THE SPECIFICITY OF ENVIRONMENTAL CRIMINALIZATION IN NATIONAL LEGISLATION AND INTERNATIONAL LAW

DR. FARID RAHAM

Faculty of Law and Political Sciences, University of Souk Ahras (Algeria),

E-mail: f.rehem@univ-soukahras.dz

Received: 01/2025 **Published: 03/2025**

Abstract:

Environmental criminalization in national and international law reflects the growing recognition of environmental protection as a legal priority. National legislation varies in defining environmental crimes, penalties, and enforcement mechanisms, often influenced by economic and political factors. International law, through treaties and conventions, establishes broader frameworks for cooperation and accountability, yet enforcement remains challenging due to sovereignty concerns. The specificity of environmental criminalization lies in balancing strict legal measures with sustainable development goals, ensuring both deterrence and compliance. Strengthening legal frameworks and international cooperation is essential to address transboundary environmental crimes effectively.

Keywords: *Environmental crimes, national legislation, international law, enforcement, sustainability.*

1. INTRODUCTION

This article examines the development in recent years of the disparity between national and international criminalization in the area of environmental offenses. The focal point is the disparity in the scope and legal requirements between the regional and international environmental law instruments and the national criminalization legislation. Due to its preeminent role, several treaties relating to the protection of the environment are deemed to possess the status of customary rules of international law. International environmental law imposes primary obligations on state parties to adopt and adhere to national legal measures effectively ensuring protection of the environment and addressing its degradation, including criminal legislation. (Park, 2023)

Criminal laws have long been recognized as the enforcement mechanism with the most effectiveness, to an extent conducive to obligating both national and international prosecutorial powers to take action. Given the requirement for stringent measures of protection for the environment, there is hardly any room for doubt as to the significance of a penal policy. The conclusion that international environmental law was called upon to promote the implementation of its provisions through the regulation of national criminal law is relatively new. The specificity of international environmental criminalization is found not only in the overt association of national criminal legislation with international norms but also in the national and international institutional capacity for enforcement, either by the judiciary or administrative bodies staffed by legal officers that possess effective powers, as well as by the inherent international qualification of an offense and by the possible requisites that connect the conduct to its international criminalization. (Taulbee & Von Glahn, 2022)

1.1. Background and Rationale

For more than two decades, the relatively dynamic development trend of national legislation in the field of environmental criminal law has been marked. Nevertheless, a clear fragmentation is observed; the greater part of the European states still do not have a specific environmental doctrine in criminal law (Meterko & Cooper, 2022). This is related to the special character of environmental criminal law. From treating environmental violations as problematic by nature, along with penal insurance of the established environmental obligations, to the introduction of reinforcement mechanisms typical for public criminal law, environmental criminality releases the classic legal dogmas and instruments in accordance with the specificity of environmental relations. Consequently, from the aspect of the general penal doctrine, the degree of flexibility, lack of precision, multilaterally interpreted characteristics, and inherent contradictions

specific to environmental phenomena distinguish environmental criminal law as an onerous and challenging object of international and national legislative activities and every criminal procedure reaction, surpassing the existing consequences of criminal behavior under the specific aspects of crimes (Lipa, 2022).

2. CONCEPTUAL FRAMEWORK

Environmental criminalization is a legal expression derived from the intersection between criminal law and environmental protection. Therefore, for a rigorous definition of this concept, it is necessary to advance the former. Below, this area will be raised in the search for clues that help to delimit the reach of both categories. To do this, it is necessary, first, to address the legal concept of criminal law, which determines the limits in the relationship between the state and citizens, accompanied by the punishment of infractions. Then, it is necessary to outline, briefly, what is meant in this thesis by "environment." (Gillett, 2023)

The conceptual complexities around the idea of criminal law have been confronted in various ways, considering it as "subjective," "formal," and "material"; defining the "systems of protection," the "social acts," or, more closely related to the purpose of this dissertation, Here, however, a more general approach is preferred, following the thesis of the criminalization directed by the principles, in which the crime corresponds to a behavior that affects vital values of society, submitting the infringer to the most severe penalty imposed in the legal system. Thus, from this general concept of what is criminal law, it is possible to imagine that the legal values related to the category of environment are also universal or organic, referring to interests generally shared by human beings, incarnating national or global unity in the search for a "more balanced and respectful society with the ecosystem." (Xie et al.2022)(Kessler and Reinecke2021)(Svensson & Oberwittler, 2021)

