Innovation
2024; 5(1): 41-53
http://www.sciencepublishinggroup.com/j/innov
doi: 10.11648/j.innov.20240501.14
ISSN: 2994-7138 (Online)

Environmental Crime Dispute Resolution: A Comparative Study Between Lebanese and French Legislation

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To cite this article:
Hani Mahmoud Hamza. (2024). Environmental Crime Dispute Resolution: A Comparative Study Between Lebanese and French Legislation. *Innovation*, *5*(1), 41-53. https://doi.org/10.11648/j.innov.20240501.14

Received: August 6, 2023; **Accepted**: August 29, 2023; **Published**: January 8, 2024

Abstract: This study dealt with the issue of available means to combat environmental crime in Lebanon and France, relying on analytical and comparative approaches, and was divided into two parts. In the first section, it presented the extent of specialization of the judiciary in considering environmental crimes, which is characterized by its technical complexities and weak human and logistical resources. In the second section, alternative methods were presented for resolving these conflicts. It was discovered that there is no specialized judiciary for environmental issues, which could lead the judiciary to fully accept the expert's report. It turned out that the Lebanese legislator issued a law appointing a full-time environmental public defender and an investigative judge to look into environmental cases on a part-time basis. And that the Minister of Environment has the power to conclude a reconciliation contract with the polluter after a final court ruling is issued, in clear violation of the principle of separation of powers. Therefore, this study recommended the necessity of establishing a public prosecution specialized in environmental crimes, adopting alternative methods to solve environmental issues, promoting the application of the polluter pays principle, training judges to solve these crimes, and strengthening the role of environmental associations.

Keywords: Environmental Crime, Judiciary Specializes, Alternative Means, Public Prosecution, Reconciliation Contract, Separation of Authorities, The Polluter

1. Introduction

1.1. The Subject of the Research

The development of the global industry and the establishment of multinational companies that aim to increase their profit at the expense of damage to the elements of the environment, whether land, water, or air, can often be caused by the failure of the competent public authority to control environmental violations. Or to the inefficiency of this authority when carrying out its oversight functions, or to the weakness of the human and logistical resources of the judiciary and the executive authority in combating this type of crime.

However, it must be noted that the executive authority failed to secure logistical resources to monitor the polluting factories, which led to the difficulty of determining the amount of pollution and identifying the person causing it [3].

It is well known that combating environmental crimes is characterized by being supported by non-governmental organizations, so do these associations play the required role in this regard? Does she realize the powers granted to her by the legislator to combat these crimes?

In early 1992, Dean Vedel anticipated the challenges of environmental law, and he called for this law to become the law of the common heritage of humanity.

He explained that in recent decades, environmental law has developed significantly in both aspects of private and public law.

This development coincided with the high degree of public awareness of the importance of environmental issues, which increased the importance of research on ways to face challenges related to environmental criminal law [6].

In this context, the prosecutor of France, François Molins, draws attention to the growing concern about the risks associated with the environment and health, and if citizens mobilize more for nature conservation and if public authorities decisively combat environmental damage, then we can ask how effective our environmental law will be in combating environmental crimes.

In light of the expansion and diversity of environmental litigation, the following questions arise: What are citizens' expectations regarding environmental law and the role of judges? What difficulties prevent the environmental criminal law from being effective? How does the judiciary deal with environmental issues? What are the legal amendments and regulatory procedures that can be adopted to improve the handling of this type of dispute? [5]

With regard to environmental criminal law, litigants, and after them, citizens in general, want effective, consistent, and deterrent justice, but they also want preventive and correctional justice.

The primary goal of environmental legal texts is to achieve environmental justice, which is achieved by avoiding environmental damage and repairing it if it occurs. Therefore, there should be a specialized judiciary to look into these crimes, whose task is to speed up the issuance of judgments of high quality and take into account both the legal and technical aspects as much as possible.

Recently, it is noted that the legislative authority in Lebanon has issued environmental legislation and implementation decrees, the broad title of which was the activation of combating environmental crime, such as Environmental Protection Law No. 444 dated 7/29/2002, Integrated Solid Waste Management Law No. 80 dated 10/10/2018, the Water Law issued in April of 2018, Law No. 251 dated 4/15/2014 allocating full-time lawyers and investigative judges for environmental Affairs, and Decree No. 3989 dated 8/25/2016 establishing an environmental officer, determining the number of its members, and organizing its work.

The natural question, after a series of these legislations, is the extent to which this legislative development has been activated to combat environmental crime, and has the citizen begun to notice any improvement in terms of combating this crime?

1.2. Introduce the Problem

The most prominent obstacles facing combating environmental crimes are the lack of specialization of the judiciary looking into environmental crimes due to the technical complexities of this type of crime. Environmental issues are characterized by technical complexities that the judge does not understand.

But in reality, even if a specialized judiciary is available to consider these disputes, the slowness of the procedures necessitates the search for alternative means to resolve this type of dispute.

One of the remarkable things about environmental issues is that it is easy for the polluter to evade criminal responsibility, given the difficulty of identifying the elements of this responsibility in light of the legal and technical complexities of environmental crimes.

It is established that in order to impose a penalty for any crime, there must be a clear and explicit legal text that defines the environmental crime committed by the polluter; that is, the legislator classifies it as criminal behavior that entails a specific penalty. Accordingly, it is necessary to define the concept of environmental criminal behavior, that is, environmental crime. What is environmental damage? Obstacles to identifying a causal link between criminal behavior and environmental damage should be overcome.

1.3. Research Methodology

These questions will be answered by presenting the legal texts in the Lebanese legislation, relying on analytical and comparative approaches. Because the legal culture in France is the closest to the Lebanese legal legislation, we will adopt the French legislation as a model for comparison.

1.4. Research Objective (Purpose)

We will focus on two goals, the first is to demonstrate the importance of having a specialized judiciary to consider environmental issues, and the second is to clarify the legal texts that allow the use of alternative means to resolve these disputes. It has already become clear to us that there are alternative measures approved by the French legislator to combat environmental crime to activate and speed up the settlement of environmental issues, especially after it was shown to a part of French jurisprudence the low rate of judicial response in the field of combating environmental crime.

1.5. Study Plan

Based on the questions we raised previously, we will divide the research on ways to resolve environmental crime disputes into two sections. On the first topic, we present the specialization of criminal justice in environmental crimes, presenting the recommendations of the International Society of Penal Law conference held in Rio de Janeiro on environmental crimes in 1994. Then we present the reality of the situation in Lebanon, explaining the issue of the lack of specialization of the Lebanese judiciary in looking into this type of crime, although the legislator issued environmental legislation that enhances transparency in prosecuting this type of crime. We will also present the reality of the situation in France, noting the policy adopted to prosecute these crimes. We will present the French jurisprudence, which recommended strengthening the specialization of the judiciary in prosecuting these crimes.

