

Environmental Protection in Algerian Legislation through Penalizing Waste Management Violations

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Abstract

The Algerian legislator has regulated waste management through specific procedures included in Law 01/19. The goal of these provisions is to protect the environment from damages that may directly or indirectly affect humans, plants, and animals. In return, the legislator has established legal texts aimed at imposing penalties on those who violate these procedures, causing harm to the environment or contributing to its degradation. The legislator classified these actions according to the severity of the harm caused, ranging from misdemeanors to criminal offenses. Through this legislation, the Algerian legal framework is in line with the developments in international legislation.

Keywords: Environment, Waste, Crimes, Penalties, Obligations

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Introduction

The Algerian legislator has regulated waste management through specific procedures outlined in Law 01/19², with the objective of protecting the environment from potential harm that could have direct or indirect consequences on humans, plants, and animals. In contrast, the legislator has established legal provisions to impose penalties on individuals who violate these procedures, causing damage to the environment or assisting in its harm. These actions have been classified by the legislator based on the severity of the damage caused, categorized as infractions, misdemeanors, or felonies. With this law, the legislator is in line with international legal developments.

Thus, based on this context, we can raise the question: What is meant by waste? What penalties has the legislator established for violations of the procedures concerning waste management in the context of environmental protection?

This will be discussed through the following points:

1. Definition of the environment.
2. Definition of waste.
3. Procedures for waste management.
4. Environmental crime and the importance of criminalizing harmful actions towards the environment.
5. Waste management crimes and the penalties associated with them.

In studying these aspects, we will use an analytical method by analyzing the legal texts introduced by the Algerian legislator to combat this phenomenon, considering the subject is primarily legal. We will also use a descriptive method to understand various related concepts, as well as a comparative method to compare the Algerian approach with other legal systems.

Section One: Definition of the Environment

Understanding the concept of the environment requires an exploration of the linguistic origin of the word, its technical definition by environmental scientists, and its meaning in statutory law.

1. Linguistic Concept of the Environment

The term "environment" encompasses multiple dimensions, primarily referring to the surroundings or conditions in which a person, animal, or plant lives and operates. According to the Oxford English Dictionary, it denotes "the physical surroundings or conditions in which a person or other organism lives, develops, etc., or in which a thing exists."³

² Law No. 01/19 dated 27 Ramadan 1422 corresponding to December 12, 2001, concerning the management, monitoring, and disposal of waste.

³ Oxford English Dictionary, Oxford University Press. Accessed March 28, 2024.
https://www.oed.com/dictionary/environment_n.

From this linguistic overview, it is evident that the environment refers to settlement or residence in a place, which can metaphorically refer to the place where a person settles or resides.

2. Technical Concept of the Environment in Environmental Science

Most definitions refer to a single concept of the environment, though expressed differently. The environment is defined as the framework in which humans live⁴, containing the material elements that meet human needs. It includes the surrounding world of living organisms (humans, animals, plants), air, water, soil, and other natural elements such as solid and liquid materials. The environment is the space that includes both biotic and abiotic factors⁵.

3. Legal Definition of the Environment

The Stockholm Conference on the Environment, held in 1972, was the first global conference to make the environment a central issue. It provided a broad definition of the environment, considering it to include the material and social resources available in a specific time and place for fulfilling human needs and aspirations⁶.

Egyptian legislation defines the environment as the biological surroundings that include living organisms, the materials they contain, as well as the surrounding air, water, soil, and human constructions⁷.

The French legislator defines the environment as a collection of elements that include nature, animal and plant species, air, earth, mineral resources, and natural features⁸.

Referring to Law No. 03/10, related to environmental protection within the framework of sustainable development⁹, the Algerian legislator does not provide a precise definition of the environment. However, Article 02 outlines the objectives of environmental protection, while Article 03 lists the principles on which Law 03/10 is based, drawing inspiration from the principles established in the Stockholm Conference. Article 04 details the components of the environment, stating that it consists of both non-living and living natural resources, such as air, atmosphere, water, soil, the earth's interior, plants, and animals, including genetic heritage and the interactions between these resources, along with places, landscapes, and natural landmarks.

Although Article 04 does not explicitly mention human-made structures, the term "artificial environment" can encompass such structures as part of the environment. Therefore, under Law

⁴ Majid Ragheb Al-Hilu, Environmental Protection Law in the Light of Sharia, Al-Maaref Establishment, Alexandria, Egypt, 2002, p. 31.

