

The Main Threats in the Practice of a Lawyer to Ensure Environmental Safety in the Context of COVID-19



Farouq Ahmad Faleh Al Azzam^{1*}, Mueen Fandi Nhar Alshunnaq¹, Nataliia Lesko², Halyna Lukianova², Dmytro Smotrych²

¹ Faculty of Law, Jadara University, Irbid 21110, Jordan

² Institute of Law, Psychology and Innovative Education, Lviv Polytechnic National University, Lviv 79000, Ukraine

Corresponding Author Email: lesko.nataliia.edu@gmail.com

<https://doi.org/10.18280/ijssse.120313>

ABSTRACT

Received: 27 January 2022

Accepted: 12 April 2022

Keywords:

environmental, environmental safety, legal activity, model, threats, law

The main purpose of the study is to determine the main ways to counter environmental threats, taking into account the impact of COVID-19 in the practice of a modern lawyer. To achieve this goal, we used the methodology of functional modeling and graphical display to represent the key stages and processes of counteracting the negative impact of environmental threats. Among the global problems of our time, one of the central cities occupies the issue of proper environmental protection, taking into account the peculiarities of the whole variety of its components and the impact of COVID-19. Conservation of natural resources, along with environmental well-being, is the determining factor in the comfort of human existence, ensuring the sustainability of social and economic development. The concept of harm to the environment and legal liability for such harm at the scientific level began to be developed relatively recently, which determined the relevance of the chosen issue. As a result of the study, a methodological approach was proposed to reflect the main measures to counter environmental threats on the part of practicing lawyers.

1. INTRODUCTION

In the theory of law, a lot of attention is devoted to the preventive function of legal responsibility. Legal liability helps motivate people who do not commit environmental offenses to comply with environmental requirements and deters those who are held accountable from committing environmental offenses again. The prevention of environmental offenses necessitates the development of solutions for effective approaches and methods of new forms and directions that meet modern requirements. Solving problems in the field of environmental protection is a necessary condition for the further socio-economic development of the country, building on this basis a socio-economic space with favorable living conditions.

Legal protection of the natural environment, rational use of natural resources, and ensuring the environmental safety of human life are essential conditions for the economic and social development of the countries of the world community, especially in the face of the negative impact of COVID-19.

Pollution of the environment with industrial and domestic waste, deterioration in the quality of drinking water and food, the growth of harmful chemical compounds in the atmosphere and lithosphere, the spread of microorganisms harmful to human health, and global climate change - this is far from a complete description of the connection with anthropogenic activity occurring on planet Earth. If these processes are not regulated at the legislative level, the consequences can be unpredictable.

This is not to say that environmental issues are completely silent. Having become global, since the late 60s of the last

century, it has been at the center of increased attention from the masses, political, state, scientific and religious figures, and local governments. On the one hand, civil society understands the acuteness of environmental problems, and on the other hand, it is powerless in solving them. This is because the connection of the global ecological crisis with the powerful technogenic pressure of society on the environment is not always adequately reflected in the public consciousness.

We have to admit that humanity is gradually realizing that excessive environmental stress gives rise to phenomena and processes, the destructive process of which each time causes irreparable harm to nature itself and the development of world civilizations as a whole. Since man is an integral part of nature, his activities must be carried out in strict accordance with the requirements of laws on the protection of the natural environment and be subordinated only to them.

The problems of ensuring environmental safety are traditionally among the priority areas of state and legal regulation, but due to the pandemic, they have faded into the background. In this regard, the national environmental policy is aimed at achieving strategic goals: the preservation of natural objects and complexes, ecosystems, maintaining their integrity and life-supporting functions, sustainable development of society, and improving the quality of the natural environment and life, improving public health. demographic situation; ensuring the ecological safety of the state. And this is possible only with the assessment and consistent reduction of environmental risks for human health.

The practical activities of lawyers to ensure environmental protection have become somewhat more complicated due to the aggravation of the situation with the pandemic, which not

only exacerbated existing threats but also created new ones.

Today, in the context of the negative impact of COVID-19, we have to state the fact that it is very difficult to introduce practical activities to bring those responsible for environmental pollution to legal responsibility.

The main purpose of the study is to determine the main ways to counter environmental threats, taking into account the impact of COVID-19 in the practice of a modern lawyer.

