

Deterrent Mechanisms for Environmental Protection in Algerian Legislation

الآليات الردعية لحماية البيئة في التشريع الجزائري

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Date of Submission 02-04-2026 Date of Final Acceptance 08-06-2026 Date of Publication June 2026

Abstract:

Environmental crimes are among the most serious threats facing both national and international communities, particularly due to the increasing environmental degradation caused by human activities. To address these challenges, various legal systems have established regulatory frameworks aimed at limiting environmental violations and protecting the environment. However, the specific nature of environmental crimes raises legal and practical challenges that affect the effectiveness of environmental protection.

This study examines the preventive and punitive mechanisms adopted to combat serious environmental offenses. It also analyzes the effectiveness of deterrent sanctions, including financial penalties and precautionary measures, in preventing environmental harm and reducing recidivism. Accordingly, the study seeks to answer the following question: To what extent has the Algerian legislator succeeded in establishing effective deterrent mechanisms to ensure more effective environmental protection?

Keywords: Environmental Crimes; Environmental Degradation; Deterrent Sanctions; Financial Penalties; Environmental Health.

ملخص:

إن الجرائم البيئية من أخطر وأحدث الأخطار التي تهدد المجتمعات الوطنية والدولية، خاصة في ظل ازدياد مستوى التدهور البيئي الناتج عن تصرفات الإنسان، لذلك سعت مختلف التشريعات الى وضع اطر قانونية للحد من الانتهاكات البيئية غير انها تثير اشكالات قانونية في ظل خصوصية هذه الجرائم البيئية حيث تستعرض هذه الدراسة التطرق الى الآليات والميكانيزمات الوقائية والزجرية للحد من الانتهاكات الصارخة، والخطيرة الصادرة من المجرم البيئي، كما سلطت الضوء على الجزاءات الردعية ومدى ملائمتها حتى تساهم مساهمة فعالة في مكافحتها، سواء كانت عقوبات مالية او تدابير احترازية لذلك نطرح اشكالية ما مدى فعالية الآليات الردعية لتحقيق انجع حماية ممكنة للبيئة في ظل الانتشار الواسع للانتهاكات والاعتداءات المضرّة بالبيئة والصحة البيئية؟

الكلمات المفتاحية: جرائم البيئية؛ تدهور البيئي؛ جزاءات ردعية؛ عقوبات مالية؛ صحة بيئية.

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Introduction:

One of the main problems troubling the world today is environmental pollution. It has become a worldwide concern, prompting societies to sound alarms and call for reducing the damage caused to the environment by industrial development and technological progress.¹ Protecting the environment and stopping its pollution have therefore fallen to countries.² Protecting the environment and preventing pollution have therefore become important responsibilities of states.³

The environment is the surrounding and living space of organisms. Alternatively, it may be defined as the area in which people engage in their various activities, including all living beings. It also denotes the spatial realm inhabited by people, together with the natural and human events it contains and the influence these events exert on them.⁴

From this perspective, technological developments have increasingly contributed to environmental degradation. In response, most legal systems have sought to address this growing threat through legal frameworks that include preventive measures and deterrent sanctions, thereby limiting environmental violations. The primary objective of these measures is to protect the environment. Deterrent mechanisms are therefore among the most important means of limiting the spread of environmental offenses.

The issue of deterrent mechanisms for environmental protection is of great importance at both the national and international levels. Growing environmental challenges, coupled with rapid industrial development and the resulting depletion of natural resources, have led states to adopt legal frameworks aimed at protecting the environment. These frameworks impose criminal liability on both natural and legal persons who violate environmental regulations and provide for various sanctions, including financial penalties and preventive measures. However, questions remain regarding the effectiveness of these mechanisms, particularly when applied to legal persons.

This study aims to examine the mechanisms adopted by the Algerian legislator to combat environmental violations. It also evaluates the suitability and effectiveness of deterrent sanctions in addressing environmental crimes, especially in light of the specific nature of such offenses and the difficulties associated with their detection and proof:

To what extent has the Algerian legislator succeeded in establishing effective deterrent mechanisms to ensure more effective environmental protection?

