

Combating environmental crime between the specificity of the crime and the protection of ecological balance in Algerian law

الآليات الردعية لحماية البيئة في التشريع الجزائري

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Abstract:

The protection of environmental balance is surrounded by all aspects. The environmental legislator has established the protection of each element of the ecosystem, including water, air, and soil by allocating a separate chapter of section three of Law No. 03-10 on the protection of the environment in the context of sustainable development to the requirements of biodiversity protection. He devoted chapter two to the requirements of air and atmosphere protection and chapter three to the requirements of water and aquatic environments, deviating from the elements of crime and focusing on formal crimes. The legislator provided penalties for all elements of the environment in the sixth section entitled "Penal provisions."

key words: environmental protection law - crimes against environmental balance - sustainable development - preventive mechanisms - deterrent mechanisms.

الملخص :

ان حماية التوازن البيئي جاءت محاطة بجميع الجوانب حيث قام المشرع البيئي بوضع حماية لكل عنصر من عناصر النظام الايكولوجي ماء، هواء، الارض بتخصيصه فصل مستقل من الباب الثالث من القانون رقم 03_10 المتضمن حماية البيئة في اطار التنمية المستدامة لمقتضيات حماية التنوع البيولوجي والفصل الثاني خصصه لمقتضيات حماية الهواء والجو والفصل الثالث لمقتضيات المياه والاعواسط المائية وانحرافه عن اركان الجريمة و التركيز عن الجرائم الشكلية وخصص عقوبات لكل عناصر البيئة في الباب السادس المعنون بالاحكام الجزائية

الكلمات المفتاحية: قانون حماية البيئة - الجرائم الماسة بالتوازن البيئي - التنمية المستدامة -

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Introduction:

In view of the continuing deterioration of the environment in Algeria over the years, and given the impact of environmental issues, as well as their problems and recent approaches to addressing them by the Algeria legislator, Law No. 03-10 on the protection of the environment in the context of sustainable development has been issued.¹ The issuance of this law was followed by a number of laws on environmental protection.² The most important of which is the constitution of the right to a healthy environment, which is enshrined in the 2016 Constitution³ within the framework of the provisions of Article 68 thereof.⁴

Referring to the first texts of the aforementioned Law 03-10, it is generally aimed at regulating rules and mechanisms to ensure the preservation of the environment elements in all its contents. Environmental legislation generally includes rules for the prohibition of any attack or damage to the environment caused by industrial wastes by prohibiting any activity that endangers the elements of the environment and thus causes an imbalance in the ecological balance.⁵

Hence, it prompts us to raise the following problem: What are the deterrent mechanisms adopted by the Algerian legislator to protect the ecosystem within the framework of sustainable development to maintain its balance?

To respond to the above-mentioned problem, we divided our research into two sections: the first, “specificity of environmental crime elements,” and the second, “penalties for crimes against environmental balance.”

Section I: specificity of environmental crime elements

The crime is only carried out by the availability of the physical and moral elements. The crime must physically crystallize and take a certain form, which is the physical element that can be defined as the external appearance of the perpetrator’s activity, which is the criminal conduct that makes it punishable.

However, the physical element is not enough to give responsibility to a particular person. It must be that the perpetrator, by his free will and with full knowledge, proceeded to bring the crime into being and to have the intent of the crime, which constitutes the moral pillar of the crime. In addition to the physical and moral elements, there must be a legal provision criminalizing the act as there is no crime without a legal text. It is the latter that defines the specifications of the act which the law considers a crime.⁶ What can be concluded is that the Algerian legislator has deviated from general rules and made special provisions for the protection of the environment.

A) The legal pillar of crimes against environmental balance:

Criminal legality requires that there must be prior legal provisions for the act of violation in which the latter is clearly defined. This is an acknowledgment of the most important principle of criminal law, which is the principle of the legality of the crime and punishment, which requires that the criminal text criminalizing the attack on the

environment be clearly and accurately stated. This makes it easier for the criminal judge to absorb it quickly and determine the type of crime and the penalty prescribed, resulting in greater effectiveness in its application.

On this basis, the legal element of the crime can be defined as the wrongful nature of the act, and the act would be unlawful if the law provided that it was a crime and imposed a penalty on the perpetrator.

