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## Authorities Competent to Investigate and Prosecute in Crimes of Hazardous, Toxic and Radioactive Waste: An Analytical Study

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### Abstract

*This research emphasizes the severity of environmental pollution resulting from hazardous, toxic, and radioactive waste, which endangers human and other living beings. The study also comprehends the stance of the regulatory authority in Saudi Arabia regarding environmental pollution caused by hazardous, toxic, and radioactive waste. The research also pinpoints the organizations responsible for probing and litigating offenses linked to hazardous waste. This research adopts an analytical approach to analyze the legal texts and royal decrees on in crimes of hazardous, toxic and radioactive waste. These steps encompass collecting and analyzing regulatory texts relevant to the research topic. The study reveals significant findings, notably that despite ample legislative texts, Saudi regulations lack a comprehensive definition preventing a clear classification of these crimes, hindering the identification of motives behind criminalization. It also notes the primary administrative authority's jurisdiction in investigating employee misconduct, with the prosecution's involvement limited to specific cases stipulated by the employee disciplinary system. Additionally, it highlights the diversity of entities involved in prosecuting these crimes based on the nature of violations and criminal charges. The research concludes with recommendations, emphasizing the necessity of establishing a comprehensive definition for these crimes and activating the roles of investigation and prosecution to protect and enhance the environment. It suggests the formation of specialized investigation departments under the public prosecution and specialized trial departments under the criminal court. This aims to unify investigation authority and jurisdiction for trial, along with ensuring these departments are staffed with qualified individuals due to the complexity and evolution of environmental crimes.*

**Keywords:** Hazardous Waste, Radioactive Waste, Toxic Waste Waste Crime.

### Introduction

The issue of hazardous, toxic, and radioactive waste stands as a paramount challenge for nations worldwide, particularly for developing countries. It serves as a major contributor to environmental pollution, directly impacting human health, natural elements, and ecosystems. These diverse wastes, stemming from various sources, possess chemical and organic characteristics that pose severe dangers. Furthermore, their persistence over extended periods necessitates specialized handling and disposal methods to avert their detrimental effects on both health and the environment.

The inaugural international conference on the environment, known as the Human Environment Conference, was convened by the United Nations in Stockholm, Sweden, in 1972. This assembly aimed to establish universal principles guiding global populations in preserving and nurturing the human environment. It endeavored to encourage governments and international entities to take requisite measures

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in safeguarding and enhancing the environment, striving for sustainable development. Subsequently, a series of conferences ensued, resulting in agreements and concerted efforts in this domain.

Saudi Arabia's Vision 2030 undeniably centers on bolstering its political, developmental, and economic standing. The vision sets environmental sustainability as a key objective, underlining the imperative to safeguard it, primarily as a religious, national, and humanitarian obligation, while also acknowledging its pivotal role in ensuring a high quality of life and the urgent need to curtail environmental pollution levels.

If the crimes related to these wastes are of such seriousness, it is important to identify the competent authorities responsible for investigating and prosecuting them. Therefore, a decision was made to address the competent authorities for investigation and prosecution in crimes of hazardous, toxic, and radioactive waste. The significance of this research is attributed to the following reasons:

Crimes associated with hazardous, toxic, and radioactive waste inflict substantial harm and are subject to stringent regulations owing to their perilous implications for state security and the safety of individuals and communities. The handling of these materials is governed by specific laws due to their potential threat to public well-being. Moreover, the subject matter of hazardous, toxic, and radioactive waste has garnered significant attention from worldwide legislative bodies. This focus stems from its critical significance, as it directly impacts human life, making it a pivotal concern that necessitates global attention and regulatory measures to ensure proper management and mitigation of risks.

### **Research Significance**

1. The research's importance stems from the following aspects:
2. Crimes associated with hazardous, toxic, and radioactive waste result in considerable harm and are governed by specific legislation, primarily due to their threat to state security and the safety of individuals and communities.
3. The subject matter of hazardous, toxic, and radioactive waste has attracted attention from various global legislative bodies because it is treated as a high-priority issue closely intertwined with human life.

