
CRIMINAL PROTECTION OF THE ENVIRONMENT IN ALGERIAN LEGISLATION: AN ANALYTICAL STUDY BASED ON THE PROVISIONS OF LAW 03-10 ON ENVIRONMENTAL PROTECTION WITHIN THE FRAMEWORK OF SUSTAINABLE DEVELOPMENT

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ABSTRACT

Environmental crime has become the third largest crime globally, trailing only behind the illegal drug trade and forgery crimes, leaving behind a trail of deadly diseases previously unheard of and thereby threatening human life safety. This has prompted the Algerian legislature to issue Law No. 03-10 on environmental protection within the framework of sustainable development. From this perspective, it is essential to question the extent to which this law establishes comprehensive objective and procedural criminal protection for the environment

Keywords: Environmental Protection Law, Pollution, Criminal Protection.

INTRODUCTION

Recently, there has been an increased focus on the topic of environmental protection from pollution, as the environment faces escalating pollution levels. This has led to the emergence of numerous deadly diseases previously unheard of, now threatening human safety. The Stockholm Declaration was issued at a critical time in our history, necessitating a global reorientation of our actions to be more considerate of their impact on the environment. Through ignorance or neglect, we can cause significant and irreversible damage to the Earth's environment, on which our life and well-being depend. Conversely, by enhancing our knowledge and acting more wisely, we can ensure better living conditions for ourselves and future generations in an environment more suited to the needs and aspirations of humanity.

Indeed, in 1972, the Stockholm Declaration alerted UN member states to the environmental issue, which was expected to become critical for humanity and future generations. This declaration, for instance, laid the groundwork for the United Nations Environment Programme to assist countries in implementing environmental policies.

Environmental crime ranks as the third-largest crime worldwide, trailing only behind illegal drug trade and counterfeiting crimes. Europe, as a global trade power, serves as a major hub for organized environmental crime, yet member states are ill-equipped to effectively tackle environmental crime on a broad scale across Europe.

Despite this, the European Union holds a leading international role in combating global climate change and biodiversity loss. Enhancing environmental protection by harmonizing aspects of criminal law within the European Union can be seen as a necessary step to support the implementation of the European Green Deal and the Climate Target Plan for 2030.

Interest in the environment has not been limited to the European level but has also encompassed the national scope, with numerous legislations that include provisions to protect the environment and regulate infringements upon it, imposing duties and penalties for violating its provisions. Among these legislations is the Algerian legislation.

Algeria has issued a law for environmental protection, namely Law No. 03-10 concerning environmental protection within the framework of sustainable development, which is considered one of the most significant legislative successes in recent decades, resulting from a combined scientific and social awareness alongside political and economic choices.

Like many laws, this law always requires respect and mandatory compliance from individuals in society and various bodies, including a set of penalties and criminal sanctions imposed on those who dare to disrespect the rules of these laws.

The effective legislative protection of the environment can only be achieved if criminal sanctions intervene when deviations from the rules that ensure the maintenance and protection of the environment from pollution occur. Therefore, the law must establish penalties that ensure respect for these rules.

However, the value of substantive provisions that include criminalization and punishment without the existence of a procedural law makes the implementation and effective impact of environmental protection measures unfeasible. Thus, the fundamental problem that this study revolves around emerges: Has the Algerian legislator succeeded in establishing an integrated objective and procedural criminal protection for the environment?

To address the aforementioned problem, we followed a two-dimensional approach: a descriptive-analytical method. The descriptive method aims to cover the various aspects of this phenomenon, and the analytical method involves studying and analyzing the provisions of Law 03-10 to determine the extent to which this law includes appropriate penal and procedural provisions for environmental crimes.

Furthermore, we divided the topic into two sections. In the first section, we discussed the concept of the environment as the subject of criminal protection, while the second section was dedicated to the forms of criminal protection.

The first topic: The Nature of the Environment as the Subject of Criminal Protection

The scope of criminal protection of the environment is determined by defining the concept of the environment itself, elucidating its elements and forms of threats, and identifying the interest that the law protects.