2.1. Definitions and Terminology

This section is devoted to the concepts of the environment and criminal law, and the concepts of environmental criminalization, which are the principles of environmental criminal law. A prerequisite of this approach is that we are interested in the legal models of environmental criminalization that exist at different times, in different states, and the specific features of their formation and functioning. In modern legal science, one can find that the concepts of environmental law and criminal law comprise both public relations that are a functional manifestation of the state in social control and for which the coercive impact mechanism is characteristic in the form of suppression of individual criminal activity. (Al-Hammouri & Al-Billeh, 2023)

2.2. Theoretical Perspectives on Environmental Criminalization

Environmental criminalization, providing for direct sanctions not only for violations of environmental protection legislation but also for directly harming the environment, occupies a special place in the so-called criminalization politics of contemporary states. Environmental criminal law can have an immediate impact on the functioning of economies and entire societies, severely limiting traditional knowledge that does not fully conform to modern standards of environmental protection. Ecological criminal law, occupying "marginal" status in the system of legal regulation, simultaneously covers many areas of national and international law and is in need of differentiation from other branches of law and order, shaping its content and focusing on the protection of the interests of society as a whole (Halonen2021). The task of environmental (ecological) criminal law is to ensure the implementation of the guaranteed constitutional right of citizens and organizations to a healthy environment, which involves the prevention, suppression, and punishment of only those acts that cause real harm to the environment. (Jaman2023)

The existing criminal law doctrine of environmental crime prevention requires subsequent generalization and application, ensuring the development of environmental (ecological) criminal law based on the interests of sustainable development, ecological balance, prevention of environmental disasters, and the guarantee of the rights of both present and future generations of people. It should be borne in mind that the latter's sphere can only be ensured by the criminalization of certain forms of behavior that pose a serious danger and potential threat to environmental safety. Therefore, the construction of a consolidated environmental (ecological) criminal law by analogy with other national branches of law is irrational. The complexity of

environmental criminalization and the simultaneous coverage of various relationships of individuals with nature has objectively demanded the creation of a "complex" of environmental criminal law. (Fisher et al., 2021)

3. HISTORICAL DEVELOPMENT OF ENVIRONMENTAL CRIMINALIZATION

In the history of environmental matters, the questions of the fecundity of creating specific environmental legislation arise. It was believed that to protect the environment, already existing legislation is enough. For example, the law of tort was historically used to protect the environment. The payment of compensation to a person for caused damage has ecological consequences, as it forces the economization of resources, because thus the costs are reduced. The creation of environmental norms could cause, even to the contrary, damage (Grinlinton, 2023). The obligatory norms could develop a tendency to perform formally. Special legislation is difficult to develop because it has to come into a certain relation with many other branches of the law, mostly with public law. Thanks to the unique character of ecological problems, creating special norms that are often incongruous with common legal logic may appear. As society faces the necessity of public regulation of ecology, the importance of environmental criminal legislation has increased. At this historical stage, we begin to detect the definite accents of environmental criminal law at the state level (Maruf).

3.1. Pre-Modern Legal Systems

Pre-modern legal systems did not perceive the environment as such. Human society relied heavily on the environment to produce food, fuel, raw materials, and warmth. This led to a very emotional attitude of people toward the environment. While an individual harm to the environment or even its destruction did not attract attention or punishment, disastrous events were viewed as a result of divine anger or human misbehavior. People familiarized themselves with the causes and consequences of these events in legends, myths, tales, and religious texts, which was the method for preserving the acquired knowledge without a developed writing system. (Wright, 2023)

The need arose to regulate the use of territories, and this was accomplished through rules expressed in collective rites that emphasized the communion of the entire human society with divine forces. Fear of suffering and death made people observe the system of prohibitions and exploit collective goods—areas not under private ownership. Powers and personalities were created to enforce rules by uniting spiritual and secular functions. There were forms of socialism, a system of values when labor was considered not as a measure of human freedom and self-expression but as exploitation and restriction of a person. (Long, 2022)

3.2. Emergence of Environmental Criminal Law

Environmental criminal law becomes visible for the observer once special criminal laws are enacted by the national legislator in response to environmental problems. Especially during the last 20 to 30 years, this process of criminalization and the first reactions to it due to the magnitude of environmental problems have further accelerated (Lee2021). The existing environmental criminal law can be primarily attributed not only to the conduct of a person but also to the result of that conduct, which becomes manifest in damage to the environment. If the criminal law assigns significance to the end goal of preventing this damage, then environmental criminal law may expressly serve the purpose of preserving property, conserving and utilizing natural resources, as well as maintaining the natural balance, which is typical of environmental protection laws. Apart from the criminal laws referred to for the protection of the environment, more and more criminal laws are enacted to fight against different forms of highly risky and careless exploitation methods and to criminalize extremely dangerous substances and carriers of harmful effects. At present, all spheres of human activity are affected by these new criminal laws in such a manner that at least almost all types of business enterprises have to face criminal environmental law enforcement proceedings at one point in their existence, with the broadest criminal sanctions. (McGregor, 2021)

