مجلة العلوم القانونية والسياسية

اسم المقال: العقوبات الجزائية لمكافحة التلوث البيئي طبقاً لأحكام التشريع الجزائري
اسم الكاتب: أ.م.د. خيرة بنت عبد الرحمان ساوس، أ.م.د. نورة بنت يحيى سعداني
رابط ثابت: https://political-encyclopedia.org/index.php/library/1102
تاريخ الاسترداد: 2026/11/01 16:31 +03

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Criminal Penalties Against Environmental Pollution According to The Provision of The ALGERIAN Legislation

العقوبات الجزائية لمكافحة التلوث البيئي طبقاً لأحكام التشريع الجزائري

Keywords: Sanction, environmental pollution, environment protection, penalty, law, environmental crime, imprisonment, custody, fine, seizure.

الكلمة المفتاحية : عقوبة، التلوث البيئي، حماية البيئة، جزاء، قانون، الجريمة البيئية، السجن، الحبس، الغرامة، المصادرة.

Lecturer Class A. Dr. Kheira Abderahmene Saous
E-mail : k_saous@yahoo.fr
Lecturer Class A. Dr. Nora Yahia Sadani
E-mail : norasadani@yahoo.fr
Faculty of Law and Political Sciences - Tahri Mohamed University of Bechar
Democratic People 's Republic of Algeria

أستاذ محاضر صنف "أ" د. خيرة بنت عبد الرحمان ساوس

أستاذ محاضر صنف "أ" د. نورة بنت يحيى سعداني

كلية الحقوق والعلوم السياسية – جامعة محمد بن بشار

الجمهورية الجزائرية الديمقراطية الشعبية

Abstract

The Algerian legislator has taken into account environment protection and has enacted texts of penal law that criminalize different infringements of environmental rights to secure an efficient penal protection against different pollution forms.

Criminal sanctions have been imposed as a repressive impact to guarantee commitment to legal texts preventing environment from environmental pollution crimes. These sanctions could be death penalties, custodial penalties, and financial penalties. Added to that, there could be complementary sanctions, such as seizing funds, sentence announcement, or infrastructure closer.

Introduction

The right to live in a healthy environment is one of the established laws conferred by all legislations in states' constitutions and domestic laws as well as international charters. The Algerian context is not an exception in this regard .

The criminal law has undoubtedly an important role to play in the environmental protection through criminalizing positive and negative actions, which cause some damages to environmental elements. This standpoint is based on the fact that this law was one of the first that went in the direction of environment's protection and contributed to promote the environment value(1) as a source of relaxation and enjoyment which is now turned into a breeding ground for epidemics and diverse ailments due to pollution that affects water, air, soil and food(2).

The Algerian legislator had a special concern for legal rules that guarantee protection against environment's pollution by means of provisions dedicated to this objective using diverse legislative mechanisms including the most important amongst them, criminal laws.

The legal treatment of criminal law purposes when dealing with environmental pollution crimes in the Algerian legislation, leads us to come across the following problem:
What degree of efficiency do criminal penalties have against environmental pollution crimes in the Algerian legislation؟
To handle such a problem we will have to address two issues:
I) The identification of environmental pollution.
II) Penalties set to condemn perpetrators of environmental pollution crimes.

I) The identification of Environmental Pollution

We will identify environmental pollution through two of its aspects: its definition and types .

(1) Definition of Environmental Pollution

The environmental pollution concept is clarified hereafter in its common signification and legal signification as well.

Pollution in Arabic lexicology means to mix something with external things and macerate it with. We say also of something that it has been polluted in the soil and stained. If water is polluted, it is roiled and mixed with strange and harmful things(3).

The French Dictionary Le Robert defines pollution as: «rottenness or damaging endured by a medium by means of introducing polluted elements in it. This word refers also to the process of transforming a pure thing to something impure and useless »(4).

In an English dictionary specialized in environmental terms. Pollution is said to be a direct composition of organic, thermal, biological or radioactive of any part of the environment such as waste discharge or disposal, refuse dump or any matters that deflect good usages, lead to a harmful situation or may involve damages to public health, fauna and flora safety and other vital resources(5).

