



JORDANIAN JUDICIARY IN REALIZING COMPREHENSIVE ENVIRONMENTAL PROTECTION: JUDICIAL REFORM AND ENVIRONMENTAL JUSTICE

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ABSTRACT

This study examines the role of Jordan's judicial institutions in environmental protection by analyzing the jurisdictions of administrative, criminal, and civil courts, as well as the influence of international environmental conventions. It aims to assess whether the current judicial framework delivers adequate environmental justice and identifies the absence of specialized environmental courts as a significant institutional gap. Employing a normative legal methodology, the study reviews provisions within Jordan's Administrative Judiciary Law and Environmental Protection Law to evaluate the allocation of jurisdiction over environmental disputes and violations. The findings reveal that the handling of environmental cases is fragmented across administrative, criminal, and civil courts, resulting in inconsistent legal protection and limiting the effective enforcement of environmental rights. The study's novelty lies in its comprehensive evaluation of Jordan's judicial structure from an environmental justice perspective and its proposals for institutional reform. The study concludes that the establishment of a specialized environmental court, staffed by judges with expertise in environmental law, would strengthen environmental protection, improve enforcement of environmental laws and regulations, and expand access to environmental justice in Jordan.

1. INTRODUCTION

Theoretically, government systems are basically divided into two: presidential systems and parliamentary systems. However, countries sometimes adopt a mix of the two with an emphasis on one or the other, namely quasi presidential or quasi parliamentary. A mix that emphasizes the presidential aspect is called quasi presidential, and a mix that gives an emphasis on the parliamentary aspect is named quasi parliamentary.¹ In general, the presidential system of government is followed by a limited number of parties, e.g. two parties only.² This provision is intended to strengthen the position of the President, assuming that the party winning the legislative elections is from the same party as the winner of the Presidential elections. In practice, the presidential system adopted by a country does not always use a simple number of parties, sometimes multi-party system.³

The number of environmental courts and tribunals (ECTs) has increased dramatically during the last few decades. There are currently around 350 of these specialized fora for resolving environmental issues, spread throughout all regions of the world.⁴ Some ECTs were more successful, while others were less successful. There are significant concerns about the implications of the swift and extensive formation of domestic environmental courts and tribunals for international environmental law and global environmental governance.⁵

Currently, all environmental courts and tribunals are located inside national jurisdictions, and there is no existing international environmental court.⁶ Their varied contexts, along with the extensive array of their jurisdictional, procedural, and functional attributes, pose significant enquiries regarding the ability of individual environmental courts to facilitate global environmental governance (GEG).⁷ The specialized nature of these courts and the intricate environmental challenges they face indicate that they may be uniquely equipped to promote the domestic interpretation and implementation of international environmental law (IEL) principles, such as the polluter pays principle, sustainable development,

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- ¹ Daniele Caramani., *Comparative Politics*, 3rd ed., United States of America: Oxford University Press, 2014,
 - ² Suparto Suparto. Pelaksanaan Sistem Pemerintahan Presidensial Dengan Multi Partai di Indonesia. *SASI*, Vol.27, No.4 (2021), page. 516-531.
 - ³ Dina Fadiyah., Dilema Sistem Multipartai dalam Sistem Presidensial di Indonesia, *Madani Jurnal Politik dan Sosial Kemasyarakatan*, Vol.14, No.1 (2022), page. 21-32.
 - ⁴ Lei Zhao, and Ruitao Zhao., Ecological Rule of Law and Enterprise Green Innovation — Evidence from China's Environmental Courts, *Journal of Environmental Management*, Vol.374 (2025), DOI: <https://doi.org/10.1016/j.jenvman.2025.124081>.
 - ⁵ Hudali Mukti, and Bobur Baxtishodovich Sobirov., Environmental Justice at the Environmental Regulation in Indonesia and Uzbekistan, *Journal of Human Rights, Culture and Legal System*, Vol.3, No.3 (2023), page. 476–512, DOI: <https://doi.org/10.53955/jhcls.v3i3.171>.
 - ⁶ Dandan Zhu, Xinping Tao, and Meibo Huang. Law Reinforcement, Production Pattern and Enterprise Environmental Performance: Evidence from Environmental Courts in China, *Sustainability*, Vol.15, No.5 (2023), DOI: <https://doi.org/10.3390/su15054440>.
 - ⁷ Mary Menton, Carlos Larrea, Sara Latorre, Joan Martinez-Alier, Mika Peck, Leah Temper, and Mariana Walter., Environmental Justice and the SDGs: From Synergies to Gaps and Contradictions, *Sustainability Science*, Vol.15, No.6 (2020), page. 1621–1636, DOI: <https://doi.org/10.1007/s11625-020-00789-8>.

intergenerational equity, and the precautionary principle. However, the ability of individual courts to implement IEL standards and principles may differ significantly.⁸

The 2030 Agenda for Sustainable Development, or SDGs, is a contemporary development accord that advocates for transformations aimed at advancing sustainable development grounded on human rights and equality to foster social, economic, and environmental progress.⁹ The Sustainable Development Goals (SDGs) are implemented with universal, integrated, and inclusive principles to guarantee that no individual is neglected, embodying the ethos of "No one Left Behind".¹⁰ The primary tenet of the Sustainable Development Goals (SDGs) is to ensure that no one is marginalized or excluded. According to these principles, the SDGs must address two aspects: procedural justice and substantive justice. Procedural fairness refers to the degree to which all stakeholders, particularly those marginalized, can participate in the entire development process.¹¹ Substantive justice entails the formulation of policies and programs that effectively address the issues faced by citizens, particularly marginalized populations. The Sustainable Development Goals (SDGs) comprise 17 goals and 169 targets, succeeding the Millennium Development Goals (MDGs), which concluded in 2015.¹²

In fact, the country aims at applying the best international criteria to enable and reinforce the law and human rights and freedoms.¹³ Not to forget the importance of reinforcing the concept of environmental justice and rights and the related issues, whether ecological or organizational. Framing the legal acts to protect the environment and its importance through effective instructions, laws and systems which aims at achieving the desired objectives.¹⁴

Therefore, environmental justice is considered a universal issue that participates in combating legal discrimination and eliminate poverty and limit inequality. Rio Declaration, 1992 dictated this in the principle (10) which says that: "Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the

⁸ Antonio Bontempi, Pietro Venturi, Daniela Del Bene, Arnim Scheidel, Quim Zaldo-Aubanell, and Roser Maneja Zaragoza., Conflict and Conservation: On the Role of Protected Areas for Environmental Justice, *Global Environmental Change*, Vol.82, (2023), DOI: <https://doi.org/10.1016/j.gloenvcha.2023.102740>.

⁹ Jianjun Li, Zhouyi Wu, and Lingbing Feng., How Does Environmental Regulation Affect Corporate Tax Burdens? Evidence from China's Environmental Courts, *Economic Modelling*, Vol.130, (2024), DOI: <https://doi.org/10.1016/j.econmod.2023.106566>.

