

MTMSD 2022**I International Conference «Modern Trends in Governance and Sustainable Development of Socio-economic Systems: from Regional Development to Global Economic Growth»****LEGAL MECHANISMS AGAINST ILLEGAL FOREST FELLING
IN CHECHEN REPUBLIC**

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Abstract

This study seeks to investigate the effectiveness of legal frameworks in combating the persistent issue of illegal forest felling in the Chechen Republic. The primary objective is to identify shortcomings and propose enhancements to existing legal mechanisms for more robust forest conservation. The research employs a comprehensive analysis of current forestry legislation in the Chechen Republic, utilizing legal documents, official reports, and pertinent statistics. The methodology focuses on understanding the gaps in the legal framework, enforcement challenges, and opportunities for improvement. The study underscores the critical need to fortify legal measures to combat illegal forest felling effectively. The challenges posed by illegal logging demand a combination of legal expertise and law enforcement skills. The collective efforts of those engaged in this struggle play a pivotal role in safeguarding Russia's forests for the well-being of future generations. Recommendations include revising and strengthening penalties, implementing advanced monitoring systems, and enhancing collaboration among relevant authorities. Emphasizing preventative measures alongside punitive actions is crucial for sustaining the region's ecological balance and preserving its valuable natural resources.

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1. Introduction

The new history of the development of forest legislation has given rise to a whole set of conflicting legal acts. In 2005, the state forest guard was reformed: the forest inspectors who were involved in the suppression of illegal logging on the ground were deprived of their rights and powers, which were transferred to the Federal Service for Supervision of Natural Resources (hereinafter referred to as Rosprirodnadzor). However, the number of Rosprirodnadzor inspectors was so small that they could not seriously affect the situation with the suppression of illegal logging. The main “fight” against illegal logging was concentrated in the bureaucratic echelons of power and acquired a paper, directive character. In fact, this decision left Russia’s forests without professional protection from state authorities and created very favorable conditions for large-scale illegal logging. In the end, the issues of combating illegal logging and suppressing the circulation of illegally harvested timber could not but become the subject of close attention at the national level (Abdulatipov et al., 2016). According to international experts, global losses from illegal logging exceed \$15 billion a year, which is comparable to the amount of economic assistance to developing countries. In a number of countries, the volumes of illegally and legally harvested wood are practically comparable. The appearance on the market of a significant amount of illegally harvested timber contributes to the spread of corruption in the forestry sector and the criminalization of the forestry business, the growth of the shadow sector of the economy, undermines the image of responsible companies, leads to a decrease in investment in the timber industry complex (hereinafter referred to as the CIC), an increase in the number of social conflicts, impoverishment the population of forest areas. Illegal logging also entails environmental losses, contributing to the degradation of forest ecosystems and the depletion of biodiversity (Marshalkin et al., 2017).

The Chechen Republic, as one of the most environmentally rich regions of the Russian Federation, is among the regions where environmental problems in general and the problem of illegal logging in particular are given special attention. Nevertheless, this region, being one of the densely populated regions of the North Caucasus, is subject to the influence of adverse anthropogenic factors, primarily associated with illegal logging by the population of forest plantations (Vasilyeva, 2002). All this creates the need to take measures to prevent illegal logging in the Czech Republic, not only of a technological, organizational and economic, but primarily of a legal nature (Medvedeva, 2009).

The Chechen Republic is part of the North Caucasian Federal District (NCFD) - a federal district of the Russian Federation, located in the south of the European part of Russia, in the central and eastern parts of the North Caucasus and covers an area of 170.7 thousand km². In addition to the Chechen Republic, the NCFD also includes the Republic of Dagestan, the Republic of Ingushetia, the Kabardino-Balkarian Republic, the Karachay-Cherkess Republic, the Republic of North Ossetia-Alania and the Stavropol Territory, which, in terms of both natural and climatic, and cultural, economic and legal features are very close. Occupying about 1% of the territory of Russia, up to 6.5% of the country’s population is concentrated in this district, a significant part of which is characterized by an insufficient level of awareness of environmental law issues, which may affect the effectiveness of legal regulation in environmental protection issues (Glushko, 2010).

At the same time, one of the important problems in the field of using legal mechanisms to prevent illegal logging and forest plantations is some imperfection of certain legal categories that are used in legal regulation and do not always reflect the interests of society and the state (Vasilyeva, 2002).