### **Research Rationale**

The research places emphasis on environmental issues, specifically addressing the complexities associated with hazardous, toxic, and radioactive waste, which bear considerable significance within the frameworks of both Saudi Arabia and the global community. Furthermore, the scientific importance of this research area is amplified by the limited availability of studies within this domain. The endeavor is driven by the aim to explore the realm of pollution resulting from hazardous, toxic, and radioactive waste, with the goal of providing innovative viewpoints and deeper insights into this critical area, given its profound implications on both the environment and human health.

### **Research Objectives**

The research seeks to accomplish the following objectives:

- 1- To emphasize the severity of environmental pollution resulting from hazardous, toxic, and radioactive waste, which endangers human and other living beings. This is attributed to the growing global generation of hazardous, toxic, and radioactive waste, as well as the increasing cross-border transfer of such waste from developed countries to developing ones.
- 2- To comprehend the stance of the regulatory authority in Saudi Arabia regarding environmental pollution caused by hazardous, toxic, and radioactive waste.
- 3- To pinpoint the organizations responsible for probing and litigating offenses linked to hazardous, toxic, and radioactive waste.

## **Previous Studies**

This research parallels Al-Badri's (2010) investigation by exploring environmental protection within the Saudi system and examining international agreements. However, it differs by specifically focusing on international agreements related to hazardous, toxic, and radioactive waste, while Al-Badri's study does not delve into these specific waste-related agreements. Similarly, it shares similarities with Al-Malkawi's (2009) work in discussing pertinent international agreements concerning environmental pollution protection. Yet, it diverges by providing a comprehensive definition of the environment and including discussions on hazardous, toxic, and radioactive waste, which were not covered in Al-Malkawi's research. Additionally, Al-Malkawi's study lacks exploration of waste crimes' definitions and Saudi legislative texts, unlike our present research. Comparatively, in contrast to Al-Shahrani's (2018) study, our research aligns in examining environmental protection within the Saudi system and presenting specific international agreements. However, it differs by thoroughly defining the environment and excluding discussions on waste crimes, hazardous, toxic, and radioactive waste, as well as local initiatives addressing these particular issues.

## **Research Methodology**

The chosen research methodology adopts an analytical approach, which involves several key steps. These steps encompass collecting and analyzing regulatory texts relevant to the research topic, citing scholars' texts and viewpoints directly, and ensuring proper referencing of quoted statements or opinions. The research aims for clarity in expression and maintains linguistic integrity consistently throughout the written content. Additionally, the research will conclude with standard technical indices. The introduction defines the research terminologies, while the first section examines the entities responsible for investigating such crimes. The second section deals with the entities responsible for prosecuting these crimes. The conclusion elucidates the main findings and poses some recommendations.

## **Hazardous Waste**

The term "waste" linguistically denotes something that is distant or removed from its original context due to impurity. It also refers to remnants, surplus, or the excess of something beyond necessity. For instance, it signifies the refuse or dregs of people. In the context of rain, "Nafaya" refers to its downpour, while in reference to cigarettes, it pertains to their ashes (Reda, 1958). Thus, linguistically, waste revolves around what is distant due to impurity and what remains of a substance.

Waste is defined in multiple ways, encompassing residues from industrial, mining, artisanal, and commercial processes, as well as household waste, hospital waste, and radioactive waste (Faraj, 2018). In Saudi regulatory terms, waste is described as any discarded or neglected substance not exempted under Article 4 (j-1) and must be disposed of for reasons listed in the first appendix. These discarded or recyclable materials also include those collected and accumulated before recycling, incineration for energy extraction, or use as fuel or for fuel production.

Hazardous waste, on the other hand, is defined as specialized waste containing significant quantities of toxic substances that have adverse effects on the natural environment. Examples include dust and flour from mills, complex organic residues, chromium-containing surface treatment baths, mercury waste, and CFCs (substances causing greenhouse effects or ozone depletion) (Ananzah, 2002). According to Saudi regulations, waste refers to residues from various activities and operations that pose hazards to the environment, health, and public safety. Hence, any solid, liquid, or gaseous waste, when improperly processed, stored, transported, or disposed of, can present current or potential risks to human health or the environment due to its quantity, concentration, composition, or chemical properties.