¹⁰ Arjen E. Buijs, Natalie M. Gulsrud, Romina Rodela, Alan PAGE. Diduck, Alexander PAGE.N. van der Jagt, and Christopher M. Raymond., Advancing Environmental Justice in Cities through the Mosaic Governance of Nature-Based Solutions, *Cities*, Vol.147, (2024), DOI: <https://doi.org/10.1016/j.cities.2024.104799>.

¹¹ Maria Akchurin., Environmental Justice at the Environmental Courts? Mining, Socioenvironmental Conflicts, and Environmental Litigation in Northern Chile, *Extractive Industries and Society*, Vol.15, (2023), DOI: <https://doi.org/10.1016/j.exis.2023.101279>.

¹² Nawar Al-Zubaidi., *Criminal protection of the environment: A comparative study*. Beirut, Lebanon: Halabi Publications, 2014.

¹³ Ghassan Al-Jundi., *International Law for Environmental Protection*. Amman, Jordan: Dar Wael, 2004.

¹⁴ Tareq Al-Billeh, Ali Al-Hammouri, Lana Al-Khalailah, and Ikram Derbal., The Impact of Administrative Control Authorities on Sustainable Development in Jordanian Legislation: What Are the Challenges Facing Administrative Control Authorities in Achieving Sustainable Development?, *Journal of Law and Sustainable Development*, Vol.11, No.5 (2023), page.1–22, DOI: <https://doi.org/10.55908/sdgs.v11i5.1129>.

environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. Countries shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided”.

Several previous studies have addressed the role of the judiciary in environmental protection from different perspectives. Thomas Gilmour and Jocelyn Stacey examined access to Environmental Justice in Canadian Environmental Impact Assessment. The study emphasized that effective judicial enforcement is a fundamental element of environmental protection and highlighted the importance of judicial expertise in resolving complex environmental disputes. However, its focus was primarily comparative and did not analyze the specific institutional structure of the Jordanian judicial system.¹⁵

Another important contribution is the study by Lina Álvarez, and Brendan Coolsaet, which explored the relationship between environmental justice and judicial institutions. The study concluded that achieving environmental justice requires accessible judicial remedies and specialized legal mechanisms capable of addressing environmental disputes effectively. While it provides a strong theoretical framework for environmental justice, it does not examine the distribution of jurisdiction among different branches of the judiciary within a national legal system such as Jordan.¹⁶

At the national level, Ali Al-Hammouri, Tareq Al-Billeh, and Abdullah Alkhseilat analyzed the extent of Constitutionalizing Environmental Rights as One of the Anchors to Keep a Healthy, Clean Environment. The study identified several legislative challenges affecting environmental governance and emphasized the need to strengthen legal protection for the environment. Nevertheless, it focused mainly on legislative provisions and did not comprehensively examine the jurisdiction of administrative, criminal, and civil courts or propose the establishment of specialized environmental courts.¹⁷

Unlike these previous studies, the present research provides a comprehensive legal analysis of the role of the Jordanian judiciary in environmental protection by examining the jurisdiction of administrative, criminal, and civil courts, as well as the influence of international environmental conventions. Its novelty lies in identifying the fragmentation of environmental jurisdiction as a major institutional challenge and proposing the establishment of specialized environmental courts staffed by judges with expertise in environmental law. This proposal contributes to strengthening environmental protection,

¹⁵ Thomas Gilmour, and Jocelyn Stacey., Access to Environmental Justice in Canadian Environmental Impact Assessment, *Facets*, Vol.9, (2024), page.1–18, DOI: <https://doi.org/10.1139/facets-2023-0118>.

¹⁶ Lina Álvarez, and Brendan Coolsaet., Decolonizing Environmental Justice Studies: A Latin American Perspective, *Capitalism, Nature, Socialism*, Vol.31, No.2 (2020), page.50–69, DOI: <https://doi.org/10.1080/10455752.2018.1558272>.

¹⁷ Ali Al-Hammouri, Tareq Al-Billeh, and Abdullah Alkhseilat. ,The Extent of Constitutionalizing Environmental Rights as One of the Anchors to Keep a Healthy, Clean Environment: A Difficult Balance Between International Agreements and the Jordanian Constitution's Restrictions, *Journal of Environmental Management and Tourism*, Vol.14, No.1 (2023), page. 89–97, DOI: [https://doi.org/10.14505/jemt.v14.1\(65\).09](https://doi.org/10.14505/jemt.v14.1(65).09).

improving the enforcement of environmental legislation, and enhancing access to environmental justice in Jordan.

Through this study we will refer to legal scripts dictated in the administrative, penal and civil laws. Also, we will refer to the Jordanian environment protection law to view the position of these legislations in specifying the legal specialty in the environmental disputes.

This study aims to examine the role of the Jordanian judiciary in protecting the environment by analyzing the jurisdiction of the administrative, criminal, and civil courts in environmental disputes. It further seeks to compare the Jordanian judicial framework with the experience of other jurisdictions that have extended or established specialized judicial competence over environmental matters. In addition, the study examines the international environmental conventions to which Jordan is a party and analyzes the extent to which these instruments encourage or support the establishment of specialized judicial mechanisms for environmental disputes. Ultimately, the research evaluates the adequacy of the current judicial system in achieving effective environmental justice and proposes the establishment of specialized environmental courts, staffed by judges with expertise in environmental law, as a means of strengthening environmental protection, ensuring consistent enforcement of environmental legislation, and improving access to environmental justice in Jordan.

2. RESEARCH METHODS

The research method used was normative juridical, which was supported by a comparative approach. Normative legal science played a crucial role in legal practice, particularly in the drafting of legislation, judicial discovery of law, and the formulation of legal arguments during judicial proceedings.¹⁸ It analyzed provisions within Jordan's Administrative Judiciary Law and Environmental Protection Law to determine the jurisdictional allocation for environmental disputes among administrative, criminal, and civil courts, while also evaluating the adequacy of the existing judicial framework in achieving environmental justice. Furthermore, this study examined court decisions from Jordan and selected comparative jurisdictions that have established specialized environmental courts or expanded judicial competence in environmental matters as well as related international environmental conventions binding on Jordan. Primary sources included legislation, court judgments, and international legal instruments, while secondary sources comprise legal literature, scholarly articles, and expert studies. Through qualitative legal analysis and critical comparison, the study identified the strengths and weaknesses of the current system and formulates recommendations for establishing a specialized environmental court to strengthen environmental governance, enhance environmental law enforcement, and expand access to environmental justice in Jordan.