At the same time, despite the numerous use of the concept in question, the current legislation of the Russian Federation has not yet developed legal criteria to determine the favorable environment, although domestic jurists offer criteria for defining this concept in particular, a number of domestic authors consider environmental conditions under a favorable environment, being in which ensures the achievement of the highest level of a state of complete physical, mental and social well-being (Evtushenko, 2011). A comprehensive definition of a favorable environment is given by Brinchuk, who believes that an environment is favorable if its condition meets certain requirements and standards regarding non-pollution, environmental sustainability and aesthetic wealth (Permilovsky, 2012).

Ensuring the well-being of citizens, observing their constitutional rights, including the rights to a safe environment, is one of the main tasks of the rule of law. At the same time, as already noted, the solution of the problem related to the definition of criteria, according to which it is possible to give a definition of the degree of favorable environment for human life and health, is of no small importance, which in turn allows the use of appropriate tools in legal practice, allowing to assess the degree of deviation from the normative level of environmental friendliness due to economic or other activities, which in the process of legal proceedings will also allow to indicate how the activity of the subject led to a negative state of the environment (Musaev et al., 2016).

At the same time, in the existing legal practice, at the legislative level, the rights of citizens to be protected from legal arbitrariness (Article 46 of the Basic Law of the Russian Federation) of certain subjects of activity are enshrined (Gerasimov, 2012). Moreover, relying on the current legislation - Federal Laws No. 7-FZ "On Environmental Protection" dated January 10, 2002 and No. 52-FZ "On the Sanitary and Epidemiological Welfare of the Population" dated March 30, 1999 (Federal Law No. 7-FZ of January 10, 2002; Federal Law No. 52-FZ of March 30, 1999), citizens have the right in judicial and administrative order, demand the cancellation of those decisions that directly threaten their environmental well-being, and in cases of damage to the environment, demand appropriate punishment of persons involved in illegal activities (Ryzhkov et al., 2020).

The solution of the identified issues of legal regulation is of extreme importance for solving both environmental and socio-economic problems of Russia in general and the Chechen Republic in particular. Moreover, their solution should be based on the understanding by a conscious and responsible civil society of the problems of developing environmental management (based on a combination of traditional and modern types of production activities), based on the development of comprehensive programs aimed at supporting the country's environmental security (Government of the Republic of Dagestan, 2014). So, Kochurov, as a solution to the problems of nature management in the North Caucasus, proposes a comprehensive program for the balanced noospheric development of this region - the "North Caucasian noospheric region", designed for a joint (by the republics and the federal center) solution of complex and urgent problems of social economic and ecological character of the entire region (Evtushenko, 2011). Moreover, as Kochurov and co-authors point out, the noospheric approach is aimed at balanced development and the preservation of a unique nature, while the inertial one is aimed at preserving the

structure and development trends with minor modifications in production, in relation to existing economic requirements.

In any case, no matter what approach is implemented by the researchers, it is emphasized that the methods of depleted nature management (B. Kochurov & Smirnov, 2007) that can harm both the environment and the health and well-being of the population should be excluded by economic and legal means.

Violations of forest management rules, as a rule, are associated with illegal actions of employees of forestries (forest parks), for whom bribes become a permanent source of income. For example, unscrupulous loggers have the opportunity to illegally harvest timber as a result of deliberately incorrect drawing up by employees of forestries (forest parks) of documents for felling (the layout and boundaries of the forest area, the statement of characteristics of the forest area and its plantations, the statement of purposes and volumes of forest use on the leased forest area, a list of trees designated for felling, a sheet of material assessment of a cutting area, etc.). Also at this stage, such a common phenomenon occurs as a distortion of the volume of the actually growing forest in the area that is allocated for felling (in the cutting area). This usually happens during the preparation of documents for the allotment of a cutting area, when they deliberately underestimate either the amount of wood to be felled per 1 ha (yield of commercial timber) or the average diameter of trees. Sometimes, on the contrary, the yield of commercial timber is deliberately overestimated, and these documents subsequently allow you to legalize timber illegally harvested elsewhere. At the same time, the statement of counting trees and the plan for allotment of the cutting area are falsified (Eldarov, 2016). Also, there is a “transfer” of the cutting area to another place (i.e., in nature, the cutting area is located in a more valuable forest area), or the area of the actual cutting area is much larger than the area allotted for felling. On the diagram for the logging ticket, nothing changes. Loggers also use other tricks: for example, the upper warehouses, on the territory of which clear-cutting is carried out, are placed in the most valuable plantation, while the area of preparatory work (for the organization of the upper warehouse) is overestimated (Krasnov & Zaburaeva, 2015). Crimes at this stage are impossible without the use of official powers, so they are committed by officials authorized in the field of forestry and logging organizations. Often they involve in criminal activities persons who are dependent on them. It is not uncommon for employees of organizations authorized in the field of forestry to commit crimes for fear of losing their jobs and under duress by their immediate supervisors. The use of one’s official position significantly increases the degree of public danger of committed crimes.

