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ENVIRONMENTAL LAW AS AN INTEGRATED BRANCH OF LAW: A SYSTEMIC AND STRUCTURAL ANALYSIS

Abstract. This article examines the problem of determining the place of environmental law within the legal system of the Republic of Kazakhstan on the basis of a systemic and structural analysis. The author substantiates the need to distinguish between the primary and secondary structures of law. Within the primary structure, the system-forming factor is the division into public and private law, while the criterion for differentiating branches is the method of legal regulation – imperative for public branches and dispositive for private ones. Within the secondary structure, four spheres of activity are identified – economic, socio-cultural, administrative-political, and environmental – which serve as system-forming factors for complex branches of law. It is demonstrated that the environmental sphere occupies a unique position, as the notions of a sphere of activity and a branch of law coincide within it. Based on an analysis of the Environmental Code of the Republic of Kazakhstan (2021) and relevant doctrinal approaches, the author proposes to consider environmental law as an integrated branch encompassing natural resource law and environmental protection law as sub-branches. At the same time, land, subsoil, water, and forest law are recognized as independent complex branches forming part of the structure of natural resource law. The introduction of the category of an integrated branch makes it possible to resolve theoretical contradictions between the classical three-level structure of law and the actual practice of regulating environmental relations. The proposed concept opens prospects for revising the systematization of other complex legal formations and may be extrapolated to entrepreneurial, information, and other cross-sectoral legal institutions.

Keywords: environmental law, integrated branch, system of law, complex branch, natural resource law, environmental protection.

Introduction

Determining the place of environmental law within the system of law has traditionally been regarded as one of the most complex and debatable issues in legal scholarship. The classical criteria for distinguishing branches of law – namely, the subject matter and the method of legal regulation – prove insufficiently effective when applied to environmental relations, which are inherently complex in nature, combining both public-law elements (authoritative regulation of environmental protection) and private-law components (property relations arising from natural resource use). The adoption of the

Environmental Code of the Republic of Kazakhstan in 2021, in contrast to the 2007 Code, which primarily focused on environmental protection relations and delegated the regulation of natural resource use to other branches of legislation, has further exacerbated the theoretical uncertainty regarding the correlation between environmental law, natural resource law, land law, subsoil law, water law, and forest law.

In this regard, there is a need to reconsider established structural conceptions and to develop new methodological approaches that would allow for a coherent and non-contradictory description of the legal system, taking into account the actually existing sectoral formations. This article



proposes a solution to this problem based on a systemic and structural analysis of law. The starting premise is that the legal system should distinguish between primary and secondary structures: in the former, the system-forming factor is the division into public and private law, with the method of legal regulation serving as the determining criterion; in the latter, the differentiation is based on spheres of activity (economic, socio-cultural, administrative-political, and environmental). It is within the secondary structure that complex branches of law are formed, which lack their own distinct subject matter and method and instead utilize the regulatory instruments of the primary branches.

Environmental law occupies a special place within the proposed concept. Unlike other spheres of activity, the environmental sphere coincides with the corresponding branch of law, which provides grounds for considering environmental law as an integrated branch encompassing natural resource law and environmental protection law as sub-branches, while land, subsoil, water, and forest law are regarded as independent complex branches. The purpose of this study is to substantiate this structural model, resolve theoretical contradictions in determining the place of environmental law, and propose criteria for its systematization. To achieve this objective, the study employs a systemic and structural method, as well as an analysis of legislation and doctrinal approaches. The article consists of four sections, which consistently address the methodological foundations, the concept of two structures, the specificity of the environmental sphere, and the final model of an integrated branch.

Materials and Methods

The study is based on an analysis of theoretical developments by domestic and foreign scholars in the fields of general legal theory, systems theory, and environmental, land, subsoil, water, and forest law. The empirical foundation comprises the provisions of the Environmental Code of the Republic of Kazakhstan dated January 2, 2021, the previously effective Environmental Code of 2007, as well as legislation governing land, water, forests, and subsoil use.