## **Toxic Waste**

Waste, previously defined both linguistically and technically, need not be reiterated in the current context. Regarding toxic waste, its definitions vary. Toxic waste is commonly understood as materials or substances that induce direct or delayed harm to the environment either by accumulating within living organisms or through their toxic impact on biological systems (Ministry of Defense and Aviation, 1423 AH). All chemical substances possess a certain level of toxicity, and the health risks associated with a chemical primarily rely on its toxicity, duration, and intensity of exposure. In certain instances, even minute quantities of potentially hazardous compounds, like dioxins, can cause health issues after brief exposure periods. Conversely, it might be challenging for substantial doses of compounds such as iron oxide or magnesium to cause problems except after prolonged exposure (Abu Kaf, 2013).

### **Radioactive Waste**

Radioactive waste has been defined in various ways, including as those radioactive materials that advanced countries work to transport after determining their inability to be used in any activity, whether military or peaceful, which is referred to as enriched uranium (Al-Zoubi, 2010). The physical scope of the Basel Convention includes a category of waste that is considered to be materials or other items that are being disposed of or are required to be disposed of according to the provisions of the national system. This includes both the waste specified in Annex I of the Convention and waste that is considered hazardous under the domestic legislation of the party to the Convention, as well as waste specified in Annex II, except for radioactive waste and waste resulting from the normal operations of ships, as they are subject to another regulatory system (UNEP, 2007). It can be said that radioactive waste is the radiation and radioactive materials in the natural environment, which can also be man-made. These materials have a wide range of beneficial applications, ranging from power generation to uses in the fields of medicine, industry, and agriculture. These activities produce radioactive waste in various forms—gaseous, liquid, and solid—and the waste is considered radioactive because the particles in the waste are unstable.

### **Waste Crime**

Firstly, the term "crime" has its origin from the word "jarm" which means to earn and to cut, and "jarm" also means sin. It is said to be a Persian word that has been assimilated into Arabic (Al-Jawhari, 1987). "Al-jareemah" and "al-jareem" mean the earner, and "fulan ajrama" means he earned sin. "Al-jareemah" and "al-jareem" mean the earner, and "fulan ajrama" means he earned sin. The term "al-jareemah" means crime and sin (Al-Zubaidi, 1900). The term "crime" in legal jargon has been defined as an act that causes harm to an interest protected by the penal system and results in a criminal impact in the form of punishment (Salama, 1979). It is criticized for only encompassing actions punishable under the penal system, while there are other laws that criminalize certain actions and impose specified penalties, such as customs regulations and other special laws. This means that the definition only includes criminal offenses and neglects civil offenses, administrative offenses, and disciplinary offenses. Some have defined it as prohibitions sanctioned by God with a prescribed punishment or retribution (Zaheer, 1415 AH).

### **Waste Crime as an Additional Compound**

The term "waste crime" refers to actions that involve the disposal, neglect, or misuse of waste materials, including hazardous, toxic, or radioactive substances, with the intent to cause harm or damage to humans or the environment. These actions are considered a prohibited violation under religious law or legal regulations.

### **Responsible authorities for investigating hazardous, toxic, and radioactive waste crimes**

#### ***Public prosecution***

Investigation in the legal system means searching for the truth of something, and investigation in its

general sense means searching for the truth in various areas of life (Al-Jumaili, 1983). It is one of the most important procedures taken after a crime has occurred, due to its significance in verifying the truth of the crime and its evidence, and establishing material attribution to the perpetrator with evidence of various types, as its name indicates: revealing the truth for the purpose of reaching a conviction or acquittal of the accused, after collecting evidence related to the crime and examining it in preparation for filing a public lawsuit against the perpetrator if it is proven that the evidence is sufficient to refer them for investigation, and examining that evidence by the court to convict or acquit them according to the circumstances (Al-Shawi, 1975).

The investigation of hazardous, toxic, and radioactive waste in the Kingdom explicitly assigns it to the public prosecution, which is the authority responsible for criminal investigations in the Kingdom of Saudi Arabia. The regulation has entrusted the task of investigation to the Public Prosecution due to the importance of this stage, its procedures, and the implications it may have on the accused.

