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## Toxic Waste Crimes AND Their Punishment: An Analytical Study

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### **Abstract**

*This research aims to analyze the crimes concerning toxic waste and their punishment. It was organized into two sections. The first section deals with defining the research terms. The second section addresses the toxic 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 toxic 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 toxic 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:** *Toxic Waste Crimes, Punishment.*

### **Introduction**

The problem of toxic 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. 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: (Toxic waste crimes and their punishment: an analytical study).

### **Significance of Research**

The significance of the research is due to the following:

- 1) Toxic 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 toxic 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 toxic 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 toxic waste.
- 3) The desire to study the issues of toxic waste contamination.

### **Objectives of Research**

The research aims to achieve the following:

- 1) Explaining the seriousness of the problem of environmental pollution with toxic waste, which threatens the very existence of humans and other organisms due to the doubling of global production of toxic 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 toxic waste.
- 3) Identify the crimes of toxic 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 toxic waste crimes, while this research talks about toxic 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 toxic 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 toxic 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 toxic 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 toxic 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 toxic 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 the texts and opinions of scholars directly to their books, and not attributing them through an intermediary except when the original is not possible,
- 3) 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),
- 4) Controlling ambiguous words by vowelization, especially those words that if they are not vowelized, would create ambiguity,
- 5) 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,
- 6) 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 toxic waste crimes. The second topic discusses the definition of punishment of such crimes. The second section is about the toxic waste crimes and their punishment. This section has two topics: toxic waste crimes and the punishment for toxic 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 Toxic 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.<sup>1</sup> 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.

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 toxic waste".<sup>2</sup> The Saudi legislator defines waste as "dumped or neglected materials not excluded

<sup>1</sup> From *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

<sup>2</sup> Adapted from "Toxic waste in Africa, risks and challenges of environmental Protectio," by S. R. Faraj, 2018, *Saudi Qiraa African Magazine*, 35, p. 56.

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."<sup>1</sup>

Thirdly, there are many definitions for "toxic waste". One of the detentions states that "toxic waste" refers to "Substances or wastes whose release causes, or may cause, direct or delayed damage to the environment by their accumulation in living organisms or by their toxic effects on living systems".<sup>2</sup>

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.<sup>3</sup> 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.<sup>4</sup>

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".<sup>5</sup> 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".<sup>6</sup>

Sixthly, the crime of toxic waste is defined as "an additional component". Taking into consideration the illustrated definitions of toxic waste, it can be said that the definition of the crime of toxic waste as an additional component is the legal description of the act resulting from the disposal of dumped or neglected toxic 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.

## **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.<sup>7</sup> These terms are linked to torment.<sup>8</sup>

### **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

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

<sup>2</sup> Adapted from *Rules and procedures for controlling hazardous waste Document 01-1423* - General Presidency of Meteorology and Environmental Protection.

<sup>3</sup> Adapted 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.

<sup>4</sup> From *Al-Qamus Al-Muhit*, by 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.

<sup>5</sup> From *The Penal System, General Section*, (p. 84) by M. M. Salama, 1979, Dar Al-Fikr Al-Arabi,

<sup>6</sup> From *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.

<sup>7</sup> From "*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.

<sup>8</sup> From "*Al-Mufradat fi Ghareeb Al-Qur'an*", (4<sup>th</sup> ed., p. 343), by Al-Raghib Al-Isfahani, 1426 AH - 2005 AD, Dar Al-Ma'rifa, Beirut, Lebanon.

authority through criminal proceedings on anyone who commits an act that the law considers a crime”.<sup>1</sup> 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”.<sup>2</sup>

## **The Second Section: Toxic Waste Crimes and Their Punishment**

### ***The First Topic: Toxic Waste Crimes***

The criminal behavior of toxic waste crimes is achieved by introducing materials into the environmental area. It means that pollution is achieved by adding, throwing, or leaking contaminated materials or refraining from causing damage or danger to any element of the environment, whether present in the environment or not.<sup>3</sup> Therefore, criminal behavior in toxic waste crimes may be positive or negative. Therefore, they are discussed according to the following statement:

#### **First: Forms of Positive Criminal Behavior in Toxic Waste Crimes**

The positive criminal behavior of these crimes varies, and we highlight the most important of them:

