

ENVIRONMENTAL CRIME: CRIMINOLOGICAL REFLECTIONS

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Abstract

The aim of the paper is to discuss issues related to the criminological aspect of the phenomenon of environmental crime, especially taking into account the economic, industrial and cultural context. The author shows that all of these social categories have equal influence on the occurrence of the studied phenomenon and that mentioned social categories deserve identical treatment while considering phenomenon in question. In this paper, a number of important issues related to the normative side of environmental crime was considered in order to analyze the norms of criminal legislation, administrative rules and procedures at the comparative level and ratified international documents. The cases of non-compliance with certain documents, even by the leading countries of the world, have been pointed out, which implies that there is still a need for further development when it comes to the system of compliance with the normative framework. Critical analysis of environmental crime was supported by corresponding criminological theories and relevant statistics in order to validate the hypothesis of interaction of the social-economic influences on the environmental crime and their equal importance. The author specifically emphasizes the importance of environmental awareness, since the paper has shown that the shortage of such awareness opens up opportunities for the escalation of socio-economic factors leading to environmental crime and represents a kind of general precondition for conducting such crime.

1 Introduction

Environmental crime attracts a great deal of attention from both professional and general public. It should be pointed out that intersection of crime, environment, culture and justice producing the significant dimension of socio-environmental conflicts.¹ While criminology was becoming greener and greener, it also started to recognize environmental harm as an important social problem, extending the concept of victimization beyond humans. Furthermore, the concept of ecological justice², has been introduced into the common criminological discourses. However, it seems that there is only a general social acclamation that the environmental crime is harmful, but that concrete and adequate action, particularly when it comes to the state institutions, is usually absent or insufficient.

Following the aim of this paper, issues related to the criminological aspect of the phenomena in question will be discussed primarily taking into account the economic,

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¹ Lorenzo Natali, 'The Contribution of Green Criminology to the Analysis of Historical Pollution' in Francesco Centonze and Stefano Manacorda (eds), *Historical Pollution – Comparative Legal Responses to Environmental Crimes* (Springer International Publishing AG 2014) 24.

² Tim Boekhout van Solinge, 'The Illegal Exploitation of Natural Resources' in Letizia Paoli (ed), *The Oxford Handbook of Organized Crime* (Oxford University Press 2014) 503.

industrial and cultural point of view. Despite the fact that dealing with environmental crime was long time ago recognized as an important interstate, supranational and national issue, a large number of questions regarding this issue remain unanswered. The main reason for this might be found in the dominant economic-industrial relations and political will that is closely related to the previous factor. Moreover, it should be stated that consideration of this issue implies a number of difficulties since environmental crime is an ambiguous and complex term that includes many behaviors that fall within the concept. Finally, one should take into account the nature of the behaviors that could be labeled as acts of environmental crime. In that sense, environmental crime that is usually perceived as victimless and incidental crime, is not at the high level on the law enforcement priority list. In other words, melting of ice glaciers at the North Pole is regarded as a trivial and benign issue in relation to burglaries, thefts, murders etc. Concrete actions are mainly taken by those who are directly affected by the environmentally negative consequences. The possible explanation might be the fact that the consequences of environmental offenses have temporal character and so their adverse effects are not noticeable immediately. Accordingly, one should use different knowledge, various measurements and specific technology assets in order to document the committing of the crime and to determine causal linkages. Such circumstances further complicate the detection of environmentally harmful behavior.

Considering all the specificities of crimes that could be put under the concept of the environmental crime, the new field of criminology called *green criminology* was developed as a tool for analyzing and dealing with environmental crimes and other environmental harms that are often ignored by mainstream criminology.³ It should be noticed that scholars around the globe have also developed typologies to determine the unique dimensions of each form of environmental crime. It also has to be underlined that *environmental criminology*, despite its name, is not primarily intended to be theoretical framework for explaining environmental crime. The two central concerns of *environmental criminology* is explaining the spatial distribution of offenses and offenders and geographical distribution of crime.⁴

The first mention of the causes of environmental crime in layman's consciousness intuitively brings to mind the rapid development of industrial production, particularly since the middle of the last century, the desire of business entities to maximize profits, cultural patterns, etc. In an effort to answer the question – what is the cause of the environmental crime – theoretical frameworks should be taken into consideration, which means that it is necessary to rely on a systematically organized set of ideas that seek to explain crime.