2. LITERATURE REVIEW

Responsibility in the field of ecology is a special state of public environmental legal relations, in which legal means ensure that responsible persons comply with special mandatory requirements of legislation in the field of the use of natural resources, environmental protection, and environmental safety.

Consideration of environmental law and the activities of environmental lawyers is a new research topic among modern scientists. The problems of green growth and financial provision of environmental security have been discussed in many works [1, 2]. For example, De Castro [3] considered legal problems on water resources in detail. But there were few proposals for specific measures in the activities of a lawyer in environmental law.

A certain number of scientists [4, 5] believe that today the task of legal regulation and management in the field of environmental protection is to help resolve the conflict of "economic and environmental interests," regularities that require investing only in what gives profit and super-profits", while making environmentally incorrect activities also economically unprofitable, and compliance with environmental requirements in economic activity is economically beneficial. We partially agree with this, but it should be added that the negative impact of new threats should not be ruled out.

Also, when analyzing the literature, one should highlight the fact that in terms of the issue of corporate responsibility for environmental damage, today the subject of attention of the international community is the positive duty of states to provide effective mechanisms for holding business entities liable for such violations, as well as in cases where entities management do not introduce mechanisms for assessing the risks of their activities for the environment, public health, environmental well-being of a particular community, and so on [6, 7].

Examining the scientific literature and the practical work of many scientists, it can be argued that the practical activities of a lawyer to ensure the protection of the environment is a complex work that is key in the development of the ecology of law.

As scientists note [8, 9], the legal protection of the environment should increasingly play the role of a social guarantee in ensuring the ecological well-being of mankind now and in the future. But the very concept of environmental protection, a relatively new content, requires explanation in the context of the practical activities of lawyers in environmental law.

Also, it is a good idea [10-13] that scientific and technological progress, which is observed in all spheres of public life, in addition to a positive impact, unfortunately, also carries a negative impact primarily on the natural environment. At the same time, as a rule, the economic and property interests

of individuals and legal entities in the process of production activities prevail over the tasks of ensuring environmental safety, which ultimately leads to a violation of the right to a safe environment for life and health.

Paying tribute to scientific achievements and the work of many scientists, it should be noted that today's conditions are special and are characterized by the negative impact of COVID-19, which only amplifies current threats and creates new ones. That is why, more than ever, the study of the problems of legal protection of issues of ensuring environmental safety is relevant.

3. METHODOLOGY

The methodology of our study includes several important methods that allowed us to obtain the desired results. First of all, it is necessary to highlight the theoretical methods of analysis, synthesis, and systematization of the information received for its generalization and formation of the main impression of the current situation due to the practical activities of lawyers in the field of environmental protection and green development.

Another part of our methodology involves the application of the method of functional modeling and description of processes in a graphic style (IDEF0). A special element of this method is that it allows you to demonstrate any process in detail while focusing on the results and detail of each stage and sub-process.

The method of functional modeling and description of processes is not new, but it will be used as a novelty to depict the legal practice of counteracting environmental threats. The advantage of the functional modeling method in the context of ensuring environmental safety is that the process of ensuring safety itself always consists of many stages and sub-processes. That is why functional modeling can be effective in demonstrating each individual process and its sub-processes, which will make it easier to understand and further implement them.

It should be noted that countering threats in the practice of an environmental lawyer is a logical process of a sequence of certain actions, and this fits exactly into the methodology of functional modeling that we use.

Therefore, the first step should be the formation of appropriate initial data for our model (Table 1).

Table 1. Formation of initial data for the model of counteracting environmental threats

Elements	Characteristic
The purpose of modeling	Formation of a functional model
The target audience of the model	Lawyers and legal teams
The context of the functional model	List of functions and objects of functional model diagrams
Software	The application program for constructing vector diagrams

Along with the functional modeling method, we applied two methods that will allow us to better understand the methodological approach. To begin with, we need to establish our key goal (X_0) - Ensure legal protection of the environment from threats. To do this, we must complete several tasks to achieve our goal (X_1, X_2, X_3). For a better understanding, we apply the "decision tree" method (Figure 1).