The competent authorities in the Kingdom of Saudi Arabia conduct investigations into any incident or assault that occurs in its internal or territorial waters, its exclusive economic zone, or if the incident occurs in the high seas and the ship flies the flag of the Kingdom<sup>1</sup>. Furthermore, the competent authorities in the Kingdom conduct investigations based on a written request from any country regarding any violation of the international rules aimed at preventing environmental pollution, even if it is a Saudi ship that committed the violation in the internal or territorial waters or the economic zone of that country, and they inform the requesting country of the measures taken and their results<sup>2</sup>. Investigations are also conducted by the authorities on board the ship, and this is done by port authorities or those authorized by the state for this purpose. The investigation involves a set of procedures, including: ship certificates such as the ship's name, port of registration, type of ship, oil record book, and cargo record (Salah al-Din, 2014). Investigation into marine pollution incidents is carried out by inspecting the ship's certificates, as well as the International Oil Pollution Prevention Certificate, in addition to inspecting the ship and its equipment.

The Saudi Commercial Maritime Law specifies rules for investigating maritime incidents in the Kingdom of Saudi Arabia. It states that if a crime occurs on board a ship, the captain shall gather evidence and conduct urgent investigations until the competent authorities arrive. The captain is authorized, if necessary, to order the detention of the suspect and take necessary measures to preserve evidence relevant to the crime. The captain must then prepare a report on the actions taken and submit it, along with the evidence collected, to the judicial investigative authorities at the first port of the Kingdom<sup>3</sup>. If sufficient evidence is established through the mentioned investigations, a criminal lawsuit is initiated against the violators according to the provisions outlined in the eleventh chapter of the project. Additionally, disciplinary penalties specified in the rules, regulations, and special provisions are imposed. In all cases, whether the investigation is conducted by the captain or by state authorities, the investigator must provide a report on the investigations and procedures conducted on board the ship, along with analysis and causation. The investigator must be experienced in analysis and fact-finding<sup>4</sup>.

The Public Prosecution is tasked with investigating and prosecuting offenses outlined in the Nuclear and Radiological Regulatory Control System. These offenses encompass actions such as receiving, possessing,

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<sup>(1)</sup>Article (386) of the Commercial Maritime Law, and also Article (290) The competent authority shall investigate maritime accidents that occur in the maritime areas of the Kingdom that occur on the high seas if the ship is flying the flag of the Kingdom and the accident results in loss of life or injuries. Dangerous to persons, or physical damage to the ship, any other floating facility or the marine environment.

<sup>(2)</sup> Article (387) and Article (291) of the Commercial Maritime Law: The competent authority shall conduct an investigation, based on a written request from any country, into any violation of the international rules applied in order to prevent pollution of the marine environment allegedly committed by a Saudi ship in the maritime areas belonging to that country. It informs her of the action taken and its result.

<sup>(3)</sup>Article (136) of the Saudi Commercial Maritime Law.

<sup>(4)</sup>Article (390) of the Saudi Commercial Maritime Law.

using, transferring, altering, dispersing, modifying, or disposing of nuclear materials without the required license. It also covers any breaches of the agency's safety, security, or nuclear safeguards regulations that result in serious harm or pose a threat to humans or the environment. Furthermore, it includes crimes such as theft, robbery, embezzlement, fraudulent acquisition, or unauthorized transportation of nuclear materials, related items, or radioactive materials into or out of the Kingdom<sup>1</sup>. The Public Prosecution also handles the investigation and prosecution of violations related to the import and management of chemical substances<sup>2</sup>. Additionally, it addresses violations of the regulations governing natural reserves, particularly those involving the improper disposal of waste or residues within the reserve<sup>3</sup>.