Our research employed the descriptive approach by discussing certain ideas connected to the subject and specifying the components and requirements; the analytical approach by means of the examination and criticism of several legal provisions pertinent to the subject of the study.

To address this topic, the study has been divided, in accordance with an academic methodology, into two main sections:

- Section 1: Penal deterrent mechanisms to reduce environmental degradation.
- Section 2: Preventive mechanisms to limit environmental degradation.

Section I: Penal deterrent mechanisms to reduce environmental degradation in Algerian legislation

Among the goals of contemporary environmental criminal policy is the provision of criminal protection for the environment by establishing criminal liability and penalties for those who engage in environmental pollution.⁵

Through the establishment of criminal liability for environmental offenders, criminal and environmental laws contribute to environmental protection. They do so through judicial deterrence and the application of penal sanctions designed to discourage environmental violations.⁶

Whether the offender is a natural or a legal person, environmental crimes are subject to the general principles of criminal liability set out in the Penal Code. Accordingly, the Algerian legislator has established a penal system for individuals who violate environmental laws. In some cases, penalties have been increased to reduce environmental offenses, particularly where aggravating circumstances are expressly provided for by law.

A) Duality of Criminal liability for Legal and Natural Persons:

In environmental crimes, a person is deemed to possess the will, awareness, and criminal capacity required for criminal liability. Consequently, individuals are held criminally liable for environmental offenses resulting from their own actions. Any person who commits an environmental crime is therefore legally accountable. The offender of an environmental crime is a person who deliberately and voluntarily causes harm to the environment.

In this regard, it is noteworthy that the Algerian legislator applies criminal liability equally to both natural and legal persons in environmental crimes. The legislator also punishes accomplices and instigators in the same manner as the principal offender. Article 64 of Law 01-19 on the management, monitoring, and removal of waste supports this principle by providing that a person incurs criminal liability if they deposit, dispose of, bury, or dump hazardous waste in unauthorized sites.⁷

Articles 90 and 97 of Law 03-10 concerning environmental protection within the framework of sustainable development further reinforce this approach.⁸

A person does not need to be the principal offender to incur criminal liability. Instigators, accomplices, and any person who encourages or assists in the commission of an environmental offense may also be held criminally liable. Article 21 of Law 03-09 of July 19, 2003, explicitly provides for such liability in relation to offenses involving violations of the Convention on the Prohibition of the Development, Production, and Stockpiling of Chemical Weapons and Their Destruction.⁹ Article 10 of Ordinance 06-05 of June 15, 2006, concerning the preservation and protection of endangered species, adopts a similar approach.¹⁰

Article 92 of the Environmental Protection Law further provides that, without prejudice to the penalties prescribed in Article 90, where a violation is committed under the instructions of the owner or operator of a ship, aircraft, vehicle, or floating platform, the penalties provided for in that article shall apply, with the maximum penalty doubled.

Therefore, it is evident that the Algerian legislator also holds legal persons criminally liable, while providing penalties for natural persons in cases of environmental offenses. Article 51 of the Penal Code clearly states that the State, local authorities, and legal persons are subject to criminal liability, including legal persons governed by private law, such as commercial companies and public

or private economic institutions. Article 56 of Law 01-19, referred to above, further emphasizes this principle by regulating the disposal of household waste and prohibiting any legal person from refusing to use the waste collection and sorting system established by the competent authorities.¹¹

The trend in contemporary criminal policy toward establishing criminal liability for legal persons appears to stem from the need to address social and economic changes resulting from the misuse of institutional activities and the environmental harm they may cause. This approach is clearly reflected in several legislative provisions, including Article 18 of Law 03-10 and Article 51 bis of Penal Code 04-15 of November 10, 2004, which recognize the criminal liability of legal persons.