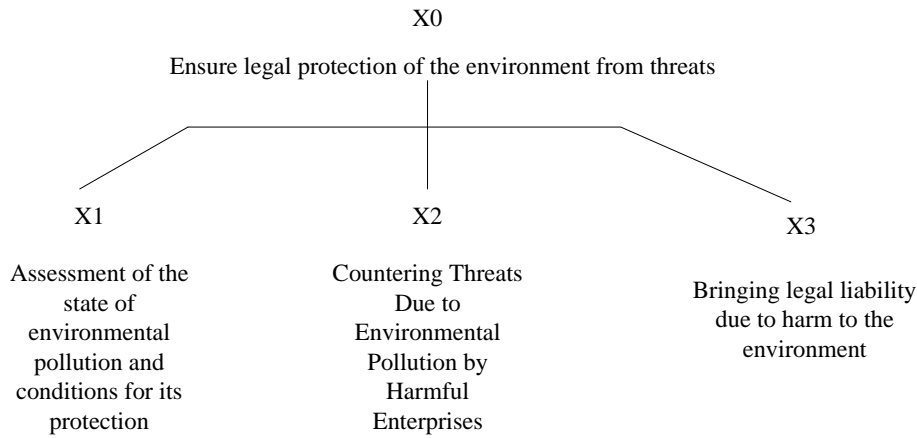


Figure 1. The “Decision tree” method for displaying IDEF0 functional model data of legal counteraction to threats to ensure environmental protection under the impact of COVID-19

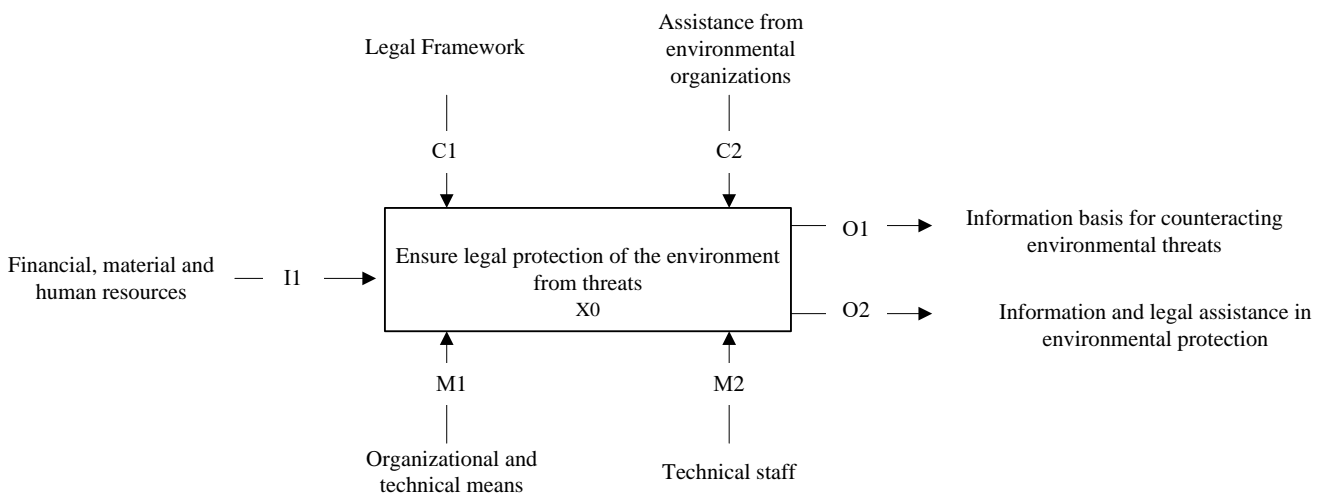


Figure 2. A comprehensive diagram of the model of legal counteraction to threats to ensure environmental protection under the impact of COVID-19

The connection between the main stages (mathematical notation X_1 - X_3) is the result of each process (X_1 - X_3), thanks to which we can move on to the next process. It should be noted that the greatest connection exists between these processes and the main goal (X_0). All processes from X_1 to X_3 are aimed at achieving X_0 .

For a better understanding of our functional model, which will be formed further in the text, it is also necessary to present the main inputs (I_1) and outputs (O_1, O_2) using the "black box" method (Figure 2). As can be seen in Figure 2, when applying the black box method, one of the conditions is the demonstration of inputs and outputs. That is why resources are a common primary input to any security process. The list of resources presented by us is not exhausted and can be expanded in the future.