### **Administrative investigation**

The Saudi Control and Investigation Board is a government body specialized in conducting the necessary oversight to detect administrative violations. A royal decree was issued on December 12, 2019, to merge it and the administrative investigations into the National Anti-Corruption Authority, which was renamed to the Control and Anti-Corruption Authority. Prior to the implementation of the Employee Discipline System in the year 1391 AH, the administrative authority held exclusive responsibility for conducting investigations into alleged violations by public employees<sup>4</sup>. However, following the introduction of the Employee Discipline System in the same year, the Control and Investigation Authority was established to assume the investigative role previously held by the administrative authorities. As a result, the entities responsible for conducting disciplinary investigations into procedural violations in Saudi Arabia are the original competent administrative authority and the Control and Investigation Authority, which has specialized expertise in this area.

The presidential authority exercises its supervisory role in accordance with the powers granted to it, including conducting investigations with its employees to uncover any violations attributed to them. This is done through specialized bodies within each supervisory agency, known as the "*Investigations Management*" or "*Regulatory Affairs Management*," as is the case in Jordan, or "Follow-up Units," as is the case in Saudi Arabia (Tammawi, 1995). The relevant administrative authority is the competent body to conduct the necessary investigations with its employees. This is clearly evident from Article 5 of the current Employee Discipline System No. 7 dated 1/2/1391 AH, which states the following: "Without prejudice to the authority of the relevant administrative body in supervision, examination of complaints, and investigation, the public prosecution is competent within the limits of the rules stipulated in this system as follows." The original jurisdiction of the administrative body in conducting investigations stems from the principle of presidential authority, which grants the administrative body the power to monitor and supervise the work of its employees to ensure their proper performance, by assigning the administrative president or one of the specialized employees from the Follow-up or Regulatory Affairs Management to conduct the investigation (Abdul-Latif, 2006).

Apart from the authority of the administrative body to conduct investigations with the accused employee, the Control and Investigation Authority, as per the Saudi Employee Discipline System, is empowered to carry out disciplinary investigations into violations attributed to public employees in government departments. The public prosecution's jurisdiction to conduct disciplinary investigations in the Saudi system is an exceptional jurisdiction, deviating from the general rule that assigns this jurisdiction to the administrative body where the employee works. This is evident from the outset of

<sup>(1)</sup>Article (32) of the Nuclear and Radiological Uses Control System, Council of Ministers Resolution No. (406) dated 7/24/1439 AH

<sup>(2)</sup>Article (14) of the Chemicals Import and Management System issued by Royal Decree No. M/38 dated 6/16/1427 AH.

<sup>(3)</sup>Article (14) of the Royal Decree 1415 AH, System of Protected Areas for Wildlife.

<sup>(4)</sup>This is in accordance with the General Employees System in the Kingdom issued by Royal Decree No. M/24 dated 11/29/1377 AH.

Article 5 of the Employee Discipline System, which explicitly specifies the cases in which the public prosecution has the authority to conduct disciplinary investigations with the accused employee, excluding others from directly conducting the disciplinary investigation. These cases include:

1. If an employee is accused of committing a criminal offense, the administrative authority, upon discovering the crime, must refer the investigation files to the Attorney General for necessary action (Employee disciplinary system, 1391AH Article 5).
2. If an employee's violation is discovered after leaving the service and before ten years have passed since their departure, the administrative authority does not have the direct authority to conduct an investigation due to the termination of the employment relationship (Abdul-Mohsen, 2008). The supervisory and investigative authority holds jurisdiction in this case.
3. If a violation is discovered by the supervisory authority during their duties, and an investigation is deemed necessary by the head of the authority, they may appoint investigators to conduct the investigation. The authority to which the employee belongs must be informed before the investigation commences (Employee disciplinary system, 1391AH, Article 7).
4. If the administrative authority deems that a disciplinary violation warrants dismissal, it must inform the supervisory and investigative authority and provide them with a copy of all investigation files. The supervisory authority must initiate the investigation within thirty days of receiving the files (Employee disciplinary system, 1391AH, Article 39).
5. If an employee commits a violation in an entity other than their own, they must be directly referred to the Public Prosecution for investigation (Employee disciplinary system, 1391AH, Article 40).
6. In cases where multiple employees are involved in disciplinary violations related to each other and committed by employees from different administrative entities (Employee disciplinary system, 1391AH, Article 41).