First requirement: The Concept of the Environment

Subchapter One: Definition of the Environment

1 _ Linguistic Definition:

In the Arabic language, the environment refers to a state of stability and settlement. meaning to settle, dwell, and reside. It can metaphorically apply to the place a person takes as their stable abode for living and dwelling, i.e., the home, habitat, or location where a person returns to make their home and life.

In French, the term for the environment, "L'environnement," was not recognized in French dictionaries until after 1972, when the Stockholm Conference on Human Development was held. This conference first alerted the world to the imminent danger of pollution to the environment, leading to the term being included in the French lexicon, *Le grand Larousse*, in 1972. It refers to the collection of natural and artificial elements necessary for human life. .

In English, the word "Environment" refers to the conditions and things surrounding humans that affect the growth and development of life. It is also used to express the state of the air, water, land, plants, animals, and all conditions surrounding humans. Additionally, it indicates the milieu, surroundings, or place that encompasses a person and influences their feelings, morals, and thoughts. .

The term "environment" is not of ancient origin. It is a relatively recent concept, introduced in 1866 by Ernst Haeckel in his book "General Morphology". According to Haeckel, "ecology" means a branch of zoology that studies the relationships of animals with their environment. In the study of physiological relationships, Haeckel linked ecology with chorology. Chorology is the physiology of the geographical and topographical distribution of animal habitats. Therefore, chorology studies the physiology of animals with respect to their location. Conversely, ecology is the physiology of mutual relationships [Wechselbeziehungen] of the animal organism both with the external world and with other living beings. Thus, ecology is the study of animals not only in relation to place but to the world as inhabited by other beings, including individuals of the same species. According to Haeckel, this field of research was absent in any zoological book published up to that time. .

However, the environment has a specific meaning that the legislator intended in the laws protecting the environment, considering it as the right subject to protection. It refers to the surroundings or place where humans and other living and non-living beings exist. It encompasses the set of external conditions and factors in

which living beings exist and which affect the biological processes they undertake.

The scope of the environment extends to everything that surrounds humans in their living space, including air, water, soil, animals, and plants. Thus, the environmental scope encompasses natural elements like lakes, rivers, seas, land, air, weather, and all living beings on Earth, as well as plants like fungi, algae, and trees. It forms the framework within which humans live and from which they obtain their necessities like food, clothing, and raw materials.

It seems that the term "environment" is fraught with ambiguity due to the complex elements it encompasses, which are composed of two main components:

- **Natural Element:** This includes everything that surrounds humans and exists independently of human intervention, such as water, air, soil, seas, etc.
- **Artificial Element:** This refers to everything that humans have created, including industries, cities, roads, airports, means of transportation, and others. It also encompasses cultural and civilizational landmarks constructed by humans.

The Jurisprudential and Legal Definition of the Environment:

Some scholars believe that the concept of the environment lacks a legal substance, asserting that it is not a legal idea, despite the legislator's reference to it. In our view, this opinion warrants scrutiny because the legislator's recognition of the environment as an interest worthy of protection renders it a legal concept. The legislator's acknowledgment, regulation, and criminalization of acts that harm it clearly establish it as a concept with distinct legal characteristics.

Similar to some legislations, the Algerian legislator has defined the environment under Article 4 of Law No. 03-10 on environmental protection within the framework of sustainable development as: "comprising both abiotic and biotic natural resources such as air, atmosphere, water, land, the subsoil, flora and fauna, including genetic heritage, and the interactions among these resources, as well as places, landscapes, and natural landmarks."

By defining the environment, the Algerian legislator has conceptualized it as an integrated unit. The abiotic and biotic natural resources like air, atmosphere, water, land and its subsoil, plants, and animals form the fundamental objective legal unit of the environment. Additionally, genetic heritage, the forms of interaction between these substances, as well as places, landscapes, and natural landmarks, and any succession or change therein, are included. This definition adopts an expanded concept of the environment that encompasses both the natural and the man-made (industrial) environment.