In the second section, we will discuss alternative means for resolving environmental crime disputes and show the extent to which this idea can be applied in both France and Lebanon.

These topics will be presented as follows:

1) The criminal judiciary specializes in considering environmental crimes
2) Alternative means of resolving environmental penal disputes

2. The Criminal Judiciary Specializes in Considering Environmental Crimes

Deciding on environmental issues requires a highly qualified judge who is equipped with all the means that allow him to decide on this type of complex issue. Perhaps the first question to be asked before the judge, Is the act committed

considered an environmental crime or not?

And because the main obstacle is in the specificity of this type of crime, we will begin this research with a presentation of the most prominent recommendations of the International Society of Penal Law Conference (Rio de Janeiro) on crimes against the environment held in 1994. After that, we present to what extent the judiciary specializes in considering environmental crimes in both Lebanon and France.

2.1. Recommendations of the International Society of Penal Law Conference in (Rio de Janeiro) on Crimes Against the Environment held in 1994

The legislation generally provides for criminal rules that directly aim to protect the environment, such as those rules directly contained in the General Penal Code, and the special penal laws contained in environmental legislation, based on the fact that the environment represents a basic value in society. As the legislator has been usually sufficient to maintain and partially protect some of the funds that constitute a subject of the right of ownership as a value in itself or to consider it elements of environmental value that should be preserved in itself. As did the Lebanese legislator, when he enacted some environmental crimes in the Penal Code, such as water crimes in the Lebanese Penal Code, without allocating a special part of the environment in it.

However, during the seventh conference of the Justice Ministers in Europe held in Germany in 1972, for the first time, the possibility of criminal law contributing to environmental protection was discussed.

The sub -body emanating from the conference ended up issuing a recommendation with the number (77) of 1977, stating that the criminal characteristic of activities and actions that did not constitute an aggression before that of the environment elements, and the determination of the appropriate penalties for it in the Penal Code, and that recommendation stipulated that: "The environment it constitutes a fundamental value such as life, private or public ownership, so the environment must be protected with the same amount in the criminal law. Besides killing and theft, each law must include criminalization or more of pollution, damage, and other violations of nature. Some countries have responded to this call, such as the German Penal Code.

However, most countries prefer to address environmental pollution crimes in special laws, and thus enact special laws to protect the elements of the environment, such as air, water, forests, land, wildlife, plants, etc.

The legislator usually resorted to adopting this legislative policy when he realizes the insufficient texts contained in the Penal Code for Environmental Protection.

It is noted that these laws are multiple, some of which are related to water, air, land, fishing, and the exploitation of marine, forests, crushers... etc.

Some believe that through this legislative policy, the texts contained in the Penal Code for Human Protection, its Health, the Protection of Public Safety, Livestock or Money are based, to provide dependency or indirect protection of the environment in its various aspects. To provide direct protection to the environment [1].

The Lebanese legislator pursued this policy when the Lebanese Environmental Protection Law issued in the year 2002 and its applicable decrees, and issued the decree of the land division plan in 2009, and then issued the water law in April of 2018, and the solid waste management law in September 2018.

In the same context, it came recommendations of the 1994 Rio de Janeiro conference on crimes against the environment. The International Penal Code held its fifth meeting in (Rio de Janeiro) in Brazil for the period from 4-10 September 1994 and discussed the topic of (environmental crimes, application of general criminal law). At the end of its conference, the association issued several recommendations, including:

2.1.1. Issues Related to Environmental Crimes

Environmental crimes must be precisely defined in accordance with the principle of legality.

A distinction should be made between penalties prescribed for non-compliance with administrative and regulatory texts that do not include deprivation of liberty, lead to the final closure of the factory, and criminal penalties imposed for the purpose of punishment for voluntary acts that cause serious damage to the environment.

The material element of environmental crimes should be an act or omission that causes serious harm or creates a real and imminent danger to the environment or to humans.

As for the moral element in environmental crimes, there must be knowledge or intent, contingent intent with regard to action or omission and their consequences, or any equivalent concept in national laws, In the case of fear of serious consequences, Just carelessness is enough.

Should be observed, that the accused who acts or refrains from acting - at a time when he knows that serious damage to the environment may result - and if this damage is actually achieved, then the defense of respecting the conditions of the license It should only be taken to the narrowest extent, - in addition to that, it is pursuant to According to the principle of narrow interpretation, criminal penalties should only be applied in cases where civil or administrative penalties or compensation measures are insufficient, or cannot solve the problems arising from the crime.

2.1.2. Criminal Liability of Legal Persons

National laws, in accordance with their constitutions and basic principles, shall provide for various criminal penalties and appropriate measures for legal persons and public bodies, with regard to activities leading to the imposition of criminal sanctions, committed by legal persons or public institutions, or by natural persons.

It is the responsibility of the administrative authorities to monitor and direct in a way that prevents a public or private legal person from carrying out an activity that poses a great danger to the environment, and they must be held criminally liable if serious harm results from their failure to carry out this duty.

National law must define, as clearly as possible, the criteria for the liability of natural persons acting in the

service of public or private legal persons who may be held liable for the crime. [9]

With regard to public legal persons, when a public institution is carrying out its public service duties and has caused serious harm to the environment or human beings or when it has caused a real and imminent danger to the environment or human beings, it should be possible to prosecute the public legal person for this crime, even if it It is not possible to assign responsibility for the crime directly to a specific natural person or to a representative of the institution.

As for private legal persons, despite the principle of personal criminal responsibility, when the provisions of the Constitution or principles of law permit, the criminal prosecution of private legal persons for environmental crimes should also be possible in the event that responsibility for this crime is not directly attributed to a natural person Employed by this legal person, and where the private legal person is liable for serious harm against the environment, it should be possible to prosecute that person for the environmental crime. Even if the damage resulted from a single act or omission or a group of successive acts or omissions, the imposition of a criminal penalty against the private legal person should not prevent the prosecution of the natural person working in the service of the legal person.

2.1.3. Environmental Crimes

National penal codes should, in particular, stipulate environmental crimes, and when environmental violations deserve criminal punishment, the elements constituting them should be stipulated in the law, so that this should not be left to the discretion of the administrative authorities.

