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THE PROBLEM OF ACCESS TO PRIVATELY OWNED LANDS DURING THE EXERCISE OF THE RIGHT TO HUNTING

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It has always been known to each of us that since the appearance of the human being, the most important and first source of existence for the primitive people was the food acquired by hunting. What is true, it has turned with time out of human necessity into their occupation, an activity called - hunting, and nowadays it has reduced to the status of a leisure occupation, a hobby, a fashionable occupation of rich people. Obviously, taking into account the importance of the fauna of hunting interest for the environment and society, the need for legal regulation of the hunting field was felt, where clear rules are established for the subjects interested in this activity, and as a consequence, also specific competences for those who were to supervise the observance of the legislation in hunting matters. Although initially, regarding the lands that are the object of the hunting fund, the issue of ownership over them was not discussed, later it was found by some that passing through privately owned lands for the purpose of hunting, is a violation of the rights and interests of the owners. Respectively, whether or not this is a violation of the rights of the land owners or maybe it is an obstruction of the rights of the hunters, remains an open problem in front of doctrinaires and practitioners who require complex research.

Keywords: *environment, game fund, hunting, property right, economic activity, authorization, wildlife.*

PROBLEMATICA ACCESULUI PE TERENURILE PROPRIETATE PRIVATĂ ÎN TIMPUL EXERCITĂRII DREPTULUI LA VÂNĂTOARE

Pentru fiecare din noi este cunoscut faptul că de la apariția ființei umane, cea mai importantă și primă sursă de existență pentru omul primitiv a fost hrana dobândită pe calea vânatului. Aceasta s-a transformat cu timpul din necesitate a omului într-o îndeletnicire, o activitate numită - vânătoare, iar în zilele noastre ea s-a redus la statutul de ocupație în timpul liber, un hobby. În mod evident, ținând cont de importanța faunei de interes cinegetic pentru mediu și societate, s-a resimțit necesitatea reglementării juridice a domeniul vânătorii, unde să fie stabilite reguli clare pentru subiecții interesați de această activitate, iar pe cale de consecință, și competențe specifice pentru cei ce urmau să supravegheze modul de respectare a legislației în materie cinegetică. Ulterior s-a constatat că trecerea prin terenurile proprietate privată în scopul vânătorii, este o încălcare a drepturilor și intereselor proprietarilor. Respectiv, dacă este sau nu aceasta o încălcare a drepturilor proprietarilor de terenuri ori poate este o obstrucționare a drepturilor vânătorilor, rămâne o problemă deschisă în fața doctrinarilor și practicienilor ce solicită cercetări complexe.

Cuvinte-cheie: *mediu, fond cinegetic, vânătoare, drept de proprietate, activitate economică, autorizație, fauna sălbatică.*

LE PROBLÈME D'ACCÈS AUX TERRES PRIVÉES LORS DE L'EXERCICE DU DROIT DE CHASSE

Il a toujours été connu de chacun de nous que depuis l'apparition de l'être humain, la plus importante et première source d'existence pour l'homme primitif était la nourriture acquise par la chasse. Ce qui

est vrai, il s’est transformé avec le temps hors de la nécessité humaine en son occupation, une activité appelée - la chasse, et de nos jours il s’est réduit au statut d’une occupation de loisir, d’un passe-temps, d’une occupation à la mode des gens s’enrichissent. De toute évidence, compte tenu de l’importance de la faune d’intérêt cynégétique pour l’environnement et la société, le besoin d’une réglementation légale du domaine de chasse s’est fait sentir, où des règles claires sont établies pour les sujets intéressés par cette activité, et par conséquent, également des compétences spécifiques pour ceux qui devaient veiller au respect de la législation en matière de chasse. Bien qu’initialement, en ce qui concerne les terres qui font l’objet du fonds de chasse, la question de la propriété de celles-ci n’ait pas été discutée, plus tard, il a été constaté par certains que le fait de traverser des terres privées à des fins de chasse est une violation des droits et intérêts des propriétaires. Respectivement, qu’il s’agisse ou non d’une violation des droits des propriétaires terriens ou peut-être d’une entrave aux droits des chasseurs, reste un problème ouvert devant les doctrinaires et les praticiens qui nécessitent des recherches complexes.