The Holy Quran preceded these conceptions by emphasizing the idea of pollution as in the following verse: « Corruption has appeared throughout the land and sea by [reason of] what the hands of people have earned so He may let them taste part of [the consequence of] what they have done that perhaps they will return [to righteousness]. »(6) Corruption that is mentioned in this verse means pollution

and degradation as well, along with the decline and devaluation of environmental standards(7).

But pollution in an environmental-oriented meaning refers to any matter or energy that is used inside natural settings in a wrong way, amount, place or time in a sense that will cause harm to living creatures and humans whether in their safety, health or comfort(8).

Certain specialists argue that pollution designates all unwilling changes, which partially or wholly surround human beings as a result of these latter's activities. Such changes alter, through direct or indirect impacts, natural, chemical and biological elements of the environment in a way that deteriorates human life's quality(9). Others associate the phenomenon to the existence of alien matters in the environment or in some parts of it that could cause harmful effects(10).

Current scholars agree on the following definition:
Pollution is anything that influences environmental elements: plants, animals and humans, as well as the composition of natural and non-living elements such as air, soil, lakes and seas. Added to that, polluting actions include the introduction of useless matters, adding supplementary energy by human means in the environment directly or indirectly. These situations could deteriorate public health, housing settings and all that exists, surrounds and is materially or morally related to workplace areas(11).

Let us finish with the last point which is the different legal definitions of environmental pollution.
According to the Algerian legal system, the article no 230 of the law no 38 dated in 1982 defines pollution as the deterioration of atmospheric settings and the emissions of

gases and smokes, solid particles, liquids, corrosives, poisons or odor matters in the air. Such phenomena could annoy people and put their health and general safety in danger, they could cause harms to plants, agricultural production and food products. Yet pollution is a threat to green spaces, archeological sites and the nature of geographical areas[(12)].

Whereas the French legal system defines pollution under the article no 2 of the law no 91 dated in 1983 as the introduction of any coloring matter be it biological, chemical or material in the environment whether directly or indirectly[(13)].

However, Libyan legal system defines pollution under the article no 1 of the law no 7 dated in 1982 as any occurrence, case or circumstance exposing human health and environmental safety to danger due to polluted air, sea water, water resources, soil or unbalancing living creatures, including noise pollution, vibrations, bad smells or any colorings resulted from activities and works exercised by any physical or moral person[(14)].

Finally, the Egyptian legal system defines environmental pollution under the article no 1 of the law no 4 dated in 1994 as any change in environmental features which may cause, directly or indirectly, harms affecting living creatures or institutions or influence the manner whereby humans lead their natural life[(15)].

(2) Types of Environmental Pollution

There are many types of environmental pollution that can be intertwined according to categorization criteria .

Our environment is composed of three main elements, which are air, water and soil. This is the first criterion.

First, air pollution is one of the most common environmental pollution forms because of its easy way of diffusion from one area to another in relatively no time. This type of pollution affects directly humans, animals and plants and leaves obvious environmental, health and economic repercussions which further decreases human physical safety and productive capabilities. Moreover, pollution impacts reach animal heritage by generating different diseases that alter its economic value(16).

Second, water pollution appeared since humans started using water resources and polluting them with wastes.

Radioactive, smokes and industrial gases through rains clouds and winds pollute water. These polluting elements in the air generate acid rains, which cause too much harm to all living creatures(17).

Water pollution is characterized by any deterioration in water quality whether it happens in rivers, seas or oceans as well as rains or artesian. The obvious consequence of that is that resources fall systematically out of use due to the existence, in streams, of leftovers of different living creatures: human, vegetable, animal, mineral, industrial, agricultural or chemical. Groundwater is exposed to pollution as well because of the penetration of chemical substances and sewage with bacteria and living micro particles(18).

Third, we address the contamination of the soil which results from adding compounds to the soil that are not part of its original composition. Hence this latter is altered physically, biologically and chemically such as increasing mineral salts rates beyond ordinary percentages .

Global reports on earth state degradation in 1990 reveal that 15% of the whole earth surface has deteriorated with

varying rates from one region to another due to human damaging activities[19].