#### **The Crime of Introducing Toxic Waste or Toxic Chemicals into the Kingdom of Saudi Arabia**

The Saudi regulator stipulates that it is prohibited to introduce toxic waste into the Kingdom of Saudi Arabia, including its territorial waters or exclusive economic zone. This form of the crime consists of the perpetrator introducing prohibited materials, toxic waste, or any toxic substances. The act of entry is the subject of criminalization in this case, regardless of whether the result is achieved or not. That is, criminalization here is possible merely for threatening the environment, as it is considered a threat to the interests of the environment (system).<sup>4</sup> The act of introducing leads to soil pollution, and soil pollution means any effect on its natural components that leads to reducing its fertility or eliminating its elements in a way that prevents it from performing its functions or the purposes for which it was allocated, or makes it a source of other pollution.<sup>5</sup>

This crime does not require harm to occur, but rather this crime occurs if toxic substances, toxic wastes, or toxic chemicals dangerous to the environment are introduced without the requirement of causing harm to the environment, and the act of introduction requires positive behavior represented by the process of introducing toxic substances, toxic wastes, or toxic chemicals. It is harmful to the environment in the Kingdom of Saudi Arabia, and it is not imaginable that this crime could be carried out with negative behavior.

The entry behavior is not required to be carried out in a specific way or means. Rather, the criminal behavior element is present as one of the elements of the material element that constitutes the crime as far as the entry act is carried out by any way or means.

#### **The crime of using explosives within the territory of the Kingdom of Saudi Arabia**

Explosives are: “toxic chemical compounds that have been prepared laboratory or industrially. Explosive materials do not exist in nature in the form known to us that can be used to produce the desired effects and result in damage to the surrounding area”.<sup>6</sup>

<sup>1</sup> From *Penal Code, General Section* (p. 534), by A. Muhammad, 2000, New University House, Alexandria.

<sup>2</sup> From *The Philosophy of Punishment in Islamic Sharia and Law* (1<sup>st</sup> ed., p. 49), by F. Okaz, 1402 AH - 1982 AD, Okaz Libraries, Jeddah.

<sup>3</sup>See: *International Protection of the Atmosphere*, Bashir Juma Abdel Jabbar, Beirut: Al-Halabi Human Rights Publications, 2013, p. 41.

<sup>4</sup>See: *Civil Liability for Environmental Damage*, Nabila Ismail Raslan, New University House, Alexandria, 2007, p. 90.

<sup>5</sup>See: *Environmental pollution resulting from gas stations in Dammam*, Ali Muhammad Al-Qahtani, Naif Arab University for Security Sciences, 2005, p. 27.

<sup>6</sup>Crimes Harmful to the Public Interest of the State, Safaa Al-Sayyid Lulu Al-Far, Al-Wafa Legal Library, Alexandria, 2011, p. 564.

The Explosives and Firecrackers Law has addressed this violation. The first article of the system includes an explanation of the terms contained in the system. What is meant by explosives is (any chemical compound or mixture that transforms at an enormous speed through a chemical reaction or when exposed to an external influence or into quantities of gas, high temperature, and great pressure, leading to a destructive force for everything around it).

As stated in the system, as stipulated in Article Two, the aim of the penalties is to regulate the handling of explosives intended for non-military use, and fireworks, and how to manufacture, possess, export, import, sell, use, circulate, transport, store, and destroy them, in accordance with controls determined by regulation). Then, Article (4) stated the prohibition of manufacturing, possessing, exporting, importing, selling, using, trading, transporting, storing, destroying, or practicing explosives and crackers, except with a permit from the Ministry of the Interior, in accordance with the provisions of this law and its regulations.<sup>1</sup>

### **The Crime of Dumping or Discharging Toxic Waste or Toxic Chemicals from Ships or Others into the Territorial Waters or Exclusive Economic Zone of the Kingdom of Saudi Arabia**

The criminal behavior in this crime is represented by the perpetrator throwing or discharging any pollutants or any toxic waste from ships or others into the territorial waters or the exclusive economic zone of the Kingdom,<sup>2</sup> which results in affecting existing neighborhoods and polluting the waters of the environment and the damage it may cause to existing organisms and geological formations found within environmental water. Criminal behavior in this form is achieved by throwing or discharging any toxic chemicals or toxic wastes into the waters of the natural environment, voluntarily or involuntarily, directly or indirectly, and resulting in damage to living or non-living resources, or hindering aquatic activities, including fishing. It reduces the enjoyment of it or changes its properties.<sup>3</sup>

The Saudi regulator defines discharge as: (adding pollutants to the surrounding air, water receiving pollutants, soil, or to any central treatment facility), meaning discharge to various environmental media (air, water, and soil), and discharge does not include a central treatment facility.<sup>4</sup>

The act of throwing or disposing does not require that it be done in a specific way or means, but rather the element of criminal behavior is present as one of the elements of the material element that constitutes the crime as far as the act of throwing or discharging is done in any way or means.