Elements C_1, C_2 are elements of control and a framework for helping to achieve the goal. When the mechanisms M_1 and M_2 are tools that will contribute to the implementation of the tasks. The mechanisms of this model are determined depending on the situation and the main goal X_0 . In our case, in our opinion, the presented mechanisms are appropriate for our model.

A demonstration of the chosen method and the modeling process will be presented later in the article.

4. RESEARCH RESULTS

The basis of our model will form the first decomposition of the functional model of legal activities to ensure environmental protection (Figure 3).

Thus, the main functional model involves achieving legal protection of the environment from threats under the influence of COVID-19 and it involves several subprocesses:

X_1 - Assessment of the state of environmental pollution and conditions for its protection. At present, the risk of emergencies is a constant companion of man-made development. Rising anthropogenic pressures are challenging the ability of landscape components to neutralize impacts and self-healing, so stochastic, complex, multi-stage effects of environmental emergencies are becoming an objective reality. The number of cases involving environmental damage is only growing. And in the conditions of influence of COVID-19 work has to be carried out remotely. More detailed processes for achieving X_1 are presented in Figure 4.

X_2 – Countering threats due to environmental pollution by harmful enterprises. The most significant categories that have the greatest impact on the level of the environmental initiative of an enterprise and contribute to the work of a lawyer in this area are activities to compensate society for environmental damage, protection of atmospheric air and water bodies, the

users of which are enterprises, the effectiveness of environmental management and environmental auditing with the participation of all parties to the conflict and lawyers. Thus, in the field of improving the environmental initiative of enterprises, general recommendations include revising compensation activities towards its intensification, improving communication systems with local communities to find a basis for effective social dialogue, and improving the condition of the surrounding territory of enterprises. The compensation form depends on the amount of damage caused and the circumstances under which this damage was caused. A separate issue is the impact of COVID-19, which requires remote work, and this will reduce the level of pollution control.

More detailed processes to achieve X₂ are presented in Figure 5.

An effective direction implemented in the field of legal dialogue between lawyers and enterprises, in our opinion, is the participation of lawyers in the implementation of HR projects to form environmental awareness and increase the level of social-environmental responsibility of the personnel of enterprises engaged in production activities in the territory of municipalities. First of all, this participation should be manifested in the financial stimulation of such projects, as well as the provision of an organizational, methodological, scientific, and administrative basis for the implementation of these projects.