⁵ Zein Al-Din Abdel Maqoud, Contemporary Environmental Issues – Confrontation and Reconciliation Between Man and His Environment, 2nd edition, Dar Al-Buhooth Al-Ilmiyyah (Scientific Research House), Kuwait, 1998, p. 17.

⁶ United Nations, Conference on the Human Environment, held in Stockholm from June 5 to 16, 1972.

⁷ Ibid., 43.

⁸ Ibid., 44.

⁹ Hassouna Abdelghani, The Legal Protection of the Environment within the Framework of Sustainable Development, PhD diss., Mohamed Khider University of Biskra, 2012/2013, 14.

03/10, the environment can be understood as the surrounding space in which humans live, including water, air, soil, living and non-living organisms, and various constructions. Thus, the environment includes both natural and artificial environments¹⁰.

Section Two: Definition of Waste

1.Linguistic Concept of Waste: The term " Waste " refers to the remnants or leftovers. It is used to describe something that is removed or discarded due to its poor quality. The word " Waste " indicates the rejected or substandard parts of something, typically what is left behind because it is unsuitable for use.¹¹

2.Legal Definition of Waste: The Algerian legislator defines waste as: *(Waste is any leftover material resulting from production, conversion, or use processes, and generally, it refers to any material or product that the owner or holder seeks to discard or is required to dispose of or move)*¹².Based on this text, it can be said that waste includes:

- All residues from various production or transformation processes, such as excess materials, parts, or items that are no longer needed or cannot be used in that activity, or those that are unsuitable for use in their current state.

- Any incomplete or defective material or product that is no longer usable due to age or wear and tear.

- Waste resulting from direct use, such as household waste, agricultural waste, animal waste, tree waste, market and store waste, and waste from various facilities with daily usage.

3.Types of Waste. As previously mentioned, waste includes anything discarded or no longer needed by humans after use, and it can be categorized into several types: household waste, commercial waste, industrial waste, medical waste, and hazardous chemical or nuclear waste. The Algerian legislator has classified these wastes into several categories:

- First category: Household and similar waste: These are the wastes generated from various activities humans engage in during their daily lives at home, or similar wastes generated from industrial, commercial, craft, and other activities.

- Second category: Bulky waste: These are large waste items generated from household activities that, due to their size, cannot be collected with regular household waste.

¹⁰ Law No. 03-10 dated 19 Jumada al-Awwal 1424 corresponding to July 19, 2003, concerning the Protection of the Environment within the Framework of Sustainable Development.

¹¹ Oxford English Dictionary, Oxford University Press. Accessed June 20, 2024.
https://www.oed.com/dictionary/Waste_n.

¹² See Article 03 of Law No. 01/19 concerning the management, monitoring, and disposal of waste.

– Third category: Special waste: These are wastes resulting from industrial, agricultural, commercial, medical, and service activities that, due to their nature and the materials they contain, cannot be collected, transported, or processed under the same conditions as household waste or inert waste.

– Fourth category: Hazardous special waste: These are wastes that, due to their components and the toxic substances they contain, may pose a risk to public health and/or the environment.

– Fifth category: Medical activity waste: These are wastes generated from diagnostic, monitoring, preventive, or therapeutic medical activities in human and veterinary medicine.

– Sixth category: Inert waste: These are wastes that primarily result from mining and quarrying activities, as well as demolition, construction, or restoration work, which do not undergo any physical, chemical, or biological changes when disposed of in landfills and do not contain hazardous materials or elements that could cause harm to public health and/or the environment.

Section Three: Procedures Imposed for Waste Management

The law outlines a set of procedures that individuals responsible for waste management are required to follow. These procedures represent obligations that must be fulfilled and adhered to. They are divided into general obligations for all waste producers or holders, and specific obligations for certain categories depending on the type of waste.

1. General Obligations:

– Every waste producer or holder must reduce the production of waste as much as possible, by using cleaner technologies, refraining from marketing products that produce non-biodegradable waste, and avoiding the use of materials that pose a danger to humans, especially in the production of packaging products¹³.

– Every waste producer or holder must work towards valorizing (recycling or reusing) the waste¹⁴.

– If a waste producer or holder is unable to meet the obligations outlined in Articles 06 and 07, they must remove the waste at their own expense in an environmentally suitable manner¹⁵.

