







Environmental Governance and Administrative Judiciary in Jordan and France: A Socio-Legal Comparative Study

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ABSTRACT

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This article examines the role of administrative judiciaries in environmental governance through a socio-legal comparative study of Jordan and France. Drawing on Environmental Governance Theory and the law-and-society approach, the study analyzes how judicial oversight shapes environmental regulation, administrative accountability, and policy implementation in two civil-law systems at different stages of institutional development. Using Jordan as an emerging case and France as a mature reference model, the research relies on doctrinal analysis of legislation, judicial practice, and secondary case law, complemented by socio-legal scholarship. The findings show that Jordan's administrative judiciary is gradually expanding its role in environmental protection by reviewing regulatory failures, enforcing statutory obligations, and developing doctrines such as administrative liability for ecological harm. Although judicial intervention remains cautious, ongoing legal reforms and capacity-building initiatives indicate a trajectory toward stronger judicial engagement. By contrast, France's long-established administrative judiciary operates within a constitutional framework that explicitly recognizes environmental rights, enabling more proactive judicial intervention, including enforcement of state obligations in environmental and climate governance. The comparative analysis demonstrates that while institutional maturity and constitutional design shape the intensity of judicial action, administrative courts in both systems function as key governance actors. The study contributes to the literature by highlighting how administrative adjudication can reinforce environmental governance beyond formal regulation, emphasizing the importance of judicial authority, access to justice, and institutional capacity in advancing sustainable development.

1. INTRODUCTION

Environmental governance has become a cornerstone of sustainable development, requiring not only comprehensive legal frameworks but also effective institutional mechanisms capable of ensuring their implementation and enforcement. In many jurisdictions, administrative judiciaries have emerged as key actors in this process by reviewing governmental decisions, enforcing environmental regulations, and safeguarding environmental interests. Through judicial oversight of regulatory authorities, administrative courts contribute to accountability, legality, and compliance with environmental standards, thereby shaping how environmental governance operates in practice [1].

This study examines the role of the administrative judiciary in environmental governance through a socio-legal comparative analysis of Jordan and France. The comparison brings together two civil-law systems situated at markedly

different stages of institutional development. Jordan represents an emerging administrative justice system that has undergone significant legal reform in recent years, while France provides a mature model characterized by a long-established administrative judiciary and constitutionally entrenched environmental protection. Juxtaposing these two systems enables an assessment of how institutional maturity, legal authority, and socio-legal context influence judicial engagement with environmental governance.

In Jordan, recent reforms have strengthened the legal foundations of administrative adjudication. The Administrative Judiciary No. 27 of 2014 introduced a two-tier system of administrative courts, enhancing judicial review of administrative action [2]. Environmental Protection Law No. 6 of 2017 further expanded regulatory powers and enforcement mechanisms in environmental matters [3]. Despite these developments, Jordan continues to face serious environmental challenges, including pollution, water scarcity,

and institutional capacity constraints [4]. Examining how Jordanian administrative courts interpret and apply environmental legislation is therefore essential for understanding the country's evolving environmental governance framework.

France offers a contrasting and instructive case. Its administrative judiciary, led by the *Conseil d'État*, has developed extensive jurisprudence integrating environmental considerations into administrative review [5]. The adoption of the Charter for the Environment (2005) constitutionalized environmental protection, embedding principles such as the right to a healthy environment, precaution, and the polluter-pays principle [6]. French administrative courts increasingly rely on these constitutional and statutory foundations to scrutinize administrative decisions and, in some cases, to compel state action in environmental and climate-related matters [7]. The French experience illustrates how a strong administrative judiciary can function as an active component of environmental governance rather than merely a forum for resolving disputes.

Research Question and Contribution

Against this background, the study addresses the following research question:

How do administrative judiciaries in Jordan and France contribute to environmental governance, and what factors explain differences in the scope and intensity of their judicial engagement?

The central contribution of this article lies in moving beyond a descriptive comparison of legal frameworks to provide a structured socio-legal analysis of judicial involvement in environmental governance. By examining administrative adjudication across shared analytical dimensions—judicial authority, institutional arrangements, procedural tools, and socio-legal context—the study clarifies how courts influence environmental regulation and administrative behavior in practice. The comparison highlights both institutional contrasts between an emerging and a mature administrative judiciary and broader governance dynamics that shape access to justice, enforcement capacity, and judicial effectiveness.

Drawing on Environmental Governance Theory and the law-and-society approach, the study combines doctrinal legal analysis with attention to institutional and social contexts. These theoretical frameworks situate administrative courts within wider governance systems involving regulatory agencies, civil society actors, and political structures. By focusing on Jordan—where administrative justice and environmental regulation remain in a process of consolidation—the study contributes to the limited socio-legal literature on environmental adjudication in the Middle East. The comparison with France provides a reference model that illuminates potential pathways for strengthening judicial oversight, enhancing access to environmental justice, and improving the effectiveness of environmental governance.

2. THEORETICAL FRAMEWORK

This study is grounded in an interdisciplinary theoretical framework that combines Environmental Governance Theory with the law-and-society approach. Together, these perspectives provide analytical tools for examining how administrative judiciaries operate within broader governance

systems and how legal institutions influence environmental regulation in practice. Rather than treating courts as isolated legal actors, the framework situates administrative adjudication within institutional, social, and political contexts that shape environmental governance outcomes.