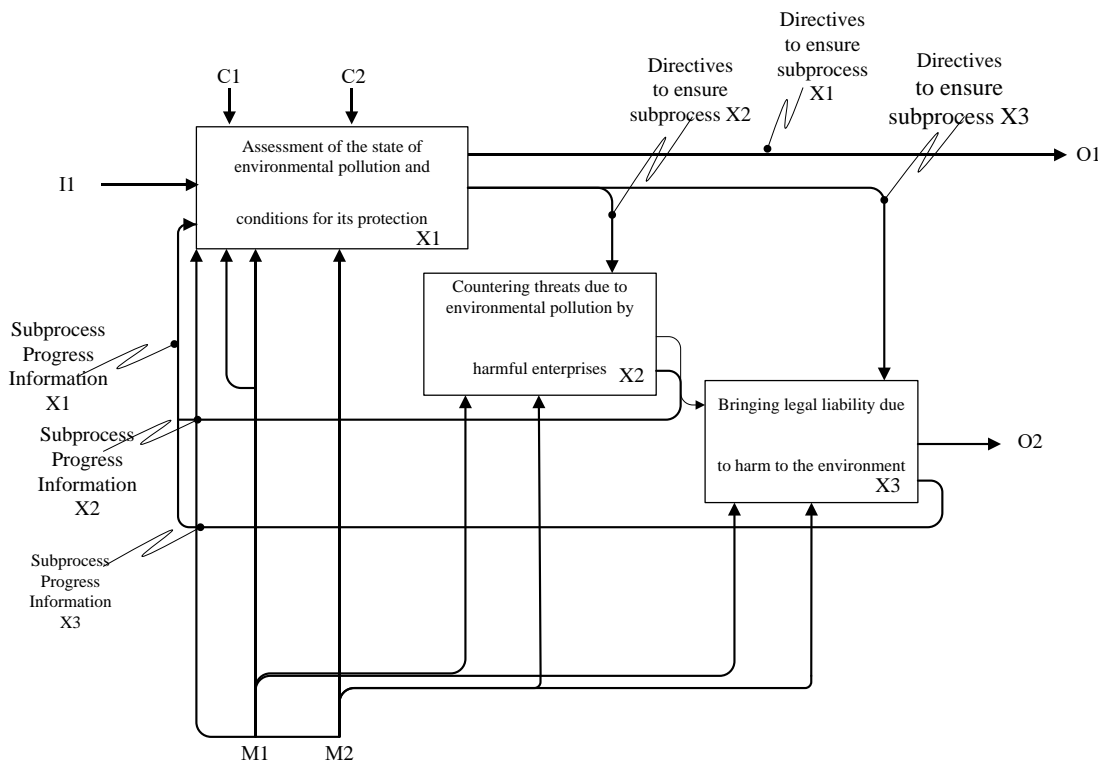


Figure 3. The decomposition of the functional model of legal activities to ensure environmental protection

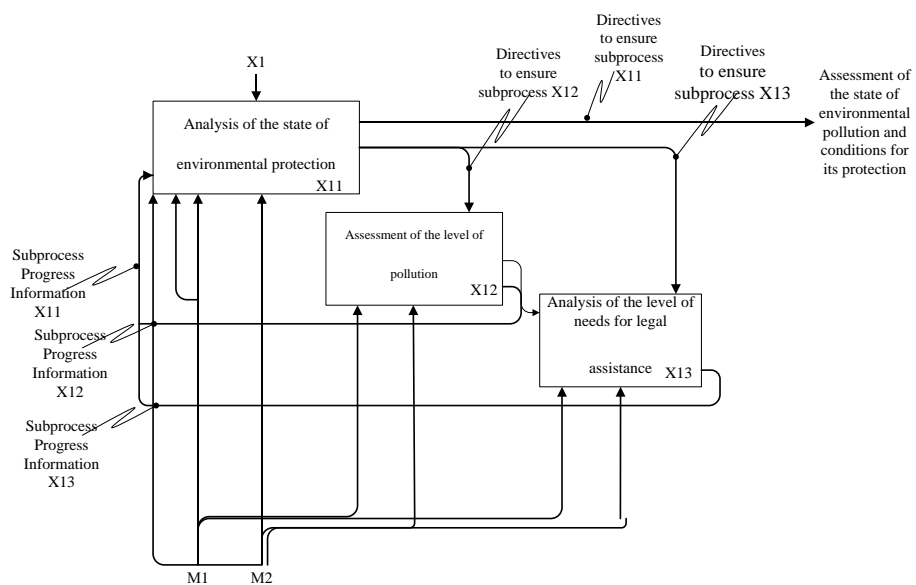


Figure 4. Decomposition of the functional model of achieving X₁ (Assessment of the state of environmental pollution and conditions for its protection)

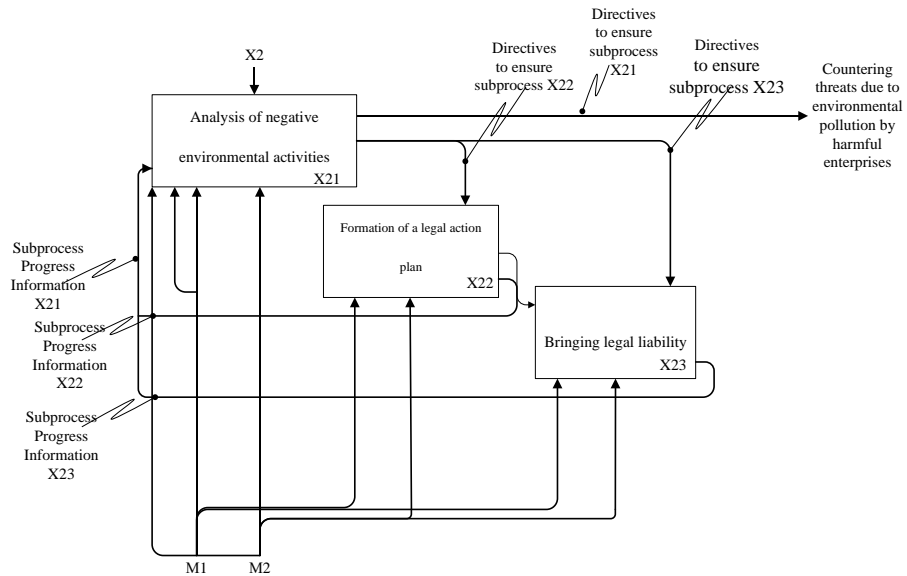


Figure 5. Decomposition of the functional model of achieving X₂ (Countering threats due to environmental pollution by harmful enterprises)