With regard to environmental crimes that are subject to the jurisdiction of several countries or that constitute a violation of the public environment, they must be viewed as international crimes. The law should facilitate citizen participation in the investigative process.

This is within the legal principles of each national legal system, and Observance of international legal principles specified in international agreements.

2.1.4. The Competence

With regard to cross-border pollution crimes, and when the damage or the serious threat of harm arising from an environmental crime is realized outside the country in which the crime was committed in whole or in part, it should be possible to prosecute the perpetrator criminally, whether in the country in which the crime was committed or in the other country in which it was committed. Damage or danger is realized, provided that their defense rights are guaranteed and international law is respected in all cases.

As for extraterritorial environmental crimes, that is, when the damage or the serious threat of harm that finds its basis in a specific environmental crime occurs outside the territorial jurisdiction of any country, or in the global field, countries must agree on an international treaty or applying the treaties in force that allow for judicial prosecution in accordance with the following principles: principle of territoriality, principle of nationality, and principle of universality.

It is important to consider the special risks of certain environmental crimes when extraditing criminals.

In order to facilitate the prosecution of international crimes against the environment, the competence of the International Criminal Court must include those crimes. [1].

It is noted that the United States dealt with the issue of jurisdiction with consideration crimes of oil pollution of the seas, It issued the Oil Pollution Act (OPA), and the criminal part of this law was distinguished by its extraterritorial effect, meaning that it can apply to acts and foreign persons that are not subject to US jurisdiction according to general rules. The law applies its provisions to citizens and foreigners. This law applies even if an oil spill occurs outside US waters, as long as that would affect the marine environment in it, and this matter would reduce the phenomenon of flags of courtesy, which are usually used to escape from being subject to the jurisdiction of certain countries.

Accordingly, the US legislator has adopted an objective criterion for submitting to US criminal jurisdiction in terms of oil spilled on the US marine environment, regardless of the location of the ship, its nationality, or the nationality of its owner or exploiter [8].

After it became clear to us the main points on which the international conventions focused on resolving environmental crime disputes, we discuss the following as to the extent of the Lebanese judiciary's specialization in considering these issues.

2.2. The Extent of Judicial Specialty in Considering Environmental Crimes in Lebanon

The Lebanese legislator, according to Law No. 251 - the allocation of full-time public attorneys and investigative judges for environmental affairs on 4/15/2014, expanded the concept of environmental crimes, stipulating that environmental crimes are considered crimes resulting from:"

Violation of laws and regulations related to the protection of forests, natural reserves, biodiversity, protection of air, water and soil from pollution, and those related to combating damage caused by sound and noise.

Violation of laws and regulations related to quarries, sand, and crushers.

Violation of environmental laws and regulations for defining environmental conditions for differently classified institutions.

Violation of environmental laws and environmental regulations that protect public and private property of the state, municipalities, and regional waters, and environmental encroachments on marine, river, and groundwater properties.

Violating the laws related to the disposal of waste of all kinds, especially medical waste generated from hospitals[1] and chemical and nuclear waste.

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[1]Decree No. 13389: Determining the types of waste from health institutions and how to dispose of them on 9/18/2004.
(Amendment of Decree No. 8006 dated 6/11/2002), the website of the Lebanese Ministry of Environment, Decrees. Decision No. 1/11: related to the periodic report for the treatment of dangerous and infectious medical waste. The website of the Lebanese Ministry of Environment.

Violation of the provisions contained in Law No. 444 dated July 29, 2002, and all other legal provisions related to the protection of the environment, wherever they exist.

Violation of laws and regulations that protect antiquities and cultural and natural heritage."

Perhaps this definition was unnecessary, because the sixth paragraph of the first article of this law is sufficient to indicate that any violation of any legal provision contained in any environmental legislation is considered an environmental crime, and it is recognized that there is no punishment without a text, Given the differentiation of penalties according to the nature of the environmental offense committed, the environmental crime is determined by the legal texts that define the environmental violation and the penalty resulting from it.

Part of the jurisprudence believes that the penalty system, for example, aims to activate the specific environmental goals monitored by the public authorities. It can impose a pollution limit on productive activities or impose the adoption of non-polluting production systems. In order for these rules to be truly respected, they must be subject to strict control, and in case of violation of the law, criminal penalties are imposed on violators [7-9].

It is noted that when the legislator mentioned some environmental crimes, in Law No. 251 of 4/15/2014, such as the crime against antiquities and cultural and natural heritage, he intended to be more strict when combating crimes against antiquities and cultural heritage than other environmental crimes.

As it has become known, environmental criminal trials are characterized by their special and precise technical nature, which makes it difficult for anyone to familiarize themselves with their vocabulary unless he is trained in this type of conflict.

It is noted that the Lebanese judiciary is not specialized in understanding this type of case, and here a question arises about how to overcome this obstacle? How can the Ministry of Environment and Civil Society contribute to expediting the resolution of these cases?

These topics will be presented in two sections, as follows:

2.2.1. The Lebanese Judiciary Does Not Specialize in Environmental Crimes

The Lebanese Environmental Protection Law did not refer to the specialization of Public Prosecution judges considering environmental cases. According to the provisions of Article 55, when environmental crimes are detected by the Environmental Police, the control reports, together with documents, statements and all information related to them, refer to the Public Prosecution, and a copy of them is notified to the Ministry of Environment[2] [10, 11].

It was stated in the justifications for submitting Law No. 251 - the allocation of full-time public lawyers and investigative judges for environmental affairs on 4/15/2014 that it is proven that the special nature of environmental crimes requires a specialized judiciary to consider this type of case, and studies have confirmed that only laws and regulations that it takes into account the characteristics of a country that are sufficient to move from talking about development to action and application, and the importance of supporting the efforts of the Lebanese judiciary in implementing laws related to the environment and that it is necessary to establish judicial departments in the courts to adjudicate environmental issues and specialized prosecutions to investigate these cases. Because controlling environmental crimes and punishing their perpetrators would ensure the effective application of environmental laws and regulations and thus reduce environmental degradation and its dangers.

So it is clear that the justification for the project is the establishment of the judicial departments in the courts to adjudicate environmental issues and specialized prosecution offices to investigate these issues. However, it is remarkable that the law that was approved did not mention a public prosecution specializing in environmental issues, nor did it adopt investigative judges specialized in environmental issues. The primary judiciary dealing with environmental issues is not a specialized judiciary, and therefore this law did not rise to the maximum level of environmental protection.

