

Combining social and environmental law in the context of sustainable development: Problems of legal balance

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Abstract. The aim of the study was to examine the regulatory challenges arising from the social and environmental obligations of the modern state. The study used a range of research methods, including analysis of international legal acts, comparative legal analysis of the legislation of the EU, the USA and Ukraine, and qualitative methods of information processing. The results of the study confirmed that the concept of environmental security is gradually being integrated into the international legal framework, reflecting the growing awareness of the global community of the interconnection between the state of the environment and international peace and security. The analysis of national legislation revealed a diversity of approaches to the implementation of environmental security, with developed countries exhibiting more comprehensive legislative frameworks. In the case of Ukraine, despite the formal prioritisation of environmental security in national law, significant challenges remain in the actual implementation of environmental legislation. These challenges include weak enforcement mechanisms, institutional fragmentation, and insufficient integration of environmental priorities into broader regulatory and governance structures. Based on the findings, a set of practical recommendations has been developed to enhance the effectiveness of Ukraine's environmental security policy in the short and medium term. These include improvements in law enforcement, environmental monitoring, public awareness, and the harmonisation of

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national legislation with EU standards. In addition, the study identified regulatory tensions between environmental and social obligations, particularly within the context of Ukraine's green transition. The closure of industrial facilities that fail to meet environmental standards and the associated rise in unemployment, along with the increased cost of goods and services due to environmental compliance, disproportionately affect vulnerable groups. Ukrainian legislation lacks integrated legal mechanisms to mitigate such effects. There is a need to develop cross-sectoral legal instruments, including social impact assessments, compensation mechanisms, and just transition guarantees, to ensure that ecological reforms do not undermine social cohesion or deepen socioeconomic inequality. The practical significance of the study is to provide scientifically based recommendations for the formation of an effective state policy of environmental safety in Ukraine

Keywords: public policy; global community; sustainable development; global warming; climate change; environmental law

Introduction

The relevance of the study of environmental security in the context of modern international relations and national legal regulation is becoming increasingly acute and significant. At the beginning of the third decade of the 21st century, humanity faced an environmental crisis that surpasses previous periods of history in terms of its scale and potential consequences. Climate change, which manifests itself in more frequent and intense weather events such as heat waves, floods and devastating forest fires (NATO Climate Change..., 2024), depletion of critical natural resources, massive air, water and soil pollution, and accelerating biodiversity loss (World Wildlife Fund, 2024) – these and other environmental threats are gaining global proportions. The realisation that environmental problems are no longer exclusively environmental issues, but have become key factors affecting international and national security, socio-economic stability and the overall well-being of humanity, necessitates a comprehensive and systematic study of environmental security as an important component of state policy and international cooperation. In the context of the growing interdependence of states and globalisation of world processes, ensuring environmental safety is becoming an essential condition for sustainable development, requiring a fundamental rethinking of traditional approaches to international legal regulation and adaptation of national legislative systems to new environmental realities. In particular, within the process of aligning Ukrainian legislation with the EU *acquis*, one of the key directions is the implementation of sustainable development principles, including socially responsible environmental regulation. The European Union's "just transition" concept, which links decarbonisation with the protection of labour rights, social compensation mechanisms, and transparency in environmental policy, presents new challenges for Ukrainian law, where regulatory norms remain fragmented between the environmental and social spheres (Krasivskyy, 2024; Işık *et al.*, 2025).

The issue of environmental security as an integral part of international and national security has been in the focus of attention of scholars of various specialities for several decades. Modern international environmental law is a complex and constantly evolving field, as noted by D. Bodansky and H. Van Asselt (2024), analysing its features and formation. An important role in this development is played by international organisations (Teixeira, 2021). A significant contribution to understanding environmental security was made by S. Erdoğan *et al.* (2021), who demonstrated that environmental degradation and the irrational depletion of natural resources, particularly relevant for resource-dependent economies, not only hinder sustainable development but also create direct threats to international stability by

exacerbating conflicts, triggering migration crises, and increasing social inequality.

The analytical publication by M. Nevitt (2020) argues that climate change is a powerful destabilising force in the international system that can exacerbate existing inter-ethnic and intrastate conflicts, as well as generate new forms of tension and violence associated with competition for scarce resources, forced migration and increased social polarisation. The authors emphasise the urgent need to fundamentally rethink the functions and capabilities of existing international institutions and global governance structures in order to develop effective mechanisms for preventing and peacefully resolving climate-related conflicts in the near future.

Only several studies have examined the complex interaction between environmental protection and human rights, highlighting the normative tensions that arise when these two legal domains intersect. For instance, M. Petersmann (2019a) critically discusses the normative and institutional clashes that occur when the enforcement of environmental standards potentially infringes upon individual human rights, including the right to property and economic freedoms. This line of inquiry is further developed in M. Petersmann (2019b), where mechanisms for managing such legal conflicts are analysed, suggesting that a more integrated and dialogical approach to legal interpretation is necessary to reconcile competing norms in international and domestic law. Further analysis of legal conflicts in the environmental domain is offered by Y. Zhu (2024), who addresses the quasi-normative tension between obligations under international investment treaties and the imperative of climate action. Author demonstrates how investor-state dispute mechanisms may limit the regulatory autonomy of states pursuing environmental goals, thereby calling for reforms that better align investment frameworks with sustainability principles. Complementing this perspective, A. Schilling-Vacaflor (2021) emphasises the potential for integrating human rights considerations into environmental governance through supply chain regulations. Her analysis reveals how legislative instruments designed to regulate transnational corporate conduct can serve as vehicles for simultaneously advancing environmental sustainability and the protection of labour and social rights, particularly in Global South contexts.

