

National Legal Mechanisms Established for the Protection of Protected Areas

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Abstract:

To preserve the environment and prevent disturbances to the environmental balance in general, and protected areas in particular, and to protect biodiversity, this cannot be achieved without legal texts that provide protection for protected natural areas from all the dangers that threaten them. Therefore, the Algerian legislator hastened to issue special legislation, notably the Law on Protected Areas within the Framework of Sustainable Development No. 11/02, through which it established a set of mechanisms, including institutional, administrative, and criminal mechanisms, to entrench the protection of natural reserves.

Keywords: legal mechanisms, protection, protected areas.

Introduction

Protecting the environment from degradation in general, and natural reserves in particular, preventing disruption of the environmental balance by preserving the environment from all forms of pollution and irrational exploitation of its resources, and safeguarding and protecting various organisms and species from extinction—all of this cannot be achieved without the enactment of legal texts that regulate and protect them from all dangers and damages they are exposed to, and that support the bodies and institutions concerned with preserving natural spaces and areas and all

reserves in the best possible manner. The effectiveness of such legal texts in protecting these areas is enhanced when they include criminal sanctions imposed on violators of their provisions, thereby achieving the required deterrence. This is what the Algerian legislator has enshrined, ensuring that such legislation is consistent with the objectives for which it was enacted, whether general legal texts concerned with environmental protection within the framework of sustainable development, or the special law on the protection of protected areas within the framework of sustainable development. Based on the foregoing, we attempt to raise the following issue:

- What are the legal mechanisms established by the Algerian legislator to protect and preserve protected areas, and to what extent have they achieved the intended effectiveness?

To answer this issue, we divided the research paper into a two-part structure. The first section is devoted to institutional protection mechanisms for protected areas, while the second section addresses the criminal protection of protected areas.

Section One: Institutional Protection Mechanisms for Protected Areas

Some refer to this as administrative protection, as it is undertaken by institutions

and bodies. Through this section, we address aspects of this protection, whether related to the classification of natural reserves (Subsection One), the management and administration of protected areas (Subsection Two), and we conclude this protection with the system of administrative police powers (Subsection Three).

Subsection One: Classification of Natural Reserves

The classification, inventorying, and designation of natural reserves constitute the most important stage of their protection, as this leads, on the one hand, to the mobilization of all human and material means to protect them, and on the other hand, to granting them special legal protection, since the relevant law was originally enacted for this purpose.

The Algerian legislator addressed the classification of protected areas in Law No. 03-10 concerning environmental protection within the framework of sustainable development, and affirmed it in Law No. 11-02 relating to protected areas.

First: Classification of Protected Areas under the Environmental Protection Law

The Algerian legislator limited the components of protected areas under Law No. 03-10 mentioned above, in Article 31 thereof, to: strict nature reserves, national parks, natural monuments, habitat and species management areas, protected terrestrial and marine landscapes, and protected areas of managed natural resources. However, this classification specific to protected areas was repealed with the issuance of the special law on protected areas through Article 46 thereof.

Second: Classification of Areas under the Protected Areas Law

With regard to the classification of protected areas under the special law, the legislator devoted an entire chapter to it, namely Chapter Two entitled “Classification Procedures,” whereby protected areas are classified on the basis of their ecological reality as resulting from the classification study, the environmental objectives assigned to them, and the criteria

and conditions determined in accordance with the provisions of this law, into seven (07) categories, namely:

- National park.
- Natural park.
- Strict nature reserve.
- Nature reserve.
- Habitat and species management reserve / natural site.
- Natural corridor.

The Algerian legislator defined all these classifications in the law governing protected areas within the framework of sustainable development.

Classification is considered one of the aspects of administrative protection, as it is carried out by bodies and authorities, most of which are administrative, or is issued through administrative means and according to specific procedures.

