

Legal Basis for Civil Liability for Environmental Damage

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Abstract

Clarification of the legal basis of civil liability for environmental damage has demonstrated the legislative inadequacy in providing adequate protection to the environment against damage suffered, especially in the light of the industrial and technological development we are witnessing, which has contributed significantly to the increase of such damage, which has become a threat to life on Earth's surface. Recourse to general rules of civil law has been reserved to maximize protection against such damages despite limitations on civil liability of a contractual nature. Tort civil liability has been broader in application to environmental damage, particularly substantive ones, which have almost achieved some degree of legal protection under general rules that need to be amended to include provisions dealing with environmental damage in particular in the absence of laws that resolve environmental damage.

Keywords: Legal, Civil Liability, and Environmental damage

Introduction

God blessed man with many graces, including the Earth which has made it the planet fit for a stable life, in parallel with its individuals and other living beings and its essential elements of water, air, and soil. However, human actions have contributed to its harm, which has prompted an effort to preserve it at the global and national levels.

Importance of research

The ecosystem enjoys a high profile, maintaining the natural balance that ensures its continuity in life, and advocates for unpleasant care to protect it in the evolution we are witnessing.

Research Problem

Environmental damage is harmful to everyone, not a particular category, but it has not received adequate legal protection, which has contributed to exploiting this legislative weakness in threatening this system and its existence.

Research Objectives

The research aims to:

1. Clarify the importance and place of the environment.

2. The need to uphold the general rules of the Jordanian Civil Code by rules on environmental protection.
3. Provide the judiciary with sufficient competence to deal with environmental issues.

Research hypotheses

The research is based on the following hypotheses:

1. What is civil liability for environmental damage?
2. What are the legal bases on which civil liability for environmental damage is based?
3. Is the Jordanian legislator according to dealing with civil liability for environmental damage?

Research Methodology

In this research, we will rely on the comparative analytical descriptive approach to arrive at an indication of the extent of the damage to the ecosystem in which we live from a legal point of view in the Jordanian legislation.

Research Summary

This research is divided according to the logical sequence required by the study's problem, as follows:

- First Topic: The extent to which the rules of tort civil liability absorb environmental damage.
 - First requirement: Rules of personal tort liability for environmental damage.
 - Second requirement: Rules on substantive tort liability for environmental damage.
- Second topic: the extent to which the rules of contractual liability for environmental damage are absorbed.
 - First requirement: contractual liability clauses for environmental damage.
 - Second requirement: Effects of contractual liability for environmental damage.

Civil liability for environmental damage

Speaking of the basis of civil liability prompts us to clarify the concept of responsibility in general, which is the responsibility of the official to act to make its success or lack thereof his subordinate because he says in the Holy Quran: "And do not pursue that of which you have no knowledge. Indeed, the hearing, the sight, and the heart - about all those [one] will be questioned"¹

And it was used in legal jurisprudence in the eighteenth century, which showed the extent of the individual's interest or neglect, stemming from his morals, for the extension of the morals

¹Holy Quran, (Surah Al-Israa), Ayat 36.

circle from the circle of law and its relation to the individual's conscience towards himself or others².

Officials shall not be limited to questioning and holding accountable for what must be done or not, but to failing to carry out the acts and obligations imposed on them by considering the individual as a master of himself or herself and for his or her actions³.

It is well established that the law considers civil liability to be the case of an individual who commits an act that causes harm to another person and to society and which involves a legal sanction. Such liability is only manifested when the injury occurs. Whatever type of criminal or civil nature is the subject of our examination and whose legal basis lies in the injury to individuals and the environment in which they live, if the obligations and duties imposed by law are breached, within the scope of this civil liability of both contractual and tort types⁴.

First topic: The extent to which the rules of tort civil liability absorb environmental damage.

Tort civil liability is based on controls that are respected, not compromised, and adapted to environmental damage whose personal rules require searching in the first claim, and their substantive rules in the second.

The first requirement: Rules of personal tort liability for environmental damage.

Personal tort liability is based on three main pillars: the harmful act, the harm, and the causation relationship.

Section one: Injurious act (wrong)

The legislation differs in the view that the injurious act is a primary element of omission, or merely the fault that takes this rank as a cornerstone of a personal tort, such as the Egyptian legislation in article 163, which states: "Any error that does not cause harm to others shall be compensated"⁵. And the error may be defined as the one who thinks that the truth is in his direction, but it coincides with something else, so it is all the words or actions that are issued by the taxpayer that are not associated with his intention⁶.

