THE LEGAL CHALLENGES IN ENVIRONMENTAL PROTECTION AND ACCOUNTABILITY: A STUDY IN SAUDI LAW

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ABSTRACT

Objective: The research delves into legal challenges regarding environmental protection and accountability in Saudi Arabia, aiming to understand the governing legal frameworks and practical implementation hurdles. It seeks to identify steps to improve the effectiveness of environmental law and enhance protection and accountability.

Theoretical Framework: The theoretical framework of this research is based on the concept of legal liability in environmental protection and its fundamental role in any legal system. The study also discusses the relationship between the effectiveness of the legal system and its feasibility.

Method: The research adopts a descriptive-analytical approach, by describing and analyzing the actual reality of the legal challenges in the field of environmental protection and accountability. The study relies on a range of primary and secondary sources, as well as scholarly publications.

Results and Discussion: Saudi’s environmental strategy prioritizes sustainable development and preserving resources for future generations. Laws enforce environmental responsibilities and promote sustainable practices, aiming to reduce pollution and ensure accountability. This underscores the vital role of environmental protection laws in achieving sustainability and safeguarding the environment.

Research Implications: Enhancing awareness of the importance of legal responsibility in environmental protection is crucial, as it supports efforts to update environmental laws and enhance international cooperation in the environmental field.

Originality/Value: This research offers a comprehensive analysis of legal responsibility in Saudi Arabia's environmental protection, addressing challenges in law implementation and suggesting practical recommendations for updating laws and enhancing international cooperation.

Keywords: Legal Challenges, Environmental Responsibility, Environmental Protection, Environmental Damages.

OS DESAFIOS JURÍDICOS NA PROTEÇÃO E RESPONSABILIZAÇÃO AMBIENTAL: UM ESTUDO SOBRE O DIREITO SAUDITA

RESUMO

Objetivo: A investigação investiga os desafios jurídicos relativos à protecção ambiental e à responsabilização na Arábia Saudita, com o objectivo de compreender os quadros jurídicos que regem e os obstáculos práticos à implementação. Procura identificar medidas para melhorar a eficácia da legislação ambiental e reforçar a protecção e a responsabilização.

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Referencial Teórico: El encuadramiento teórico de esta investigación se basa en el concepto de responsabilidad jurídica en la protección ambiental y en su papel fundamental en cualquier sistema jurídico. El estudio también discute la relación entre la eficacia del sistema jurídico y su viabilidad.

Método: La pesquisa adopta una abordagem descritivo-analítica, ao descrever e analisar a realidade real dos desafios jurídicos no campo da proteção e responsabilização ambiental. O estudo se baseia em uma variedade de fontes primárias e secundárias, bem como em publicações acadêMICAS.

Resultados e Discussão: A estratégia ambiental da Arábia Saudita prioriza el desarrollo sostenible y la preservación de recursos para las generaciones futuras. Las leyes imponen responsabilidades ambientales y promueven prácticas sostenibles, con el objetivo de reducir la contaminación y garantizar la responsabilización. Esto subraya el papel vital de las leyes de protección ambiental para alcanzar la sostenibilidad y salvaguardar el medio ambiente.

Implicaciones para la investigación: Aumentar la consciencia sobre la importancia de la responsabilidad legal en la protección ambiental es crucial, una vez que apoya los esfuerzos para actualizar las leyes ambientales y mejorar la cooperación internacional.

Originalidad/Valor: Esta pesquisa oferece uma análise abrangente da responsabilidade legal na proteção ambiental, abordando desafios na implementação da lei e sugerindo recomendações práticas para atualizar as leis e melhorar a cooperação internacional.

Palavras-chave: Desafíos Legais, Responsabilidade Ambiental, Proteção Ambiental, Danos Ambientais.

RESUMEN

Objetivo: La investigación profundiza en los desafíos legales relacionados con la protección ambiental y la rendición de cuentas en Arabia Saudita, con el objetivo de comprender los marcos legales que lo rigen y los obstáculos prácticos de implementación. Busca identificar pasos para mejorar la efectividad del derecho ambiental y mejorar la protección y la rendición de cuentas.

Marco Teórico: El marco teórico de esta investigación se basa en el concepto de responsabilidad jurídica en la protección del medio ambiente y su papel fundamental en cualquier sistema jurídico. El estudio también analiza la relación entre la eficacia del sistema legal y su viabilidad.

