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Hazardous Waste Crimes and Their Punishment: An Analytical Study

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Abstract

This research aims to analyze the crimes concerning hazardous waste and their punishment. It was organized into two sections. The first section deals with defining the search terms. The second section addresses the hazardous waste crimes and their punishment. One of the most important findings of the research is that, despite the large amount of legislative texts, the Saudi legislator neglected to set a precise, comprehensive definition that prevents this type of crime. A precise definition may help determine the reasons and motives that led the legislator to be able to criminalize such deeds. On the other hand, the penalties stipulated in the regulations related to the subject of the research are considered very light and not commensurate with the amount of damage that hazardous waste may cause to the environment. There is an overlap between the stipulated penalties. One of the most prominent recommendations of this research is the suggestion to consider penalties related to hazardous waste crimes in proportion to the gravity of the harm they cause. The need to work to protect the environment from pollution. The research urges international cooperation to seek in turn to achieve this goal and to take all appropriate measures to protect and improve the environment.

Keywords: Hazardous Waste Crimes, Punishment, Analytical Study.

Introduction

The problem of hazardous waste is one of the most important problems facing countries of the world, especially developing countries. Developing countries are considered the most important source of pollution because they contribute directly to environmental pollution.

This type of pollution has an impact on the human element and the components of nature. Additionally, this waste has multiple sources and carries an extreme danger in its chemical and organic properties. It has the ability to persist for a long time. These wastes require special methods for handling and disposal to avoid their dangers to health and the environment.

The United Nations called for organizing the first international conference on the environment due to the deterioration of the global environment. This conference was known as the "Human Environment Conference" and was held in Stockholm, Sweden in 1972 AD. The goal of the conference is to achieve common principles to guide people to preserve and develop the human environment and to discuss ways to encourage governments and international organizations to do what is necessary to protect and improve the environment to achieve sustainable development. Then successive conferences were concluded, agreements were concluded, and efforts were made in this field.

There is no doubt that the Kingdom of Saudi Arabia's Vision 2030 is concerned with strengthening its

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political, developmental and economic position. The Kingdom has set the vision of the environment and sustainable development as its main goals. The vision stipulates the necessity of preserving the environment as one of the top priorities as a religious, national and humanitarian duty. It is a responsibility of future generations, as it is considered one of the basic components of quality of life and a necessity to reduce levels of pollution in the environment. Therefore, it was decided to address this topic under the title: (Hazardous waste crimes and their punishment: an analytical study).

Significance of research

The significance of the research is due to the following:

- 1) Hazardous waste crimes cause great harm and have articles that govern them because of the threat they pose to the country and the security and safety of individuals and society.
- 2) The issue of hazardous waste is considered one of the topics that has attracted the attention of various international legislations as it addresses an issue of the highest priority as it relates to human life.

Reasons for Choosing the Research Topic:

This topic was chosen for several reasons, including:

- 1) Paying attention to environmental issues, especially the problem of hazardous waste, which occupies great interest in the Saudi and international systems.
- 2) The scientific importance of the research topic and the scarcity of a previous study that met the risk elements that characterize the components contained in hazardous waste.
- 3) The desire to study the issues of hazardous waste contamination.

Objectives of Research

The research aims to achieve the following:

- 1) Explaining the seriousness of the problem of environmental pollution with hazardous waste, which threatens the very existence of humans and other organisms due to the doubling of global production of hazardous waste and the increasing rates of its cross-border transfer from developed countries to developing countries.
- 2) Identify the position of the Saudi legislator on the problem of environmental pollution with hazardous waste.
- 3) Identify the crimes of hazardous waste and their punishment in the Saudi system.

Literature Review

The first study is "Regular protection of the environment in the Kingdom of Saudi Arabia: A comparative study" by Dr. Ahmed Hamid Al-Badri, King Abdulaziz University Library. It agrees with this research in their approach to environmental protection in the Saudi system. Al-Badri's study differs from the present study in that it dealt with regulatory protection from the administrative authority and did not mention the penalties prescribed for hazardous waste crimes, while this research talks about hazardous waste crimes and the penalties prescribed for them. Unlike this research, Al-Badri's study did not address the texts of Saudi legislation in general regarding hazardous waste crimes.