1- Procedures and Modalities for Classifying Protected Areas

The Wali or the President of the People’s Municipal Assembly initiates the establishment of a protected area by decision. In general, there are several reasons that make areas eligible to become protected natural areas, including the following:

- When the area contains a distinctive ecosystem (groups of endemic animals in rainforests).
- When the area contains ordinary diversity of patterns.
- When the landform or geophysical factors have particular importance, such as the presence of springs or unique geological areas.
- When the area requires revival measures to protect hydrological factors (soil and water).
- When the area is of importance for ecotourism (lakes, beaches, mountainous areas, wildlife).
- When the area includes sites of importance for scientific research.

The classification request is sent to the National Committee for Protected Areas to express its opinion and deliberate on the proposal and feasibility of classification and

to approve classification studies. The request includes a detailed report specifying, in particular, the objectives of the proposed classification and the expected benefits, as well as a territorial situation plan.

The classification study is entrusted, on the basis of agreements or contracts, to a study office or research centers active in the field of environment, biological diversity, and ecology, based on reference terms initiated by the committee.

The classification study clarifies, in particular: the description and inventory of plant, animal, and landscape wealth; the description of the social and economic context; the analysis of interactions related to the use of the area by local populations; the assessment of wealth and clarification of major stakes; the identification of factors that constitute threats to the concerned area; the proposal of dividing the area into zones and the preparation of a draft plan specifying general and field objectives; and the provisions for preserving, protecting, and developing the protected area in accordance with the Protected Areas Law. The classification document also defines the boundaries and area of the protected area, its category, the division of the protected area into zones, the list of plant and animal wealth present within the protected area to be classified, and sets out the provisions for preserving, protecting, and developing the protected area in accordance with or within the framework of the provisions of the Protected Areas Law. Approval of the classification study is carried out by the committee by law for strict nature reserves, by decree for other protected areas, by decision of the President of the People's Municipal Assembly for protected areas located within the territory of the concerned municipality, by decision of the Wali for protected areas extending over two or more municipalities, and by a joint ministerial decision between the Minister of Interior and Local Authorities and the Minister of Environment for areas extending over two or more wilayas.

The classification document specifies the boundaries and area of the classified protected area, its category, its division into zones, the rules for its preservation, protection, and development, in addition to the list of plant and animal wealth present within the protected area.

2- Results and Effects of the Classification Process of Protected Areas

As previously stated, classification is one of the most important mechanisms for protecting natural reserves, as it results in several outcomes and effects, including:

- Determining or marking the protected area materially by installing signs, which constitutes an easement for public benefit.
- Transferring the boundaries of the protected area to land-use plans, master plans for development and urban planning, as well as applicable marine charts.
- Subjecting the voluntary introduction of any animal or plant species to a license from the managing authority after obtaining the committee's opinion, in order not to affect the natural, animal, and plant environments of protected areas.
- The removal of animals and plants to preserve the sustainability of the ecosystem only with a license from the managing authority after obtaining the committee's opinion and in accordance with modalities determined by regulation.

It should be noted that, as an exceptional measure, Law No. 11-02 granted the legal person subject to private law the initiative to classify the protected area that it manages in accordance with the principles and procedures set out in this law.

Subsection Two: Management and Administration of Protected Areas

Among the legal mechanisms established by the Algerian legislator to protect natural areas after their classification is the assignment of their management to

administrative authorities, whether central or local. The protection and management of these areas in general fall within the core powers of the minister in charge of territorial planning and the environment, who is responsible for preserving and promoting sensitive and fragile spaces such as the coast, mountains, plains, the south, and border areas. At the level of the supervisory ministry, there exists a Directorate for the Conservation of Biological Diversity, the Natural Environment, Protected Areas, the Coast, and Climate Change, which includes four sub-directorates whose tasks include:

- Preparing policies for the conservation and restoration of natural and biological heritage.
- Contributing to the development of a national policy in the field of biological security.
- Contributing to the monitoring and conservation of natural and biological heritage.
- Contributing to the inventory and proposal for classification of natural sites of importance.
- Contributing to the inventory and promotion of distinguished sites and landscapes.
- Contributing to the preparation of rules for managing areas of natural importance.