³ Angus Nurse, *Green Criminology: shining a critical lens on environmental harm* (Palgrave Common 3 edn 2017) 10.

⁴ Anthony E Bottoms and Paul Wiles, 'Environmental Criminology', in Mike Maguire, Rod Morgan and Robert Reiner (eds), *The Oxford Handbook of Criminology* (Oxford University Press 2002) 620.

There are three basic steps that need to be taken in order to analyze the basic characteristics of the environmental crime. The first one is to define the concept of environmental crime in a qualitative sense. The second task is to explain the nature of environmental crime with particular reference to the causes, consequences and perpetrators. Finally, it is necessary to consider the concept of environmental justice and explain it, since it is increasingly obscured by the relationship between economic and industrial progress and the pursuit of a healthy environment.

2 The general concept of environmental crime

It is very difficult to reach generally accepted views on the concept of environmental crime for at least two reasons. The first one is that the results of the research will largely depend on the main purpose of that research, methodology, baseline hypotheses etc. The second one is that the interdisciplinary issues are hard to be approached, because they involve different kinds of knowledge and specific academic terminology.⁵

According to the European Commission, environmental crime covers acts that breach environmental legislation and cause significant harm or risk to the environment and human health.⁶ At first glance, it is obvious that such definition implies a wide range of acts and omissions what could possibly lead to the threat of becoming so-called “umbrella definition“, which adversely affects the valid understanding of the term itself and all related phenomena. Some authors who have dealt with this issue have offered their explanations of the aforementioned difficulties in trying to find a general definition of environmental crime and the practice of simply enumerating the acts considered to be environmental crime seems to be the most appropriate way⁷ in terms of formulating legal and other norms to define environmental crime.

However, when it comes to the possible definition, it has to be underlined that definition of the environmental crime could be given in its narrower and also broader sense. In the first case, environmental crime will encompass those offenses which primarily protect environmental values such as: air, land, water and wildlife, while in the second case environmental crime encompasses those offenses that are primarily intended to protect other (economic, cultural, etc.) values, but which, in a particular situation, may serve to protect main environmental values.

Depending on the damage caused by environmental offenses, it may be regulated by civil, administrative and criminal law norms. The “enforcement pyramid“, which represents the graduation of penalties for illegal behavior that could be applied to protect the environment, is made up of civil sanctions, administrative fines, and

⁵ Vita Di Giuseppe, *Environmental Crime* (Springer Science, Business Media 2014) 1.

⁶ European Commission, Environmental Crime, <ec.europa.eu/environment/legal/crime/> accessed 1 February 2020.

⁷ Vladan Joldžić, *Ekološki kriminalitet u pravu i stvarnosti* (Ecologica 1995) 24.

criminal sanctions.⁸ The definition of crime as the totality of all offences in a given time and space seems to be the most accepted in doctrine.⁹ However, it is necessary to make a note about crime as a socially constructed term. In the narrower sense, the concept of crime would only cover acts that constitute a violation of criminal law norms and thus eliminate consideration of other delicts such as administrative misdemeanors and economic offenses. In this paper, for the sake of a broader view of environmental crime, in parallel with environmental offences that violates criminal law norms, other environmental offenses have been considered. The introduction of criminal liability for legal entities enriches the narrower conception of crime what is especially important when considering environmental crime since the big corporations are now considered to be major polluters. Nevertheless, for present purpose it could be stated that the essence of white collar/corporate crime is the social detriment that makes it irrelevant whether it is about norms of criminal or other law.¹⁰

The environmental crime could be defined from the legal point of view as a crime against the environment or the violation of an environmental law. Such definition is legalistic and may be applicable to both national and international law. The problem with this definition usually arises when it comes to the defining the concept of environment, particularly legal defining of objects that are protected by environmental norms what certainly depends on the cultural and geographical basis of one society. Depending on the two mentioned factors, different variations of the legal concept of the environmental crime are possible. Of course, the level of the society development should be taken into account. For instance, developing countries are not able to use their scarce resources to protect the environment in full capacity.¹¹ In addition, there are such acts that are also *de facto* harmful for the environment but for various reasons have not been proscribed as a criminal offences or administrative misdemeanors what makes the concept of environmental crime incomplete and uneven if viewed from a comparative standpoint. Finally, it is often the case that environmentally negative consequences are the cause of legal valid activity such as the activities of factories that have all the necessary licenses issued by competent authorities. According to this, when considering environmental crime, it must be clear that it may also incorporate those harmful acts that do not necessarily constitute a breach of the law *stricto sensu*.

