

# PARENTHESES ON ENVIRONMENTAL OFFENSES AND PENALTIES - ANALYSIS OF THE NATIONAL AND US LEGAL FRAMEWORKS IN THE INCRIMINATING MATTER

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There is no doubt that the consequences of one's actions in the environmental law have a general impact on the country's welfare. More than 20 years after environmental penalties' introduction in most industrialized countries, their use against environmental offenders is being reconsidered. Both in the United States and the Republic of Moldova, environmental lawmakers and regulators have recently been actively reviewing how to extend penalties in terms of scale and scope for reasons of enhanced special and general deterrence. At the same time, their use continues to be questioned by environmental lawyers on the grounds of lack of effectiveness and excessive cost. The *effectiveness* arises out of the citizen's awareness of the disastrous consequences of overall illegal activities in the given territory, and the best way to ensure that the misdemeanors won't bring any more harm is to give a law compliance just and clear frames, where the law enforcement can be brought into an action.

The origins of criminalizing environmental offences in almost all European countries lie in the 1980s. *The United States Environmental Protection Agency's* criminal enforcement program was established in 1982, with full law enforcement authority granted in 1988. The Republic of Moldova introduced criminal prosecution of environmental offenses for the first time in 1980s when criminal legislation was extended to include crimes against the environment. However, countries differ substantially in terms of the function criminal sanctions fulfill within their domestic enforcement system.

In contrast to the United States, *civil prosecution of environmental offences* as used by the Environmental Protection Agency is not an option available to regulators in the Republic of Moldova legal system. The difference in the volume of criminal prosecutions between the United States and Republic of Moldova can therefore be taken to reflect differences in enforcement options, among other factors. The Criminal Code of the Republic of Moldova is a federal law. A critical aspect of its implementation is, however, that it is delegated comprehensively to administrative-territorial units within the Republic for the purpose of *detection, prosecution, and sanctions*. In contrast to the United States, there is no federal shadow system of federal prosecutors or environmental officers who monitor and assist state-level enforcement and potentially preempt state-level enforcement.

In order to balance out the impact of the negative externalities of the present issues, we must analyze how to bring into action the positive externalities of the environmental

policies. Generally speaking, through raising the prominent issues in social interactions with nature and creating a more effective register of pollution, water regulator as well as biodiversity one, the State will be able to ensure the individual's behavior compliance with the legal norms which, in turn, will create a general deterrence improvement.

Through following the coordinates of social wellbeing, economic and environmental outcomes with the improved management of the offense punishment and clear distinction of the endangered areas the legislation can be several steps toward ensuring the rule of law and law-abidingness, maintaining healthy cohesion through the whole of environmental regulators.

Even though *prima facie* as frequently witness by us crime of littering isn't something many citizens think about, in a long-term perspective becomes a problem, a pressing matter. Which is why, following the US legislation perspective that sets for small littering typically punishing with a monetary fine, a set number of hours spent picking up litter, or community service can be a strong push-toward the goal in question.

Environmental law regulations are essential for safeguarding people, natural resources, habitats, wildlife, and the environmental wellness, and it is crucial for constant improvement to compare different legal perspective on the common safeguard of the whole states, which is exactly the point of our research.

#### **References:**

1. The Marine Mammal Protection Act of 1972 of the United States.
2. The Endangered Species Act of 1973 of the United States.
3. The Criminal Code of the Republic of Moldova.
4. The Contravention Code of the Republic of Moldova.
5. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).
6. Law no. 1422/1997 on the Protection of Atmospheric Air of the Republic of Moldova.
7. The Clean Water Act of 1972 of the United States.

*Recommended*  
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