экологические преступления и экологическая преступность: учебное пособие. М., 1996.
10. Тангиев Б.Б. Научный эколого-криминологический комплекс (НЭКК) по обеспечению экологической безопасности и противодействию экопреступности. СПб., 2010.

11. Кудрявцев В.Н. Криминология: учебник / Под ред. В.Н. Кудрявцева и В.Е. Эминова. М., 2005.
12. Ашхамаф А. Р. Экологическое сознание: к проблеме определения понятия // Вестник Адыгейского государственного университета. Серия 1: Регионоведение: философия, история, социология, юриспруденция, политология, культурология. Майкоп, 2010.
13. Беркут В.П. Феномен экологического сознания: социально-философский: автореф. дис. ... докт. филос. наук. М., 2002.
14. Медведев В.И., Алдашева А.А. Экологическое сознание: учеб. пособие. М., 2001.
15. Каландаров К.Х. Экологическое сознание. Сущность и способы формирования. М., 1999.
16. Шишкина Е.А. Социальное конструирование экологической культуры на региональном уровне глобализации: автореф. дис. ... докт. социол. наук. Саратов, 2009.
17. Криминология. Учебник для юридических вузов / Под ред. В.Н. Бурлакова, В.П. Сальникова. СПб., 1998.
18. Тимошенко Ю.А. Общественное мнение и криминализация экологических правонарушений // Российский журнал правовых исследований. 2016. № 4 (9). С. 104-107. <https://doi.org/10.17816/RJLS18212>
19. Лавыгина И.В. Модель экологического сознания в контексте предупреждения экологической преступности // Криминологический журнал Байкальского государственного университета экономики и права. 2015. Т. 9. № 3.
20. Подлесная М.А. Социально-регуляторные функции СМИ в условиях формирования государственной экологической политики. М., 2007.
21. Подлесная М.А. Социально-регуляторные функции СМИ в условиях формирования государственной экологической политики: автореф. дис. ... социол. наук. М., 2006.
22. Вершок И.Л. Об экологическом правосознании // Государство и право. 2003. № 3.
23. Banks D et al. Upholding the Law: The Challenge of Effective Enforcement. EIA, London. 2007.
24. Clarke E. Environmental Crime and National Security. Environmental Crime and Security Workshop, Antigua: United Nations Environment Programme, 2 March. 2011.
25. Гилянский Я.И. Преступность в современной России: ситуация, тенденции, перспективы. СПб., 2005.
26. Тимошенко Ю.А. Субъекты экологических преступлений: уголовно-правовая и криминологическая характеристика. М., 2017.
27. Organised environmental crime in a few Candidate Countries. Final Report / coordinated by Dipl.Oec. T. Fröhlich. BfU. Kassel, 2003.
28. Wright G. Trends Organ Crim. 2011.
29. Elephant Poaching & Ivory Trafficking Problems in Sub-Saharan Africa: An Application of O'hara's Principles of Political Economy. EcologicalEconomics 120.
30. Анисимов А.П., Алексеева А.П., Мелихов А.И. Актуальные проблемы противодействия экологической преступности в России // Криминологический журнал Байкальского государственного университета экономики и права. 2013. № 3.
31. Крутер М.С. Криминологическая детерминация нарушений правил обращения опасных отходов // Криминологический журнал Байкальского государственного университета экономики и права. 2011. № 2(16).
32. Кудрявцев В.Н., Эминов В.Е. Причины преступности в России: Криминологический анализ. М., 2006.
33. Schmidt C. Environmental Crimes: Profiting at the Earth's Expense. Environ Health Perspect 112(2). 2004.
34. Fröhlich T. Organised environmental crime in the EU Member States. BfU. Kassel, 2003.
35. Дицевич Я.Б. О некоторых факторах, детерминирующих экологическую преступность // Криминологический журнал Байкальского государственного университета экономики и права. 2008. № 3(5).
36. Трофимец С.С. Обращение с отходами: вопросы государственного контроля // Экологическое право. 2007. № 1.