On the other hand, some authors define environmental crime more broadly, stating that environmental crime is an act *committed for the purpose of securing business or personal advantage*.¹² In line with this statement, it is worth to say that environmental crime can mostly be regarded as an instrument for achieving financial gains and

⁸ Ian Ayres and John Braithwaite, *Responsive regulation: transcending the deregulation debate* (Oxford University Press 1995).

⁹ Đorđe Ignjatović, *Kriminologija* (Pravni fakultet Univerziteta u Beogradu 2011) 92.

¹⁰ Ronald J Berger, *White Collar Crime, The Abuse of Corporate and Government Power* (Lynne Rienner Publishers 2011) 8.

¹¹ Vita Di Giuseppe (n 5) 3.

¹² *ibid* 3.

because of this environmental crime has many major characteristics of the property crime. Hence, environmental crime should be viewed as a type of property crime, particularly because most of these activities are not conducted with the sole purpose and intent of harming or threatening an ecological value, but rather, due to some property motive. Abuse of the environment is the fourth largest criminal activity in the world. It's worth is up to USD 258 billion, and it is increasing by five to seven per cent every year, while at the same time converging with other forms of international crime. It is therefore a growing threat to peace, security and stability.¹³ On the other hand, when the underlying motive is an injury of some ecological value, it seems that such motivation should be viewed from the perspective of psychopathology or as a part of war or commercial strategy when it is necessary to destabilize the opponent.

3 Characteristics of environmental crime

Environmental crime is defined by its impact on the natural environment as it is concluded at the 27th OSCE Economic and Environmental Forum held in Prague on 12th September 2019. Such starting point is absolutely in line with the *green criminology* doctrine that put victimization of nonhumans in the foreground while the traditional criminology was relying on the human perspective.¹⁴ Many relevant authors were trying to point out the fact that the environmental crime is much more widespread than violent crime and that environmental crime in many cases has "violent" consequences reflected in various diseases, for example due to exposure to pollution.

Environmental crime consequences usually affect a large number of people who are difficult to individualize. This is the main reason why environmental crime is said to be a victimless crime even though the consequences are quite present and could easily dramatize public concerns. On the other hand, those consequences are very often hard to notice and it usually takes some time to notice it and to get appropriate attention of the competent authorities on the other hand. Some phenomena such as volcanic eruptions or tsunamis should not be confused with environmental disasters caused by human factors. The intensity of the previous mentioned natural phenomena could be much higher than when it comes to the air pollution, river pollution etc. Hence, one could get the impression that nonhumans caused environmental catastrophes can sometimes produce more moral panic than acts that fall under the concept of *mala in se* crime. However, the environmentally harmful consequences caused by humans are temporal and less intense at first. Environmental crime is "contactless crime". That means that the perpetrator does not know the victim, nor can have any kind of contact or even emotion towards the victim. Green crimes are often considered "soft" crimes,

¹³ UN Environment programme <www.unenvironment.org/news-and-stories/story/environmental-crime/> accessed 1 February 2020.

¹⁴ Michael J Lynch and Paul B Stretesky, *Exploring green criminology: toward a green criminological revolution* (Ashgate Publishing 2014) 5.

less harmful and leading to fewer victims than the traditional, “real” predatory crimes.¹⁵

In addition, there is often no consensus among the majority of the population in society about the harm of the acts that fall under that type of crime. In other words, respecting the accelerated development of economy that carries various environmental challenges within, one is often in a position to balance between a healthy environment and the ability to feed himself and his family if he works in a factory that does not respect environmental regulations but employs many people and records good business results.

Although, one of the characteristics of the victimology aspect of environmental crime is the unequal distribution of victimization, it is often the case that all of us are victims of certain environmental harms in different ways, particularly taking into account the continuous circulation of *materia* in nature, and the process of globalization that implies the constant movement of people.

