

THE PLACE AND ROLE OF THE STATE FOREST PROTECTION IN MODERN ORGANIZATIONAL AND LEGAL MODEL OF GOVERNMENT PARTS OF UKRAINE

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In present article has been made the analysis of a place and a role of the state forest protection in modern organizational and legal model of the government parts of Ukraine. Checked normative legal acts, foreign experience and modern trends which influence on the formation of state mechanism in the sphere of public relations.

The state forest protection, place and role of the state forest protection, wood protection, organizational and legal model of government parts.

In a scientific work there is a speech that the woods are that special natural resource which needs rather long updating. Therefore, according to such important compounds of realization of public administration as social, ecological, economic and so on, including the expense for the account of this state resource, that's why today's special meaning is creation of system of actions of legal protection of the woods and improvement of organizational and legal model of the appropriate government parts which make necessary functions.

Problem of activity of the state forest protection as separate government part, and as realization of important function of the state more than once appeared like an object of research of a number of scientific

works of experts as the administrative, ecological, land law, and representatives of forest sciences, public administration and so on. We can mention the following persons: V.I. Kyrulo, V.M. Ermolenko, V.I. Semchik, V.V. Averyanov, U.S. Shemshuchenko, P.I. Lakida, S.I. Zibtsev, V.P. Pechulyak and many others.

The aim of the scientific article consists in the analysis of a place and a role of the state forest protection in modern organizational and legal model of government parts of Ukraine and definition of factors which influence on the formation of state mechanism in the investigated sphere of the public relations.

According to Art. 89 of the Forest law of Ukraine, protection of the woods in the territory of Ukraine is made by the state forest protection which works as a part of the central part of executive authority which realizes a state politic in the sphere of forestry, executive authority of the Autonomous Republic Crimea concerning of forestry question and the enterprises, establishments and the organizations which belong to the sphere of their management; - forest protection of other constant forest users and owners of the woods.

The state forest protection has the status of law enforcement agency. Rules of activity of the state forest protection and forest protection is defined by the law which is approved by the Cabinet Ministry of Ukraine. Yes, now the relevant resolution of the Cabinet Ministry of Ukraine dated September 16, 2009 №. 976 "About the adoption of Provision on the state forest protection".

According to above-mentioned normative legal acts, the main tasks of the state forest protection are: implementation of the state control of the forest legislation; ensuring forest conservation from fires, illegal cabins, protection from wreckers and diseases, damage as a result of and other adverse effect.

It is summed up that the forest legislation fixes the whole system of rules of law concerning of realization of security functions in relation to the domestic woods, however at the same time, their appendix isn't deprived of some problems, a negative influence of that on regulation of the forest relations in many respects amplifies, in particular, insufficient efficiency of forest control as on nation-wide, and local the levels, connected firstly with all system of creation of governing parts in the sphere of the forest relations.

It is noted that exactly effectively functioning system of forest protection which consists of the state and territorial forest control, is urged to provide appropriate level of protection of the woods. At the same time, improvement of norms only in the plane of the forest legislation is small, a need appears first of all in complex reforming of system of public administration, organizational creation of profile parts, their functions, appropriate authority of local governments and so on, control authorities in forest branch, in particular not only concerning ensuring the balanced differentiation of available powers between them, and but also probably creation of a new model of control authorities in the sphere of the forest relations as on state, and local levels.

In both spheres as in scientific as in expert have been appearing a lot of discussions for already long time concerning of a need of removal of government parts of control (supervision) from jurisdiction (submission) of the supreme parts of the same branch (sphere) as only it is so possible to minimize a powerful corruption factor.

Now, the State ecological inspection of Ukraine is the central executive authority which realizes important state functions from implementation of the state supervision (control) in the sphere of protection of surrounding habitat, rational use, a reconstruction and protection of the natural resources which activity goes and coordinated by the Cabinet of

Ukraine through the Ministry of ecology and natural resources of Ukraine. Noted has in itself both positive and negative aspect.

The negative - in our opinion, first of all concerns of building of system of parts of realization of the government because the present model is available jurisdictional submission to the state economical inspection to other ministry (activity state economical inspection is defined goes and coordinated through the Minister of ecology and natural resources of Ukraine; and activity of the state forest agency - through the Minister of an agrarian policy and the supplies of Ukraine).

There is a speech about inexpediency of submission of the government inspection parts directly to executive authorities already long time scientific discussions proceed. Besides, creation of administrative model of some other the states testifies to bigger system effectiveness of public administration in which inspection parts submit to regulatory authority or directly to the highest official of executive power or in general are removed in separate jurisdiction.

Defining legitimacy and expediency of this or that activity in the sphere of the forest relations, employees of executive authority who realizes a state policy in the sphere corresponding are officials who realize noted functions. Yes, to officials of the state forest protection belongs officials to the state forest agencies, Republican committee of the Autonomous Republic Crimea concerning of forest and hunting economy, regional managements of forest and hunting economy and the enterprises, establishments and the organizations which belong to the management sphere of the state forest agency (Art. 5 of Provision on the State forest protection).

The conclusion shows that results of the analysis of the forest legislation first of all regarding a legal regulation of a place and a role of the state forest protection in modern organizational and legal model of government parts of Ukraine testify to imperfection of a legal framework in

realization of the corresponding important state function. It is obvious that the system of norms concerning regulation of noted questions needs system ordering and improvement.