However, this is largely excluded in environmental criminal legislation, where the same legislation has become an obstacle to its implementation due to large number of legislation in this area. Despite this richness in legislation, it is offset by poverty in the application, which is mainly due to the predominantly technical nature of environmental law per se. furthermore, the problem of the temporal and spatial application of the environmental text is equally evident here.

These difficulties are, in fact, a reflection of the specificity of the subject matter (the environment and its problems). It may raise the problem of the existence of a penal provision in advance on the act of the perpetrator. So, does the absence of the provision mean that the harmful act is permissible?⁷

The Algerian legislator's adoption of the precautionary principle, which requires in advance criminal protection to the environment for environmental damage despite the absence of a penal provision, makes the concept of criminalization legality principle more extensive in this area, especially when there is a risk or environmental damage, which is often persistent, making the future environmental criminal text retroactively applicable to suppress the attack on environmental balance on the one hand and the lack of impunity for the offender on the other.

This affects an important pillar of criminal law and must therefore be limited to crimes against the environmental balance or, in particular, those serious environmental crimes. The purpose of applying the penal provision is to monitor the offender and achieve deterrence for any violation or damage to the ecosystem.

B) The physical pillar of crimes against environmental balance:

It is one of the most important elements of environmental crime, characterized by its moral weakness. The nature of environmental regulations makes refraining from implementing their provisions a crime in itself. They are environmental crimes by refraining first or sometimes environmental crimes by consequence⁸ second.

1- Environmental crimes by refraining from applying regulatory texts

Violating environmental regulations may constitute a formal environmental crime. A person may commit a violating act when he positively refrains from applying such regulations imposed by the law. It is called positive environmental crime by refraining.⁹

a. **Formal environmental crimes** Criminal conduct in this type of crime is the failure to respect administrative or civil obligations or technical and regulatory provisions such as the absence of a license, regardless of environmental damage. They are formal crimes that do not require a violation. Criminalizing this type of behavior is a preventive effect so that the environment is protected before the damage or at least mitigates the damage. On

the other hand, it can be problematic for a jurist to understand those crimes, which are practical and technical in nature.¹⁰

b. Positive environmental crimes by refraining: We are faced with a positive environmental crime by refraining when we refrain from applying the applicable environmental provision regardless of the outcome. For example, gas emissions from a factory beyond the permissible limits as a result of refraining from placing liquidators constitute a positive crime by refraining. The mere fact that these legally specified machines have not been put in place constitutes a formal crime by refraining even if there is no emission of colored gases.¹¹

2- Environmental crimes by Consequence:

Unlike refraining crimes, environmental crimes by consequence occur as a result of a material violation of an environmental area, whether directly or indirectly. The fertile area of this type of crime is the material abuse of livestock, flora, and marine wealth.¹²

The criminal consequence is the effect of criminal conduct for which the legislator decides to punish the perpetrator. It represents an act of violation that takes place against the interest or right to which the law establishes criminal protection. At other times, however, the criminal legislator's attention is not limited to the criminalization of harmful consequences arising out of criminal conduct. Sometimes putting the protected interest at risk of harm is criminalized and called risk crimes.¹³

Risk is the power of a particular factor or circumstances to cause harm. In addition, gravity is a situation that sometimes arises out of danger as a result of humanitarian activities, including inherently dangerous objects such as the use of nuclear materials or due to the place where they are carried out, such as activities on border or coastal areas that threaten the integrity of the marine ecosystem. The exposure of parts of the marine environment to marine currents acts to rapidly spread harmful effects over relatively long distances. The form in which activities are carried out may also indicate their seriousness, such as large-volume oil transport in large tankers in the marine environment.

3- Causation in crimes against environmental balance:

It means the link between the offender's conduct and the criminal outcome. Ecological criminal behavior is associated with a prohibited outcome that disrupts or alters the ecosystem or natural environment (food, air, water). The risk or damage arises as a result of the causes of human behavior and the resulting natural, regional, or qualitative imbalance between the various elements and components of the ecosystem. If the physical pillar of crimes against environmental balance consists of acts of a violation affecting its elements, it is necessary to state that the result must be attributed to the actor's physical activity, that is, the result and the physical activity must have a causal link.¹⁴

Q) The Moral Pillar of Crimes against Environmental Balance

This is one of the most important elements of any crime, which is the perpetrator's intention to commit the act with knowledge of the elements of the crime. However, most environmental provisions do not refer to it, making most environmental crimes physical. The courts, therefore, draw the moral foundation from the same physical conduct, and the Public Prosecutor's Office merely establishes the legal and material (physical) basis for the offence, resulting in the establishment of the accused's responsibility. The rule of non-necessity to prove the existence of criminal mistake of the violations' article has been extended to some environmental misdemeanors, which are thought to be numerous in the environmental field.