Mots-clés : *environnement, fonds de chasse, chasse, droit de propriété, activité économique, autorisation, faune.*

ПРОБЛЕМА ДОСТУПА К ЗЕМЛЯМ, НАХОДЯЩИХСЯ В ЧАСТНОЙ СОБСТВЕННОСТИ, ПРИ ОСУЩЕСТВЛЕНИИ ПРАВА НА ОХОТУ

Всем известно, что с момента появления человека важнейшим и первым источником существования для первобытного человека была пища, добытая охотой. Со временем оно превратилось по необходимости человека в его занятие, деятельность под названием - охота, а в наши дни низведено до статуса досугового занятия, хобби. Естественно, принимая во внимание значение фауны охотничьего интереса для окружающей среды и общества, ощущалась необходимость правового регулирования охотничьей сферы, где устанавливаются четкие правила для субъектов, заинтересованных в этой деятельности, и, как следствие, также особые полномочия для тех, кто должен был контролировать соблюдение законодательства в охотничьих делах. Хотя изначально в отношении земель, являющихся объектом охотничьего фонда, вопрос о собственности на них не обсуждался, позже некоторыми было установлено, что пропуск через частновладельческие угодья в целях охоты является нарушением прав и интересы собственников. Соответственно, является ли это нарушением прав землевладельцев или ущемлением прав охотников, остается открытой проблемой перед учеными и практиками, требующей комплексного исследования.

Ключевые слова: *окружающая среда, охотничий фонд, охота, право собственности, экономическая деятельность, разрешение, животный мир.*

Introduction

Initially, for the Republic of Moldova, the legal framework for the regulation of hunting was found in the content of Law no. 439/1995 [5] in the form of an annex forming the Regulation of hunting households. After a long period of application, together with the diversification of the regulatory requirements generated by the need to connect the national legislation in the field to the requirements of the European Union legislation, in 2018 the Law on hunting and the hunting fund was adopted [4], which aimed to the consolidation of the relations that were to be established between the state as the owner of the elements of the animal kingdom, on the one hand, and, on the other, the management of the hunting fund, including the beneficiaries of these resources in their capacity as hunters.

After only a few years of applicability of the new regulations, the first indignant reactions of some foreign subjects appeared, but whose goods are used in the process of hunting. Here we are talking about the owners of the lands where the animals intended for hunting take shelter or pass, privately owned lands, whether they are intended for constructions located on the edge of the inner city, lands of the forest fund or of the water fund.

Although their reaction was initially

almost unnoticed, the problem began to gain momentum against the background of the involvement of some public organizations active in the field of wildlife protection, which would insinuate that by admitting the access of hunters to private property without their consent, it would constitute an infringement of property rights.

Also, in the circumstances shown, the interested subjects need visions, complex research and arguments that, in a possible amendment to the legislation, would ensure fairness to both categories, but also an overall vision that would take into account the entire legislative framework , namely that of environmental legislation in relation to the rules according to which the civil legislation in matters of property operates, also having in mind the regulations on the segment of society's access to public domain goods of public interest.

Research methodology. In order to achieve the predetermined goal, within the research of the present subject, it was necessary and extensive to use different research methods, among which we mention the most relevant ones, such as: the analysis method, the synthesis method, the deduction method, the historical method, the comparative method, the systemic method and the empirical method.

Basic research content

So, the problem under discussion is to be researched starting with the recognition of the reality in which the key element of the hunting activity is the hunting fund, and it is made up of two indivisible components[1]: *the fauna of hunting interest* and *the land it inhabits,* the first being public property [5], and the second, being part of both the public and the private domain.

Taking into account these circumstances, the legislator chose to formulate the content of the current regulations according to the idea that once the fauna of hunting interest is part of the public domain, any person holding the status of hunter (direct beneficiary of the resources of the animal kingdom) [10, p. 295] to have free and open access to privately owned lands, as does the owner of the resources of the animal kingdom (the state), only during the exercise of the hunting right assigned on the basis of a special authorization. Among other things, this position of the legislator is also supported by us. Or, from the notion given *to the hunting fund* in art. 2 of Law no. 298/2018 it is unequivocally understood that this represents a *unit of hunting management, consisting of* ***fauna of hunting interest*** *and* ***the surface of the land, regardless of the category and form of property****, on which the respective fauna inhabits, delimited in such a way as to ensure optimal stability of wildlife inside.* Moreover, art. 4 of Law no. 298/2018 clearly states that *the hunting fund is constituted by order of the Administrator and includes lands of the forest fund, agricultural lands, pastures, basins and bodies of water, other lands in public or private ownership.*

Also, pursuant to art. 12 of Law no. 298/2018, the owners of the lands covered by a hunting fund ***are obliged to allow hunting*** and other hunting activities if the respective activities do not harm the basic use of the lands.