1- Criminal Liability of Natural Persons:

As a general rule, criminal liability arises when a person commits an offense while possessing both awareness and free will, which constitute the fundamental elements of criminal capacity. Accordingly, the prosecution of an environmental offender for a crime affecting the environment requires the fulfillment of the conditions established by the legislator. In the absence of these conditions, criminal liability cannot be established. These conditions are primarily awareness and free will. The following section examines each of these elements in detail.¹²

1.1- Conditions for the Criminal Liability of Natural Persons

In order to hold a natural person criminally liable for an environmental offense, it must be established that the offense was committed with full awareness of the consequences of the act and its harmful effects. This requires the existence of criminal intent, which constitutes the mental element of the offense and is based on two essential components: knowledge and will.

Knowledge requires that the offender be aware of the nature of the prohibited conduct, the environmental harm resulting from it, and its illegality under environmental legislation. Will, on the other hand, refers to the offender's conscious decision to engage in the criminal act and bring about its consequences. Accordingly, criminal liability arises only when the act is committed voluntarily and with full awareness, rather than as a result of coercion, mistake, or any circumstance that negates free will.

The existence of criminal intent is particularly important in environmental crimes because of their specific nature. In many cases, it is necessary to determine whether the offender was aware of the environmental risks associated with their conduct, such as the discharge of polluting waste, the emission of toxic substances, or the unlawful exploitation of natural resources.

1.2- Foundations of Criminal Liability for Natural Persons

Criminal liability refers to a person's responsibility for the consequences of actions that violate applicable environmental laws. Penalties may be imposed for committing or participating in an environmental crime, whether through acts that directly harm the environment or through negligence and failure to take the necessary measures to protect it.

2- Conditions for the Criminal Liability of Legal Persons:

The conditions set out in Article 51 bis of the Penal Code must be fulfilled in order to establish the criminal liability of a legal person. These conditions may be summarized as follows:

2.1- Regarding the crimes for which criminal liability applies:

The Penal Code and special laws, such as the Environmental Protection Law and the Waste Management Law, contain provisions relating to the criminal liability of legal persons. According to Article 51 bis, which states that "...when the law so provides...", such liability is limited to offenses expressly provided for by law. Consequently, a legal person may only be held criminally liable where a specific legal provision establishes such liability. The provision must be clear and unambiguous in order to assist the judge in determining the nature of the environmental offense and the appropriate penalty.¹³

2.2- Regarding the legal persons subject to criminal liability:

Since their purpose is to protect both public and private interests, the legislator expressly exempted ministries, provincial directorates, local communities, and public institutions of an administrative nature from criminal liability under Article 51 bis of the Penal Code. On the other hand, private legal persons are subject to criminal liability regardless of their structure or the purpose for which they were established.

2.3- In terms of the nature of the perpetrator and the objective:

The criminal liability of a legal person is considered indirect because only legally designated natural persons can commit the offense on its behalf. These include individuals who represent the legal person by virtue of their position, such as members of the board of directors, the general assembly of partners,¹⁴ managers, and general directors.

2.4- Committing the crime on behalf of the legal person:

For a legal person to be held criminally liable, the offense committed by its members or representatives must have been carried out on its behalf. Crimes committed by natural persons for their personal benefit are excluded.¹⁵

It is also noteworthy that Article 51 of the Penal Code establishes dual liability for both legal and natural persons: "The criminal liability of a legal person does not prevent the prosecution of the natural person as the principal offender or as an accomplice in the same acts." Article 92 of Law 03-10 on environmental protection adopts the same approach. It provides that when the owner or operator is a legal person, the responsibility referred to in the preceding paragraphs is transferred to the legal representatives, managing agents entrusted with supervision or management, or any other person authorized to act on their behalf.

By combining both forms of liability, the legislator seeks to provide more comprehensive environmental protection and to ensure that offenders cannot evade criminal prosecution. However, proving liability may sometimes be difficult because it can be challenging to distinguish between the personal interests of the natural person and the interests of the legal person.¹⁶

Section II: Criminal Sanctions as a Mechanism for Deterring Environmental Crimes

The legislator has established criminal sanctions for individuals who commit environmental offenses with the aim of reducing such violations and punishing their perpetrators. These sanctions vary according to the seriousness of the offense and whether it is classified as a felony, misdemeanor, or contravention. They may take the form of custodial penalties, financial penalties, or both. The main sanctions are as follows:

A) Deprivation of Liberty Penalties in Environmental Crimes:

As provided by law, deprivation of liberty constitutes one of the principal criminal sanctions for offenses. Depending on the seriousness and gravity of the acts committed, these penalties range from imprisonment to the death penalty.