The second criterion of categorization is the different sources of pollution. Here, we can distinguish two types: natural pollution and industrial pollution.

Natural pollution is an ordinary phenomenon resulting especially from earthquakes and volcanoes that give birth to climate events such as winds and rains responsible of many kinds of environmental pollution. Humans have no responsibility of this pollution, which makes it uncontrolled and unpredictable.

Industrial pollution is due to human activities reflected in daily occupations: industrial, agricultural, commercial and service-oriented[20].

The third criterion is the geographical range. Scientists classified two categories: limited pollution and limitless pollution .

The former's impact does not go beyond geographical limits of its source.

The latter has its organic source partially or totally in a geographical area that belongs to a state and provokes impacts in another geographical area belonging to another state[21].

The last criterion is the impact of pollution. Here, we can find three categories.

Acceptable pollution, which exists everywhere on earth. It attains levels that cannot be influential on environmental system balance.

Dangerous pollution that is an advanced critical step in its quantity and quality and have negative impacts on humans and natural elements .

Destructive Pollution causes serious impacts on environment and humans as well. It destabilizes all sorts of environmental balance needs years and huge amounts of money to be restored[22].

II) Penalties Enacted against Perpetrators of Environmental Crimes

Penalties[23] *are the effect resulting from crime perpetration. The article no1 of the Algerian Criminal Law stipulates the following principle of legality concerning penalties: There are no crime, penalty or security measures without laws. The legislator identifies upper and lower limits leaving to judges all discretionary latitude to decide between these two limits .*

The problem that this research addresses is the following:

What penalties does the Algerian legislator enact against environmental pollution?

The answer to this problem will be envisaged through two categories of penalties: principal penalties and additional penalties .

(1) Principal Penalties

The Algerian legislator acknowledges principal penalties as those that are enacted without any other penalties linked to them[24]*. Crimes, misdemeanors and infringements have each their own principal penalties* [25]*. These latter are classified, according to the extents of privation and pain the convicted person endures, to three kind of penalties which are: death penalties, custodial penalties and financial penalties*[26].

The first kind of penalties has been always commonplace in ancient societies and applied under two forms :

- *The first one is individual retaliation without any social interference in its execution[27].*
- *The second one divine retaliation which implies the sacrifice of certain outlaws to satisfy God's will[28].*

Death penalty is one of the harshest sentences as it puts an end to the sentenced person's life. The Algerian legislator has enacted, in its Criminal Law, death penalties against certain environmental pollution crimes, under the sixth paragraph of the article no 87 which criminalized aggressions against the environment, introducing or infiltrating an external substance in the air, subsoil or territorial waters. Such acts may cause harms to the safety of humans, animals and natural environment.

The Algerian legislator required penalty death against any Algerian or foreign shipmaster who deliberately threw radioactive wastes in waters to which Algerian regulations apply[29].

The second kind of penalties is custodial penalties are detentions and imprisonments. They are very efficient punishments against environmental crimes, hence their introduction in all Arabic environmental legislations. Custodial penalties durations vary according to the seriousness of the violation or damages against the environment. Fines as the Arabic laws for environment protection stipulate can replace them[30].

Here are custodial penalties types:

-Criminal Detention Penalty.

-Imprisonment Penalty.

According to the article no5 in the Algerian Criminal Law, criminal detention is a custodial penalty in terms of crimes, which could have a duration ranging from 5 years to

20 years except in cases where the legislator confirms other limits .

Detention duration could be lifetime as it is stipulated in the Algerian Criminal Law, Maritime Law and Law of Waste Management, Control and Removal(31).

The Algerian legislator stipulates, in the article no396/4of the Criminal Law, temporary detention ranging from 10 to 20 years as a punishment for every individual who provokes deliberately fires in forests, fields of fruit trees, tree trunks or bundles of wood(32).

The article no66 of the Law no 19-01 on Waste Management, Control and Removal, stipulates detention penalties ranging from 5 to 8 years against any person who illegally imports, exports or carry out transit operations of dangerous wastes(33).

According to the aforementioned article no 5 in the Algerian Criminal Law, the imprisonment penalty is a liberty restricting one which belongs to punishments against misdemeanors and infringements. It ranges from one day to two months in terms of misdemeanors, and from two months to five years in terms of infringements, except of certain punishments that the legislator considers as misdemeanors.

