

**RESEARCH ARTICLE**

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## **Criminal Liability of the Intervenor for Crimes Affecting the Consumer in Light of the Consumer Protection Law and the Penal Code**

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### **Abstract**

The Algerian legislator has imposed on the intervenor a set of obligations starting from the stage of production and importation to distribution and then the final supply for consumption, given the imbalance of knowledge between them. But the intervenor's violation of this obligation and his actions that would deceive and mislead the consumer necessitate penal responsibility. This research is interested in studying one of the mechanisms that the Algerian legislator devoted to achieving legal protection for the consumer, which is the criminal responsibility of the intervenor to deter him from the abuses committed by him, and to impose respect for the obligations imposed on him in Law 09-03 related to consumer protection and the suppression of fraud, amended and supplemented by law, and this highlights the great importance of this responsibility.

**Keywords:** Consumer – Criminal liability – Intervenor – Obligations – Penalty – Crimes

### **Introduction:**

The concept of the consumer and his protection

nowadays is considered one of the difficult, delicate, and complex topics that raises many issues. With the increase in production and the intensification of competition between intervenors, which sometimes is illegitimate, and the resulting conflict between the interests of the consumer on the one hand and the intervenor on the other, the intervenor has acquired a strong position against the weaker party, namely the consumer, especially since the latter is compelled to fulfill his desires and acquire products to meet his needs, finding himself prey to producers seeking profits without concern for his health and safety. Thus, counterfeit products have appeared, which may sometimes be dangerous to the consumer's health.

For these reasons, consumer protection has become one of the most important topics occupying the interest of jurisprudence and judiciary. After all legal systems recognized the consumer's right to life and bodily safety, this protection is considered an acquired right that does not need justification, as it was established by the teachings of our noble religion. After jurisprudence and the judiciary

acknowledged that civil law provisions are no longer sufficient to provide adequate protection to the consumer, who falls victim to product hazards, it became necessary to seek a legal solution that ensures protection for anyone harmed by a product. Indeed, the legislator realized the need to limit such damages resulting from defective products in 1989 by issuing the first law containing general rules for consumer protection, followed by regulatory and executive texts. This law was repealed by Law 09-03 dated February 23, 2009, related to consumer protection and suppression of fraud, amended and supplemented by Law No. 18-09 dated June 10, 2018, which established broader and more comprehensive protection than its predecessor. Since these are mandatory rules, they therefore impose penalties on anyone who violates them. To achieve this, the legislator-imposed restrictions on the intervenor to prevent encroachment on consumer rights, by criminalizing certain acts, reinforcing criminal liability, and tightening penalties to achieve fair commercial transactions and maintain balance between the interests of the intervenor and the consumer.

Thus, the research problem was as follows: Is the criminal liability established by the Algerian legislator for the intervenor in case of harm to the consumer sufficient protection and guarantee for the consumer?

In light of this problem, we observe the protection offered by criminal liability for the

consumer by addressing the crimes stipulated in the Consumer Protection Law and the Penal Code, then clarifying the penalties prescribed for crimes affecting the consumer.

### **First – Crimes Stipulated in the Consumer Protection Law and the Penal Code:**

One of the most important functions of the criminal legal system is to define the properties and interests that it must protect. Among these, the most important is the safety and security of the consumer, who represents the weak party unable to fully access information about the product or service except through the statements provided by the intervenor, while the latter is considered the stronger party in the consumer relationship, based on his knowledge of the product's components as well as the services he offers to the consumer. Therefore, the legislator tried to protect this weak party by setting criminal legal rules that criminalize behavior that wastes or threatens these interests, which causes harm to his property, dealings, and health, and imposes penalties on the perpetrator. Regarding crimes affecting or harming the consumer, the legislator stipulated some of them in the Consumer Protection Law and referred others to the Penal Code.

### **1- Crimes Related to the Consumer Protection Law and Suppression of Fraud:**

These crimes include all violations of imposed obligations that necessitate the application of punishment, as stipulated in articles 4 to 18 of the Consumer Protection Law, which can be

summarized as violations of the obligation of cleanliness, sanitary hygiene, safety and security of products, violations of the obligation of conformity, warranty, and after-sales service, and violations of the obligation of information.

#### **A- Violation of the Obligation of Cleanliness, Sanitary Hygiene, Safety, and Security of Products:**

##### **A/1 – Violation of the Obligation of Cleanliness, Sanitary Hygiene, and Safety:**

The right to food is considered one of the most important human rights; therefore, protecting public health requires protecting and preserving food materials, and violations have consequences similar to other rights.

