

Janina Ciechanowicz-McLean, Maciej Nyka

PUBLIC PARTICIPATION IN THE ENVIRONMENTAL PROTECTION AS AN INSTRUMENT OF THE SOCIAL MARKET ECONOMY

The analysis of the functioning of the instruments of public participation in environmental protection reveals many similarities between those institutions and the assumptions of the social market economy. The convergence of the goals and the means of achieving them may result from the processes of economization of environmental law and the ecologization of economic law. Public participation in environmental protection, as well as the assumptions of the social market economy assume anthropocentric view on the implementation of economic policy as well as environmental policy. Public participation in environmental protection may set the framework for the implementation of the social market economy. This relationship also works the other way - the need for the economic use of natural resources in order to meet the needs of today and future generations provides a framework for environmental protection. The indication of public participation in environmental protection as an instrument of the social market economy requires a greater account of developments of economic science in the modern world and rejecting the current views of many Polish lawyers who understand market economy as it was at the stage of nineteenth-century capitalism. Currently, there is a task for lawyers to seek such legal instruments implementing the social market economy, which would be adequate to the state of socio-economic relations in the twenty-first century, in which environmental aspects play a significant role and are determined also by the social side, not only the government and the parliament.