However, being on the side of the legislator, we believe that in the matter of the use of the hunting fund, clearer regulations are required that would indicate, emerging from the specifics of the field, that the owners of the land with any destination have the obligation to admit the access of the state to the use of the elements of fauna of hunting interest as the owner of them, and with this also of the persons to whom, by a special act, the state has permitted their use for the purpose of hunting.

[1] In accordance with Art. 3 of Law no. 298/2018, the hunting fund is a public good, a unique and indivisible complex, of national and international interest, which is not subject to privatization or transfer to another form of property other than public.

Of course, before moving on to the arguments, we must recognize that to understand the true meaning of the current regulations, more effort is needed for those who are not initiated in the matter of law, while the law must be understandable to everyone. But, with regret, we notice that those who are obliged to apply it still have uncertainties, especially the so-called specialists who believe that the current concept of Law no. 298/2018 does not take into account the interest of the owners of the lands where the hunting activity is carried out. For this, we will expose ourselves to the problem by dividing the text into several compartments, as follows:

Clarification of some confusions

The right to use another's land and *the right of access to another's land*

In fact, the problem that makes some people think that hunting on the land belonging to another person with private property right, infringes his property right once he/she uses it for personal purposes without the prior consent of the owner, is the cause of a qualification wrongness of the actions carried out on them. Namely, there is confusion between *the institution of use* as an attribute of the property right and *the institution of access to another's land,* these being totally different according to the method of realization, according to the effects produced, according to the interference in the exercise of the right of ownership and finally, according to their essence legal - the premium being regulated in the content of art. 600 of the Civil Code[2] and the last one in art. 500 para. 3 and 4 of the Civil Code. Or, hunters' access to privately owned land does not fall into the category of attributes of use and possession that belong to the right of ownership, respectively by the action of crossing/accessing another's land the right of ownership is not violated, it being liable to damage only in case of use the land without the will of the owner, which does not happen in the hunting activity.

Specifically, the presence of hunters on privately owned land for the purpose of exercising the right to hunt, conferred by authorization, is attributed to the category of access to another's land and not to the use of the land, because, effectively, through the actions specific to the hunting activity, no use is made of the land. However, according to the legislation and the civil doctrine, the use as an attribute of the right of ownership presupposes the ability of the owner or another person authorized by him to use the asset at will and according to his needs, wasting its substance [8, p. 82], which does not occur in the case of hunters' access to privately owned lands. Or, as stated in Romanian specialized literature [11, p. 18], [12, p. 36], use is the faculty conferred on the owner to value the thing by exploiting it in his own interest, acquiring the fruits that can get from it. Therefore, we consider that the animals located on privately owned lands do not constitute their fruits, respectively hunting does not make use of the lands in the sense of extracting the fruits.

In the context described, we note that in accordance with the mentioned, the correct legislator expressed himself in the content of art. 12 para. 1 of Law no. 298/2018 when it was said that the owners of the lands included in a hunting fund are obliged to allow *hunting* and other hunting activities.....avoiding to talk about *the use of the lands .....*

In the respective consecutiveness of the exposition, it should be noted and emphasized that the legislator speaks about the use of privately owned lands only lightly. 3 of art. 12 of the same law where it mentions, and rightly

[2] According to paragraph 3 of art. 600 CC, if, due to a natural force or force majeure, an asset has entered a foreign land or has been transported there, the owner of the land must allow the search and removal of the asset, if he has not himself carried out the search or not return it. The asset continues to belong to its owner, unless he renounces it. The owner of the land can request the removal of the foreign property and the return of the land to the previous situation.

so , that *in order not to affect the basic **use** of the land, the managers have the obligation to coordinate with the owners of the agricultural land covered by the hunting funds the location of temporary hunting facilities.* In fact, precisely by placing the hunting facilities, there is a real use of the land of another, which, normally, by law, requires the manager to conclude an agreement with the owners of the land they are going to place.

