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Revista de Cercetare si Interventie Sociala

ISSN: 1583-3410 (print), ISSN: 1584-5397 (electronic)

PROTECTION OF THE RIGHTS OF FUTURE GENERATIONS: CONSTITUTIONAL INSTRUMENTS FOR ENSURING SUSTAINABLE DEVELOPMENT

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Revista de cercetare și intervenție socială, 2026, vol. 94, pp. 74-99

<https://doi.org/10.33788/rcis.94.5>

Published by:
Expert Projects Publishing House



On behalf of:
„Alexandru Ioan Cuza” University,
Department of Sociology and Social Work
and
HoltIS Association

Protection of the Rights of Future Generations: Constitutional Instruments for Ensuring Sustainable Development

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Abstract

The relevance of the topic is due to the growth of global environmental and socio-economic challenges that require legal consideration of the interests of future generations in the process of public administration. Strengthening the importance of sustainable development and intergenerational equality requires improving constitutional and legal guarantees for their implementation. The methodological basis of the study is a combination of general scientific and special legal methods, in particular systemic, comparative legal and formal legal analysis. Based on the research, it was established that the rights of future generations are gradually transforming from a declarative category into a complex legal institution, encompassing constitutional, judicial and institutional mechanisms. Key problems (for example, the lack of clear legal subjectivity, declarative norms and limited access to justice) of legal regulation are identified. It was shown

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that the effectiveness of protection is determined by the degree of integration of environmental rights, the principle of sustainable development and judicial practice. In particular, the following main areas of improvement were proposed: constitutionalization of the rights of future generations, development of institutions of representation and expansion of judicial protection. It was proved that only a comprehensive approach can guarantee the real implementation of the principle of intergenerational justice. Practical significance of the results: the results can be used to improve national legislation, the development of state policy and judicial practice related to sustainable development.

Keywords: rights of future generations, intergenerational justice, constant development, environmental rights, settlement boundaries, sustainable development goals.

Introduction

In the context of global transformation, the issues of long-term sustainability of social development are becoming particularly acute. Growing environmental risks, climate change, depletion of natural resources and socio-economic instability are becoming the driving forces of new thinking in traditional approaches to legal regulation. The concept of sustainable development, which involves the harmonization of economic, social and environmental interests, is increasingly integrated into the legal systems of states, creating new standards of public policy. In this perspective, the issue of the rights of future generations comes to the fore, as it reflects the need to take into account the long-term consequences of current decisions and social responsibility in terms of time.

The relevance of the topic is due to the insufficient power of existing legal mechanisms, which are mainly focused on the interests of the current generation. At the same time, achieving sustainable development requires the implementation of instruments of intergenerational justice. The right to constitutional security plays a crucial role in this process, as it enshrines the basic principles and creates institutional mechanisms for their implementation.

Empirical research shows a growing focus on the rights of future generations, but approaches to their legal protection vary. Attention is focused on the constitutionalization of environmental rights, the role of case law, and the evolution of institutional mechanisms of representation. However, gaps remain related to the lack of a consistent model for integrating the interests of future generations into the legal system and assessing the effectiveness of relevant instruments, which requires additional research in this area.

Literature Review

The issue of protecting the rights of future generations is considered as an interdisciplinary legal term, encompassing constitutional law, international environmental law, human rights and the concept of sustainable development. The theoretical basis remains the idea of the balance of interests of generations, first formulated in the classic work of Brown Weiss (1990), which argues for the obligation of current generations to preserve natural resources and environmental conditions for future generations. A further step in this line of thought is developed, for example, in Spijkers (2018), Brunnée (2019), Szabó et al . (2021), who link intergenerational justice to the Sustainable Development Goals, international environmental commitments and the requirement for long-term legal planning.

A separate literature is devoted to the rights of future generations in the human rights system. Coomans (2023) argues for the appropriateness of considering the rights of future generations not only as a moral and political concept, but also as a legally significant factor in the modern human rights system. Alslamah (2025) develops a similar argument, drawing attention to the environmental rights of future generations and the need for their normative specification. At the same time, the Maastricht Principles on the Human Rights of Future Generations (International Expert Group, 2023) is one of the most important contemporary efforts to codify the state's obligations to respect, protect and fulfill the rights of future generations.

Much of the literature focuses on environmental constitutionalism as a tool for legally securing long-term interests. Kotzé (2018) examines global environmental constitutionalism as a response to the challenges of the Anthropocene, while Ferreira (2021) emphasizes the importance of constitutionalizing environmental rights in the face of climate change. Campos (2023) expands on the notion of future-oriented constitutionalism, that is, constitutionalism that incorporates long-term state responsibilities into the constitutional architecture and focuses on the prospective sensants or potentials of the concept of constitutional law. An important section of the literature is devoted to the judicial protection of the rights of future generations. Nolan (2024) discusses the potential for protecting the rights of children and future generations in the courts, emphasizing the issue of procedural representation. Pedersen and Sulyok (2024) analyzes litigation for future generations as a new branch of environmental jurisprudence that concretizes abstract principles into legal claims. Tigre and Licciardo (2021), Setzer and Higham (2022), Bouwer (2018) and Steinkamp (2023) demonstrate that climate change litigation is increasingly used as a tool for shaping public policy, and its success depends on access to justice, the willingness of the judiciary to accept long-term risks and evidentiary requirements. The institutional dimension of protecting future generations has been discussed in detail in Fülöp (2021), Szabó et al . (2021) and Thompson (2018). The authors emphasize that since future generations cannot represent themselves in the political process, specialized forms of representation are needed, i.e. ombudsmen, parliamentary committees, advisory councils or

other independent bodies. Swinkels et al . (2025) complement this perspective with an analysis of future public policy design, drawing attention to the need to integrate forecasting, scenario planning, and long-term impact assessment into policy development processes.