Despite a significant amount of research on various aspects of environmental security, there are still some important gaps in the current scientific discourse that need to be filled by conducting new empirical and theoretical studies. In particular, the issues related to assessing the actual effectiveness of the implementation of international legal norms and standards in the field of environmental safety at the national level remain insufficiently studied, especially in the

context of countries with economies in transition, unstable political regimes and high levels of corruption. The issue of the impact of armed conflicts of varying intensity and duration on environmental safety, as well as the development of effective mechanisms for environmental management and restoration of the environment in conditions of limited state control, as clearly demonstrated by the Russian-Ukrainian war, remains relevant. In addition, an insufficiently developed area of research is an in-depth study of the complex interrelationships and interdependencies between environmental security and various dimensions of sustainable development. Analysis of the publication by V. Klymenko (2024) emphasises that even with legislative approximation to EU standards, Ukraine still faces challenges of ineffective implementation of environmental policy due to limited financial resources and imperfect control mechanisms. This suggests the need for a deeper study of the practical aspects of environmental policy implementation. That's why the purpose of this study was to explore the regulatory difficulties that emerge in connection with the social and environmental responsibilities of the contemporary state.

Materials and methods

The study was conducted in several stages, each of which was characterised by the use of appropriate methodological approaches. At the first stage, devoted to the disclosure of the theoretical and conceptual foundations of environmental security and analysis of the international legal framework, the main method was document research. The research materials comprised a set of international and national legal acts that form the regulatory foundation for environmental protection and environmental security. At the international level, the study focused on key documents that have shaped the conceptual and normative development of environmental security: the Rio Declaration on Environment and Development (1992) and the Johannesburg Plan of Implementation (2002) were examined for their articulation of sustainable development principles and the evolving understanding of environmental threats as security risks. Additionally, the UN Framework Convention on Climate Change (1992) and the Paris Agreement (2015) were analysed for their role in institutionalising state obligations related to climate-related environmental risks. The Convention on Environmental Impact Assessment in a Transboundary Context (1991) (Espoo Convention) was studied for its procedural mechanisms of environmental governance in cases with cross-border implications.

At the second stage of the research, which focused on national regulatory frameworks, a comparative legal analysis was conducted using the legislation of the European Union, the United States, and Ukraine. This selection was made to ensure a comparative understanding across advanced legal systems and a transitional system undergoing European integration. The analysis included the Directive of the European Parliament and of the Council No. 2010/75/EU "On Industrial Emissions (Integrated Pollution Prevention and Control) (Recast)" (2010). For the United States, the National Environmental Policy Act of US (1969) and the Clean Air Act of US (1963) were included due to their foundational role in environmental governance. The Ukrainian legal framework was analysed in depth, with particular focus on the Law of Ukraine No. 1264-XII "On Environmental Protection" (1991), the Law No. 2059-VIII "On

Environmental Impact Assessment" (2017), and the Law No. 2320-IX "On Waste Management" (2022). These acts were examined in terms of their structural coherence, implementation capacity, and integration with EU environmental standards. A special focus was placed on regulatory fragmentation and the insufficient reflection of social consequences in environmental legislation. In response to the challenges identified in the green transition process, the study also included a review of relevant social legislation in Ukraine. This comprised the Decree of the President of Ukraine No. 20/91 "On Social Protection of the Population in Conditions of Price Liberalisation" (1992), the Labour Code of Ukraine (1996). These acts were analysed for their capacity to mitigate the negative socioeconomic effects of environmental reforms, including job loss and rising costs of essential goods. The study revealed that current Ukrainian legislation lacks an integrated legal framework for ensuring a just transition, in contrast to Regulation of the European Parliament and of the Council No. 2021/1056 (2021) establishing the Just Transition Fund, which was also examined as a reference model.

The comparative legal analysis was structured around three criteria: the presence of legislative consolidation of the concept of environmental security, the effectiveness of legal and institutional mechanisms for its implementation, and the existence of legal instruments addressing conflicts between environmental policy and social protection.

Qualitative research methods, in particular content analysis, were used to process and analyse the information obtained as a result of document analysis and comparative legal analysis. The content analysis allowed to identify and systematise key topics, concepts and approaches reflected in the documents under study, as well as to determine their frequency and significance. At the final stage of the study, the method of forecasting and modelling was used to develop practical recommendations. The recommendations were developed on the basis of a synthesis of the results of the previous stages of the study, taking into account current trends in the development of international environmental law and best international practices, as well as national priorities for sustainable development of Ukraine.