Método: La investigación adopta un enfoque descriptivo-analítico, describiendo y analizando la realidad actual de los desafíos legales en el campo de la protección y rendición de cuentas ambientales. El estudio se basa en una variedad de fuentes primarias y secundarias, así como en publicaciones académicas.

Resultados y Discusión: La estrategia ambiental de Arabia Saudita prioriza el desarrollo sostenible y la preservación de los recursos para las generaciones futuras. Las leyes hacen cumplir las responsabilidades ambientales y promueven prácticas sostenibles, con el objetivo de reducir la contaminación y garantizar la rendición de cuentas. Esto subraya el papel vital de las leyes de protección ambiental para lograr la sostenibilidad y salvaguardar el medio ambiente.

Implicaciones de la investigación: Es crucial aumentar la conciencia sobre la importancia de la responsabilidad legal en la protección ambiental, ya que apoya los esfuerzos para actualizar las leyes ambientales y mejorar la cooperación internacional en el campo ambiental.

Originalidad/Valor: Esta investigación ofrece un análisis integral de la responsabilidad legal en la protección ambiental de Arabia Saudita, aborda los desafíos en la implementación de la ley y sugiere recomendaciones prácticas para actualizar las leyes y mejorar la cooperación internacional.

Palabras clave: Retos Legales, Responsabilidad Ambiental, Protección Ambiental, Daños Ambientales.
1 INTRODUCTION

Legal liability for environmental damages is an essential component of any legal law, reflecting the effectiveness of the legal law and its potential for implementation based on the clarity and determination of liability rules, and the activation of liability in practical reality. It can be a successful tool for developing the law in general, as it ensures guarantees against arbitrariness and violation of legal obligations and duties. Many legal works have affirmed the principle of liability for environmental damages.

2 THEORETICAL FRAMEWORK

2.1 PREVIOUS STUDIES

Al-Obaidi, Osama bin Ghanem. (2018) "Environmental Pollution Crimes and Their Applications in the Saudi law" focuses on environmental pollution crimes and their application in the Saudi law, with a focus on the difficulties in determining environmental damage, weak supervision, and penalties. It emphasizes the importance of cooperation between the government and society in environmental conservation. The research emphasizes that environmental conservation requires comprehensive cooperation between the government, citizens, and institutions, along with improving the effectiveness of supervision and tightening penalties for perpetrators of environmental pollution crimes. It also recommends the necessity of enhancing awareness of the importance of environmental conservation and developing environmental programs and initiatives to achieve sustainable development.

Al-Abdulhadi, Abdullah bin Ayyad bin Abdulhadi. (2021) "Environmental Conservation in Islamic Jurisprudence and Legal Texts: An Applied Study on the Reality of Protecting Wildlife in the Baha Region" discusses the importance and obligation of environmental conservation as a strict legal requirement, emphasizing its significance in Islam and calling for the necessity of protection from dangers. The research discusses the impact of environmental regulations on the reality of life in the Kingdom.

2.2 LEGAL LAW FOR ENVIRONMENTAL POLLUTION LIABILITY

The legal law for environmental pollution liability\(^6\) relies on a set of laws\(^7\) and regulations that define the rights and obligations related to environmental conservation and compensating those affected by environmental pollution\(^8\). Typically, this legal law includes laws that stipulate liability for those causing environmental pollution\(^9\).

The application of the legal law for environmental pollution liability\(^{10}\) depends on several factors, including local and international legislation\(^{11}\), the strength of enforcement measures, and the authorities' ability to impose penalties. These laws aim to promote responsible use of natural resources, reduce environmental pollution\(^{12}\), and ensure compensation for those affected in case of damage\(^{13}\).

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2.2.1 Legal Basis for Environmental Pollution Liability

Several theories underpin liability for environmental damages, given the unique characteristics of these damages. However, it is evident that traditional rules of liability are insufficient to determine liability for environmental damages. Among these theories:

2.2.1.1 Personal Theory

Fault-based Environmental Liability Theory (Negligence Liability): According to this theory, civil environmental liability is established if the injured party can prove the deviation of the responsible party from the customary behavior of an ordinary person, whether intentionally, through lack of awareness, or negligence, whether the conduct is positive or negative. Therefore, any fault that causes harm to others obliges the perpetrator to compensate. However, this theory is subject to criticism for several reasons, including the difficulty of identifying the party at fault and the inability of this theory to cover all cases of environmental damages, in addition to the difficulty of proving causation. As a result of these criticisms, some jurists consider the concept of presumed fault as a means to reconcile between personal liability and objective liability, relieving the victim from proving ordinary fault. This theory is based on two types of liability: liability for the acts of others and liability for the acts of things.