International legal documents and analytical reports are of particular value. The UNESCO Declaration (1997) established the moral and legal obligation of present generations to future generations, and the UNECE Aarhus Convention (1998) established procedural rights of access to environmental information, participation in public decision-making, and access to justice. Barritt (2024) demonstrates the potential of the Aarhus Convention to promote the development of an implicit right to a healthy environment. The United Nations (2023) and the United Nations (2024) redirect global attention to future generations, framed by the concepts of long-term management, sustainable development, and intergenerational responsibility.

Methodology

Provided with the unity and interaction of general scientific and special legal research methods, which made it possible to comprehensively consider the issue of ensuring the rights of future generations in national legal systems. The author conducted research based on the study of modern scientific literature, international legal acts, as well as the practice of their implementation in various legal systems.

The methodological basis was the dialectical method, which allowed us to consider the rights of future generations in the process of their evolution from declarative provisions to legally significant norms, as well as the systemic method, which allowed us to analyze the related institution as a holistic legal construct containing normative, institutional and judicial elements. Comparative legal methods were also used to study the ways in which the rights of future generations are established and implemented in other national and international legal documents, which allowed us to identify some common trends and differences. The formal legal method was applied to interpret the norms of constitutional, environmental and international law, especially those relating to the right to a safe environment, the principle of sustainable development and intergenerational equality. The method of legal modeling allowed the construction of general tables and figures reflecting the key problems and prospects of legal regulation. The analysis of case law helped to explore the function of courts in guaranteeing the rights of future generations, in particular in the field of climate litigation.

The research is based on international declarations, conventions, analytical reports of international organizations, as well as the results of modern scientific research in the field of environmental and constitutional law. The research was carried out in the format of theoretical and legal analysis without the use of experimental or statistical methods, which are due to the specifics of the object of research.

Goal. Explore instruments for protecting the rights of future generations in the context of the principle of sustainable development, as well as to reveal the nature of these approaches, their legal essence and role in the system of constitutional regulation, to explore the possibility and prospects for their implementation and practical application, to assess the effectiveness of the application of these instruments under the influence of modern global challenges, to outline significant implementation problems and to substantiate future ways of improving constitutional and legal instruments related to the integration of the principles of intergenerational justice into state policy.

Results

Modern theoretical and legal approaches to understanding the rights of future generations are developed in the form of a multi-level system of concepts that intertwine elements of international law, constitutional law and human rights theory. The scientific discourse emphasizes that the rights of future generations are gradually evolving from a moral and ethical category into a legally significant construct that requires institutionalization and procedural support Coomans, (2023); Alslamah, (2025). In this regard, it is emphasized that the legal system should take into account not only the interests of existing subjects, but also those who are unable to simultaneously assert their rights, which leads to the emergence of new forms of legal representation and responsibility Thompson, (2018); Swinkels *et al.*, (2025).

The concept of intergenerational justice is considered as the main theoretical basis in the study of the rights of future generations, as it guides the principles of the distribution of resources and opportunities between generations (Brown Weiss, 1990; Spijkers, 2018). In modern studies, this concept is complemented by statements about sustainable development, which consist in the comprehensive consideration of economic, social and environmental interests in the long term Mahmutovic (2023); United Nations (2024). At the same time, it is emphasized that the effective implementation of intergenerational justice requires not only declarative recognition, but also the establishment of clear legal mechanisms to ensure it Szabó *et al.*, (2021); Fülöp, (2021). The legal approach today often translates the interests of future generations through the prism of human rights, thereby allowing them to be implemented into existing legal systems Coomans, (2023); International Expert Group, (2023). In particular, the content of the right to a safe environment, which acquires an intergenerational dimension, is establishing its positions Barritt, (2024); Ferreira, (2021). This indicates the emergence of a new legal paradigm in which environmental rights become a means of taking into

account the long-term interests of society Kotzé, (2018); Brunnée, (2019). In this regard, it is emphasized that the rule of law system must provide protection not only from current threats, but also from future threats Campos, (2023); United Nations, (2023).

An important component of the development of theoretical and legal approaches is the increasing role of judicial practice in shaping standards for protecting the rights of future generations. An analysis of the current literature shows that courts are increasingly taking into account the future consequences of state policies, which strengthens the principle of intergenerational responsibility Nolan, (2024); Pedersen & Sulyok, (2024). Climate lawsuits are becoming a new tool for protecting the rights of future generations, as they allow challenging state policies on the grounds that they may have harmful consequences in the future Setzer & Higham, (2022); Tigre & Licciardo, (2021). At the same time, it is emphasized that the success of this approach depends on the willingness of the judiciary to consider the interests of future generations as legally significant Bouwer, (2018); Steinkamp, (2023); Koval *et al.*, (2023a, b).

Alongside judicial mechanisms, much attention is paid to institutional forms of representation of the interests of future generations. The scientific literature argues that specialized bodies, such as ombudsmen or commissions, should be established to ensure that long-term interests are taken into account in decision-making Fülöp, (2021); Szabó *et al.*, (2021). These institutions are seen as a means of addressing the lack of direct representation of future generations in democratic systems Thompson, (2018); Swinkels *et al.*, (2025). However, their success is believed to depend on how well they are integrated into the system of public administration and on clear powers Campos, (2023). In modern research, the role of international law in developing standards for the protection of the rights of future generations is of paramount importance. International documents are gradually enshrining the principles of intergenerational justice and laying the foundation for their application at the national level International Expert Group, (2023); United Nations, (2024).