1- Death Penalty or Imprisonment in the Case of Felonies:

Although environmental crimes are not generally classified as felonies, the legislator has provided for the death penalty in certain offenses because of their seriousness and their impact on human life and public safety. Article 87 bis of the Penal Code classifies acts that harm the environment as terrorist or subversive acts punishable by death, including acts involving attacks on the atmosphere. Likewise, Article 396 of the Penal Code classifies the intentional burning of another person's property as a felony, and Article 401 of the amended Penal Code also applies in this context.¹⁷

The application of the death penalty in such cases aims to protect the environment from serious forms of harm, particularly those involving mines and explosive materials that destroy natural and industrial environments and hinder sustainable development. By prescribing severe penalties for such offenses, the Algerian legislator seeks to deter potential offenders from committing acts that may cause significant environmental damage.¹⁸

As well as Article 47 of the Algerian Maritime Law.¹⁹

Regarding imprisonment, Article 406 of the Penal Code provides that anyone who intentionally destroys buildings, bridges, or dams is subject to a term of imprisonment. In addition, Article 399 of the Penal Code stipulates life imprisonment if a fire results in permanent disability or injury.

Temporary imprisonment is addressed in Paragraph 1 of Article 396 of the Penal Code, which provides that anyone who intentionally sets fire to buildings or other structures is punishable by a prison term ranging from 10 to 20 years.²⁰ Article 432 of the same Code further provides that anyone who deals with tainted or spoiled food or medication and thereby causes injury or death to a consumer is subject to life imprisonment. However, the penalty is reduced to temporary imprisonment of 10 to 20 years, together with a fine, where the substances cause the victim to develop an incurable disease, lose the use of a limb, or suffer permanent disability.

2- The Penalty of Imprisonment in Cases of Misdemeanors or Offenses:

Many environmental protection laws prescribe imprisonment for environmental offenses classified as misdemeanors or violations. This penalty deprives the offender of their liberty and applies to misdemeanors and violations rather than felonies. Since most environmental offenses fall within these categories, imprisonment is one of the most frequently applied sanctions. Articles 26 and 27 of the Forestry Law illustrate this approach by regulating grazing in forest areas and prohibiting grazing in newly planted forests.²¹

Article 61 of Law 01/19 provides for a prison term ranging from six months to two years for persons who mix hazardous waste with other waste during its management, monitoring, or disposal. In addition, anyone operating a waste treatment facility, including one dealing with hazardous waste, without complying with the requirements of Article 63 of the same law is subject to a prison sentence ranging from eight months to three years.

Article 431 of the Algerian Penal Code also imposes a prison sentence of two to five years, together with a fine, on persons who harm the human or animal environment.

The foregoing demonstrates that deprivation of liberty penalties for certain environmental crimes may contribute to achieving both general and specific deterrence.²²

B) The Fine as a Financial Penalty for Combating Environmental Crime:

A fine is a financial penalty that requires the convicted person to pay a specified amount to the state treasury pursuant to a court order. This sanction affects the offender's financial interests and serves as compensation for the harm caused to a protected social interest. A fine may be imposed either as a principal penalty or as a supplementary penalty in addition to imprisonment.

The importance of fines in environmental legislation stems from their suitability for both the offense and the offender. Environmental crimes are often linked to financial interests, making this form of punishment particularly appropriate. In addition, many environmental offenses are committed by legal persons, for whom financial penalties are especially effective. Since environmental crimes undermine environmental security, fines are also regarded as a means of holding offenders financially accountable for the harm caused.²³

A fine may serve as an original and independent penalty in some cases, while in others it may be imposed as a supplementary penalty alongside imprisonment. Article 84 of Law 03-10 provides an example by imposing a fine ranging from 5,000 DZD to 15,000 DZD on anyone who pollutes the air.