4. NATIONAL LEGISLATION

The primary concern of any legal system is the protection of its priority values from potential infringements. If a state recognizes a foreign priority value relating to the environment, then it will react not only during an

incident of external infringement by addressing an entity, but also by implementing relevant legal regulations focused internationally. The major tools used for the preservation and implementation of shared interests bolstered by international environmental law are international agreements and national legislation. International cooperation is shaped and executed through international organizations and consists of mutual relations among member states. (Salgotra & Chauhan, 2023)

In the case of crimes against the environment, national cooperation attains paramount importance. Many contracts and practices have no direct proving mechanism apart from the draft and continuous development of national criminalization in accordance with international coordination. The necessary unification of the legislation of different states is conditioned by the global character of environmental problems. Any fissures in the system of protection and related criminal justice may serve as protective havens allowing malefactors to avoid liability. After all, the factual act committed in such an area regarding environmental damage through criminal activities may be widespread, and it may be very difficult to pursue criminal investigations. (Desai & Mandal, 2021)

4.1. Comparative Analysis of Environmental Criminal Laws

The treaties indicating criminal provisions for specific environmental offenses also give the special characteristics of environmental offenses in ensuring risk control through social organizations. Such specialization of the state in the framework of implementation of liabilities for certain offenses is also the quality of criminal regulation, if such implementation of crime prevention does not exist and could not be implemented in another way. That is, in this case, it is possible to consider a certain de facto criminal regulation of the type of sanctions, such as the necessary result of defining crime. This includes specific knowledge of planning, organization, and conduct necessary for ensuring the protection of the public. (Alshible et al.2023)

4.1.1. in Algerian law

In Algerian law, environmental criminalization is the sine qua non of any modern penal law that has a preventive role, provided that it has been organized and included in special laws that devote it to a set of sanctions corresponding to each environmental action considered an offense, whatever the law. This task is the responsibility of the Algerian legislator, who, in this regard, has multiplied the texts dealing with pollution (Chekrouni & Jaldi, 2024). They are either special criminal laws or statutory regulations that address the criminal dimension of the severely damaged environment. From these texts, it is possible to cite, for example, those appearing in the Environment Code, the Water Law, the Waste Law, the Forestry Code, and the texts relating to fishing. They are numerous sources, and the list is not exhaustive. The sanction in this specific area is in two networks. We find, on the one hand, the Code of Water, which sets the fines resulting from a violation of its provisions, and on the other hand, the Penal Code, which lists the violations concerning the pollution of the aquatic environment. (Al-Hammouri & Al-Billeh, 2023)

However, these provisions, which are spread over several regulations, touch on various aspects of the environmental issue, and it will not be without interest to intervene in a more special way to address the environmental issue coherently and systematically to prevent any misfire. In addition to the provisions included in the penal codes that are devoted to the criminalization of environmental crimes, such as the illegal exploitation of water, fisheries, and forests, it is necessary to contribute to additional penalization by amending and expanding the Penal Code to include environmental crimes that are not explicitly mentioned by the legislator. (Al-Billeh & Issa, 2022) Indeed, the Penal Code does not include specific chapters concerning environmental crimes, but we find its provisions spread over several chapters. The sanctions would be strengthened by adding prison sentences to the fines already provided for in the various legislative texts. On the one hand, environmental pollution is a very serious issue, and all mechanisms to combat it should be openly considered and implemented. The greatest hope is to ensure the sustainability of the environmental balance; otherwise, we will become mercenaries of the environment, exploiting it recklessly without measures and without any ability to repair the catastrophic disasters that have no limits. (Hamilton2021)