At the same time, it is noted that the effectiveness of such commercial law norms largely depends on their implementation in national legal systems Mahmutovic (2023); Brunnée (2019); Arsawan *et al.*, (2024). This in turn requires the development of mechanisms for harmonizing international and domestic law on sustainable development Kotzé (2018). The synthesis of modern theoretical and legal approaches allows us to identify key areas of development of the concept of the rights of the future generation, as shown in the table.

Table 1. Theoretical and legal approaches to determining the rights of future generations in the system modern constitutionalism

Ecological constitutionalism	Human rights	Intergenerational justice	Approach
Constitutionalization sustainable development	Expansion concepts universal rights	Theory justice and equality generations	Doctrinal basis
Constitutionally guaranteed public rights	Derivative rights in the human rights framework	Collective rights that have delayed nature	The legal nature of future rights generations
Basic laws of states	Constitutions, international acts	International principles and soft law	Regulatory fixing
Fixing environmental standards, strategic politicians	Integration into the system of fundamental rights	Limitation using resources, long-term planning	Mechanisms implementation
Constitutional principles, ecological norms	The right to safety environment, principle of non-discrimination	Principle of proportionality, principle of constancy	Legal toolkit
High	Average	Low - medium	Level implementations
Political dependency, complexity introduction changes	Uncertainty subjectivity future generations	Absence direct legal mechanisms implementation	Problems law enforcement

Judicial (precedent) approach	Case law and doctrine of precedent	Legally recognized interests that are transformed into rights	Judicial decision	Climate lawsuits, strategic proceedings	Judicial precedents, interpretation of norms	Average	Limited access to justice, casuistics
Institutional approach	Theory representative democracy	Represented (mediated) rights	Specialized laws and authorities	Ombudsmen, commissions, advisory organs	Administrative and legal tools	Average	Limited powers, advisory nature

Source developed by the author based on: (Coomans, 2023; Kotzé, 2018; Nolan, 2024; Pedersen & Sulyok, 2024; Brown Weiss, 1990; Ferreira, 2021; Spijkers, 2018; Fülöp, 2021; Szabó et al., 2021; Sotnyk et al., 2023)

The analysis of theoretical and legal approaches shows that the modern concept of the rights of future generations is being developed as an integrative legal construct that combines a number of complementary approaches. None of them is self-sufficient, but together they form a holistic system of legal protection of intergenerational justice. In particular, the approach to intergenerational justice defines the basic principles of equality and responsibility between generations, but it is largely ambitious, and the means for its practical application are limited. At the same time, the approach to human rights allows for the inclusion of the rights of future generations in the existing systems of fundamental rights, increasing their universality, but facing the problem of determining the subject and content of such rights. Environmental and constitutional control is one of the qualitative tools that make it possible to consolidate the principles of sustainable development and environmental law at the highest regulatory level with their bindingness and systematicity. The judicial approach, in turn, makes it possible to transform theoretical foundations into concrete legal decisions that directly affect public policy, although not beyond a few precedents. The institutional approach complements the aforementioned mechanisms by creating specialized bodies that represent the interests of future generations, but their influence is often advisory in nature.

Thus, the main trend is the gradual transformation of the declarative recognition of the rights of future generations into the construction of a comprehensive system for ensuring their rights, based on regulatory, institutional and judicial mechanisms. The interaction of these approaches leads to the embedded implementation of the

principle of intergenerational justice and creates the possibility of integrating long-term interests into the management process. The above-mentioned results of the generalization are harmoniously reflected in the structured visual model adopted in the figure, which reveals the connection between the fundamental theoretical and legal approaches and mechanisms for their implementation and the most important legal principles that act as a protective shield for the rights of future generations in the context of sustainable development.

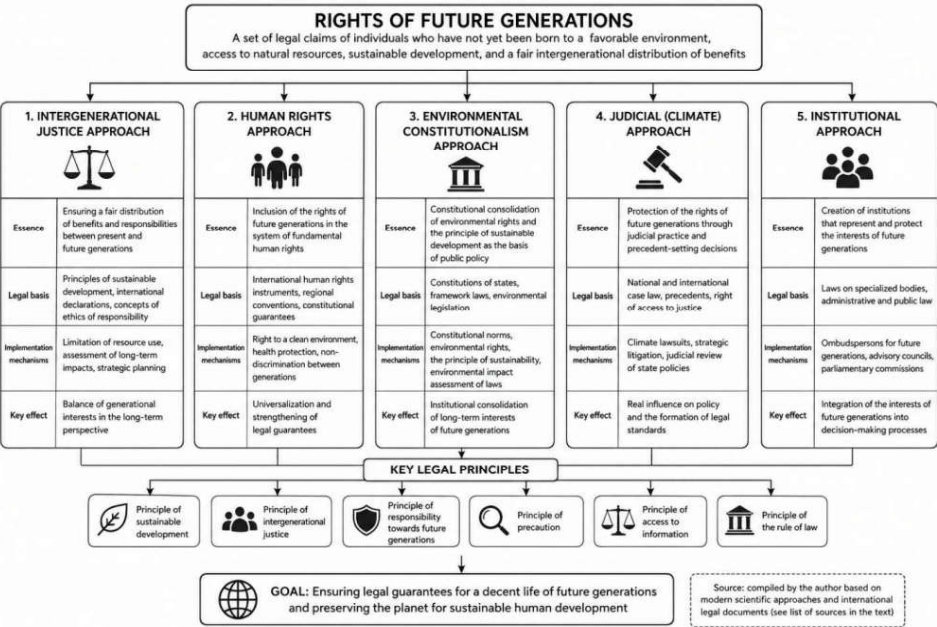


Figure 1. Theoretical and legal approaches to understanding the rights of future generations and mechanisms of their implementation in the system sustainable development

Source developed by the authors based on: (Coomans, 2023; Nolan, 2024; Pedersen & Sulyok, 2024; Steinkamp, 2023; Kotzé, 2018; Ferreira, 2021; Fülöp, 2021; Szabó and et al., 2021; Spijkers, 2018; United Nations, 2023; United Nations, 2024; Byrkovych et al., 2023).