The management of protected areas is entrusted to the institution established at the initiative of the authority that carried out the classification of the concerned protected area, in accordance with the modalities determined by applicable legislation and regulation, through a guiding management plan established for each ecological area. This plan defines the orientations for protecting, enhancing, and sustainably developing the protected area, as well as the expected long-term objectives.

This plan clarifies, in particular, the characteristics and evaluation of heritage, strategic and scientific objectives, protection and management means to be implemented, short- and medium-term

intervention programs, research programs, and measures for protecting the protected area. The modalities for preparing, approving, and revising this plan are determined by regulation, which has not yet been issued.

Protection and management of protected areas are also entrusted to the wilaya directorates affiliated with the Ministry of Environment and Territorial Planning when the protected area is located within the wilaya under their authority. Municipal councils are also among the bodies tasked with protecting and managing natural areas located within their territorial jurisdiction.

Subsection Three: Administrative Police and Administrative Means for the Protection of Natural Areas

Administrative police specific to natural reserves refers to restricting private activities of individuals and groups in a specific area pursuant to legislative or regulatory texts, with the aim of protecting biological and natural diversity in that area, which is characterized by unique features in its living organisms or natural phenomena. Among administrative police systems are:

First: Prohibition (Ban)

Laws confer special protection on reserves by prohibiting activities that may pose a risk to the natural environment, its aesthetic level, or harm living or plant organisms within them. Any act that directly or indirectly harms the natural reserve is prohibited. Accordingly, many activities have been banned within or near them in accordance with Law No. 10-03, through stipulating the principle of preserving biological diversity, which requires preserving all activities to avoid causing significant harm to biological diversity. Prohibition is considered one of the most important administrative means adopted by administrative laws in environmental protection, as it constitutes a preventive and preventive measure. The prohibition adopted in the protection of natural areas includes absolute prohibition and relative prohibition.

1- Absolute Prohibition:

This is the categorical prohibition of carrying out certain activities and acts due to their harmful effects on the reserve, without exception or authorization. Among the prohibited activities in reserves, as stated in Article 8 of Law No. 11/02, are:

- All works that alter the shape of the land or vegetation cover.
- All forms of terrestrial or marine hunting.

Violators of the provisions of this article are subject to criminal penalties stipulated in Article 44 of Law No. 11-02, which will be detailed later under criminal protection in Section Two.

2- Relative Prohibition:

This type of prohibition consists of preventing certain acts that may cause harm to protected areas or one of their components, unless prior authorization is obtained from the competent administrative authorities.

Second: Authorization.

Authorization is considered one of the systems adopted by the administration to carry out certain acts that are not prohibited or that are described as permissible. Jurisprudentially, it is defined as the required permission issued by a competent administrative authority to carry out a specific activity that cannot be undertaken except after obtaining such permission, noting that this authorization is granted by the administration after fulfilling conditions legally specified.

For the purpose of achieving special protection for these areas, every activity carried out by individuals that is likely to change the condition of places or their appearance within the park or natural reserve has been made subject to a special authorization delivered by the minister in charge of nature. Accordingly, any person wishing to carry out an activity within the reserve—such as an owner inside the reserve—must submit to the competent wali a memorandum indicating the nature of the activity intended to be carried out and its impact on the protected environment, together with a detailed plan of the site

intended to be modified, a general plan of the facilities to be constructed and the areas covered by the modifications, and a study allowing the assessment of the results of the modifications introduced to the protected land and to the environment in general.

Exceptionally, individuals may carry out certain activities within a fully protected natural reserve in accordance with the applicable authorization system, provided that such activities do not conflict with the intended objectives and that they achieve useful and important purposes, such as taking plant or animal samples for permissible purposes, such as activities related to scientific research, those of an urgent nature, or those of national importance. Thus, the establishment of certain projects of national benefit within a fully protected natural reserve has been authorized after obtaining approval from the Council of Ministers. Authorization is considered one of the most important preventive guarantees for protecting the reserve, as the competent authorities or bodies responsible for protecting the reserve may not grant authorization except after verifying that the required conditions are met. Once these conditions are fulfilled, permission or authorization to carry out the activity is issued.