However, when it comes to the unequal distribution of victimization it is ought to say that although there is no unique point of view on this issue in the literature, the authors generally agree that the poor members of society are the most affected by environmental crime.¹⁶

Finally, it should be noted that in the literature environmental crime is defined as a form of corporate crime. In fact, corporate violence as a part of corporate crime in general includes acts that breaches the regulations that result with endangering environment.¹⁷

3.1 Market – economic cause

Most of the authors who dealt with this issue in the second half of the last century, emphasized the importance of the economic factor considering it the basis of environmental crime. As we stated previously, the most significant perpetrators of environmental offenses are corporations. Avoiding environmental regulations that implies large financial outlay, such corporations are taking enormous market and financial advantage.

Analyzing the etiology of environmental crime in the context of economic conditions, it is necessary to determine the basic economic motive and the reason for committing environmental crimes. There is a profit that can be understood as a reward (positive reinforcement) or a motive for committing environmental crimes in accordance with the *Theory of social learning* (Ronald Akers).¹⁸ According to the *Theory of social pressure*

¹⁵ Tim Boekhout van Solinge (n 2) 502.

¹⁶ Natalija Lukić, *Kriminalitet kompanija* (doktorska disertacija 2017) 75.

¹⁷ Laureen Snider, ‘The Sociology of Corporate Crime: An Obituary’ in Sally Simpson and Carole Gibbs (eds), *Corporate Crime* (Hampshire 2007) 378.

¹⁸ Đorđe Ignjatović, *Teorije u kriminologiji* (Pravni fakultet Univerziteta u Beogradu 2009) 280-282.

(Robert Merton), committing environmental crimes due to the pursuit of profit is explained by the contrast between the dominant cultural patterns that imposed social goals and the inability to achieve them through the legal way.¹⁹ Having that in mind it is obvious that making a profit can be understood as an imposed goal that is easier to be achieved by disobeying certain regulations, such as those requiring the installation of filters, purifiers and many other reducing apparatus. If we take into consideration the formulation of the positive provisions that standardize this matter at the comparative level, we will notice two types of duties in relation to the matter in question. The first is of a preventive nature and represents avoidance of negative consequences at own cost, installation of filters and similar devices etc. The second group of duties relates to the obligatory elimination of the damage caused in accordance with the principle of material liability. It is clear that in both cases it is necessary to withhold certain material benefits or a certain future income, that is not in the interest of any *homo economicus*. The installation of filters, protection devices, reduction devices, as well as their regular maintenance, require certain costs that will affect the price of the final product and the profit. Using a variety of artificial substitutes for natural materials and resources, a feature of the new production concept, is far less expensive and provides higher profits for manufacturers. Every economically rational producer strives for low production costs, which in fact lead to the massive use of anthropogenic materials instead of natural ones. The problem is that these substitutes cannot be appropriately assimilated in nature and it is this indigestibility that triggers the harmful consequences. Hence, some authors emphasize the fact that countering environmental crime is an economic rather than a technological issue.²⁰

Many authors in contemporary relevant literature have been posing the question to what extent does capitalist development produce ecological disorganization, or to what degree is capitalism structurally criminogenic towards the environment?²¹ Capitalism has been elaborated hereby as the basic premise of today's economic relations. Theoretically speaking, the capitalist system of production must constantly increase production, and consumption of raw materials regardless of its impact on environment. As a part of this dynamic process of capital accumulation and reproduction, the expanding production and consumption results in both the acceleration and expansion of ecological destruction and disorganization.²²

In the late 18th and early 19th centuries, manufacturing was replaced by industrial production. This transition has led to the acceleration of production activities and greatly influenced the changes in human life so far, and also raised many controversial issues. Of course, environmental crime is largely conditioned by industrial and

¹⁹ *ibid* 267.

²⁰ Vladan Joldžić (n 7) 24.

²¹ Gregg Barak, *Unchecked Corporate Power* (Routledge 2018) 91.

²² Paul Stretesky, Michael Long and Michael Lynch, *The Treadmill of Crime: Political Economy and Green Criminology* (Routledge 2013).

technological expansion that beside the positive side also brings a decrease in the quality of human life and environment. The basic motive of the industrial way of production and application of new technology is undoubtedly economic nature what indicates the strong interconnectedness of the economic and industrial-technological causes of environmental crime.²³ Analyzing technological progress, in particular new technology assets, one significant contradiction could be noticed. This contradiction, that is also a specific feature of the industrial-technological set of environmental crime factors, is reflected by the fact that modern technology, identified as one of the causes of environmental crime, can also be seen as an opportunity to prevent or eliminate environmentally harmful consequences. So, one gets the impression that technology is fighting against itself in relation to environmentally harmful consequences.