The analysis of the model shows that the rights of future generations are a multi-layered, multi-level construct, the basis for which is the interaction of various theoretical and legal approaches. The visualization thoroughly shows that none of the methods is isolated, and together they form a whole mechanism of legal protection. In particular, the intergenerational justice approach provides a conceptual basis for the ideal, while the human rights approach embeds these concepts into the system of basic legal protections, thereby giving them universal significance. Ecological constitutionalism acquires particular importance, which

allows the principles of sustainable development, and accordingly regulation, to be consolidated at the level of the highest regulatory body, as well as creating a basis for their mandatory application. The judicial approach depicted in the diagram is a powerful mechanism for transforming abstract norms into specific judicial decisions and thus realizing the rights of future generations. At the same time, the institutional approach complements the system by creating institutions that represent the interests of subjects who are deprived of direct access to decision-making processes.

A key feature of the model is the definition of basic legal principles, including the principle of sustainable development, intergenerational equity, responsibility to future generations, prevention of harm, access to information and the rule of law. Their integration forms a legal infrastructure that guarantees the coherence of the various elements of the system and increases the effectiveness of the legal regime. The figure reflects the transition from fragmented approaches to understanding the rights of future generations to a holistic legal model that includes conceptual, normative and institutional elements. Such a model creates an opportunity to ensure long-term stability of social development and the integration of the interests of future generations into the system of public administration.

Today, the development of constitutional law is in line with the introduction of the principles of sustainable development and intergenerational justice into the structure of constitutional systems, which gives impetus to the formation of new mechanisms for protecting the rights of future generations. In this regard, «environmental» rights are gaining special importance, which are increasingly being enshrined at the constitutional level and act as a basic element of legal support for the long-term interests of society. The expansion of the content of such rights indicates the transformation of the classical model of human rights towards taking into account not only current, but also prospective needs. The right to a safe environment as one of the main components of the aforementioned system acquires an intergenerational dimension, since it includes the obligation of the state to guarantee the preservation of the natural environment not only for the present, but also for future generations (Barritt, 2024; Ferreira, 2021; Stender *et al.*, 2024).

It is noted that the level of implementation of environmental rights depends on how widely they are presented in the text of the constitution and how effective mechanisms for their implementation exist (Kotzé, 2018; Coomans, 2023). The norms of the constitution, which proclaim the right to a healthy environment, lay the legal foundations for the development of state environmental policy aimed at achieving sustainable development. At the same time, it should be noted that regulation itself does not guarantee its effective implementation, since it must be supplemented by institutional and procedural mechanisms (Mahmutovic, 2023; United Nations, 2023). Thus, environmental rights are not only a declarative category, but also a legal instrument of influence, with the help of which strategic guidelines of state policy can be formed. The principle of sustainable development as a mandatory element of constitutional mechanisms is gradually being introduced

into the legal field as a basic guideline of state policy. The idea is to ensure a balanced interaction of economic growth, social development and environmental protection for a long period of time Spijkers, (2018); United Nations, (2024). In the constitutional and legal dimension, this principle functions as a normative reference point for determining the boundaries of state policy and directing it towards sustainable development. The scientific literature emphasizes that the integration of the principle of sustainable development into constitutional law ensures coordination between different spheres of state regulation and increases the efficiency of management decisions Campos, (2023); Szabó *et al.* , (2021).

However, the application of the principle of sustainable development is fraught with problems associated with its abstractness and difficulties in practical application. Unclear criteria for assessing sustainability complicate its implementation in the form of specific solutions, which weakens the action of relevant mechanisms Mahmutovic, (2023); Brunnée, (2019). In this regard, the development of additional legal instruments that can specify the content of this principle and facilitate its implementation is of great importance.

A special role in guaranteeing the rights of future generations is played by case law, which is one of the most dynamic mechanisms for implementing constitutional norms. Recent studies show an increase in the number of climate-related lawsuits, where courts recognize that the state has a duty to take into account the long-term consequences of its policies Setzer & Higham, (2022); Tigre & Licciardo, (2021).

Judicial decisions are increasingly based on the principles of intergenerational equality and sustainable development, influencing the establishment of new legal norms Nolan, (2024); Pedersen & Sulyok, (2024). At the same time, it is emphasized that the effectiveness of the judicial mechanism depends on the degree of independence of the judiciary and the accessibility of justice Bouwer, (2018); Steinkamp, (2023). The new type of legal thinking that is being formed in judicial practice reflects the long-term consequences of decisions. This was reflected in the application of the principle of preventing harm and the obligation of the state to take necessary measures to eliminate and alleviate the negative impact on the environment Brunnée, (2019); Ferreira, (2021). Thus, judicial practice acts not only as an instrument for protecting rights, but also as a mechanism for forming legal standards that will be significant for future generations.