### **Second: Forms of Negative Criminal Behavior for Toxic Waste Crimes**

- 1- The crime of failure of those responsible for producing, transporting, storing, recycling or treating toxic chemicals or toxic waste to dispose of them without taking into account the procedures and controls specified by the executive regulations<sup>5</sup>

The Saudi regulator stipulates that (all entities and persons must adhere to all local regulations, standards, guidelines and instructions regarding the production, handling, storage, treatment, recycling and transport of toxic waste).<sup>6</sup>

The competent authority and the public and concerned parties are committed to the provisions of the international and regional agreements and treaties to which the Kingdom has acceded, and their articles, protocols and appendices relating to chemical substances and toxic waste and methods of transporting them across borders, handling, storing and disposing of them. These agreements and treaties and their

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<sup>1</sup>See: Article (4) of the Explosives and Fireworks Regulations, Royal Decree No. M/38 dated 4/28/1428.

<sup>2</sup>See: Article (14/3) of the General Environment Law, previous reference, pp. 32, 33.

<sup>3</sup>See: Civil Liability Arising from Environmental Pollution, Yasser Muhammad Farouk Al-Minyawi, Alexandria: New University House, 2008, p. 181.

<sup>4</sup>Article (1) of the Executive Regulations of the General Environment System, previous reference, p. 4.

<sup>5</sup>See: Article (14/2) of the General Environment Law, previous reference.

<sup>6</sup>The previous reference.



appendices and protocols are considered part of the appendices of this regulation and complementary and supplementary to it.<sup>1</sup>

Those responsible for the production, transport, storage, recycling, treatment or final disposal of toxic materials are obligated to adhere to the procedures and controls specified by the regulations and specific executive procedures.<sup>2</sup>

Those responsible for producing, transporting, storing, recycling, treating or ultimately disposing of toxic materials are bound by the licenses granted to them by the relevant authorities and the competent authority. In case of any amendment to the type and size of activity or change of owner, coordination will be made with the concerned, licensing authorities and the competent authority to obtain the necessary approval for this amendment.<sup>3</sup>

Concerned entities or individuals bear full responsibility within their activities and projects for incidents of environmental pollution with waste or toxic materials during the stages of production, transportation, storage, or recycling, and report them immediately to the public and concerned authorities and the competent authority. The person causing these pollution incidents shall bear all costs resulting from the process of control, control, treatment, and rehabilitation of the polluted environment, and compensation for damages resulting from pollution incidents. It is prohibited for persons or any entity to dispose of toxic materials without a license issued by the competent authority, in accordance with the procedures and conditions specified in Appendix No. (4).<sup>4</sup>

2- The crime of exceeding the permissible limits for the emission of environmental pollutants after a warning

This form of crime is represented in the pollution of the environmental air with large amounts of emissions from carbon dioxide or sulfur dioxide, which is included in the air pollution of the environment. Environmental pollution means every change in the characteristics and specifications of the natural air of the environment that results in harm or danger to the health of organisms present in it, whether resulting from natural factors or human activity,<sup>5</sup> which requires the regulator's intervention to begin to prevent activities that have a negative impact on the environment by setting restrictions and controls on facilities or vehicles to control modern means that prevent the spread of pollutants used and to control them to the permissible limit.<sup>6</sup> This crime is a negative crime, as the perpetrator refrains from carrying out the duty imposed on him by the system. The duty is 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.

### **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:

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

<sup>2</sup>See: Appendix No. (4) of the Executive Regulations of the General Environment System, previous reference.

<sup>3</sup>See: Article (14/2), previous reference.

<sup>4</sup>See: previous reference.

<sup>5</sup>Environmental Criminal Encyclopedia, Ashraf Hilal, Without Press, Cairo, 2011, p. 27.

<sup>6</sup>See: International Protection from Waste, Abdul Salam Mansour Al-Shiwi, Dar Al-Nahda Al-Arabiya, Egypt, 2011, p. 69.

The criminal penalty means “The penalty stipulated by the system to be applied to every person proven to have committed the crime.”<sup>1</sup> 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.

### **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”.<sup>2</sup>

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.<sup>3</sup>

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.<sup>4</sup>

#### **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. <sup>5</sup>
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

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<sup>1</sup> From *Criminal Pensal science between theory and practice* ( p. 35) by A. M. Muhammad, 1995, New University House, Cairo.

<sup>2</sup>From "*General Provisions of the Penal System*," by A. F. M. Al-Saifi, 1415 AH, King Saud University.