2.1 Environmental Governance Theory

Environmental Governance Theory offers a foundational lens for understanding how institutions, actors, and regulatory mechanisms collectively shape environmental decision-making. Governance, within this framework, is conceptualized as a multi-level and multi-actor process in which responsibilities are distributed across government agencies, courts, civil society organizations, and private actors [8]. Environmental outcomes are therefore not determined solely by the content of legal rules, but by how effectively institutions implement, monitor, and enforce those rules.

Core principles associated with environmental governance—accountability, transparency, participation, and the rule of law—are particularly relevant to the role of the administrative judiciary. These principles emphasize that environmental protection depends on mechanisms capable of holding public authorities accountable for regulatory failures and unlawful decision-making [9]. Within this context, administrative courts function as key accountability institutions by reviewing administrative action, remedying regulatory omissions, and ensuring compliance with statutory environmental obligations.

Environmental Governance Theory also highlights the importance of vertical and horizontal linkages within governance systems. Vertical linkages connect local, national, and international levels of governance, while horizontal linkages involve coordination among regulatory bodies, courts, and non-state actors. In France, administrative judicial reasoning is strongly shaped by supranational norms, including European Union environmental directives and international climate commitments, which require judges to interpret national obligations within a broader transnational framework [5]. In Jordan, although supranational judicial oversight is more limited, international environmental norms and sustainable development commitments are increasingly incorporated into domestic legislation and administrative practice, creating interpretive responsibilities for administrative judges.

In this study, Environmental Governance Theory is used to assess how administrative courts contribute to governance effectiveness, particularly by:

- enforcing environmental legislation,
- reviewing administrative discretion and inaction, and
- shaping regulatory behavior through judicial oversight.

This theoretical lens enables a comparative evaluation of how differences in institutional capacity and legal authority affect the judiciary's role in environmental governance in Jordan and France.

2.2 Law-and-society approach

The law-and-society approach complements Environmental Governance Theory by focusing on how law operates within its social and institutional context rather than as an abstract system of rules. This perspective emphasizes that judicial behavior and legal outcomes are shaped by social norms,

institutional cultures, access to justice, and power relations between legal actors and society [10]. Courts are therefore understood not only as interpreters of law, but as institutions embedded in broader social structures that influence how legal norms are applied and enforced.

Applied to environmental adjudication, the law-and-society approach directs attention to factors such as:

- access to administrative justice,
- standing rules for individuals and NGOs,
- availability of legal and scientific expertise, and
- the capacity of civil society to mobilize environmental litigation.

These socio-legal conditions help explain why similar legal frameworks may produce different judicial outcomes across jurisdictions. For example, in France, strong civil society engagement and broad standing rules enable environmental organizations to pursue strategic litigation that prompts judicial intervention in environmental and climate governance. In Jordan, more restrictive standing requirements and a limited litigation culture constrain the volume and scope of environmental cases, even where statutory protections exist.

Within this study, the law-and-society approach is used to analyze how social and institutional contexts shape judicial engagement with environmental governance. It explains not only what administrative courts are legally empowered to do, but how and why they intervene—or refrain from intervening—in environmental matters.

2.3 Integrating the framework into the comparative analysis

Together, Environmental Governance Theory and the law-and-society approach provide the analytical foundation for the comparative structure adopted in this study. They guide the comparison by focusing on four interconnected dimensions:

1. judicial authority and legal mandate;
2. institutional arrangements and procedural tools;
3. access to justice and participation; and
4. socio-legal and governance context.

By integrating these dimensions, the framework enables a systematic comparison of Jordan and France that moves beyond descriptive accounts of legislation and case law. Instead, it explains how administrative judiciaries function as governance actors whose role is shaped by legal design, institutional capacity, and societal engagement. This theoretical integration directly informs the methodology and comparative analysis developed in the sections that follow.

3. LITERATURE REVIEW

3.1 Environmental governance and the administrative judiciary in Jordan

Recent scholarship on environmental governance in Jordan reflects growing awareness of the country's environmental challenges and the legal reforms introduced over the past decade. A significant strand of literature focuses on the modernization of environmental regulation following the enactment of Environmental Protection Law No. 6 of 2017, which clarified environmental offenses and aligned national standards with international environmental governance principles [11]. This statutory framework strengthened the legal basis for penalizing polluters and reinforced the principle

of legality in environmental enforcement.

A developing body of legal scholarship examines the emerging role of Jordan's administrative judiciary in environmental protection. Studies emphasize that administrative courts increasingly function as mechanisms of oversight by reviewing the legality of environmental permits, regulatory decisions, and enforcement measures [12]. This literature highlights an evolving judicial approach in which courts move beyond formal legality to address substantive environmental harm, including early indications of doctrines resembling strict liability in environmental cases—an evolution influenced by comparative public law, particularly French administrative jurisprudence.

Arabic-language legal scholarship further complements this analysis by advocating the constitutional recognition of environmental rights. Several authors argue that embedding the right to a healthy environment within the Jordanian Constitution would enhance judicial protection and facilitate the incorporation of international principles such as sustainable development and precaution into domestic adjudication [13]. These arguments reflect a broader socio-legal discourse that views constitutionalization as a means of strengthening judicial authority in environmental governance.