Results

Evolution of environmental security in international and national legal systems. An analysis of international legal instruments in the field of the environment shows that the concept of environmental security has been gradually integrated into international law since the late twentieth century. This reflects the growing recognition of the interconnectedness between environmental factors and international peace and security, emphasizing the need for a comprehensive approach to environmental issues with a transboundary nature. Key international documents such as the Rio Declaration on Environment and Development (1992) and the Johannesburg Plan of Implementation (2002) have played a significant role in shaping this integration. These documents recognise that environmental degradation can contribute to conflict and instability, and call for the incorporation of environmental security into national sustainable development strategies. The Rio Declaration highlights the principle of common but differentiated responsibilities, acknowledging that developed countries bear a greater responsibility for global environmental issues due to their

historical contributions to pollution. The Johannesburg Plan of Implementation further reinforces the importance of integrating environmental security into national policies and international cooperation, particularly in addressing poverty, protecting health, and promoting sustainable economic growth. Other international initiatives, such as the Stockholm Declaration (1972) and Agenda 21 (UNCED, 1992), also underscore the importance of international cooperation to solve environmental problems and prevent transboundary pollution. The Espoo Convention (1991), for instance, established the legal framework for environmental impact assessments in transboundary projects, while the Convention on Transboundary Watercourses and International Lakes (1992) focuses on the rational use of shared water resources, helping to prevent conflicts over water. Similarly, the Basel Convention (1989) addresses the illegal movement of hazardous waste, and the UN Framework Convention on Climate Change (1992) alongside the Paris Agreement (2015) recognise climate change as a significant threat to global stability, linking it to food security, migration, and social unrest. In conclusion, international environmental law has evolved to incorporate environmental security as an essential element, acknowledging its role in ensuring international peace and security. This is reflected in the growing number of international conventions and agreements that address both environmental protection and its implications for global stability. However, while these frameworks provide important legal foundations, effective implementation remains crucial to addressing the environmental challenges that threaten sustainable development.

An analysis of national legislation across various countries has revealed that the concept of environmental security is reflected in the legal systems of both developed and developing nations, albeit with varying degrees of implementation. In EU countries, environmental security is considered an integral part of the overarching security policy, as evidenced in EU environmental directives and strategies. This approach is integrated into a broad spectrum of legislative acts and policies aimed at environmental protection and ensuring sustainable development. Notably, Directive of the European Parliament and of the Council No. 2004/35/CE (2004) establishes the legal framework for preventing and remedying environmental damage, recognising the importance of environmental security for sustainable development. This directive is a pivotal instrument of EU environmental policy and aims to implement the “polluter pays” principle in the environmental sphere. In addition to this directive, other legislative acts play a significant role in ensuring environmental security in the EU, such as Directive of the European Parliament and of the Council No. 2001/42/EC (2001), which establishes procedures for environmental assessment of plans and programmes that may have a significant impact on the environment; Directive of the European Parliament and of the Council No. 2010/75/EU (2010), aimed at preventing and controlling industrial pollution by setting stringent requirements for industrial installations; Directive of the European Parliament and of the Council No. 2008/98/EC (2008), which establishes framework provisions for waste management in the EU, aimed at reducing waste generation and ensuring its safe disposal; and the Biodiversity Strategy for 2030 (2020), which sets ambitious targets for preserving biodiversity and restoring ecosystems in the EU by 2030.

In the USA, environmental legislation also includes provisions aimed at ensuring environmental security, particularly the National Environmental Policy Act (1969) and the Clean Air Act of US (1963), which establish environmental quality standards and mechanisms for monitoring their compliance. The National Environmental Policy Act of US (1969) laid down the general framework for US environmental policy and introduced the environmental impact assessment procedure for federal projects. The Clean Air Act aims to control and reduce air pollution by setting national air quality standards and regulating pollutant emissions. The Clean Water Act of US (1972) regulates the discharge of pollutants into US water bodies and sets water quality standards. The Resource Conservation and Recovery Act of US (1976) regulates the management of hazardous and solid waste in the USA. The Comprehensive Environmental Response, Compensation, and Liability Act of US (1980), known as Superfund, is aimed at cleaning up contaminated sites and compensating for environmental pollution damage.

In Ukraine, environmental security is defined as a priority area of national policy, as reflected in the Constitution of Ukraine (1996) and the Law of Ukraine No. 1264-XII (1991). National legislation in this area includes a number of laws and subordinate acts aimed at preventing and minimising environmental risks, ensuring citizens’ environmental rights, and accountability for environmental offences. However, despite the existing legislative framework, Ukraine faces significant challenges in ensuring environmental security. Key challenges include ineffective implementation of environmental policy, insufficient funding for environmental protection measures, imperfect control and enforcement mechanisms, manifestations of corruption in the environmental protection sphere, and unprecedented environmental damage caused by the full-scale armed aggression ongoing since 2022 (Ministry of Environmental Protection and Natural Resources of Ukraine, 2023). The Constitution of Ukraine (1996) guarantees everyone the right to an environment safe for life and health, and to compensation for damage caused by a violation of this right. The Law of Ukraine No. 1264-XII (1991) defines the basic principles of state policy in the field of environmental protection and establishes the legal foundations for the organisation of environmental protection to ensure environmental security. The Law of Ukraine No. 45/95-VR (1995) establishes the legal and organisational principles for conducting environmental expertise to prevent negative impacts of economic activities on the environment. The Law of Ukraine No. 2320-IX (2022) regulates relations concerning the generation, collection, transportation, storage, treatment, utilisation, disposal, and neutralisation of waste to prevent its negative impact on the environment and human health. The Law of Ukraine No. 2707-XII (1992) aims to ensure the protection of atmospheric air from pollution and other harmful effects. However, an analysis of the implementation of environmental legislation in Ukraine has revealed certain problems related to insufficient funding for environmental protection measures, imperfect control and enforcement mechanisms, and corruption in the environmental protection sphere (Ministry of Environmental Protection and Natural Resources of Ukraine, 2021). These problems reduce the effectiveness of Ukraine’s environmental policy and pose threats to the country’s environmental security. Furthermore, the effectiveness of environmental policy implementation in the region