– The reuse of chemical product packaging to contain food items is prohibited, with a mandatory clear warning on such packaging about the risks involved¹⁶.

¹³ Law No. 01/19 of 27 Ramadan 1422 / December 12, 2001, concerning the Management, Monitoring, and Disposal of Waste, art. 6.

¹⁴ Law No. 01/19 of 27 Ramadan 1422 / December 12, 2001, concerning the Management, Monitoring, and Disposal of Waste, art. 7.

¹⁵ Law No. 01/19 of 27 Ramadan 1422 / December 12, 2001, concerning the Management, Monitoring, and Disposal of Waste, art. 8.

¹⁶ Law No. 01/19 of 27 Ramadan 1422 / December 12, 2001, concerning the Management, Monitoring, and Disposal of Waste, art. 9.

- The use of recycled products that pose a risk to humans is prohibited, particularly in the production of packaging intended to contain food or products for children.

- Waste must be valorized and/or removed according to environmental standards without endangering human health or causing harm to environmental components¹⁷.

2.Obligations of Producers and Holders of Special Waste:

- A national waste management plan for special waste must be established by the Ministry of Environment in coordination with relevant ministries and any concerned agency or institution¹⁸.

- Special waste can only be processed at facilities licensed by the Minister of Environment¹⁹.

- Producers and/or holders of special waste must manage their hazardous waste separately from other waste²⁰.

- Waste resulting from medical activities must be managed separately, and its disposal must be the responsibility of the institutions producing it, without harming public health and/or the environment²¹.

- It is prohibited for any producer or holder of hazardous special waste to hand it over to an individual or entity that does not operate a licensed facility for processing such waste²².

- The disposal, burial, or dumping of hazardous special waste in unauthorized locations is strictly prohibited²³.

- Producers and/or holders of hazardous special waste must report to the Minister of Environment the nature, quantity, and characteristics of this waste, and provide periodic information about its treatment and measures taken or planned to reduce its production²⁴.

- Any licensed facility for processing special waste must inform the holder in writing if it refuses to accept the waste, stating the reasons, and must notify the Minister of Environment²⁵.

¹⁷ Law No. 01/19 of 27 Ramadan 1422 / December 12, 2001, concerning the Management, Monitoring, and Disposal of Waste, art. 11.

¹⁸ Law No. 01/19 of 27 Ramadan 1422 / December 12, 2001, concerning the Management, Monitoring, and Disposal of Waste, arts. 12 and 14.

¹⁹ Law No. 01/19 of 27 Ramadan 1422 / December 12, 2001, concerning the Management, Monitoring, and Disposal of Waste, art. 15.

²⁰ Law No. 01/19 of 27 Ramadan 1422 / December 12, 2001, concerning the Management, Monitoring, and Disposal of Waste, arts. 16 and 17.

²¹ Law No. 01/19 of 27 Ramadan 1422 / December 12, 2001, concerning the Management, Monitoring, and Disposal of Waste, art. 18.

²² Law No. 01/19 of 27 Ramadan 1422 / December 12, 2001, concerning the Management, Monitoring, and Disposal of Waste, art. 19.

²³ Law No. 01/19 of 27 Ramadan 1422 / December 12, 2001, concerning the Management, Monitoring, and Disposal of Waste, art. 20.

²⁴ Law No. 01/19 of 27 Ramadan 1422 / December 12, 2001, concerning the Management, Monitoring, and Disposal of Waste, art. 21.

– The transportation of hazardous special waste is prohibited unless authorized by the Minister of Environment²⁶.

– The importation of hazardous special waste is strictly prohibited, as is its export to countries that prohibit its import, or to countries that have not prohibited it without their written consent. The export must be subject to prior authorization from the Minister of Environment²⁷.

– Any holder or transporter of waste that entered the country illegally must return it to its country of origin within a period specified by the Minister, otherwise, the waste will be returned at their own expense. Similarly, any producer of waste or source of waste that violates the law must return it to the national territory, or else it will be returned at their expense²⁸.

3. Household Waste and Similar Waste

– The municipality is required to develop a waste management plan for household waste and similar waste, which must align with the regional urban planning plan.

– Every holder of household waste and similar waste must use the sorting, collection, and transportation system established by the relevant authorities²⁹.

4. Inert Waste

– The disposal, dumping, or neglect of inert waste in unauthorized locations is prohibited.