One of the essential aspects of the system of constitutional mechanisms is the institutional means that ensure the representation of the interests of future generations. Despite this, the scientific literature emphasizes the need to form specialized bodies, namely ombudsmen or advisory councils, which would be defenders of long-term interests Fülöp, (2021); Szabó *et al.* , (2021). Such institutions create an opportunity for the intermediary mediation of the principle of intergenerational justice in the decision-making process, allowing the interests of future generations to be introduced into government agencies at different levels Thompson, (2018); Swinkels *et al.* , (2025). At the same time, the effectiveness of

institutional mechanisms largely depends on their legal status and competences. When such bodies are purely advisory, their influence on state policy is minimal (Mahmutovic, (2023); Campos, (2023)). This determines the need to strengthen their role and integrate them into the system of public administration as full-fledged subjects of legal regulation.

An explanation of the main constitutional mechanisms for ensuring the rights of future generations allows them to be systematized.

Table 2. Assessment constitutional mechanisms ensuring the rights of future generations

Ecological constitutionalism	Human rights	Intergenerational justice	Approach
Constitutionalization sustainable development	Expansion concepts universal rights	Theory justice and equality generations	Doctrinal basis
Constitutionally guaranteed public rights	Derivative rights in the human rights framework	Collective rights that have delayed nature	The legal nature of future rights generations
Basic laws of states	Constitutions, international acts	International principles and soft law	Regulatory fixing
Fixing environmental standards, strategic politicians	Integration into the system of fundamental rights	Limitation using resources, long-term planning	Mechanisms implementation
Constitutional principles, ecological norms	The right to safety environment, principle of non-discrimination	Principle of proportionality, principle of constancy	Legal toolkit
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Institutional approach	Theory representative democracy	Represented (mediated) rights	Specialized laws and authorities	Ombudsmen, commissions, advisory organs	Administrative and legal tools	Average	Limited powers, advisory nature

Source developed by the authors based on: (Barritt, 2024; Nolan, 2024; Pedersen & Sulyok, 2024; Ferreira, 2021; Kotzé, 2018; Fülöp, 2021; Szabó and et al., 2021; Spijkers, 2018; Brunnée, 2019; Shevchenko et al., 2023).

Legislative methods of ensuring the rights of future generations differ in their legal nature and effectiveness, but only their comprehensive use gives a real result. The highest degree of regulatory certainty is possessed by environmental rights, which create a legally binding basis for the state, but the degree of their effectiveness largely depends on the availability of effective mechanisms for control and implementation. This confirms that the formal granting of rights does not guarantee their practical implementation without proper institutional and procedural support.

The principle of sustainable development serves as a strategic guideline for balancing economic, social and environmental interests, but its applicability is limited by a high level of abstraction and the lack of clear selection criteria. Conversely, case law is the most powerful tool for promoting the rights of future generations, as it allows transforming general norms into specific binding decisions that directly affect public policy. However, its impact is still fragmented and depends on the proactivity of stakeholders in addressing the courts. Institutional frameworks ensure the representation of the interests of future generations in decision-making processes, but these processes have limitations, as they are mainly consultative in nature and do not have any real form of influence. This indicates the need to strengthen their legal status and powers. At the same time, no mechanism is self-sufficient: environmental rights provide a regulatory framework, the principle of sustainable development acts as a strategic guideline, case law ensures their practical application, and institutional tools integrate the interests of future generations into the governance system. Only in their interaction can they provide a holistic model of legal provision for intergenerational justice and

enhance the effectiveness of the implementation of the rights of future generations in modern legal systems.

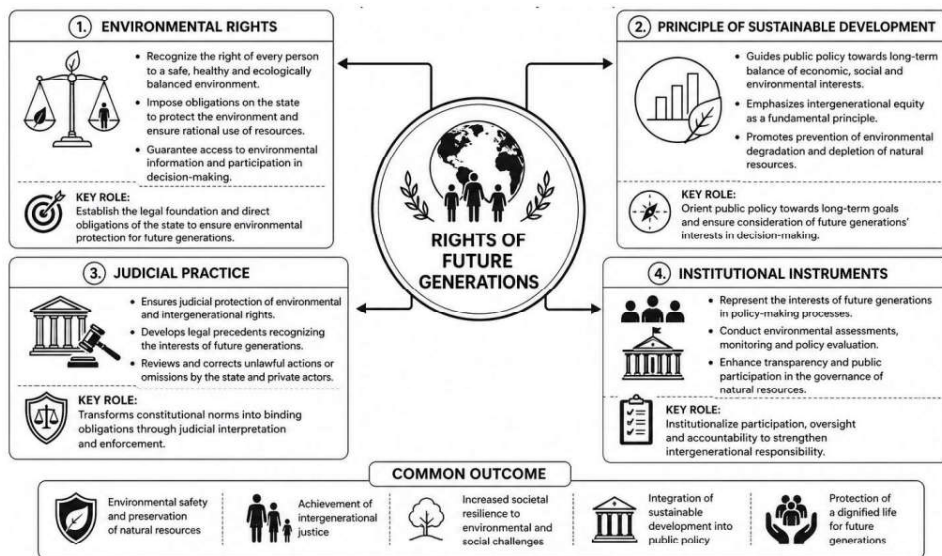


Figure 2. Constitutional mechanisms ensuring the rights of future generations: a systemic implementation model

Source developed by the authors based on: (Barritt, 2024; Nolan, 2024; Pedersen & Sulyok, 2024; Steinkamp, 2023; Coomans, 2023; Kotzé, 2018; Ferreira, 2021; Fülöp, 2021; Szabó and et al., 2021; Brunnée, 2019; Tigre & Licciardo, 2021; United Nations, 2023; United Nations, 2024).