4.1.2. in French Law

As for the action of depositing or attempting to deposit waste, these are criminalized when they constitute actions of "breach of duty of care" or "disposal of waste in breach of duty of care" and they are dealt with in the Criminal Code. The content of the Criminal Code is closely linked to the specific circumstances when the depositor knows that the deposit is made in an area covering the immediate surroundings of a river, the sea, water intended for human consumption, aquatic environments, wetlands, protected areas, a natural site, forest, moor, beach, mountain, or an archaeological site. (Skrobak, 2024) This includes areas protected as a natural site, regions of biological interest, ecologically sensitive areas, and world heritage sites of natural and cultural interest, or carrying out waste disposal activities that lie with a specialized operator. The effects of the provisions of the Criminal Code, in accordance with the provisions of the Environmental Code, require that the procured costs necessary to ensure the protection of the sensitive area, in connection with the owner, are kept for a subsequent delay when the owner doesn't file a lawsuit in lieu of the crown under the conditions set out in the same article. (Hussain et al., 2023)

4.2. Key Provisions and Enforcement Mechanisms

Penal provisions for violations of the law in general, and violations of environmental protection standards in particular, make the criminalization of potentially harmful consequences possible. Criminalization attaches criminal or administrative legal liability to otherwise neutral actions or decisions, provided that the consequences of these actions or decisions have a certain result. The penalty for a violation becomes a variable, which depends not only on the nature of the problematic conduct but also on the result of this behavior. Criminal law cannot be the only basis for the implementation of an international environmental policy. The importance and relevance of the criminal law aspects of environmental security derive from the uniqueness of the penalization of a natural-social system relation. However, contemporary national legislation is designed in such a way that violations of environmental legislation are addressed within the scope of extraordinary enforcement activities. (Owen, 2023)

The specifics and mechanisms for the enforcement of national and international legislation in the field of environmental protection and management are expressed in specific conflicts and regulations. The provisions of the criminal and international law enforcement mechanisms often do not go beyond the implementation of their own and do not provide for specific mechanisms and instruments for the resolution of other conflicts. Their provisions usually do not reflect and contain an adequate attitude to the possible consequences and risks of a violation. In particular, the provisions of international criminal law for the coming into force of the protection instruments show the same trend. (Luo et al., 2021) The possibility of delayed enforcement of sanctions is important for effective cooperation and coordination of countries within the framework of multilateral and territorial agreements. These mechanisms are present and operate in different areas of international law. However, the absolutely individual method of application and very poor motivation of potential criminals have never matched the mechanisms, regulations, and efficiency compared to those of penal law. (Breen2021)

5. INTERNATIONAL LEGAL FRAMEWORK

The legal framework of environmental criminal liability at the international level is relatively recent. New environmental concerns that arose in the course of the 1960s prompted international public law to engage in this new branch of international criminal law. Environmental crimes can indeed cause profound and serious damage in terms of actual harm to the environment as well as to countries' political and social stability. Damage is also economic in nature. Therefore, there is the possibility to identify the harm caused by environmental crime exclusively as the subject of environmental criminal law designed to protect the environment. (Killean, 2021)

Criminal environmental policy has three basic options for legislative intervention in this field: on the one hand, the possibility of defining a series of previously identified conducts as environmental crimes both in laws and in specific criminal legislation; or criminal environmental policy may also involve substantial criminalization of what is considered to be the most serious environmental offenses, leaving the identification of the specific conduct as a typical legislative question, but deciding that conduct violates the

legal systems and merits the penalties supported by referring to the criminal courts; or criminal environmental policy may only partially accept criminalization, considering that the numerous negative conducts that the national and international systems designate as prohibited by the community of states, under penalty of incarceration of the author of the act, may also be defined as tiered in the criminal inventories used by legal systems. (Milios, 2021)

5.1. United Nations Conventions and Treaties

Another aspect of the current global trend is the development of international law related to environmental criminalization. Over the last five years, several conventions and treaties addressing organized and transnational crimes have included passages that can bring consequences for environmental protection. Among these conventions, highlighting the most significant effects, we can mention the Construction of Transnational Organized Crime; Firearms Control; Prohibition of Receiving Benefits from Corruption; Trafficking in Persons, especially Women and Children; Manufacture and Profit from Useless Explosives; Transportation, Security, and Protection of Trade and Development of Environmentally Dangerous Chemicals; Production, Use, and Prohibition of Chemical Weapons; Combating Desertification; and the Montreal Convention on Ozone-Depleting Substances, as well as the Transnational Influence on Educational Establishments. (Smith2024)