One of the European Union's definitions of the environment is: "The sum of elements that, within the complexity of their relationships, form the framework, medium, and conditions of life for humans." In French environmental law, the term is used to refer to nature in all its components, including animal and plant species, biological balances, and natural resources such as water, air, soil, and minerals, in addition to sites and natural landscapes (according to the Law of July 10, 1976, on the protection of nature; and the Law of July 19, 1976, on classified installations for environmental protection, which was the first to use the term in its title). This limited view has led to the use of the term "geo-environment," which focuses on places and the forms of human groupings therein: these groups impact the environment, and their actions cause a series of reactions and either positive or negative feedback. The Environmental Charter has now been integrated into the French Constitution.

On the other hand, the Egyptian legislator defined the environment in Article 1 of the Environmental Law No. 4 of 1994 as "the biosphere that includes living organisms and the substances it contains, and what surrounds them of air, water, soil, and the constructions made by humans."

Subchapter Two: Elements of the Environment and Their Threats

The natural environment surrounding humans is diverse, consisting of three elements: terrestrial, atmospheric, and aquatic.

Firstly, the terrestrial environment refers to the soil, which is the fragile layer covering the rocks of the Earth's crust and consists of a mix of mineral substances, organic materials, water, and air. Soil is one of the fundamental elements for life on Earth and is the basis of the organic cycle that makes life possible.

Given the significant importance and vital role this environmental component plays, legislators around the world have paid special attention to its protection. In this context, the Algerian legislator, within the law aimed at environmental protection and sustainable development, has dedicated a complete section to the requirements for soil protection, including the subsurface, which is Chapter Four of Article 59 onwards in Law No. 03-10.

This measure aims to ensure the preservation of this valuable natural resource as a guarantee for the survival and prosperity of living beings.

Aware that the terrestrial environment and its living components face severe threats due to polluting activities or excessive human consumption, the international community has taken action against this problem by establishing agreed-upon legal rules. Among the most notable measures is the Algiers Convention of 1968 for the Protection of Nature and its Resources, which stipulates the commitment of signatory states to take effective actions to conserve soil, water, and plant resources and to develop them.

Among the actions damaging the terrestrial environment are:

1. Interference with plants, terrestrial and aquatic wildlife, including harm to birds, wild animals, and aquatic living organisms through killing, possession, etc.
2. Crimes related to hazardous substances and wastes.
3. Violations of public cleanliness.
4. Crimes related to environmental records and permits.

Secondly, the atmospheric environment: Air is a mixture of gases with known physical properties and proportions. Some legislations, like the Egyptian legislator, have ensured to stipulate that the term "air" includes outdoor air, workplace air, and the air of enclosed and semi-enclosed public spaces. An enclosed public space is defined as a building that only receives air through specially designed openings.

It's noted that Algerian legislation, similar to many international environmental laws, has not directly defined "air." However, it has given significant attention to protecting this essential element through the inclusion of several important measures to preserve air purity and the atmosphere. This is evident in Articles 45 to 47 of Law No. 03-10, which specifically address protecting the air from pollution and maintaining its quality to ensure environmental health and citizen safety.

Among the actions damaging the atmospheric environment are:

1. Air Pollution Crimes: This includes the use of machines or engines that result in exceeding established limits.
2. Noise Pollution Crimes: Such as exceeding permitted sound level limits.

Thirdly, the aquatic environment: Life cannot exist without water, and the term "aquatic environment" encompasses rivers, seas, inland waters, and lakes, as well as groundwater.

Legislation has specifically focused on preserving this natural resource and its elements, with particular emphasis on protecting it from pollution. In this context, the Algerian legislator included specific articles in Chapter Three of the Third Section of Law No. 03-10, detailing the conditions for protecting water resources and aquatic environments. These articles specify the procedures and mechanisms designed to preserve fresh water, in addition to various methods for protecting the seas, all aimed at ensuring the survival of this essential component necessary for the life of all beings.