2.2.1.2 Theory of Strict Liability (Contractual Liability)

According to this theory, liability for environmental damages does not require the occurrence of fault; it is sufficient that the responsible party violates a legal obligation, resulting in harm to others, with a causal relationship arising from deviation from a legal norm, without the need to prove negligence or lack of awareness on the part of the responsible person. Proponents of this theory rely on the idea that liability is based on arbitrariness in the use of rights, in addition to the theory of unusual neighborhood harm.

2.2.1.3 Theory of Absolute Environmental Liability (Liability Without Fault)

This theory relies on the elements of harm and causation to hold civil liability for environmental damages, without the need for specific fault. The theory is based on the idea of liability for consequences, where those who benefit from a certain activity or environmental
offense bear its harm, regardless of whether there is fault on the part of the employer or facility owner. Adopting traditional rules in liability for environmental damages is considered ineffective, resulting in the loss of rights for victims to obtain compensation. Liability for environmental damage according to this theory is a legal condition for the person who committed an environmental offense, making them responsible for compensating the damages resulting from that offense.

We believe that the theory of absolute liability should be adopted in assigning liability for environmental damages, as principles of justice prevent holding the liable party accountable for environmental harm without proving fault. This theory considers the reality of environmental damage by emphasizing the necessity only to prove the occurrence of harm and the existence of a causal relationship. This theory realistically reflects the circumstances in the event of environmental damage occurring.

2.2.2 Compensation for Environmental Pollution Damages

Environmental pollution is characterized by its severe danger and negative impacts on humans, animals, and plants in general. Therefore, dealing with such damages should be done in a manner commensurate with their characteristics, which include the following:

a. Environmental pollution is considered a global problem, as its effects are not confined by specific borders but extend worldwide;

b. Environmental pollution is characterized by continuous probability and permanent impact, as the time span between the occurrence of damage and the appearance of its negative effects can be lengthy;

c. Environmental pollution is distinguished by causing significant and indirect damages simultaneously, affecting various sectors at the same time.

Compensation methods for environmental damages in the Saudi law vary, where proving the occurrence of damage is a reason for compensation, which can be either in kind or in cash.

In-kind compensation involves restoring the situation to what it was before the damage occurred for the affected individuals or the affected environment. It also includes stopping harmful activities that caused pollution and preventing their recurrence in the future. This aligns with the characteristics of environmental damages, which require restoring and balancing the environment.

The Saudi regulator has adopted this concept in Articles (11, 13, 14, 18) of the Implementing Regulations of the General Environmental Law. Thus, the Saudi regulator relies on in-kind compensation, which involves restoring and repairing the environment, aligning with the principle of justice, where in-kind compensation is the optimal choice to address severe environmental damages.

Due to the nature and characteristics of environmental damage, it is difficult to restore the situation to what it was before. Therefore, the only available option is resorting to monetary compensation. Monetary compensation includes covering the damages incurred to natural resources and repairing them, and it also includes the necessary costs to assess these damages.

Compensation funds play a significant role in compensating for environmental damages, providing protection and compensation for those affected by environmental harms. A compensation fund is defined as a law, or an established association aimed at providing compensation to individuals affected by specific environmental or social damages.

The Environmental Fund was established according to Cabinet Decision No. 416 dated 19/7/1440 AH. However, it is considered a preventive, protective, and supportive fund for environmental activities and related investments without specifying mechanisms for compensating the affected parties, as stated in Articles (3, 4) of the Environmental Fund Regulation.

2.3 THE EFFORTS OF THE KINGDOM OF SAUDI ARABIA IN PRESERVING THE ENVIRONMENT

The Kingdom of Saudi Arabia has developed a national strategy for environmental protection, through the implementation of numerous initiatives aimed at restructuring the environmental sector to align with the diversity and expansiveness of the Saudi environment, and to keep pace with the rapid growth in sectors impacting the environment. Here, we will
focus on the role of the National Center and the initiatives taken by the Kingdom to preserve the environment and achieve sustainable development\(^1\).