Although the proposal of this draft law referred to the importance of establishing a specialized public prosecution[3], the law that was issued did not refer to the specialization of public prosecution judges in environmental crimes. It only stipulated that a full-time public attorney to pursue environmental issues, Article 1 of this law stipulates that:" A- Among the public attorneys provided for in the third paragraph of Article 11, there shall be one or more full-time environmental public attorney assigned by the Appeal Public Prosecutor to prosecute environmental crimes in accordance with the rules specified in the applicable laws".

This text contains several obstacles to prosecuting any environmental crime in Lebanon, for the following reasons:

There is a difference between the existence of a specialized environmental public prosecution that is well aware of the specialized legal and technical nature of environmental issues, and a non-specialized public prosecution that assigns one of its public attorneys, who is not specialized, to prosecute environmental crimes.

Law No. 251 of 4/15/2014, although it is considered a step forward towards activating the prosecution and control of environmental crimes, yet this step is not sufficient to activate the productivity of public prosecutions in the prosecution of environmental crimes, and this is what we notice on the ground, as the productivity of public prosecutions in Lebanon, in environmental issues are low [13], and they are almost non-existent in large files related to

[2] This approach has been adopted by some Arab laws, such as Article 87 of the Egyptian Environmental Protection Law, which grants employees of the Central Agency for the Environment the status of judicial police officers in proving environmental crimes, and obliges them to notify the Public Prosecution of any violation that is discovered in accordance with the provisions of this law.

[3] Law No. 251 - Appointment of full-time Public lawyers and investigative judges for environmental affairs on 4/15/2014.

river pollution. And the establishment of quarries, crushers, slaughterhouses and buildings contrary to environmental laws, and there is no doubt that one of the fundamental reasons for this reality is the lack of specialization of the full-time defender general to look into prosecuting environmental crimes.

There is a difference between the existence of a specialized environmental public prosecution, consisting of an environmental public prosecutor who is originally appointed in his position, and the appellate public prosecutor assigning a "full-time environmental public attorney or more", because it is established in administrative science, that the principal cannot be dismissed from his assignment except for specific reasons in the law that require stopping him from pursuing his case, on the other hand, from an administrative point of view, whoever has the authority to assign can withdraw his assignment, and here, and given that environmental crimes are sensitive issues, we can imagine that there will be interventions not to pursue the prosecution of this type of crime, and we fear in the light of this legal reality that there will be pressure to withdraw the file from the Environmental Public Prosecutor or to weaken his position at a minimum, therefore, we recommend the need for a public prosecution specialized in environmental crimes, whose judges avoid any form of pressure that threatens their independence in prosecuting environmental crimes, in this context, it is fair to point out that the phenomenon of intervention to close prosecutions in environmental crimes is a global phenomenon, and is not linked to the Lebanese issue.

Instead of the legislator moving towards the specialization of public prosecutions and the training of public lawyers, due to their lack of technical knowledge of the environmental crimes under investigation, to ensure that the investigation is conducted scientifically, paragraph D of Article 1 of Law No. 251 dated 4/15/2014 stipulates that the environmental public attorney can hire specialists in environmental affairs and in the affairs of antiquities and cultural heritage to carry out the technical and technical tasks assigned to them.

In fact, the appointment of experts cannot fill the gap of the lack of specialization of the environmental public attorney, because in light of this reality, the environmental public attorney will completely surrender to the expert's report, especially since he decides on issues he does not understand, and he will not be able to understand its finer details, and we will reach the result that the prosecution is his path will be determined by the expert, not the environmental public attorney, which will strike at the independence of the judiciary.

Paragraph B of Article 1 of the same law states that: "... b) The environmental public attorney claims the environmental crime and determines the names of the defendants.

He may claim against an unknown person before the investigating judge, and he may initiate a public claim or a claim directly before the competent courts" [4]

The claim of the environmental public attorney of an environmental crime is not easy in some environmental crimes, but in other environmental crimes it is easy to prove the crime, for example, if it is found that the pollutant has violated the legal provisions related to the preparation of an environmental impact assessment study or an initial environmental examination. The Environmental Public Attorney can claim that the polluter violated section 58 of the Environmental Protection Act. However, identifying the pollutant is not an easy matter, especially with regard to legal persons, let us assume that the polluter is a Shareholding company, so who is claiming? the authorized signatory executive director or members of the board of directors? And if the legislator specifies a penalty of imprisonment or a fine, is this fine imposed on the polluted legal person or on the executive director authorized to sign on behalf of the company? What if the authorized signatory exceeds the limits of his signature? Who is responsible for paying this fine, the legal person or the person authorized to make the decision delegated by the legal person? And how can liability be distinguished between fund companies and corporate persons under different responsibilities in the financial disclosure in the two types of companies?

We can refer all the observations we made regarding the Public Prosecution Office to the investigative judges who have the authority to look into environmental issues, article 3 of Law No. 251 dated 4/15/2014 amended Article 51 of the Code of Criminal Procedure, adding the following text: "The first investigating judge shall assign one or more investigative judge to investigate cases of environmental crimes, in addition to the tasks assigned to him." [5]

However, what can be noticed in the text related to investigative judges, which we did not notice with regard to the text related to the Public Prosecution, is that the investigative judge is assigned to investigate environmental crimes, in addition to the tasks entrusted to him, that is, the investigating judge is not as dedicated to environmental crimes as the public environmental attorney, and this is a big loophole, because the investigative judge, in our opinion, has a greater and more dangerous role than the public prosecutor, as a result, an indictment will be issued as a result of the investigation, the investigating judge must look into the most accurate technical details, and not like the environmental public attorney who can rely on preliminary apparent evidence to charge the polluter. Therefore, it is not correct to

[4] Article 11 of the Lebanese Code of Criminal Procedure states that: "The functions of the Public Prosecution at the Court of Cassation shall be performed by a Public Prosecutor assisted by public lawyers...
The functions of the Public Prosecution at the Court of Appeal are performed by a Public Prosecutor assisted by one or more public lawyers.".

[5] Article 51 of the Lebanese Code of Criminal Procedure stipulates that: "In the center and scope of each court of appeal there is an investigative circuit composed of a senior investigative judge and investigative judges
The investigation department is headed by the first investigating judge.
The application paper in which the Public Prosecution alleges the crimes is referred to the First Investigating Judge. It also submits to it the direct lawsuits submitted by those affected by the crimes, along with their personal claims.
The Senior Investigating Judge himself undertakes the investigation of important cases and distributes other cases to the investigative judges in his department.
He supervises the smooth running of work in his department".

assign an investigative judge to investigate environmental crimes, flooding him with the legal and technical complexities of this type of case, and assigning him at the same time to other work., because the legislator is thus indirectly obstructing the work of the investigative judiciary in the field of prosecuting environmental crimes.