The methodological framework of the research is grounded in a systemic and structural

approach to the study of law, which makes it possible to consider law as an internally coherent phenomenon composed of interacting elements. The application of this approach enables the identification of hierarchical levels within the legal system (the legal system as a whole – branch of law – legal institution – legal norm), as well as a hierarchy of structures within the system (primary and secondary structures).

The study employs general scientific methods, including analysis, synthesis, induction, and deduction, alongside specific legal methods such as the formal-legal method, the comparative legal method, and the method of legal interpretation. The use of the systemic approach has made it possible to propose a concept of dividing law into primary and secondary structures, as well as to introduce the notion of an integrated branch of law to describe complex structural formations.

Results and Discussion

1. The System-Forming Factor in the Identification of Complex Branches of Law

1. It is necessary to determine the system-forming features underlying the identification of complex branches of law. The secondary structure of law is not a disordered or chaotic aggregation of legal branches; rather, it should constitute a coherent and internally consistent system.

At this level, the system-forming criteria characteristic of the primary branches of law are not applicable. Primary branches are distinguished by their affiliation with either public or private law, with the principal criterion of differentiation being the method of legal regulation – either one of authority and subordination or one based on the equality of the parties.

By contrast, complex branches of law combine norms derived from both public-law and private-law branches. They employ both the subject matter and the methods of regulation characteristic of public and private law alike.

It should be emphasized that complex branches of law do not possess an independent subject matter or their own method of legal regulation. Instead, they rely on the subject matter and methods of the primary branches of law.

More broadly, the secondary structure of law is inherently more flexible, less stable, and



more subjective than the primary structure. The primary structure constitutes the core of the legal system, expressing its essential nature, and should therefore remain relatively stable. While new branches may emerge within it as social relations evolve, this occurs only rarely and only where such branches can be clearly attributed to either public or private law.

As for complex branches, they are more subjective in nature and reflect the necessity or expediency of combining legal norms within a particular regulatory framework. Consequently, newly emerging regulatory needs in specific areas of social relations are typically manifested in the formation of new complex branches of law.

2. Nevertheless, the existence of a system-forming factor for complex branches of law remains essential.

It is proposed that such a factor may be a specific sphere of activity. Social life, in this regard, may be broadly divided into at least four spheres of activity: economic, socio-cultural, administrative-political, and environmental. The boundaries between these spheres are not as clearly defined as those separating public and private law within the primary structure.

Undoubtedly, branches belonging to the economic sphere are closely interconnected with, and often overlap with, those of the socio-cultural, administrative-political, and environmental spheres. The same applies to branches within other spheres. For instance, subsoil use law clearly belongs to the environmental sphere of activity; however, it simultaneously constitutes a form of entrepreneurial activity, which places it within the economic sphere as well.

3. Differentiation of Spheres within the Secondary Structure of Law

Thus, within the secondary structure of law, four principal spheres of activity may be distinguished:

1. the economic sphere of activity;
2. the socio-cultural sphere of activity;
3. the administrative-political sphere of activity;
4. the environmental sphere of activity.

Economic law, socio-cultural law, administrative-political law, and environmental law should not be understood as branches of law

in the strict sense; rather, they represent spheres of activity within which complex branches of law are formed (such as entrepreneurial law, military law, environmental protection law, and others).

4. However, it should be emphasized that the environmental sphere of activity differs significantly from the other spheres. It is the only sphere in which the concepts of a “sphere of activity” and a “branch of law” coincide.

There exists an economic sphere of activity, yet there is no unified economic law as a distinct branch. Within the economic sphere, one may identify such branches as:

- a) entrepreneurial law;
- b) investment law;
- c) foreign economic law;
- d) industrial law;
- e) transport law;
- f) construction law;
- g) agricultural law.

Similarly, there exists a socio-cultural sphere of activity, but no single socio-cultural law. Within this sphere, one may distinguish, for example, sports law, information law, education law, and cultural law.

There is also an administrative-political sphere of activity, but no unified administrative-political law. Within this sphere, one may identify, for instance, judicial law, financial law, military law, and municipal law.