2. Materials and Methods

The study employed a multifaceted approach, drawing on various research materials and utilizing specific methodologies. The primary focus was on regulatory legal acts related to environmental law, encompassing both regional and federal laws, as well as the criminal, civil, and administrative codes of the Russian Federation. Additionally, prosecutorial inspections conducted by the Prosecutor’s Office of the Chechen Republic from 2020 to 2021 were scrutinized for valuable insights into the issue at hand (Kruglov & Gaevskaya, 2011).

The research methods applied in this study included a comprehensive analysis of the aforementioned legal documents, aiming to discern patterns, gaps, and enforcement mechanisms within

the legal framework. Communication strategies were also employed, involving interactions with relevant authorities, experts, and stakeholders involved in the forestry and environmental sectors. This qualitative approach allowed for a nuanced understanding of the challenges and opportunities in combatting illegal forest felling in the Chechen Republic.

The Forest Code of the Russian Federation served as a foundational reference, guiding the classification of forests based on their intended purpose. This involved differentiating between protective, operational, and reserve forests, each with unique characteristics regarding usage, protection, and regeneration. The study also considered forests on lands of other categories, particularly focusing on protective forests. The allocation of forests into specific categories and the demarcation of boundaries were explored as critical aspects within the purview of state authorities in the Russian Federation.

In summary, the research combined legal analysis, data from prosecutorial inspections, and qualitative insights through communication with relevant stakeholders, contributing to a comprehensive understanding of the legal mechanisms against illegal forest felling in the Chechen Republic.

In the course of the study, the following research materials were used: regulatory legal acts in the field of environmental law (regional and federal laws, criminal, civil and administrative codes of the Russian Federation), materials of prosecutorial inspections of the Prosecutor's Office of the Chechen Republic for the period 2020-2021 (Kruglov & Gaevskaia, 2011). The methods of analysis and communication were used as research methods.

According to the Forest Code of the Russian Federation, forests are differentiated depending on their purpose. Forests located on the lands of the forest fund are divided into protective, operational and reserve. Each of these groups has its own characteristics of use, protection, protection and reproduction. Forests located on lands of other categories can be classified as protective forests. The last two categories are divided into subcategories depending on what nature protection function they perform. Operational forests include forests that are subject to development for the sustainable and most efficient production of high-quality timber and other forest resources, as well as their processed products. A necessary condition for such development is to ensure the preservation of the useful functions of forests. Reserve forests include forests where no timber harvesting is planned for 20 years (B. I. Kochurov et al., 2018). The only thing that is allowed in relation to this type of forest is the implementation of aerial work to protect and protect them. The assignment of forests to one category or another, as well as the establishment of their boundaries, is the responsibility of the relevant state authorities of the Russian Federation.

3. Results and Discussion

The research, combining an analysis of regulatory legal acts, specifically environmental laws at regional and federal levels, along with the examination of prosecutorial inspections conducted by the Prosecutor's Office of the Chechen Republic from 2020 to 2021, has yielded crucial insights into the pervasive issue of illegal forest felling in the region.

The legal framework analysis unearthed the nuanced landscape of laws governing forestry. It illuminated both strengths and vulnerabilities within the existing legislation, pinpointing areas necessitating refinement for more effective protection against illicit logging. This comprehensive

evaluation extended to understanding the practical application and enforcement of these laws, examining the prosecutorial measures taken against offenders.

Prosecutorial inspections provided a practical lens on the ground realities. Cases of illegal forest felling, legal actions initiated against perpetrators, and the overall impact of prosecutorial endeavors were scrutinized. This empirical data served as a valuable resource for assessing the efficacy of legal provisions in combating the issue.

Moreover, qualitative research methods, including interviews, discussions, and feedback sessions with relevant authorities, experts, and stakeholders, added a qualitative dimension to the study. This engagement facilitated a deeper understanding of challenges faced by enforcement agencies, evolving tactics employed by wrongdoers, and potential collaborative strategies for more robust forest protection.

The discussion within this section delves into the identified challenges hindering effective measures against illegal forest felling. Resource constraints, coordination gaps between regulatory bodies, and the adaptive strategies of perpetrators represent some of these challenges. Simultaneously, opportunities for improvement, such as enhancing legal provisions, streamlining enforcement procedures, and fostering collaborative initiatives, are explored.

The discourse concludes by offering actionable recommendations based on the findings. These suggestions are designed to fortify the legal mechanisms, address identified challenges, and promote a more resilient approach to combating illegal forest felling in the Chechen Republic. This synthesis of results and discussion provides a comprehensive understanding, laying the groundwork for informed decision-making and future initiatives aimed at preserving the region's invaluable forest resources.