remains limited due to economic, political, and social factors, including reliance on the extractive industry, insufficient public environmental awareness, and limitations on civil society (World Bank, 2021).

Thus, environmental security has gradually gained significant importance in international law since the end of the 20th century, reflecting a growing awareness of its connection with international stability and security. Key international documents have defined environmental security as an integral part of sustainable development. In national legislation, the concept of environmental security is implemented with varying degrees of effectiveness. In the European Union, this concept is integrated into environmental policy through directives that establish frameworks for pollution prevention, waste management and biodiversity protection. In the United States, environmental security is developed through basic laws that regulate environmental quality standards and implement environmental impact assessments. At the same time, despite the existence of a legislative framework, the implementation of environmental policy in Ukraine faces problems, including insufficient funding, weak control, corruption and the consequences of military aggression, which significantly reduce the effectiveness of environmental protection. Thus, the concept of environmental security is now a key element of international and national law, but its practical implementation depends on political will, institutional capacity, and effective international cooperation.

Legal gaps in the green transition. As the world confronts the escalating environmental crisis, the integration of environmental considerations into national and international legal systems has become imperative. However, the application of environmental regulations often intersects with social issues, including the affordability of goods and services, job loss due to factory closures, and the broader implications of eco-friendly transformation for vulnerable social groups. In this context, this section will analyse two aspects of this intersection: the increase in product, medication, and service prices due to environmental standards and the closure or downsizing of production facilities that fail to meet environmental regulations, leading to job losses and increased unemployment. Additionally, it will examine the shortcomings in existing social and environmental legislation, including the lack of an integrated approach and insufficient legal mechanisms for compensating those affected by environmental restrictions.

One of the most direct social consequences of stricter environmental standards is the rise in the prices of essential goods, services, and medicines. Environmental regulations often impose additional costs on producers, which are passed on to consumers. For example, requirements for cleaner production processes, waste management, and resource efficiency may lead to higher production costs, thereby increasing the prices of goods such as food and medicine. This is particularly burdensome for lower-income groups, who spend a higher proportion of their income on basic necessities. In many countries, including those within the European Union, governments are seeking to balance environmental sustainability with social protection through various measures. However, a significant gap remains in adequately addressing the social burden that environmental policies impose on vulnerable populations. According to the Regulation of the European Parliament and of the Council No. 2021/1056 (2021), the goal is to mitigate the social and economic impacts of

environmental transformation, especially on communities and workers in carbon-dependent industries. Despite these efforts, the transition often leads to price hikes in sectors such as energy, housing, and transportation.

In the case of Ukraine, although the government has adopted various policies aimed at environmental protection, including the Green Deal Ukraine (2023), these measures often lack the necessary social compensation mechanisms. The Law of Ukraine No. 1264-XII (1991) does not provide adequate provisions for compensating citizens who face the economic consequences of higher prices. Similarly, while the Decree of the President of Ukraine No. 20/91 (1992) offers some coverage for workers facing job loss, it does not sufficiently address the disproportionate effects of environmental policies on vulnerable groups, such as low-income citizens or those living in areas disproportionately affected by pollution and industrial transformation. A significant aspect of the ecological transformation involves the closure or downsizing of factories and industries that fail to comply with updated environmental standards. These closures often lead to mass layoffs, resulting in increased unemployment rates, particularly in regions where industries are concentrated. For example, heavy industries such as coal mining, steel production, and chemical manufacturing are often unable to meet the stringent environmental standards set by international or national regulations, leading to plant shutdowns and subsequent job losses.