² Al-Hadithi, Hala Salah Yassin. (2003). Civil Liability resulting from Environmental Pollution, Juhayna Publishing and Distribution House, first edition, Amman, Jordan / p. 78.

³ Naqrt, Dr. Tohamy. (1985). Article on Responsibility, The Arab Journal for Security Studies, Naif Arab University for Security Sciences, Dar Al-Manthama, No. 2, p. 53

⁴ Al-Hadithi, Hala Salah Yassin, Civil Liability Resulting from Environmental Pollution, previous reference, p. 80.

⁵ The Egyptian Civil Code (for the year 1948). No. / 131, Article 163.

⁶ Al-Muhanna, Mohammed Saleh. (2018). Civil responsibility for the harms of environmental pollution, Zain Literary Law Library, Beirut, Lebanon, first edition, p. 74.

The error was characterized by the flexibility that makes it able to be affected by the technological changes that we are witnessing, prompted the French jurist Planiol, who defined it as the deviation of the usual behavior of the ordinary person and exceeding what was ordered by the law⁷.

And Professor Al-Sanhouriy, defined the error in tort responsibility, as the breach of a legally imposed obligation with awareness, and the individual is obliged to exercise care as the case requires⁸.

The special nature of the ecosystem has led Jordan's legislature to take omission responsibility for the notion of conduct of the individual, which exposes him to damage, has eliminated the controversy over the accountability of the cause of harm whether or not aware of the harm. The error requires recognition and discrimination as stipulated in article 256 of the Jordanian Civil Code: "any harm to others is required to do so, even if not characteristic, to ensure the harm⁹.

The harmful act is more extensive than the error in expressing damage to the ecosystem, such as oils lying in the waters, as occurred in the Second Gulf War. When the Iraqi army deliberately sank heavy oil into the sea through Al-Ahmadi in Kuwait, it resulted in an oil patch of 60 miles long, estimated at 11 million barrels¹⁰. An act harmful to the cause may come as stipulated in article 257 of the Civil Code:

1. Damage to direct or cause.
2. If the guarantee is directly necessary, there is no requirement for it, and if it occurs by causing the infringement or intentional act or the act is likely to result in damage.

The idea of taking harmful action has settled the legal position due to the difficulty of explaining issues related to environmental pollution, as many environmental activities. If not all of them cause harm to the environment, even if they are exercised with a great degree of caution and caution, whatever the degree of this pollution that affects human life and other living creatures, then the harmful act is a basis for tort liability even if it is issued by an undistinguished person.

Section two: Damage

The wrongful act of omission is not sufficient for the performance of responsibility, but for the injury suffered by individuals as a result of the infringement of a right that requires

⁷Al-Khader, Omar (2019). Research entitled "The Error in tort Liability", Al-Boughaz Journal of Legal and Judicial Studies, Morocco, No. 2, p. 262.

⁸ Al-Sanhoury, Abdel-Razzaqer. Explanation of the new civil law, Al-Halabi Human Rights Publications, Beirut, Lebanon, 8th edition/Volume 2, p. 881.

⁹ Jordanian civil law. (43 for the year 1976). Article No., No. 257.

¹⁰Al-Nasser, Ahmed Khaled. (2010). Civil Liability for Marine Environment Pollution Damage, House of Culture for Publishing and Distribution, First Edition, p. 54

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reparation and compensation as an express violation of the law¹¹. "The harm is against the benefit, and the harm is contrary to the benefit, to say the Holy Prophet - God bless him -: "no harm or damage" and damage caused by the loss of the environment is not in isolation from other damage to the life of mankind and other living organisms, which requires accountability for causing such damage whether it violates the law, negligence, omission or error for which compensation is required¹². Whatever type:

1. Material damage to an individual's financial condition, such as damage to crops or property damaged by the dumping of industrial or chemical substances, as well as to gases emitted in the atmosphere, are compensable as stipulated in article 266 of the Jordanian Civil Code: "Security shall be assessed in all cases to the extent that the injury and loss of profits have been caused, provided that this is a natural consequence of the injurious act."¹³
2. Physical damage affecting the individual's feelings, emotions, dignity, sense, and other moral aspects affecting the psyche of the individual is called moral harm, as stipulated in article 267/1 of the Jordanian Civil Code: "The right to security also deals with moral damage. Any person who constitutes a person in his or her liberty, presentation, honor, reputation, social status or financial consideration makes the aggressor liable for security."¹⁴