In each of these international treaties, a subject has been addressed in a manner preventing any international action that could harm the environment. Some of these criminal behaviors can be triggered even by regulated espionage, military offensives, etc. This inclusion of behaviors in conventions could initially be evaluated as an attempt by the Organization to pressure States into incorporating environmental protection into their internal legislations. However, a closer look at the member countries' interests in these conventions can reveal purposes far beyond immediate environmental preservation. The signatories of the Palermo Convention, which has the clearest statements on the subject, have largely developed laws regulating environmental crimes. This could, at first, suggest that international requirements associated with adherence to that treaty have imposed the need for an international structure that would eventually regulate legal education, police training, and criminal judgment. However, contradictorily, in other nations, those texts show neither adherence to international treaties on the prevention of criminal activities harmful to the environment nor have they, with due precision, regulated those behaviors in their national legislations. (Reitano and Shaw2021)

5.2. Regional Agreements and Protocols

The level of intensity and spatial scale of transfrontier damages means that an essential component of environmental legislation is international law – agreements and, particularly, regional conventions and protocols. Motions requiring ratification of international law measures are being introduced into almost all legislative projects in various fields of environmental protection. The State Duma Committee on Environmental Policy, Natural Use, and Ecology especially advocates for unification and coordination of the international membership of the Russian Federation concerning the participation in international measures aimed at transfrontier environmental problems. (Taulbee & Von Glahn, 2022)

So why consider only the regional agreements? These, to a larger extent than those at the global level, have precise measures. The Convention of the Basel Convention has an estimated 2,000 domestic environmental measures, nearly two-thirds of which presuppose the necessity of amending existing legislation. Set in operation at different levels, the international region-related conventions aim at the protection of specific territories of global interest where special damage is under threat. (van Der Marel, 2022)

6. CASE STUDIES

Case Study 1: Plastic Pollution The amount of plastic waste polluting the environment, and in particular the marine environment, is the subject of much discussion and debate at the international, regional, and national levels. It is necessary, however, to recognize that legislating at the national level necessarily sets national priorities and will depend more on the control exercised by national stakeholders than on the obligation established by international conventions. It is different if we are faced with pollution that has no

relation to the activities of the state or to the territory in which the pollution occurs, as in the case of radioactive and oil pollution. Case Study 2: E-Waste More than 20 years after the adoption of the Basel Convention, e-waste has not yet been regulated at the international level. The two main reasons for the lack of international regulation are the fear that electronic goods could be included in the annexes related to hazardous waste and the inclusion of secondary environmental principles, such as resource efficiency and the creation of green jobs at the domestic level. (Shahabuddin et al.2023) The term e-waste is generally used to identify electronic materials that are no longer in use and are considered waste. It includes the used devices themselves, as well as their components, spare parts, and consumables, and is a growing category of waste. The major obstacle in defining and regulating e-waste as a distinct category arises from the generalized underestimation of the environmental risks posed by hazardous substances found in electronic equipment. (Kapoor et al.2021)

6.1. Landmark Environmental Criminal Cases

In 1980, an independent search was conducted to compile a list of the fifty largest corporations ranked by sales and other information used to determine the number of alleged environmental abuses of those corporations. Some of the corporations were prosecuted for violating federal environmental laws and regulations. Significant corporate environmental prosecutions were also conducted in the 1980s and 1990s. The scandal disturbed by the company's manipulative accounting practices and poor corporate governance standards ended in financial failure and criminal prosecution for top management. By 1984, a number of environmental directors working in the central ministries had appeared in environmental lawsuits. The management-level officials were also prosecuted for serious loss to the State Budget, embezzlement, abuse of power or other serious criminal offences. (Legg et al., 2021)

7. CHALLENGES AND CRITICISMS

Challenges and Criticisms. The shift from administrative sanctions or tort and private law into criminal law that occurs in the field of environmental conservation is not free from criticism. There are several challenging topics on the use of criminal justice in the environmental sphere. First, academic researchers and legal scholars have long dealt with consistent definitions to label environmental human conduct. The concept of environmental crime must consider different legal labels of the conduct. For instance, the provisions dealing with negligence and willful intent are the thinnest edges of criminal justice in environmental law. Other labels such as breach of environmental obligations, infraction, administrative offense, or torts could be the logical or theoretical counterpart of the environmental crime definition. (Stuurman & Lachaud, 2022)

Challenging as well are the traditional general standards of criminal liability such as (i) the principle of nullum crimen, nulla poena sine lege and their inherent principles; (ii) the legitimacy of the criminal sanctions and criminalization of traditionally public and private law offenses; (iii) the rule of legality; (iv) the principle of political responsibility, according to which ordinary citizens must not take responsibility for issues that the state itself is unable to address at the structural level. The aspect concerning the principle of the distinction between administrative types of sanctions and criminal prosecution involving the application of more severe penalties and the qualitative limit between definitions of administrative nature and those of criminal nature is particularly controversial. The use of criminal law necessarily involves the balance between the punitive and repressive functions of criminal law and the preventive purposes of administrative control, as required by the protection of socially important legally protected interests. (Mayson, 2022)