Institutional and policy-oriented reports document parallel developments in judicial capacity building. The National Center for Environmental Justice (NCEJ) emphasizes the need for specialized training for judges, prosecutors, and lawyers, as well as procedural reforms to improve environmental litigation [14]. Initiatives supported by the Ministry of Justice and international partners—including judicial training programs funded by the French Embassy and GIZ—signal official recognition of the judiciary's role in enforcing environmental standards. Although the volume of environmental litigation before administrative courts remains limited, the literature suggests increasing institutional readiness to engage with complex environmental disputes.

Overall, the literature on Jordan's administrative judiciary converges around four key themes:

- (1) strengthened environmental legislation;
- (2) an increasingly active, though still developing, administrative judiciary;
- (3) institutional efforts to build judicial and legal capacity; and
- (4) calls for constitutional and procedural reforms to enhance environmental governance.

Despite these contributions, existing studies remain largely descriptive and provide limited socio-legal analysis of how administrative courts influence regulatory behavior and environmental governance in practice.

3.2 Environmental governance and the administrative judiciary in France

The literature on environmental governance in France is extensive, reflecting the country's sophisticated administrative judiciary and long-established public law traditions. A central focus of this scholarship is the constitutionalization of environmental protection following the adoption of the Charter for the Environment (2005), which recognized the right to a healthy environment and established foundational principles such as prevention, precaution, and the polluter-pays principle [15]. French administrative courts, particularly the *Conseil d'État*, have consistently treated these principles as binding constitutional norms.

French administrative jurisprudence has progressively integrated environmental considerations into traditional doctrines of administrative review. Courts routinely assess the legality of environmental impact assessments, ensure compliance with public participation requirements under the Aarhus Convention, and balance environmental protection against economic and developmental interests through proportionality analysis [16]. Literature documents numerous cases in which administrative judges have annulled or modified major infrastructure projects due to environmental risks or procedural deficiencies, demonstrating how judicial oversight can shape environmental policymaking.

Recent climate litigation has generated significant scholarly attention. In the reference [17], the Administrative Tribunal of Paris held the state responsible for failing to meet its climate commitments, recognizing ecological damage resulting from governmental inaction. Similarly, in *Commune de Grande-Synthe*, the *Conseil d'État* ordered the government to adopt all necessary measures to meet greenhouse gas reduction targets, reinforcing judicial enforcement of both domestic and international climate obligations [7]. These cases illustrate an assertive model of administrative adjudication in which courts compel executive action in the public interest.

Socio-legal scholarship further emphasizes the role of civil society and access to justice in France. Environmental NGOs benefit from broad standing rules, and France's implementation of the Aarhus Convention has strengthened access to information, participation, and judicial review. The growing number of environmental cases before administrative courts reflects strong environmental activism and sustained societal demand for judicial intervention in governance failures.

Comparative legal literature frequently notes that French administrative doctrines—such as *responsabilité sans faute* for dangerous public activities and preventive injunctions—have influenced legal systems beyond Europe, including Jordan, whose administrative law structure draws partly on French civil law traditions [5]. French jurisprudence, therefore, functions as an important reference point for developing environmental administrative adjudication in emerging systems.

3.3 Gaps in the literature and contribution of this study

Despite the substantial body of scholarship on environmental governance in Jordan and France, significant gaps remain. In Jordan, socio-legal analyses of the administrative judiciary's role in environmental governance are still limited. Existing studies focus primarily on criminal environmental law, statutory reform, or general policy frameworks, offering less insight into how administrative courts influence regulatory behavior or shape public policy outcomes [4]. Even recent contributions do not fully address the evolving relationship between administrative courts, regulatory agencies, and emerging institutional developments such as judicial training initiatives.

In the French context, although administrative and environmental law scholarship is extensive, comparative studies rarely engage with Middle Eastern civil-law jurisdictions. Most comparative work focuses on EU member states or common law systems, often emphasizing doctrinal evolution rather than socio-legal context. As a result, a structured comparative analysis between France and Jordan—two civil-law systems with markedly different institutional

capacities and legal cultures—remains underexplored.

This study addresses these gaps in three main ways. First, it provides an updated socio-legal account of Jordan's administrative judiciary in environmental governance, focusing on judicial practice and institutional development rather than legislation alone. Second, it offers a structured comparative analysis with France that highlights how contextual, political, and institutional differences shape judicial engagement with environmental matters. Third, by integrating Environmental Governance Theory with a law-and-society perspective, the study links legal doctrine with governance processes, access to justice, and societal engagement, thereby advancing interdisciplinary scholarship on administrative adjudication and environmental governance.

4. METHODOLOGY

This study adopts a qualitative comparative case-study design to examine how administrative judiciaries in Jordan and France contribute to environmental governance. The methodology is socio-legal and interdisciplinary, combining doctrinal legal analysis with insights from public policy and the social sciences [18]. The comparative approach is both functional—examining how each system performs similar adjudicatory functions—and contextual, considering historical, institutional, and socio-political differences between Jordan's developing administrative judiciary and France's long-established civil-law system [5].