Harmless nature gives an aesthetic view that sends psychological comfort to an individual. The harming it can affect it physically, such as noise that is harmful to human health, causing diseases such as hearing loss, nervous tension, larvae, low concentration, hypertension, clots, and psychological stressors. It has been noticeable that the noise in Amman has increased considerably in recent years. The Ministry of Environment has introduced noise reduction instructions called the Noise Reduction and Noise Prevention Instructions for 2003. Article 6 of the Directive states: "In no case may the ceilings of the equivalent volume of sound (decibel) be exceeded in the following places¹⁵.

Region	Maximum sound allowed	
	night	day
Residential areas in cities	60	50
Suburban residential areas	55	45
Residential areas in villages	50	40

¹¹ Marqas, Sulaiman (1992). Al-Wafi in Explanation of the Civil Law, 5th Edition. p. 310

¹² Al-Muhanna, Muhammad Salih, Civil Liability for the Harms of Environmental Pollution, previous reference, p. 82.

¹³ The Jordanian Civil Code. (year 1976). Article 43, No. 266.

¹⁴ Jordanian Civil Law, (year 1976), No. 43, Article No. 267/1.

¹⁵ Noise limitation and prevention instructions. (for the year 2003). Article 6.

Residential areas that have some workshops, simple crafts or businesses, commercial and administrative areas, and the city center	65	55
Industrial zones (heavy industries)	75	65
Places of education, worship, treatment and hospitals	45	35

Section three: Causation

defined as the link between the injurious act and the injurious act, and not only does the wrongful act, or one incident, but it is necessary to form a set of accidents that arise when the result is available, The reason is a series of acts whose simultaneous achievement results in the result. environmental damage faces several difficulties in determining the diversity of confiscation and its varied types of conditions, natural sources, and different major sources of pollution¹⁶.

The causation relationship is the complementary element of default liability that gives the right to confront the cause of damage and pollution to the ecosystem if the result is related to the harmful act itself.

Second requirement: Rules on substantive tort liability

The rules of civil liability are not limited to a personal act but include the substantive aspect of the unnatural and familiar factors that we will remember in this requirement.

Section I: Civil liability for abuse of right

To speak of abuse of the right requires clarification of what is meant by arbitrariness and then clarification of the terms of this responsibility.

First. The concept of arbitrariness

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The truth is defined as a name of the Almighty God, that is, it is inherent in the existence of the Almighty: "That Day, Allah will pay them in full their deserved recompense, and they will know that it is Allah who is the perfect in justice"¹⁷. The right is a term that, however many concepts it has been conceived, remains a circle of duty and obligation, which is the antithesis of falsehood and its plural of rights¹⁸. The right is linked to the material or personal interest, the concept of which is different in the way it is dealt with. It is divided into an in-kind right, such as

¹⁶Al-Hadithi, Hala Salah Yassin, previous reference, p. 145.

¹⁷Holy Quran, (Surah An-Noor), aya 25.

¹⁸Jamal Al-Din, Imam Al-Allamah Abi Al-Fadl, Dictionary of Lisan Al-Arab by Ibn Manzur, Dar Al-Maaref for Publishing and Distribution, Cairo, Volume 4, Part, pg. 939.

an easement right, or a personality, which is not always financial. This has added difficulty in establishing an overarching definition of the right¹⁹.

The infringement of this right is arbitrary and is intended to "go wrong and go wrong. He regrettably regrets the road, that is to say, to cut it without caution, and its origin is the Islamic sharia, which is to walk unbeknownst and indefinite. It is said that arbitrariness is injustice and injustice²⁰. Rights are the fruits of the law and efforts are made to preserve them. Article 61 of the Civil Code stipulates that: "The lawful permissibility is incompatible with the guarantee of the lawful use of his right and does not guarantee the harm caused"²¹.