Only within the environmental sphere of activity is it possible to single out a corresponding branch of law – environmental law itself.

2. Integrated Complex Branches of Law

1. The subjective and pragmatic nature of the secondary structure of law makes it possible to reconsider the elements of the legal system. The classical set of elements (legal norm – legal institution – branch of law) may undergo certain modifications, dictated by the established practice of legal r

With the adoption of the Environmental Code of the Republic of Kazakhstan dated January 9, 2007¹, environmental law of the Republic of Kazakhstan was definitively established as a complex branch of law. Sub-branches and the Concept of an Integrated Branch of Environmental Law

The sub-branches of environmental law

¹ Code of the Republic of Kazakhstan dated January 9, 2007 No. 212, Environmental Code of the Republic of Kazakhstan. Repealed by the Code of the Republic of Kazakhstan dated January



include natural resource law and environmental protection law. Natural resource law, in turn, encompasses land law, subsoil law, forest law, and water law. From the standpoint of the classical structure of law, these should be regarded as legal institutions within environmental law. However, both historically and in practice, they have developed as distinct complex branches of law; therefore, it is not entirely appropriate to treat them merely as legal institutions.

In this regard, a possible solution is to recognize the existence within the structure of law of a group (or family) of branches, or an integrated branch of law. In the case of environmental law, it functions precisely as such an integrated branch, within which natural resource law and environmental protection law act as sub-branches. Land, subsoil, water, and forest law, while constituting structural components of natural resource law, should nonetheless be regarded as fully developed complex branches of law in their own right.

The concept of integrated complex branches of law was first advanced by Sergey S. Alekseev [1]. However, two observations may be made regarding his approach.

First, S.S. Alekseev refers to integrated complex branches as “supra-branches” or “super-branches.” It appears unnecessary to assign three different terms to the same phenomenon. Moreover, the designation “supra-branch” or “super-branch” would more appropriately apply to constitutional law, which indeed stands above other branches of law and may justifiably be characterized in such terms.

Second, in certain instances, S.S. Alekseev appears to apply the notion of an integrated branch to what are essentially ordinary complex branches (such as judicial law, which incorporates norms of criminal procedure, civil procedure, and judicial organization law; economic law; and agricultural law).

At the same time, his analysis of the correlation between branches of law within the environmental domain was, for its time, highly accurate. He identified the emergence of a new layer of complex formations – intersecting integrated structures – namely environmental protection law and natural resource law. As complex supra-branches, they do not compete with or exclude one another; rather, each

integrates the normative material of land, water, forest, and subsoil law from its own perspective and within its own analytical framework [1].

Under contemporary conditions, environmental law itself should be regarded as such an integrated branch, with environmental protection law and natural resource law constituting its component parts (sub-branches).

Within the primary structure of law, public law and private law are not, in themselves, branches of law; rather, they represent the fundamental division of law at this level. However, the branches within the primary structure must necessarily belong either to public law or to private law.

A similar logic applies to the secondary structure: spheres of activity do not constitute branches of law (with the exception of environmental law); rather, they represent the foundational division of law at this level. At the same time, the branches within the secondary structure must be attributable to one of the four spheres of activity.

3. The Environmental Sphere of Activity (Environmental Law)

The concept of “environmental law” emerged as a result of the replacement or consolidation of the notions of “natural resource law” and “environmental protection law.”

The modern term “environmental law” originated during the Soviet period as a result of a scholarly discussion organized in 1987 by the journal *Vestnik Moskovskogo Universiteta* [2]. The participants in that discussion rejected the Western-oriented designation “law of the environment” (environmental law) in its literal transcription.

Doctrinal Approaches to the Subject Matter of Environmental Law

According to S. Kultelev, the subject matter of environmental law comprises historically conditioned production relations that arise within the sphere of operation of environmental legal norms between individuals and organizations, with the mandatory participation of the state, concerning the improvement, restoration, and efficient use of natural objects (ecosystems) for the purpose of environmental preservation and in the interests of present and future generations [3].