4.1 Analytical framework and dimensions of comparison

Guided by Environmental Governance Theory and the law-and-society approach, the comparison is structured around four analytical dimensions that reflect how courts operate as governance actors:

- 1) judicial authority and legal mandate, including constitutional or statutory foundations for environmental adjudication;
- 2) institutional arrangements and procedural tools, such as access to judicial review, interim measures, and enforcement mechanisms;
- 3) access to justice and participation, focusing on standing rules, the role of NGOs, and opportunities for public involvement; and
- 4) socio-legal context, encompassing institutional capacity, judicial expertise, and the influence of civil society and political factors.

These dimensions provide a consistent analytical framework for examining each jurisdiction and ensure that the comparison moves beyond descriptive accounts of legislation to assess how administrative courts influence environmental governance in practice.

4.2 Sources and data

Primary legal texts form the foundation of the analysis. For Jordan, these include the Environmental Protection Law No. 6 of 2017 and the Administrative Judiciary Law No. 27 of 2014. For France, the analysis draws on the Charter for the Environment (2005), the Code de l'environnement, and the Code de justice administrative. These instruments clarify the legal authority, institutional structure, and procedural competences guiding judicial oversight in environmental

matters.

Judicial decisions were analyzed primarily through reliable secondary sources due to limited access to comprehensive case law databases, particularly in Jordan. Jordanian administrative and High Court of Justice decisions relating to pollution control, licensing, and administrative liability were examined through academic scholarship and doctrinal analysis [4, 12]. French environmental jurisprudence—including *Commune de Grande-Synthe* and *Notre Affaire à Tous*—was examined through scholarly publications, NGO reports, and official court communications [7, 17].

Secondary literature in Arabic, English, and French provided doctrinal, institutional, and socio-legal context. This included academic works on administrative and environmental law [15, 16], as well as institutional reports from Jordan's National Center for Environmental Justice and official publications of the French *Conseil d'État*.

4.3 Comparative procedure

The analysis proceeded in two stages. First, a within-case analysis examined how each jurisdiction's statutory framework and institutional arrangements shaped judicial engagement with environmental matters. In Jordan, attention focused on the scope of administrative judicial jurisdiction, the review of environmental permits and regulatory decisions, and emerging judicial approaches to environmental liability [12]. In France, the analysis centered on how administrative courts operationalize constitutional environmental principles and employ procedural tools to enforce environmental and climate obligations [15].

Second, a cross-case comparison was conducted using the four analytical dimensions outlined above. This stage explored differences and convergences between Jordan and France in terms of judicial authority, procedural capacity, access to justice, and the extent of judicial intervention in environmental governance. Throughout the analysis, a socio-legal perspective was maintained to capture how political, institutional, and societal factors influence judicial practice, including donor-supported judicial training initiatives in Jordan [14] and civil-society mobilization in French climate litigation [17].

4.4 Validity and limitations

To enhance analytical validity, the study employed triangulation across legislative texts, judicial summaries, academic analysis, and institutional reports. For example, claims regarding expedited environmental case processing in Jordan were verified through statutory provisions mandating urgent procedures, while NGO accounts of French climate litigation were cross-checked with official *Conseil d'État* communications [7].

The study has several limitations. Restricted access to Jordanian administrative case law necessitated reliance on secondary sources [4], and inherent challenges arise when comparing jurisdictions with markedly different institutional scales and capacities. Since the study is analytical rather than statistical, the comparison does not aim to prescribe direct institutional transplantation but instead to generate governance insights relevant to comparative administrative law [5]. No ethics approval was required, as the research relies exclusively on publicly available documents.

5. ADMINISTRATIVE JUDICIARY AND ENVIRONMENTAL GOVERNANCE IN JORDAN

5.1 Legal and institutional framework

Jordan's environmental governance framework has undergone significant development, particularly following the enactment of the Environmental Protection Law No. 6 of 2017. The law modernized earlier regulatory approaches by expanding provisions on pollution control, protected areas, and waste management, and by establishing the Environmental Protection Fund. It grants the Ministry of Environment broad enforcement powers, including inspection authority and the ability to order urgent preventive measures, such as the closure of facilities posing imminent environmental risks. These statutory obligations constitute the primary legal basis for administrative judicial review when regulatory authorities fail to enforce environmental law or issue unlawful decisions [3].

The administrative judiciary itself is a relatively recent institutional development. Before 2014, administrative environmental disputes were adjudicated by the High Court of Justice. Following constitutional amendments, Administrative Judiciary Law No. 27 of 2014 established a two-tier system composed of Administrative Courts of First Instance and a Supreme Administrative Court. These courts are empowered to review a wide range of administrative acts relevant to environmental governance, including permits, environmental clearances, regulatory sanctions, and administrative inaction. Environmental disputes typically arise through annulment actions challenging decisions that exceed legal authority or violate mandatory environmental procedures [2].

Jordanian administrative courts also possess jurisdiction to award compensation for environmental damage caused by public authorities or state-regulated activities. Although traditional administrative liability doctrine required proof of fault, recent legal scholarship indicates a growing judicial openness to forms of strict liability in cases involving ecological harm [12]. This doctrinal evolution reflects comparative influences—particularly French administrative liability—and strengthens accountability mechanisms within environmental governance.

Environmental Impact Assessments (EIAs) constitute another key procedural safeguard subject to judicial oversight. Administrative courts may annul project approvals issued without a legally required EIA or without adequate public consultation, thereby reinforcing statutory obligations of legality, transparency, and participation imposed by the 2017 law [4]. The mandatory disclosure of EIA summaries and environmental data further enables public scrutiny and informed judicial challenges.