Imprisonment is enacted for the majority of environmental pollution crimes in various environmental legislations .

According to the law no 10-03 on environment protection, we summarize punishments related to environment protection as follows:

- *Imprisonment Penalty Related to Biological Diversity Protection: The article no 81of the aforementioned law no 10-03 stipulates an imprisonment of 10 days to 03 months*

against every individual who abandoned or mistreated secretly or openly domesticated, tamed, captivated animal .

- *Imprisonment Penalty Related to Categorized Companies: The article no101of the aforementioned law no 10-03 stipulates 01 year imprisonment to punish any person who exploited an infrastructure without any permit according to the article no 19 of the environment protection law .*

  The article 102 of the same aforementioned law stipulates two years imprisonment to punish any person who exploited an infrastructure in an illegal opposition to a cessation of work or closure decision.
- *Imprisonment Penalty Related to Protection against Damages: The articles no 107 and 108 of the aforementioned law no 10-03 stipulates the following punishments:*
  - *Six-month imprisonment to punish any person who hinders control activities carried out by agents in charge of infringement investigation and inspection.*
  - *Two years imprisonment to punish any person who leads an activity without any permit according to the article no 73.*

The last kind of penalties is fines: The convicted person is forced to pay an amount of money to the public purse. Fines are fixed by the same judgment convicting the indicted person to the aim to punish this latter not to get compensation from him[(34)].

The majority of contemporary criminal legislations, including the Algerian criminal legislation, tend to give preference to financial penalties against environmental pollution crimes. The major aim of such punishments, called pollution fines, is

to diminish the convicted person's patrimony in favor of the general interest[35].

The article no 5 of the Algerian Criminal Law stipulates that fines are financial penalties ranging from 2000 Algerian Dinars (DA) to 20 000 DA in terms of misdemeanors. Examples of pollution fines in the Algerian legislation are indicated in the article no 56 of the Law no 19-01 on Waste Management, Control and Removal[36].

Moreover, the Algerian legislator stipulated in the second paragraph of the article no 4 of the Law of Sea Fishing and Fish Farming that the Maritime Fishing Law provisions are applicable on every moral or natural personal that practices fishing outside waters under Algerian legislation by means of ships that are registered in Algeria .

Provisions of Maritime Fishing Law are also applicable to all activities related to developing, exploiting, protecting and using biological resources[37].

The Algerian legislator introduced in the Law no 10-03 on environment protection very harsh fines against misdemeanors of seawater pollution, such as:

- *A fine ranging from one million dinars (1 000 000 DA) to ten millions dinars (10 000 000 DA) is imposed on every shipmaster who is submitted to the provisions of the London Convention on the Prevention of Marine Pollution by Oil signed on 12 May 1954 with its amendments, and committed a violation of the aforementioned provisions by means of the spill of fuel or its mixtures in sea water. In the event of a repeated infringement, the penalty will be doubled*[38].
- *A fine ranging from one hundred thousand dinars (100 000 DA) to one million dinars (1 000 000 DA) is imposed on*

every ship master who caused, out of misconduct, gaucherie or inattention, violations of laws and regulations through the advent of a maritime accident that he did not prevent or controlled whereby polluting substances has been spilled in waters that are under Algerian laws[39].

In the light of these facts, we conclude that financial penalties against environmental pollution crimes are more suitable in terms of law enforcement on moral persons, because such penalties elude obstacles that liberty-restricting penalties create[40].

(2) Additional Penalties

Additional penalties are added to principal penalties according to the Algerian legislator in the article no 9 of the Criminal Law in terms of natural persons and the article no 18 of the same law in terms of moral persons. These penalties could be obligatory or optional. Originally, these penalties are permissible, but the Algerian legislator stipulates that in some cases additional penalties can be obligatory[41].

After making some inferences from environment protection laws, we find that the most common additional penalties are seizure, publication of the judgment or sentence or infrastructure closure .

According to the first additional penalties which is seizure, the article no 15 of the Criminal Law stipulates that seizure is the ultimate devolution in favor of the State services of certain amounts of money or something of an equivalent value if necessary .