¹⁸ Anis Masdurohatun, Adi Sulistiyono, Adhi Budi Susilo., *Metodologi Penelitian Hukum*, Depok: Rajawali Pers, 2024, page.9

3. RESULTS AND DISCUSSION

3.1. The Environmental Justice in Environmental Protection Efforts

Environmental disputes are primarily legal conflicts arising from activities that cause environmental harm or threaten ecological sustainability.¹⁹ As environmental degradation has intensified, states have responded by enacting legislation designed to regulate environmentally harmful activities and reduce pollution risks.²⁰ However, the existence of environmental legislation alone is insufficient to ensure effective environmental protection. The critical issue lies in the ability of judicial institutions to interpret, enforce, and apply these legal provisions in a manner that reconciles environmental protection with economic and social development.²¹ Although international judicial bodies have contributed to resolving certain environmental disputes, their influence has often been limited in addressing the growing scale and complexity of environmental challenges.²² Consequently, increasing attention has been directed toward strengthening national judicial systems and establishing specialized domestic courts capable of handling environmental disputes with greater technical expertise and efficiency.²³ National legal systems therefore represent the principal mechanism through which states fulfil their international environmental obligations, particularly those reflected in Principle 10 of the 1992 Rio de Janeiro Declaration, which emphasizes access to justice and the enforcement of environmental rights. Within this framework, the judiciary functions not merely as a dispute-resolution mechanism but as a central institution for ensuring compliance with environmental legislation and translating international environmental commitments into practical legal outcomes.²⁴

A second fundamental discussion concerns the relationship between environmental adjudication and environmental governance. Contemporary environmental governance extends beyond regulatory compliance to incorporate principles of accountability,

¹⁹ Huan yu Cui, and Yue qun Cao., Environmental Justice, Ethical Transformation: Environmental Courts and Corporate ESG Performance, *Journal of Asian Economics*, Vol.100, (2025), DOI: <https://doi.org/10.1016/j.asieco.2025.101987>.

²⁰ Abdul Nasser Al-Hayajneh., *The Environmental Law: The General Theory of Environmental Law With Environmental Legislative Explanation*. Amman, Jordan: Dar Al-Thaqafah, 2021.

²¹ Weiyang Gao, Yuzhang Wang, Fengrong Wang, and William Mbanyele., Do Environmental Courts Break Collusion in Environmental Governance? Evidence from Corporate Green Innovation in China, *Quarterly Review of Economics and Finance*, Vol.94, (2024), page. 133–149, DOI: <https://doi.org/10.1016/j.qref.2024.01.005>.

²² Zi Yan Chen, and Tao Zhao., Establishment of Regional Environmental Courts, Development of Financial Technology, and Optimization of the Business Environment, *Finance Research Letters*, Vol.79, (2025), DOI: <https://doi.org/10.1016/j.frl.2025.107280>.

²³ Tareq Al-Billeh, Ali Al-Hammouri, Tawfiq Khashashneh, and Mohammad Al Makhmari, Hamad Al Kalbani., Digital Evidence in Human Rights Violations and International Criminal Justice, *Journal of Human Rights, Culture and Legal System*, Vol.4, No.3 (2024), page. 842–871, DOI: <https://doi.org/10.53955/jhcls.v4i3.446>.

²⁴ Adel Alfi., *Criminal Protection of The Environment*. Cairo, Egypt: University House, 2000.

transparency, public participation, environmental justice, and the rule of law.²⁵ The judiciary occupies a strategic position within this governance framework because judicial decisions shape the interpretation of environmental rights, strengthen institutional accountability, and safeguard the interests of both present and future generations. This perspective was reinforced by the Global Judges' Symposium held in Johannesburg (18–20 August 2002), which emphasized that judges, as guardians of the rule of law, have a responsibility to actively enforce national and international environmental law in order to promote sustainable development, alleviate poverty, protect biodiversity, and preserve the rights of future generations. Accordingly, effective environmental governance depends not only on legislative and administrative measures but also on an independent and competent judiciary capable of delivering equitable environmental justice and encouraging broader societal participation in environmental protection.²⁶

3.2. Legal Protection Within the Jurisdiction Over Environmental Disputes Is Fragmented in the Jordanian Judicial System.

The judiciary plays an important role in the protection of the environment at the national and international levels,²⁷ which is particularly confirmed by the powers of the administrative judge by repealing administrative decisions that are contrary to the provisions of the applicable laws and regulations.²⁸

In addition to the civil judge's role in compensation for environmental damage and reparation, especially since environmental damage has unique characteristics and advantages, i.e., indirect damage, arising from the interaction of many factors and causes.²⁹

The criminal justice sector plays an important role in combating environmental crimes, either through the prosecution of environmental offences or by criminal judges and imposes the maximum penalties prescribed by the legislator, such as imprisonment, and in some offences financial fines are imposed, as well as penalties for legal persons such as suspension and closure of establishments.³⁰

²⁵ Ali Al-Hammouri, Tareq Al-Billeh, Tawfiq Khashashneh, Lana Al-Khalaileh, and Roua Belghit., Penal Protection Contained in the Framework Law on Waste Management and Instructions for the Management of Electrical and Electronic Waste, *Pakistan Journal of Criminology*, Vol.15, No.4 (2023), page. 103–118.

²⁶ Noor Al-Khawajah, Abdullah Alkhseilat, Tareq Al-Billeh, Majd Manasra, and Naji Alwerikat., Criminalization of the Transmission of the Coronavirus COVID-19 and Its Impact on the Right to a Healthy Environment, *Journal of Environmental Management and Tourism*, Vol.13, No.7 (2022), page. 1881–1887, DOI: [https://doi.org/10.14505/jemt.v13.7\(63\).08](https://doi.org/10.14505/jemt.v13.7(63).08).

²⁷ Xiting Wu, Le Luo, and Jiaxing You., Actions Speak Louder than Words: Environmental Law Enforcement and Audit Fees, *Review of Accounting Studies*, Vol.30, No.1 (2025), page. 519–574, DOI: <https://doi.org/10.1007/s11142-024-09823-x>.

²⁸ Jaafar Almaani, Ali Al-Hammouri, Tareq Al-Billeh, Mohammed A.L. Makhmari, and Abdulaziz Almamari., The Creative Role of the National Judge in Providing Civil Protection from Environmental Damages, *Pakistan Journal of Criminology*, Vol.16, No.2 (2024), page. 887–902, DOI: <https://doi.org/10.62271/pjc.16.2.887.902>.

²⁹ Fahd Abu Al-Atham., *Administrative Judiciary Between Theory and Practice*. Amman, Jordan: Dar Al-Thaqafa for Publishing and Distribution, 2005.

³⁰ Haira E. Gandolfi, Elizabeth A.C. Rushton, Luciano Fernandes Silva, and Maria Bernadete Sarti da Silva Carvalho., Teacher Educators and Environmental Justice: Conversations about Education for Environmental

With the ongoing development of legislation aimed at protecting the environment, the administrative judiciary has faced an increasing number of environmental disputes,³¹ especially those related to the Industrial Environment Act and the protection of wildlife and nature reserves.³²

It therefore required the administrative judiciary to resolve many environmental disputes relating to administrative decisions relating to environmental matters,³³ considering that the administrative judge was technically, objectively and procedurally specialized in administrative disputes to which the administration was a party, the subject being the decision, or administrative contract and its requirements.³⁴

The administrative judge's jurisdiction was broad and complex, and his task was broad and complex.³⁵ The role is not limited to the scope of administrative responsibility and reparations, but to devise appropriate solutions for the administrative management of public utilities and the legal links that arise between citizens,³⁶ which requires those responsible for administrative judicial institutions to strive to study, investigate, establish and balance the needs of society with the performance of one's own interests.³⁷

Administrative judge is generally responsible for monitoring administrative control decisions, including environmental administrative control decisions.³⁸ The scope of the administrative judge's competence is determined in monitoring environmental administrative control regulations, as are other administrative control regulations, which are distinct from others by defining and allocating their objectives.³⁹

Justice between Science and Geography Teacher Educators Based in England and Brazil, *Cultural Studies of Science Education*, Vol.19, No.2–3 (2024), page. 257–286, DOI: <https://doi.org/10.1007/s11422-024-10212-8>.