As a civil-law system, Jordan relies predominantly on written procedures, expert reports, and technical evidence. Environmental disputes often involve complex scientific assessments, which historically posed challenges for judicial capacity. Recent capacity-building initiatives led by the National Center for Environmental Justice and supported by international partners have sought to enhance judicial understanding of environmental science and to develop procedural guidance for environmental litigation [14]. These efforts signal increasing institutional recognition of the administrative judiciary's role as a governance actor in environmental protection.

5.2 Administrative judicial practice in environmental matters

Despite the absence of a comprehensive, publicly accessible database of administrative environmental case law, available qualitative reports and official statements provide insight into the judiciary's emerging role in environmental enforcement. In 2025, the Jordanian Minister of Justice referred to "numerous judicial decisions" holding environmental violators accountable, indicating a growing judicial presence in environmental protection [19]. While this reference includes criminal proceedings, administrative courts play a distinct role in overseeing regulatory compliance and administrative legality.

A substantial portion of administrative environmental litigation concerns challenges to permits and licenses issued by ministries or municipalities. Residents and, in some cases, civil society actors contest approvals for industrial or development projects on grounds such as inadequate emission controls or the absence of a legally required Environmental Impact Assessment. Where procedural or substantive environmental requirements are violated, administrative courts may annul the contested decision, demonstrating a willingness to enforce compliance and constrain administrative discretion [4].

Administrative courts also review enforcement measures imposed on polluters, including closure orders and administrative fines. In assessing the legality and proportionality of such sanctions, courts draw on established principles of Jordanian administrative jurisprudence, particularly the recognition of environmental protection as an element of public order and public health. This doctrinal foundation supports judicial deference to regulatory authorities when measures are demonstrably adopted in the public interest, while still allowing judicial scrutiny of abuse or excess of power. Recent scholarship on administrative control and public order highlights the growing relevance of judicial oversight in contexts affected by new regulatory risks, including those linked to digital and social platforms [20].

Judicial review of administrative inaction constitutes another important dimension of environmental adjudication. Jordanian administrative procedure permits actions compelling public authorities to perform legally mandated duties when they fail to act. In environmental contexts, such claims may address governmental inaction regarding pollution complaints or failures to enforce waste management regulations. This mechanism resembles the French *recours en carence* used in climate litigation to compel state compliance [17] and enhances administrative accountability within environmental governance.

Liability claims arising from environmental harm caused by public entities or state-regulated activities also fall within administrative judicial jurisdiction. While fault-based liability remains influential, recent scholarship points to a gradual shift toward strict liability approaches that emphasize harm and causation rather than negligence [12]. This trend aligns with the polluter-pays principle and parallels developments in French administrative law, reinforcing the judiciary's capacity to address ecological harm.

Environmental considerations further arise in disputes involving broader development, land-use, and investment decisions. Administrative courts increasingly assess whether environmental obligations have been adequately integrated into planning approvals and investment authorizations.

Contemporary legal scholarship links effective administrative judicial oversight with legal certainty and risk management in regulated economic activity, underscoring the judiciary's governance role beyond dispute resolution [5].

The Environmental Protection Law designates environmental cases as urgent, reflecting the need for rapid judicial intervention to prevent irreversible harm. Although officials emphasize expedited procedures, the practical use of provisional judicial measures remains limited [14]. Strengthening the legal framework for interim relief—through clearer standards for temporary injunctions or suspension orders—would enhance judicial capacity to provide timely environmental protection.

5.3 Socio-legal dynamics: Challenges and emerging progress

Despite the strengthened legal framework, several socio-legal factors continue to shape the effectiveness of Jordan's administrative judiciary in environmental governance. Historically, limited public awareness constrained the use of administrative litigation for environmental claims. However, increasing concern over pollution, water scarcity, and climate-related risks has begun to shift societal attitudes. Capacity-building initiatives, particularly those led by the National Center for Environmental Justice, have contributed to fostering a legal culture in which judges and lawyers increasingly view environmental protection as a legitimate subject of administrative adjudication.

Procedural standing remains a significant constraint. Jordanian administrative law generally requires a direct personal interest, limiting the ability to litigate environmental harms that affect communities collectively. Environmental NGOs lack explicit standing to initiate public-interest actions, although Article 14 of the Environmental Protection Law recognizes environmental associations in ways that may support future reform. Comparative experience—especially in France, where NGOs routinely obtain standing—demonstrates that broader access to justice significantly enhances environmental oversight.

Evidentiary and expertise-related challenges also persist. Environmental disputes often depend on complex scientific assessments, and while courts may appoint experts, the limited availability of environmental specialists hampers effective adjudication. Judicial workshops have highlighted persistent difficulties in establishing causation and measuring environmental harm. Developing evidentiary techniques such as burden-shifting or acceptance of probabilistic scientific evidence could improve judicial responsiveness to environmental risks, particularly in cases involving cumulative or long-term ecological damage [21].

Enforcement further represents a structural challenge. Even where courts issue robust environmental rulings, implementation may encounter bureaucratic inertia or capacity constraints. Strengthening monitoring mechanisms and compliance enforcement is therefore essential if judicial intervention is to produce tangible environmental outcomes.