Third: Obligation and Notification

1 – Obligation:

Obligation is considered one of the most prominent legal measures of environmental administrative control. The administrative control authority does not confine itself to prohibiting an activity, nor does it merely condition its exercise upon prior authorization; rather, the law may require individuals to perform a specific positive act when the legislator believes that such an act would contribute to the protection and preservation of the reserve. Among the examples of obligation provided for in environmental legislation is what the Algerian legislator stipulated in the Environmental Protection Law, where it referred to the mandatory requirement of an environmental impact assessment to

evaluate the impact of projects on the environment.

2 – Notification:

The law may require individuals to carry out certain activities without obtaining prior authorization, despite the possibility that such activities may pollute the reserve, and may suffice by requiring notification thereof before undertaking them or within a specific period after carrying them out, either because the likelihood of pollution resulting from them is minimal or because the resulting risks can be addressed. Through notification, the competent administration can monitor the situation, prepare to confront potential pollution, and deal with pollutants if they occur. Notification may be prior to the exercise of the activity, allowing the administration to study the matter and assess its impact on the reserve; if it does not pose a risk, the administration remains silent and allows the intended activity to proceed, whereas in the opposite case, the administration prohibits it. Notification may also be subsequent, provided that the activity is reported within a specified period after it is carried out.

Second Requirement: Criminal Protection of Protected Areas

As previously stated, no protection achieves its purpose and objectives unless it includes deterrent penal provisions. This is what led the Algerian legislator to incorporate criminal protection for natural reserves both in the Penal Code and in related special laws, such as those contained in Chapter Six entitled “Penal Provisions” of Law No. 03-10, as well as those included in Law No. 11-02 in its Chapter Four under the same title, “Penal Provisions.” Before reviewing the forms of crimes of assault and encroachment on protected areas and the penalties prescribed for them (Subsection Two), it is first necessary to identify the agents qualified to investigate and record these crimes (Subsection One).

Subsection One: Agents Qualified to Investigate and Record Forms of Encroachment on Natural Reserves

According to Article 38 of the law relating to protected areas within the framework of sustainable development, the agents qualified to investigate and record violations of the provisions of Law No. 11-02 mentioned above are:

- Judicial police officers and agents, who are legally authorized to investigate, record, and even detect crimes in general, as provided for in the Code of Criminal Procedure under Article 15.
- Legally qualified officials acting within the powers conferred upon them by the applicable legislation and regulations. By referring to Chapter Seven, specifically Article 111 of the law relating to environmental protection within the framework of sustainable development, we find that it provides greater clarification regarding these agents, officials, and those tasked with recording violations related to environmental protection, namely:
 - Officials and agents mentioned in Article 21 and subsequent articles of the Code of Criminal Procedure.
 - Environmental inspectors.
 - Technical staff of the administration in charge of the environment.
 - Officers and agents of civil protection.

Subsection Two: Crimes of Encroachment on Protected Areas

In order to preserve biodiversity and maintain threatened terrestrial and marine wildlife within their natural habitats represented by natural reserves, this subsection will review some of the acts criminalized by the Algerian legislator that pose a threat to life in natural areas, including the following:

First: The Crime of Assault on Animals in Natural Reserves

The legal element of this crime is found in Articles 39 and 8 of Law No. 11-02 relating

to protected areas within the framework of sustainable development.

As for the material element of this crime, it consists of the criminal conduct set forth in Article 8 of the aforementioned law, namely:

- Any type of terrestrial or marine hunting in a fully protected natural reserve.
- Killing, slaughtering, or capturing animals in a fully protected natural reserve.
- Any act that causes harm to animals or plants, and any introduction or smuggling of animal or plant species into a fully protected natural reserve.

This crime is considered a material crime (a harm crime), represented by an actual assault on the right or interest protected by law, namely the natural reserve.

