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**THE CONCEPTS AND THE TYPES OF FUNCTIONS OF LEGAL
RESPONSIBILITY FOR VIOLATIONS OF THE FORESTRY
LEGISLATION OF UKRAINE**

Efficiency and effectiveness of institute of legal liability for forest violations depends on its level of compliance with the fundamental principles, which are enshrined not only in forestry but also criminal, civil, labour, administrative law, etc. Ukraine and reflect the nature, characteristics and content of not only legal responsibility, and the law in general.

To make the application of legal liability for violations of forest law Ukraine was actually effective in practice, it should definitely subordinated to those systemic principles, which are consolidated in law as universal and binding with respect to all entities with which they somehow related. In this context it is, primarily, a function of legal liability for violations of forest law in Ukraine.

It should be noted that in research, both domestic and foreign literature of environmental legal orientation and paid close attention continues to be paid to issues concerning the concept and basis of legal liability for violations of forest law. In particular, they have been the subject of research V.I. Andreytseva, V.D. Bass, M. Brinchuka, A.P. Getman, V. Kostytsky, S.M. Kravchenko, M.V. Krasnov, P.V. Miller, V.L. Munteanu, V. Petrov, V.K. Popov, N. Titov, Y. Shemshuchenko, S.M. Shershun, M. Shulga more. At the same time, remain insufficiently studied issues concerning the nature and content is legally liable functions in health and the use and reproduction of forests and determines their relevance.

This article aims to clarify the concept of functions of legal responsibility for forest offenses and types. After all, the functions of any phenomenon reflected the deep, steady, regular connections through which it operates, because legal liability cognition functions help to apply security standards and ensure the effectiveness of state and law enforcement [1, p. 26].

Semantic understanding of the concept of "function" in Latin means performance accomplishments, in the broadest sense - the duty that it performs the appropriate institution or process in relation to the whole, characteristic direction or aspect of [2, p. 34].

As for the functions of legal liability, then, as the SS Alekseev, they are due to its social nature and legal characteristics, primarily to the fact that the reaction is the legal responsibility of the state on offense [3, p. 277-278]. B.T. Wasylyev defines the functions of legal liability through the prism of its main goals, the last scientist considers the following: general prevention of offenses, the punishment of the

offender and the impact on his consciousness, moral reconstruction of the offender and others [4, p. 67-68]. N.I Matuzov, A.V. Malko also believe that it is through functions clearly manifest purpose of legal liability [5, p. 242].

Therefore, the legal responsibility - these are the main areas of influence through which realized the purpose, objectives, content and nature of legal responsibility in general.

Given the characteristics of the scope of this definition may be appropriate to describe the functions and legal responsibility for violations of forest law in Ukraine. Particular features of the legal responsibility for forest violation can be defined as the main areas of influence through which provided the purpose, objectives, content and nature of legal responsibility in the protection, use and reproduction of forests in Ukraine.

It should be noted that the issue of legal liability functions given considerable attention to environmental and legal literature. The basic emphasis is on the analysis of the data types of functions. Yes, M.M. Brinchuk identifies the following key features of legal liability for environmental offenses: stimulating, compensation, preventive, punitive [6, s.325]. A similar list of functions of legal liability for infringement of Environmental Protection cited as E.Y. Ismailov, Y. Truntsevskyy, N.E. Savvich [7, p. 128]. Operates a similar position and G.V. Tishchenko, who although only provides three main functions of legal liability in ecology: preventive, compensatory and punitive, but the scientist catalytic function in the context of considering preventive function [8, p. 139]. N.R. Kobetska believes that the function of legal liability for environmental offenses are based on the general functions of the legal responsibility and refers to them, in addition to the above, and protective function, which is aimed at ensuring the protection and inviolability of the rights and legitimate interests of environmental relations [9, p.129]. However, J.S. Shemshuchenko offers the functions of legal liability for environmental violations, along with traditional features, i.e. preventive, punitive and compensatory stimulating, and educational and include a security feature, since the content of the legal responsibility lies not only in the prevention of environmental offense or punish them, but also a means of ensure proper protection and preservation of the environment and its components, which aims to raise the level of ecological awareness and environmental education of citizens [10, p. 339-340]. The need to refer to the important functions of legal liability for violation of environmental laws and interim educational function indicated by V. Komarnicki, VI Shevchenko, S. Elkin and others [11, p. 197].

Thus, each of the proposed functions of varieties of legal liability reflects the other side functionality institute legal liability. Legal responsibility for forest violation also subject to the above functions. Not making a detailed analysis of the content punitive, educational, security, enabling functions, as in the legal literature are investigated fully [6, p. 325, 7, p. 128], we consider it necessary to dwell upon some aspects of the practical application of preventive and compensatory functions in view of the current forest legislation of Ukraine. Furthermore, it is preventive and compensatory function does not reflect the most essential characteristics of legal liability in the field of protection, use and reproduction of forests.