Taken together, these dynamics indicate that Jordan's administrative judiciary remains in an early but promising stage of development. Courts have begun articulating important principles—such as recognizing environmental protection as part of public order and adopting emerging forms of strict liability—consistent with theoretical conceptions of courts as active agents of ecological governance. Situating this

evolving system alongside France's more mature administrative judiciary provides valuable insight into pathways for strengthening environmental governance in Jordan.

6. ADMINISTRATIVE JUDICIARY AND ENVIRONMENTAL GOVERNANCE IN FRANCE

6.1 Legal and constitutional framework

France possesses one of the most developed systems of administrative justice, providing a mature institutional setting for integrating environmental protection into judicial oversight. The administrative judiciary is headed by the *Conseil d'État*, which functions both as the supreme administrative court and as the government's highest legal advisory body. Beneath it operate the Administrative Courts of Appeal and Administrative Tribunals, forming a specialized hierarchy distinct from ordinary civil and criminal courts [22]. This institutional specialization facilitates consistent judicial engagement with complex regulatory fields, including environmental governance.

A central feature of the French framework is the Charter for the Environment (2005), which was incorporated into the constitutional block and thus holds constitutional value. The Charter recognizes the right to a balanced and healthy environment and codifies foundational principles such as prevention, precaution, and the polluter-pays principle. French administrative courts have repeatedly affirmed the Charter's binding force and have relied on it to expand the scope of judicial review in environmental matters [15]. Notably, the *Conseil d'État* has recognized the right to a healthy environment as a fundamental freedom, enabling expedited interim relief through *référé-liberté* procedures.

This constitutional framework operates alongside a comprehensive statutory regime consolidated in the Environmental Code (*Code de l'environnement*), which governs air, water, biodiversity, climate policy, and pollution control. Environmental regulation also intersects with other legal fields, including urban planning and public health, requiring administrative judges to coordinate multiple regulatory regimes. In addition, European Union environmental directives—such as those governing environmental impact assessments and habitat protection—play a significant role. French administrative courts are responsible for enforcing EU-derived obligations at the national level, subject to indirect oversight by the Court of Justice of the European Union [16]. This multilayered legal environment significantly shapes judicial authority and interpretive practice.

6.2 Judicial practice and enforcement tools

In practice, the French administrative judiciary plays an active role in environmental governance through both traditional judicial review and increasingly robust enforcement mechanisms. Environmental disputes commonly reach the courts through the *recours pour excès de pouvoir*, which allows individuals and environmental associations to challenge administrative decisions that violate environmental standards or misuse regulatory discretion. Courts have frequently annulled permits for industrial and infrastructure projects where authorities failed to conduct adequate

environmental impact assessments or where procedural requirements were breached.

A distinctive feature of French administrative review is the *bilan coût-avantages*, under which judges weigh a project's public utility against its environmental costs. While initially deferential to administrative discretion, this balancing test has evolved toward greater environmental protection, reflecting the constitutional status of environmental principles and changing societal expectations.

Beyond annulment, French courts increasingly rely on injunctions and coercive penalties (*astreintes*) to ensure compliance with environmental obligations. These tools have been central in climate litigation, most notably in *Commune de Grande-Synthe*, where the *Conseil d'État* ordered the government to take concrete measures to meet greenhouse gas reduction targets and subsequently monitored compliance [23]. Similar enforcement mechanisms have been used to compel remediation of polluted sites and implementation of air-quality plans, illustrating a shift toward outcome-oriented judicial governance. This evolution reflects a broader understanding of environmental protection as an element of public order justifying strong administrative and judicial intervention within regulatory systems [20].

A further doctrinal development is the recognition of *préjudice écologique*, which treats ecological harm as an independent legal injury requiring remediation. First articulated in the *Erika* oil spill litigation and codified in 2016, this doctrine enables courts to protect the environment itself as a juridical interest. In *Notre Affaire à Tous*, the Administrative Tribunal of Paris applied this concept to climate governance, recognizing ecological damage resulting from insufficient state action [17]. This development underscores the judiciary's capacity to adapt traditional liability concepts to contemporary environmental risks.

Procedurally, urgent relief mechanisms enhance judicial responsiveness. *Référé-suspension* allows temporary suspension of administrative acts where legality is doubtful and environmental harm is imminent, while *référé-liberté* permits judges to order protective measures within forty-eight hours when fundamental freedoms—including the constitutional right to a healthy environment—are threatened. These mechanisms enable preventive intervention and distinguish the French system from jurisdictions with more limited interim relief.

6.3 Socio-legal and governance context

The effectiveness of France's administrative judiciary in environmental governance is reinforced by a broader socio-legal context characterized by strong civil society engagement, access to justice, and multilevel governance. Environmental NGOs benefit from relatively broad standing rules and possess the organizational capacity to pursue strategic litigation. High-profile cases—particularly in the field of climate governance—have attracted extensive media attention, amplified judicial decisions, and increased political accountability [17].

From a governance perspective, the French model reflects a regulatory environment in which courts operate as part of a broader system addressing complex environmental risks that intersect with economic development, natural resource management, and sustainability objectives [21].