As for its moral element, it is an intentional crime, since the offender is aware of the subject of the protected right or interest (animals) and is aware that the place where the crime occurs is a natural reserve.

Second: The Crime of Assault on Plants in Natural Reserves

This crime also finds its legal element in Articles 39 and 8 of Law No. 11-02 previously mentioned. Article 39 stipulates: “Anyone who violates the provisions of Article 8 of this law shall be punished by imprisonment from six months to three years and a fine ranging from 200,000 to 2,000,000 dinars.” From the content of Article 8, it includes the material element of certain crimes of assault, such as the previously mentioned crime.

With regard to this crime, its material element is defined in paragraphs 5, 6, 7, and 10 of Article 8 of the law relating to protected areas and consists of prohibiting the following activities in a fully protected natural reserve:

- Destruction or collection of plants.
- Any forestry, agricultural, or mining exploitation.
- All types of grazing.

- Any act that causes harm to animals or plants, and any introduction or smuggling of animal or plant species.

As for the moral element of this crime, represented by criminal intent, the legislator sufficed with the existence of general intent, which is based on the elements of knowledge and will—that is, knowledge of the material facts of the crime and the direction of the will toward committing it. Whether the offender is a natural or legal person, he knows that his act is unlawful, such as cutting, uprooting, damaging, or removing plants from the reserve.

Third: Crimes of Altering the Biodiversity of Natural Reserves

Two crimes will be addressed here: the first concerns the crime of introducing and acclimatizing alien species into the reserve, whether animal or plant; the second concerns the crime of causing harm to or altering physical, geological, or morphological formations.

1 – The Crime of Introducing or Acclimatizing Alien Species:

The legal element of this crime lies in the combined application of Articles 39 and 8 of the law relating to protected areas.

The material element of this crime is defined in paragraph 10 of Article 8: “... any introduction or smuggling of animal or plant species,” specifically within a fully protected natural reserve. The introduction and acclimatization of one or more alien plant or animal species into a specific ecosystem would harm native and adapted species through competition for food and predation carried out by alien species against other species within the reserve. Moreover, alien species may cause diseases that did not previously exist among the plant and animal groups present in the reserve.

This crime requires general criminal intent, as ignorance of the law does not negate criminal intent, based on the principle that ignorance of the law is no excuse.

2 – The Crime of Causing Harm to or Altering Physical, Geological, or

Morphological Formations, and Natural Environmental Features and Systems:

This crime finds its legal basis, or what is referred to as the legal element of the crime, in Articles 39 and Article 8, paragraph 7 of Law No. 11-02 mentioned above. As for its material element, it consists of the offender carrying out any activity that leads to a reduction in the value of physical, geological, and morphological formations. The legislator did not specify a particular conduct, nor did it specify the type or degree of change affecting these components. Accordingly, the conduct here includes any activity that leads to the result of harm or alteration to those components, features, and environmental systems, such as:

- Excavation, prospecting, exploration, land leveling, or construction operations.
- Any works that alter the shape of the land or plant cover.

Fourth: Crimes of Lack of Authorization in Reserves

The legal element of these crimes is found in Articles 32, 33, 42, and 43 of Law No. 11-02 relating to protected areas within the framework of sustainable development. As indicated earlier, carrying out certain activities or acts requires obtaining prior authorization from the competent administrative authorities. However, a person may carry out such acts within the reserve without obtaining permission from the competent authority. The activities requiring such a procedure are stipulated in Articles 32 and 33: the former requires a prior license to introduce any animal or plant species into reserves, granted to the concerned person, while Article 33 also requires that the disposal of animals and plants, for the purpose of preserving the sustainability of the ecosystem, may only be carried out with a license from the authority managing the reserve. Both articles contain the material element of this crime, which is considered a formal crime, meaning that it is established once the offender commits it, without the need to examine the result or damage.