1- Criminal intent:

According to the general rules of criminal intent, the accused must be informed of the course of the act and his will must be directed towards achieving the criminal outcome. However, in crimes against environmental balance, the Algerian legislator has stipulated in certain crimes that there must be an intentional element of conduct or activity without requiring special intent, for example, the handling of hazardous wastes without an administrative authorization, according to article 450, paragraph 4, of the Penal Code. Another example is when a person throws toxic materials into river streams without the intention to pollute or attack the environment. It can be said, therefore, that most crimes against environmental balance do not require a special criminal intent, but rather a general criminal intent, namely the will to act without the intention of damaging or affecting the environment or the environmental balance.

This is for the general criminal intent that is necessary for intentional environmental crimes, especially crimes for establishing criminal liability. The special criminal intent is to commit an act that leads to a particular purpose for the perpetrators, which is to attack or affect the ecosystem.

2- Unintentional mistake

It is not taking the bare minimum of care (by the perpetrator) or acting recklessly, leading to a final result when he could have expected or avoided it.¹⁵ The mistake required by the law is the result of negligence, clumsiness, recklessness, or lack of respect for laws and regulations. In accordance with articles 288 and 289 of the Penal Code, any such form of mistake achieves an unintentional crime.

a. **Clumsiness** is defined as a miscalculation of facts due to the perpetrator's carelessness despite the obligation to be vigilant and careful.¹⁶ One example is the circulation of hazardous wastes and materials without administrative authorization, which is stipulated in article 52 of the Environmental Protection Act.

b. **Recklessness** it means not to be precautionary while engaging in certain conduct, i.e. the offender knows that his conduct is dangerous but believes that at some point he will avoid it, however, the criminal result is achieved. For example, spraying or using agricultural pesticides without regard to the conditions, controls, and guarantees

established by the executive regulations of the Environment Law, i.e. failure to take the necessary precautions to prevent such harmful crimes to an element of the environment, including humans, animals, or plants.

c. Inattention and negligence: This form denotes that the perpetrator takes a negative refrain or cessation from doing what he is required to do despite the fact that he is bound by a personal obligation.¹⁷ For example, the failure of entities and individuals to carry out excavations, construction, demolitions, or transport of the resulting waste and dust, by taking precautions for storage, transportation, and security to prevent their volatility as approved by regulations and provisions.¹⁸

d. Failure to comply with the laws and regulations: means failure to implement the established regulations as required. It includes the violations of all instructions issued by the various administrations for the maintenance of order, security, and health in the form of law, regulations, or publications. For example, article 102 of the aforementioned Law No. 03-10.

Section II: Penalties for the suppression of crimes against the environmental balance

Penal sanctions take the form of a penalty imposed on the person, liberty, or property, which is a social reaction to the violation of a criminal legal rule established by law, ordered by the courts, and applied by the public authorities. It is to restrict the personal rights of the convicted person.¹⁹ As for the penal sanctions received to deter offenders who harm the environmental balance, most of them are described as ecological misdemeanors and not crimes that require heavy punishment. From there, the Algerian legislator provided original sanctions and supplementary sanctions.

e. A) Original sanctions

As mentioned above, most of the behaviors that are harmful to environmental balance are ecological misdemeanors and are rarely crimes or irregularities, and therefore the original punishment in laws related to environmental protection takes the forms of execution, imprisonment, and fine. These sanctions reflect the seriousness of the perpetrators and the type of environmental crime committed, (felony, misdemeanor, and violation).

1-First, the death penalty, which is the most severe punishment ever applied, taking away the most important human right to life. The Algerian legislation provides for the death penalty under maritime law for any captain of an Algerian or foreign ship who intentionally dumps radioactive waste in waters belonging to the national judiciary.²⁰ If we go back to the Penal Law, it provides for the death penalty in the event of an attack on the ocean or leakage of a substance in the air, in the ground, or in the water, which would put the health of human beings, animals, or the environment at risk. The legislator has included these acts within the subversive and terrorist acts.²¹

2-Second, is imprisonment, which limits a person's liberty for crimes described as a felony and takes two images; life imprisonment and temporary imprisonment. Article 423,

paragraph 2²², of the Penal Law, and article 369 of the same Law provide for the penalty of temporary imprisonment.²³

Furthermore, Article 66 of Law No. 01-19 on the Management, Control, and Removal of Wastes also provides that: “Any person who imports, exports, or transports hazardous wastes in violation of the provisions of this Act shall be liable to five to eight years imprisonment and a fine of 1.000.000 to 5.000.000 DZD or only one of these penalties.”

