

Kobetska Nadiia

*Doctor of Sciences in Law, Professor,
Head of the Department of Labour, Environmental and Agricultural Law
Vasyl Stefanyk Precarpathian National University*

Кобецька Надія Романівна

*доктор юридичних наук, професор,
завідуюча кафедрою трудового, екологічного та аграрного права
Прикарпатський національний університет імені Василя Стефаника*

Кобецкая Надежда Романовна

*доктор юридических наук, профессор,
заведующая кафедрой трудового, экологического и аграрного права
Прикарпатский национальный университет имени Василия Стефанька*

ORCID: 0000-0001-9058-7615

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**THE SPECIFICS OF TEACHING ENVIRONMENTAL LAW:
CONCLUSIONS FROM THE UNIVERSITY
PROFESSOR'S EXPERIENCE**

**ОСОБЛИВОСТІ ВИКЛАДАННЯ ЕКОЛОГІЧНОГО ПРАВА:
ВИСНОВКИ З ДОСВІДУ УНІВЕРСИТЕТСЬКОГО
ПРОФЕСОРА**

**ОСОБЕННОСТИ ПРЕПОДАВАНИЯ ЭКОЛОГИЧЕСКОГО
ПРАВА: ВЫВОДЫ ИЗ ОПЫТА УНИВЕРСИТЕТСКОГО
ПРОФЕССОРА**

Summary. The article gives the academic and methodological features of teaching and learning environmental law in Ukraine. The main focus of attention is on analysis of methods, techniques and means of teaching (considering the author's 25-year work experience as a university professor) used for giving lectures, seminars and supervising students' individual work.

The problems of studying environmental law in Ukraine include: a heavy curriculum; a small number of credits; a vast number of laws of different legal force; constant changes in legislation, emergence of new branches of environmental law; the necessity of at least basic understanding of fundamental environmental categories, etc. A major problem with teaching environmental law is students' lack of interest in studying it.

Throughout the years of teaching environmental law, the author has developed her own approach to delivering lectures. The above-mentioned objective factors do not allow for elaborating on all the environmental laws during lectures. The main objective of lectures is to develop students' legal environmental awareness, their knowledge of the system, structure, and development prospects of Ukrainian environmental legislation, their understanding of the ultimate aim of legal environmental regulation and the "spirit" of the law. In-depth study of environmental law during tutorials can be achieved by using various interactive methods of teaching: business games, brainstorming, "case-tasks", discussions, simulations, analysis of specific situations, etc. It is important to understand the complexity of the interaction between environmental and economic interests in society, its conflict-based nature, and the necessity to reach a sensible compromise between the economic interests of industrial enterprises and the environmental interests of certain individuals, groups or society.

Key words: environmental law in Ukraine, teaching, learning, teaching methodology, lectures, seminars.

Анотація. В статті представлені науково-методологічні характеристики вивчення екологічного права в Україні. Основну увагу приділено аналізу методів, прийомів та засобів викладацької діяльності (зокрема, з урахуванням двадцятип'ятирічного викладацького досвіду автора) в процесі читання лекцій, проведення семінарських занять та організації самостійної роботи студентів.

Проблемними аспектами вивчення екологічного права в Україні є великий обсяг програмового матеріалу; невелика кількість годин, відведених на дисципліну; значний масив законодавчих актів різної юридичної сили; постійні зміни законодавства, поява нових інститутів; необхідність хоча б мінімального розуміння базових природничих категорій тощо. Суттєвою проблемою для практики викладання екологічного права є відсутність зацікавленості студентів у вивченні цієї галузі.

За роки викладання в автора виробився власний підхід до подання лекційного матеріалу. Основним завданням лекцій є формування еколого-правового світогляду студентів, розуміння ними кінцевої мети еколого-правового регулювання, знання системи, структури, ієрархічної побудови українського екологічного законодавства, його перспективних напрямів розвитку, розуміння не так “букви” як “духу” екологічних законів. Поглиблене вивчення еколого-правових норм в процесі практичних занять передбачає впровадження різноманітних сучасних інтерактивних методів викладання: ділові ігри; мозкові штурми; кейс-завдання; навчальні дискусії; симуляції; розбір конкретних ситуацій. Важливо розуміти складність питання взаємодії екологічних і економічних інтересів суспільства, її конфліктний характер та необхідність забезпечення розумного компромісу між комерційними, господарськими інтересами промислових підприємств і екологічними інтересами окремих людей, їх груп чи суспільства в цілому.