The Algerian legislator has adopted a system of fixed penalties for environmental offenses by establishing minimum and maximum amounts while granting judges discretion within those limits. This is illustrated by Article 941 of Ordinance 12-05 relating to maritime law,²⁴ which provides that any person who dumps dust, waste, dirt, or commercial and industrial residues in ports or their affiliated areas, or deposits them on port pavements and open surfaces, shall be fined between 1,000 DZD and 5,000 DZD.²⁵

Persons who dump waste in a harbor are subject to fines ranging from 5,000 DZD to 25,000 DZD. Those who discharge effluents or deposit materials that do not pose a risk of poisoning or damage to public water property without authorization are subject to fines ranging from 10,000 DZD to 100,000 DZD. In cases of recidivism, the fine is doubled.²⁶

Law No. 01-19 on the management, monitoring, and disposal of waste adopts the same approach. Article 56 provides:

"According to Article 32 of this law, any natural or legal person involved in a commercial, industrial, artisanal, or any other activity who disposes of household waste or similar waste, or refuses to use the waste management and sorting system made available by the competent authorities, shall be punished with a fine ranging from 10,000 DZD to 50,000 DZD."

Section III: Preventive Mechanisms to Reduce Environmental Crimes:

The core of this approach is early prevention, which aims to reduce security gaps and identify long-term solutions. It seeks to mitigate environmental threats by reducing and controlling environmental risks. In this way, it addresses the root causes of environmental insecurity rather than intervening after the damage has already occurred. Since these risks are closely linked to development, they cannot be completely eliminated. Therefore, legislative policy does not aim to

eradicate all forms of pollution. Instead, it seeks to regulate pollution through specific thresholds and acceptable levels. As a result, most environmental laws include preventive sanctions known as precautionary or security measures. These measures are generally divided into two categories: material and personal.²⁷

A) Physical Measures in Environmental Crimes:

The legislator has introduced a range of physical measures to combat environmental crimes and limit their harmful effects on the environment, in addition to traditional sanctions such as imprisonment and fines. These measures are directed at the object of the offense or the means used in its commission. They also aim to eliminate environmental risks and prevent their recurrence.

Among the most important of these measures is confiscation, which may apply to materials, equipment, or instruments used in the commission of an environmental offense. Other measures include the temporary or permanent closure of facilities and establishments whose activities pose a threat to the environment. They may also involve the suspension of polluting activities, the withdrawal or suspension of licenses, and the obligation imposed on offenders to restore the environment to its previous condition. This may be achieved through waste removal, pollution treatment, or the remediation of damage affecting environmental components.

These measures are particularly important because they do not merely punish offenders. They also contribute to environmental protection and the restoration of damage caused by environmental crimes. Consequently, they represent an effective mechanism for achieving both deterrence and prevention.

1- Confiscation:

Confiscation refers to the compulsory deprivation of property from its owner and its transfer to the state without compensation. In the context of environmental offenses, it involves the seizure of equipment and materials considered sources of environmental pollution by the state or its specialized environmental protection agencies. Examples include contaminated food shipments, devices, radioactive materials, and certain types of hazardous pesticides.²⁸

Article 19 of the law governing fishing and aquaculture provides an example of this measure. It imposes a fine ranging from six million to ten million dinars on repeat offenders operating foreign-flagged fishing vessels that have engaged in illegal fishing within waters under national jurisdiction. In addition, the vessel used to commit the offense may be confiscated.

The significance of confiscation lies in removing the source of pollution. It is considered a precautionary measure intended to protect the environment. At the same time, it imposes a financial burden on the offender by preventing the future use of the confiscated items in the commission of further offenses. In this regard, confiscation addresses the inherent criminal risk associated with such items.²⁹

Article 16 of the Penal Code states: *“Items considered hazardous or harmful by law or regulations, as well as those whose manufacture, use, possession, carrying, or sale constitutes a criminal offense, shall be confiscated.”* In certain cases, confiscation may be applied as a security measure regardless of the outcome of the criminal proceedings.