Seizure is either obligatory or optional with a preference of the Algerian legislator for the latter in all environmental crimes:

- *The article no 89 of the Forests Law no 12-84 stipulates that all what is illegally extracted or produced from forests, will be seized*[42].
- *The article no 170 of Water Protection Law no 12-05 stipulates that it is possible to seize equipment and apparatuses used in digging and establishing wells inside quality protection areas*[43].
- *The article no 82 of the Law no 11-10 on Maritime Fishing stipulates that in cases where explosives are used, the fishing ship of the convicted master is seized*[44].

Judgment publication[45] *is the second additional and optional penalty, which implies the publication of the committed environmental crime with the names of the convicted persons, in order to criminally libel their reputation and status and alert against such actions and behaviors .*

This kind of penalty is suitable to punish perpetrators of environmental pollution infringements with the involvement of confidence breach and damage to persons or companies reputations[46].

The last additional penalty is infrastructure closure, which aims at preventing the convicted company or infrastructure from undertaking permanent or temporary activity, in case where this company causes serious and unavoidable risks and dangers on environment[47].

In the following, we mention how the Algerian legislator has exposed this kind of penalties:

- *The article no 85 of the Law no 10-03 on environment protection stipulates that the legislator can prevent the use of any infrastructure, estate or other movable assets, if these are sources of air pollution until the completion of necessary repair works .*

- *The article no 86 of the same law stipulates that the order of preventing the use of any convicted infrastructure till the completion of planning works or the realization of required engagements. This penalty makes a balance between maintaining the interests of the polluting infrastructure and protecting the environment by means of closure punishment*[(48)].

CONCLUSION

Protecting and preserving environment is an important issue seriously handled by criminal prosecution through the criminalization of various actions that cause dangerous damages to the environment, and the imposition of criminal punishments on the perpetrators of these actions.

Environmental pollution crimes threaten the whole society with diseases and serious dangers. In this regard, the Algerian legislator as is the case of other legislations enacted criminal texts against different ways of aggressions on the environment. This gives the legislation an efficient criminal mechanism to protect environmental elements from polluting activities .

The required protection is guaranteed whether in environment-oriented texts or in general ones such as the Criminal Law or the Law of Environment Protection .

Criminal texts against environmental pollution within the Algerian legislation reflect international efforts to protect the environment and its constituents. They also give an idea of progress level these texts attained in terms of the perception of pollution dangers in Algeria .

However, even if the Algerian legislator has put criminal penalties to impose strict compliance with legal norms that

protect the environment against pollution crimes, these measures are not sufficient to create necessary individual and general repel .

In the light of this situation, we suggest the following:

- *Reconsidering Criminal policy against environmental pollution.*
- *Identifying suitable punishments to reduce pollution crimes.*
- *Establishing proportions between degrees of penalties and perpetrated pollution crimes.*
- *Adopting obligatory seizure as an additional penalty against environmental pollution crimes.*
- *Increasing fines amounts imposed on convicted moral persons who perpetrated environmental pollution crimes.*

References

(1) AL-AADLI Mahmoud ALI, Encyclopedia of Environmental Protection, Vol. 2, Dar Al-Fikr Al-Jamii, Alexandria, Undated, p. 5.

(2) AL-ALFI Adel Maher, Environment's Criminal Protection, Dar Al-Jamiaa Al-Jadida, Alexandria, 2009, p.20.

(3) ABDELJALIL ABDELWARETH Abduh, Protection of the Marine Environment against Pollution in Local and International Legislations, Al-Maktab Al-Jamiyi, Alexandria, 2006, p.6.

(4) Le Robert 1, Paris, 1991, p 1477.

(5) GEIPIN Allen, Dictionary of Environmental Terms, London, 1974, p 124.
See also AL-ALFI Adel Maher, op. cit., p.131.

(6) The Holy Quran, XXX, 41.

(7) ABDELJALIL ABDELWARETH Abduh, op. cit., p.32-33.

(8) RAGHEB AL-HILOU Majid, The Law of Environment Protection in the Light of Islamic Law, Dar Al-Jamiaa Al-Jadida, Alexandria, 2005, p.30.