³¹ Wenqi Zhao, Moau Yong Toh, and Yongmin Zhang., The Price of Green Justice: Environmental Courts and Cross-Regional Capital Immobility, *Finance Research Letters*, Vol.85, (2025), DOI: <https://doi.org/10.1016/j.frl.2025.107883>.

³² Tareq Al-Billeh., The Impact of the Comprehensive Ban Due to the COVID-19 on the Quality of Ambient Air in Jordan: Study for 15th March to 15th April of 2020 Period, *Journal of Environmental Management and Tourism*, Vol.13, No.3 (2022), page. 802–811, DOI: [https://doi.org/10.14505/jemt.v13.3\(59\).19](https://doi.org/10.14505/jemt.v13.3(59).19).

³³ Yuhuan Zhao, Lu Zheng, and Jingzhi Zhu., Could Environmental Courts Reduce Carbon Intensity? Evidence from Cities of China, *Journal of Cleaner Production*, Vol.377 (2022), DOI: <https://doi.org/10.1016/j.jclepro.2022.134444>.

³⁴ Tawfiq Khashashneh, Tareq Al-Billeh, Ali Al-Hammouri, and Roua Belghit., The Importance of Digital Technology in Extracting Electronic Evidence: How Can Digital Technology Be Used at Crime Scenes?, *Pakistan Journal of Criminology*, Vol.15, No.4 (2023), page. 69–85.

³⁵ Cuidan Wu, Miaomiao Chui, Chen Yong, and Liang Ma., Establishment of Regional Environmental Courts, Digital Finance Development, and Corporate Green Innovation Performance: A Quasi-Natural Experiment Based on the Establishment of Environmental Courts, *Finance Research Letters*, Vol.85 (2025), DOI: <https://doi.org/10.1016/j.frl.2025.108160>.

³⁶ Xin Yang, Jiatong Zhang, Xian Lin, and Yun Zhang., Escaping the Gavel: How Environmental Courts Drive Firms' Cross-Regional Investment, *International Review of Financial Analysis*, Vol.108 (2025), DOI: <https://doi.org/10.1016/j.irfa.2025.104710>.

³⁷ Mohamed Abdel Qawi., *Criminal protection of the air environment*. Cairo, Egypt: Golden Eagle of Printing, 2002.

³⁸ H. N. Kekana, T. M. Ruhiiga, N. N. Ndou, and L. G. Palamuleni., Environmental Justice in South Africa: The Dilemma of Informal Settlement Residents, *GeoJournal*, Vol.88, No.4 (2023), page. 3709–3725, DOI: <https://doi.org/10.1007/s10708-022-10808-z>.

³⁹ Majd Almanasra, Abdullah Alkhseilat, Tareq Al-Billeh, Naji Alwerikat, and Ahmad Hussein Alshargawi. Criminal Responsibility for the Crime of Discharging Polluting Substances into Water Sources in Jordanian

In the area of environmental control, management may not exceed its established objectives in the field of environmental protection.⁴⁰ Otherwise, decisions rendered with a disadvantage of abuse of power may be appealed, as well as in monitoring the causes of environmental administrative control procedures which are not illegal public health. Unless the Court finds the case to be a real threat to the environment, health, public security or public order.⁴¹

It should be noted that there is no direct role for Jordan's administrative judiciary in protecting the environment. Through reference to the Jordanian Law on the Judiciary, article 5 of the said Law defines the jurisdiction of the Administrative Court exclusively. It is not within its competence to deal with environmental disputes, so that it has exclusive competence to hear all appeals relating to final administrative decisions on electoral appeals of councils of bodies, associations and trade unions. Appeals relating to public office, which are competent to appoint, promote, transfer, assign or annul final administrative decisions relating to termination of their service, or final decisions of disciplinary authorities.

However, the role of the administrative judiciary in maintaining environmental protection can be observed through the judicial decisions of certain countries. In one of its rulings, the Egyptian Supreme Administrative Court recognized the human right to a clean environment as a fundamental right, stating that:

"In view of the fact that the human right to a clean environment has become a fundamental right, the highest value and place of which are equal to fundamental natural rights; rights to liberty and equality, the constitutional documents had ensured that their texts contained provisions affirming this basic view. The Stockholm Declaration of 1972 also affirmed that this right constitutes a fundamental guarantee for a decent life for human beings in their countries. This right is accompanied by an obligation to preserve the environment."

The Court further explained that, under Act No. 4 of 1994 on Environmental Protection, mechanisms were established to preserve and protect the environment from hazardous pollutants and wastes. The legislation prohibits the importation and disposal of hazardous waste, and grants the Environmental Affairs Agency authority to prevent activities that may cause environmental harm. In the case before the Court, the Agency rejected the shipment because it contained lead-contaminated materials classified as hazardous waste under the Environmental Protection Law.

The Court also referred to Egypt's obligations under the Basel Convention, which was approved by Presidential Decree No. 385 of 1992. The Convention forms part of the

Legislation, *Journal of Environmental Management and Tourism*, Vol.13, No.7 (2022), page. 1948–1954, DOI: [https://doi.org/10.14505/jemt.v13.7\(63\).15](https://doi.org/10.14505/jemt.v13.7(63).15).

⁴⁰ Yilin Li, Keying Li, Juan Li, Yinglong Zheng, Grace (Li) Tian, and David (Han) Wang., Environmental Courts, Green Credit, and Corporate Carbon Reduction, *Finance Research Letters*, Vol.79 (2025), DOI: <https://doi.org/10.1016/j.frl.2025.107274>.

⁴¹ Muammar Abdel Hafeez., *International environmental law and pollution phenomenon*. Cairo, Egypt: Arab Renaissance House, 2007.

national legal framework and has the force of law following its conclusion, ratification, and publication in accordance with Article 151 of the Constitution.

Accordingly, the Court concluded that the administrative decision issued in this regard was consistent with the applicable legal provisions and could not be challenged.

In France, the French Council (Conseil d'Etat) held that the fact of dumping contaminated or poisoned fish or carrying infectious diseases could be transmitted to other fish in the watercourse was sufficient to establish the offence provided for in article 434 of the French Agricultural Code.