The Russian Federation recognizes the problem of illegal logging. As part of the European North Asian Process to Improve Law Enforcement and Governance in the Forest Sector (ENA FLEG), Russia's government agencies, as part of the commitments made by the country, have begun to implement a number of large-scale, organizes thematic interdepartmental meetings (for example, "Methods of Approach to the Development of Measures to Prevent Illegal Trade in creation of a system of accounting and control of round timber exported from harvesting sites"), etc. (Vedenin & Savelyeva, 2016). An Action Plan for 2008 to Combat Illegal Logging and Illegal Timber Trafficking and a Program of Measures to Prevent Illegal Logging and Timber Trafficking in the Russian Federation were developed; commission on combating illegal logging and timber trafficking. Indeed, the problem of illegal logging is not only a problem of the forestry sector. Within the framework of interdepartmental cooperation, internal affairs bodies, customs and tax services, transport organizations, etc. are involved in its solution. and law enforcement skills (B. Kochurov & Smirnov, 2007). This methodological manual is a pioneering work, in which for the first time an attempt was made to reflect the main sections of modern forestry legislation and at the same time present materials on the legal issues of organizing operational activities and investigating crimes in the forestry sector under the new RF LC (Permilovsky, 2012). There is no doubt that for law enforcement organizations involved in conducting operational search activities, identifying and investigating crimes in the forest sector, it is necessary to know the specifics of the theory and practice of forestry activities and modern forest legislation, in particular, which crimes are the most common and occur at certain stages of the cycle forestry, industrial processing and, in particular, in the

harvesting and transportation of wood and forest products, as well as in their trade. This methodological manual provides methods for detecting and investigating these crimes (Evtushenko, 2011).

Legal regulation primarily includes the formation of a legal framework that regulates the interaction of man with nature, the use of its resources, as well as administrative and criminal penalties for offenses and crimes in the field of ecology. However, as practice shows, the penalties applied in the North Caucasian republics of Russia, including the Chechen Republic, against persons involved in the commission of criminal acts in the sphere of the use and protection of natural resources are insufficient, as evidenced by judicial statistics, according to which the number Considered cases are significantly less compared to other regions of Russia (Tsedrik, 2020). Nevertheless, environmental crimes, including illegal logging, are quite common in the Chechen Republic, as evidenced by the results of prosecutorial inspections.

So, in 2021, the prosecutor's office of the Chechen Republic sent a total of 13 materials in the order of paragraph 2 of part 2 of Art. 37 of the Code of Criminal Procedure of the Russian Federation, on which 13 criminal cases were initiated under Part 1 of Art. 260 of the Criminal Code of the Russian Federation. At the same time, these facts are among the ones that remained out of sight of the environmental departments due to improper patrolling of forest fund lands and were reflected in the submissions made to the district forestries.

4. Conclusions

The comprehensive analysis of prosecutorial audits conducted in the Chechen Republic regarding illegal forest felling has yielded crucial insights into the state of environmental law enforcement. In 2020, a total of 311 violations were uncovered, leading to 111 submissions to various supervisory authorities. As a result of prosecutorial initiatives, 99 individuals faced disciplinary actions, 19 were subject to administrative penalties, and materials were forwarded for considering criminal persecution against 8 individuals.

In the subsequent year, 2021, the number of violations decreased to 173. Nonetheless, the prosecutorial response intensified, with 57 submissions and disciplinary measures against 57 individuals. Administrative actions were taken against 21 people, and materials were forwarded for criminal prosecution consideration against 13 individuals, resulting in the initiation of criminal cases.

The significant reduction in the total number of offenses in 2021, coupled with an increase in serious crimes falling under the Russian Federation's criminal code, suggests potential positive trends. This dual phenomenon could indicate an upturn in legal consciousness among the citizens of the Chechen Republic. Simultaneously, it signifies an enhancement in the effectiveness of supervisory authorities' efforts, reflecting a noteworthy achievement in the realm of environmental law enforcement.

The conclusions underscore the multifaceted nature of preserving forestry, emphasizing the importance of not only legal regulations and punitive measures but also preventive endeavors. Recognizing the role of supervisory authorities in legal education and the cultivation of a civil legal culture is paramount for fostering sustainable environmental management.

The narrative concludes by acknowledging the dedicated individuals in Russia who, driven by civic responsibility and a commitment to universal values, actively combat forest poaching. The

challenges posed by illegal logging demand a combination of legal expertise and law enforcement skills. The collective efforts of those engaged in this struggle play a pivotal role in safeguarding Russia's forests for the well-being of future generations.

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