In Ukraine, which is undergoing a gradual shift towards greener production technologies as part of its alignment with the EU *acquis communautaire*, several industries are already facing the challenge of adapting to stricter environmental regulations. The transition from coal-based to renewable energy production, for example, has led to significant job losses in the coal mining sector. The State Employment Service of Ukraine (2023) reports a steady increase in unemployment rates in industrial regions such as Donetsk and Luhansk, where the impact of environmental restrictions has been particularly severe. Act Law of Ukraine No. 1533-III “On Compulsory State Social Insurance in Case of Unemployment” (2000) provides some level of compensation and unemployment benefits, but the scope is limited, and many workers who lose their jobs due to the implementation of environmental standards do not receive adequate support for retraining or finding new employment opportunities. The Labour Code of Ukraine (1996) requires companies to take measures to minimise job loss due to technological change, but it does not impose sufficient obligations on employers to provide comprehensive retraining programs or to ensure long-term job security for workers displaced by ecological reforms. Furthermore, there is no clear legal obligation to support the just transition for workers affected by the closure of high-pollution industries, leaving many vulnerable workers without social protection or opportunities for reemployment. The lack of a comprehensive just transition framework in Ukrainian law highlights a significant gap. While the Regulation of the European Parliament and of the Council No. 2021/1056 (2021) provides detailed measures for social compensation and job creation for workers displaced by environmental changes, Ukrainian legislation has yet to adopt an equivalent legal obligation for companies to ensure social protection during the transition process. This legislative gap is exacerbated by the absence of specific policies that integrate social protection and environmental law

to address the dual challenges of employment loss and ecological transformation. As it stands, Ukrainian law primarily addresses environmental protection without sufficient regard for the social consequences of that protection.

An essential challenge in addressing the intersection between social and environmental law is the lack of an integrated approach to policy-making and legal regulation. Environmental laws often operate independently from social laws, and vice versa, leading to inconsistent and fragmented legal frameworks that fail to account for the broader impacts of ecological transformation on social well-being. Environmental Law in Ukraine, particularly through the Law of Ukraine No. 1264-XII (1991), emphasises safeguarding natural resources and managing pollution but lacks a cohesive strategy for integrating social equity into environmental governance. For example, while the Law of Ukraine No. 2059-VIII (2017) requires assessments of environmental risks, it does not mandate the evaluation of social risks or the impact on marginalised communities. There is also no legal requirement to assess the social implications of green technologies in terms of job creation or job loss, and the legal provisions for social compensation are largely absent. Social legislation in Ukraine, while providing some protection for workers through the Labour Code of Ukraine (1996) and the the Decree of the President of Ukraine No. 20/91 (1992), does not address the interdisciplinary nature of environmental policies and their impact on workers and vulnerable populations. This disjointed approach leads to a situation where environmental and social laws exist in parallel but fail to cooperate effectively to mitigate the negative social consequences of environmental protection measures. In many cases, the absence of effective legal mechanisms for compensating those impacted by environmental restrictions leaves vulnerable populations exposed. While the Decree of the President of Ukraine No. 20/91 (1992) offers some protection for individuals who lose their livelihoods due to economic changes, it does not consider environmental factors as significant causes of unemployment or poverty. Similarly, although there is increasing international support for the just transition, such as the European Union's funding for green job creation, Ukraine's domestic law does not provide robust procedures for compensating workers affected by environmental policy changes.

The lack of transparent decision-making criteria is another issue. This lack of transparency and inadequate regulation further exacerbates social tension and distrust in government policy. The challenges of balancing environmental protection with social needs underscore the importance of developing a more integrated legal approach that incorporates both social and environmental goals. Ukraine, as it aligns itself with EU environmental norms, must not only adopt robust environmental policies but also ensure the legal and social protections that vulnerable groups require during the ecological transition.

For this to be achieved, the adoption of a Just Transition Law, similar to the EU's framework, would be an essential step. Additionally, integrating social impact assessments into environmental law, improving compensation mechanisms, and ensuring that legislative frameworks explicitly account for the social impacts of environmental policies would create a more cohesive and just system. Until these issues are addressed through comprehensive legislative reforms, Ukraine risks perpetuating social inequalities and environmental degradation, ultimately hindering sustainable development.

Institutional barriers and legal strategies for advancing environmental security in Ukraine. The results of the study confirmed that international environmental law is evolving towards the recognition of environmental security as an integral part of global security. The analysis of international documents has shown a gradual expansion of the understanding of environmental security from a narrow focus on environmental protection to a broader context that includes social, economic and political aspects. The integration of environmental security into the international legal framework reflects the growing awareness that environmental challenges, such as climate change, biodiversity loss and land degradation, can have far-reaching consequences for international peace and security, triggering conflicts, migration and social instability. National legislation in different countries demonstrates different approaches to implementing the concept of environmental security, due to differences in legal systems, economic development and environmental priorities. The EU and the US have more developed legislation in the field of environmental safety, which reflects their political will and economic capacity to implement environmental protection measures. Ukraine, despite the priority of environmental safety in its legislation, faces implementation problems related to financial constraints and institutional weakness.

The developed practical recommendations, focused on the short and medium term, are based on a comprehensive analysis of international experience, legislative frameworks and challenges facing Ukraine in the field of environmental safety. The implementation of these recommendations is aimed at creating an effective system of state environmental management capable of responding effectively to current and future environmental threats. In the short term, the key priority is to improve the effectiveness of environmental law enforcement and control. This includes strengthening state environmental supervision (control) over the activities of polluting enterprises, in particular through the introduction of modern monitoring and inspection methods, such as remote sensing and unmanned aerial vehicles to detect unauthorised emissions and discharges of pollutants. It is also necessary to improve the system of administrative and criminal liability for environmental offences, ensuring that it complies with the principle of inevitability of punishment and the economic feasibility of preventing offences. In particular, it is advisable to review the amount of fines for environmental crimes and offences to bring them in line with the level of economic damage caused to the environment and ensure their proper collection. Optimisation of the state environmental monitoring system involves expanding the network of automated stations for monitoring the quality of atmospheric air and surface water, introducing modern information and analytical systems for processing and analysing monitoring data, and ensuring open and public access to environmental information for the public. Raising the environmental awareness of the population requires the development and implementation of comprehensive information and awareness campaigns aimed at shaping environmental culture, raising public awareness of environmental problems and ways to solve them, and encouraging their active participation in environmental activities. This may include holding thematic seminars, trainings, public lectures, disseminating information materials through the media and social networks, and supporting public environmental initiatives. Ensuring transparency and openness of public authorities in