So, only this intervention of the managers in private lands requires their use, not the access of hunters in hunting and picking up captured animals on these lands, a matter that is carried out under art. 600 of the Civil Code without the need for a prior agreement between the owner and the manager.

Confusion between the right to prohibit hunting on privately owned land and ***the obligation to seek the consent of the landowner***

Many times, due to the fact that the legislation in the field (Law no. 298/2018, art. 12 para. 2) grants the owner the right to request the stopping of hunting on his/her land, some are led to think that in order to hunt on privately owned land - would require the need to obtain an agreement. According to us, these are two issues that must be addressed in totally different ways. However, if the owner does not request the cessation of hunting on his/her land, it is assumed that he/she has tacitly given his/her consent. Therefore, the passage of hunters through privately owned lands for the purpose of exercising the right to hunt acquired under the law, cannot be qualified as a violation of the owner's right and interest, respectively it does not fall under the scope of contraventional, criminal or civil liability, unless this took place contrary to the owner's directly expressed will or patrimonial damages were brought to him [3].

Thus, as long as the owner of the land does not fence it, does not request a ban on hunting on his land or does not expressly prohibit access to his land, the presumption of tacit consent on the part of the owner operates. Moreover, access to another's land is guaranteed by civil legislation, and several institutions operate based on this concept, such as; usufruct (art. 524-535, art. 53 of the Civil Code); real estate acquisition (art. 521 CC); business management (art. 1966 Civil Code).

Confusion between the essence of the hunting license **and** ***the authorization of access to the lands of the hunting fund***

Many times, some try to make a difference between the authorization of the hunting activity and the authorization of the access to the game fund, when in essence they presuppose a whole. In fact, once you receive a permit to hunt for the purpose of acquiring specimens of hunting fauna, naturally, you also receive the right to access their habitat area to hunt them. Because the resources of the animal kingdom are the property of the state, it through the authorities that represent it or the subjects empowered by authorization (hunters) have free access to the management, extraction of any categories of resources, including those of the animal kingdom through hunting activities. For owners, this issue is a limitation imposed on the right to property.

In the same sense, according to Romanian legislation, the hunting authorization also implies (absorbs) the existence of the agreement to access the lands of the hunting fund regardless of the regime under which the right of ownership is exercised. That is, if the hunter received the hunting permit, then it is assumed that he also received the right to access the lands included in the hunting fund, regardless of whether they are public or private property. However, according to art. 4 of the Romanian Law, no. 407/2006, *no one has the right to hunt on the land owned by another without having **the hunting permit,***

[3] For more details, see the civil law manual (author G. Ardelean). Civil law. Real rights. General theory of obligations. Chisinau, 2020 p. 153-155.

which proves, under the terms of this law, the consent of the owner, *the association of owners or the person mandated by them for this purpose* [6].

Indeed, taking into account the fact that the animal kingdom is an environmental asset, a natural resource that belongs to the public domain, access to them should be based on the rules of using public domain assets once they are of general interest. Hunting, in turn, is also an activity of general interest. However, based on the provisions of art. 1 of Law no. 298/2018, hunting activity is regulated for the purpose of protection, conservation and rational use of fauna of hunting interest, this being a matter aimed at guaranteeing a ***public interest***, namely the right to a healthy environment. On the same regulatory wave comes the norm from art. 501 para. 3 of the Civil Code where it is clearly stated that for works of ***general interest***, *the public authority can use the soil of any real* ***estate*** *with the obligation to compensate the owner for the damage caused to the soil, plantations or constructions, as well as for other damages attributable to it.* The content of art. 463 para. 2 sentence II of the Civil Code, according to which ***the owner is required to respect,*** under the conditions and within the limits determined by law, ***the rights of third parties over mineral resources*** of subsoil, springs and underground water, underground works and installations and the like. True, the law refers more to underground resources, while it would be necessary to refer to all categories of natural resources, which would also include the resources of the animal reindeer.

Examination of international legislative experience in the matter of access to another’s land for the purpose of hunting

Based on thorough examinations of the legislation of many states (Poland, Germany, France, Italy, Norway, Finland, Great Britain, USA, Canada) we found the presence of the regulation of the relationship between the manager of the hunting fund and the land owners established by various legal acts (contracts of lease, agreements, authorizations, etc.), but it was not possible to identify the idea of guaranteeing the property right through the legislation of these categories of relationships.