D. L. Baideldinov considers environmental law to be an integrated, complex branch of



modern law that encompasses a body of legal norms regulating environmental relations arising between the state and its subjects in the course of interaction with nature and individual natural resources [4].

In environmental legal scholarship, the subject matter of environmental law is typically divided into two groups of social relations: those concerning the rational use of natural resources and those concerning environmental protection (including the protection of natural resources).

For instance, according to S.D. Bekisheva, the subject matter of environmental law may include relations:

- concerning the protection of environmental rights and legitimate interests of individuals, legal entities, and the state;
- concerning environmental protection (environmental conservation relations);
- concerning the rational use of natural resources (natural resource relations) [5].

However, the issue of how environmental law correlates with land, subsoil, water, and forest law is often left unaddressed in the literature.

Land law initially emerged as a branch of law encompassing a wide range of relations connected primarily with land, its subsoil, forests, and waters. In other words, subsoil, forest, and water law were originally incorporated within land law.

With the development of specialized scholarship in subsoil, forest, and water law, these areas gradually became differentiated from land law. Consequently, land law came to be understood as an independent branch regulating land relations, that is, social relations concerning the use and protection of land (with similar developments occurring in relation to subsoil, water, and forest law) [6].

It is noteworthy that most textbooks include sections addressing the relationship between land law and other branches of law, particularly environmental and civil law. However, a clear legal demarcation has not been established. As a result, the same legal norm may simultaneously belong to land law, civil law, and environmental law. Likewise, land relations may be regulated by norms drawn from all three branches. In some cases, a specific part of such relations (for example, those concerning land protection) is governed by land law, while other aspects (such as general provisions) fall under environmental

law.

Moreover, the recognition of land law as a complex branch of law has increasingly gained acceptance in the literature (as noted, for example, by Zh. Kh. Kosanov).

The idea has also been advanced that the common features of land, subsoil, water, and forest law justify their classification as a group of related branches within the legal system. Earlier, N.B. Mukhitdinov referred to this group as a family of branches within the agrarian-law cycle [7].

The idea of distinguishing subsoil law as an independent branch of law was first articulated as early as 1927 and has since been substantiated by numerous scholars. The most comprehensive justification was provided by N. B. Mukhitdinov, one of the founders of the theory of subsoil law, in his 1972 monograph [8].

4. Environmental Law within the Legal System

In determining the place of environmental law within the legal system, it is necessary to proceed from the premise that, if environmental law is regarded as a branch of law, it can only be understood as a complex branch. This approach eliminates the difficulties and inconsistencies that arise when attempting to define its relationship with the primary branches of law.

Within the secondary structure, the norms of constitutional, administrative, civil, and criminal law, when combined within the sphere of environmental activity, constitute environmental law, while at the same time retaining their original character as norms of constitutional, administrative, civil, and criminal law.

2. Correlation of Environmental and Related Branches of Law

2. An important issue that, in my view, has not been fully resolved in environmental legal scholarship is the correlation between the concepts of “environmental law,” “natural resource law,” “environmental protection law,” “land law,” “subsoil law,” “forest law,” and “water law.”

To begin with, it should be clarified that all these formations – regardless of whether they are recognized as branches of law – constitute complex legal formations (branches, sub-branches, or institutions) constructed within the secondary structure of law.

3. Let us consider how this issue is



addressed in legislation.

Paragraph 1 of Article 1 of the Environmental Code of the Republic of Kazakhstan dated January 2, 2021, provides:

“1. This Code regulates social relations in the sphere of interaction between humans and nature (environmental relations) arising in connection with activities of individuals and legal entities that have or may have an impact on the environment.”

From this provision, it may be concluded that environmental relations are understood as social relations arising in the sphere of interaction between humans and nature. In this context, the sphere of interaction between humans and nature should be interpreted as encompassing not only relations concerning environmental protection but also those relating to natural resource use, including land use, subsoil use, water use, and similar activities. Otherwise, the concepts of “environmental relations” and “environmental protection relations” would coincide, rendering the latter redundant. This would leave only two concepts – “environmental relations” and “natural resource relations” – thereby disrupting the conceptual framework that has been developed in legal theory and practice over many years.