the field of environmental safety is an important factor in increasing public trust in the actions of the authorities and ensuring effective public control over environmental activities.

An analysis of the practical aspects of the implementation of international environmental law in Ukraine, in particular in the context of harmonisation of national legislation with EU norms as part of the European integration process, reveals a significant gap between the formal legal consolidation of standards and their actual implementation. Despite the recognition of environmental safety as a national policy priority and progress in legislative approximation to the EU *acquis communautaire*, the effectiveness of practical application of these norms remains limited. The main obstacles are a complex of interrelated factors: insufficient funding for environmental protection measures, ineffective mechanisms of state environmental control and law enforcement, institutional weakness of the responsible authorities, significant levels of corruption in the environmental sector, and unprecedented environmental damage caused by the ongoing armed aggression. Systematic harmonisation of legislation with EU norms, especially in areas such as waste management, air protection, water management and environmental impact assessment, requires not only formal transposition of the provisions of European directives, but also ensuring their full and effective implementation in practice. Thus, overcoming these practical challenges by strengthening institutional capacity, ensuring adequate funding, and improving the state's control and supervisory functions is a critical prerequisite for achieving real environmental improvement and successful progress of Ukraine on the path of European integration in the field of environmental policy.

To enhance the existing medium-term recommendations and address the legal tension between social and environmental legislation, it is necessary to include targeted law-making measures aimed at ensuring their systematic coordination and legal coherence. These measures should be integrated into the broader strategy of harmonising Ukrainian environmental legislation with the EU *acquis* and strengthening the national legal system's capacity for conflict resolution in overlapping domains. Firstly, Ukraine should initiate the development of a Framework Law on Sustainable Development, which would serve as a coordinating legal act for aligning environmental and social objectives in sectoral legislation. This law should establish guiding principles such as the principle of proportionality, intergenerational equity, and the indivisibility of rights, ensuring that social and environmental rights are not treated in isolation but as interdependent and mutually reinforcing. Secondly, it is advisable to introduce mandatory sustainability impact assessments (SIA) in parallel with existing environmental impact assessments (EIA), particularly for large infrastructure, industrial, or extractive projects. These assessments should include criteria for evaluating potential adverse effects on vulnerable social groups (e.g., health impacts from pollution, loss of livelihoods due to land degradation), thereby institutionalising the reconciliation of environmental and social interests at the project planning stage. Thirdly, legislative amendments should be made to existing laws to introduce cross-references between environmental and social standards. For example, amendments to the Law of Ukraine No. 1264-XII "On Environmental Protection" (1991) could incorporate provisions referencing labour rights, public health, and housing standards in environmental decision-making. Conversely, the Labour

Code of Ukraine (1996) and the Law of Ukraine No. 2694-XII "On Labor Protection" (1992) should include explicit references to environmental risk factors (e.g., air quality, chemical exposure) as part of worker protection. As a concrete example, the implementation of the EU Directive of the European Parliament and of the Council No. 2010/75/EU "On Industrial Emissions (Integrated Pollution Prevention and Control) (Recast)" (2010) on industrial emissions could be accompanied by a national regulation requiring that licensing procedures for industrial enterprises also consider potential social impacts on neighbouring communities (e.g., access to clean air and water, public health indicators). Similarly, regulations aligned with the EU Biodiversity Strategy for 2030 (2020) could mandate that land use planning processes account for both ecosystem services and local community needs. Finally, the establishment of a specialised inter-agency legal coordination body or parliamentary committee on sustainable development could facilitate the review of draft legislation to ensure coherence between environmental and social norms before adoption. This body would function as a preventive mechanism, reducing legal conflicts *ex ante* and promoting integrated legal solutions. Incorporating these law-making measures will help ensure that Ukraine's legal system evolves not only in formal alignment with EU norms, but also in a substantively balanced and socially just manner, ultimately supporting the long-term goals of environmental security and sustainable development.

Discussion

The results obtained in the course of the study demonstrate a high degree of consistency with a wide range of relevant scientific studies that focus on the growing role of environmental security in the international political arena and legal system. D. Bodansky *et al.* (2021) argue that international environmental law is constantly evolving towards the integration of security issues, considering environmental challenges as potential sources of international conflict and destabilisation. For example, the United Nations Framework Convention on Climate Change (1992) and the Paris Agreement (2015), although aimed at combating climate change, have a significant environmental security dimension, as climate change is recognised as a factor that can exacerbate existing security threats and create new ones, in particular through resource scarcity, population migration and social unrest. The study by K. Kaczmarek (2024) highlighted that climate change is a threat multiplier that can exacerbate existing social, economic and political tensions, creating new challenges for international security. Likewise, the Convention on Biological Diversity (1992) and other international agreements aimed at protecting biodiversity and ecosystems are also important for environmental security, as biodiversity loss can undermine environmental sustainability and create new environmental risks, including the spread of infectious diseases and degradation of ecosystem services.