5. Waste Treatment Facilities

– The request for an operating license must include a study on the environmental approval as stipulated in Article 41, along with a document proving that the landowner is aware of the nature of the activities to be carried out, especially if the land is rented or under usufruct.

– Before starting operations, all waste treatment facilities must obtain a permit from the Minister of Environment, the Governor, or the Mayor, depending on whether the waste is special, household and similar waste, or inert waste³⁰.

– The operator of the facility, in case of ceasing operations or permanent closure, must restore the site to its original condition or to the condition determined by the relevant authority.

²⁵ Law No. 01/19 of 27 Ramadan 1422 / December 12, 2001, concerning the Management, Monitoring, and Disposal of Waste, art. 22.

²⁶ Law No. 01/19 of 27 Ramadan 1422 / December 12, 2001, concerning the Management, Monitoring, and Disposal of Waste, art. 24.

²⁷ Law No. 01/19 of 27 Ramadan 1422 / December 12, 2001, concerning the Management, Monitoring, and Disposal of Waste, arts. 25 and 26.

²⁸ Law No. 01/19 of 27 Ramadan 1422 / December 12, 2001, concerning the Management, Monitoring, and Disposal of Waste, art. 27.

²⁹ Law No. 01/19 of 27 Ramadan 1422 / December 12, 2001, concerning the Management, Monitoring, and Disposal of Waste, art. 35.

³⁰ Law No. 01/19 of 27 Ramadan 1422 / December 12, 2001, concerning the Management, Monitoring, and Disposal of Waste, art. 42.

Additionally, the operator must monitor the site during the period specified in the decommissioning notice to prevent harm to public health and the environment³¹.

- Insurance must be taken out for the operation of the facilities to cover risks, including pollution accidents³².

- The operator must provide the necessary information to the authorities responsible for surveillance and monitoring and rectify any negative consequences that may pose risks to health or the environment³³.

Section Three: Definition of Environmental Crime and the Importance of Criminalizing Harmful Acts to the Environment

1. Definition of Environmental Crime

Crimes that harm the natural environment are considered a form of international crime, especially when one country uses such actions to harm another. These crimes are often viewed as a form of war crime, as stipulated in the Statute of the International Criminal Court, which necessitates their subjection to the court's jurisdiction due to the grave consequences of environmental harm. Environmental damage is not just an attack on nature but also on human beings, destroying the foundations of life itself³⁴.

Environmental damages are distinct from traditional damages in that they are often indirect and difficult to pinpoint in terms of their exact boundaries. These damages are widespread and require collective efforts to address. They generally result from economic growth and industrial progress. The increasing human pollution of our beautiful natural environment, due to industrial development and other contributing factors, has turned the environment from a source of comfort, recreation, and enjoyment of its natural resources into a source of diseases and epidemics, due to the deterioration of environmental elements like water, air, and soil.

In response to these risks, each state, recognizing the danger within its territorial sovereignty, has enacted laws and regulations to protect the environment and combat pollution. These legal provisions are often supported by criminal penalties to enforce compliance. Environmental legislation includes criminal sanctions to deter violators, eliminate the effects of environmental violations, and restore the situation to what it was before the environmental crime occurred. This is the approach adopted by the Algerian legislator, who has provided not only administrative and civil pro-

³¹ Law No. 01/19 of 27 Ramadan 1422 / December 12, 2001, concerning the Management, Monitoring, and Disposal of Waste, art. 43.

³² Law No. 01/19 of 27 Ramadan 1422 / December 12, 2001, concerning the Management, Monitoring, and Disposal of Waste, art. 45.

³³ Law No. 01/19 of 27 Ramadan 1422 / December 12, 2001, concerning the Management, Monitoring, and Disposal of Waste, art. 47.

³⁴ Jadi Wanasah, op. cit., p. 52.

tection but also criminal sanctions to safeguard the environment³⁵. Criminal justice plays an essential role in deterring environmentally harmful criminal behaviors alongside civil remedies.

Like the French and Egyptian legislatures, the Algerian legislator has not provided a specific definition of environmental crime, leaving this task— as is common— to legal scholars to establish a definition for this type of crime. The definition of environmental crime differs from that of crimes stipulated in general criminal law (i.e., the Penal Code) for several reasons, including the difficulty in proving and attributing the criminal act due to the delayed appearance of the criminal result and the challenge of attributing the act to legal persons³⁶.