The second study is "The crime of polluting the environment: a comparative study" by Dr. Ibtisam Saeed Al-Malkawi, King Abdulaziz University Library. Al-Malkawi's study agreed with the present study in that both studies address the issue of protecting the environment from pollution. Al-Malkawi's study addressed the definition of the environment without including the definition of hazardous waste and the crimes resulting from it, whereas the present study did. Moreover, Al-Malkawi's study was not exposed to the

texts of Saudi legislation in general regarding hazardous waste crimes, but rather was exposed to crimes of environmental pollution in some Arab and foreign countries (Japan, Egypt, Sudan, Syria, European Union countries), while the present study addressed the hazardous waste crimes in the Saudi system.

The third study is "Criminal liability for the crime of environmental pollution in the Saudi system: a comparative study" by Samia Dhafer Mufleh Al-Shahrani, King Abdulaziz University Library. Al-Shahrani's study agreed with the present study in their approach to protecting the environment in the Saudi system, but differs from it in that it dealt with the definition of the environment and the crimes of polluting it, and did not address what the present study dealt with in terms of the definition of hazardous waste, its crimes, and its punishment.

Research Methodology

This research was based on the analytical approach. The analysis adhered to the following steps:

- 1) Collecting statutory texts related to the research topic and analyzing them,
- 2) Attributing Quranic verses by mentioning the name of the surah and the verse number in the margin, and writing them in Uthmani script,
- 3) Attributing the texts and opinions of scholars directly to their books, and not attributing them through an intermediary except when the original is not possible,
- 4) In the case of conveying a statement or opinion in the text, the quoted text is placed between two quotation marks and the source is indicated in the bottom margin of the page in the following manner: the name of the author - the title of the book - the part - the page. However, in the case of conveying in the meaning, it is preceded by the word (to be considered),
- 5) Controlling ambiguous words by vowelization, especially those words that if they are not vowelized, would create ambiguity,
- 6) Taking care of the correctness and integrity of what is written from a spelling and linguistic standpoint, and taking into account the good consistency of speech and the sophistication of its style,
- 7) Append the research with recognized technical indexes.

Research Outline

The research consists of two sections, a conclusion, and indexes. The first section i.e. definition of the terms of the study. This section has two topics. The first topic addresses the definition of hazardous waste crimes. The second topic discusses the definition of punishment of such crimes. The second section is about the hazardous waste crimes and their punishment. This section has two topics: hazardous waste crimes and the punishment for hazardous waste crimes. The conclusion of this research includes the most important results and recommendations. Finally there is a list of index that contains appropriate recognized technical indexes.

First Section: Definition of Research Terms

First Topic: Definition of Hazardous Waste Crimes

Firstly, waste, linguistically, is defined as what is removed from a thing due to its poor quality. Thus, waste is the remainder, excess, or what is in excess of what is needed. It is one of the people's waste and their vices, rain waste refers to its sprinkler. When it is said someone is of the people's waste, it means he is of their vices. Cigarette waste is its ashes.¹ Accordingly, the definition of waste in language revolves around what was removed from the thing due to its poor quality, and the rest of the thing.

¹From *Dictionary of the Text of the Language*, (vol. 5, p. 522), by A. Reda, 1380 AH, Dar Al-Hayat Library, Beirut; *Dictionary of the Contemporary Arabic Language* (p. 263), by A. M. Omar, 1429 AH, Al-Shorouk International Library, Cairo; *The Intermediate Dictionary* (p. 98), by Arabic Language Academy, 1425 AH, Al-Shorouk International Library, Cairo.