Moreover, Algeria has adopted a set of legal provisions aimed at protecting this crucial environmental component and promoting its sustainable use. It has engaged in several international agreements that ensure the protection of marine waters from the harmful effects of pollution. This sensitive environmental element, vital for the continuity of life on Earth, receives significant legal protection through international and regional agreements aimed at preserving it from pollution and effectively combating such pollution.

Among the actions damaging the aquatic environment are:

1. Crimes involving the discharge or dumping of pollutants.
2. Refraining from removing substances that pollute the aquatic environment.
3. The crime of discharging sewage and dumping garbage and waste into marine waters.
4. Dumping animal carcasses into river water sources.

Second requirement: The Protected Interest in Environmental Crimes

The term "interest" denotes the connection or relationship between a person and property, through which the person can satisfy their needs from that property. If the interest is the subject of legal protection, then aggression towards it is manifested in its waste or threat with danger. Wasting it means its complete removal or the reduction of its value, whereas threatening it with danger refers to the risk of removal and decrease. .

The law protects the environment as a value in itself; it is the subject upon which protection is bestowed. Although the environment is connected to a significant set of other interests, allowing for a degree of shared protection among them, the environment, as the interest protected by the law, is independent and separate from other interests protected by other legal provisions. This is evident in actions that affect bodily integrity, public health, or animal welfare; there are other legal provisions for their protection, distinct from those for the environment. Therefore, an infringement upon the environment may occur even if none of these interests are harmed or if the damage resulting from the act affecting the environment is potential and not necessarily assaulting any of them.

The legislator may protect multiple rights with a single statute, and in such cases, there's no issue because the importance lies in the protection the legislator intends for the right he wants to guarantee, regardless of the number of rights covered by a single text. However, the problem arises when the legislator aims to protect a specific right, but this protection extends, by implication, to another right. For example, an infringement on honor might also affect a person's right to physical integrity. Here, it's crucial to identify the right or interest the legislator intended to protect.

This distinction is particularly important in environmental crimes, as these involve actions that could ultimately affect rights and interests protected by other statutes. This necessitates analyzing the rationale behind these statutes to determine what the legislator intends to protect. For instance, many actions damaging the environment also affect numerous rights, such as the right to life and bodily integrity. These statutes might also protect other societal interests, such as preserving agricultural land and public health, among other rights and interests.

A precise analysis of these statutes may reveal that the legislator did not intend to protect the environment directly, as the protection was not aimed directly at environmental protection but was intended to protect other rights directly. Therefore, if environmental protection simultaneously involves protecting human health, life, and physical integrity, the protection established for these rights is not specifically designed for environmental protection, even if it includes indirect protection. Arguing otherwise would broaden the scope of protection for the environment to include all forms of human, animal, or plant harm and other entities, a conclusion that contradicts the purpose and intent of the statutes.

The second topic: The Criminal Protection Aspects of the Environment

Procedural rules in the realm of environmental protection constitute the cornerstone for ensuring the implementation and effectiveness of the substantive rules established by the legislator to preserve the environment. Without an effective procedural system, the application of these substantive rules becomes futile. The procedural aspect gains doubled importance in light of the special technical nature of environmental issues, which requires specific expertise and knowledge, especially in the area of enforcement. Therefore, assigning highly competent individuals to handle actions harmful to the environment is essential to ensure justice and environmental protection.

On the other hand, the crucial role of criminal sanctions in supporting this procedural system is highlighted. The penalties specified for environmental crimes act as a strong deterrent to prevent further violations. Thus, the combination of effective procedural rules and the application of criminal sanctions forms an integrated mechanism for environmental protection. Consequently, not only do criminal penalties provide deterrence, but they also ensure the necessary procedures are carried out in cases where actions may not constitute crimes in themselves but harm the environment, guaranteeing comprehensive and effective law enforcement.

First requirement: Procedural Rules

This section will focus on the specific procedural rules enacted by the legislator in the Environmental Law or in some other laws that include environmental protection. For general procedural rules, refer to what is contained in the general texts on the doctrine of criminal procedure law, except where necessary to mention otherwise.