As for the judiciary base that looks into environmental issues, article 56 of the Environmental Protection Law stipulates that violations detected, in accordance with the provisions of this law and its implementation texts, shall be examined by the individual judges specialized in the governorate in which the violation occurred, the judiciary considers environmental crimes in accordance with the principles of summary trials related to witnessed crimes. Not in the event that one of the parties to the dispute wishes to appeal against the penal judgment issued, he can only appeal against it by appeal, and he is not entitled to appeal against it by cassation.

In fact, the urge to have a specialized judiciary on environmental issues applies also to the basic judiciary, however, it should be noted the importance of the legislator's stipulation to resolve these disputes in accordance with the summary principles, and not to allow an appeal except by second degree (appeal), as this text will speed up the completion of this type of dispute, especially if it turns out to us that these disputes are slow in their completion, which naturally leads to poor productivity The judiciary issuing judgments condemning environmental polluters.

2.2.2. Publication of Environmental Prosecutions and Penal Provisions

The fact that the Lebanese judiciary is not specialized in looking into environmental crimes should not be taken as an excuse for the Lebanese judiciary to turn a blind eye to resolving disputes that are presented to it in accordance with legal and technical principles.

Therefore, it was necessary to take measures that would raise the degree of his vigilance, and these measures were represented in obligating the judiciary to inform the Ministry of Environment and civil society at different levels of these judicial prosecutions.

(i). Informing the Ministry of Environment in Environmental Criminal Prosecutions and Judgments

The Lebanese legislator stressed the importance of informing the Ministry of Environment of criminal prosecutions and rulings issued, article 5 of Law 251 dated 4/15/2014 stipulates that: "A special register shall be maintained by the Ministry of Environment in which criminal prosecutions and judgments issued against natural and legal persons in environmental crimes shall be recorded."

Paragraph (e) of Article 1 of it obligates the heads of the administrative department in the competent courts to inform the Ministry of Environment of every final environmental penal judgment issued against a natural or legal person in order to record it in the special register referred to in Clause (b) of Article 5 of this law within three months of its issuance.

So, with approval, the notification obligation required of the Registrar of the Court, by informing the Ministry of Environment of all environmental judicial rulings that have been concluded, and according to the inquiry required by the Ministry of Environment, to organize a record in which all environmental prosecutions and judgments are recorded, and to make it easier for it to monitor the validity of these data. Therefore, coordination should be made between the Minister of Environment and the Minister of Justice, all of this will cause a lot of the environmental movement at the judicial level, and if the Ministry of Environment plays its role in this field, the percentage of resolution of environmental penal disputes will definitely improve. [12]

(ii). Informing Citizens of the Rulings of Criminal Courts Related to Environmental Issues

The legislator required the judiciary to inform the public of criminal judicial Judgments in Paragraph (f) of Article 1 of Law 251 dated 4/15/2014, which stipulated that: "F-Judgments and decisions issued on environmental issues shall be published in two local newspapers, including the decision to dismiss the case.".

Based on this article, we show the following notes:

The legislator did not oblige the judiciary to inform the public of the prosecutions of the Environmental Public Prosecution, perhaps so that the accused will not be defamed in the media and no judicial Judgments will be issued, in accordance with the principle that the accused is innocent until proven guilty.

Publication of judgments and decisions issued in environmental cases, particularly those relating to the preservation of the case, it plays the role of civil society in terms of informing it of the seriousness of these judgments and decisions, and if the polluter is convicted, Did the signing of these sanctions achieve the purpose of deterrence? The importance of civil society oversight is highlighted in that it includes associations specialized in environmental issues from the legal and technical sides, this reality will motivate the judiciary examining these cases not to be negligent in deciding these cases, but to achieve this end, environmental associations should play their role properly in monitoring the three legislative, executive and judicial authorities, and that professional reports are prepared to be presented to the media, explain the reality of environmental criminal trials, this matter should not be exploited by civil society to interfere in the work of the judiciary, but what we are saying is that civil society should play its role properly in protecting the judiciary, which issues its rulings in the name of the Lebanese people, from the futility of politics, which is likely to interfere to disrupt environmental criminal trials. [12]

It's important to note that this reality can be observed in France, where there are some questions about the effectiveness of civil parties and their role in environmental trials [5].

2.3. The Extent of Judicial Specialty in Considering Environmental Crimes in France

It notes the weakness of the prosecution of environmental

crimes in France, or at least it is not at the required level, and notes the interest of the French judiciary and the executive and legislative authorities to enhance this prosecution.

In the following, we will present the policy adopted for the prosecution of environmental crimes in France, and the recommendations of the jurisprudence to enhance this prosecution.

2.3.1. France's Policy for Prosecuting Environmental Crimes

Administrative or judicial orders that undermine the effectiveness of combating environmental crimes may be causing the weak follow-up of environmental lawsuits in France [5].

As a result, a circular was issued on April 21, 2015, which clarified the bases on which the work of the Public Prosecutor should be based on the framework of the criminal prosecution of those who caused environmental damage, which are:

The systematic search for a solution, regardless of the measures required.

The trial shall be tight in the event of serious irreparable harm or preventing an employee from carrying out his task, or in the event of recurrence.

Adopting alternatives to prosecution in all other cases.

This circular took into account that the slowness in this type of case can be attributed to the technical nature of this type of file, and the lack of control of the judiciary over all the technical details of the file [5].

Thus, this circular determined the orientations of the penal policy in France in environmental affairs, as it encouraged public prosecutors to initiate criminal procedures in the event of a direct attack on life that caused massive or irreparable damage to the environment, or in the event of repeated behavior or related to non-compliance with administrative decisions.

It can be said that this adopted policy is distinct, gradual, and ensures progress in a systematic manner to restore the situation to what it was, but the application of this policy faces difficulties, despite the confirmation of the law issued on August 1, 2008 on applying the principle of the polluter pays [2-6].

2.3.2. The Justifications of Part of the Jurisprudence in France to Adopt the Specialisation of Judges in the Consideration of Environmental Offences

A side of the French jurisprudence explained that the application of environmental criminal law often requires a large amount of scientific data, makes the handling of this type of case very sensitive.