Ключові слова: екологічне право України, викладання, вивчення, методика викладання, лекції, семінарські заняття.

Аннотация. В статье представлены научно-методологические характеристики изучения экологического права в Украине. Основное внимание уделено анализу методов, приемов и средств преподавательской деятельности (в частности, с учетом двадцатипятилетнего преподавательского опыта автора) в процессе чтения лекций, проведения семинарских занятий и организации самостоятельной работы студентов.

Проблемными аспектами изучения экологического права в Украине является большой объем программного материала; небольшое количество часов, отведенных на дисциплину; значительный массив законодательных актов различной юридической силы; постоянные изменения законодательства, появление новых институтов; необходимость хотя бы минимального понимания базовых естественных категорий и т.п. Существенной проблемой для практики преподавания экологического права является также отсутствие заинтересованности студентов в изучении этой отрасли.

За годы преподавания в автора выработался собственный подход к представлению лекционного материала. Основной задачей лекций является формирование эколого-правового мировоззрения студентов, понимание ими конечной цели эколого-правового регулирования, знания системы, структуры, иерархического построения украинского экологического законодательства, его перспективных направлений развития, понимания не столько “буквы” как “духа” экологических законов. Углубленное изучение эколого-правовых норм в процессе практических занятий предусматривает внедрение различных современных интерактивных методов преподавания: деловые игры; мозговые штурмы; кейс-задания; учебные дискуссии; симуляции; разбор конкретных ситуаций. Важно понимать сложность вопроса взаимодействия экологических и экономических интересов общества, его конфликтный характер и необходимость обеспечения разумного компромисса между коммерческими, хозяйственными интересами промышленных предприятий и экологическими интересами отдельных людей, их групп или общества в целом.

Ключевые слова: экологическое право Украины, преподавание, изучение, методика преподавания, лекции, семинарские занятия.

Environmental education plays a significant role nowadays. In the meantime, the following statement appears to be valid: “the need for general environmental scientists is limited” [1, p. 9]. Integration of environmental knowledge with specialized competences, including legal ones, is of current importance. Environmental law education “has to contribute to society’s understanding of economic, environmental and social interdependence in order to arouse the feeling of each person’s responsibility for resolving the problems of sustainable development implementation” [2, p. 23].

The law curricula at Ukrainian universities provide for environmental law knowledge to be acquired by students throughout the study of their major — Environmental Law of Ukraine — as well as other environmental law elective disciplines within the BL and ML programmes.

Analysis of the methodological guidelines of Environmental Law as an academic discipline has to be conducted considering the following characteristics: 1) the place of a certain academic discipline in a law curriculum, a logical link with other academic disciplines;

- 2) the content of a discipline and the number of academic hours assigned to it in a curriculum;
- 3) methods, techniques and means of teaching.

Environmental Law of Ukraine as a branch of law and an academic discipline is a successor to the corresponding system of norms and knowledge established in the USSR. In the 1970s a new academic discipline — Legal Environmental Protection — was introduced in the higher law educational establishments of the Soviet Union which in the late 1980s transformed into Environmental Law. Today Environmental Law of Ukraine is a constituent of the academic training of students taking a bachelor's degree in law. A departure from the Soviet administrative-command system having the officially established common approaches to the content, structure, number of hours, place in curriculums for students majoring in a specific subject led to the autonomy and freedom of higher educational establishments in defining the content and structure of curriculums for law students. It, consequently, causes differences in studying Environmental Law of Ukraine and other environmental law disciplines in the higher law educational institutions of Ukraine.