Fifth: The Crime of Assault on the Adjacent Zone of Protected Areas

Before addressing the elements of this crime, it is first necessary to identify the adjacent zone of natural reserves. Protected areas can be divided into three zones to regulate the types of practices or activities, namely:

- The core zone.
- The buffer zone.
- The adjacent zone or transit zone, which surrounds the buffer zone and protects both zones. It represents the final spatial perimeter of the reserve, where recreational, leisure, entertainment, and tourism activities are permitted.

As for the legal element of this crime, it is found in Articles 41 and 15 of the law relating to protected areas. With regard to the criminal conduct, it was not precisely defined. Article 41 of the aforementioned law stipulates: “Anyone who violates the provisions of Article 15 of this law shall be punished by imprisonment from two months to one year and a fine ranging from 100,000 to 500,000 dinars.” By referring to Article 15, it includes the three zones of the natural reserve mentioned above. The legislator intended to protect the entire natural reserve, including the transit (adjacent) zone, from any conduct that may pose a risk to it, and specified the permitted activities exhaustively (recreation, leisure, entertainment, and tourism). Any activity outside these is prohibited and punishable. As for the moral element, it is an intentional crime requiring knowledge and will, whereby the offender commits acts in the adjacent zone while knowing that they pose a risk to the reserve and that such acts are prohibited.

Sixth: The Crime of Corruption and Degradation of Protected Areas

This crime finds its legal basis, or legal element, in Article 44 of Law No. 11-02, which provides: “Anyone who causes the degradation of protected areas by any pouring, discharge, dumping, unloading, or placing of materials that lead to a change in

their physical, chemical, biological, and bacteriological characteristics shall be punished by imprisonment from one to three years and a fine ranging from 500,000 to 3,000,000 dinars.” This article includes the material element of the crime or the punishable conduct, without referring the act to another article as in the previously mentioned crimes. The conduct consists of pouring, discharging, dumping, unloading, or placing materials that lead to the degradation of the reserve and a change in its physical, chemical, biological, and bacteriological characteristics, resulting in damage to the reserve.

This crime is an intentional crime requiring general criminal intent, which entails knowledge and will on the part of the offender.

Conclusion

This study, entitled *National Legal Mechanisms Allocated for the Protection of Protected Areas*, has led us to a set of findings, and in the same context, we attempted to present some proposals in the hope that they may find resonance, application, and activation.

Regarding the findings:

- We observed that the Algerian legislator devoted a special law to protected areas, namely Law No. 11-02, due to the distinctive characteristics and components of these areas, and did not limit itself to general related laws such as the Environmental Protection Law No. 03-10.
- The legislator established special institutional (administrative) and criminal protective legal rules for protected areas through a system of classification and inventory of natural spaces with specific components or lifestyles. It also enshrined administrative protection based on the management and administration of these protected areas, entrusted to central or local administrative bodies. This type of protection was further strengthened

through administrative control systems such as authorization and prohibition systems, among others. The legislator did not confine itself to this type of protection, but also established criminal protection, which we consider the most important level of protection due to the significant and multiple risks to which the environment in general, and protected areas in particular, have become exposed.

Regarding the proposals:

Based on the findings reached in this study, we propose the following:

- The necessity of activating laws and not leaving them as mere formal legal frameworks without application, especially those related to the protection of protected areas, starting with the relevant law (11-02), in addition to other laws that directly affect natural reserves, such as the Environmental Protection Law and the Urban Planning and Development Law, among many others.
- Strengthening the institutions managing reserves with material resources and advanced equipment to facilitate their work and achieve the desired objectives of such management, enabling them to monitor and detect all risks that may threaten reserves, such as the massive fires that occurred in the summer of 2024 in El Kala Reserve, El Tarf Province (Algeria).
- Providing reserves with specialized and competent human resources to develop and improve protected areas.
- Intensifying the inventory and classification of natural areas, as the classification system is one aspect of protection, especially since our country abounds in many natural landscapes with biodiversity that require protection.