Subchapter One: Judicial Police Authority as Stipulated in the Environmental Law

These are as provided for by Article 111 of Law No. 03-10: "In addition to officers and agents of the judicial police working under the provisions of the criminal procedure law and the control authorities within the powers granted to them by applicable legislation, are authorized to investigate and inspect violations of this law:

- The officials and agents mentioned in Article 21 and following of the criminal procedure law.
- Environmental inspectors.
- Technical staff of the administration responsible for the environment.
- Civil protection officers and agents.
- Marine affairs administrators.
- Port officers.
- National coastguard service agents.
- Commanders of national navy ships.
- Marine signaling service engineers.
- Commanders of state-owned maritime vessels.
- Technical agents at the scientific and technical research institute and marine sciences.
- Customs agents.

Algerian consuls abroad are tasked with investigating violations related to marine protection and gathering all information to identify the perpetrators of these violations, and reporting them to the Minister responsible for the environment and the concerned ministers.

They are responsible for investigating and inspecting violations of Law No. 03-10, substantiated by official reports that have evidentiary value. These reports must be sent under penalty of nullity within fifteen days from their drafting to the public prosecutor and also to the concerned party.

Subchapter Two: Fishing and Water Police

The Fishing Law No. 04-07 establishes rules related to fishing practices, prohibiting a number of negative practices:

- Practicing fishing or any other fishing activity outside the designated areas and periods.
- Fishing on someone else's property without a permit.
- Catching protected species or capturing, possessing, transporting, using, selling them door-to-door, purchasing, offering for sale, or taxidermying them.
- Fishing in areas under protection regimes established according to this law.

Furthermore, the Fishing Law has established a dedicated police unit to monitor and inspect any violations of its provisions, in accordance with the provisions of the Criminal Procedure Law. .

Among the duties of this police force is to record reports of violations they witness, as well as to confiscate products and fishing tools used in the violations, and to send them to the competent judicial authorities. It is noteworthy that various environmental legislations have penalized any act that obstructs or prevents the work of judicial enforcement officials, whether they are general or specific specialists. Article 107 of the Environmental Law has set penalties that include imprisonment for six months and a fine of up to fifty thousand Algerian dinars for those who hinder the progress of monitoring operations conducted by officials responsible for inspecting and detecting violations of environmental laws.

On the other hand, Water Law No. 05-12 established an agency charged with monitoring crimes of water pollution, known as the Water Police. This police is composed of employees from the administration responsible for water and operates according to the basic legislative frameworks and the Criminal Procedure Law.

Furthermore, Article 161 of this law specifies that the judicial police officers and the Water Police are responsible for searching, examining, and investigating violations of the Water Law, with the possibility of preparing reports documenting these violations.

Pursuant to Article 163 of the Water Law, the Water Police have the right to enter facilities and structures used as public water properties. They also have the right to request their owners or those exploiting these facilities to

operate them for necessary investigations and to access necessary documents.

Furthermore, in accordance with Article 164 of the Water Law, the Water Police are obliged to present any person caught in the act of committing a crime that harms public water properties to the public prosecutor or the competent judicial police officer, unless the criminal's resistance poses a danger to their safety. In such cases, the resistance is documented in the inspection report.

The Water Police also have the authority, while carrying out research and investigations concerning crimes affecting the aquatic environment, to call upon public force for assistance in executing their tasks, as indicated by Article 165 of the Water Law.

Subchapter Three: Forest Judicial Officers

In addition to the officers and agents of the judicial police provided for in the Criminal Procedure Law, the tasks of the forest police are undertaken by judicial police officers and agents belonging to the special corps of the Forest Administration. According to Article 124 of the Forest Law No. 21-23, officers who are officially part of the special corps for the Forest Administration, appointed by a joint decision between the Minister of Justice, Keeper of the Seals, and the Minister in charge of Forests, are considered judicial police officers. Article 125 stipulates that officers and non-commissioned officers belonging to the special corps of the Forest Administration, who are not covered by Article 125 of the Forest Law, are considered agents of judicial control.