(9) MAAOUADH Abdeltawab & MAAOUADH ABDELTAWAB Mustafa, Environmental Crimes Seen Legally and Technically, Manchaat Al-Maaref, Alexandria, 1986, p 10.

See also AL-ALFI Adel Maher, op. cit., p 133.

(10) AL-ALFI Adel Maher, op. cit., p.133.

(11) HAMCHA Noureddine. Criminal Protection for Environment: Comparative Study between Islamic Jurisprudence and Law, Master Thesis in Islamic Law and Law, Faculty of Social Sciences and Islamic Sciences, University of HadjLakhdar, Batna, Algeria, 2005/2006, p 28.

(12) RAZIF AL-MAKHADMI Abdelkader, Environmental Pollution: Present Risks and Future Challenges, OPU, Algiers, 2006, p 26.

(13) RAZIF AL-MAKHADMI Abdelkader, op. cit., p.27.

AL-ALFI Adel Maher, op. cit., p.138.

(14) RAZIF AL-MAKHADMI Abdelkader, op. cit., p.26.

AL-ALFI Adel Maher, op. cit., p.138.

(15) RAZIF AL-MAKHADMI Abdelkader, op. cit., p.26.
AL-ALFI Adel Maher, op. cit., p.139.
(16) HASSOUNA Abdelghani, Legal Protection for Environment in Sustainable Development, Doctoral Thesis in Law, Specialty of Business Law, Faculty of Law and Political Sciences, Biskra, Algeria, 2012/2013, p 25.
(17)RAZAI Souad, The Environmental Issue in Sustainable Development, Master Thesis in Management Sciences, Specialty of Currency and Finance, University of Ben youcef Ben Khedda, Algiers, Algeria, 2007/2008, p 32.
(18)ABDELLATIF ABBASSI Mustafa, Protecting Environment from Pollution, First Edition, Dar Al-Wafa, Alexandria, 2004, p. 26.
(19) AL-ALFI Adel Maher, op. cit., p.144.
(20) HASSOUNA Abdelghani, op. cit., p.25.
(21) BAMOUN Lokman, Moral Person Criminal Responsibility in Environmental Pollution Crimes, Master Thesis in Law, University of KasdiMerbah, Ouargla, Algeria, 2010/2011, p. 34.
(22) HASSOUNA Abdelghani,op. cit., p.26.
(23) Penalties have the following characteristics:

1- They are submitted to the legality principle according to article no1 of the Criminal Law which means that no penalty could be applied without a legal text expressing it.
2- They are limited in time: The judge has to indicate a starting date and an ending date.
3- Penalties are judicial decisions. This means that they are decided only by judges who belong to a competent judicial authority.
4- Penalties are de jure by essence; who commits a crime has to be punished.
5- Penalties are personal; they are applied only on individuals whose responsibility on committed crimes is confirmed.
6- Penalties are repressive; they aim at inhibiting individuals and group of people alike from doing wrong deeds.

See ABDELMONEM Suleiman, Principles of Penal and Criminal Sciences, Cairo, 2002, p. 66.

AHMED AWAD Bilal, General Theory of Criminal Penalty, Dar En-Nahda Al-Arabya, Cairo, p. 22.

AL-MAJALI NedhamTawfik, Explaining Criminal Law: General Section, Third Edition, Dar AL-THAQAFA, Jordan, 2010, p.412

(24)The articles no 2-4 of the Order no 156-66 dated 08 June 1966on the Criminal Law.

(25) The article no 5 of the aforementioned Order no 156-66.

(26)ABDERAZZAK AL-HADITIHI Fakhri& HAMIDI AL-ZOGHBY, Explaining Criminal Law: General Section, Dar Al-Thaqafa, Jordan, 2009, p. 328-338.

(27)SALEM AL-HAJ Sassi, Maintaining or Abolishing Death Penalty, Dar Al-Kitab Al-Jadid Al-Motahida, Libya, 2005, p. 17.

(28)MITTERMAIER, De la peine de mort, traduction françaisepar M. Leven, Paris, 1865, p 5.