It is worthwhile to dedicate a special chapter to environmental crime because of a few characteristics. Traditional criminal law is not the same as the realm of environmental crime. The main components of ecological criminal law are not included in penal codes that list the main offences in many legal systems.⁴² The main component of environmental criminal law is made up of provisions that are included into administrative environmental statutes.⁴³ These statutes' main purpose is to enforce compliance with administrative duties. Consequently, a significant portion of environmental criminal law is formed as an accessory to regulation rather than being created independently.⁴⁴ Violations of a regulatory nature in the practice of law will constitute a crucial component of ecological criminal law.⁴⁵ For instance, the polluter will face legal action if they release specific compounds into the environment without a permit or if they violate the terms of the permit.⁴⁶

Jordan's Environmental Protection Law No. 6 of 2017 was promulgated and published in the Official Gazette No. 5455 of 16/4/2017, which included a legislative development reflecting official interest which in turn reflects public interest in the subject of the environment, as well as a step in the unification of legal provisions relating to the environment.

The Environmental Protection Act defines environmental offences as: any act that negatively affects the elements of the environment and any violation of the requirements and conditions set out in the regulations, instructions, specifications, technical rules and decisions to this end. The Environmental Protection Act, No. 6 of 2017, defines environmental offences in articles 6-12, as well as penalties in articles 17-27, as follows: "1.

⁴² Xin, Ge and Feng Wang., Does Environmental Court Lead to Local Green Growth? Evidence from 230 Cities in China, *Lex Localis*, Vol.22, No.2 (2024), page. 161–181, DOI: [https://doi.org/10.52152/22.2.161-181\(2024\)](https://doi.org/10.52152/22.2.161-181(2024)).

⁴³ Tareq Al-Billeh., The Situations Related to the Functioning of the Administrative Judiciary in Jordan for the Year 2020: A Step Forward, *International Journal for Court Administration*, Vol.14, No.3 (2023), DOI: <https://doi.org/10.36745/ijca.453>.

⁴⁴ Hanne Svarstad, and Tor A. Benjaminsen., Reading Radical Environmental Justice through a Political Ecology Lens, *Geoforum*, Vol.108, (2020), page. 1–11, DOI: <https://doi.org/10.1016/j.geoforum.2019.11.007>.

⁴⁵ Shuang Tao, Mengdie Hai, Ziwei Fang, and Dechang Zheng., The Role of Environmental Justice Reform in Corporate Green Transformation: Evidence from the Establishment of China's Environmental Courts, *Frontiers in Environmental Science*, Vol.11, (2023), DOI: <https://doi.org/10.3389/fenvs.2023.1090853>.

⁴⁶ Abdullah Alkhseilat, Tareq Al-Billeh, Majd Almanasra, and Naji Alwerikat., Criminal Behavior as a Basis for Criminal Responsibility for the Crime of Introducing Substances Hazardous to the Environment in Jordanian Legislation, *Journal of Environmental Management and Tourism*, Vol.13, No. 7 (2022), page. 1851–1858, DOI: [https://doi.org/10.14505/jemt.v13.7\(63\).05](https://doi.org/10.14505/jemt.v13.7(63).05).

The crime of introducing hazardous wastes or hazardous substances into the Kingdom. 2. The offence of collecting and unlawfully disposing of tailings, debris or waste. 3. The offence of polluting aquatic basins or the marine environment. 4. the crime of exceeding the permissible limits of noise. 5. the offence of exceeding the permissible limits to emit environmental pollutants. 6. The offence of attacks on the areas of the national network of protected areas. 7. It is an offence not to remove the causes of pollution and not to abide by the closure decision in case of emergency contamination "urgent - urgent cases".

Article 26, paragraph (a), of the Environmental Protection Act prescribes a penalty for such offences: "The following shall be punishable by a term of up to three months imprisonment or a fine of not less than 500 JDs and not more than 1,000 JDs, or both: 1. contravenes the sand slander instructions issued under the provisions of this Law. 2. The display of scrap or any waste or storage of any of it on the sides of roads, in public squares or outside premises approved by the competent authorities for this purpose or in a manner that causes visual pollution, or damages the environment. 3. Transfer, storage, circulation or use of untreated compost contrary to the instructions issued to this end".

After discussing environmental offences, reference must be made to article 27 of the Environmental Protection Act, which includes the following: "A- a penalty of not less than three months imprisonment and not more than one year imprisonment or a fine of not less than 500 JDs and not more than 1,000 JDs or both shall be imposed on anyone who commits a violation of the provisions of this Act or the regulations or instructions issued thereunder and does not provide for a penalty of its own. B- The attempt to commit any of the offences contrary to the provisions of this Act, including offences committed in order to impose on it, shall be punishable by the penalties prescribed for initiation in accordance with the Criminal Code. C- The application of the penalties provided for in this Act shall not preclude the application of any harsher punishment provided for in any other legislation".

Article 17 of the Code stipulates that: "For the purposes of this Act, a) the penalties prescribed therein shall not apply to crimes committed contrary to the provisions of this Act and the criminal penalty imposed. b) Any partner, interventionist or instigator who commits any of the offences provided for in this Act shall be punished by the same penalty as the original offender. c) The penalty shall be doubled if any of the acts set forth in this Act are repeated. d) Any person who commits any violation of the provisions of this Act and the regulations and instructions issued thereunder in order to evade responsibility or complicity in the evasion of responsibility shall be liable to the penalties prescribed for the establishment under this Act".

Environmental crimes haven't been considered felonies, contrary to the Penal Code, article 338 of the Penal Code stipulates that: 1. Public right and personal right proceedings shall be terminated by 10 years from the date of the offence if they have not been prosecuted within that period. 2. The said claims shall also be terminated by 10 years after the last transaction in which the case has been initiated and investigations conducted and no judgement handed down".

Furthermore, the legislator has doubled the penalty in the event of repetition and has made

the penalty of an accomplice, interventionist or instigator the same as that of the original perpetrator, contrary to the Penal Code, which distinguishes between that of the original perpetrator and the instigator or interventionist. Article 81 stipulates that: "A person who instigates or intervenes shall be liable to a) life imprisonment or hard work of 20 to 25 years if the perpetrator is liable to the death penalty. b) The same penalty if the perpetrator is life imprisonment or hard work imprisonment. 2. In other cases, the instigator and interventionist shall be punished by the perpetrator after the penalty has been reduced from one sixth to one third. 3. If the incitement to commit a crime or misdemeanor does not result in a crime the penalty set out in the preceding paragraphs of this article shall be reduced to one third".

It is worth mentioning that the Environmental Protection Department Regulation No. 37 of 2018 was promulgated pursuant to article 30 of the Environmental Protection Department Act, which aims to control environmental crimes, control and inspection of establishments through the Royal Directorate for Environmental Protection/Public Security. The Environmental Protection Act did not grant the status of judicial officer of the Ministry of Environment as in the previous Act 2006.