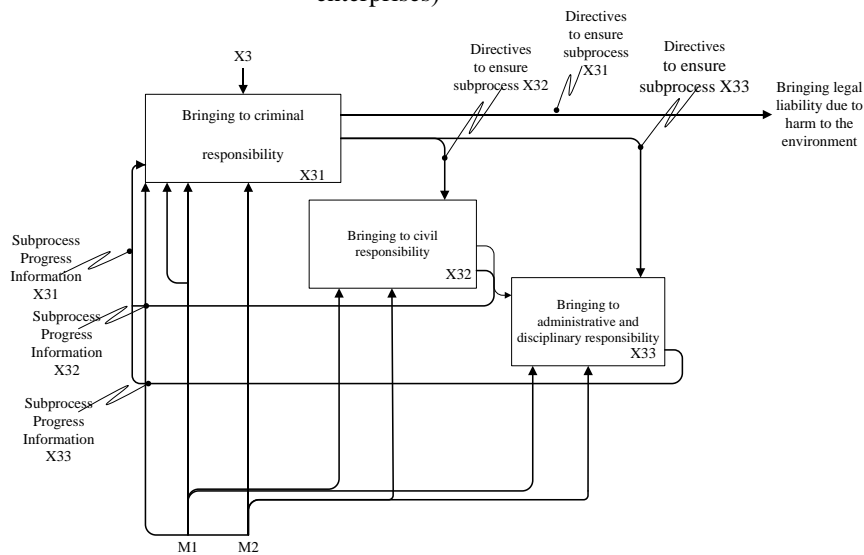


Figure 6. Decomposition of the functional model of achieving X₃ (Bringing legal liability due to harm to the environment)

X₃ - Bringing legal liability due to harm to the environment. Accountability should involve a range of levels of accountability. Thus, civil liability for violation of environmental legislation should provide that damage caused as a result of a violation of legislation on environmental protection is subject to compensation in full. Persons who suffered such damage should have the right to compensation for lost income for the time necessary to restore the quality of the environment, and the reproduction of natural resources in a state suitable for use for the intended purpose. Criminal liability for environmental crimes should be the most severe type of liability. Criminal punishment should be applied to persons who have committed offenses with a high level of environmental risk and danger to the environment, life, and health of people. The measure and scope of criminal punishment will be determined by the specifics of the environmental legislation of the country where this model will be used. Thus, in the field of improving the environmental initiative of enterprises, general And also, if the damage to the environment is caused on an especially large scale.

Administrative liability should be provided for by the Code of Administrative Offenses and accompanied by the

imposition of a fine (in rare cases, with confiscation of illegally mined environmental objects or prohibited mining tools). Sometimes a warning may apply. Disciplinary liability for environmental offenses is a type of legal liability that should be applied to those responsible for illegal actions that, in the process of fulfilling their functional duties, violate environmental norms and requirements. The impact of the consequences of COVID-19 is that it has expanded the range of threats and dangers to environmental security. That is why responsibility is formed for allowing a pandemic, which entails stopping the work of personnel who are responsible for complying with environmental standards and rules. More detailed processes to achieve X₃ are shown in Figure 6.

It should be noted that our decompositions of the functional model are intended so far only to show how the key stages of a lawyer's work can look like in the context of ensuring environmental protection and legal liability through any signs of a threat under the impact of COVID-19. It is the peculiarity of the functional model that we have chosen that the whole process is smooth and consistent. This is due to the fact that the system of this model assumes the presence of many sub-stages and decompositions.

5. DISCUSSIONS

Discussing the results of the study, it should first be noted that by analyzing the scientific literature, we can conclude that the relevance and demand for understanding the impact of human activity on the environment, as evidenced by studies, appeared in the middle of the 19th century due to the occurrence of noticeable negative impacts on the environment. nature due to the active development of machine production, a variety of technologies, and the intensive use of natural resources. The seriousness of the consequences and the need for a thorough objective study of the problems of the safe use of natural resources contributed to the formation of a separate area of scientific research in this area. In this way, legal activity has become the most important in protecting the environment.