Secondly, waste, terminologically, has been known by several definitions, such as “waste left over from industrial, mining, craftsmanship, and commercial operations, as well as waste from homes, hospitals, and hazardous waste”.¹ The Saudi legislator defines waste as “dumped or neglected materials not excluded according to Article Four (C-1) and they must be disposed of for one of the reasons mentioned in Appendix 1. They can be disposed of by performing one of the operations mentioned in Appendix 2. They include materials that are thrown away or to be recycled if they are collected and accumulated before they are recycled or burned to extract energy from them or use them as fuel or to produce fuel.”²

Thirdly, there are many definitions for "hazardous waste". One of the definitions states that "hazardous waste" refers to "special waste that contains significant amounts of toxic substances that cause harm to the natural environment such as dirt and dust resulting from mills, complex organic waste, surface treatment basins containing chromium, mercury waste, and CFC (substances that cause the greenhouse effect or greenhouse effect glass)".³ The Saudi regulator also defined it as: “the waste of various activities and processes that are considered a threat to the environment, health, and public safety”.⁴ Therefore, in practice, it is any solid, liquid, or gaseous waste that, as a result of its quantity, concentration, composition, or chemical properties, could cause current or potential dangers to human health or the environment when treated, stored, transported, disposed of, or managed improperly.”

Fourthly, the term "crime", linguistically, is originated from "to commit a crime" meaning to gain and cut off. It is said, it is an Arabized Persian word.⁵ Crime and the offender mean the one who wins and so-and-so committed a crime, meaning he acquired the sin, and crime means felony and guilt.⁶

Fifthly, crime, terminologically, has been known by many definitions, such as “An incident that is committed to harm an protected interest that is regulated by the penal system, and has resulted in a criminal effect worthy cause the penalty”.⁷ The drawback of this definition is that it only included acts punishable under the penal system. Yet there are some other laws that criminalize some acts and establish a stipulated penalty for them, such as the customs system and other special laws. Thus, it is clear that this definition only included criminal crimes, and neglected civil crimes and administrative and disciplinary crimes. Some other scholars defined it as “legal prohibitions that God has forbidden by punishment or discretionary punishment”.⁸

Sixthly, the crime of hazardous waste is defined as "an additional component". Taking into consideration the illustrated definitions of hazardous waste, it can be said that the definition of the crime of hazardous waste as an additional component is the legal description of the act resulting from the disposal of dumped or neglected hazardous materials or their waste, in bad faith, negligence, or illegal use that causes or constitutes harm to humans or to the environment. To sum up, it is considered a violation prohibited by law or regulation.

¹Adapted from "Hazardous waste in Africa, risks and challenges of environmental Protection," by S. R. Faraj, 2018, *Saudi Qiraat African Magazine*, 35, p. 56.

²Article No. (1) The General Environment Law and its Executive Regulations issued by Royal Decree No. (M/34) on 7/28/1422 AH.

³Adapted from *Hazardous waste and the environment*, p. 58, by K. Ananzeh, 2002. Al-Ahlia Publishing and Distribution, Jordan.

⁴ Refer to the text of Paragraph (59) of Article One of Royal Decree No. 34 of 1433 AH, which includes (24) articles. There is an executive regulation that includes (22) articles, and in addition, there are (6) annexes. Appendix IV relates to rules and procedures for hazardous waste control.

⁵Adapted from *Al-Sihah Taj Al-Lughah wal-Sihah Al-Arabiyyah*, (vol. 5, p. 1885), by I. H. Al-Jawhari, 1407 AH - 1987 AD, Dar Al-Ilm Lil-Millain, Beirut.

⁶From "Al-Qamus Al-Muhit, Al-Fayrouzabadi," (vol. 4, p. 88), and Taj Al-Arous from Jawaher Al-Qamus, (vol. 9, p. 341), by Al-Zubaidi, Al-Hayat Library, Beirut, Lebanon.

⁷From *The Penal System, General Section*, (p. 84) by M. M. Salama, 1979, Dar Al-Fikr Al-Arabi,

⁸From "*Criminal procedures for border crimes in the Kingdom of Saudi Arabia and their impact on establishing security*," by A. M. Dhafir, 1415 AH, Mecca Press, Riyadh,

The second section: the definition of punishment

Firstly, defining punishment linguistically

It is said, "He seized the thing" means "withholding it", and the seller seized the commodity means withholding it from the buyer until he receives the price. Thus, "withholding" refers to confinement and prevention, and it is related to punishment and confinement.¹ These terms are linked to torment.²

Second: terminological definition of punishment

Punishment has been defined with multiple conventional definitions. One of the definition regards it as "A specific criminal penalty, determined by law, involving intentional pain, imposed by the judicial authority through criminal proceedings on anyone who commits an act that the law considers a crime".³ Another definition considers it as "the prescribed penalty or what can be determined in the interest of the group for disobeying the order of the law".⁴

The Second Section: Hazardous Waste Crimes and Their Punishment. It Consists of two Main Topics.