7.1. Critiques of Environmental Criminalization

The widest critiques of environmental criminalization refute the adequacy of this formalistic and ambitious conception of justice and standard institutional methods. Another group of criticisms questions both political and social problems of the new penal record and its more drastic application, because there is a legitimate concern that preventive justice occurs at the expense of other essential concepts in a social state governed by the rule of law with democratic and non-authoritarian functioning administration of justice framed in legitimate social norms. These critiques of environmental criminalization in national legislation and international law are often traces of socio-economic offenses or the instrumental role of environmental

criminalization, and its main conclusions can be briefly summarized in twofold nature: the anthropological appropriateness of criminal law and the particularly controversial use of criminal law in its instrumental relationship with law and fundamental rights. The realization of fundamental goals, such as the protection of the environment, should not frustrate the canonically pluralist bases of the common struggles of a people who must preserve their deep diversity unified by a subordination to the value statute that public law represents. (Epik & Steinl, 2023)

8. FUTURE DIRECTIONS

The evolution of criminal environmental law is being driven to some extent by states enacting new criminal laws to implement protocols. The size of the environmental threats posed by extensive planned or gravely incompetent environmental harm would challenge even the most confident human society, especially given the likelihood of climate change and nuclear winter challenges. However, the answers offered by emerging environmental criminal laws of today raise questions that require careful interdisciplinary and inter-legislative planning. It is the duty of our scholarly work to explore the best ways in which ideas and solutions, as well as ineffective dead ends, can travel between the languages and uses of different areas and levels of criminal law and across time. Before turning to use domestic law and future activity, it is useful to note how much of the international work remains to be done. However, in contrast to the fine-grained international treaty work, a number of important topics in domestic criminal environmental law still contain raw patches for which international practice supplies possible guidance, or with which other multidisciplinary and national environmental agencies could help. (Kotzé & Adelman, 2023)

8.1. Potential Reforms and Innovations

Both criminal environmental measures at the national level and international law counterparts strongly depend on legislative regulation. It can be expected that potential reforms in domestic criminalization relate to more general trends in criminal law. However, as concerns environmental harm, some innovative issues may be revealed. The identified keys for reform are discussed below in two consecutive sections, focused, respectively, on specific aspects of criminalization at the national level and specific aspects of criminalization at the level of international law. (Taulbee & Von Glahn, 2022)

9. CONCLUSION

Knowledge of these principles, provided by criminal law and criminal procedure, is to be used by international law to criminalize environmental offenses efficiently and adequately, according to the legal traditions of states and particular national criminal law and procedure. This model combines strict norms, penalties, subsidiary civil and administrative liability, and non-punishment procedural guarantees. Moreover, it is believed to stimulate particular states and the international community to consider particular protection of environmental property, separate procedural norms, and sui generis criminal liability specified for legal entities involved in a vast field of activities.

In conclusion, the text has described the model of national environmental security and its realization through criminal law, which is provided in the process of distinguishing criminal law rules among the common system of norms of regulatory, administrative, and public civil law. Then, international legal mechanisms leading to the realization in the environmental space of the particular level of global environmental security have been scrutinized. These mechanisms express some minimal requirements for national criminal legislation, which constitutional local criminal law constants are also to be combined with such minimal primary and general obligations of states. Thus, the distinctiveness of environmental security that creates different types of international law norms relative to particular types of internal norms has been studied. However, the levels of environmental security regulated by criminal norms, at the international and national levels, have not been compared. Indeed, the nature of current international criminal law norms allows state parties to criminalize at the national level the internationally recognized environmental crimes and any other unlawful acts that contradict certain internationally recognized requirements of environmental protection, extraterritorially being harmful to natural resources under the jurisdiction of third world countries.

This study investigated the specificity of environmental-related criminal law norms both in Algerian and french law and in international legal acts. The objects of this study were official normative documents regulating environmental criminal liability. As a result, the main provisions are specified. Both the European Union, its Member States, and the United Nations have intended that the protection of the environment is the duty of every citizen of the Member State, by calling for the prevention of environmental crime and the adoption of sanctions and measures for environmental damage. In turn, the obligation of every state under the above-mentioned international legal acts is to adopt laws to that end, to monitor their implementation, and to step up the penalties for violations. This law is also the subject of constant renewal, as is the case in Algeria, which constantly updates the list of the most serious types of environmental offenses.