From this presentation, it is clear that the Saudi organizer has made the jurisdiction of the administrative authority to conduct an investigation with the employee the original jurisdiction, and that the jurisdiction of the public prosecution is an exceptional jurisdiction that is limited to cases specified in the employees' disciplinary system. In cases other than these, the administrative authority has the freedom to conduct the investigation itself or refer it to the public prosecution if it deems necessary. This can be inferred from the text of Article (5) mentioned above in the employees' disciplinary system.

## **Competent Authorities for the Trial of Hazardous Waste Crimes**

### ***Criminal Court***

The trial aims to examine the evidence presented to the judge by the judicial authorities and the primary investigative bodies represented by the investigating judge or the chamber of indictments for criminal offenses. The trial phase is characterized by features that contribute to achieving criminal justice, by providing all means to ensure the right of the accused to defend themselves, including public and oral proceedings, as well as adherence to international obligations in maritime agreements (AL-Najjar, 1417AH). The Kingdom has taken into account its international commitments in its internal regulations, such as the Criminal Procedure System issued in 1435 AH, which stipulates that "without prejudice to the jurisdiction of other courts, the Criminal Court has jurisdiction to adjudicate all criminal cases". (Criminal Procedure System, 1435 AH).

If the investigation is conducted as explained within the proper legal framework, the lawsuit is referred to the competent court if the investigator deems the evidence to be sufficient against the accused. The jurisdiction of the courts is determined based on the location of the crime, the accused's place of residence, or the suspension of the investigation if the investigator deems the evidence insufficient to bring the lawsuit, as stipulated in Article 63 of the Saudi Criminal Procedure System: "If the investigator

sees that there is no basis for proceeding with the lawsuit, he may recommend suspending the case, and the head of the department to which the investigator is attached shall order its suspension." The decision to suspend the investigation is not permanently binding according to the Saudi Criminal Procedure System, but rather has temporary validity, allowing for its cancellation by the issuing authority and a return to the investigation if new evidence emerges to strengthen the case and link it to the accused (Criminal Procedure System, 1435 AH, Article 125).

Some of the provisions stipulated by international regulations specify the jurisdiction of local courts, such as the jurisdiction of a state's criminal judicial authority in its regional waters. Article (20/2) of the International Law Commission's draft states that a state has jurisdiction over criminal matters in its regional waters, allowing it to carry out the regulation, inspection, arrest, and investigation of foreign ships present in its regional waters or passing through them, and to subject these ships to its criminal courts (El-Hefnawi, 1960). Additionally, Article (97/1) of the Law of the Sea Convention mentions jurisdiction in collision matters or any other maritime incidents, stating that "the captain and crew of the ship accused of an offense may only be tried by the competent courts of the flag State of the ship or the nationality of the accused, if the accused holds a nationality other than that of the ship he commands or works on." This is also stipulated in Saudi Minister of Transport Decision No. (42) dated 28/7/1406 AH: "In the event of a collision or any other maritime incident involving a ship flying the Saudi flag that leads to criminal or disciplinary liability for the ship's captain or any other person working in the service of the ship, no criminal or disciplinary action may be brought against that person except before the judicial or administrative authorities in the Kingdom of Saudi Arabia." Among the provisions mentioned in the Law of the Sea Convention is the regulation of a pirate ship, even if it is outside the search area. This is included here to reference what has been presented by international regulations as a crime subject to local jurisdiction if seized by it. The United Nations Convention on the Law of the Sea explicitly states that in the event of a pirate ship being seized on the high seas, "the courts of the state conducting the seizure may decide on the sanctions to be imposed and determine the procedures to be taken regarding the ships." (Lee, 1983) This case is considered an exception to the general rule of international judicial jurisdiction for private ships on the high seas according to Article (92) of the Law of the Sea Convention, which states that if a ship is on the high seas, it is subject to the jurisdiction of the flag State it carries.