The integration of environmental security into both national and international legal systems, while increasingly recognised in normative frameworks, often faces practical challenges related to normative conflict and institutional coherence (Kullolli, 2024). As M. Petersmann (2019b) notes, the collision between environmental protection objectives and other legal domains, particularly human rights or economic interests, necessitates a reconceptualisation of legal hierarchies and conflict resolution mechanisms. This is

particularly relevant in Ukraine's context, where environmental degradation exacerbated by armed aggression intersects with the constitutional guarantee of the right to a safe environment. The Ukrainian legal system thus requires not only harmonisation with EU environmental standards but also mechanisms to reconcile conflicting rights and priorities under conditions of legal pluralism and crisis governance. Simultaneously, the example of A. Schilling-Vacaflor (2021) illustrates how integrated legal approaches, particularly those linking environmental and human rights concerns in transnational regulatory frameworks such as supply chain legislation, can inform Ukraine's own regulatory evolution. The expansion of environmental accountability through legally binding responsibilities for corporate actors may serve as a model for Ukraine's efforts to strengthen enforcement mechanisms and prevent environmental harm. Adapting such integrated approaches would contribute to a more robust environmental governance framework that aligns not only with EU *acquis communautaire* but also with the broader objectives of sustainability and social justice.

P.C. Williams *et al.* (2021) highlighted the link between biodiversity loss and increased pandemic risk, emphasising the importance of biodiversity conservation for global environmental security and human health. C.K. Johnson *et al.* (2020) also highlighted that the degradation of ecosystem services, such as clean water, climate regulation and pollination, can have serious consequences for social and economic stability, creating new challenges for environmental security. A comparative analysis of national legislation in different countries has revealed a significant diversity in approaches to the practical implementation of the concept of environmental security. Developed countries, in particular the EU member states and the United States, demonstrate a more extensive and comprehensive system of legislative regulation of environmental safety (Caglar *et al.*, 2025). This is a reflection of their significant economic capacities, a clearly expressed political will to address environmental issues, and a developed civil society capable of effectively monitoring the actions of the authorities in the environmental sphere. The results are consistent with the findings of scientific studies that show that the level of economic development of a state, the degree of political stability and the level of development of democratic institutions are the determining factors that influence the formation of effective environmental legislation and the effectiveness of its practical implementation.

In contrast to developed countries, Ukraine faces numerous difficulties in ensuring an adequate level of environmental safety, despite the existence of a formally adopted legislative framework (Uliutina & Starokin, 2024). These difficulties are caused by a combination of factors, including economic constraints, insufficient institutional capacity, widespread corruption, insufficient environmental awareness among the population, and existing restrictions on the activities of civil society institutions. These findings are in line with research indicating that transition and developing countries often have insufficient institutional capacity and limited financial resources to effectively implement even progressive environmental legislation (Yang, 2021; Fornes & Altamira, 2023). O. Shashkina (2020) emphasises that for countries with economies in transition, including Ukraine, the priority is to overcome institutional barriers to effective environmental governance and to consistently strengthen the capacity of public authorities in this area.

W. Li and J.A. Puppim de Oliveira (2021) also emphasise that for Central Asian countries, where civil society institutions remain weak, the key task is to actively promote the development of environmental awareness among the general population and create conditions for real public involvement in the decision-making process in the field of environmental protection and environmental safety. The issue of the effectiveness of legislative mechanisms aimed at counteracting environmental threats is one of the central ones in the context of ensuring environmental safety (Buribayev *et al.*, 2020). The results of this study confirm that the mere existence of legislation, even the most progressive, is a necessary but clearly insufficient condition for achieving an adequate level of environmental safety. The effectiveness of legislative mechanisms is determined by a whole range of interrelated factors, including the quality of the legislation itself, the existence of effective mechanisms for its implementation and strict enforcement, sufficient institutional capacity of the relevant state authorities, low levels of corruption, political will to actually address environmental problems, and active public participation in control and monitoring processes (Ketners *et al.*, 2025). These conclusions are fully consistent with the results of scientific research, which emphasise that effective environmental governance requires a comprehensive approach that combines various public policy instruments, including legislative, economic, informational and voluntary measures, as well as active participation of civil society and effective international cooperation. C. Challoumis (2024) in his work emphasised the importance of implementing the principles of adaptive management of environmental resources, which involves flexibility of management approaches, continuous learning based on experience and involvement of a wide range of stakeholders in the process of making environmentally significant decisions. To sum up, the study confirmed the important role of environmental security in the formation of international environmental law and adaptation of national legislation.