The *Conseil d'État*'s dual advisory and judicial role further integrates the judiciary into environmental policymaking. As

a legal adviser to the executive, it reviews draft legislation and regulations for compliance with constitutional and environmental norms before adoption. This function embeds judicial oversight into the regulatory process itself and distinguishes the French model from systems in which courts intervene only *ex post* [15]. More broadly, this institutional design aligns with theories of judicial involvement in regulatory governance, where courts contribute to balancing public authority, policy coherence, and legal accountability [5].

Environmental governance in France also operates across multiple administrative levels. Local authorities exercise significant regulatory powers in areas such as land-use planning and pollution control, while remaining subject to administrative judicial review. Conversely, local governments may initiate litigation against the state when national policies fail to meet environmental or climate obligations. The *Grande-Synthe* case exemplifies this dynamic interaction between local and national governance through judicial mechanisms [23].

Taken together, these institutional and societal factors position the French administrative judiciary as a highly developed governance actor. However, its effectiveness depends on conditions—constitutional entrenchment of environmental rights, broad access to justice, strong civil society, and supranational legal integration—that are not uniformly present in emerging systems. For this reason, France serves in this study not as a normative benchmark to be replicated wholesale, but as a comparative reference point that illuminates how differing legal authority, institutional capacity, and socio-legal context shape judicial engagement with environmental governance.

7. COMPARATIVE ANALYSIS

7.1 Constitutional foundations and judicial authority

The comparison between Jordan and France reveals clear structural differences in the constitutional foundations of environmental adjudication. France benefits from the constitutional entrenchment of environmental protection through the Charter for the Environment (2005), which grants administrative judges an explicit higher-law mandate to safeguard environmental interests. This constitutional status strengthens judicial authority and legitimizes proactive intervention, particularly through interim and enforcement mechanisms [15].

Jordan, by contrast, relies primarily on statutory environmental legislation and general principles of public order. While this framework enables judicial oversight of

administrative action, it lacks the normative weight of constitutional environmental rights. Nevertheless, scholarly discourse increasingly advocates for constitutional recognition of the right to a healthy environment in Jordan. Such an amendment would significantly strengthen judicial authority and clarify the balancing of environmental, economic, and administrative interests [23].

7.2 Judicial activism and enforcement capacity

Judicial engagement with environmental governance also diverges in scope and intensity. French administrative courts have long functioned as proactive co-regulators, shaping environmental policy through assertive judicial review, injunctions, and coercive financial penalties. Recent climate litigation illustrates how courts can compel executive action and monitor compliance over time, reinforcing the judiciary’s role as an enforcement-oriented governance actor [17].

Jordan’s administrative judiciary remains institutionally younger and more cautious. However, emerging jurisprudential trends—particularly the growing acceptance of strict liability for environmental harm—indicate a gradual shift toward stronger judicial engagement. Although Jordanian courts do not yet exercise the same degree of intervention as their French counterparts, doctrinal evolution and institutional reform suggest a trajectory toward more assertive environmental adjudication, consistent with broader developments in administrative accountability [12].

7.3 Access to justice and societal mobilization

Societal demand constitutes another significant point of divergence. In France, environmental litigation is driven by a well-organized civil society and broad public mobilization, particularly in climate-related cases supported by large coalitions of citizens and NGOs. This societal engagement amplifies judicial impact and reinforces environmental accountability, especially when supported by transparency and participation guarantees under the Aarhus Convention [24].

In Jordan, public participation has historically been more limited. However, growing awareness of environmental challenges—such as pollution, water scarcity, and climate risks—combined with the efforts of institutions like the National Center for Environmental Justice, is gradually expanding the space for environmental claims before administrative courts. While large-scale public interest litigation remains rare, socio-legal conditions are evolving in ways that may facilitate greater judicial engagement in the future [14].

Table 1. Comparative analytical dimensions of environmental adjudication in Jordan and France

Analytical Dimension	Jordan	France
Constitutional basis for environmental protection	Statutory protection; no explicit constitutional environmental right	Constitutionalized through the Charter for the Environment (2005)
Role of administrative judiciary	Emerging oversight role; increasing engagement	Established and proactive governance actor
Judicial enforcement tools	Annulment, limited interim measures	Injunctions, <i>astreintes</i> , urgent relief (<i>référé-liberté</i>)
Access to justice	Restrictive standing; limited NGO participation	Broad standing; strong NGO-led litigation
Societal mobilization	Growing awareness; limited litigation culture	High public engagement; strategic climate litigation
Supranational influence	International norms and cooperation	EU law and CJEU oversight

7.4 Supranational and transnational influences

France’s administrative judiciary operates within a

multilayered legal framework shaped by European Union law. Administrative judges are required to enforce both national and supranational environmental obligations, reinforcing

judicial authority and embedding environmental governance within a broader legal order [16].

Jordan does not operate within a supranational judicial regime. Nevertheless, its environmental governance is influenced by international treaties, global environmental norms, and development cooperation initiatives that support judicial training and capacity building. The longstanding doctrinal influence of French administrative law on Jordan further facilitates selective convergence and the adaptation of comparative practices suited to local conditions [22].

The key comparative differences and points of convergence between Jordan and France are summarized in Table 1.