<sup>3</sup>See Article (18) of the General Environment Law, previous reference.

<sup>4</sup>See Decision of the Supreme Council of the Gulf Cooperation Council (1997) Unified System for Hazardous Waste Management in the Gulf Cooperation Council Countries.

<sup>5</sup>See Article (18) of the General Environment Law, previous reference.



- industrial facilities with controls and standards for preparing toxic waste disposal sites.<sup>1</sup>
3. A fine of 3,000 riyals is due when dealing with toxic waste without a license from the competent authority and obligating the violator to remove the violation on his expense in accordance with instructions issued by the presidency.
  4. Handling toxic waste without a license from the competent authority will be fined from 3,000 to 5,000 riyals.
  5. Failure to provide correct data when obtaining a license to manage toxic waste will be fined from 3,000 to 5,000 riyals.
  6. A fine of 10,000 riyals is to be paid when transporting toxic waste to a toxic waste management facility using a means of transportation not licensed by the competent authorities.<sup>2</sup>
  7. The same fines mentioned in the hazardous waste research.

### **Second: Dependent Penalties**

They are penalties that 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.<sup>3</sup> Examples of these penalties include: closing the facility and prohibiting the practice of activity. These penalties occur when a person undertakes any one of the following violations:

1. Submitting incorrect data when obtaining a license from the Toxic Waste Management Department, the punishment is that the license application will be canceled and other hazardous wastes not specified in the license will be dealt with, with a warning that the license will be canceled and the violator will be obligated to dispose of the waste at another licensed party.<sup>4</sup>
2. Transporting hazardous waste to a toxic waste management facility using a means of transportation not licensed by the competent authorities is punishable by a warning to cancel the license of the waste management facility.
3. There are certain penalties are applied to the violator such as:
4. Preventing the violator from importing and administering chemicals for a period not exceeding five years.<sup>5</sup>
5. Ruling that the imported chemicals subject to the violation be returned to their source, or destroyed, at the expense of the violator. In all cases, the violator is required to remove the effects resulting from the violation.<sup>6</sup>
6. The same consequential penalties mentioned in hazardous waste.

### **Third: Complementary Penalties**

Examples of complementary penalties in the regulations include confiscation and removal from the job.<sup>7</sup>

The judge may sentence the violator to a complementary penalty requiring the closure of the facility for a period not exceeding ninety days. This penalty applies to anyone who introduces or attempts to introduce toxic waste into the Kingdom of Saudi Arabia, or produces, transports, stores, recycles, or treats toxic materials by disposing of them without taking into account the procedures and controls specified by the executive regulations, or dumps or discharges any pollutants or any toxic waste from ships.<sup>8</sup>

<sup>1</sup>See Unified System for Hazardous Waste Management, previous reference.

<sup>2</sup> See Appendix (6/4) Executive Regulations of the General Environment Law, Violations and Penalties, previous reference.

<sup>3</sup>Adapted from *Legal aspects of protecting the environment from pollution*, by K. M. Fahmy, 2011. Dar Al-Fikr Al-Jami'i, Cairo.

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

<sup>5</sup>See Article (13) of the Chemicals Import and Management System, previous reference.

<sup>6</sup>See previous reference.

<sup>7</sup>See General Provisions of the Penal System, previous reference, p. 158.

<sup>8</sup> See Article (18/2) General Environment Law, previous reference, p. 73.

## Conclusion

### The Most Important Findings and Recommendations Include

#### *First: The Most Important Findings*

- 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**

- 1) The need to define a clear and comprehensive definition of the concept of radioactive waste crimes.
- 2) Consider the penalties related to radioactive waste crimes to be commensurate with the gravity of the harm they cause.
- 3) 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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### **Rules and Regulations**

- Royal Decree (1415 AH) System of Protected Areas for Wildlife.
- Royal Decree (1422 AH) General Regulations for the Environment.
- Royal Decree (1423 AH) Unified customs system for the Gulf Cooperation Council countries.
- Royal Decree (1426 AH) Labor System.
- Royal Decree No. 34 of 1433 AH.
- Cabinet Decision (1422 AH) Executive Regulations for the General Environment System.
- Decision of the Supreme Council of the Gulf Cooperation Council (1997) on the unified system for toxic waste management in the Gulf Cooperation Council countries.
- The pesticide system in the Gulf Cooperation Council countries issued by Royal Decree No. M/67 dated 11/13/1427 AH.
- Document 01 - 1423 AH, Rules and Procedures for Control of Toxic Waste, Kingdom of Saudi Arabia, Ministry of Defense and Aviation, General Presidency of Meteorology and Environmental Protection