First topic: hazardous waste crimes

Criminal behavior in hazardous waste crimes may be positive or negative, and therefore they are discussed below according to whether the criminal behavior is positive or negative.

First: Examples of positive criminal behavior in hazardous waste crimes are as follows:

The statutory text is the determinant of the nature of criminal behavior. If the regulator prohibits an action that pollutes the environment, then committing it is positive behavior. If the organizer orders action necessary to protect it, then refraining from doing so is negative behavior. In both cases, there is no escape from adhering to the text in accordance with the principle of the legitimacy of criminalization and punishment. If the text did not clearly explain the nature of criminal behavior, it is considered positive or negative depends on the position taken by the perpetrator in reality.⁵ Accordingly, positive criminal behavior is achieved by every external physical activity that the system prohibits, that pollutes the environment, for example:

Bringing Hazardous Waste Into the Kingdom of Saudi Arabia⁶

The material element of the crime of bringing into hazardous waste or environmentally harmful materials is the act of entry as a criminal behavior. The act of entry is the subject of criminalization in this crime, regardless of any result achieved from it. That is, the criminalization here is merely threatening the environment as an interest protected by the system with danger as a result of committing the act of entry. This crime does not require the occurrence of harm⁷ nor is it required for the conduct of entry to be carried out in a specific way or means. Rather, in such a case, the element of criminal behavior is established as one of the elements of the material element that constitutes the crime if the act of entry is carried out by any method or means.⁸

¹From "*Lisan al-Arab*," (vol. 9, p. 307), by Ibn Manzur, , 1418 AH - 1997 AD, Dar Revival of Arab Heritage and the Arab History Foundation, Beirut, Lebanon, second edition.

²From "*Al-Mufradat fi Ghareeb Al-Qur'an*", (4th ed., p. 343), by Al-Raghib Al-Isfahani, 1426 AH - 2005 AD, Dar Al-Ma'rifa, Beirut, Lebanon.

³From "*Penal Code, General Section*", (p. 534), by A. Muhammad, 2000, New University House, Alexandria.

⁴From "*The Philosophy of Punishment in Islamic Sharia and Law*", (1st ed., p. 49), by F. Okaz, 1402 AH - 1982 AD, Okaz Libraries, Jeddah.

⁵ From *Explanation of the Penal System, General Section* (4th ed. p. 271), by M. N. Hosni, 1977. Cairo, Egypt, Dar Al-Nahda Al-Arabiya.

⁶From *Explanation of the Penal System* (p. 46) by S. Ateeq, 2005. Dar Al-Nahda Al-Arabiya, Cairo.

⁸Article (2) of Document 01-1423 AH, Rules and Procedures for Control of Hazardous Waste, Kingdom of Saudi Arabia, Ministry of Defense and Aviation, General Presidency of Meteorology and Environmental Protection, p. 7.

The Crime of Dumping or Discharging Any Pollutants or Any Hazardous Waste by Ships or Others in the Territorial Waters or Exclusive Economic Zone

The Saudi regulator defines discharge as (leaking, pumping, emitting, or throwing a substance, including hazardous waste, into, on, or into any land, water, or air, whether intentionally or unintentionally).¹ In this crime, there is no requirement for a specific result to be achieved, as this crime is committed by merely carrying out the act of throwing, discharging, unloading, or throwing pollutant materials or hazardous waste into the territorial waters² by the ship, tanker, or boat. As for marine waste, or what is called dumping, which means intentionally disposing of waste or other materials by throwing them into the sea, dumping is considered a hazardous source of pollution, given that what is being disposed of is hazardous or harmful substances³ that may affect the natural properties of the marine material and on the aquatic organisms. It is transmitted to humans through eating fish or while swimming in the sea. It is not required for the behavior of throwing or discharging to be done in a specific manner or means, but rather the element of criminal behavior is based as one of the elements of the material element that constitutes the crime by the act of throwing or discharging by any method or means.