Moreover, by its very meaning, the concept of “social relations in the sphere of interaction between humans and nature” clearly includes both relations concerning the use of natural resources and those concerning environmental protection.

It follows that environmental law encompasses both environmental protection law and natural resource law.

However, unlike the Environmental Code of 2007 – which, while primarily regulating environmental protection relations, also included certain provisions on natural resource use (albeit limited to three articles, Articles 10-12) the Environmental Code of 2021² is devoted exclusively to the regulation of environmental protection relations. Paragraph 2 of Article 1 of the 2021 Code stipulates:

“2. Social relations arising in the field of the use of natural resources, as well as, where applicable, their conservation, restoration, and reproduction, shall be regulated, depending on the type of natural resource, by the land, water, and

forest legislation of the Republic of Kazakhstan, the legislation of the Republic of Kazakhstan on subsoil and subsoil use, legislation on the protection, reproduction, and use of wildlife, and other legislation of the Republic of Kazakhstan in the field of protection and use of natural resources.”

4. In accordance with paragraph 1 of Article 10 of the 2007 Code, natural resource use was defined as “the use of natural resources and/or impact on the environment in the daily life of individuals, as well as in the economic and other activities of individuals and legal entities.” Although this concept lost its formal legislative basis following the repeal of the 2007 Code, there is no reason why it cannot continue to be used for scholarly purposes.

Natural resource use is divided into general and special use.

General natural resource use is permanent in nature and is carried out free of charge to satisfy the essential needs of the population, without the allocation of natural resources for use.

Special natural resource use refers to the activities of individuals and/or legal entities that, on a paid basis, utilize natural resources and/or produce emissions into the environment in accordance with the procedure established by the Environmental Code and other laws of the Republic of Kazakhstan.

The types of natural resource use include:

1. land use;
2. water use;
3. forest use;
4. subsoil use;
5. use of wildlife;
6. use of plant resources;
7. emissions into the environment;
8. other types of natural resource use established by the laws of the Republic of Kazakhstan.

Natural resources are understood as natural objects possessing consumer value, including land, subsoil, water, flora, and fauna.

5. Structure and Internal Correlation of Environmental Law

Thus, environmental law encompasses both natural resource law and environmental protection law.

² The Code of the Republic of Kazakhstan dated January 2, 2021 № 400-VI Ecological Code of The Republic of Kazakhstan. URL:

<https://adilet.zan.kz/eng/docs/K2100000400>

(accessed: 09.04.2026).



Natural resource law includes land law, water law, forest law, and subsoil (mining) law. It may also be appropriate to include faunal and floristic law, although this remains debatable, particularly with regard to whether they meet the criteria of independent branches of law. In practice, these areas are primarily concerned with the protection of wildlife and plant life, while their use-related aspects may include activities such as hunting, fishing, and the collection of medicinal plants. Natural resource law and environmental protection law intersect, since norms governing the protection of land, water, forests, and subsoil simultaneously belong to both domains.

This results in a pyramidal structure of legal branches: at the apex stands environmental law, whose constituent parts are natural resource law and environmental protection law, which intersect with one another. Within natural resource law are included land law and other related branches.

Such a structure gives rise to a number of contradictions. Land law, as a branch of law, forms part of natural resource law as a branch of law, which in turn is included within environmental law as a branch of law.

Three possible solutions to this issue may be identified:

a) To recognize environmental law not as a branch of law, but as a sphere of activity within which complex branches of the environmental cycle – natural resource law and environmental protection law – operate. Land, subsoil, water, and forest law would then be regarded as sub-branches of natural resource law. However, this approach has effectively been rendered obsolete by the adoption of the Environmental Code, which completed the formation of environmental law as a branch of law.

b) To recognize environmental law as a branch of law. In that case, according to the classical structure of the legal system, natural resource law and environmental protection law would constitute sub-branches of environmental law, while land, subsoil, water, and forest law would be treated as legal institutions within natural resource law. From the standpoint of legal theory, this option appears the most consistent. However, reducing land or subsoil law – even to the level of sub-branches, let alone legal institutions – does not correspond to their actual significance, particularly in the modern economy.

c) To proceed from the evident fact that land, subsoil, water, and forest law are historically established branches of law with longstanding traditions. Reducing their status to that of legal institutions would therefore be inappropriate.