And confirmed on the importance of creating a specialized judiciary in environmental matters that takes into account the complex techniques surrounding environmental law, especially after it has been shown that the current treatment of environmental crimes is not satisfactory, which requires a qualitative and effective response on the part of the judicial authority. By imposing specific penalties on the perpetrators of environmental damage and adopting a mechanism to repair these damages, especially after the increase in the risks associated with the environment and health [4, 5].

Of course, according to the current situation, the judge will often resort to general criminal qualifications, which are easily accessible, as they are at hand, instead of resorting to the qualifications stipulated in environmental law, which require capabilities that may not be available at the time.

We find this legal and technical complexity, for example in the case of the criminal law of the sea or the law of "special"or dangerous waste, this fact weakens the ability to prove the causal relationship between environmental damage and error.

This jurisprudence confirms that the judicial organization should evolve in order to allow for better specialization of prosecutors and judges. Indeed, the legislation is witnessing some development in this context. Article 706-2 of the Code of Criminal Procedure, in its successive form resulting from the laws of March 9, 2004 and November 18, 2016, expanded jurisdiction, to the Public Health Centers of Paris and Marseille for some serious environmental crimes of a very complex nature, this system makes it possible to provide resources adapted to the complex technical procedures to be dealt with, especially with regard to crimes against natural heritage, crimes related to trade in plant protection products, and crimes related waste committed within the organized and transnational crime.

He stressed the need for the Public Prosecutor to be the link between public administrations and specialized institutions, and the supervisor of the work of the administrative and judicial police in environmental cases. From this perspective, only the development of public prosecutors, trained in an understanding of the highly technical law, that allows them to be the authority in environmental matters, will allow them to establish and consolidate their natural authority over all stakeholders, in particular the administrative authorities, who currently often determine the results of their reports Orientation of the case, either towards an alternative to prosecution or referral to court.

Effective environmental justice requires swift and uncomplicated action. There is no doubt that the extremely slow progress of environmental cases can be attributed to the technical nature of this type of file, which makes it more difficult for the judge to control this type of file. However, these long and complex procedures are not inevitable, but can be avoided, as better training of judges, and increased resources, can significantly reduce the time taken to adjudicate in these cases [5].

If we want to enhance the effectiveness of punishment for environmental crimes, we must approximate criminal procedures with the technical specifics of the law, which poses strong challenges in terms of compensation for damages and which civil society pays more attention to [5].

After investigations, it is required to ensure that the decisions issued by the courts are of high quality, so that they constitute the true guarantee of the effectiveness of environmental law, and this matter can only be reached

through professionally trained judges in technical litigation and requires a large amount of legal and technical knowledge related to understanding environmental elements.

Basically, the directions announced by the Public Prosecution Office should be based on a specific punitive policy in consultation with the active persons in the institutions and associations in the region, just as terrorism or organized crime is fought, and it seems that specialization is the most appropriate solution for judges and prosecutors.

This jurisprudence considered that the December 24, 2020 law had promoted environmental, criminal and civil justice, particularly through the establishment of specialized regional centers. This is a step forward, but it is a step that complicates the organization of the judiciary, in terms of defining the jurisdiction of the criminal courts among themselves, or between criminal courts and civil courts [5].

3. Alternative Means of Resolving Environmental Penal Disputes

The slow pace of environmental penal trials, whether in Lebanon or in France, negatively affected the effectiveness of environmental penal texts, which led to an increase in the number of environmental violations, which necessitates asking the following questions: What are the legal means provided by the legislator in order to avoid this obstacle?

Some talked about the possibility of adopting alternative means to resolve environmental penal disputes. Is it permissible to adopt these means in Lebanon and France?

These topics will be presented as follows:

3.1. The Extent to Which Alternative Means Can Be Adopted to Resolve Environmental Penal Disputes in Lebanon

There is no special text in the Lebanese law that allows the adoption of alternative procedures for resolving penal environmental disputes in the context of what we observe in private disputes, where we note the adoption of mediation and arbitration, some may see that criminal disputes are related to the public right, and it is not permissible to reconcile over the public right, so if the polluter results in a criminal penalty determined by the legislator, then this penalty should be imposed on the polluter so that he can be an example to others, but if we look with some realism at the extent of the judicial response in environmental penal disputes. We note that the numbers indicate that environmental penal judgments are few, even with the issuance of Law No. 251 of April 15, 2014. This may be due to several reasons, Which include:

Most of the sources of pollution come from large projects, such as quarries, factories, residential complexes, dams, sanitary drains, etc., and we know de facto that most of the project owners are senior economists who are supported by influential political associations on the Lebanese scene, and this matter whether we like it or not, one of the most important reasons why criminal disputes do not reach the desired end.

The Environmental Protection Law is a preventive law before it is a remedial law, and therefore we should take into account the repair of environmental damage in the first place, we do not say that we do not focus on toughening the penalties, but what I say is that the administration should work through its powers to repair environmental damage. [11]

I do not think that there is anything more difficult for the polluter than the repair the environmental damage because it is costly. For example, instead of the state bearing the costs of repairing the pollution of the Litani River, it should obligate those who polluted it to pay the costs of its repair., as it is known that the direct cause of this pollution is the projects surrounding this river that violate environmental legislation such as the environmental impact assessment decree and the decrees related to these projects such as the decrees of quarries and crushers, proving the identity of the polluter is a very easy matter, as long as the violation of the environmental legal rules is clear and this violation is considered a criminal offense in application of the provisions of Article 58 of the Environmental Protection Law, in our opinion, and in light of this reality, the judiciary should strengthen the application of the provisions of the polluter pays principle stipulated in the Environmental Protection Law, even if this procedure leads to declaring the polluters bankrupt, I think that this procedure may be more severe on the polluter than imposing a small fine on him that does not achieve the purpose of imposing it, we suggest that the public prosecutor accompanies this procedure, so that if the polluter performs his duty to repair the environmental damage, this behavior constitutes a justification for reducing the penal penalty. I believe that by following this method, it is possible to maintain a balance between the economy and the environment.

In accordance with the provisions of Article 66 of the Environmental Protection Law, the Minister of the Environment has the right to sign a reconciliation contract on fines and compensation that have been adjudicated for damages to the environment, in application of the provisions of this law and its implementation texts, provided that the settlement does not cover more than half of the value of the fine or compensation."

In fact, this text is criticized in several aspects, which are as follows:

a) This authority could have been understood if it had been given to the Minister of Environment before referring the case to the penal court.

This authority is justified as an alternative means for resolving environmental penal disputes under the condition of the Public Prosecution’s prior approval and supervision of this reconciliation. We justify this in view of the special nature of environmental crimes and the importance of expediting the termination of these cases due to the large number of such crimes being committed locally.