3-Third, detention shall be applied only if we are involved in a misdemeanor or an environmental crime, which is characterized as a temporary penalty. An example of a detention sentence is Law 03-10 concerning the Law on Environmental Protection in the Context of Sustainable Development, which includes: Article 81 stipulates that anyone who abandons or mistreats a domestic animal, or a pet, in public, in secret or the event of a cruel act shall be punished by 10 days’ to 03 months’ detention. In the case of recidivism, the penalty is doubled. Under the framework of the protection of water and marine environment, Article 93 punishes every captain subject to the provisions of the International Treaty on the Prevention of Fuel Pollution of Water, concluded between the two countries on May 12, 1954, who violated the provisions relating to pouring or mixing fuel into the sea from one to five years detention. In the case of recidivism, the penalty is doubled. With regard to classified facilities, article 102 of the same Law provides for a penalty of one year’s detention for any person who exploits a facility without obtaining a permit from the competent administrative authority.

There are numerous examples of detention penalties in the Fishing Law, including that provided for in article 85, which provides for a penalty of two to three months’ detention for anyone engaged in fishing or any other fishing activity outside the areas and periods specified in this Act. There is also a penalty of detention in the Forest Law: article 75 of the Law stipulates that anyone who exploits or transports forest products without a permit shall be liable to 10 days to two months’ detention. Furthermore, the penalty of detention in law 01-19 on the management, control, and removal of waste: Article 60 directly punishes anyone who reuses chemical packaging to contain food items by detention from two months to one year. In the case of recidivism, the penalty is doubled. Also, any person who mixes hazardous special wastes with other wastes, as provided for in article 61 of Law No. 01-19, shall be punished by detention for three months to two years. A penalty of six months to two years’ detention shall be imposed on anyone who has delivered or worked to deliver such hazardous wastes for the purpose of treating them to a person who has exploited an unlicensed facility for the treatment of this category of waste and in the case of recidivism, the penalty is doubled.

4-Fourth, the fine is one of the most effective penalties, since most environmental offenders are economic investors, and most environmental crimes are crimes arising from industrial activities aimed at achieving an economic interest. Environmental damage would not have existed without arbitrary seeking to this interest.²⁴ This penalty may take the form of an original penalty for the crime and the aforementioned Law No. 03-10.

Under article 84, anyone who causes air pollution shall be liable to a fine of 5000 DZD to 15000 DZD. Article 97 of the same Law provides for a fine of 100.000 DZD to 1000.000 DZD for any captain of a ship whose misconduct, clumsiness, or violation of the laws and regulations has caused a maritime accident, or has not controlled it, or has not avoided it, resulting in a flow of pollution substance under Algerian jurisdiction waters. The fine also exists as an original penalty in the text of article 79 of the Forest Law.²⁵

In the new Water Law No. 05-12, a fine is provided for in articles 6 and 166, where “Any person who willfully or accidentally discovered groundwater or who was present during such discovery and did not report to the competent water resources authority regionally shall be punished by a fine of 5000 DZD to 10.000 DZD. In case of recidivism, the penalty is doubled.

Anyone who builds a new construction, plants, constructs a fixed fence, or engages in any behavior that is detrimental to the maintenance of valleys, lakes, ponds, or slashes of green will face a fine of 50.000 DZD to 100.000 DZD. Furthermore, article 55 of Law No. 01-19 on the Management, Control, and Removal of Wastes provides that any natural person who throws or neglects household and similar wastes or refuses to use the system of collection and sorting of wastes placed at his service by the competent bodies shall be liable to a fine of 500 DZD to 5000 DZD.

The fine may be a supplementary penalty, as well as a penalty of detention. For example, article 102 of La No. 03-10 stipulates that anyone who exploits a facility without a permit shall be liable to a fine of 500.000 DZD, in addition to the penalty of detention. According to article 103 of the aforementioned Law No. 03-10, anyone who exploits a facility in violation of a procedure that has ordered its operation or closure may face a 1.000.000 DZD fine.