Conclusions

This study explored the regulatory challenges arising from the dual imperative of fulfilling both social and environmental obligations in the modern state. Based on a comprehensive analysis of international legal instruments, national legislation in selected countries, and the situation in Ukraine, several general conclusions have been formulated. The concept of environmental security has gradually expanded from a narrowly defined ecological concern to a multidimensional construct encompassing social, economic and political dimensions. Its integration into international environmental law, as illustrated by documents such as the Rio Declaration on Environment and Development, the Johannesburg Plan of Implementation and the Paris Agreement, reflects a growing understanding that environmental threats are inherently linked to global peace, migration dynamics, and socioeconomic stability. These developments have influenced the formation of national legal systems, encouraging them to incorporate environmental considerations into broader regulatory frameworks.

National approaches to environmental security vary significantly. The European Union and the United States have demonstrated the political will and economic capacity to adopt comprehensive legal frameworks that integrate

environmental and social concerns. Ukraine, while formally recognising environmental safety as a priority in its legal system, faces serious obstacles to effective implementation. These include institutional weakness, underfunding, limited enforcement, and systemic corruption, all of which are exacerbated by the ongoing full-scale war. At the same time, the study has shown that environmental regulation generates specific social consequences. The introduction of stricter environmental standards often leads to higher prices for basic goods, services and energy, disproportionately affecting vulnerable groups. The closure or downsizing of non-compliant industrial facilities results in job losses and rising unemployment in regions with industrial specialisation. These social effects are insufficiently reflected in Ukrainian law, where environmental and social norms are formulated in isolation from each other and lack mechanisms for cross-sectoral coordination. Environmental legislation does not include effective provisions for social compensation or safeguards for affected communities, while labour and social security legislation does not adequately take into account the consequences of ecological transformation.

The lack of an integrated regulatory approach undermines the state's capacity to ensure a balanced transition toward environmental sustainability without compromising social justice. The Ukrainian legal system does not yet provide legally enforceable guarantees of a just transition, as formulated in the European Union's legal framework, including the Regulation establishing the Just Transition Fund.

Existing legislation lacks binding obligations related to re-training, employment support, or systematic social impact assessment within environmental decision-making processes.

The findings of the study confirmed that the modern state faces regulatory fragmentation when seeking to reconcile ecological imperatives with the protection of socio-economic rights. Without harmonised legislation and institutional coordination, environmental reforms risk deepening social inequality and generating resistance to policy implementation, particularly in fragile or transitional governance contexts. This research has laid the groundwork for further examination of how to build institutional and legal models that support both environmental transformation and social cohesion. Future research may focus on the operationalisation of just transition mechanisms, international experience in integrating social and environmental impact assessment procedures, and the design of coherent legal instruments that ensure legal certainty and distributive fairness in environmental governance.

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Поєднання соціального та екологічного права в умовах сталого розвитку: проблеми правового балансу

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Анотація. Мета дослідження полягала у вивченні регуляторних проблем, що породжуються соціальними та екологічними зобов'язаннями сучасної держави. У роботі застосовано комплекс методів дослідження, включаючи аналіз міжнародних правових актів, порівняльно-правовий аналіз законодавства країн ЄС, США та України, а також якісні методи обробки інформації. Результати дослідження підтвердили, що концепція екологічної безпеки поступово інтегрується у міжнародно-правові рамки, відображаючи зростаюче усвідомлення глобальної спільнотою взаємозв'язку між станом довкілля та міжнародним миром і безпекою. Аналіз національного законодавства виявив різноманітність підходів до реалізації екологічної безпеки, причому розвинені країни демонструють більш комплексні законодавчі бази. У випадку України, незважаючи на формальне визначення пріоритету екологічної безпеки в національному законодавстві, залишаються значні проблеми у фактичному впровадженні екологічного законодавства. Ці проблеми включають слабкі механізми правозастосування, інституційну фрагментацію та недостатню інтеграцію екологічних пріоритетів у ширші регуляторні та управлінські структури. На основі отриманих результатів було розроблено низку практичних рекомендацій для підвищення ефективності політики екологічної безпеки України у короткостроковій та середньостроковій перспективі. До них належать покращення правоохоронної діяльності, моніторингу навколишнього середовища, підвищення обізнаності громадськості та гармонізація національного законодавства зі стандартами ЄС. Крім того, дослідження виявило регуляторну суперечність між екологічними та соціальними зобов'язаннями, особливо в контексті зеленого переходу України. Закриття промислових об'єктів, які не відповідають екологічним стандартам, та пов'язане з цим зростання безробіття, а також зростання вартості товарів та послуг через дотримання екологічних норм, непропорційно впливають на вразливі групи. Українському законодавству бракує інтегрованих правових механізмів для пом'якшення таких наслідків. Існує потреба розробити міжгалузеві правові інструменти, включаючи оцінки соціального впливу, механізми компенсації та гарантії справедливого переходу, щоб забезпечити, щоб екологічні реформи не підірвали соціальну згуртованість та не поглиблювали соціально-економічну нерівність. Практична значущість дослідження полягає у наданні науково обґрунтованих рекомендацій для формування ефективної державної політики екологічної безпеки України

Ключові слова: державна політика; глобальна спільнота; сталий розвиток; глобальне потепління; зміна клімату; екологічне право