Having proved the importance and relevance of our study, on the example of individual works, we note them from ours. So, for example, Kryshchanovych et al. [14] using several methods of mathematical analysis and modeling, demonstrate key aspects of the development of public management of social and environmental development. The difference is that we tend to concentrate on a separate legal activity regarding legal assistance in environmental protection.

Ali et al. [15] in their study consider the human resource management system in the context of innovative development of the green zone. We are trying to form a system to counter environmental threats, which will contribute to innovative development.

Most scientific papers [16, 17] try to present their vision of the ecosystem to ensure environmental protection. But we are trying to show the key features of environmental protection through the prism of the legal field.

A significant number of scientific and practical works [18-21] focus on the state level of green development on environmental protection while forgetting about the work of ordinary lawyers and legal teams, who jointly counteract a significant number of local threats.

Another feature of our study is that we take into account modern features of development and the negative impact of COVID-19. As a result of the study, the methodological approach was appropriately reflected in the main measures to counter environmental threats on the part of practicing lawyers.

6. CONCLUSIONS

Summing up, it should be noted that the importance of the natural environment is difficult to overestimate because without it there would be no existence of a single person, animal, or plant. A clean and safe natural environment ensures the right to life. However, despite the fairly widespread calls for a safer environment, supported by several conventions and global agreements regarding the current problem of the natural environment under threat, the implementation of such measures is, to say the least, doubtful and insufficient. Consequently, the efforts of states to implement the agreed principles and mechanisms for ensuring environmental security cannot be considered satisfactory. The degradation of the natural environment has increased the destructive impact of natural disasters and, unfortunately, continues to provoke their further occurrence. The sharp increase in large-scale catastrophes recorded over the past half-century is alarming evidence of this trend.

Despite the modern ideology, which boils down to the fact that climate change can pose a significant threat to security, and environmental problems themselves on a large scale figured to a large extent in discussions about rethinking the concept of "security", today we have to admit that this issue is not always adequate. is taken into account in the state legal policy, strategies for preservation, development, or humanitarian activities. Emphasis should be placed on the lack of effective international governance structures to combat climate change, deforestation, and desertification, as well as inadequate implementation and enforcement of national, regional, and global agreements.

In our study, we tried to present a methodical approach to countering the threats to environmental protection from the activities of lawyers and presented the corresponding decompositions of key stages and processes.

The study has limitations and they relate to the fact that not all threats were taken into account, and the specifics of all countries were not taken into account. In the future, we should focus on the most problematic countries in the field of environmental protection and pay attention to identifying the main ways to improve the activities of lawyers in these regions.

REFERENCES

- [1] Chmyr, A., Zakharkevich, N. (2013). Green growth: Essence, goals and basic principles. *Economic Bulletin*, v3(33): 54-62.
- [2] Paiders, J. (2008). Status of environmental protection as a source of finance for regional economic development: Measurement of environmental and regional policy with the fisher function. *Journal of Environmental Engineering and Landscape Management*, 16(1): 45-55. <https://doi.org/10.3846/1648-6897.2008.16.45-55>
- [3] De Castro, P.C. (2015). The evolution of International Water Law. *International Journal of Sustainable Development and Planning*, 10(6): 894-900. <https://doi.org/10.2495/SDP-V10-N6-894-900>
- [4] Višinskis, V., Žalėnienė, I., Tvaronavičienė, A. (2009). Legal environment within the EU: Free movement of lawyers and legal services. *Business: Theory and Practice*, 10(1): 30-37. <https://doi.org/10.3846/1648-0627.2009.10.30-37>
- [5] Yildiz, T., Yercan, F. (2011). Environmental reporting of industrial and supply chain business processes within the context of sustainable development. *Business: Theory and Practice*, 12(1): 5-14. <https://doi.org/10.3846/btp.2011.01>
- [6] Apergis, N., García, C. (2019). Environmentalism in the EU-28 context: The impact of governance quality on environmental energy efficiency. *Environmental Science and Pollution Research*, 26: 37012-37025. <https://doi.org/10.1007/s11356-019-06600-1>
- [7] Mačiulytė-Šniukienė, A., Sekhniashvili, D. (2021). The eco-innovation impact on economic and environmental performance of EU Member States. *Business, Management and Economics Engineering*, 19(2): 212-228. <https://doi.org/10.3846/bmee.2021.14497>
- [8] Shafique, M., Asghar, M., Rahman, H. (2017). The impact of green supply chain management practices on performance: moderating role of institutional pressure with mediating effect of green innovation. *Business, Management and Economics Engineering*, 15(1): 91-108.