The Crime of Throwing, Pouring, Emptying, Throwing or Discharging Hazardous Waste and Waste of All Forms in Reserved Areas⁴

The criminal behavior in this case is represented by the perpetrator throwing hazardous waste and polluting the soil, water and air of the natural reserves. Pollution occurs by throwing, pouring, emptying, or throwing hazardous waste by the perpetrator, which results in affecting the existing habitats and polluting the reserve. Moreover, this pollution may cause damage to the existing organisms and geological formations located within the reserve. Criminal behavior in this form is achieved by throwing, pouring, emptying, or introducing any materials or energy into natural protected areas, voluntarily or involuntarily, directly or indirectly, resulting in damage to living or non-living resources or hindering aquatic activities, including fishing, detract from their enjoyment, or change their properties.⁵

In this crime, there is no requirement for a specific result to be achieved, as this crime is committed merely by the perpetrator committing an act of throwing, pouring, emptying, dumping, or discharging contaminated materials into reserved areas.

Second: Examples of Negative Criminal Behavior for Hazardous Waste Crimes

Criminal behavior in environmental crimes may be achieved by refraining from committing an act required by the law, as previously explained in this topic. Abstention in itself is considered criminal behavior due to failure to comply with what has been stipulated in the regulatory texts regarding protecting the environment from hazardous waste. Criminalizing this abstention is more than important because environmental damage does not appear immediately, but may take years or decades to appear. Examples of this criminal behavior include:

- 1- The crime of failure of those responsible for producing, transporting or recycling hazardous materials to dispose of them without taking into account the procedures and controls specified by

¹See Article (2) of Document 01-1423 AH, Rules and Procedures for Control of Hazardous Waste, Kingdom of Saudi Arabia, Ministry of Defense and Aviation, General Presidency of Meteorology and Environmental Protection, p. 7.

² See Article (14/3) of the General Environment Law.

³ From *The International Law of the Sea* (p. 342) by M. Evkeren, 2014. Dar Al-Nahda Al-Arabiya, Cairo.

⁴See Article (27) of the Wildlife Protected Areas System.

⁵ From *Criminal Protection of the Environment in Jordanian Legislation* (p.44) by A. M. Al-Dumairi, 2010, Master's Thesis. Middle East University, Faculty of Law.

the executive regulations.¹

Appendix No. (4) includes several obligations that commercial and industrial establishments, producers and transporters of hazardous waste must adhere to.² If the criminal behavior is the failure of those responsible for producing, transporting or recycling hazardous waste to dispose of it without taking into account the procedures and controls specified by the executive regulations, whether technical or administrative, then a consequence of the violating behavior must occur.

2- The crime of industrial facilities not adhering to the controls and standards for storage and disposal of hazardous waste

Regarding this kind of crime, the Saudi regulator believes in that this article explains the minimum rules and procedures that apply to facilities for storage, treatment, and disposal of hazardous waste.³ The Saudi regulator defines "storage" as (keeping or containing waste in a way that does not aim at the final disposal or treatment of waste). The "storage pond" means (any pit or low or reserved area composed mainly of earthen materials to contain the collected waste containing liquids).⁴ "Disposal" is defined as (burning, depositing, injecting, or discharging any waste, which leads to bringing this waste or one of its components to environmental media (soil, air, or water, including groundwater)).⁵

3- The crime of not taking the necessary measures to prevent or reduce sudden incidents such as a major leak, fire, or explosion in the course of activity within a facility with major risks⁶

This crime is a negative crime because the perpetrator refrains from carrying out a duty imposed on him by the system, such as the obligation to install devices or take the necessary measures to prevent or reduce the spread of these pollutants and control the pollutants before they are emitted.

Second: Examples of Negative Criminal Behavior in Hazardous Waste Crimes

Criminal behavior in environmental crimes may be achieved by abstaining from committing an act required by the system without requiring the achievement of a specific material criminal result that causes a change in the external space as an effect of the criminal activity.