The nature of punishment, first and foremost monetary penalties, should be considered from an economic point of view. This is not a new orientation in the world of criminological science, because it originated in the era of classical orientation in criminology, and the concept itself is represented in "hedonistic calculation"²⁴ paradigm. It seems that the penal policy should tighten the prescribed penalties, especially when it comes to the fines for the perpetrators of environmental offenses in line with the already stated thesis on the economic basis of the causes of environmental crime. Because the biggest pollutants, ie. legal entities which scope of activities could generally be classified as so-called "Heavy industry", are making huge profits, it is obvious that the current level of prescribed fines in most of the world's criminal legislation does not influence them to reduce their environmentally harmful activities. Therefore, it could be safely concluded that the tendency to increase the prescribed fines for environmental offenses, as well as torts, would lead to a reduction of negative environmental consequences, and therefore to environmental crime. Here is one illustrative example of considering issue. Union Carbide company is responsible for one of the largest air pollution recorded in the world. In 1984 while performing business activities in the city of Bopal, India, the Company leaked toxic gas due to tank failure. Moreover, the company did not give any proper instruction to the workers as well as to the local population in terms of acting in that situation. As a result, 3,415 people were killed first and then the number increased up to the 10,000 and around 200,000 were injured. In 1989, an out-of-court settlement was reached with the Government of India and the families of the victims and the Company was obliged to pay about USD 480 million. After all, the Company was financially fully recovered and merged with another company in the US to continue the business.²⁵

However, one can also consider the economic cause of environmental crime from the state point of view. It is important to note that state, consciously or unconsciously, stimulate current and potential perpetrators of the environmental crime. In case of non-

²³ Aleksandar Stevanović, 'Ekološki kriminalitet', in Đorđe Ignjatović (ed), *Kaznena rekacija u Srbiji*, V ed. (Pravni fakultet Univerziteta u Beogradu 2015) 306.

²⁴ Đorđe Ignjatović (n 9) 64.

²⁵ Natalija Lukić (n 16) 84.

compliance with the regulations regarding environmental protection, the state is often not interested in implementation of the rules, except when environment and other civil movements put some pressure on the state authorities. Nevertheless, such civil activism is usually a short-term reaction²⁶ that allows corporations to establish lucrative practice with the state consent. Economic legal entities which do not operate with high income, do not employ a large number of people and which activities are not vital for the functioning of a society are far more exposed to the sanctions for violating the aforementioned environmental regulations. In other words, frequent and harsh sanctioning of "economic giants" would jeopardize their business and consequently the working existence of a large number of employees in such systems, leading to a higher unemployment rates and the opening up of a range of socio-economic issues and making great pressure on every state government. Hence, it should be concluded that the important economic systems in the aforementioned sense have some kind of "factual immunity"²⁷ as a benefit when it comes to the responsibility for breaking the law and a structural problem with law enforcement appears to be very present.

In particular, the question is whether potential perpetrators of environmental crimes are grouping and organizing around the crime opportunity embodied in socio-economic frame *or* do they create them themselves. It seems that instead of opting for option "*or*", option "*and*" would be an adequate dilemma solution.

3.1.1 *The role of the state*

As global corporations have grown richer and more powerful than many nations, they increasingly operate without limits on their power or influence.²⁸ However, we still have to ask ourselves whether the state is just so powerless in front of these companies or whether such companies are just an instrument of the state and its representatives for achieving some lucrative aims. So, the next important issue that needs to be analyzed is the role of the state in environmental crime activities.

First of all, the state has sole competence to determine, through its legislative activity, rules of conduct within its jurisdiction. This means that the state determines what should be considered environmentally harmful and illicit behavior and set the conditions and criteria for sanctioning such behavior. For example, a few years ago, a public scandal erupted in the Republic of Serbia over the discovery that there was significantly more aflatoxin in the marketed milk than allowed. After the citizens rebelled *en masse* and demanded problem to be solved, the Government began to address the problem. However, instead of preventing the distribution of such milk and penalizing those responsible, the government solved the problem in a simpler way by issuing a regulation that changed the allowed value of aflatoxin in milk so the problem was "solved" in that way.