2.3.1 The Role of the National Center for Environmental Compliance and Review in Achieving Sustainable Development

The Kingdom of Saudi Arabia has aimed to achieve sustainable development, which involves preserving the environment, enhancing societal well-being, and developing human capital. This has led to the establishment of several entities tasked with monitoring, protecting, and conserving the environment, including the National Center for Environmental Compliance and Review. Companies strive to maximize returns by leveraging available resources and target sustainable development by striking a balance between economic growth and environmental preservation, ultimately aiming for genuine well-being for all members of society.

2.3.1.1 Role of the National Center for Environmental Compliance

The Kingdom of Saudi Arabia's interest in environmental protection began with the establishment of the Meteorology and Environmental Protection Agency, followed by stages of development, construction, and regulations supporting environmental protection and resource conservation. This included adopting the National Environmental Strategy and establishing the institutional framework for the sector through the creation of the National Center for Environmental Compliance and four other centers, as well as the issuance of new environmental regulations.

The National Center for Environmental Compliance oversees environmental compliance for all establishments impacting the environment in all developmental sectors. It supervises programs for monitoring sources of environmental pollution, environmental media monitoring, and monitoring air, water, and soil quality, in addition to approving environmental impact assessments and issuing environmental permits for all development projects. It also conducts periodic inspections of facilities, coordinates with relevant authorities to enhance

environmental compliance through pollution monitoring, environmental assessment, control, and guidance, and tracks and monitors pollution levels and sources\textsuperscript{18}.

It aims to enforce compliance with approved environmental regulations, standards, and requirements by activating monitoring and environmental compliance initiatives, programs, and projects. The center monitors the implementation of its tasks, develops and monitors the implementation of operational plans, and issues environmental permits and licenses within its jurisdiction.

The National Center for Environmental Compliance has various tasks aimed at achieving environmental sustainability and prosperity in developmental sectors and improving the quality of life. Its services include:

- **Scope of the Center's Work Regarding Environmental Inspection and Audit:** Article (3) of the Executive Regulations for Environmental Inspection and Audit of the Environmental law issued by Royal Decree No. (M/165) dated 19/11/1441 AH stipulates the tasks entrusted to the Center related to environmental inspection and Audit;

- **Scope of the National Center's Work Regarding Ozone-Depleting Substances and Hydrocarbon Fluorocarbons:** Article (3) of the Executive Regulations for Ozone-Depleting Substances and Hydrocarbon Fluorocarbons of the Environmental law issued by Royal Decree No. (M/165) dated 19/11/1441 AH outlines the tasks entrusted to the Center regarding the regulation, management, and monitoring of activities related to ozone-depleting substances and hydrocarbon fluorocarbons;

- **Scope of the National Center's Work Regarding Environmental Remediation of Degraded Sites and Treatment of Contaminated Sites:** Article (3) of the Executive Regulations for Environmental Remediation of Degraded Sites and Treatment of Contaminated Sites of the Environmental law issued by Royal Decree No. (M/165) dated 19/11/1441 AH outlines the tasks entrusted to the Center related to environmental remediation of degraded sites and treatment of contaminated sites;

- **Work of the National Center Regarding Air Quality and Protection from Pollution:** Article (3) of the Executive Regulations for Air Quality and Protection from Pollution of the Environmental law issued by Royal Decree No. (M/165) dated 19/11/1441 AH

delineates the tasks entrusted to the Center related to air quality and protection from pollution;

- Work of the National Center Regarding Noise: Article (3) of the Executive Regulations for Noise Pollution of the Environmental law issued by Royal Decree No. (M/165) dated 19/11/1441 AH specifies the tasks entrusted to the Center related to noise;

- Work of the National Center Regarding Environmental Service Providers: Article (3) of the Executive Regulations for Environmental Service Providers of the Environmental law issued by Royal Decree No. (M/165) dated 19/11/1441 AH describes the tasks entrusted to the Center related to environmental service providers;

- Work of the National Center Regarding Protection of Water Environments from Pollution: Article (3) of the Executive Regulations for Protection of Water Environments from Pollution of the Environmental law issued by Royal Decree No. (M/165) dated 19/11/1441 AH outlines the tasks entrusted to the Center related to protection of water environments from pollution.