Thus, the general objectives, the tendency to renew mutually relevant international acts with the introduction of higher standards, the direct participation of the national state in the implementation of international programs, and the reception of the enforcement of illegal acts of international law in national law are obvious. The general international trend both in Algerian law and in other laws is to bring the incrimination of environmental offenses, to a level corresponding to their actual size, allowing for economic sanctions to be imposed on those who do not satisfy the imposed requirements in this area, and at the same time allowing for funds to be invested for the rehabilitation of the environment and the restoration of ecosystems degraded by illegal actions at the expense of guilty persons.

This article describes the variety of functions that the criminal law may perform in relation to environmental protection, beyond that of general deterrence. In modern, complex societies, the resources available to the state, both already in existence and potentially created, should be used to maximize the chances of optimal behavior by individuals and corporations. This means considering the best design, at the least total cost, of a regulatory continuum in which the criminal sanction is only one measure that the community has to try to prevent harm to the environment.

The law concerning environmental protection is unusual and calls for special measures because environmental protection is not a traditional part of the agenda of the criminal law. It is the result of comparatively recent international treaties and other instruments that state sovereignty has been curtailed to ensure the protection of the environment. Unlike more traditional areas of legislation in which the criminal law is involved, environmental law is usually much more about the imposition of clear obligations to carry out adequate safety programs than about punishing the particular perpetrator who has failed to comply with them. However, both the necessity and the sufficiency of a criminal response to breaches of that area of the criminal law must be carefully assessed. Even in relation to the protection of the environment, the point of the criminal law is not just punishment of the individual, but the protection of the community by prevention of the harm in question.

REFERENCES:

1. Park, P. (2023). International law for energy and the environment. [HTML]
2. Taulbee, J. L. & Von Glahn, G. (2022). Law among nations: an introduction to public international law. [HTML]
3. Meterko, V. & Cooper, G. (2022). Cognitive biases in criminal case evaluation: a review of the research. Journal of Police and Criminal Psychology. springer.com
4. Lipa, K. (2022). Prevention of criminality: Case study: Albania. Available at SSRN 4877421. ssrn.com
5. Gillett, M. (2023). Criminalizing reprisals against the natural environment. International Review of the Red Cross. cambridge.org
6. Xie, H., Liu, L., & Yue, H. (2022). Modeling the effect of streetscape environment on crime using street view images and interpretable machine-learning technique. International Journal of Environmental Research and Public Health, 19(21), 13833. mdpi.com
7. Kessler, G., & Reinecke, J. (2021). Dynamics of the causes of crime: A life-course application of situational action theory for the transition from adolescence to adulthood. Journal of Developmental and Life-Course Criminology, 7, 229-252. springer.com