The Second Topic: Punishment for Hazardous Waste Crimes

Most environmental legislation stipulates a combination of regulatory penalties for committing prohibited acts of pollution. The special nature of the necessary protection for the environment requires it to be subject to a non-administrative penal system that is compatible with the interests worthy of protection. This is due to the diversity of forms of harm to the environment, and hence it is necessary to diversify the penalties resulting from them. Criminal and civil penalties are among the most important non-administrative penalties that find wide application within the scope of environmental protection legislation. In light of this, we will limit our study to criminal penalties as follows:

The criminal penalty means "The penalty stipulated by the system to be applied to every person proven to have committed the crime."⁷ Despite the administrative nature of the environmental protection system, it may include some criminal penalties that are applied to crimes of environmental pollution. Accordingly, the criminal penalties are either original or consequential or supplementary.

¹ See Article (14/2) of the General Environment Law, previous reference.

² From *Rules and procedures for controlling hazardous waste*, Document 01, 1423 AH, previous reference, pp. 10, 11.

³ From *Rules and procedures for controlling hazardous waste*, Document 01, 1423 AH, previous reference, p. 19.

⁴ From *Rules and procedures for controlling hazardous waste*, Document 01, 1423 AH, previous reference, p6.

⁵ From *Rules and procedures for controlling hazardous waste*, Document 01, 1423 AH, previous reference, p7.

⁶ See Articles (121), (128/3) and (131) of the Labor Law.

⁷ From *Criminal Penal science between theory and practice* (p. 35) by A. M. Muhammad, 1995, New University House, Cairo.

First: Original Penalties

The original punishment is defined as “that which may be imposed individually on the offender on the basis of its sufficiency to achieve the meaning of the penalty corresponding to his action and may affect the offender’s person or property through torment”.¹

From the regulations related to the environment in Saudi Arabia, it is clear that the penalties prescribed for hazardous waste crimes include two types of original penalties: custodial penalties, which is imprisonment, and the second type is financial penalties, the most important of which is a fine. The two types can also be combined. The regulator also has granted the judge to double the penalty for some environmental crimes. Article (18) of the General Environmental Law stipulates that in the event of repetition of the acts criminalized in Article (14), the penalty shall be doubled. These penalties vary according to the crime committed by the environmental criminal. The penalty may be the following:

Imprisonment

Article (18) stipulates imprisonment for a period not exceeding five years for anyone who introduces or attempts to introduce hazardous waste into the Kingdom of Saudi Arabia or produces, transports, stores, recycles or treats hazardous materials by disposing of them without taking into account the procedures and controls specified by the executive regulations or dumping or discharging any pollutants or any hazardous waste from ships.²

1. When the violation is repeated in the case of recidivism, the violator shall be punished with imprisonment for a period not exceeding twice the original period (10 years).
2. Imprisonment for a period not exceeding thirty days. This penalty applies to anyone who throws hazardous waste and waste of all forms in protected areas.³

The Fine

1. Article (18) stipulates a financial fine not exceeding (50,000) five hundred thousand riyals, or both penalties together, with a ruling on appropriate compensation, obligating the violator to remove traces of the violation. When the violation is repeated - in the case of recidivism -, the violator shall be punished by increasing the maximum fine, provided that it does not exceed double the original fine (one million riyals) or both penalties together, with appropriate compensation being awarded and the violator obligated to remove traces of the violation. This penalty applies to anyone who introduces or attempts to introduce hazardous waste into the Kingdom of Saudi Arabia or produces, transports, stores, recycles, or treats hazardous materials by disposing of them in such a way not taking into account the procedures and controls specified by the executive regulations, or dumping or discharging any pollutants or any hazardous waste from ships. ⁴
2. A financial fine ranging from (1,000) one thousand Saudi riyals to (10,000) ten thousand riyals, with the violator obligated to remove the violation. This penalty applies to acts of non-compliance by industrial facilities with controls and standards for preparing hazardous waste disposal sites.⁵
3. A fine not exceeding (10,000) ten thousand riyals, or both penalties is applied to anyone who throws

¹From "*General Provisions of the Penal System*," by A. F. M. Al-Saifi, 1415 AH, King Saud University.

²See Article (18) of the General Environment Law, previous reference.