²⁶ Kitty Calavita and Henry N Pontell, 'The State and White Collar Crime: Saving and Savings and Loans' (1994) *Law and Society Review* 297.

²⁷ Đorđe Ignjatović (n 9) 111.

²⁸ Gregg Barak (n 21) 3.

An exception to the perceived property motive of committing crimes against any environmental protected value could be found in environmental offenses related to war conflicts. In that sense, the negative environmental consequences are of a secondary nature, as a result of military strategies and goals.²⁹ However, property motive could be the most important even in military ventures undertaken by military or even paramilitary formation of the state. For example, Uganda, although not a producer of diamonds, have started to export rough diamonds from the moment it occupied eastern DR Congo in 1997.³⁰ When mentioned that, we just opened up another extremely important issue related to the environmental crime. Natural resource exploitation, as a part of environmental crime activities, is a mostly unexplored field of study for criminologists.³¹ In the relevant doctrine, "resource curse" is an expression that refers to the fact that resource-rich countries on average experience less development (lower economic growth rates, lower levels of human development) than countries without those resources.³² Corruption of the state representatives could be the possible reason why not only resource-rich countries perform poorly in terms of economy,³³ but the reason why environmental crime in total is so widespread. Rebel organizations and organized crime groups are also included in natural resource exploitation.

The countries of Western Europe and US were able to first encounter artificially caused ecological disasters since in this area the technological-production process and economic concept that generate negative environmental consequences was first established. Thus, new and clean/green technologies are being introduced in that part of the world, while old "heavy" industries (mining, energy, shipbuilding, metallurgy, heavy, chemical, textile and other industries) were moving to underdeveloped parts of the world. The idea of moving such industries away from their territory, without sacrificing the profits they bring, was soon proved as unsustainable. The development, above all, of the natural sciences, and therefore of environmental awareness in society, defines the global character of environmental crime, which has led to the establishment of a new strategy in addressing the environmental issue. It is embodied in the formulation of a common environmental policy expressed in a series of conventions and conferences that began in the early 1970s.

Nevertheless, the governments of many developing and underdeveloped countries are very interested in attracting foreign investors who as a rule, come with their environmentally harmful technologies. Those governments then present it to the public as a significant economic success and incentive and environmentally negative side has no chance of being properly treated and given importance. A more extreme case is

²⁹ Aleksandar Stevanović (n 23) 305.

³⁰ Tim Boekhout van Solinge (n 2) 508.

³¹ *ibid* 500.

³² Ivar Kolstad and Tina Søreide, 'Corruption in Natural Resource Management: Implications for Policy Makers' (2009) *Resources Policy* 34, 214.

³³ *ibid* 214.

when corrupt governments know that this kind of foreign investment is not a quite important to their economy, but they still agree to bring dirty technologies to their country by taking various benefits for themselves.

Sometimes, the state officials have an extremely difficult task to control all the opportunities from which environmental crime acts can be caused. For instance, A governmental official in an enormously big country might have to travel a few days if wants to intervene against, illegal logging or land grabbing where he would have to confront armed loggers all too ready to threaten him with violence.³⁴

3.2 Cultural aspect

Statistical indicators for the countries with the highest levels of air pollution, the highest share of industrial production in total production, and those with the highest GDP, indicate some irregularities, which makes the explanation of the causes of environmental crime even more complex. As it was stated in the literature that the economic and industrial-technological development are the two primary causes of environmental crime, it would be expected that the countries with the most developed industrial production and the highest GDP would also appear to be the countries with the highest levels of pollution. By using the comparative method and taking into account the statistically presented state of affairs, it is obvious that this is not the case. The reason for such discrepancy should be sought in the relation of one society to the environmental issue. Thus, the cultural analysis of environmental crime and the consideration of it in a broader sense, gives a complete explication of the causality of environmental crime and social categories that are often imperceptible if only the economic determinant and industrial and technological development were observed.