It is certain that students' mastery of environmental law is impossible without their knowledge of basic law disciplines: legal theory, administrative law, civil law, criminal law, legal proceedings, commercial law. Therefore, teaching this subject deems appropriate in the first semester of year four or at least in the second semester of year three. A survey of students from Precarpathian National University, conducted after they finished studying Environmental Law of Ukraine, also supported this conclusion.

Nowadays the teaching and learning of Environmental Law of Ukraine are closely related to the reformation of the political and legal system in Ukraine, its legislative system, higher education in general and higher legal education in particular. The content of professional legal training is becoming more complex. It is influenced by the expansion of the spheres of legal regulation, the formation of new legal forms of regulation, integration and differentiation in the development of law, the multidisciplinary of modern legal knowledge and so on. Over the last years Ukraine has seen much discussion and heated debates on reforming higher legal education. Under the reform in 2018 the Ministry of Education and Science of Ukraine ratified the Standard of Higher Education in specialty 081 "Law" in subject area 08 "Law" for the first (bachelor's) degree of higher education. Within the system of the graduate's general competences the Standard establishes "the aspiration to preserve the environment", in the meantime emphasizing the ability

"to apply knowledge of the objectives, principles and doctrines of national law as well as of the legislation at least on such branches of law as constitutional law, administrative law and administrative procedural law, civil and civil procedural law, criminal and criminal procedural law among specific (professional) competences". A compulsory acquisition of competences in the field of environmental law is omitted. It means that the question of the inclusion of the plan, content, forms of control of the academic discipline "Environmental Law of Ukraine" in the curriculum is again left to the discretion of each university.

The content of the academic discipline "Environmental Law of Ukraine" reflects the corresponding branch of law. The modern environmental law in Ukraine started to develop after the Law of Ukraine "On Environmental Protection" was adopted in 1991. The Law established a completely different approach to regulating environmental protection in comparison to Soviet traditions [3, p. 9–15]. Since 1991 the rest of the environmental legislative acts of Ukraine constituting the system of environmental legislation and representing the content of the environmental law of Ukraine have been adopted. Nevertheless, scholars hold different views on the system of environmental law. The most accepted is the division of the subject of regulation into three groups of relations: natural resources relations (concerning the rational use and protection of mineral resources, waters, forests, flora and fauna), environmental protection relations (connected to the protection of biodiversity, certain natural regions) and environmental safety relations (aimed at developing the mechanism for environmental protection, the prevention of its damage and the emergence of danger to people's health). Today environmental law in Ukrainian academic literature covers an extensive range of environmental issues — environmental rights, legal liability, environmental protection from detrimental exposure, consequences of environmental emergencies, the preservation of biodiversity, the legal regulation of the use of mineral resources, forests, waters, flora and fauna, etc.

Such an extensive volume of legislative regulation that continues to change and develop creates considerable difficulties for students who learn Environmental Law of Ukraine. The survey showed that the major problem for students learning the subject is a wide array of legislative acts to be analyzed. The limited lecture time does not allow to interpret all (or at least most of) environmental legislative acts in detail. The main objective of lectures is to develop students' legal environmental awareness, their knowledge of the system, structure and development prospects of Ukrainian

environmental legislation, their understanding of the ultimate aim of legal environmental regulation and the “spirit” of the law. “The aim of environmental law education is to teach students “management of environmental law knowledge”, the skills of individual search, selection and acquisition of information” [4, p. 13].

Over the last years a change of traditional approaches to teaching has been of significant importance to Ukraine. The teaching process has to be dynamic, aimed at searching for innovative, advanced, diverse methods, techniques and means adapted for students with different abilities and focused on boosting students’ intellectual and creative activity, developing their theoretical thinking and acquiring practical skills, fostering dialogue between the teacher and students. “The strategic aim of reforming and modernizing higher education and science in Ukraine is to create an efficient innovative educational environment in higher educational establishments by promoting innovation, introducing the newest technologies and models of learning” [5, p. 5].