Formulation of a comprehensive approach to the protection of the rights of future generations, combining substantive norms, principles of state policy, judicial practice and institutional mechanisms. The main conclusion is that protection can be effective only if they all work simultaneously, since none of these elements separately is able to provide the appropriate level of guarantees. The right to a safe environment performs a fundamental function aimed at consolidating the state's obligation to preserve natural resources and prevent harm to the environment. It lays the legal foundation around which the entire protection mechanism is created. The principle of sustainable development, in its case, determines the strategic direction of state policy, orienting it towards a long-term balance of interests, taking into account the needs of future generations in the decision-making process.

Legal practice facilitates the transition from declarative formulations to real protection, since it is through judicial decisions that abstract legal norms are transformed into specific obligations and standards of behavior. It allows responding to violations that have long-term consequences, and also forms legal concepts for taking into account the interests of the unborn. In turn, institutional mechanisms compensate for the inability of future generations to independently

represent their interests, integrating them into the processes of state management and supervision.

The current model of protecting the rights of future generations is gradually evolving from a declarative to a practical level, but it will remain dependent on the harmonization of legal norms, the effectiveness of institutions and the level of development of the rule of law. This creates new prospects for closer integration of these two elements in a way that can strengthen the system of long-term legal protection, not only aimed at meeting the needs of the present, but also at ensuring a meaningful future.

The legal regulation of the protection of the rights of future generations in national legal systems is at the stage of formation, which gives rise to a number of systemic problems associated with the lack of clear legal certainty, effective implementation mechanisms and proper institutional support. Despite the fact that a certain regulatory framework has already been developed in international law, it is mainly declarative in nature and is not always transformed into the legislation of states.

Among other things, the UNESCO Declaration, (1997) states that “present generations have the responsibility to ensure that their needs and interests do not harm the needs and interests of present and future generations” UNESCO, (1997) . At the same time, the principles of the 2023 Maastricht Treaty state that states have the responsibility to “respect, protect and fulfil the rights of future generations”, which include environmental rights and the right to sustainable development (International Expert Group, 2023) . However, these provisions do not have direct legal force in most national legal systems, which creates a gap between international standards and their implementation.

One of the main problems is the lack of a clear legal status of future generations as subjects of law. The scientific literature emphasizes that future generations cannot directly exercise their rights, which complicates their representation in court and in the political process Coomans, (2023); Nolan, (2024). As a result, even in the case of environmental violations that have had consequences for a long time, courts are often reduced to protecting the rights of existing claimants. At the same time, individual studies indicate that judicial practice is gradually changing towards recognizing the interests of future generations, in particular through a broader understanding of the right to life and the right to a safe environment Tigre & Licciardo, (2021); Setzer & Higham, (2022).

Another problem is the insufficient implementation of the principle of intergenerational justice in constitutional provisions. Although the concept of intergenerational justice is rapidly developing in Brown’s theory Weiss, (1990); Szabó *et al.* , (2021), most constitutions do not contain any direct reference to the

rights of future generations or are limited to a general provision on environmental protection. The Aarhus Convention (1998) is an example of having multi-layered rights of access to environmental information, participation in decision-making and access to justice, which indirectly contributes to the protection of the rights of future generations, but does not explicitly mention them: "Each Party shall guarantee the right of the public to be informed and to participate in decision-making processes concerning the environment" (UNECE, 1998). Thus, legal protection is indirect and depends on the activism of contemporary citizens.

Mahmutovic (2023) points out, sustainable development is impossible without well-functioning legal institutions, transparency and accountability of government. In countries with unstable legal systems, the presence of progressive norms in themselves does not guarantee their implementation. This is especially true in environmental law, where violations often have cumulative and delayed consequences.

At the same time, modern legal doctrine allows us to outline the prospects for improving legal regulation processes. One of the key areas is the development of "prospective constitutionalism", which underlies the long-term obligations of states to sustainable development and the protection of natural resources Campos, (2023). Another useful tool is the creation of specialized bodies, such as ombudsmen for the rights of future generations or parliamentary committees acting on their behalf Fülöp, (2021). Such mechanisms can partially solve the problem of procedural legal personality. Strong prospects are also associated with the development of climate and environmental litigation. Disputes over the protection of future generations, which are increasingly common in modern practice, contribute to the development of new legal standards Pedersen & Sulyok, (2024); Steinkamp, (2023). Furthermore, scientific research points to the need to integrate scientific data and predictive models into the decision-making process in a way that takes into account long-term risks Swinkels *et al.* , (2025).

There is also significant potential for the development of eco-constitutionalism, which involves the recognition of the right to a safe environment as a fundamental human right. As Ferreira (2021) notes, these provisions can be the basis for judicial protection of the interests of both current and future generations. In this regard, the Aarhus Convention and the practice of its implementation play a significant role in promoting access to justice and further strengthening public participation (Barritt, 2024). It can be considered that the main problems remain the unclear legal status of future generations, the declarative nature of international law, the weakness of institutional mechanisms and the limitations of judicial protection. At the same time, ways of improvement are highlighted, which relate to the constitutionalization of relevant rights, the formation of case law, the creation of specialized bodies, as well as the strengthening of the role of the principle of sustainable development in the legal system.