Second: Conditions of civil liability for abuse of right

The legitimate use of rights does not have to be held accountable, contrary to the unlawful use of the right. In judgement No. 853 of 2021 of the Jordanian Court of Cassation, "the applicants have suffered damages because the right to have recourse to the judiciary is conditional on the requirement to remove harm from the legitimate right and not to deviate from harm to others so that the right may be used in a lawful manner free from arbitrary manner"²².

Jordanian legislature makes an individual liable by security for unlawful use of his rights if there are cases provided for in article 66 of the same law, which is measured by the standard of common man and not very careful that

1. The wrongful use of the right must be guaranteed
2. The use of the right is unlawful:
 - a) If there is intent to encroach
 - b) If the interest desired by the act is unlawful
 - c) If the benefit is disproportionate to the damage suffered by others
 - d) If it exceeds custom and custom."²³

Environmental aggression is old, but at present, it has reached its highest levels, which calls for remedying the situation to prevent arbitrariness that significantly damages the environment in order to achieve illegal interests. In an article published on Al Jazeera's news site, she emphasized the need to raise awareness among the world²⁴'s nations to address environmental abuse such as bridges, tunnels, and energy stations, and to remedy environmental damage due to the evolution we are witnessing.

¹⁹ Arafa, Al-Hadi Al-Saeed. (1996). The Theory of Abuse by Right, Journal of Legal and Economic Research, Mansoura University, Egypt, p. 210, p. 211.

²⁰Dictionary of Lisan Al Arab, previous reference, p. 2943.

²¹Jordanian Civil Code. (43 of 1976). Article 43, No. 61.

²²Judgment of the Jordanian Court of Cassation. (For the year 2021), No. 853, the location qarark

²³Jordanian Civil Code. (For the year 1976). No. 43, Article No. 66.

²⁴Article on "Humans Expand Their Attacks on the Marine Environment". (Published on 9/8/2020/). Published on Al Jazeera's news website by Hicham Boumjoot, link www.aljazeera.net.

Freedom to exercise the right does not mean an infringement of the rights of others, as article 63 of the Civil Code states: "Compulsion does not invalidate the right of others²⁵".

Section two: Civil liability for guarding objects

These responsibilities are based on a certain person who may cause damage under his supervision and management, which must be compensated for as damages caused by the development we are witnessing on the environmental side.

It is something that is conceived and told, and the part that is known and everything that is found in nature, or in the outside world, that exists to achieve individual and societies interests²⁶.

Custody is the placement of money or a right in respect of which a particular dispute or danger has been committed in the hands of a trustee to ensure that it is preserved and refunded to the owner whatever the manner of placing the money is conventional, legal or judicial. Liability includes acts resulting from objects and not only individuals²⁷.

First: Conditions for civil liability for guarding objects:

Civil liability for the custody of objects requires two basic conditions, as stipulated in article 291 of the Civil Code, already addressed:

1. Guarding something that needs special attention through effective control and adequate care to protect it from damage such as mechanical and agricultural machinery, ships, aircraft, etc.
2. The damage is done to the custodial thing, by one man or another²⁸

Nuclear technology is one of today's largest agents of progress for the enormous economic, scientific, political, and medical benefits it possesses. which does not hide its prominent role in showing much damage to the environment and other organisms, Many countries that possess this technology have initiated the construction of special facilities for the production of nuclear energy. The General Rules on Civil Liability were adopted in Jordan's Civil Code without entering into any conventions relating to nuclear work; Rules on the guarding of mechanical machinery were applied to the nuclear reactor s work ", as it needs special attention to be monitored in the performance of its work. This prompted Jordan's legislature to enact a law on nuclear energy²⁹.

²⁵Jordanian Civil Code. (43 of 1976). Article 63.

²⁶Al-Muhanna, Muhammad Saleh / previous reference / pg.

²⁷Al-Sharif, Ahmed Amr Wassef: The concept of legal custody of things and machines according to the provisions of Jordanian legislation, Master's thesis / Middle East University, Jordan, 2011, p. 14.

²⁸Jordanian Civil Code No. 43 of 1976, Article 291.

²⁹Al-Nimr, Raed Muhammad Falih. (2013), Guarding within the scope of responsibility for doing things, PhD thesis, University of Islamic Sciences, Jordan, p. 120.

Nuclear energy is defined as: “that is generated as a result of nuclear fission or fusion reactions or any other nuclear reactions that result in energy used for various purposes such as electricity generation, water desalination and the production of radioactive isotopes for medical, industrial, agricultural and other applications”³⁰.