Environmental crime can be defined as any act that violates a legal right designed to protect the environment, and which is subject to criminal sanctions. It results in a direct or indirect change to environmental characteristics, whether intentional or unintentional, causing harm to living organisms and impacting human life³⁷.

Thus, environmental crime can be considered an ordinary or national crime if committed by an individual and violates provisions aimed at preserving the ecological balance³⁸. For example, a person discharging pesticides or radioactive substances into the environment, or an industrial or agricultural establishment failing to adhere to acceptable levels of pollutants harmful to the environment. Environmental crime can also be classified as an international crime for which the state is held accountable if the harmful environmental activity is attributed to it. For instance, a state conducting nuclear tests within its territory that results in the spread of chemical or radioactive pollutants, such as smoke or acid rain, to another country, causing environmental damage.

2.The Importance of Criminalizing Harmful Acts to the Environment

The subject of criminal policy contributes to guiding the legislator in the development of environmental criminal law, particularly as it addresses crimes that are constantly evolving and requires the creation of appropriate rules to confront these developments³⁹.

The issue of environmental protection did not receive a swift legal response, as it faces challenges, especially in the field of criminal law. Environmental crimes are a new type of offense that differs from traditional crimes, particularly in some aspects of liability that differ from conventional criminal responsibility. This concerns the clarity of both the material and moral elements of the

³⁵ Al-Ghawthi Ben Milhah, "Environmental Protection in Algerian Legislation," *Journal of Legal, Economic, and Political Sciences*, no. 03 (1994): 722.

³⁶ Ashraf Tawfiq Shams El-Din, *Criminal Protection of the Environment*, 2nd ed. (Cairo: Dar Al-Nahda Al-Arabiya, 2012), 34-35.

³⁷ Ibtisam Said Al-Malkaoui, *The Crime of Environmental Pollution: A Comparative Study*, 1st ed. (Amman, Jordan: Dar Al-Thaqafa for Publishing and Distribution, 2008), 24.

³⁸ Nafis Ahmed, "Environmental Crime: Between General Penalties and Specific Risks," *Scientific Horizons Journal*, vol. 11, no. 1 (2019): 203.

³⁹ Mouyed Jabar Mohammed, "International and National Guarantees for Combating Environmental Crime," *Maysan Journal of Comparative Legal Studies*, vol. 1, no. 3 (2021): 115.

crime, as well as the criminal outcome. In terms of material attribution of environmental crimes, it must be acknowledged that determining the perpetrator of environmental crimes can be highly complex. Pollution of the environment, regardless of its form, is not usually caused by a single actor; it often involves multiple sources that may not be connected to each other.

The real difficulty in addressing environmental crimes arises when dealing with legal persons (such as corporations) rather than natural persons. The dimensions and impacts of environmental crimes committed by institutions and organizations cannot be measured by the same standard as crimes committed by individuals. The criminal result of environmental crimes often emerges gradually and imperceptibly, and it typically occurs in a different place and time than the criminal act itself⁴⁰.

As environmental problems continue to increase and worsen, countries have intensified efforts to reduce these harmful practices and destructive activities. International environmental conferences, such as the Stockholm Conference of 1972 and the Rio de Janeiro Conference in Brazil in 1993, led many countries to enact laws and regulations aimed at preserving and protecting the environment. Algeria was no exception, and the first specific environmental protection law was Law No. 83-03 on environmental protection⁴¹, which evolved into Law No. 03-10. As a result, these laws included provisions to address violations of environmental protection obligations and the penalties for violators, including criminal responsibility for environmental damage⁴².

Section Four: Waste Management Crimes and the Penalties Imposed for Them in Algerian Penal Legislation

Waste management crimes in Algerian legislation are classified as either felonies, misdemeanors, or infractions⁴³. The Algerian legislator has based this classification on the degree of danger and the resulting damage. The more dangerous the act and the larger the resulting harm, the more severe the classification, from an infraction to a misdemeanor to a felony. The same principle is used to determine the criminal penalty imposed on the perpetrators, with penalties including imprisonment, detention, and/or fines.

Infractions:

The Algerian legislator has divided infractions related to waste management crimes into four categories. The first category of infractions is subject to a fine ranging from 500 DZD to 5,000 DZD. The second category is subject to a fine ranging from 10,000 DZD to 50,000 DZD. The third category is subject to a fine ranging from 50,000 DZD to 100,000 DZD. The fourth category is subject to a fine

⁴⁰ Ashraf Tawfiq Shams El-Din, op. cit., 52.