2.3.2 The Role of Social Responsibility of Individuals and Companies Towards the Environment

Social responsibility towards the environment is considered one of the important issues that must be developed either through regulation or through the educational process. It is not enough for learners to acquire knowledge and merely repeat it, but knowledge should penetrate deep into their consciousness and become part of their emotional makeup, serving as a major guide for their behavior. The importance of knowledge lies in assisting learners in understanding themselves, their society, satisfying their needs, and addressing their concerns to the extent that it influences their attitudes, habits, behavior, personality, and responsibilities. These responsibilities are considered the main driving force for these learners in their environment to maintain it, preserve it, and develop it.

Companies are considered the primary contributors to environmental damage due to the toxic waste they produce and environmental pollution that exacerbates environmental

problems. Therefore, social and environmental responsibility plays a significant role and importance, highlighted by the transition of industrial companies to what is known as the green economy, which is a policy aimed at sustainable development that focuses on environmental conservation.

As a result, social and environmental responsibility and the preservation of natural resources have become one of the challenges facing national economies and companies. While economic growth helps increase development rates, it also directly contributes to environmental pollution\textsuperscript{21}.

The environmental management of a company plays a significant role in implementing the principles and standards of the company's environmental policy and achieving integration between the application of environmental management laws for each company. There should be constant attention to monitoring environmental problems, identifying their main causes, focusing on continuous improvement, and demonstrating flexibility in addressing environmental issues. All employees, regardless of their specialties and levels, have a significant role in the success of the company's environmental policy. Therefore, it is essential to ensure that employees are trained and their capabilities are identified to execute their environmental responsibilities. They should be aware of the environmental impacts within the company and be allowed to contribute their suggestions and new ideas aimed at developing the company's environmental management laws while enhancing employees' skills and improving their performance.

Integrating the company's environmental policy as one of the pillars of corporate social responsibility involves developing an efficient plan that sets goals for improving environmental performance. This is done by identifying the necessary environmental management laws to be implemented and selecting capable implementation teams to analyze issues and commit to holding regular meetings while defining the roles of both managers and employees at different levels.

The role of corporate social responsibility in adopting the company's commitment to social responsibility in its mission and strategic vision is considered one of the fundamental pillars used to determine the company's environmental policy and translate it into actionable plans. This facilitates the preparation of environmental policies and the adoption of identified aspects of social responsibility towards the environment by:

Identifying the elements of the work environment for the company.

- Improving the company's environmental situation;
- Determining the executive steps for how the company deals with environmental requirements;
- Establishing the executive steps that should be taken to monitor and track environmental events.

2.3.3 The role of environmental auditing in environmental preservation and achieving sustainable development

The efficiency of companies is directly related to their performance in the environmental field, regardless of the type of activity and its role in the development process. This necessitates continuous improvement in their performance and the effectiveness of environmental performance measurement and evaluation laws to determine their true level of performance.

Sustainable development is directly affected by environmental degradation and achieving development\(^{22}\) is impossible in the face of environmental deterioration, as the relationship between the environment and development is one of integration and balance\(^ {23}\). Therefore, societies must focus on protecting the environment by safeguarding natural resources, in addition to developing current economic and social needs in a way that does not diminish the sustainability of resources in the long term\(^ {24}\).

Environmental auditing is one type of audit that has recently emerged, focusing on environmental matters by monitoring commercial and industrial facilities for their compliance with regulations and standards related to environmental protection, and holding facilities accountable for the direct and indirect impacts of their activities\(^ {25}\).

2.4 THE CHALLENGES UNDERTAKEN BY THE KINGDOM OF SAUDI ARABIA TO PRESERVE THE ENVIRONMENT IN LIGHT OF VISION 2030

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The Kingdom of Saudi Arabia faces significant challenges in terms of environmental preservation and achieving the goals of Vision 2030. In line with global shifts towards sustainable development, the Kingdom is addressing environmental challenges by adopting multi-dimensional strategies. These strategies include the adoption of renewable energy sources, such as solar and wind energy, to generate up to 50% of electricity production by 2030. Additionally, the Kingdom launched the "Saudi Green Initiative," aimed at increasing protected areas and reducing carbon emissions, along with large-scale afforestation projects like the Riyadh Green Project.