Cultural criminological theories are specific for paying particular attention to an idea of the crime created in social context. The crime appears to be a kind of social construct. However, the legal process of socially constructing crime contains subjective dimensions which criminologists, ought to reject in order to conduct research in accordance with scientific principles.³⁵

It is of a great importance to point out that underdeveloped legal culture is an indirect cause of environmental crime. In general, legal order and awareness of its obligation consist of respecting and consistent application of the legal norms by all members of a society, and especially by those working in formal social control state bodies. The relation of such persons to the exercise legal norms is of particular importance, since the high degree of their legal culture has a corrective effect in relation to the low level of the compliance with legal norms when it comes to the other members of society. Inspectors who are dealing with environmental issues could be illustrative example of these claims. Low corruption resistance, negligence, legal incompetence,

³⁴ Mark London and Brian Kelly, *The Last Forest. The Amazon in the Age of Globalisation* (Random House 2007) 151.

³⁵ Michael J Lynch and Paul B Stretesky (n 14) 117.

unprofessionalism of these persons send a signal to potential perpetrators of environmental offenses that their punishable act or omission will remain undetected, go unpunished, or will be punished with symbolic sanction in relation to the benefits of their prohibited activities.

Many earlier criminological texts on the correlation between crime and the media have emphasized that the media is one of the most powerful instruments for creating the attitude and awareness of society on any issue, including environmental awareness.

In many cases, the owners of the most widely used media refuse to report on environmental crime, favoring more sensational crime as well as more commercial topics in general. In this regard, it is clear that the absence of environmental topics in the boxing media time, and therefore topics related to environmental crime in the media space, blunts the edge of informal social control and sanctioning of this type of crime, because it gives the impression of general social disinterest. In most cases, the media influence the imparting of an ephemeral dimension to environmental problems, so that, immediately after a major ecological disaster, they are given enormous media space and attention, lasting only in the moments immediately after such disasters. Such a media approach influences the spread of panic and the irrational perception of the problem. It seems that smaller but more constant media space and attention would contribute to raising general environmental awareness in order to prevent environmental crime.

Many scholars who dealt with environmental crime have pointed out that it is the cultural dimension of society that affects ultimately the construction of environmental victimhood and also the restorative justice mechanisms that are important as a process whereby all the parties with an interest in a particular offense come together to resolve collectively how to deal with it.

The link between cultural categories and environmental crime is reduced to their impact on environmental awareness. Namely, if it is underdeveloped then it is a prerequisite for committing environmental offenses. The picturesque, undeveloped ecological consciousness can be imagined as a land on which, with regular irrigation to other social conditions and causes, it will inevitably erode environmental crime. Therefore, in order to combat environmental crime in the cultural sphere, it must be sought to develop the individual, and therefore the collective ecological consciousness to such a level, that it will indeed represent a mental as well as a social dam for the commission of environmental offenses in general. In this regard, science has made a major contribution to the problem of environmental crime, especially since the beginning of the 20th century. Therefore, the emergence of social ecology, as a scientific field, is a crucial step towards changing the approach to solving environmental problems and establishing the idea that ecologically negative consequences are caused, above all, by the anthropogenic element.³⁶ Finally, the meeting between green and

³⁶ Aleksandar Stevanović (n 23) 308.

cultural criminology ideas and perspectives could prove useful in positioning environmental crime in criminology.³⁷

4 Conclusions

Considering the environmental crime from the criminological point of view, it can be concluded that much has been done in its rise to the rank of the most dangerous social problems in the last two centuries. In the future, efforts should be made to address environmental crime preventively, by establishing appropriate prophylactic measures.

Today's generations have an advantage over those from the beginning of industrial development, relying on decades-old ways of combating environmental crime, empirical knowledge of what it means and what it really looks like and what are the consequences of major environmental disasters like the one in Bopal (1984) which is considered to be one of the largest industrial disasters in the world or the one in Chernobyl (1986). The fact that it is not easy to define a victim of environmental crime does not mean that the victim does not exist.

Environmental crime is a perfidious type of crime since its effects are generally affected not only the present but also the future generations. Wherever environmental crime is committed it is a potential threat to the entire planet, and such circumstances require dealing with environmental crime to be taken with the highest degree of social responsibility.

Although the concept (legal and criminological) of environmental crime is very vague and ambiguous, it does not mean that it cannot be adequately defined. However, such determining of the concept must be in line with the economic and cultural framework. Understanding environmental crime is extremely important for enabling a sustainable lifestyle on the planet.

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³⁷ Lorenzo Natali (n 1) 24.

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