### **Law of the Board of Grievances (Diwan Al-Mazalim)**

Diwan Al-Mazalim is an independent administrative judiciary body directly linked to the king (Law of the Board of Grievances, 1428 AH, Article 1). Its judges are appointed by royal order, and it was established to consider complaints submitted by citizens, including those directed against state employees or administrative decisions that violate the law (Law of the Board of Grievances, 1428 AH, Article 8). Individuals can seek compensation for damages resulting from any irregular actions by state employees. However, the foundational system does not specify the jurisdiction of the Diwan in adjudicating claims related to sovereign acts (Law of the Board of Grievances, 1428 AH, Article 14). In 2007, the new system restructured the Diwan based on a three-tier system, consisting of the Supreme Administrative Court, Administrative Courts of Appeal, and Administrative Courts.

The Diwan Al-Mazalim is responsible for imposing penalties (imprisonment or fines) stipulated in paragraph (1) of Article 18 against violators of the provisions of Article 14 of the General Environmental System (MEWA, 2022). The competent authority coordinates with the relevant parties to regulate the violators of the provisions of Article 14 of this system, and submits the records of these violations to the Diwan Al-Mazalim to impose the penalties stipulated in paragraph (1) of Article 18 of this system (MEWA, 2022). Anyone who has been issued a decision imposing the penalty stipulated in paragraph (1) of Article 18 of the system for any violation of the provisions of Article 14 of this system has the



right to appeal to the Diwan Al-Mazalim within sixty days from the date of notification of the penalty. If they do not appeal within the specified period, their right to appeal is forfeited, and the penalty stipulated becomes effective from the date of issuance. If it becomes clear to the competent authority that the violation of the provisions of Article 14 of this system has continuous and cumulative environmental, health, and social effects, it is submitted to the Diwan Al-Mazalim in coordination with the relevant authority to assess the resulting damages, and the penalty or penalties imposed on the violator are based on the harmful environmental, health, and social effects. In consideration of what is stated in paragraph (1) of this article (MEWA, 2022), a committee or more than three members, one of whom is at least a specialist in systems, is formed by a decision of the competent minister to consider violations and impose penalties stipulated in this system, and its decisions are issued by majority and approved by the competent minister (MEWA, 2022).

In implementation of paragraph (2) of Article 18 of this system, and in consideration of what is stated in paragraph (1) of Article 18, the competent authority is responsible for forming committees to consider violations and determine the specific penalties listed in the attached penalty schedule. These committees are formed by a decision from the relevant minister, and their decisions are issued by majority vote and approved by the competent minister. Anyone against whom a decision of punishment is issued by the committee has the right to appeal to Diwan Al-Mazalim within sixty days of being notified of the penalty decision, otherwise their right to appeal is forfeited. The committee referred to in paragraph (2) of Article 20 may, when necessary, order the immediate removal of the violation without waiting for the decision of Diwan Al-Mazalim on the appeal or lawsuit, as the case may be (MEWA, 2022).

It is within the authority of the committee specified in paragraph (2) of Article 20 of the general environmental system, if it becomes evident that the environmental violation has significant environmental, health, social, and economic impacts, and that failure to take timely action to remove it will lead to the multiplication of these impacts, to order the immediate removal of this violation according to the environmental requirements it deems appropriate and at the expense of the violator, without waiting for the decision of Diwan Al-Mazalim on the appeal or lawsuit. The costs or losses paid by the violator to remove the violation, at the request of the competent committee, are not considered part of the penalties or compensation due to the violation. The competent authority has the right to coordinate with the relevant authorities to determine appropriate compensation for environmental, economic, health, and social losses resulting from this violation. If it becomes clear to the competent committee that the violator does not have the technical capabilities to remove the violation, then after coordinating with the relevant authorities, the competent authority may assign qualified entities or individuals to remove the violation according to the requirements it sets and within a specified period, with the violator bearing all the costs of removing the violation (MEWA, 2022).. Diwan Al-Mazalim is responsible for adjudicating all violations, disputes, and claims for compensation arising from the application of the chemical substances import and management system (Chemicals Management System, 1427 AH).

### **Firstly: Quasi-Judicial Committees**

It is natural for criminal protection images to vary and diversify with the diversity of criminal charges and violations that occur in social and administrative systems, which necessarily leads to the diversity of types of justice and their differences. Each type represents an image of criminal and judicial protection (Fahmi, 1979), in order to achieve security and stability through personal criminal protection or personal legal rights centers from being attacked or having doubts raised about their existence.