Table 3. Main legal regulation problems protection of the rights of future generations in national legal systems

Fragmentation of legal regulation	Declarative nature of norms	Absence legal personality future generations	Problem
Lack of a systematic approach to securing the rights of future generations in different branches of law	Norms regarding the rights of future generations have program or principled nature without clear mechanisms implementation	Future generations are not recognized complete subjects of law, since they do not exist at the time of legal regulation	Legal essence
Dispersion of norms in the environmental, constitutional, administrative right without a single concept	Enshrined in preambles, declarations or general principles without imperatives prescriptions	Impossibility of direct recourse to the court; absence procedural capacity; dependency from representative offices current subjects	Manifestation in legal systems
Low efficiency law enforcement; conflicts of norms; lack of agreed politicians	Absence legal liability for violations; complexity forced implementation	Limitation of judicial protection; ignoring long-term interests; dominance short-term political solutions	Implications for legal regulation
Codification or integration of the principle of intergenerational justice for all branches of law	Transition to the norms of the line actions; specification responsibilities state; establishment sanctions	Introduction of legal representation (ombudsmen, prosecutors mechanisms); expansion concepts location stand	Potential directions solution

Complexity proving long-term harm	Domination short-term interests	Institutional weakness	Insufficient integration into constitutional law	Limited access to justice
Difficulty establishing cause and effect communication between actions and future consequences	Advantage economic and political benefits over long-term ecological goals	Absence specialized organs that represent interests future generations	Absence direct norms on the rights of future generations or their implicit nature	Procedural barriers for protection interests that have long-term nature
High standards proof; dependence from scientific forecasts	Adoption decisions without evaluation future risks	Uncertainty competencies bodies; lack of control over long-term solutions	General environmental regulations without intergenerational measurement	Narrow interpretation standing; refusal to consider cases due to "lack of direct interest »
Refusal of satisfaction lawsuits; legal uncertainty	Environmental degradation; accumulation ecological debts	Low level accountability; political myopia	Weak constitutional basis for judicial protection; limited constitutional control	Low number precedents; weak development case law
Using the precautionary principle; engaging expert grades	Implementation mandatory grades impact on future generation	Creation independent institutions (ombudsman, councils of future generations)	Constitutional consolidating the principle of intergenerational justice and sustainability development	Liberalization of access to justice; recognition collective and diffuse interests

Insufficient implementation of the principle of sustainable development	Formal recognition without real influence on policy	Absence integration into the budget, energy, environmental politics	Declarativeness state strategies	Institutionalization of the principle in public management
Weakness control and accountability mechanisms	Absence effective sanctions for violations interests future generations	Limited parliamentary and judicial control	Impunity violations; low effectiveness of norms	Strengthening controls, audits and legal responsibility

Source developed by the authors based on: (Coomans, 2023; Nolan, 2024; Thompson, 2018; UNESCO, 1997; International Expert Group, 2023; United Nations, 2023; Kotzé, 2018; Brunnée, 2019; Tigre & Licciardo, 2021; Setzer & Higham, 2022; Szabó and et al., 2021; Campos, 2023; Fülöp, 2021; Mahmutovic, 2023).

The regulatory processes for protecting the rights of future generations in modern law are fragmented and insufficiently effective. The main obstacle remains the unclear legal status of future generations, which deprives them of the opportunity to directly participate in legal relations and significantly limits the mechanisms of judicial protection.

This necessitates the use of indirect forms of representation, which do not always guarantee adequate protection of long-term interests. At the same time, a significant part of legal norms is declarative in nature and is not supported by effective mechanisms for implementing these rules and sanctions for their non-compliance, which reduces the practical value of such rules. Fragmentation of regulation and the lack of integration of the principle of intergenerational justice at the constitutional and sectoral levels of law lead to the lack of a systemic approach and, as a result, to low coherence of state policy. In addition, the situation is aggravated by procedural restrictions on access to justice, the difficulty of proving long-term harm and the predominance of short-term political and economic interests.

All of these factors together indicate that the current model of legal regulation does not fully ensure the implementation of the principle of sustainable development and protection of the interests of future generations. That is why there is an

objective need to change declarative approaches to systemic, comprehensive, institutionally protected solutions.

In an attempt to fill the above-mentioned shortcomings and form an effective model for ensuring the rights of future generations, in this context it is proposed to analyze the essential prospects for improving legal regulation, which are presented in the following table.

Table 4. Prospects improvement of legal regulation protection of the rights of future generations

Direction	Legal content	Mechanisms implementation	Expected legal effect	Practical value
Constitutionalization	Securing the rights of future generations and the principle of intergenerational justice at the level of the Basic Law	Application amendments to constitutions; interpretation existing rights (to life, environment)	Increase legal forces protection; opportunity constitutional control	Formation stable long-term legal politicians
Institutional mechanisms	Creation organs that represent interests future generations	Ombudsmen, parliamentary commissions, advisory organs	Increase accountability state; institutional control	Integration long-term interests in public management
Development case law	Expansion approaches to protecting rights through the courts	Climate lawsuits; strategic judicial affairs	Formation precedents; specification responsibilities states	Real enforcement mechanism ecological obligations
Integration scientific approach	Using scientific data in lawmaking and law enforcement	Rating impact on future generation; forecasting risks	Justification decisions; reduction legal uncertainties	Increase qualities state politicians
Strengthening participation public	Engagement society to the ecological governance	Access to information; participation in decision-making decisions; access to court	Democratization ecological politicians	Increased control over activities states

Integration of the principle of sustainability development	Inclusion long-term criteria in all spheres state politicians	Strategic planning; inter-sectoral regulation	Consistency politics; balance of interests	Systemic consideration interests future generations
Expanding access to justice	Recognition collective and diffuse interests	Liberalization procedural rules	Magnification number of cases; development of practice	Strengthening protection environmental rights
Implementing the precautionary principle	Preventive approach to potential harm	Rating risks even in the absence of full certainty	Prevention harm instead its elimination	Protection long-term ecological interests
Digitalization and monitoring	Using technologies for environmental monitoring	Environmental data, open data, digital platforms	Transparency and control	Increase efficiency management
Globalization of legal regulation	Harmonization national standards with international standards	Implementation international acts	Harmonization legal systems	Strengthening international cooperation

Source developed by the authors based on: (Campos, 2023; Ferreira, 2021; Fülöp, 2021; Pedersen & Sulyok, 2024; Steinkamp, 2023; Swinkels and et al ., 2025; Barrett, 2024; Mahmutovic, 2023; Kotzé, 2018; Brunnée, 2019; Sokhatska, 2024).