To be more explicit, perhaps in the Scandinavian countries (Sweden, Denmark, Iceland), but also in the countries of the Germanic system (Germany, Austria), the land owners can lease them to hunting associations when they themselves do not use them for hunting. From here we derive the idea that the legislator of these countries foresaw the need for an agreement between owners and managers of hunting resources in order to guarantee the priority of hunters who own land over hunters who do not own land for hunting. Therefore, the rationale behind such a style of regulation is to protect the interests of hunters on their own lands against hunters who do not own those lands, and not to guarantee ownership. Moreover, the legislation of some European countries allows hunting on privately owned land without it being included in the hunting fund, which is not specific to the legislation of the Republic of Moldova.

Also, the legislation of these countries admits the formation of private hunting funds on lands that have an area of more than 1000 ha, which cannot really be done on the territory of our country. Respectively, in these countries, as is normal, if a land is not included in the hunting fund, the hunter is to access another’s land or place hunting facilities only with the consent of the owner. However, when the privately owned land is included in the perimeter of the hunting fund under the conditions of the law, a matter specific to the Republic of Moldova, an additional consent of the owner is no longer necessary.

The legislation of Norway [13, p. 87], for example, admits hunting on publicly owned

land without prior consent from the public authorities. Moreover, hunters are not obliged to have an agreement with the owners of the lands covered by the waters, because they are public property, a matter expressly provided for in the legislation of the Republic of Moldova[4].

Based on this legislative model, we would argue that the access of hunters to lands owned by the state or territorial administrative units is to be admitted without an authorization from them once they are assets of the public domain for public use. This rule should also be taken into account in the case of hunting carried out on water surfaces, regardless of whether they are located on public or private land, once the water is declared a public domain asset by law.

According to Italian legislation, all lands are included in the hunting fund except for those whose owners have requested their exclusion, but they will present guarantees that this fact will not hinder the authorities' activity in carrying out measures to protect the animal kingdom.

Arguments that regulating the current concept of access to another's land while hunting does not affect property rights

So, in the content of this section, we will present arguments regarding the fact that, by imposing the obligation of landowners to allow free and unconditional access of hunters, their property rights are not violated, namely:

The presence of hunters on the lands of the privately owned hunting fund does not affect the interests of the owners, just as the access of specimens of the hunting fauna to their land does not prevent the owner from exercising the attributes of the right of ownership. Or, once the hunters receive the authorization to carry out the hunting activity, by default they also receive the right to access the place of shelter, the area where they live or pass, a matter dependent on the actions of the animals during the hunt, not being dependent on the will of man, the hunter in our case.

Another aspect showing the legislator's care to guarantee the property rights of the owners of lands included in the hunting fund is that of regulating their possibility to request at any time the prohibition or stop of hunting on their lands. Not in vain, by the content of art. 12 para. 2 of Law no. 298/2018, at the request of the owners, based on a notification that takes effect after 15 days from the moment of submission, hunting can be stopped by the Administrator on agricultural lands with processed multi-year plantations. In this case, the respective lands are considered quiet zones, and their owners are obliged to take the protective measures provided by the legislation in the field of hunting and environmental protection. And here the right to prohibit hunting on privately owned land should not and cannot lead to the thought that hunting on another's land requires prior agreement. However, if the owner does not prohibit hunting on his land, it is assumed that he allows hunters to pass through his land, provided that it does not cause damage or hinder its use.

In order to respect the interests of the owners and, in particular, not to admit the violation of the fundamental right to property, the legislator imposes additional guarantees by obliging the manager to repair the damages caused to the owners during hunting, a matter worthy of appreciation and less common in the legislation of other states.

So, in case of damage to the landowner, he has the possibility to collect the damage directly from the hunter or the manager, the latter having the right of recourse against the one who is guilty of causing the damage. Moreover, for the determination and evaluation of the damage, the legislator creates a simplified mechanism involving in this process the local

[4] According to art. 4 para. 3 of the Water Law no. 272/2011. Official Gazette No. 81 of 26-04-2012, water is part of the public domain of the state.

mayor’s office and a representative of the manager of the hunting fund.