However, to give this authority after a judicial ruling is issued violates the principle of separation between the legislative, executive, and judicial authorities.

When a final criminal court ruling is issued, it is not permissible, according to legal principles, to make a reconciliation over it.

Therefore, the authority to sign this reconciliation may not be given to a member of the executive authority, who is the Minister of Environment.

Here, we raise a question: what if the licenses granted were contrary to the law, and the Minister of Environment participated in giving them, such as the licenses granted to Quarries and Crushers, as the Minister of Environment heads the Supreme Council for Quarries and crushers, which issues a decision approving the granting of the license before referring the file to the competent governor?

b) The aim of the alternative procedures that we propose is to give the polluter an opportunity not to issue a severe criminal judgment against him, provided that he repairs the environmental damage within a specific time limit, and that compensation be imposed on him against those affected and deterrent fines, but what has become clear to us through this text is that the legislator assumes that he will not sentence the polluter to imprisonment, and that he will often be sentenced to compensation or a fine, so this text is criticized in terms of that it has created a loophole through which a clear service can be provided to the polluter by reducing the value of the compensation or fine to half. What is the justification for providing this service to the polluter? This provision is not justified, especially since with the issuance of a final judgment, the judgment can be implemented on its original basis, the polluter's money can be seized, and it can be made an example for others. Therefore, we are surprised that after the legislator reduced the penal penalty for many environmental crimes, the legislative authority was given powers to the executive authority to intervene in the work of the judicial authority and reduce the value of punishment and compensation.

c) Despite our criticism of this text, it should be clarified that the reconciliation provided for and related to compensation should relate exclusively to the compensation awarded in the interest of the state, and it does not include in this authority the compensation awarded to the other victims, those in whose favor final court rulings for compensation have been issued.

Therefore, the text of this article should be amended to avoid ambiguity, and the word compensation should be replaced with the word "compensation awarded in the interest of the state."

d) Article 102 of Water Law No. 77, dated April 13, 2018 stipulates that: "The conciliation can be concluded regarding records of violations committed. Reports of violations must be immediately referred to the competent Public Prosecution by the Minister of Energy and Water based on the proposal of the public investment institutions for water."

Accordingly, we make the following observations:

1) The Lebanese legislator provided, in Article 102, a way out to deal with water crimes that violate the provisions of Water Law No. 77 of April 4, 2018, through a reconciliation contract regarding the records of the violations committed.

On the other hand, Article 66 of the Environmental Protection Law allows the Minister of the Environment to conclude a reconciliation over the fines specified in accordance with the provisions, which indicates the lack of a clear policy by the Lebanese legislator to reduce environmental crimes.

2) It is not clear to us how a reconciliation contract can be concluded on the records of the violations committed, and this issue means a settlement contract to end the dispute.

And that the legislator stipulated that the reports of violations be referred immediately to the competent Public Prosecution by the Minister of Energy and Water, based on the proposal of the public investment institutions for water.

It seems that, according to the wording of this text, the reconciliation contract is based on the compensation that the state is entitled to as a result of violating the provisions of the Water Law. As for the public right, it is not permissible to reconcile it, and it should be referred to the competent Public Prosecution to take action regarding prosecuting the violators.

3) It is not clear from the provisions of Article 102 of the Water Law, any reference to the value of the potential reconciliation contract, as is the case in Article 66 of the Environmental Protection Law, and we do not object to the principle because it speeds up the resolution of environmental disputes, but rather we suggest that the value of the reconciliation contract exceed the value of environmental damage achieved in addition to imposing a fine with the aim of achieving the goal of deterrence in committing environmental violations.

3.2. The Extent to Which Alternative Means Can Be Adopted to Resolve Environmental Penal Disputes in France

The French legislator realized that the complexity and technicality of environmental law often lead to a lengthening of legal procedures related to environmental damage and delaying compensation for the damage achieved. Thus, the dual objective of achieving a prompt and appropriate criminal response to the most serious environmental crimes committed by legal persons and repairing the damage caused by the crime is an urgent and necessary need.

The Environmental Law issued on August 10, 2016 expanded the penal scope of environmental crimes. After it used to include only water and fishing, it now includes all crimes stipulated in the Environmental Law [6].

The Environmental Law allowed the use of alternative means to resolve environmental disputes in Article 12-173, which states:

First: The administrative authority may, as long as the public lawsuit has not been initiated, deal with natural and legal persons regarding the prosecution of violations and

crimes stipulated in this law that are punishable, with the exception of crimes that are punishable by more than two years.

The settlement proposed by the department must be approved by the prosecutor and accepted by the offender.

Second: This option does not apply to violations for which the public action ends with the payment of a specific fine, in accordance with Article 529 of the Code of Criminal Procedure.

Third: The offer of the deal is determined according to the circumstances of the crime, its seriousness, the personality of its owner, his resources, and the charges against him.

It specifies the transaction fine that the offender will have to pay, and also, where appropriate, the obligations that will be imposed on him and with which he should comply, such as stopping the violation, avoiding its renewal, repairing the damage, or restoring the situation to its previous state.

It also determines the deadlines for payment and, if possible, the performance of the obligations imposed on him.

Fourth: Actions aimed at executing the deal interrupt the statute of limitations for the public action.

The public lawsuit is extinguished when the perpetrator of the crime has fulfilled all his obligations since the moment of acceptance of the transaction and within the specified deadlines.

Fifth: The State Council will determine how to apply this article.

Accordingly, the text of Article 12-173 is considered an advanced step taken by the French legislator to put an end to environmental criminal litigation.

It is important to note:

This authority was given to the administration before the criminal case was initiated.

This settlement was only raised for disputes in which penalties do not reach more than two years, which means that serious environmental crimes are excluded from the scope of this agreement.

The importance of the role given by the French legislator to the environmental public prosecutor is that he must agree to this agreement approved by the offender, and this text is considered an advanced step in the framework of cooperation between the judicial authority and the executive authority.

This settlement cannot be applied to the public lawsuit that ends with the payment of a fine, in contrast to what the Lebanese legislator imposed on allowing a reconciliation contract to be conducted on fines and compensation.

In our opinion, this text can be adopted by the Lebanese legislator, as long as the slowness in ending the environmental criminal cases has been noted before the Lebanese judiciary.

In addition to Article 12-173 of the French Environmental Code, we note other similar texts, such as the text of Article 41-1-3 of the Code of December 24, 2020 (Code of Criminal Procedure), which authorized the creation of a judicial agreement of public interest (CJIP) in environmental matters.