- The necessity of using modern technologies in protecting protected areas, whether through digitization of areas or the use of satellite technologies to monitor natural areas.
- Increasing the criminal penalties prescribed for violations of the provisions of Law No. 11-02, as we observed that these penalties do not achieve the required deterrence, given that they are classified as simple misdemeanors rather than aggravated misdemeanors.
- Integrating the environmental dimension into all investment projects, regardless of their nature.
- Increasing awareness campaigns on the importance of reserves and the environment in general through various institutions, bodies, and all forms of media, as well as intensifying the inclusion of environmental lessons in educational curricula at all educational levels.

List of Footnotes and References

1. Law No. 03-10 dated 19 July 2003, relating to the protection of the environment within the framework of sustainable development, *Official Journal*, No. 43, issued on 20 July 2003.
2. Law No. 11-02 dated 17 February 2011, relating to protected areas within the framework of sustainable development, *Official Journal*, No. 13, issued on 28 February 2011.
3. See Article 46 of Law No. 11-02, previously mentioned.
4. See Article 4 of Law No. 11-02, previously mentioned.
5. Refer to Articles 5, 6, 7, 10, 11, 12, and 13 of Law No. 11-02 relating to protected areas, previously mentioned.
6. Hassina Ghouwas, Protected areas under Algerian legislation, *Emir Abdelkader Journal of Islamic Sciences*, University of Constantine, Issue 38, no year of publication, p. 507.
7. Fatima Ben Eddine, *Legal Protection of the Natural Reserve (Case Study)*, PhD thesis in Public Law, Faculty of Law and Political Sciences, University of Oran 2, academic year 2021/2022, p. 238.
8. See Article 26 of Law No. 11-02, previously mentioned.
9. See Article 29 of the same law.
10. See Article 28 of Law No. 11-02, previously mentioned.
11. Hassina Ghouwas, previously cited reference, p. 508.
12. See Article 20 of Law No. 11-02, previously mentioned.
13. See Article 02 of Executive Decree No. 10-258 dated 21/10/2010, defining the powers of the Minister of Urban Planning and the Environment, *Official Journal*, No. 64, issued on 28/10/2010.
14. See Articles 35 and 36 of Law No. 11-02, previously mentioned.
15. Fatima Ben Eddine, previously cited reference, p. 240.
16. Eid Mohammed Manahi Al-Azmi, *Administrative Protection of the Environment*, Dar Al-Nahda Al-Arabiya, Cairo, 2009, p. 413.
17. See Article 03 of Law No. 10/03, previously mentioned.
18. Refer to Article 8 of Law No. 11/02, previously mentioned.
19. Majed Ragheb Al-Hallou, *Environmental Protection Law in the Light of Sharia*, Alexandria, Egypt, 2002, p. 138.
20. Hassina Ghouwas, previously cited reference, p. 510.
21. Hassina Ghouwas, same reference, p. 510.
22. Fatima Ben Eddine, previously cited reference, p. 247.
23. Fatima Ben Eddine, same reference, p. 248.

24. Ordinance No. 66-156 dated 8 June 1966, containing the Penal Code, as amended and supplemented.
25. The law containing the Environmental Protection Law within the framework of sustainable development, previously mentioned.
26. The law relating to protected areas within the framework of sustainable development, previously mentioned.
27. See Article 15 and subsequent articles of Ordinance No. 66-155 dated 8 June 1966, containing the Code of Criminal Procedure, as amended and supplemented.
28. See Articles 21 and subsequent articles of Ordinance No. 66-155, previously mentioned.
29. Ali Abdelkader Al-Qahouji, *Explanation of the Penal Code, General Part: Theory of Crime*, 1st ed., Al-Halabi Legal Publications, Beirut, 2008, p. 307.
30. See Article 8 of Law No. 11-02, previously mentioned.
31. Fatima Ben Eddine, previously cited reference, p. 261.
32. Law No. 11-02, previously mentioned.
33. See Article 15 of Law No. 11-02, previously mentioned.
34. Defined by the legislator in paragraph four of Article 15 of the law relating to protected areas under the title “Transit Zone.”