These officers and agents of the forest police are qualified to search, investigate, and inspect crimes that constitute a violation of the Forest Law, according to the provisions of the Criminal Procedure Law and the Forest Law. They are also authorized to track, seize, and guard items removed and transported to different locations. However, they are not allowed to enter homes, factories, buildings, enclosed yards, and adjacent enclosed spaces without a written permission issued by the public prosecutor, which must be presented. Furthermore, this inspection may not be conducted before 5:00 AM and after 8:00 PM, in accordance with Article 129 of the Forest Law.

Officers and agents of the judicial police belonging to the special forest management corps exercise their territorial jurisdiction within the limits of their usual duties. In urgent cases, they may also carry out their mission within the entire jurisdiction of the judicial council to which they are attached, provided that the public prosecutor within whose jurisdiction they operate is notified in advance. This provision is stipulated in Article 130 of the same law.

Officers and agents of the forest police are required to draft reports of their activities, mentioning the special judicial authority of the author, and upon completion of their duties, they must immediately provide the public prosecutor with the reports they have prepared, along with all related documents and evidence seized.

In cases where the reports include the seizure of livestock, a copy of the seizure report must be sent within twenty-four hours to the registry of the competent court territorially, so that individuals claiming the seized items and livestock may review it.

If the seized livestock, due to a violation of this law, is not claimed within 48 hours following the notification, pursuant to Article 132 of the Forest Law, the president of the territorially competent court, upon request of the forestry administration, orders their sale by the state property administration. If the request is made after the livestock have already been sold, the identified owner is entitled only to the sale proceeds minus any incurred expenses.

Second requirement: Criminal Sanctions

Regarding environmental crimes, these can be committed by natural persons or by legal entities or corporations such as companies. Thus, the legislator has ensured the specification of particular penalties for both natural persons and legal entities for crimes committed against the environment. Therefore, studying the penal provisions for environmental crimes involves addressing the specific penalties for natural persons before exploring the penalties prescribed for legal entities.

Subchapter One: Penalties Applicable to Natural Persons

By examining the texts of Chapter Six of Law No. 03-10, titled "Penal Provisions," it becomes apparent that the Algerian legislator has established a punitive system to address crimes classified either as misdemeanors or infractions within the context of environmental protection. These penalties vary from imprisonment to financial fines.

This part of the study will focus on the primary penalties specified for types of environmental crimes as

mentioned in Law No. 03-10, noting that supplementary penalties related to environmental protection are legally based on Article 9 of the Penal Code. These supplementary penalties may be imposed by the criminal judiciary according to the conditions and circumstances specified in the law, with reference to and emphasis on what is provided by Law No. 03-10.

Firstly: Penalties Related to the Protection of Biodiversity

Biodiversity, as defined by Article 2 of the Environmental Law, refers to the variability among living organisms from all sources, including terrestrial, marine, and other aquatic ecosystems and the ecological complexes of which they are part, and this includes diversity within species, between species, and of ecosystems. In the context of the ecosystem concept in this law, Article 4 of Law No. 03-10 defines it as a dynamic assembly formed of plant and animal species, distinct members, and their non-living environment, which through their interactions constitute a functional unit.

Furthermore, Article 81 of Law No. 03-10 prescribes penalties related to the protection of biodiversity, imposing imprisonment from 10 days to three months and a fine ranging from 5,000 to 50,000 dinars, or one of these two penalties only, for anyone who unnecessarily or through mistreatment abandons a domestic or tame animal, or one that is kept in public or private, or subjects it to harsh treatment. In the case of recidivism, the penalty is doubled.

Secondly: Penalties Related to Protected Areas

Protected areas, as defined by Article 29 of Law No. 03-10, are zones subject to special regimes for the protection of sites, land, flora, fauna, and ecosystems, and generally, those related to environmental protection.