⁴¹ Law No. 83/03 dated 22 Rabi' al-Thani 1403 corresponding to February 5, 1983, concerning Environmental Protection.

⁴² Hassouna Abdelghani, op. cit., 15.

⁴³ Ja'areen Issa, Environmental Criminal Law, lectures delivered to Master's students, Sharif Bouchehcha University Center, 2021/2022, 97.

ranging from 100,000 DZD to 200,000 DZD. These penalties are intended to impose a material burden on the offender and are considered primary penalties⁴⁴.

Regarding the penalties for infractions, the legislator has restricted them to financial fines only, without the imposition of custodial sentences. The legislator considers these crimes to be less dangerous, and therefore, it has prescribed a financial penalty.

Below is the detailed list of each infraction and the penalty imposed for it:

1.A fine ranging from 500 DZD to 5,000 DZD is imposed on any natural person who commits the following infractions:

- Throwing household waste and similar waste.
- Neglecting household waste and similar waste.
- Refusing to use the waste collection and sorting system provided by the relevant authorities. *In case of recidivism, the penalty is doubled.*

2.A fine ranging from 10,000 DZD to 50,000 DZD is imposed on any natural or legal person engaged in industrial, commercial, or craft activities, or any other activity, who commits the following acts:

- Throwing household waste and similar waste.
- Neglecting household waste and similar waste.
- Refusing to use the waste collection and sorting system. *In case of recidivism, the penalty is doubled.*

3.A fine ranging from 10,000 DZD to 50,000 DZD is imposed on anyone who commits the following acts:

- Depositing inert waste in an unauthorized location.
- Throwing inert waste in an unauthorized location.
- Neglecting inert waste in an unauthorized location. *In case of recidivism, the penalty is doubled.*

4.A fine ranging from 50,000 DZD to 100,000 DZD is imposed on anyone who:

- Fails to report to the Minister of Environment the nature, quantity, and characteristics of hazardous special waste they produce or hold.
- Fails to submit periodic reports on the treatment of such waste and the measures taken or planned to prevent further production. *In case of recidivism, the penalty is doubled.*

5.A fine ranging from 100,000 DZD to 200,000 DZD is imposed on anyone who:

⁴⁴ Ja'areen Issa, op. cit., 103.

– Uses recycled products in the manufacture of packaging intended to contain food directly or in the production of items for children that may pose a danger to individuals. *In case of recidivism, the penalty is doubled.*

Misdemeanors:

As the danger and resulting damage increase, the classification of the crime changes. Thus, the legislator has defined crimes under the label of misdemeanors based on this criterion and has established penalties for each misdemeanor according to the same principle, which is the degree of danger and the damage resulting from the misdemeanor. Imprisonment is considered the primary penalty for waste management crimes⁴⁵. Therefore, the legislator has divided misdemeanors into six categories:

The first category of misdemeanors is subject to a prison sentence of 2 months to 1 year and a fine from 200,000 DZD to 400,000 DZD. The second category is subject to a prison sentence of 3 months to 2 years and a fine from 400,000 DZD to 800,000 DZD. The third category is subject to a prison sentence of 6 months to 2 years and a fine from 500,000 DZD to 900,000 DZD. The fourth category is subject to a prison sentence of 8 months to 3 years and a fine from 500,000 DZD to 900,000 DZD. The fifth category is subject to a prison sentence of 1 year to 3 years and a fine from 600,000 DZD to 900,000 DZD. The sixth category is subject to a prison sentence of 6 months to 18 months and a fine from 700,000 DZD to 1,000,000 DZD, or one of these penalties alone.

Below are the details of each misdemeanor and the corresponding penalty:

1.A fine ranging from 200,000 DZD to 400,000 DZD or one of these penalties alone, and imprisonment from 2 months to 1 year, will be imposed on any individual who commits the following acts:

– Reusing chemical product packaging for direct food contact.
– Failing to label chemical product packaging with clear warning signs about health risks when used to store food products. *In case of recidivism, the penalty is doubled.*

2.A fine ranging from 300,000 DZD to 500,000 DZD or one of these penalties alone, and imprisonment from 3 months to 2 years, will be imposed on any natural or legal person who commits the following acts:

– Mixing hazardous special waste with other waste. *In case of recidivism, the penalty is doubled.*

3.A fine ranging from 400,000 DZD to 800,000 DZD or one of these penalties alone, and imprisonment from 6 months to 2 years, will be imposed on anyone who:

– Delivers or facilitates the delivery of hazardous special waste to an unlicensed facility for processing such waste. *In case of recidivism, the penalty is doubled.*

⁴⁵ Ja'areen Issa, op. cit., 101.