This analysis proceeds from the premise that, although the legal system is formally constructed by the legislator, it must also reflect the actual configuration of norms, institutions, and branches that has developed within the legal system of a given state.

A solution to this problem lies in recognizing the concept of an integrated branch of law as an element of the legal system's structure. Such an integrated branch may be constructed only within the secondary structure of law. Within this framework, land, subsoil, water, and forest law should be regarded as independent branches of law. The level above them constitutes a family of branches, or an integrated branch. In the present case, environmental law functions as such an integrated branch, while natural resource law and environmental protection law operate as its sub-branches. Consequently, land, subsoil, water, and forest law retain their status as ordinary (though complex) branches of law.

Conclusion

The conducted research, grounded in a systemic-structural methodology, makes it possible to formulate a number of theoretical propositions that are significant for the development of the doctrine of the legal system and for determining the place of environmental law within its hierarchy.

The systemic-structural approach, while not claiming metatheoretical universalism, retains substantial heuristic potential when applied to law as a formalized body of normative rules. Its application enables the differentiation of two structural levels within the legal system: the primary structure, whose system-forming factor is the fundamental division into public and private law, with the method of legal regulation serving as the criterion of distinction; and the secondary structure, constituted on the basis of spheres of activity. Within the secondary structure, complex branches of law emerge that lack their own distinct subject matter and method, which necessitates their reliance on the instruments of



primary branches, both in imperative and dispositive modes.

Environmental law occupies a unique position within the secondary structure, as the environmental sphere of activity is the only one in which the concepts of “sphere” and “branch of law” coincide. Unlike the economic, socio-cultural, and administrative-political spheres, which do not possess eponymous branches of law, environmental law functions as an integrative framework for the entire body of normative prescriptions of the environmental cycle.

Based on an analysis of the current legislation of the Republic of Kazakhstan, including the Environmental Code of 2021, as well as doctrinal approaches, it is substantiated that environmental law constitutes an integrated branch of law. The following architectonic model is proposed: environmental law is an integrated branch within which natural resource law and environmental protection law are distinguished as sub-branches, existing in a relationship of intersection due to the dual nature of norms governing the protection of natural objects, which simultaneously belong to both sub-branches. In turn, natural resource law encompasses land law, mining (subsoil) law, water law, and forest law as independent complex branches of law, reflecting their historical rootedness, institutional development, and significance within the system of economic relations.

The introduction of the concept of an “integrated branch” into the categorical apparatus of legal theory makes it possible to resolve the fundamental contradiction between the classical three-level structure (norm – institution – branch of law) and the actually existing practice of legal regulation, in which land, mining, water, and forest law, possessing independent branch status, cannot be reduced to the level of institutions within natural resource law. At the same time, the author proceeds from the methodological premise that the legal system, although constructed by the legislator, must reflect objectively formed relationships between normative formations, their internal logic, and their practical relevance.

Promising directions for further research include: refining the criteria for classifying structural formations as integrated branches; developing mechanisms of coordination and subordination among branches within an integrated structure; and extrapolating the proposed model to other complex legal formations – such as business, information, and sports law – that emerge at the intersection of public and private law. The proposed concept of integrated branches opens new possibilities for the theoretical understanding of the evolution of the legal system in the context of increasingly complex social relations and expanding inter-branch interactions.