As far back as fifty years ago R. C. Atkinson and R. N. Shiffrin, having developed a theory of the three components of human memory [6, p. 89], proved that the use of traditional (explanatory and illustrative) methods of teaching is inefficient since they are mostly focused on memory, not thinking. In Ukrainian pedagogical academic literature teaching method is defined as “a means of cooperative activity between the teacher and the student, resulting in the latter acquiring knowledge, learning skills, developing professional and intellectual abilities for their future profession” [7, p. 9]. Traditionally, teaching methods are divided into passive (when the teacher is the main actor who moderates classes where students act as passive listeners) and active (the teacher and students interact with one another, and students here are not passive listeners but active participants of the teaching process). Nowadays there exists the absolute necessity of modifying teaching methods by introducing methods of active teaching since the traditional lecture- and seminar-based form of teacher-student interaction is inefficient which is substantiated.

Different factors have to be considered when using different teaching methods (characterized by combinability and the eventual successful acquisition of knowledge) in the course of teaching environmental law, such as the specifics of an academic discipline; the competences required for future lawyers; students’ abilities, interest in the subject, level of training and so on. Let us look at them in more detail, in the meantime illustrating the methods and techniques of teaching applied by the author in her work as a university professor.

The efficiency of applying legal instruments in environmental protection relations directly depends upon knowing both basic processes taking place in natural systems and technical, organizational control procedures for the prevention of an adverse impact on the environment and its individual components and, therefore, understanding the content and achievements of natural sciences, economy, technical sciences. “A comprehensive and full-fledged teaching of environmental law is impossible without considering these factors” [8, p. 26]. In 2001 the Framework of Environmental Education was ratified in Ukraine. It stated the obligatory “inclusion of the compulsory course “The Basics of Ecology” in all the BL degree programmers”. Nevertheless, most of the law departments did not introduce the course referring to the absence of environmental law in the curriculum.

An acceptable model for providing environmental education within law degree programmers is “integration of specific environmental subjects as electives within the Law degree taught only to law students” [9]. However, such a model is unlikely to be introduced at Ukrainian law schools due to a limited number of academic hours and lack of students’ interest in attending electives. Meanwhile, the necessity to understand objective processes and relations formalized by legal norms causes the need to interpret them (at least in general) at lectures on environmental law. Drawing on personal experience, the best way to do it is by demonstrating short videos. It can be, for instance, a video about the content of and interaction between components of biodiversity (for the importance of its preservation); the functioning of a single automated system for environmental monitoring; tours around nature reserves (for example, a video about the biosphere reserve Askania-Nova at the lecture on the legal framework for Ukrainian ecological network and nature reserves) and so on. The use of TV-, video-, photo-, audio- and other materials in the teaching process (the audio-visual method) boosts students’ cognitive activity, helps to maximize time.

The teaching of environmental law is impossible only by analyzing and interpreting formal legal sources (a body of law). The lecturer should have a good command of the methodology of environmental law regulation, ideological and philosophical issues of society-nature interaction. Modern environmental law reflects the ideas and views of nature, standardizes people’s actions and behavior towards nature. Interpretation of environmental legislation has to be based on such principles as “constant inclusion of an individual into community activities aimed at resolving environmental issues; the present generation’s fair

responsibility for environmental protection before future generations; the vitality (existence) of all the elements of nature including harmonious human existence in nature” [10, p. 8].

The teaching of environmental law plays a significant role in developing environmental culture, awareness, way of thinking. “Environmental knowledge and knowledge of environmental legislation are elements of environmental culture as a combination of different approaches to learning about nature from the point of view of its value on spiritual (intellectual) and material (practical) levels as well as elements of an environmental worldview” [11, p. 26]. The development in future lawyers of a conscious, sensible, humane attitude to the environment influences the development of the corresponding environmental law enforcement practice. This aim is being achieved both directly during classes and in organizing extracurricular activities. In the course of teaching environmental law, interpreting legislation, analyzing environmental law enforcement, the emphasis is constantly placed on the priority of the human right to the safe environment and measures aimed at ensuring it as well as on an understanding of the importance of public involvement in taking environmental decisions and the basics of sustainable development. Students who study environmental law are engaged in an annual awareness campaign and the Earth Hour event. For instance, a simulation game of climate negotiations is an interesting extracurricular activity. Participation in this kind of an education game improves mental abilities and behavior, the ability to analyze and generalize information, set aims and choose ways of achieving them, apply the norms of substantive and procedural law, correctly evaluate facts and circumstances, give a speech in a logical, well-reasoned, clear manner, cooperate, work in a team, be tolerant of others.