4.A fine ranging from 500,000 DZD to 900,000 DZD or one of these penalties alone, and imprisonment from 8 months to 3 years, will be imposed on anyone who:

- Operates a facility for waste management without providing proof that the landowner is aware of the nature of the activities, if the land is leased or under usufruct.
- Operates a facility without obtaining a permit from the Minister of Environment, the Governor, or the Mayor for hazardous waste, household waste, or inert waste, as specified in Article 42.
- Fails to take out insurance for the operation of the facility to cover risks, including pollution accidents (Article 45).
- Fails to provide necessary information to the authorities responsible for supervision and monitoring (Article 47).
- Fails to address negative consequences that pose a risk to health or the environment.
- Transports hazardous special waste without a permit from the Minister of Environment. *In case of recidivism, the penalty is doubled.*

5.A fine ranging from 600,000 DZD to 900,000 DZD or one of these penalties alone, and imprisonment from 1 year to 3 years, will be imposed on anyone who:

- Deposits, throws, buries, dumps, or neglects hazardous special waste in unauthorized locations. *In case of recidivism, the penalty is doubled.*

6.A fine ranging from 700,000 DZD to 1,000,000 DZD or one of these penalties alone, and imprisonment from 6 months to 18 months, will be imposed on anyone who:

- Fails to restore a waste treatment facility site to its original condition or to a condition determined by the relevant authority after ceasing operations or permanently closing the facility.
- Fails to monitor the site during the specified period to avoid any harm to public health or the environment. *In case of recidivism, the penalty is doubled.*

Felonies:

The classification of a crime as a felony is the most severe classification, and accordingly, the penalties imposed for felonies are harsher than those for misdemeanors and infractions⁴⁶. This is the approach taken by the Algerian legislator, who has established severe and harsh penalties for felonies related to waste management. The legislator has defined a single category of felonies and imposed a prison sentence of 5 to 8 years and a fine ranging from 1,000,000 DZD to 5,000,000 DZD, or one of these penalties alone.

1.A prison sentence ranging from 5 years to 8 years and a fine from 1,000,000 DZD to 5,000,000 DZD, or one of these penalties alone, is imposed on anyone who:

- Imports hazardous special waste.

⁴⁶ Ja'areen Issa, op. cit., 99.

- Exports hazardous special waste to a country that prohibits its importation.
- Exports hazardous special waste to a country that does not prohibit its importation without obtaining written consent from that country and without obtaining prior authorization from the Minister of Environment.
- Transports hazardous special waste across borders. *In case of recidivism, the penalty is doubled.*

Conclusion:

Waste management crimes are considered serious offenses that threaten the safety of human societies and ecological systems, which requires the collective efforts of states, institutions, and organizations active in the field of environmental protection to combat and reduce the spread of perpetrators of these crimes.

Therefore, appropriate preventive and deterrent measures must be adopted to align with the dangerous criminal phenomena that are increasingly affecting the environmental field and impacting human health, natural life, and the entire ecological system, including plants, animals, and more. This makes us believe that enacting penal provisions for these acts is not only meant to protect human life but also to protect the environment itself.

Legislation and regulations play an important role in establishing laws that penalize and impose stricter penalties on this type of crime. They also define the conceptual framework and highlight the key points regarding penalties and responsibilities in case these crimes are committed or facilitated.

However, what is noticeable in Algerian legislation is that it grants the judge discretionary power to impose either custodial sentences or financial penalties on those convicted of these crimes. In our opinion, this does not provide sufficient deterrence to address these crimes, especially if only a financial penalty is imposed. The damage caused by such crimes extends for hundreds or even thousands of years, and repairing or compensating for this damage requires highly advanced technical processes, not to mention the vast sums of money the state spends on such efforts. Therefore, it would have been more appropriate for the legislator to reconsider these penalties by not allowing the freedom to choose between the two types of punishment.

It remains crucial to clarify the severity of the impact that waste has on the environment and human life by raising environmental awareness among individuals and institutions through various communication channels. Promoting innovative actions and ideas that contribute to improving and preserving the environment is one of the most effective means, especially in light of Law 12/75.

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