In addition to the penalty of detention, Fishing Law No. 04-07 punishes anyone who attempts or has already fished without a fishing permit with a fine of 20.000 DZD to 50.000 DZD. Moreover, article 172 of the Water Law No. 05-10 provides for a fine of 50.000 DZD to DD 1.000.000 DZD for anyone who unloads or pours water into wells, digs in the confluence of water, springs, public drinking grounds, dry valleys, and canals, in addition to the penalty of detention.

B) Supplementary sanctions:

This type of punishment complements the original penalty. One of the most important of these sanctions can play an important role in the fight against environmental delinquency:

1- First, confiscation of part of the environmental delinquent’s funds: is a procedure that is applied in environmental crimes or misdemeanors only if there is a legal provision determining it. One example of this is provided in Article 82 of Law No. 01-11 on Fishing, which stipulates that “in the case of the use of explosive substances, the fishing vessel shall be seized if the owner of the vessel is the perpetrator of the offence.” Another example is article 89 of the Public Forest System Law No. 91-05, which stipulates that:

“In all cases of offences, the forestry products in question shall be confiscated.” Article 170 of Water Law No. 05-12 also states that “equipment and tools used to complete new wells or holes or any changes within the quantitative protection zones can be confiscated.” According to article 31 of the aforementioned Law 05-12, the scope of quantitative protection means the water layers that are over-used or threatened with excessive exploitation in order to protect the water resources.²⁶

2- Second, dissolution of a legal person, that is, preventing him from continuing his activity in accordance with article 18 of the Penal Law. It would have been better if this penalty had taken the dissolution of a moral person as an original penalty, in line with the recent trend towards the criminal responsibility of moral persons and the provisions of article 51 bis of the Penal Law adopted by the Algerian legislature as amended by Law No. 04-15.

Conclusion

In conclusion, the protection of the ecosystem and ecological balance is achieved by educating individuals on the significance of maintaining the ecological balance, because the existence of environmental legislation, organized management, and strict justice alone is insufficient to deal with environmental threats if members of civil society are not sensitized and the active role of associations in environmental protection is not strengthened.

Environmental protection is a symbol of good citizenship

The application of environmental legislation on the protection of the ecosystem must also be activated by making the penalties prescribed to offenders rigorous and deterrent, as the fine does not play a significant role in deterring economic accomplices if we compare it to imprisonment and detention. In addition, the benefits of investment must not prevail over human health and the right to live in a healthy environment.

Bibliography

¹ - Law No. 03-10 of July 19, 2003, on environmental protection under sustainable development, an Official Newspaper, issued on July 20, 2003, P.43.

² - *The first legislative signs reflecting Algeria's interest in environmental protection emerged a few years after independence when legal protection gradually took its place in the perspective of the Algerian authorities. It began issuing legal texts in the form of provisions widespread in various administrative, criminal, and civil laws, as in Ordinance No. 66-154, which includes the Civil Procedure Law, Ordinance No. 66-155, which includes the Law of Criminal Procedure, and Ordinance No. 66-156, which includes the Penal Law, as well as the Law 83-03, which includes environmental protection. At the international level, Algeria has ratified 17 conventions out of 50, adding five more conventions than in Law 83-03 on environmental protection. For more details, see Abdel Monim Ben Ahmed, Legal Administrative Means of Environmental Protection in Algeria, doctoral thesis, Faculty of Law, Ben Aknoun, University of Algiers, 2009, p. 25.*

³ - Salmi Abdeslam, Ali Benderaj, *Concept of Environmental Protection in the Algerian Constitution*, an article published in the *Journal of Legal and Political Studies*, issue. 05, 2017, p. 92.

⁴ - Article 68 of the 1996 Constitution, as amended and supplemented, states: "A citizen has the right to a healthy environment. The State shall endeavor to preserve the environment. The law defines the duties of natural and legal persons to protect the environment."

⁵ - Mohammed bin Mohammed, *Concept of Environmental Protection, Analytical Reading of the Environmental Protection Act 03-10 and Media Law 15-02*, an article published in the *Journal of Jurisprudence*, P. 10, p. 172.

⁶ - Ahsan Bousaqia, *the brief in the General Penal Code, 01st Ed*, Houma Publishing and Distribution House, Algeria, 2012, p.65.