In return to the jurisprudence of other countries, the Swiss judiciary adopted the broad interpretation of the contaminated substances subject to criminal conduct in offences of polluting the environment. Accordingly, the Swiss Federal Court, in a judgement in 15/12/1975, applied the text of the article (37) of the Water Protection Act, which punishes the fact of unlawfully leaving or depositing something out of the water, or let it leak into the subsoil, or a substance that would contaminate the water. On the fact that an iron cabinet was thrown into a watercourse, the Court stated in its judgment that it was sufficient that the object lying in the water would cause contamination. Although the Court acknowledges that the iron cabinet alone is not sufficient to contaminate the water unless it is stainless, it considers that, given the other contamination situations in this watercourse, leaving this iron cabinet would increase the risk of pollution with sufficient punishment for those who cast it in the watercourse.

In response to the increasing demand for environmental protection, the legal system has developed to govern environmental matters. Environmental law is essential for governing human interactions with the natural environment and promoting the sustainable utilization of natural resources.⁴⁷ The principal objective of environmental legislation is to safeguard the environment from harm and foster sustainable development.⁴⁸ Nonetheless, a disparity frequently exists between environmental protection objectives and the law's effective enforcement. Inadequate environmental legislation is a contributing factor to the efficacy of

⁴⁷ Lina Álvarez, and Brendan Coolsaet., Decolonizing Environmental Justice Studies: A Latin American Perspective, Capitalism, *Nature, Socialism*, Vol.31, No.2 (2020), page.50–69, DOI: <https://doi.org/10.1080/10455752.2018.1558272>.

⁴⁸ Ali Al-Hammouri, Tareq Al-Billeh, Habib Al-Billeh, Nahed Alhammouri, and Roua Belghit., International and Constitutional Efforts to Protect the Environment Through the Use of Artificial Intelligence Techniques, *Pakistan Journal of Criminology*, Vol.16, No.1 (2024), page. 387–398, DOI: <https://doi.org/10.62271/pjc.16.1.387.398>.

environmental protection via the legal framework.⁴⁹ Certain regulations require strengthening to sufficiently safeguard the natural environment. Occasionally, these regulations may inadequately address critical facets of environmental protection or require adjustments to include advancements in science and technology.⁵⁰

It should be noted when reviewing the decisions of the Civil Judiciary to protect the environment. The Jordanian Court of Cassation, in its capacity as a jurist, emphasized the need to protect the environment, including but not limited to the following: "The jurisprudence has established that if a cement company has a legitimate right to engage in its mining activity, this does not prevent the injured person from claiming compensation for damage caused by such use, because the rule established in the Civil Code in the conduct of the owner in his ownership at will is restricted by the fact that the conduct is not prejudicial to others and contravenes the laws relating to the public interest in accordance with the provisions of article (1021) of the Civil Code.

According to another decision of the Court of Cassation as a jurist: "In the light of the evidence provided, such as experience, damage from the cement plant has been shown to cause damage to the land near the plant. We have settled on the sentence of compensation to landowners. The Environmental Protection Act does not appear to exempt the defendant from compensation. The fact that the damage is obscene or mild is determined by experience".

According to another decision of the Court of Cassation as a jurist: "The jurisprudence of this court has established that the Environmental Protection Act and its regulations do not preclude compensation for damage caused by the operation of cement plants and the resulting volatility of dust and damage to others. Compensation for such damages shall not depend on the existence of a penal sentence imposed on the institution as a result of any of the infractions provided for in this Act or the regulations promulgated by him, which means that the victim of the operation of these plants is entitled to claim compensation for the damage suffered pursuant to article (256) of the Civil Code".

As stated in another decision of the Court of Cassation in its capacity as a jurist: "The jurisprudence has established that the cement dust volatilization as a result of the work of the cement factories is a constant and renewed damage and that this dust is constantly renewed. Therefore, the argument of the history of ownership of the distinctive property or that they possessed the undervalued plot is futile".

It is clear from the foregoing that the judiciary in Jordan has settled the right of the aggrieved in environmental cases to claim compensation. And the Jordanian judiciary has not kept pace with the development of environmental issues so that there were no damage decisions prior to its occurrence. This should be taken into account in future environmental

⁴⁹ Tareq Al-Billeh, Ruba Hmaidan, Ali Al-Hammouri, and Mohammed Al Makhmari., The Risks of Using Artificial Intelligence on Privacy and Human Rights: Unifying Global Standards, *Jurnal Media Hukum*, Vol.31, No.2 (2024), page. 333–350, DOI: <https://doi.org/10.18196/jmh.v31i2.23480>.

⁵⁰ Nathan J. Bennett, Juan José Alava, Caroline E. Ferguson, Jessica Blythe, Elisa Morgera, David Boyd, and Isabelle M. Côté., Environmental (in)Justice in the Anthropocene Ocean, *Marine Policy*, Vol.147 (2023), DOI: <https://doi.org/10.1016/j.marpol.2022.105383>.

law in order to keep pace with the increase in environmental crimes so as to reduce environmental crimes before they occur by adding a provision allowing individuals or environmental organizations to resort to the competent courts to cease any activity harmful to the environment in addition to the existence of a court competent to hear environmental cases.⁵¹

The measures taken by the judiciary in the above examples are the best evidence that the role of the judiciary in environmental protection must be activated at the national level. This can only be possible through full knowledge of environmental issues and training on taking actions to preserve them and a desire to apply them to environmental issues of a particular nature in their components and impacts on humans.⁵²

It is noted through the Jordanian Environment Act No. 6 of 2017 that there are no rules on civil liability for damage to the environment. Reference must therefore be made to the general rules of the Jordanian Civil Code, which, as stipulated in article (266) of the Act.

The enforcement mechanisms of environmental legislation are essential for ensuring sufficient environmental protection and advancing environmental justice. Robust and consistent law enforcement is essential to maintain adherence to environmental standards and to prevent and rectify infractions that damage natural ecosystems.⁵³ An proper legislative framework is a fundamental component of the environmental law enforcement mechanism.⁵⁴ An robust, unambiguous, and thorough legal framework is essential for the efficient enforcement of environmental law. It encompasses adequate legislation pertaining to environmental matters, including the preservation of natural resources, waste management, pollution mitigation, and ecosystem conservation. The legal framework must adapt to emerging trends in the environmental sector, including climate change and biodiversity.⁵⁵

The fact that environmental crimes affect society in general, and given the increase in environmental abuses and violations involving crimes.⁵⁶ For many reasons, the local and international community has come to realize that the damage to the environment has become a major threat to humanity's future. Although environmental legislation exists,

⁵¹ Siheng Wang, and Xin Zhang., Environmental Courts, Financing Constraints, and Corporate Green Innovation, *Finance Research Letters*, Vol.75, (2025), DOI: <https://doi.org/10.1016/j.frl.2025.106737>.

⁵² Tareq Al-Billeh., Jurisdiction Regarding Administrative Proceedings in Jordanian and French Legislation: Views on the Administrative Judiciary in 2021, *International Journal for the Semiotics of Law*, Vol.37 (2024), page. 189–215, DOI: <https://doi.org/10.1007/s11196-023-10064-5>.

⁵³ Huixiang Zeng, Lei Ren, Xiaohong Chen, Qiong Zhou, Tao Zhang, and Xu Cheng., Punishment or Deterrence? Environmental Justice Construction and Corporate Equity Financing—Evidence from Environmental Courts, *Journal of Corporate Finance*, Vol.86, (2024), DOI: <https://doi.org/10.1016/j.jcorpfin.2024.102583>.