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**ЭКОЛОГИЯЛЫҚ ҚҰҚЫҚ ИНТЕГРАЦИЯЛАНҒАН ҚҰҚЫҚ САЛАСЫ
РЕТІНДЕ: ЖҮЙЕЛІК-ҚҰРЫЛЫМДЫҚ ТАЛДАУ**

Аңдатпа. Мақалада жүйелік-құрылымдық талдау негізінде Қазақстан Республикасы құқық жүйесінде экологиялық құқықтың орнын айқындау мәселесі зерттелді. Автор құқық құрылымының бастапқы (негізгі) және екіншілік деңгейлерін ажырату қажеттігін негіздейді. Бастапқы құрылымда жүйеқұраушы фактор ретінде жария және жеке құқыққа бөліну танылады, ал құқық салаларын жіктеу өлшемі ретінде құқықтық реттеу әдісі қарастырылады: жария құқық салалары үшін – императивтік, ал жеке құқық салалары үшін – диспозитивтік әдіс тән. Екінші құрылымда кешенді құқық салаларының қалыптасуына негіз болатын төрт қызмет саласы айқындалды: экономикалық, әлеуметтік-мәдени, әкімшілік-саяси және экологиялық. Экологиялық саланың айрықша орны көрсетілді, себебі дәл осы бағытта «қызмет саласы» мен «құқық саласы» ұғымдары өзара сәйкес келеді. Қазақстан Республикасының 2021 жылғы Экологиялық кодексі мен доктриналық көзқарастарды талдау негізінде экологиялық құқықты табиғи ресурстық құқық пен табиғатты қорғау құқығын ішкі салалар ретінде қамтитын интеграцияланған құқық саласы ретінде қарастыру ұсынылды. Сонымен қатар жер, тау-кен, су және орман құқықтары табиғи ресурстық құқық құрылымына кіретін дербес кешенді құқық салалары ретінде танылды. Интеграцияланған құқық саласы санатын енгізу құқықтың классикалық үшеңгейлі құрылымы мен экологиялық қатынастарды құқықтық реттеудің нақты қалыптасқан тәжірибесі арасындағы теориялық қайшылықтарды еңсеруге мүмкіндік береді. Ұсынылған тұжырымдама өзге де кешенді құқықтық құрылымдарды қайта жүйелеуге жол ашады және оны кәсіпкерлік, ақпараттық және өзге де салааралық құқықтық институттарға қолдануға болады.

Түйін сөздер: экологиялық құқық, интеграцияланған құқық саласы, құқық жүйесі, кешенді құқық саласы, табиғи ресурстық құқық, табиғатты қорғау құқығы, жария және жеке құқық, қызмет саласы.

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**ЭКОЛОГИЧЕСКОЕ ПРАВО КАК ИНТЕГРИРОВАННАЯ ОТРАСЛЬ ПРАВА:
СИСТЕМНО-СТРУКТУРНЫЙ АНАЛИЗ**

Аннотация. В статье на основе системно-структурного анализа исследуется проблема определения места экологического права в системе права Республики Казахстан. Автор обосновывает необходимость разграничения основной и вторичной структур права. В основной структуре системообразующим фактором выступает деление на публичное и частное право, критерием разграничения отраслей является метод правового регулирования – императивный для публичных и диспозитивный для частных отраслей. Во вторичной структуре выделяются четыре сферы деятельности – экономическая, социально-культурная, административно-политическая и



экологическая – выступающие системообразующими факторами для комплексных отраслей. Показано, что экологическая сфера занимает уникальное положение, поскольку в ней совпадают понятия сферы деятельности и отрасли права. На основе анализа Экологического кодекса РК 2021 года и доктринальных подходов предлагается рассматривать экологическое право как интегрированную отрасль, включающую природоресурсное и природоохранное право в качестве подотраслей. При этом земельное, горное, водное и лесное право признаются самостоятельными комплексными отраслями, входящими в структуру природоресурсного права. Введение категории интегрированной отрасли позволяет разрешить теоретические противоречия между классической трёхуровневой структурой права и реально сложившейся практикой регулирования экологических отношений. Предложенная концепция открывает перспективы для пересмотра систематизации иных комплексных образований и может быть экстраполирована на предпринимательское, информационное и иные межотраслевые правовые институты.

Ключевые слова: экологическое право, интегрированная отрасль, система права, комплексная отрасль, природоресурсное право, природоохранное право, публичное и частное право, сфера деятельности.