Second: No civil liability rules for guarding objects

The absence of civil liability for the custody of objects, as stated by the Jordanian legislature, which requires effective control of the object in custody, in order to require it to assume responsibility for the occurrence of damage, fulfils the basic rules for the denial of such liability and the non-application of its provisions:

1. Taking the necessary care when guarding things to avoid civil liability to avoid damage, the injured person has to refute the allegations and prove that the damage is caused by the lack of adequate protection, in a judgement of the Court of First Amman as Appeal No. 550 of 2020 that "The plaintiff, if the water meter is deemed to be under her custody and control And since guarding things is assumed, they can prove the opposite, The keeper can prove that they have not failed to take the necessary precautions in maintaining the meter. and that it has taken all necessary precautions to prevent the risk of abuse and illegal use of water to prevent damage to the defendant"³¹.
2. Damage caused by a foreigner or force majeure has no guardian's hand in it, such as earthquakes or volcanoes. The foreign cause is found before civil liability for guarding objects, which gives the guard the right to prove that he has no hand in it, such as natural flags with which civil officials are exempt. This is also taken by Islamic jurisprudence and force majeure, which is an incident far from the individual's will and cannot be expected or pushed as article 261 of civil law.

Section three. Civil liability for unusual neighborhood damage

The need for a safe neighborhood is one of the necessities urged by Islam says: "Worship Allah and associate nothing with Him, and to parents do good, and to relatives, orphans, the needy, the near neighbor, the neighbor farther away,"³²

This phenomenon, which is linked to the right to property, is unavoidable. Everyone has the right to use, exploit and dispose of his property, provided that it does not prejudice others³³.

³⁰Jordan Nuclear Energy Law. (For the year), 2007, Article 2.

³¹The judgment of the Amman Court of First Instance (for the year 2020), in its appeal No. 550, the location.qarark

³²Holy Quran. (Surat An-Nisaa), Aya 36.

³³Nawal, Jinan (for the year 1976). Responsibility arising from the unfamiliar harms of the neighborhood, Master's thesis, Larbi Ben M'hidi University, Oum El Bouaghi, Algeria, p. 10.

As our great Islamic sharia has always returned, it is the first to address the concept of neighborhood-based on cooperation and tolerance, Whatever kind of neighborhood, the top is seen in properties that consist of more than one floor or side arising from the interconnection of individuals with each other or individuals with establishments and institutions, Or noise triggers like airports and others. Civil liability arises when neighborhood damage occurs. This raises the following question, is it necessary to relate to civil liability among individuals or real estate? And does it require a certain extent of this connection? It is logical that the answer to these questions is that direct contact is not sufficient for responsibility to take place in the harms of the neighbourhood, but may extend to a certain extent, beyond what is customary, or determined by laws and regulations, such as rising fumes and gases from industrial installations and plants that may spread to cover large areas and not only those attached to them.³⁴

First: Conditions for civil liability for neighborly harm:

Civil liability for unusual neighborhood harm requires the following conditions:

1. Neighborhood Quality:

Since then, mankind has not been able to live in isolation from each other. The aggrieved person and the perpetrator of damage to the neighborhood, which has been restricted to the property, as stipulated by the Jordanian legislature in article 1027, as already described and supported by the Egyptian legislature in article 807, stipulates: The neighbor may not rely on his neighbor for the unavoidable harm of the unavoidable neighborhood but only request the removal of such harm if it exceeds the normal limit, taking into account the nature of the property and the location of each other, and the purpose for which it was allocated."³⁵

2. Unusual damage

The neighbour's use of his property directly or indirectly and unfamiliar arises outside the legal framework that makes him familiar. The basis for this liability is unusual damage resulting from neighbourhood harm, such as noise from industrial installations and smoke, which cause extreme environmental damage.³⁶

What the Jordanian legislator defined in Article 1024 is: "Whatever causes the building to weaken or demolish, or prevents the original needs, that is, the benefits intended by the building".

Impact of civil liability for neighborhood damage

³⁴ Al-Zahra, Fatimid Buqrat. (2016). Harms of Unfamiliar Neighborhood, Master Thesis, Akley University, Mohand Olhadj, Bouira, Algeria / p. 13.