Some French jurisprudence believes that these texts are a tool that will speed up the repair of environmental damage, provide better control that enhances environmental protection, and clarify the extent of the responsibility of legal persons. However, it raises questions about the extent to which criminal courts have abandoned their natural role defined in the Code of Criminal Procedure [5].

4. Conclusion

4.1. The Results

Through researching ways to reduce environmental crimes, it became clear to us that the Lebanese and French legislators did not notice the existence of a specialized judiciary on environmental issues, which may push this judiciary to fully accept the content of the expert's report, noting that in Lebanon there is no accredited national laboratory.

Even the Lebanese legislator, in the law prepared specifically to enhance the existence of a specialized public prosecution, distinguished between the presence of a full-time environmental public attorney, while the investigative judge looking into environmental cases is part-time, despite the fact that the investigative judge's duties require him to research the technical complexities of environmental issues.

We have found some legal complications that may confront the legal researcher; for example, identifying a pollutant is not easy, especially with regard to legal persons, as is proving the causal link between damage and environmental error.

It has been shown that the judiciary faces a major challenge when determining compensation for damages.

It also became clear to us that the Lebanese legislator granted by the environment minister the power to conclude a reconciliation contract with the polluter after a court ruling is issued, in clear and explicit violation of the principle of separation of authorities.

It has been noted that the problem with the development of the environmental crime crisis in Lebanon is not only in the gaps in the legal text but also in the interventions of influential persons to obstruct the work of the executive and judicial authorities in reducing environmental crimes.

4.2. Recommendations

After we reviewed the results that confirmed the importance of reforming the legislative loopholes that impede the control of environmental crimes, we recommend adopting the following legislative amendments:

1. The need for a public prosecution specialized in environmental crimes, whose judges avoid any form of pressure that threatens their independence in prosecuting environmental crimes.
2. The importance of adopting alternative ways to solve environmental issues, such as obliging the polluter to repair environmental damage, obligating him to pay large compensations, and making settlements with the administrative authority.
3. Amending Lebanese Law No. 251 dated April 4, 2014 assigning public lawyers and investigative judges to

look into environmental crimes so that it stipulates: "Appointing a full-time investigative judge to look into environmental crimes."

4. In order to reach judicial decisions of high quality, the Lebanese judiciary should adopt the principles that guide the Public Prosecution in France, which are based on:
   1) Systematic search for the solution, regardless of the required procedures.
   2) That the trial be regular in the event of serious irreparable damage, preventing an employee from carrying out his mission or in the event of recurrence.

Adopting alternatives to prosecution in all other cases.

Applying the polluter pays principle.

Better training for judges and increasing their resources.

That the public prosecutor is the main coordinator who communicates with the specialized public departments and the administrative and judicial police, and that the public prosecutors be developed and trained to master the environmental law from the legal and technical aspects, so that they are the reference in environmental matters.

5. Enhancing cooperation between the Public Prosecution, the Public Administration and environmental NGOs.
6. Environmental associations should play their role in monitoring the three legislative, executive, and judicial authorities, and professional reports should be prepared to be presented to the media, explaining the reality of environmental criminal trials.
7. That the value of the reconciliation contract conducted by the Lebanese Minister of the Environment exceeds the value of environmental damage achieved, in addition to imposing a fine with the aim of achieving deterrence from committing environmental violations.
8. Amending Article 66 of the Environmental Protection Law, which stipulates the right of the Minister of Environment to conduct reconciliation over fines and compensation awarded for damages to the environment, because this provision violates the principle of separation of authorities and the possibility of reconciliation before the issuance of a judicial ruling, and replacing the word "compensation" with the word "compensation awarded in the interest of the state", and canceling the phrase "permissible to reconcile over fines", because a fine is a penal punishment related to a public right, and the principle is that reconciliation is not permissible over a public right.
9. Finding a mechanism that enhances cooperation between the various parties to control environmental crimes, especially pollution of water, air, and land.
10. Proceeding from the fact that the Environmental Protection Law is a preventive law before it is a remedial law, we should take into account the repair of environmental damage in the first place, no matter how light the damage, based on the application of the polluter pays principle.

By applying this principle and imposing a fine on the polluter, two goals will be achieved, the first is that the polluter will not persist in committing his actions, and the second is that environmental disputes will be quickly resolved.

11. Proceeding from the discretionary authority of the judiciary in determining the value of the compensation and the size of the damages, we recommend that the judiciary adopt the upper limit for ruling compensation commensurate with the size of the damage, even if the value of these compensations leads to the bankruptcy of the polluters. Here we wonder why the Lebanese judiciary does not enhance the issuance of judicial rulings that entail civil liability on polluters, and award them compensation aimed at repairing the environmental damage they caused.
12. If the administration fails to take the necessary individual or organizational measures to implement the regulation aimed at maintaining public order, it will be held responsible.

In this case, I see that it is possible for those affected to file a complaint before the Public Prosecution against the employee in the violating public administration and to claim the necessary compensation, regardless of the behavioral prosecutions, based on the fact that the behavioral prosecution does not prevent the criminal prosecution, and I believe that the prosecution of these employees should not be linked to the permission of their superiors in the executive authority, especially if it becomes clear to us that their superiors sometimes have an interest in the occurrence of these violations.

13. The criminal texts in Lebanon are scattered in several special laws, so we suggest codifying them in a book that facilitates the work of the legal researcher, accompanied by appropriate legal explanations.

4.3. Suggested Studies

In this research, ways of prosecuting environmental crimes were presented, but we should point out that this study is not sufficient in itself to shed light on the issue of controlling environmental violations. Environmental crimes can be dealt with from a broader legal angle, which is environmental responsibility. In this case, this responsibility can be studied in its civil aspect.

Whereas, those affected have the right to claim the personal right to be judged with the necessary compensation. In this context, the concept of environmental error, environmental damage, and causal link is raised as elements of arranging civil liability for the polluter, and the responsibility of the polluter are also raised if he is a person of public law, such as a country attacking another country and causing pollution in its territory, the responsibility of the public administration for the actions of its employees, and the disciplinary responsibility of the public employee who fails to perform his legal role.

Environmental crimes are often committed with the complicity of public officials, whether by granting licenses in violation of the law or disregarding polluter control when they commit violations.

Finally, the issue of the administration's authority to impose administrative penalties on polluters, such as imposing fines, removing damages, and taking precautionary measures.

All of these topics are legal topics complementary to the issue of prosecuting environmental crimes, and we consider it necessary to give them priority in completing any future research.

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