Article 82 of Law 01-11 on fishing further provides that: *“In the event that the owner of a fishing vessel uses explosive materials, the vessel shall be confiscated.”*

Similarly, Article 170 of the Water Law (05-12) states: "*The tools used to dig new holes, drill wells, or carry out any modifications within protected zones may be confiscated.*"³⁰

Consequently, most contemporary environmental laws have incorporated confiscation as a precautionary measure in environmental pollution offenses, particularly when the items involved are prohibited from possession, use, or ownership.

A distinctive feature of Algerian legislation is that Article 16 of the Penal Code treats confiscation both as a criminal penalty and as a security measure.

2- Closure of the Institution:

The closure of an institution is one of the most significant physical measures used in cases of environmental pollution. It is considered an effective mechanism for eliminating the disturbance caused by the offense and preventing its recurrence. Practical application in both economic and environmental crimes has demonstrated its effectiveness as a means of preventing future violations.³¹

The closure measure allows the authorities to sanction the offender by prohibiting them from carrying out activities within the institution where the offense was committed. In this way, it serves both a punitive and a preventive function.

The legislator incorporated this measure into Law No. 03-10 on environmental protection within the framework of sustainable development, which amended Law No. 83-03. Under this legislation, a decision may be issued to close any facility referred to in Article 57 by the minister responsible for environmental protection.

Article 18 of Law 03-09 also authorizes the temporary closure of an institution for a period not exceeding five years.³² In serious cases, permanent closure may be ordered when the institution poses a threat to the environment through the use of chemical substances or hazardous materials. This measure is further supported by Article 48(2) of Law 01-19 concerning waste management.

3- Restoration of the Previous State:

The restoration of the previous state refers to a judicial order requiring the offender, whenever possible, to restore the situation to what it was before the commission of the offense and to eliminate its harmful consequences.

This measure is particularly important in preventing environmental damage. Advances in technology have made it possible to remove or reduce the effects of environmental offenses through various methods and techniques. As a result, restoring the affected area has become an effective means of environmental protection.

The legal nature of this measure varies depending on the legislation concerned. In some cases, it is regarded as an administrative sanction, while in others it is treated as a judicial sanction. For example, under Law No. 05-12 on Water, restoration is considered an administrative measure imposed by the competent authority. In contrast, the Environmental Law and the Forest Law classify it as a judicial sanction.

Article 102 of Law No. 03-10 on environmental protection provides that: "*..the court may order the restoration of the affected sites to their previous condition within a period specified by the court.*"

Similarly, Article 86 of Law No. 84-12 relating to forests states: *Without prejudice to the restoration of the affected areas to their condition prior to the violation, any infringement of Article 24 of this law shall be punishable by a fine ranging from 100 to 2,000 DZD...*³³

Accordingly, the restoration of affected areas to their original condition is considered a preventive measure. It aims to repair environmental damage and reduce the likelihood of similar offenses occurring in the future.

B) Personal Security Measures in Environmental Crimes:

These are a series of steps the judge has published to handle the criminal danger natural in the offender's personality.³⁴ Their primary purpose is to protect society and prevent the offender from committing further crimes. Unlike traditional penalties, these measures are based on the principles of prevention, rehabilitation, and the elimination of factors that contribute to criminal behavior.

In the field of environmental crimes, personal security measures are particularly important because they seek to prevent the continuation of polluting activities and reduce the risk of future environmental harm. They achieve this objective by restricting the offender's ability to use the means, facilities, or activities involved in the commission of the offense. As a result, these measures contribute to ensuring effective environmental protection and preventing the recurrence of environmental violations:

1- Professional Prohibition or Deprivation of Activity:

Professional prohibition is a personal measure through which a convicted individual is prevented from engaging in a particular profession or activity. In some cases, this may result in the closure of the establishment concerned or its transfer to another operator. Comparative criminal legislation recognizes this measure as an appropriate sanction for individuals who misuse their professional position or interests in ways that harm the environment.³⁵

The purpose of this measure is to ensure the punitive effect of the sanction by severing the link between the offender and the activity through which the offense was committed. It also seeks to prevent the recurrence of similar offenses. For this reason, professional prohibition is considered one of the most important measures for combating environmental pollution crimes.