In addition to national initiatives, Saudi Arabia seeks international cooperation in environmental conservation through initiatives like the "Green Middle East," to achieve sustainable development at the regional level. The Kingdom also takes on global responsibility by committing to reduce methane emissions by 30% by 2030, and by embracing the concept of circular carbon economy as a comprehensive framework for carbon management using various available technologies.

Thanks to these multi-level efforts, Saudi Arabia aims to strike a balance between economic development and environmental protection, as part of its efforts to enhance the quality of life and improve the living standards for its citizens and residents, while contributing to global development towards sustainable prosperity.

3 METHODOLOGY

The study adopts a descriptive-analytical approach, by describing and analyzing the actual reality of the legal challenges in the field of environmental protection and accountability. The study relies on a range of primary and secondary sources, as well as scholarly publications.

4 RESULTS AND DISCUSSIONS

4.1 THE SAUDI ARABIAN ENVIRONMENTAL PROTECTION STRATEGY REFLECTS ITS STRONG COMMITMENT TO PRESERVING THE ENVIRONMENT AND ACHIEVING SUSTAINABLE DEVELOPMENT

4.1.1 Discussion

This result highlights the importance and seriousness of the efforts undertaken by the Kingdom of Saudi Arabia in the field of environmental protection and sustainable development. In other words, the Kingdom’s strategy reflects its strong and steadfast commitment to achieving a balance between economic and social development and environmental preservation. This reflects a comprehensive vision for development that ensures the sustainability of natural resources and the environment for current and future generations. This result demonstrates the Kingdom’s commitment to improving environmental quality, conserving biodiversity, and promoting community responsibility for environmental conservation for the benefit of all.

4.2 LAWS AND REGULATIONS PLAY A CRUCIAL ROLE IN DEFINING THE RIGHTS AND DUTIES RELATED TO ENVIRONMENTAL PRESERVATION AND COMPENSATING THOSE AFFECTED BY ENVIRONMENTAL POLLUTION

4.2.1 Discussion

This result underscores the crucial role that laws and regulations play in defining the rights and responsibilities related to environmental preservation and compensating those affected by environmental pollution.

Laws provide a framework for setting standards and guidelines for environmental protection practices. They establish the legal obligations of individuals, companies, and government entities to prevent environmental harm and mitigate its effects.

Furthermore, laws often outline mechanisms for holding polluters accountable for their actions and ensuring that affected parties receive compensation for the damages they have suffered. This serves not only as a deterrent against environmental violations but also helps in restoring the environment and supporting those adversely affected by pollution incidents.
4.3 THE AIM OF ENVIRONMENTAL POLLUTION LIABILITY LAW IS TO PROMOTE RESPONSIBLE USE OF NATURAL RESOURCES AND REDUCE ENVIRONMENTAL POLLUTION

This result highlights the objective of environmental pollution liability laws, which is to promote responsible use of natural resources and mitigate environmental pollution.

These laws encourage individuals, companies, and organizations to adopt environmentally friendly practices and technologies. By imposing liability for pollution, these laws incentivize entities to reduce their environmental impact and invest in cleaner production methods.

Furthermore, these laws contribute to the prevention and mitigation of environmental damage. By holding polluters accountable for their actions, these laws create financial incentives for entities to avoid activities that could harm the environment and instead invest in sustainable practices.

Additionally, the role of enforcement mechanisms in ensuring the effectiveness of environmental pollution liability laws is emphasized. Effective enforcement is essential for deterring non-compliance and ensuring that polluters are held accountable for any harm caused to the environment.

Overall, this result underscores the importance of environmental pollution liability laws in promoting sustainable development and protecting the environment for present and future generations.

5 CONCLUSION

In conclusion, achieving environmental responsibility is vital to ensure the preservation of the environment and natural resources for current and future generations. Only through the effectiveness of the legal law and its strict and fair enforcement can we progress towards achieving sustainable environmental goals. Therefore, we must all work together - governments, local communities, companies, and citizens - to raise awareness of the importance of environmental protection and effectively and sustainably fulfill environmental responsibilities. By adopting strong environmental policies, enhancing legislation, and enforcing it rigorously, we can build a better future for our planet and future generations. Through this, the research has reached the following results and recommendations.
REFERENCES