Improving legal regulation to protect the rights of future generations should be comprehensive and implemented at different levels of the legal system. A key direction in this regard is the constitutionalization of these rights and principles, which creates a solid regulatory basis for their further implementation and allows for effective constitutional control.

The development of institutional mechanisms that guarantee the representation of the interests of future generations in the processes of public administration, as well as increasing the level of entrepreneurship of authorities, are also of paramount importance. In parallel, the current practice of courts becomes a more effective tool of protection, after which it allows to detail the obligations of the state and form mandatory standards of behavior. No less important is the

integration of a scientifically based approach and the precautionary principle, which leads to the adoption of informed decisions taking into account long-term risks and uncertainties. This can allow to shift the emphasis from responding to consequences towards their prevention. Expanding public participation and access to justice also democratizes decision-making processes and strengthens control over the state.

Integrating the principle of sustainable development into all areas of public policy constitutes a coherent governance system that is focused on balancing interests and a long-term perspective. Additionally, the digitalization and globalization of legal regulation support transparency, effective governance, and the harmonization of national legal systems with international standards.

Therefore, the implementation of these directions in interaction makes it possible to form a synergistic model of legal protection of the rights of future generations, which integrates regulatory, institutional, judicial and managerial mechanisms and guarantees their practical effectiveness.

Discussion

The results obtained are consistent with the views of modern scholars on the gradual transition from declarative recognition of the rights of future generations to ensuring the institutional and judicial enforcement of these rights. In particular, the approach according to which the rights of future generations are included in the system of human rights is confirmed by the conclusions of Coomans (2023), who argues that they can be implemented using existing legal mechanisms. At the same time, the result of the inquisitive position is the development of this point of view by showing that such integration is insufficient in the absence of coevolution of institutional and procedural guarantees.

A comparison with Nolan's (2024) research reveals similarities in the findings regarding the growing role of the judiciary in protecting the rights of future generations, in particular through the expansion of procedural interest methods. Similarly, the results are consistent with Pedersen & Sulyok (2024), who emphasize the importance of climate litigation as a means of creating new legal standards. However, in contrast to these approaches, this study emphasizes the need for an integrated system where judicial mechanisms are linked to other elements of legal regulation.

The views on the importance of environmental constitutionalism are also supported by the work of Kotzé (2018) and Ferreira (2021), who consider the right to a safe environment as a key component of legal protection. The results obtained are compatible with these approaches, while complementing them with the conclusion that the effectiveness of such rules depends on the degree to which

they are implemented in practice, which is in line with Brunnée's (2019) criticism of the limits of purely normative regulation.

The institutional dimension of the study correlates with the findings of Fülöp (2021) and Szabó *et al.* (2021), who emphasize the importance of establishing specialized bodies to represent the interests of future generations. At the same time, the results indicate the limited effectiveness of these institutions when their status is purely advisory, which is further confirmed in the works of Thompson (2018), who emphasizes the problem of democratic representation of future generations. At the same time, some discrepancies were found with those approaches that consider the principle of sustainable development as a sufficient tool to guarantee intergenerational equality. In particular, the results confirm the point of view of Mahmutovic (2023), according to which the effectiveness of this principle depends on the level of development of the rule of law and the institutional capacity of the state. Thus, the abstract nature of the principle of sustainable development without proper concretization limits its practical implementation.

Conclusions

The review allowed us to synthesize the legal nature and mechanisms for protecting the rights of future generations as a complex interdisciplinary institution that requires development. The results obtained confirm the initial assumption that effective protection can be directed through the cooperation of constitutional, judicial, institutional and political and legal instruments, but at the same time show that this integration is to some extent fragmentary and asymmetrical. The scientific novelty of the work lies in the systematization of approaches and mechanisms within the framework of a single model, which reveals their interdependence and function in ensuring intergenerational justice. The practical significance of the results obtained lies in the possibility of their use for improving constitutional legislation, further developing judicial practice and forming state policy focused on the long-term perspective.

At the same time, the study also identified some limitations due to the lack of established legal approaches, the heterogeneity of the implementation of international standards in national legal systems, and the difficulty of predicting long-term legal consequences. This limits the possibility of generating universal solutions and requires further in-depth study. In this light, the development of a methodology for assessing the trajectory of legal decisions for future generations, together with research on the effectiveness of new institutional forms of representation, may be useful.

In this regard, it seems appropriate to link the prospects for further research with the analysis of specific national practices of constitutionalizing the rights of future generations, expanding the role of judicial instruments, and exploring the potential integration of digital technologies and foresight into regulation. The

issue of developing binding legal standards to promote the effective – and not just declarative – implementation of the principle of sustainable development requires special attention. The proposed approaches can also provide a basis for developing a more effective and balanced model of legal protection that can help harmonize the interests of current and future generations.

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