8. DISCUSSION

The comparative findings reveal distinct yet converging patterns of judicial involvement in environmental governance. France exemplifies a mature administrative judiciary that actively enforces environmental rights and shapes public policy through constitutional authority and robust procedural tools. Jordan, while still in a formative stage, is consolidating its role as a guardian of environmental legality through expanding judicial review, doctrinal development, and institutional strengthening.

In Jordan, judicial influence is emerging incrementally. Courts intervene primarily to correct administrative illegality or inaction, particularly in cases involving defective environmental permits or regulatory failures. The gradual acceptance of strict liability for environmental damage signals a shift toward substantive environmental protection and increased accountability of public authorities, consistent with comparative administrative law trends [12].

In France, administrative courts exercise a more transformative role. Recent climate litigation demonstrates how judicial enforcement of environmental commitments can reshape policy trajectories and strengthen state accountability. This judicialization of environmental governance reflects broader societal expectations and institutional capacity rather than judicial overreach alone [17].

Overall, the comparison confirms that administrative judiciaries—regardless of institutional maturity—play a central role in contemporary environmental governance. Differences between Jordan and France are best understood as variations in degree rather than kind, shaped by constitutional design, access to justice, and societal engagement.

9. PUBLIC POLICY IMPLICATIONS AND RECOMMENDATIONS

The comparative analysis underscores that effective environmental governance requires a capable administrative judiciary alongside robust regulatory frameworks. In Jordan, ambitious environmental legislation often encounters implementation gaps. Judicial oversight can serve as a corrective mechanism by annulling unlawful administrative decisions, compelling state action, and enforcing liability for environmental harm.

Several reforms could strengthen environmental adjudication in Jordan. Constitutional recognition of the right to a healthy environment would elevate environmental protection to a higher normative level [23]. Procedural reforms expanding NGO standing would enhance access to justice and

regulatory oversight. Specialized judicial training and clearer interim relief mechanisms would improve courts' ability to address technically complex disputes and prevent irreversible harm. Strengthening enforcement mechanisms—such as financial penalties for non-compliance—would further reinforce judicial authority, aligning Jordanian practice with international governance standards [14].

In France, the comparative perspective confirms the strength of a judiciary deeply embedded in environmental governance. At the same time, the growing assertiveness of courts, particularly in climate litigation, highlights the importance of maintaining institutional balance between judicial enforcement and democratic policymaking. The *Conseil d'État's* dual advisory and judicial role provides an important safeguard in this respect [15].

10. SOCIO-LEGAL AND FUTURE PERSPECTIVES

From a socio-legal perspective, judicial engagement in environmental governance influences public participation, institutional trust, and the perceived legitimacy of environmental decision-making. In France, landmark environmental cases have strengthened public confidence in the judiciary as an effective forum for addressing environmental harm. In Jordan, similar developments could enhance trust in legal institutions and normalize environmental litigation as a tool of accountability.

Improving public access to environmental information remains essential. France's experience under the Aarhus Convention illustrates how transparency and participation foster informed civic engagement. Strengthening disclosure mechanisms and environmental education in Jordan would create the social foundations necessary for effective environmental adjudication [24].

Transnational cooperation between Jordan and France—particularly through judicial training initiatives—demonstrates how comparative exchange can strengthen institutional capacity without imposing rigid models. Looking ahead, climate change is likely to drive future litigation in both systems, raising new questions of state responsibility, adaptation, and environmental justice.

11. CONCLUSION

This comparative socio-legal study has examined how administrative judiciaries in Jordan and France contribute to environmental governance, demonstrating that courts can function as substantive governance actors rather than merely dispute-resolution bodies. The analysis reveals significant differences in institutional maturity and judicial capacity, but also a shared trajectory toward expanding judicial engagement in environmental protection.

In Jordan, the administrative judiciary—despite its relatively recent establishment—is increasingly asserting its oversight role in environmental matters. Developments such as the growing acceptance of strict liability for environmental harm and the prioritization of environmental cases indicate a gradual integration of environmental protection into administrative adjudication. While judicial intervention remains cautious, ongoing legal reform, judicial training, and rising public awareness suggest meaningful potential for further institutional consolidation.

France illustrates a more mature model of environmental adjudication, grounded in constitutional environmental rights and reinforced by sophisticated procedural and enforcement tools. Recent climate litigation confirms the capacity of administrative courts to compel state compliance and translate environmental commitments into concrete policy action. This model demonstrates the extent to which judicial authority, when supported by constitutional foundations and societal mobilization, can shape environmental governance outcomes.

The study contributes to the literature by providing a structured socio-legal comparison between an emerging and a mature administrative judiciary, highlighting how constitutional design, access to justice, and socio-political context influence judicial effectiveness in environmental governance. It further reinforces Environmental Governance Theory and the law-and-society perspective by showing that judicial action both responds to and reshapes broader governance dynamics.

From a policy perspective, the findings underscore the importance of strengthening judicial tools, access to justice, and enforcement mechanisms, particularly in emerging systems such as Jordan. At the same time, they highlight the need for institutional balance in mature systems like France, where expanding judicial intervention must remain aligned with democratic legitimacy.

Future research could extend this comparative framework to other civil-law jurisdictions, examine the long-term impact of environmental judicial decisions on administrative behavior, or explore the growing role of administrative courts in climate adaptation and environmental resilience. As environmental challenges intensify, administrative judiciaries will remain central to embedding environmental protection within the rule of law.

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