In practice, this measure often takes the form of withdrawing, suspending, or cancelling the licenses required to carry out the activity that caused environmental pollution. The objective is to isolate the offender from the profession that directly contributed to environmental harm or facilitated the commission of the offense. In addition, depriving the offender of the benefits associated with that profession for a specified period constitutes a significant deterrent.

This measure is particularly important because it reduces the risk of reoffending and discourages the convicted person from engaging in future criminal conduct.

The Algerian legislator has adopted this measure in several legal provisions. Article 82 of the Law on Marine Fishing and Aquaculture provides that: *"..without prejudice to the provisions of the first paragraph of this article, in the case of the use of explosive materials, the fishing vessel shall be confiscated if its owner is the offender, in addition to the permanent withdrawal of the professional register."*

From the foregoing, it is evident that the prohibition from practicing a profession constitutes a precautionary measure aimed at preventing future environmental offenses and reducing the likelihood of their recurrence. As such, it contributes to strengthening environmental protection.

C) Publicizing the Judgment:

In addition to the penalties imposed by the courts, the legislator may require the public disclosure of judicial decisions because of their significant role in combating crime. Publicizing the judgment serves as an effective preventive measure, as it informs the public about both the offender and the nature of the offense committed.³⁶

This measure can reduce public trust in the offender and discourage future unlawful conduct. It also contributes to preventing recidivism by increasing the social consequences associated with criminal behavior.

Moreover, publicizing the judgment affects the reputation of the convicted person among individuals who interact with them or depend on them in a professional context. In many cases, the publication of the judgment may have a stronger deterrent effect than monetary fines, which often remain unknown to the wider public.

Conclusion:

Caring for the environment requires a comprehensive environmental policy supported by a strong level of environmental awareness. Such an approach is essential to ensure effective environmental protection and promote sustainable development.

Accordingly, the legislator has emphasized the establishment of criminal protection for the environment through a range of legislative and regulatory texts. These provisions are consistent with modern criminal policy in terms of both criminalization and sanctions. Their objective is to provide effective protection against environmental violations that may harm the environment.

The mechanisms adopted by the legislator vary from deterrent criminal sanctions to preventive measures aimed at reducing environmental risks. Therefore, the legislative approach seeks not only to punish those who violate environmental laws but also to prevent future offenses and strengthen environmental protection. Ultimately, these measures contribute to safeguarding society from environmental threats that may affect its safety and security.

Based on the analysis conducted in this study, the main findings and recommendations can be summarized as follows:

Study Findings:

- Establishing criminal liability for legal persons in order to achieve general deterrence.
- Though it is clear that the financial fines levied on legal entities do not always match the degree of the environmental harm produced, the legislator has penalized offenders and environmental crime perpetrators with penalties ranging from jail to monetary ones.
- The legislator did not restrict the classification of environmental crimes to misdemeanors and infractions only but also labeled some activities endangering public safety as felonies.

- Both legal and natural persons have dual criminal liability for crimes committed by legal persons, and when both liabilities are combined, the environment is better protected and criminals are prevented from avoiding punishment.
- The legislator has set a number of precautionary policies meant to stop crimes before they happen.

Study Recommendations:

As for the proposals that can be made, they include:

- To achieve general protection and deterrence against environmental crimes and violations, public legal entities must be held criminally liable.
- Based on the knowledge that most environmental infractions are the result of activities carried out by legal entities, such as classified institutions, we are doubling the fines levied on legal entities relative to natural persons.
- The multiplicity and dispersion of legal provisions related to environmental protection negatively impacts their effectiveness; therefore, the legislator must intervene to establish an environmental criminal law to address environmental crimes.
- Increasing the severity of sanctions to accomplish both general and targeted deterrence and triggering the environmental penal system.

Ultimately, despite the legal framework established to achieve general deterrence against environmental crimes and violations, such measures alone remain insufficient to effectively address environmental degradation. Environmental threats continue to evolve and spread, creating new challenges for environmental protection.

Therefore, safeguarding the environment and achieving sustainable development depend not only on legal measures but also on the development of greater environmental awareness among individuals and society as a whole.

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