Under Article 31, protected areas consist of complete natural reserves, national parks, natural landmarks, and areas for the management of habitats, species, landscapes, and marine views that are protected, as well as areas protected for the management of natural resources.

Moreover, Article 83 imposes penalties of imprisonment from ten days to two months and a fine ranging from 10,000 to 100,000 dinars, or one of these two penalties only, on anyone who harms protected areas. In the case of recidivism, the penalty is doubled.

Thirdly: Penalties Related to the Protection of Air and Atmosphere

Article 84 imposes a fine ranging from 5,000 dinars to 15,000 dinars on anyone causing air pollution. In the case of recidivism, the penalty escalates to imprisonment from two to six months and a fine from 50,000 dinars to 150,000 dinars, or one of these two penalties only.

**Air pollution, as defined by Article 40 of Law No. 03-10, refers to the direct or indirect introduction into the air and enclosed spaces of substances that naturally:

- Pose a danger to human health.
- Affect climate changes or deplete the ozone layer.
- Harm biological resources and ecosystems.
- Threaten public security.
- Disturb the populace.
- Emit strong, foul odors.
- Damage agricultural production and food products.
- Deface buildings and affect the character of sites.
- Destroy material properties.

Fourthly: Penalties Related to the Protection of Water and Aquatic Environments

Article 90 of Law No. 03-10 penalizes with imprisonment from six months to two years and a fine ranging from 100,000 to 1,000,000 dinars, or one of these two penalties only, every captain of an Algerian ship or commander of an Algerian aircraft or any person overseeing dumping or incineration at sea on board Algerian vessels, or fixed or mobile floating platforms in waters under Algerian jurisdiction, thereby committing a violation of the provisions of Articles 52 and 53 of the same law.

Article 52 prohibits within Algerian maritime waters the dumping, immersion, or incineration of materials that could:

- Harm public health and marine environmental systems;
- Hinder marine activities, including navigation, aquaculture, and marine fishing;
- Spoil the quality of marine waters for their use;
- Reduce the recreational and aesthetic value of the sea and coastal areas, affecting their tourist potential.

Furthermore, Article 53 allows, after a public inquiry, for the Minister responsible for the environment to propose regulations and authorize dumping, immersion, or incineration at sea, under conditions that ensure these operations are safe and non-damaging.

Furthermore, any captain subject to the provisions of international agreements for the prevention of marine pollution by oil and adopted in London on May 12, 1954, and its amendments, who violates the provisions related to the prohibition of pouring oil or its mixture into the sea, shall be punishable by imprisonment for a term of one to five years and a fine ranging from one million dinars to ten million dinars, or by either of these penalties alone..

Additionally, imprisonment ranging from six months to two years and a fine from 100,000 to 1,000,000 dinars, or one of these two penalties only, is imposed on every captain of a ship not subject to the provisions of the aforementioned treaties, who commits a violation of Article 93.

The provisions of this article apply to ships equipped with tanks and other vessels when their engine power exceeds the limit set by the Minister responsible for commercial maritime navigation. This includes port machinery, river transporters, and river vessels equipped with tanks, whether they are self-propelled, towed, or pushed. However, ships of the Algerian navy are exempt from these provisions.

Fifthly: Penalties Related to the Protection of Living Environments

The Algerian legislator, under Article 65 of the Environmental Law, considers small forests, public gardens, recreational areas, and any space of collective benefit as contributing to the improvement of the living environment.

Furthermore, Article 66 of the same law prohibits all advertising:

- On properties classified as historical monuments.
- On natural landmarks and classified sites.
- In protected areas.
- On public administration buildings.
- On trees.

Within this framework, Article 109 imposes a fine of 150,000 dinars on anyone who places, orders the placement of, or fails to remove after being warned, any advertising or sign in the prohibited places and sites.

Sixthly: Penalties Related to Noise Pollution

The human right to an environment free from pollution in general, and from noise pollution in particular, is currently a global and national demand, reflected in international conventions and national legislation of various countries, especially developed nations. .