³See Decision of the Supreme Council of the Gulf Cooperation Council (1997) Unified System for Hazardous Waste Management in the Gulf Cooperation Council Countries.

⁴See Article (18) of the General Environment Law, previous reference.

⁵See Unified System for Hazardous Waste Management, previous reference.

waste and rubbish in all its forms in protected areas.

4. A financial fine not exceeding two hundred thousand riyals and the destruction of the materials subject to the violation or their re-export to the source country at the expense of the violator, in both violations, is applied to the person's violation of any of the acts stipulated in Article (10) of the Pesticides Law in the countries of the Cooperation Council for the Arab States of the Gulf.¹
5. A fine of not less than three thousand riyals and not more than ten thousand riyals for each violation, or closing the facility for a period not exceeding thirty days, or closing it permanently, and it is permissible to combine the fine and closure with stopping the source of the danger is applied to anyone fails to take the necessary measures to prevent or reduce the risk or sudden accidents, such as a major leak, fire, or explosion in the course of activity within a facility with major risks.²

Second: Accessory penalties

Accessory penalties are those penalties “which follow the ruling with an original punishment and revolve around its existence and non-existence. This dependency is by the force of the system even if it is not mentioned in the operative part of the ruling.”³ Examples of these penalties include: closing the establishment and prohibiting the practice of activity.

Closing the facility means preventing the facility from practicing its activity in the place where or because of which the crime related to this activity was committed. In other words, it is preventing the establishment from continuing its activity as long as it poses a threat to the environment. As for prohibiting the practice of the activity, it means depriving the convict from practicing the activity that caused environmental pollution, and this is done by withdrawing, stopping, or canceling the license that authorizes him to practice the activity.⁴

1. If incorrect data is provided when obtaining a license to manage hazardous waste, the application for the license will be cancelled.
2. Dealing with other hazardous wastes not specified in the license, warning of cancellation of the license and obliging the violator to dispose of the waste at another licensed party.⁵
3. Closing the facility for a period not exceeding thirty days or closing it permanently. The fine and closure may be combined with stopping the source of the danger. This penalty applies to failure to take the necessary measures to prevent or reduce sudden incidents such as a large leak, fire, or explosion in the course of an activity within a facility with major risks.⁶
4. It is permissible to temporarily close the facility subject to the violation for a period not exceeding six months, or close it temporarily. This penalty applies to the person violating any of the acts stipulated in Article (10) of the Pesticides Law in the Gulf Cooperation Council countries.⁷

Conclusion

The Most Important Findings and Recommendations Include

First: the Most Important Findings

¹See Article (145) of the Unified Customs Law, Royal Decree (1423 AH) Unified Customs Law for the Gulf Cooperation Council countries.

²See Article (236) of the Labor Law, Royal Decree (1426 AH).

³From *Legal Aspects of Protecting the Environment from Pollution*, by K. M. Fahmy, Dar Al-Fikr Al-Jami'i, Cairo.

⁴From *International Responsibility for the Transport and Storage of Hazardous Waste*, (p. 88), by A. Talebi, 2012. Master's Thesis in International Order and International Relations, Faculty of Law, University of Algiers..

⁵See Appendix (6/4) General Environmental Law, Violations and Penalties, previous reference, p. 1.

⁶See Article (236) of the Labor Law, Royal Decree (1426 AH).

⁷See Article (145) of the Unified Customs Law, previous reference.

- 1) Despite the large amount of legislative texts, the Saudi regulator neglected to establish an accurate, comprehensive definition that prevents this type of crime, which may help determine the reasons and motives that led the regulator to criminalize it.
- 2) The crimes of environmental aggression are sophisticated, complex and of a specific nature.
- 3) The penalties stipulated in the regulations related to the subject of the research are considered very light, and are not proportional to the amount of damage that radioactive waste may cause to the environment, and that there is an overlap between the stipulated penalties.

Second: the Most Prominent Recommendations

The need to define a clear and comprehensive definition of the concept of radioactive waste crimes. Consider the penalties related to radioactive waste crimes to be commensurate with the gravity of the harm they cause.

The need to work to protect the environment from pollution, and international cooperation to achieve this goal and to take all appropriate measures to protect and improve the environment.

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