Events of similar kind raise students’ interest in acquiring knowledge of environmental law. A considerable problem of teaching Environmental Law of Ukraine is low students’ interest in studying this subject (it was confirmed by the survey of the students). It is caused by the low environmental awareness of Ukrainian society in general; deficiencies in environmental law and the absence of environmental case law; disregard for environmental interests. When most students begin to study environmental law, they have already chosen their future profession on the basis of the earlier studied administrative, criminal, civil law. Quite often students do not see any practical need in using knowledge of environmental law, the sphere of its application. In order to arouse students’ interest in studying a certain branch of law or certain pieces of its legislation, the teacher can begin a class by presenting

a real-life problem or a contradictory situation and showing a short video about a violation of environmental legislation. After that students are asked a number of questions aimed, first and foremost, at defining the statutory regulation for the problem that is going to be analyzed during the class. The introductory lecture is of particular importance, since it familiarizes students with the course, gives a comprehensive view of it, guides through its structure and content. It is necessary to make students interested, explain the importance of knowledge of environmental law and show possible ways of its practical application.

Nowadays knowledge of environmental law has to be practice- not theory-oriented, the latter also being very time-consuming. The primary aim of law education is mastery of professional skills. Analyzing the methodology of teaching environmental law at American universities, H. G. Robertson concluded that students should be given “an opportunity to learn the environmental law system by solving real-world type environmental law problems” [12, p. 279]. To achieve such an objective in the pedagogical practice of law teaching, business games and role-playing, brainstorming, a case study, simulations, academic discussions and so on were introduced at the end of the twentieth century [13]. For Ukrainian higher education these forms of teaching are relatively new and began to be more actively used in recent decades.

Quite common in my work is the use of the case study method. Analyzing real-life situations, discussing them, studying various problem-solving approaches, searching for necessary information — these types of work help to develop important practical skills: a comprehensive approach to analyzing and evaluating facts, a logical and cause-effect style of thinking, rational decision-making. Each topic of in-class discussion is accompanied by a detailed list of questions in the study guide that students have to learn as well as terminology-based tasks, tests for a quick knowledge check, different practical tasks.

For instance, it can be a task of preparing a legal document: a request for providing environmental information, an application for water use permission, a draft lease contract, a complaint against an official resolution, a lawsuit on environmental rights violations. The acquisition of practical skills in working with legal documents is a step-by-step process. At the first stage students get familiar with court rulings, application forms, environmental audit certificates and so on. Then their task is to write these documents themselves according to the given drafts.

Another practical task is a description of a real-life situation related to, for example, a violation of environ-

mental law requirements for its legal evaluation. Since teaching Environmental Law of Ukraine is based on students' knowledge of civil, administrative, criminal law and corresponding court proceedings, it gives the opportunity to use a wide range of real-life situations about ownership rights to natural resources, the right to natural resources management, legal liability for environmental law violations, the exercise of executive power and so on. Tasks suggested to students are worded differently. Some have all the detailed circumstances, contextual information. They require a precise algorithm of actions and a choice of a specific legal sanction. Others contain a general description of the situation, thus allowing for a variety of its possible solutions.

Another specific feature of environmental law that defines the specifics of teaching this course lies in its "multicentric and pluralistic nature" being the basis of "teaching substantive environmental law and practice skills through interest group role-playing" [14, p. 194]. Therefore, analysis of practical situations involves students' role-playing as representatives of a non-governmental organization, government inspectors, lawyers of an enterprise.

The brainstorming method is often used for activating students' attention in dealing with a problem situation. Students work with specific different court rulings on analogous cases. Unfortunately, in Ukraine court rulings on environmental lawsuits are often contradictory, and there are problems in designating court jurisdiction. Students are suggested to familiarize themselves with these problems and analyze them. Then students are asked questions and engaged in active discussion; they can give their arguments and counterarguments in favour of this or that court ruling. As a rule, the presented arguments are written on the board and analyzed, and then the most well-reasoned ones are chosen. This approach helps to boost cognitive activity, find fruitful ideas, constructive decisions, solutions to complex problems or non-standard situations.