The Algerian legislator has been keen to ensure that everyone living in its territory enjoys a quiet environment free from all forms of noise pollution, which extends to include, besides its main and common form, noises that are hazardous to people's health and cause them excessive disturbance or are likely to harm the environment.

To achieve this, the legislator has restricted a range of activities that cause noise and may result in dangers or disturbances, to require a license. Therefore, under Article 108, a penalty of imprisonment for two years and a fine of two hundred thousand dinars is imposed on anyone who conducts an activity without obtaining a license, the granting of which is subject to the completion of an impact study and public consultation.

Subchapter Two: Penalties Applicable to Legal Entities

Article 18 bis of the Penal Code states that the penalties applicable to legal entities in matters of felonies and misdemeanors are:

- A fine equal to one (1) to five (5) times the maximum fine prescribed for natural persons by the law punishing the crime.

Thus, whenever Law No. 03-10 specifies a fine for natural persons, the penalty for the entity equals one to five times the maximum fine. However, the issue arises on how to determine the appropriate penalty for legal entities when the law does not explicitly prescribe a fine for natural persons, yet there is criminal liability for the legal entity?

To answer this question, it is necessary to refer to Article 18 bis 2, which clarifies that in cases where the law does not specify a fine for natural persons, whether in felonies or misdemeanors, and if the responsibility falls on the legal entity according to the provisions of Article 51 bis, the maximum fine applicable to the legal entity is determined as follows:

- A fine of 2,000,000 Algerian dinars for felonies punishable by death or life imprisonment,
- A fine of 1,000,000 Algerian dinars for felonies punishable by temporary imprisonment,
- And a fine of 500,000 Algerian dinars for misdemeanors. .

These provisions offer a clear framework for determining the financial penalties imposed on legal entities in the absence of a specific legal text for penalties related to natural persons, ensuring effective justice application and reflecting the law's commitment to protecting the environment and public property from crimes that may harm them. In addition to the original penalties, the legal entity may be punished with one or more of the following supplementary penalties:

- _ Dissolution of the legal entity,
- _ Closure of the institution or one of its branches for a period not exceeding five (5) years,
- _ Exclusion from public contracts for a period not exceeding five (5) years,
- _ Prohibition from practicing one or several professional or social activities, either directly or indirectly, permanently or for a period not exceeding five (5) years,
- _ Confiscation of the item used in the commission of the crime or that resulted from it,
- _ Publication and posting of the conviction judgment,
- _ Placement under judicial supervision for a period not exceeding five (5) years, with supervision focused on the activity that led to the crime or in which the crime was committed.

In addition to what has been mentioned, referring back to the Environmental Law No. 03-10, we find that the Algerian legislator has established some supplementary penalties, such as those in Article 85, which states that "when necessary, it may order the prohibition of the use of facilities or any other real or movable property that is a source of air pollution, until the completion of necessary works and restorations."

Similarly, Article 86 of the same law states, "it may also order the prohibition of the use of facilities causing pollution until the completion of works and arrangements or the fulfillment of stipulated obligations."

The purpose of this penalty is to bring the polluting establishment into compliance with environmental regulations as soon as possible. This penalty balances maintaining the benefits of the polluting establishment with protecting the environment by deterring the establishment through closure.

CONCLUSION:

In concluding our study on the criminal protection of the environment in Algerian legislation, in our attempt to assess the penal system employed by Algerian environmental law, we have arrived at a set of results and recommendations:

Results:

- The Environmental Law No. 03-10 represents a significant civilizational step in the field of human rights to a clean environment free from pollution, founded on its criminalization of various forms of

environmental pollution.

- The law grants judicial police status to several categories working in the field of environmental protection, empowering them with numerous authorities.
- The legislator in Law No. 03-10 has wisely intensified the punishment for crimes that have a severe harmful impact on the environment.

Among the recommendations that can be proposed in this regard are:

- The necessity of organizing awareness seminars on environmental rights across all sectors to enhance environmental awareness.
- The state's allocation of necessary funds to solve environmental problems, coupled with the efforts of civil associations interested in addressing these problems.

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