In the process of regulating property relations in terms of environmental protection, it must be recognized that the field of hunting, but in general also the requirements of environmental legislation require a distinct approach, a special regulation derogating from the principles of property rights. Moreover, this reality is also enshrined in the content of the Land Code [3], where it is mentioned that ***relations*** *in the sphere of the use and protection of other natural resources (subsoil, forests, waters, plant* ***and animal kingdom****, atmospheric air)* ***are regulated by special legislation*****.**

Thus, to consolidate this idea, but also to ensure the continuity of the rule from art. 1 of the Land Code, we propose that in the text of art. 1 paragraph 2 of Law no. 298/2018 ***the phrase “fauna of hunting interest”*** to be replaced with the phrase ***“hunting fund”,*** because according to the notion of hunting background, it includes both the field of regulation of fauna of hunting interest and of lands, an element inseparable from the object of hunting which, in fact, needs to be recognized, also a distinct field with distinct regulatory principles, especially access to privately owned lands.

The institution of property rights has operated for centuries in the presence of limits imposed on the owner, whether they are imposed regarding the right to use the property, or regarding the right of disposal, or they are imposed regarding the access of others to the owner’s land. Here we give an example of the institution of the right of servitude (art. 639 CC)[5]; access to another’s land (art. 600 CC); passing through foreign property (art. 601 CC). In addition to all this, a series of limitations of the right of ownership also arise from the need to comply with the rules regarding the protection of the environment (the animal kingdom being a biotic component of the environment). This issue is expressly enshrined in the content of the fundamental law itself. However, according to art. 46 para. 4 of the Constitution of the Republic of Moldova, ***the right to private property obliges to comply with the tasks regarding the protection of the environment*** *and ensuring good neighborliness, as well as complying with* ***the other duties*** *that, according to the law, belong to the owner*

Regarding the other tasks, we would also include the right of access of the beneficiaries of the animal kingdom (including hunters), respectively invested with skills in maintaining the balance, protection and ensuring the sustainability of the animal kingdom, a fact that is also achieved through the hunting activity. In the same sense, with limits and obligations expressly imposed on the owners comes the norm from art. 18 of Law no. 439/1995 according to which *agricultural, forestry, transport, etc. who transport, store and apply chemicals, as well* ***as citizens are obliged*** *to comply with the rules for the application of chemicals in order to prevent the destruction of animals and the degradation of their habitat.*

Conclusions

As a result of the study, we present some possible difficulties of changing the concept of regulating access to someone else’s land for the purpose of exercising the right to hunt. As noted in the text of the paper, we are supporters of the current concept of regulating access to privately owned lands, included in the state hunting fund, by subjects empowered with the right to practice hunting. Respectively, we consider that the adoption of another concept, namely that of contracting privately with land owners, would create the ***following difficulties***, both for the environment, plant

[5] Easement is the encumbrance of an immovable (the enslaved immovable) for the use or utility of the immovable of another owner (the dominant immovable). The utility can consist in increasing the comfort of the dominant building or it can result from its economic destination.

and animal kingdom, and for those practicing hunting activity:

- It will become difficult to carry out the activities of protection of the animal kingdom, in particular the activities of the environmental authorities will become difficult in order to regulate the numbers of predatory animal herds, as well as those intended for hunting;

- It becomes impossible to form hunting areas and the hunting fund in general on extended areas, as required by the legislation, due to the parceling of agricultural land into rather small parts whose owners cannot be identified. However, this is happening because of the emigration of our fellow citizens and the establishment of living outside the borders of the Republic of Moldova. Moreover, a large part of the land does not have a state registration in the immovable property register. As evidence, we present statistical data according to which, in 2020, 30% of real estate in the territory of the Republic of Moldova has no cadastral registration [9, p. 98];

- It will be difficult to determine the subjects to whom the responsibility of concluding the agreements with the owners will be placed, because the question will arise: who will conclude these agreements, who will keep their records...the administrator, the manager or the hunters? And even if the problem is clarified, it is enough that only one owner of a massif of land cannot be identified or does not agree to pass through his land for the purpose of hunting;

- It will be complicated to establish the legal regime of the relationship between the land owner and the manager. The deed will be in the form of a lease agreement, an agreement with onerous title or free of charge?, under the conditions that the hunters' access to the owner's land does not constitute a use as an attribute of the property right;

- A possible regime of authorizing the right of access to someone else's land for the purpose of carrying out hunting activities will not only contravene the rules of application of the environmental protection rules which are completely specific in application, but will also contradict the legal-civil concept of access to the land another for the purpose of exercising certain rights.

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