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FEATURES OF LEGAL LIABILITY FOR VIOLATION OF LEGISLATION ON THE USE OF MINERAL RESOURCES

When violating basic requirements for the use and protection of mineral resources special measures of legal liability are provided for. In accordance with Articles 26, 27 of the Code of Ukraine on mineral resources, individuals who violate these requirements may be denied the right to use mineral resources.

Violation of legislation on mineral resources entails disciplinary, administrative, civil and criminal liability under the laws of Ukraine.

Art. 65 of the Code of Ukraine on mineral resources provides a list of the most typical offenses, committing them perpetrators are brought to justice. Those, who are guilty of committing the following offences, are liable for violation of legislation on mineral resources: unauthorized use of mineral resources; violation of rules, regulations and requirements for conducting the work on geological study of mineral resources; selective development of rich deposits of sites that results in excessive loss of minerals; excessive losses and deterioration in quality of minerals during their extraction; damage of mineral deposits, which exclude wholly or substantially limit the possibility of their further exploitation; violation of the order of site development in areas of mineral resources bedding; non-compliance with the rules of protection of mineral resources and requirements for the safety of people, property and the environment from the harmful effect of works related to mineral resources use; destruction or damage of geological sites of special scientific and cultural value, controlled-access wells.

Civil liability is provided for in Article 67 of the Code of Ukraine on mineral resources, Article 69 of the Law of Ukraine «On Environmental Protection», enterprises, institutions, organizations and citizens must recoup for damages caused by violation of the law on mineral resources by them.

Criminal liability provided for such acts that cause public danger and violate the law on the use and protection of mineral resources is applied far less frequently compared to other types of liability, because a narrower range of criminal offenses in this area is set in criminal law.

Administrative liability for violation of legislation on mineral resources is provided for the following: unauthorized site development in areas of mineral resources bedding, non-compliance with the rules of protection of mineral resources and requirements for environmental protection, etc. are punishable by a fine of four to six non-taxable minimum incomes for citizens and for officials - from ten to fourteen non-taxable minimum incomes.

Given the current state of mineral resources protection, we can conclude that none of the abovementioned types of liability is applied fully and adequately in practice, which eventually leads to arbitrariness and lawlessness in the sphere of mining of national importance, which will further lead to mineral resources destruction.