⁵⁴ Aju Putrijanti, and Irma Cahyaningtyas., Environmental Court and Principle of Good Environmental Governance in Enforcing Environmental Law, *Varia Justicia*, Vol.19, No.1 (2023), page. 33–51, DOI: <https://doi.org/10.31603/variajusticia.v19i1.8885>.

⁵⁵ Ali Al-Hammouri, Tareq Al-Billeh, and Ikram Derbal., Mechanisms for Protecting Children's Rights from the Effects of Climate Change, *Pakistan Journal of Criminology*, Vol.15, No.4 (2023), page. 639–653.

⁵⁶ Xiaofeng Liu, Hua Feng, Gaoliang Tian, and Ting Zhang., Environmental Legal Institutions and Management Earnings Forecasts: Evidence from the Establishment of Environmental Courts in China, *International Review of Economics and Finance*, Vol.93, (2024), page. 545–573, DOI: <https://doi.org/10.1016/j.iref.2024.05.004>.

most importantly the Environmental Protection Act, with a view to preserving the environment.⁵⁷ The causes of environmental damage are many and varied, and may be due to technological and industrial development. The increase in the population may be due to armed conflicts in neighboring countries which leads to pollution of water and natural resources, causing years-long damage loss, which leads to a change in the natural system. The magnitude of the environmental damage being added to the material loss, cannot even be compensated for the magnitude of the loss.⁵⁸

Therefore, a special court on environmental issues must be established to provide legal protection for the environment, so that the substantive jurisdiction of the Court would be environmental issues, because the environment is infringed in a variety of ways. Violations on the environment must be stopped around the world because the environment issue is a fundamental pillar of sustainable development and not a matter of welfare. And the attack on the environment has become indirectly during the increased pollution caused by increasing industrial size and urban development. This exposes the environment to pollution that is difficult or impossible to undo. Direct aggression, as in daily life, is caused by Jordan's increasing population and asylum waves, which have destroyed the environment and increased the effects of climate change, as a result of the use of natural resources as well as the destruction of plant wealth.⁵⁹

When introducing a new environmental law, the Jordanian legislator must study the operationalization of the role of the executive bodies involved in implementing environmental law so that they have powers to prevent environmental damage and to activate their role in protecting the environment and to reduce pollution as much as possible and integrating the concept of environmental justice based on the general principles of internationally dedicated human rights based on the principle of equality of all people regardless of race, sex or religion.⁶⁰ According to this route, all people have the right to be protected from pollution and to live in and enjoy a clean and healthy environment. Equal protection and effective participation of all people in the development, implementation and application of environmental laws, regulations, policies and the equitable distribution of environmental benefits are an enshrined and non-waivable right, with reference to the latter resolution (A/RES/76/300) of the General Assembly, which ensured that a healthy and sustainable environment was a fundamental human right, in response to Human Rights Council resolution (A/HRC/RES/48/13). It is a major victory for the world's environmental protectors.

An environmental court must be established under the complexity of environmental issues

⁵⁷ Shuai Shao, and Hongwu Qiao., The Impact of Environmental Courts on Green Total Factor Productivity in Chinese Cities, *Sustainability*, Vol.16, No.16 (2024), DOI: <https://doi.org/10.3390/su16167007>.

⁵⁸ Yilin Wang, and Ming Zhang., The Role of Environmental Justice: Environmental Courts, Analysts' Earnings Pressure and Corporate Environmental Governance, *Environmental Impact Assessment Review*, Vol.104 (2024), DOI: <https://doi.org/10.1016/j.eiar.2023.107299>.

⁵⁹ Tareq Al-Billeh, and Hamzeh Abu Issa., Jordanian Women's Political Participation in the Nineteenth Parliament Elections (2020): The Beginning of the Political Rise of Jordanian Women?, *Dirasat: Human and Social Sciences*, Vol.50, No.5 (2023), page. 244–255, DOI: <https://doi.org/10.35516/hum.v50i5.961>.

⁶⁰ Zhenxiang Luo, and Xiaolin Zhou., Environmental Courts, Environmental Investment, and Corporate Carbon Emissions, *Finance Research Letters*, Vol.75, (2025), DOI: <https://doi.org/10.1016/j.frl.2025.106859>.

and due to the rapid development of civic life and the attendant negative effects on the environment.

Since it is inconceivable that human beings enjoy their right to life in a contaminated environment, and guaranteeing the right to litigation for all, as the country acting as the environment in demanding the cessation of harmful acts, compensation and others responsibility of individuals towards the country is crystal clear.⁶¹ But the country's responsibility towards individuals is incomplete. In order to limit the meaning of the interest in litigation to the immediate interest, although the claim to preserve the integrity of the environment is not without each individual's interest, and to keep abreast of developed countries' legal systems expanding the concept of environmental protection interest. The Tribunal would be such as specialized courts as the Administrative Tribunal, the Tax Tribunal or the Customs Tribunal and would be special for the consideration of environmental cases to ensure the cessation of grave violations of the environment, which adversely affect human health. Provided that the Court is characterized by expeditious and streamlined proceedings and that sentencing is not delayed.⁶²

3.3. The Comparative Study of Environmental Legal Protection Regulations: Jordan and France

A comparison between Jordan and France demonstrates two distinct legislative and judicial approaches to addressing environmental crimes.⁶³ Although both countries recognize environmental protection as a public interest and criminalize conduct that causes environmental harm, they differ significantly in the structure of environmental criminal law, the role of administrative authorities, and the degree of judicial specialization.⁶⁴

The Jordanian legal framework is principally governed by the Environmental Protection Law No. 6 of 2017, which identifies specific environmental offences, including the unlawful importation of hazardous waste, illegal disposal of waste, pollution of water resources and the marine environment, exceeding permissible noise and emission limits, encroachment on protected areas, and failure to remove sources of pollution (Articles 6–12). Criminal sanctions are provided in Articles 17–27 and include imprisonment, monetary fines, increased penalties for repeat offenders, and equal criminal liability for accomplices, instigators, and principal offenders. Unlike the general provisions of the Penal Code, the Environmental Protection Law adopts a stricter approach by increasing penalties in cases of

⁶¹ Ling Yun He, and Xiao Feng Qi., Environmental Courts, Environment and Employment: Evidence from China, *Sustainability*, Vol.13, No.11 (2021), DOI: <https://doi.org/10.3390/su13116248>.

⁶² Tareq Al-Billeh, and Hamzeh Abu Issa., The Role of the Environment Committees in the Nineteenth Parliament for the Year 2020 in Studying Matters Related to Environmental Affairs in Jordan, *Journal of Environmental Management and Tourism*, Vol.14, No.1 (2023), page. 168–175, DOI: [https://doi.org/10.14505/jemt.v14.1\(65\).16](https://doi.org/10.14505/jemt.v14.1(65).16).