It is necessary to remember the complex issue of interaction between environmental and economic interests of society, its conflict-ridden character [15] and the need to ensure a sound compromise between commercial and economic interests of industrial enterprises and environmental interests of certain people, communities or society on the whole. Certain citizens, acting in different capacities in environmental relations, objectify in them not only environmental but also economic, social and other interests. Therefore, a number of the suggested practical tasks are based on a conflict of interest. For instance, the closedown of an enterprise

that violates environmental law requirements will lead to dismissals and loss of workers' labour guarantees and benefits packages, consequently, depriving them of their source of subsistence. Students are thus asked: How to reconcile these interests? What measures for conflict resolution are the most efficient in this case?

Doing these practical tasks, students often choose the most obvious solution that might appear to be inefficient and will not prevent environmental rights violations. The experienced teacher has to emphasize the need to determine the ultimate aim to be achieved in each particular situation. On the basis of it a legal remedy has to be chosen and the plaintiff's claims have to be formulated.

As regards my teaching practice today, I no longer use a traditional form of control where students are asked to retell the information they read in textbooks. It is certain that the resolution of practical problems is impossible without knowing and understanding theory, being able to work with definitions and being knowledgeable about the system of legal norms. Therefore, a case study is always accompanied by theory quizzes. These theoretical questions have to be related to each particular case. For instance, students are asked not only to describe the procedure for becoming an environmental protection inspector but explain, in detail, to imaginary clients which documents they need to collect, who to ask, what additional requirements to meet. In the interview method students are asked to be lawyers and have a talk with a client who wants to be consulted about the alleged violation by the neighbouring enterprise of emission limit values.

The use of teaching methods and techniques ensures a real connection with legal practice, a possibility to engage future lawyers in problem-based learning, increase their level of interest, enhance their performance, stimulate the development of analytical skills, the interaction and combination of theory and practice.

Environmental law regulation in different countries is characterized by the unity of approaches to and mechanisms of regulation on the basis of the developed and ratified international and European standards. The crucial current importance of knowing and understanding the international and European environmental law legislation for Ukraine is caused by the signing of the Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part. The European Integration priorities of the state policy of Ukraine concern all the spheres of the activity of the state and society and the environmental sphere in particular. Currently, the work of the state authorities and public organizations is aimed at ensuring the implementation

of the principal requirements and principles of EU legislation (“*acquis communautaire*”). Art. 360–366 of the Association Agreement between EU and Ukraine cover environmental matters whereas Annex XXX to Chapter 6 “Environment” of Title V “Economic and Sector Cooperation” contains a list of directives and regulations which are to be incorporated into national legislation. In light of this, law students’ knowledge of international and European environmental law mechanisms is critical.

Certain courses such as “International Environmental Law”, “European Union Environmental Law” are included as electives for undergraduate students and in the environmental law master’s programme. They provide for an in-depth study of the corresponding legislation. The general course “Environmental Law of Ukraine” does not allow to elaborate on these questions due to lack of academic time. In the meantime, over the last years I have been suggesting this topic for student’s individual work. For instance, the topics suggested for students’ individual research work are related to the implementation of certain EU directives

on environmental protection. Students have to study the general mechanisms for approaching Ukrainian environmental legislation to European one; learn the content and meaning of EU directives and the degree of compliance of Ukrainian legislation with them; explain the issue of the discrepancy between legal norms and the emergence of collisions after the adoption of new legal acts, the problems of modern comparative law and so on. The use of the creative search method helps to reinforce students’ interest in the course, study certain questions in more depth, engage students in research work.

It is certain that the presented study does not exhaust analysis of the specifics of the teaching and methodology of environmental law at Ukrainian universities. To conclude, it has to be emphasized that the introduction of innovative methods and constant improvement in teaching such a complex subject as Environmental Law requires a high level of professional expertise, constant self-improvement and learning, an increase in the academic and methodological levels of knowledge.

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