Without prejudice to each of the above functions, in our opinion, it is the function of preventive legal responsibility for forest violation should play a priority

role in the mechanism of protection, use and reproduction of forests. This is due primarily to the fact that, in accordance with the second paragraph of Art. 1 Forest Code of Ukraine, the forests of Ukraine is its national wealth and in its purpose and location serving mostly water protection, safety, hygiene, health, recreational, aesthetic, educational, and other functions and is the source to meet the needs of society in forest resources [12] . Therefore, given the unique natural properties of forests in Ukraine, their environmental, economic and commercial value, priority should take measures to prevent and avoid forest violation.

Striking evidence of a preventive function of legal responsibility for forest offenses is Art. 109 Forest Code of Ukraine, which is preventive in nature, as directed on closing and suspension work, threatening natural forest conditions and reproduction [12].

A specific way to prevent forest violation there is art. 87 Forest Code of Ukraine, which establishes the obligations of enterprises, institutions, organizations and individuals whose activities affect the state and restoration of forests, to coordinate their activities with executive authority on forestry and on Environmental Protection of the Autonomous Republic of Crimea, regional by the central authorities on forestry, environmental protection and other bodies [12].

Of course, fixation in the following precautionary provisions for liabilities and forest violations relevant authorities to monitor and supervise compliance with forest legislation is appropriate and necessary. But the problem remains the question of the validity of these rules in law enforcement, because often it is the improper performance of duties of employees forest protection, insufficient control over compliance with environmental laws by state forest protection are the key issues of legal protection of forests in Ukraine. In particular, as the PV Miller, exploring the state of forests in Ivano-Frankivsk, lack of field monitoring compliance with environmental legislation is the work of the State Forest Inspection Department for Environment and Natural Resources in the Ivano-Frankivsk region, as in 2006 on his own initiative inspection was not carried out any checks on the compliance with environmental legislation in the field of forest users, but only at the request of the prosecution Ivano-Frankivsk region [13, p. 228].

In addition to prevention, an important role in the mechanism of legal protection, use and reproduction of forests plays a compensatory function of legal liability for forest violations that aims to damages caused as a result of violations of forest law in Ukraine. About this feature directly stated in Art century 107, 108 Forest Code of Ukraine and its content, features and trim damages specified in a number of subordinate legislation such as regulations of the Cabinet of Ministers of Ukraine On approval of tariffs on timber forest species that are released on the stump and oleoresin from January 20 1997 [14], on the order of and compensation to land owners and land users on April 19, 1993 [15] The extent and procedure for determining the loss of agricultural and forestry production, which are recoverable from November 17, 1997 [16] on taxes to calculate the amount of damage to forests from July 23, 2008 [17] and so on.

In addition, in accordance with Art 19 (Section 4), p. 21 (Section 4) Forest Code of Ukraine, permanent and temporary forest users are entitled to compensation for losses caused forest violation and refund data loss, according to the article. 78

(Section 8) Forest Code of Ukraine may be grounds for termination of use of forest resources [12].

Thus, the compensatory function of the legal responsibility for damages caused by violations of forest law and Ukraine can be considered as one of the guarantees and protection of environmental rights and interests of citizens in Ukraine.

It should be noted that Art. 68 Law of Ukraine "On Environmental Protection" also establishes the obligation for compensation for damage caused by the commission of environmental offenses. [18] However, in part five centuries. 68 of the above Act, include provisions for a separate, independent nature of measures to redress environmental damage in relation to the application of criminal, administrative or disciplinary proceedings [18]. This proves, once again, the importance and significance of the institute compensation for environmental damage and confirms the need to consider compensatory mechanisms in the application of certain types of legal liability for environmental offenses.

Therefore, we believe it is possible to consolidate and amend the Forest Code of Ukraine in particular, in the second century. 107 additional legal rule that the application of disciplinary, administrative or criminal liability does not absolve the perpetrators of compensation for damage caused as a result of their forest law violations. This kind of duality in the legal regulation of these relations and the Law of Ukraine "On Environmental Protection" and the Forest Code of Ukraine, offered by us is not to simply duplicate the legal provisions as well as to provide the most complete and detailed regulation of matters concerning the procedure and conditions damages caused by forest.

Thus, preventive and compensatory functions of legal liability for forest violation found its adequate fixing in forest legislation of Ukraine. This discussion is the question of the effectiveness of the implementation of these features in legal sphere, which depends in turn on a set of institutional, state-legal, economic, political mechanisms and so on.

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