⁶³ Yujing Guo, Nibing Liu, Le Chang, and Hongguang He., The Rule of Law Strengthening on Corporate Green Innovation: A Quasi-Natural Experiment Based on the Establishment of Environmental Courts in China, *Frontiers in Environmental Science*, Vol.12 (2024), DOI: <https://doi.org/10.3389/fenvs.2024.1464961>.

⁶⁴ Xiping Zhang, Aimin Fu, and Guang Hu., Establishment of Environmental Courts and Corporate Green Innovation, *Finance Research Letters*, Vol.69, (2024), DOI: <https://doi.org/10.1016/j.frl.2024.106192>.

repeated violations and broadening criminal responsibility.⁶⁵

Despite this legislative development, environmental criminal enforcement in Jordan remains largely dependent on ordinary criminal courts, while environmental disputes involving administrative decisions are addressed within the general administrative judicial system. Furthermore, the Environmental Protection Department Regulation No. 37 of 2018 strengthened environmental inspection through the Royal Directorate for Environmental Protection/Public Security, although the current legislation no longer grants Ministry of Environment officials the status of judicial police officers, potentially reducing the effectiveness of environmental law enforcement. Consequently, Jordan's environmental criminal system continues to face institutional challenges relating to specialized investigation, technical expertise, and preventive judicial intervention.⁶⁶

By contrast, France has developed a more mature environmental criminal justice system in which environmental offences are closely integrated with administrative regulation and supported by an extensive body of judicial interpretation.⁶⁷ French environmental criminal law is largely based on violations of regulatory obligations, meaning that criminal liability frequently arises from non-compliance with environmental permits, pollution-control standards, and administrative requirements rather than from traditional criminal offences alone.⁶⁸ This regulatory approach allows administrative authorities and criminal courts to operate complementarily in preventing environmental harm.⁶⁹

The jurisprudence of the French Conseil d'État illustrates this preventive approach. In one notable decision, the Court held that the dumping of contaminated or poisoned fish capable of transmitting disease to other fish was sufficient to establish criminal liability under Article 434 of the French Agricultural Code. The significance of this judgment lies in the Court's acceptance that environmental criminal liability may arise from the existence of a substantial environmental risk, even before widespread ecological damage has occurred.⁷⁰ Such reasoning reflects a precautionary judicial philosophy that prioritizes the prevention of environmental harm rather than waiting until irreversible damage has materialized. This preventive interpretation has significantly influenced environmental enforcement by

⁶⁵ Xinshuo Hou, Jia Yang, and Chanhua Hou., Can Strengthening Environmental Justice Promote Carbon Reduction? Evidence from Environmental Courts in China, *Environmental Science and Pollution Research*, Vol.31, No.46 (2024), page. 57081–57098, DOI: <https://doi.org/10.1007/s11356-024-31907-z>.

⁶⁶ Yerong Liang, Qingyang Guo, and Yuan Gao., The Establishment of Environmental Courts and the ESG Performance of Heavy Polluters: Based on China's Quasi-Nature Experiments, *Applied Economics*, (2025), DOI: <https://doi.org/10.1080/00036846.2025.2536875>.

⁶⁷ Xiulin Qi, Zhifang Wu, Jinqing Xu, and Biaoan Shan., Environmental Justice and Green Innovation: A Quasi-Natural Experiment Based on the Establishment of Environmental Courts in China, *Ecological Economics*, Vol.205, (2023), DOI: <https://doi.org/10.1016/j.ecolecon.2022.107700>.

⁶⁸ Weimin He, and Bin Wang., Environmental Jurisdiction and Energy Efficiency: Evidence from China's Establishment of Environmental Courts, *Energy Economics*, Vol.131 (2024), DOI: <https://doi.org/10.1016/j.eneco.2024.107358>.

⁶⁹ Tareq Al-Billeh, and Mohammad Ashraf Al-Qheiw, Objection of Third Parties Outside the Litigation in Administrative Judicial Judgments in the Jordanian and French Legislation, *Revista Relações Internacionais do Mundo Atual*, Vol.42, No.4 (2023), page. 76–101.

⁷⁰ Zilong Liu, Rungen Chen, Yu Chen, Qian Ye, and Kanglan Fang., Law and Governance in Environmental Oversight: The Role of Environmental Courts in Enhancing Corporate Information Transparency, *Finance Research Letters*, Vol.80 (2025), DOI: <https://doi.org/10.1016/j.frl.2025.107364>.

lowering the evidentiary threshold necessary to establish environmental offences.⁷¹

The comparison demonstrates two important differences. First, while Jordan adopts a detailed statutory enumeration of environmental crimes accompanied by specified criminal sanctions, France relies more heavily on the interaction between administrative regulation and criminal enforcement, allowing judicial interpretation to expand environmental protection in response to emerging environmental risks.⁷² Second, French courts have developed a precautionary approach that recognizes environmental risk itself as sufficient to justify criminal intervention, whereas the Jordanian legal framework remains primarily reactive, focusing on punishment after statutory violations have occurred. This distinction indicates that Jordan could further strengthen its environmental criminal justice system by expanding preventive judicial powers, increasing judicial specialization in environmental matters, and improving coordination between administrative authorities and criminal courts while maintaining the existing legislative safeguards provided under Environmental Protection Law No. 6 of 2017.⁷³

4. CONCLUSION

This study concludes that the current Jordanian judicial framework does not provide fully effective environmental protection because jurisdiction over environmental disputes is fragmented among administrative, criminal, and civil courts, limiting judicial consistency and the effective enforcement of environmental rights. By analyzing Jordanian legislation, comparative judicial experiences, and relevant international environmental conventions, the research demonstrates the need for a more coherent institutional framework capable of addressing the increasing complexity of environmental disputes. The novelty of this study lies in its comprehensive evaluation of the distribution of judicial jurisdiction in environmental matters, its integration of comparative legal experiences with Jordan's legal system, and its proposal to establish specialized environmental courts or specialized environmental chambers within the existing judiciary. These findings directly fulfill the research objective of assessing the adequacy of the current judicial system and provide a practical contribution by proposing legislative and institutional reforms that would strengthen environmental governance, improve the enforcement of environmental legislation, and enhance access to environmental justice in Jordan.

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⁷¹ Brian J. Preston., Characteristics of Successful Environmental Courts and Tribunals, *Journal of Environmental Law*, Vol.26, No.3 (2014), page.365–393, DOI: <https://doi.org/10.1093/jel/equ019>.

⁷² Yan Lv, Fan Wang, Guoliang Liu, and Ruixue Ren., The Impact of Environmental Court Construction on the Quality of Corporate Environmental Information Disclosure, *International Review of Financial Analysis*, Vol.95, (2024), DOI: <https://doi.org/10.1016/j.irfa.2024.103512>.

⁷³ Xinshuo Hou, Jia Yang, and Chanhua Hou., Can Strengthening Environmental Justice Promote Carbon Reduction? Evidence from Environmental Courts in China, *Environmental Science and Pollution Research*, Vol.31, No.46 (2024), page. 57081–57098, DOI: <https://doi.org/10.1007/s11356-024-31907-z>.

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