(29)Article no 47 of the law no 11-01 on sea fishing and fish farming, dated 3 July 2001 published in the Official Journal, no 36 dated 8 July 2001.

(30)ADNAN AL-FIL Ali, Comparative Study of Arabic Criminal Legislations against Environmental Pollution Crimes, Al-Zarqa Review for Research and Human Studies, vol. 9, no 2, 2009, p. 112.

(31)TOUNSI Sabrina, Environmental Crime in the Light of the Algerian Law, Master Thesis in Law, Specialty of Urban and Environmental Law, Faculty of Law, University of Algiers 1, Algiers, 2013-2014, p. 14.

(32)Cf. the article no396/4 of the aforementioned Order no156-66.

(33)Cf.the Law no 19-01 on Waste Management, Control and Removal dated December 2001, published in the Official Journal no 77 dated 15 December 2001.

(34) Cf. the article no 5 of the aforementioned Order no156-66.

Cf. Magnol,Cour de droit criminel et de science pénitentiaire, Paris, 1947 n° 559, p 7.

(35) JAFAR HASSAN Nial,Criminal Responsibility of Moral Persons in Environmental Crimes, Master Thesis, Faculty of Law and Politics, University of Suleimanya, 2014, p. 91.

(36)MOHAMAD SEIF AL-HAKIM Abdessamad, Environmental Pollution Crimes, Comparative Study, First Edition, No location mentioned, 1998, p. 489-496.

(37) The article no 56 of the Law no 19-01 on Waste Management, Control and Removal stipulates that a fine ranging from five thousand to ten thousand is imposed on every moral or natural person practicing an industrial, commercial, artisan or any other activity, who throws or leaves household wastes or the like; or permits the use of a waste collection system put under his disposition by the competent authorities according to the article no32 of the same law. In the event of a repeatedinfringement, the penalty will be doubled.

(38) Cf. the articlesno 2-4 of the Law no 11-01 on Sea Fishing and Fish Farming dated 03 July 2001 published in the Official Journal no 36 dated 8 July 2001.

(39) Cf. the article no94 of the aforementioned Law no 10-03 on environment protection.

(40) Cf. the article no96 of the same law.

(41)VAN REMDORTERE F., La responsabilité pénale des personnes morales en droit de l'environnement, Rev. De pén. Crimin n° 4, Avril 1991, p. 367.

(42)SAOUS Kheira, Publications of the General Criminal Law, Faculty of Law and Political Sciences, Tahri Mohamed University of Bechar, 2013-2014, p. 67.

(43) The article no 89 on General Regulations of Forests dated 23 June 1984 published on the Official Journal no 26 dated 26 June 1984, stipulatesthat all infringements cases are punished by seizing forest products illegally gained.

(44) Cf. the article no 170 of the Law no 11-01on Sea Fishing and Fish Farming.

(45) Cf. the article no 18 of the Oder no156-66.

(46) ADNAN AL-FIL Ali, op. cit., p.110.

(47) Cf. the article no 18 of the Oder no156-66.

(48) BAMOUN Lokman, op. cit., p.148.

العقوبات الجزائية لمكافحة التلوث البيئي طبقا لأحكام التشريع الجزائري

أستاذ محاضر صنف "أ" د. خيرة بنت عبد الرحمان ساوس
أستاذ محاضر صنف "أ" د. نورة بنت يحيى سعداني
كلية الحقوق والعلوم السياسية – جامعة محمد بن بشار
الجمهورية الجزائرية الديمقراطية الشعبية

ملخص البحث

اهتم المشرع الجزائري بحماية البيئة، ووضع نصوص جزائية، تجرم مختلف الاعتداءات على البيئة مما يوفر حماية جزائية فعالة ضد جميع أشكال التلوث.

فوضع عقوبات جزائية كأثر ردعي لضمان الالتزام بالنصوص القانونية لحماية البيئة من جرائم التلوث البيئي، تتمثل تلك العقوبات في عقوبات سالبة للحياة، أو عقوبات سالبة للحرية، أو عقوبات مالية بالإضافة إلى عقوبات تكميلية متمثلة في مصادرة الأموال، أو بنشر الحكم، أو غلق المنشأة.