³⁵ Egyptian Civil Code, (for the year 1948), No. 131, Article 807.

³⁶ Al-Amri, massive belt Mehdi Yahya. (2019). Civil Liability for Unusual Neighborhood Damages and Environmental Pollution, Al Nadwa Journal for Legal Studies, Algeria, No. 16.

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Article 1025 of the Jordanian Civil Code stipulates that: "The withholding of light from the neighbor shall be deemed to constitute" grave damage ". No one may be justified by a construction in which the windows of the neighbor's house are block³⁷.

The consequence of these responsibilities is the obligation of the neighbor to cause damage to compensation in kind linked to public order. And the cause of the damage is forced to restore to what it was prior to the damage, such as the demolition of the construction that blocks the sunlight from its neighbor, However, the difficulty of making reparation for environmental damage of its own nature imposes compensation for the inability to restore the situation to what it was before the damage occurred.³⁸

Second topic: Extent to which the rules of contractual liability for environmental damage are absorbed

The application of tort liability rules prompts us to examine the impact of environmental damage under the contract rules of civil liability, which define the contract as the consent of two wishes to produce a legal effect, whether that effect is the creation, transfer, modification or termination of an obligation.³⁹

The Jordanian legislature expressly defined article 87 of the Jordanian Civil Code as: "The affirmative issued by one contractor is linked to the acceptance and consent of the other, as evidenced by its effect on the contract and entails the obligation of each contractor to do so"⁴⁰.

The establishment of the contract is preceded by negotiations between the parties to overcome any obstacles that may hinder its implementation to create a sound contract among the contracting parties⁴¹. Based on the terms of the first requirement to talk about and the implications thereof to talk about in the second requirement.

First requirement: contractual liability clauses in environmental damage

Nodal liability, whether associated with the environment and its damage or not, is based on three main pillars.

³⁷ Jordanian Civil Code, (for the year 1976), No. 43, Article 1025.

³⁸ Jordanian Civil Code, (for the year 1976), No. 43, Article 1024.

³⁹ Nashmi, Mustafa Khudair. (2014). The Legal System of Preliminary Negotiations for Contracts, Master Thesis, Middle East University, Amman, Jordan, p. 5.

⁴⁰ Jordanian Civil Code. (For the year 1976), No. 43, Article 87.

⁴¹ Gibran, Ahmed Abdel-Malik Mohamed. (2016). Responsibility for pollution in environmental contracts in Yemeni law. Al-Adl Magazine, Yemen, p. 259.

Section one: Nodal error:

The asset in contracts concluded between the parties is the obligation to perform them in the agreed form. The error is a departure from this asset and a breach of the performance of the contractual obligation aimed at achieving the result of the contract⁴².

Nodal error is capable of altering an individual's behaviour in a way that changes one's purpose, particularly in relation to an obligation imposed by law by cognition and discrimination⁴³. In concluding contracts, the Jordanian legislature stipulates that the parties have legal capacity, as expressly stated in article 116: "Every person is entitled to contract unless his capacity is deprived or limited by law"⁴⁴.

Applying the nodal line to environmental damage may arise in contracts entered into by the State with mineral extraction companies leading to the emergence of toxic substances and gases that fall outside the contract's objective. Jordan's Environmental Protection Act No. 6 of 2017 provides in article 12 (a): "It is prohibited to engage in any activity or conduct which may adversely affect the environment, in the areas of the national network of protected areas or which may negatively affect or cause degradation of land and marine ecosystems or any conduct which may prejudice the natural balance of any of them."⁴⁵

Section two: Damage

It is the second element of contractual civil liability as harm to the individual. Only a nodal error is insufficient to perform contractual liability without any resulting damage, whether it is material damage to the individual's physical side, or moral. A person's body, honor, liberty, belief or feelings are "morally" inflicted. Such harm requires the existence of a number of things:

1. That the damage is the detective of existence
2. The damage is direct as a natural consequence of a nodal error when a party breaches its obligation.
3. The damage is only foreseeable, not unexpected, as is the default liability that arises when the damage is foreseeable or unexpected "⁴⁶

Contract damage is the basis for contractual civil liability arising from an error in the performance of the Contracting Parties' obligation to maximize the risk to the environment to

⁴²Gibran, Ahmed Abdul Malik Muhammad, previous reference, p. 260.