- <https://doi.org/10.3846/bme.2017.354>
- [9] Muafi (2021). The influence of green culture and green strategy on the circular economy implementation: The moderating role of green intellectual capital. *International Journal of Sustainable Development and Planning*, 16(6): 1101-1108. <https://doi.org/10.18280/ijstdp.160611>
- [10] Cicea, C., Marinescu, C. (2021). Bibliometric analysis of foreign direct investment and economic growth relationship. A research agenda. *Journal of Business Economics and Management*, 22(2): 445-466. <https://doi.org/10.3846/jbem.2020.14018>
- [11] Alrasheedi, M., Mardani, A., Mishra, A.R., Streimikiene, D., Liao, H., Al-nefaie, A.H. (2020). Evaluating the green growth indicators to achieve sustainable development: A novel extended interval-valued intuitionistic fuzzy-combined compromise solution approach. *Sustainable Development*, 29(1): 120-142. <https://doi.org/10.1002/sd.2136>
- [12] Díaz-García, M.C., González, M.Á., Saez-Martinez, F.J. (2015). Eco-innovation: Insights from a literature review. *Innovation: Organization & Management*, 17(1): 6-23. <https://doi.org/10.1080/14479338.2015.1011060>
- [13] Nájera-Sánchez, J.J., Mora-Valentín, E.M., Ortiz-de-Urbina-Criado, M., Moura-Díez, P. (2019). Mapping the conceptual structure of environmental management: A co-word analysis. *Business: Theory and Practice*, 20: 69-80. <https://doi.org/10.3846/btp.2019.07>
- [14] Kryshtanovych, M., Golub, V., Kozakov, V., Pakhomova, T., Polovtsev, O. (2021). Socio-ecological effect of public management of green development in the context of the philosophy of modern ecology. *WISDOM*, 19(3): 114-126. <https://doi.org/10.24234/wisdom.v19i3.493>
- [15] Ali, S., Ali, A.J., Ashfaq, K., Khalid, J. (2021). Green human resource management and environmental innovativeness. *International Journal of Sustainable Development and Planning*, 16(6): 1117-1130. <https://doi.org/10.18280/ijstdp.160613>
- [16] Chi, Y., Zhang, Z., Xie, Z., Wang, J. (2020). How human activities influence the island ecosystem through damaging the natural ecosystem and supporting the social ecosystem? *Journal of Cleaner Production*, 248: 119203. <https://doi.org/10.1016/j.jclepro.2019.119203>
- [17] Ahmed, M.A., Arshad, A., Anwar ul Haq, M., Akram, B. (2020). Role of environmentalism in the development of green purchase intentions: A moderating role of green product knowledge. *International Journal of Sustainable Development and Planning*, 15(7): 1101-1111. <https://doi.org/10.18280/ijstdp.150714>
- [18] Pyliavskiy, I., Pushak, H., Molnar, O., Dzyana, H., Kushniriuk, V. (2021). Modeling ways to improve green growth and environmental protection in the context of governance. *Journal of Environmental Engineering and Landscape Management*, 29(3): 178-186. <https://doi.org/10.3846/jeelm.2021.14662>
- [19] Khan, M.H., Muktar, S.N. (2021). What's next for green human resource management: Insights and trends for sustainable development. *International Journal of Sustainable Development and Planning*, 16(1): 181-194. <https://doi.org/10.18280/ijstdp.160119>
- [20] Rathnasiri, P., Jayasena, S., Siriwardena, M. (2020). Assessing the applicability of green building information modelling for existing green buildings. *International Journal of Design & Nature and Ecodynamics*, 15(6): 763-776. <https://doi.org/10.18280/ij dne.150601>
- [21] Kryshtanovych, M., Akimova, L., Akimov, O., Kubiniy, N., Marhitich, V. (2021). Modeling the process of forming the safety potential of engineering enterprises. *International Journal of Safety and Security Engineering*, 11(3): 223-230. <https://doi.org/10.18280/ij sse.110302>