⁷ - Jawad Abd ellaoui, *Criminal Protection of the Environment, Comparative Study, Master's Thesis, Faculty of Law and Political Science, Abu Bakr Belkaid University, Tlemcen, Algeria, 2004-2005*, p.29.

⁸ - Mahmoud Saleh Al-Adli, *Encyclopedia of Environmental Protection in Internal Law and Islamic Jurisprudence*, p. 1, University thought house, Egypt, 2003, p. 49.

⁹ - Jawad Abd ellaoui, *op. cit.*, p. 34.

¹⁰ - An administrative license is a borderline between the legality of the act and its illegality. If the act occurs on the basis of a license permitted by law, the act is legal and falls outside the scope of criminalization and punishment. If the act occurs in the absence of such a license, the act is illegal for which the perpetrator is criminally responsible.

¹¹ - Refraining from an act that was supposed to be committed or carried out, which was provided for in Decree No. 2000-37 on creating smoke, gas, smells, and solid particles in the atmosphere, of 01 Avril 2000, an official newspaper, p.18.

¹² - Adel Maher al-Alfi, *Criminal Protection of the Environment*, New University Publishing House, 2009, p. 287.

¹³ - Belgian jurisprudence argues that criminal gravity and dangerous behavior, whether committed by natural or moral persons, should be criminalized, in particular those affecting the environment. This approach is justified by jurisprudence that, given the complexity and tactical nature of these areas, it is imperative to criminalize the gravity of certain activities taking place in contemporary life, such as in economic life, and environmental and consumer protection. This explains why risk crimes are growing in the face of activities whose effects cannot or are difficult to assess and if they can be assessed against the risk criteria.

¹⁴ - Adel Maher Alfi, *op. cit.*, p. 298.

¹⁵ - Mohamed Housni Abdel-Kawi, *Criminal Protection of the Aerobic Environment*, Golden Eagle House, Lebanon, 2002, p. 235.

¹⁶ - Mohamed Housni Abdel-Kawi, *op. cit.*, p. 236.

¹⁷ - Ahsan Bousaqia, *op. cit.*, p. 155.

¹⁸ - Article 102 of Law No. 03-10 provides that: "Anyone who exploits without a permit what is provided for in article 19 above shall be liable to a penalty of one year's imprisonment and a fine of 5,000,000 DZD..."

¹⁹ - Abdullah Suleiman, *General Theory of Precautionary Measures, Comparative Study*, National Book Foundation, Algeria, 1990, p. 63.

²⁰ - Article 500 of Maritime Law No. 76-80 of October 23, 1976, amended by Law 98-05 of October 06, 1998. The Death penalty is rare in Algerian environmental legislation due to its seriousness. If the objective of the Environmental Protection Law is to protect the fundamental rights of individuals, including the right to life, punitive legislation also safeguards this right although it

sometimes takes it away from human beings, but only in cases where the crime is dangerous to the security of society.

²¹ - Article 87, bis, 1 of the Penal Code.

²² - Article 432 paragraph 2 of the Penal Law, which punishes offenders who offer, put up for sale or sell corrupt food or medical items with a prison term of 10 to 20 years if that substance causes incurable illness, loss of an organ, or permanent disability.

²³ - Article 396 of the Penal Law provides for "Anyone who intentionally sets fire in forests, planted fields, trees or herbs shall be punished by 10 to 20 years' imprisonment or 50.000.00 DZD, or by one of these penalties only for anyone who imports, exports, or transports hazardous private wastes in violation of the provisions of this Act".

²⁴ - Jawad Abd ellaoui, *op. cit.*, p. 88.

²⁵ - Article 79 of Law No. 84-12, containing the Forest Law of 23 July 1984, newspaper issue. 58, amended and supplemented by Law No. 91-20 of 2 December 1991, an official newspaper, issue. 62 "Anyone who erodes lands without a permit shall be punished by a fine of 1000 DZD to 3000 DZD and Any person who erodes lands in national forest estates shall be liable to a fine of 1000 DZD to 10.000 DZD per hectare."

²⁶ - Nour-Eddine Hamcha, *Legal Protection of the Environment, Comparative Study between Islamic Jurisprudence and Positive Law*, Master's Thesis, Faculty of Social and Islamic Sciences, Hajj Lakhdar University, Batna, 2005-2006, p. 183.