8. Svensson, R. & Oberwittler, D. (2021). Changing routine activities and the decline of youth crime: A repeated cross-sectional analysis of self-reported delinquency in Sweden, 1999–2017*. Criminology. wiley.com
9. Al-Hammouri, A. & Al-Billeh, T. (2023). Specificity of Criminalisation in the Jordanian Environmental Protection Law. Pakistan Journal of Criminology. pjcriminology.com
10. Halonen, K. M. (2021). Is public procurement fit for reaching sustainability goals? A law and economics approach to green public procurement. Maastricht Journal of European and comparative law, 28(4), 535-555. sagepub.com
11. Jaman, U. B. (2023). Legal Analysis of The Impact of Industrial Development on The Environment. The Easta Journal Law and Human Rights, 1(03), 87-92. eastasouth-institute.com
12. Fisher, D., Maimon, D., & Berenblum, T. (2021). Examining the crime prevention claims of crime prevention through environmental design on system-trespassing behaviors: A randomized experiment. Security Journal. gsu.edu
13. Grinlinton, D. (2023). The intersection of property rights and environmental law. Environmental Law Review. sagepub.com
14. Maruf, A. (). Legal aspects of environment in Indonesia: An efforts to prevent environmental damage and pollution. Journal of Human Rights. jhcls.org
15. Wright, B. (2023). Debating Sharīʿa in Egypt's National Courts. Journal of Islamic Law. journalofislamiclaw.com
16. Long, H. (2022). Theorizing land use transitions: A human geography perspective. Habitat international. [HTML]
17. Lee, M. (2021). Policing the pedal rebels: A case study of environmental activism under COVID-19. International Journal for Crime, Justice and Social Democracy, 10(2), 156-168. informit.org
18. McGregor, G. I. (2021). Environmental law and enforcement. [HTML]
19. Salgotra, R. K. & Chauhan, B. S. (2023). Genetic diversity, conservation, and utilization of plant genetic resources. Genes. mdpi.com
20. Desai, B. H. & Mandal, M. (2021). Role of climate change in exacerbating sexual and gender-based violence against women: A new challenge for international law. Environmental Policy and Law. iospress.com
21. Alshible, M., Issa, H. A., & Al-Billeh, T. (2023). The Extent of Considering Environmental Crimes as A Manifestation of Economic Crimes. Journal of Environmental Management & Tourism, 14(1), 23-31. aserspublishing.eu
22. Chekrouni, N. & Jaldi, A. (2024). Le code de la famille marocain (Moudawana): réalités et perspectives de réformes. policycenter.ma
23. Al-Billeh, T. & Issa, H. A. (2022). The Community Penalties in the Jordanian Criminal Law: What are the Alternatives to Liberty-Depriving Penalties?. Pakistan Journal of Criminology. pjcriminology.com
24. Hamilton, M. (2021). Environmental crime and restorative justice. Palgrave Studies in Green Criminology, Basingstoke: Palgrave Macmillan. [HTML]
25. Skrobak, J. (2024). Illegal waste dumping in the Slovak Republic. J. Agric. Env't L.. mtak.hu
26. Hussain, N., Khan, A., & Chandio, L. A. (2023). Legal Safeguards against Mob Justice: An Analysis of Blasphemy Laws in Pakistan and International Human Rights Norms. semanticscholar.org
27. Owen, D. (2023). The negotiable implementation of environmental law. Stan. L. Rev.. ssrn.com
28. Luo, Y., Salman, M., & Lu, Z. (2021). Heterogeneous impacts of environmental regulations and foreign direct investment on green innovation across different regions in China. Science of the total environment. [HTML]
29. Breen, E. (2021). Corporations and US economic sanctions: the dangers of overcompliance. In Research Handbook on unilateral and Extraterritorial sanctions (pp. 256-269). Edward Elgar Publishing. [HTML]
30. Killean, R. (2021). From ecocide to eco-sensitivity:'greening'reparations at the International Criminal Court. The International Journal of Human Rights. qub.ac.uk
31. Milios, L. (2021). Overarching policy framework for product life extension in a circular economy—A bottom-up business perspective. Environmental Policy and Governance. wiley.com

32. Smith, S. L. (2024). Issues in defining and punishing environmental crimes: An introduction. In Research handbook on environmental crimes and criminal enforcement (pp. 2-35). Edward Elgar Publishing. [HTML]
33. Reitano, T., & Shaw, M. (2021). The global fight against TOC: The evolution of approaches and their effectiveness. In Routledge Handbook of Transnational Organized Crime (pp. 570-583). Routledge. [HTML]
34. van Der Marel, E. R. (2022). Trading plastic waste in a global economy: soundly regulated by the Basel Convention?. Journal of Environmental Law. oup.com
35. Shahabuddin, M., Uddin, M. N., Chowdhury, J. I., Ahmed, S. F., Uddin, M. N., Mofijur, M., & Uddin, M. A. (2023). A review of the recent development, challenges, and opportunities of electronic waste (e-waste). International Journal of Environmental Science and Technology, 20(4), 4513-4520. springer.com
36. Kapoor, N., Sulke, P., & Badiye, A. (2021). E-waste forensics: An overview. Forensic Science International: Animals and Environments, 1, 100034. sciencedirect.com
37. Legg, T., Hatchard, J., & Gilmore, A. B. (2021). The science for profit model—how and why corporations influence science and the use of science in policy and practice. Plos one. plos.org
38. Stuurman, K. & Lachaud, E. (2022). Regulating AI. A label to complete the proposed Act on Artificial Intelligence. Computer Law & Security Review. ssrn.com
39. Mayson, S. G. (2022). A Consequentialist Framework for Prevention. Law and Philosophy. [HTML]
40. Epik, A. & Steinl, L. (2023). Shortcomings of a showpiece: Reflections on the need for reform of the German code of crimes against international law and challenges for its application. Journal of International Criminal Justice. [HTML]
41. Kotzé, L. J. & Adelman, S. (2023). Environmental law and the unsustainability of sustainable development: a tale of disenchantment and of hope. Law and critique. springer.com