The quasi-judicial committees that conduct trials before them are administrative committees with judicial jurisdiction, including the customs committees. The customs committees are one of the administrative committees that exercise judicial jurisdiction in the Kingdom. Article (52) of Customs Law No. (425) dated

5/3/1372 AH stipulates that the customs committees are competent to consider all cases of customs smuggling, including the illegal entry of goods, materials, or items into the Kingdom's territories or the evasion of payment of all or some of the customs duties due on the goods (Cabinet Resolution No. 241).

**Secondly: The Border Security Committees**, as clarified in Article (25) of the Border Security System and its executive regulations issued by Ministerial Resolution No. (85) dated 1/8/1413 AH, are administrative committees composed of three members from the officers of the Border Guard. These committees adjudicate violators of the provisions of the Border Security System, and they have the right to summon violators and witnesses, interrogate them, collect evidence, investigate defenses, and carry out other trial procedures. They also have the authority to release the accused on bail while issuing their decision in the case or to detain them for a period not exceeding five days. It is mandatory for them to conclude the trial and issue a decision within five days of receiving the case documents. Their decisions are considered final upon approval by the Minister of Interior, as stated in Article (29).

**Thirdly: The Immigration Administration Committees** were established following the issuance of the residency system in 1377 AH, aiming to prevent both foreigners and citizens from breaching residency regulations. The system outlined diverse violations, such as unauthorized entry or exit of foreigners into or out of the Kingdom's territories, and instances where ship captains refused to provide passenger data to authorities, thereby obstructing passengers from disembarking or embarking from the vessel, or disembarking at ports not designated for non-coercive reasons.

The Ministry of Interior delegated the direct oversight of criminal control measures and the investigation of residency law violations to specialized departments and personnel within the Immigration Administration. Reports and investigations concerning criminal control and breaches of residency laws are forwarded to the Immigration Administration Committees (Taj Al-Din, 1425). These committees hold the authority to conduct trials for offenders and impose suitable penalties as deemed necessary.

The Council of Ministers issued Resolution No. (934) on 19/6/1394 AH, establishing specialized committees to handle violations of the maritime ports and lights system and its executive regulations. These committees are responsible for addressing lawsuits related to navigation personnel, which fall under the jurisdiction of the General Ports Authority, represented by the management of each port. Article (10/1) of the first part of the Ports Rules and Regulations states that individuals who violate the rules and regulations of the ports will be held accountable and fined by the port management within whose jurisdiction the violation occurred. The ship's captain, sailor, owner, or agent has the right to appeal to the Board of Grievances against the penalties imposed on them (Cabinet Resolution No. 934). Additionally, the Nuclear and Radiological Regulatory Authority is tasked with providing technical support and assistance during the stages of controlling the crimes specified in the system, as well as during the investigation and trial, upon request.

## **Conclusion**

### **Main Findings**

1. Despite the abundance of legislative texts, the Saudi regulator neglected to establish a precise and comprehensive definition that would prevent this type of crime. Such a definition might help identify the reasons and motives that led to its criminalization.
2. The Saudi regulator has stipulated that the primary authority for conducting investigations with an employee rests with the administrative body. The jurisdiction of the public prosecution in this matter is considered exceptional and is exclusively limited to cases specified by the employee disciplinary regulations. In other cases, the administrative body has the discretion to conduct the investigation

itself or refer it to the public prosecution if deemed necessary.

3. The entities involved in the trial of hazardous, toxic, and radioactive waste crimes vary depending on the diversity of offenses and criminal charges.

### Recommendations

1. We recommend defining hazardous, toxic, and radioactive waste crimes clearly and comprehensively.
2. We emphasize activating the role of investigation and trial in these crimes to protect the environment from pollution and improve its conditions.
3. We propose the formation of specialized investigation units for these crimes under the public prosecution and separate specialized trial units under the criminal court. This aims to unify the investigation jurisdiction under one entity and similarly for trial jurisdiction. Additionally, these units should be equipped with qualified competencies, considering that crimes against the environment are advanced and intricate.

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