

Legal Protection of the Environment: A Comparative Law Study

Nadia Hamouti, Safae El Bakouhi*

Department of Private Law and Development Issues, Usmba, Fès, Morocco

Email address:

nadia.hamouti@usmba.ac.ma (Nadia Hamouti), safae.elbakouhi@usmba.ac.ma (Safae El Bakouhi)

*Corresponding Author

Abstract

The environment is one of the values that the legislator seeks to protect and preserve, as the latter has given it criminal protection, which is one of the most prominent manifestations of the legal protection of the environment. This is due to the deterrent and injunctive effect of criminal sanctions by extending the rule of law through the criminal judiciary. Each country, within the scope of its territorial sovereignty, has issued legislation and laws to protect the environment and combat pollution, while supporting this legislation with criminal sanctions that force the violators to respect it, because there is no point in issuing legislation intended to protect the environment that does not include a penalty that deters the violator and restores the situation to what it used to be. The purpose of punishment is to achieve general deterrence and thus provide the conditions for the legislative hall to achieve its intended purpose. Criminal or penal law is one of the important and effective means that the international and national community always resort to in combating and controlling damage to the environment, pollution and corruption. Therefore, we will describe the criminal penalties and sanctions prescribed for the protection of the environment by studying the original and supplementary penalties and the reasons for aggravating the penalty.

Keywords

Protection, Penalty, Pollution, Legislation, Punishment