⁴³Muhammad, Dr. Ashour Abdel Rahman Ahmed. The extent to which the rules of civil responsibility are implemented in the field of environmental pollution (a comparative study), Al-Azhar University, Egypt, p. 1107.

⁴⁴Jordanian Civil Code. (for the year 1976), No. 43 of the year, Article 116.

⁴⁵The Jordanian Environmental Protection Law (for the year 2017), Article No. 12/a.

⁴⁶Khairy, Mortada Abdullah. (2016). Civil Liability for Violation of the Right to Inform Consumers of Dangerous Products, Journal of In-depth Legal Research Generation, Sultanate of Oman, p. 22.

anticipate damage upon conclusion of the contract wastes ", such as medical wastes, which have been brought to the attention of many international legislation, Serious damage to the environment and human health in order to manage such medical waste or create incinerators for the disposal of medical waste at a rate according to which a particular contractor is obliged to establish an incinerator to incinerate it or operate a specific building for the treatment of such waste, In turn, contractual liability arises upon breach of this Agreement."⁴⁷

Section three: Causation

The third element of this liability, which is the causal link of both the nodal error and the damage resulting therefrom, has to be established in order to establish that the causation is denied to the party causing the damage by establishing that the error was caused by a foreign cause or force majeure."⁴⁸. Which were previously touched upon in denying the causal relationship in tort civil liability.

Second requirement: Effect of contractual liability for environmental damage

Breach of the Contracting Parties' agreement in the form that causes environmental damage by the Contracting Parties is deemed to be the obligation of the breaching Party to make reparation for damage caused to its claimants by the performance of the obligation as long as possible and not impossible as stipulated

Article 355 of the Jordanian Civil Code stipulates: The debtor shall, after being excused, be compelled to (implement) what it has committed in kind whenever possible"⁴⁹

Which restores the situation to what it was before the contract was concluded. and, otherwise, the assurance due to the judge of the matter is the other effect of a breach of these responsibilities, which adheres to the perception as compared with omissions, which are based on damage caused by the conscious or unaware, such as abuse of the right, exceeding the limits of the unfamiliar neighbourhood or the use of machines without sufficient perception to threaten the ecosystem's demise⁵⁰.

Article 360 of the Jordanian Civil Code further stipulates that: "If the debtor is carried out in kind or insists on refusal of execution, the court shall determine the amount of security

⁴⁷Blaidi, Dalal. (2017). Medical waste and its contractual liability, Rawafed Journal of Studies and Scientific Research in Social and Human Sciences, Algeria, p. 71

⁴⁸Al-Minawi, Dr. Yasser Muhammad Farouk, previous reference, p. 258.

⁴⁹Jordanian civil law. (for the year 1976). No. 43, Article 355.

⁵⁰Harasis, Omar Awad Saher. (2001) Paying Contractual Liability in the Jordanian Civil Law (a comparative study), Ph.D. thesis, Amman, Jordan, p. 45.

required by the debtor, taking into account the debtor's damage to the creditor and the intransigence initiated by the debtor."⁵¹

Conclusion and recommendations

Civil liability in relation to environmental damage seeks to identify the cause of the damage and to hold it accountable for the damage it has caused to the environment in order to provide maximum protection against the damage, given the progress we are witnessing. Every day the world is witnessing developments that make life easier on its face, while in its alliances it is a danger to humanity in general and the environment in particular.

In the light of this study, I recommend several recommendations:

1. The need to place environmental protection among legislators' priorities in the development of laws and regulations that ensure adequate protection, if not to halt, the risk and its effects.
2. The need to uphold the general rules of the Jordanian Civil Code by laws and regulations that are crucial for protecting the environment from the damage to which it is subjected. Jordan's Environmental Protection Act has not seriously resolved the protection order to prevent or reduce environmental damage.
3. The need to give the judiciary broad power to determine the scope of civil liability, in particular with regard to its notion of harm to the neighborhood, to identify the usual damage from the unusual damage, and to compensate the injured in the appropriate and legal manner guaranteeing his right and reparation for the damage suffered.

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2. Al-Hadithi, Hala Salah Yassin (2003). Civil responsibility resulting from environmental pollution, first edition, Juhayna Publishing and Distribution House, Amman, Jordan.
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⁵¹Jordanian civil law. (For the year 1976), No. 43, Article 360.

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