

HISTORICAL AND LEGAL ANALYSIS OF THE FORMATION AND DEVELOPMENT OF STATE AND LEGAL POLICY OF FISHERY RESOURCES

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In the article investigates the issues of formation and development of the state and legal policy in the field of fishery resources at the beginning of the XVIII century. that during the formation of legislation will enable Ukraine to assess the potential of cultural and social development at this stage of development and state laws and culture of natural resources, which includes the use and conservation of fishery resources that each year more are important for the citizens of Ukraine.

The state government, management, fish, fishing, law, health, property, obligations, responsibilities, legal proceedings, damages.

The purpose of the article is to study of historical, political, economic and cultural processes that accompanied the stages of formation and development of the state and legal policy in the field of fishery resources in Russia and Ukraine at the beginning of the XIX century.

Fish from an ancient times has traditionally been an important source of nutrition that for centuries stimulated to improve its fishing gear, catch methods, stipulating the need to improve the forms and methods of legal regulation of fishery resources.

Legislation of Ancient Rus (IX-XII c.) in protecting fishery resources is limited to minor statutory references in Smolensk and Pskov Charter. So, Smolensk charter contains provisions giving religious institutions of agricultural land and lakes for fishing. Pskov charter indirectly affect these issues.

From the Cossacks conducted some **occasional** "environmental" measures which, in our opinion, **can not be taken to be indicative of targeted conservation, including law-making activity of representative institutions of the state.** For example, in May 1654 Khmelnytsky according to the complaint "in God worthy hostess ottsa" Clement Starushevycha letter in Kiev colonel ordered to punish "wicked that catch fish in the tract Vydubetskoho monastery." Other data show that no known cat or local elders were forbidden to fish in the river Samara. That ban meant protecting the interests of officers and "odnosumiv", as noted above.

In XVII - XVIII century. Ukrainian lands belonged to the Grand Duchy of Lithuania, which is famous as the Lithuanian-Russian state. This fact has shaped the development of legal culture Ukrainian, Lithuanian, Belarusian and Russian peoples. Note that 80s sixteenth century. in large parts of Ukraine were protected articles Lithuanian Statute 1588 Charter had expired over to the entry into force "Laws of empire" (20-30 years. XIX c.). The issue of environmental objects dedicated section X of the Charter. Just as in "Rus Truth", according to folk customs and morals, regulations considered theft and sin to take something that was attached human labor: fruit from a tree in the garden, fish from fountains and more. Quite different was the attitude of those objects for which no human efforts were made: the trees in the forest, fish from the river, birds on lakes, etc. *Taking possession of them without the permission of the owner is not regarded as theft.* Hunting in foreign lands for animals and wild birds as defined offenses. Just by delinquencies fishing lakes in others, Mowing hay meadows in another (art. 4). Ref. 7 Ch. X regulate issues that arise when damages caused Favourites fish from another lake, pond, destruction or burning of the mill dam. Affected be paid a fine of USD twelve and recovered damages. As we see, the Charter does not cover fully the issues were due to the Catholic Code concerning the protection of fishery resources.

Given the above there is reason to conclude that the implementation of environmental measures in Ukraine at the beginning of the XVIII century. be

impossible because of social and community development Kievan Rus, which combines religious motives, folk traditions, etc. based on the vision that the acquisition of environmental objects (trees in the forest, fish in the river, birds on lakes, etc.) for which no human efforts could not be considered as theft. The rules of legal acts, which included primarily wealthy property rights have not been able to promote the protection of objects of the environment.

Despite the positive characteristics of norms "Little Collection rights" should be noted that their development was carried out without taking into account the experience of developed foreign countries. Note that a similar attitude seen today as in administrative and legal science Ukraine dominates the view, according to which scientific and legal concepts underlying administrative and legal regulation in foreign countries may not be borrowed for use in rulemaking activities Ukraine.