Hence, the legislator ensured consumer protection by obligating the intervenor to maintain general cleanliness and sanitary hygiene of foodstuffs and their safety in particular, providing five articles in the first chapter to clarify the obligation of cleanliness. Cleanliness may relate to food or non-food materials and to the places where these materials are manufactured, distributed, or sold, as well as to the personnel involved in manufacturing, distributing, or selling.

The legislator stipulated in Article 4/1 of Law 09-03: "Every intervenor in the process of putting foodstuffs into consumption must respect the obligation of safety of these materials and ensure they do not harm the consumer's health."

The legislator also obligated the intervenor in the process of putting foodstuffs into consumption to exercise great care to achieve the desired result, namely, delivering the goods to the consumer without defect or danger threatening their safety and security. Article 5 states: "It is prohibited to put foodstuffs into consumption containing pollutants in unacceptable quantities, considering human and animal health, particularly regarding their toxic aspects." Food materials consist of active substances with nutritional value and pollutants added to preserve their technical characteristics and safety for a longer period. Food safety is ensured by considering the materials composing it and the pollutants in legally determined proportions; however, the legislator did not address these materials as they vary with the food itself, but they are regulated to control pollutants acquired during production and manufacturing. Foodstuffs placed for consumption are prohibited if they contain pollutants in unacceptable quantities. Compliance with certain proportions does not harm the consumer's health, as they are often necessary for food production.

Article 6 also emphasizes cleanliness, sanitary hygiene of food materials, their places, and personnel involved throughout the product display period until it reaches the consumer.

**Material element:** The intervenor violates the obligation of cleanliness and food safety

regarding composition, manufacturing, delivery, and failure to follow necessary procedures to ensure sanitary hygiene.

**Mental element:** Represents criminal intent, meaning the intervenor intentionally violates the obligation with the aim of harming the consumer.

#### **A/2 – Violation of the Obligation of Product Safety:**

The legislator addressed the obligation of product safety in Articles 9 and 10 of Law 09-03, where the intervenor is required to provide guaranteed products that meet the consumer's legitimate desire and pose no danger to his health, safety, or interests.

A product is defined as any good or service that can be transferred for consideration or free of charge. According to Article 3, paragraph 12 of Law 09-03, a guaranteed product is "any product under normal or reasonably expected conditions of use, including its duration, that poses no danger or presents minimal risks consistent with its use, considered acceptable with a high level of protection for the health and safety of individuals."

According to this article, a product is safe if it does not endanger the consumer's health or expose their safety to risk. The safety standard is determined by the absence of unusual or excessive hazards, considering its intended purpose.

Article 10 of Law 09-03 obliges the intervenor to respect product safety regarding:

- Its characteristics, composition, packaging, assembly, and maintenance conditions.
- The product's effect on other products when expected to be used together.
- Product display, labeling, instructions for use and disposal, and all guidance or information issued by the producer.
- Categories of consumers at serious risk, especially children.

The legislator required that the product must be intended for consumption to hold the intervenor accountable.

**Material element:** This crime is a negative offense, where criminal activity occurs by omission of the intervenor to fulfill the duty of respecting product safety regarding its characteristics, composition, sale, and maintenance. The product must also be safe when used with other products. For example, in chemical products for consumer cleaning, the intervenor must inform all consumers about products that could be dangerous if mixed and warn against unsafe use, similar to medications that may cause consumer poisoning.

The product must be safe in presentation and display, and the intervenor must provide accurate instructions for use and disposal, considering vulnerable groups, especially children. Violation threatens consumer interests, triggering criminal liability.

**Mental element:** This is an intentional crime requiring general intent and presumed bad

faith. The intervenor must prove otherwise. He must monitor the product and identify defects threatening consumer safety before exposure. If in good faith, the intervenor must prove the consumer safety threat was beyond his control. Presumption of bad faith is a rebuttable presumption.

### **B- Violation of the Obligation of Conformity, Warranty, and After-Sales Service:**

#### **B/1 – Violation of the Obligation of Conformity:**

Conformity is one of the most important obligations of the professional during production. Consumer Protection Law aims to ensure product quality, crucial for industrial progress and technological development. The risks involved in all stages of consumption require state intervention to provide guarantees reducing the risk of purchasing non-conforming goods or machinery, ensuring safety. Article 3 of Law 09-03 defines conformity as: "Every product intended for consumption meeting conditions specified in regulations and health, environmental, safety, and security requirements."

Imported products must be accompanied by specifications and quality rules in the specifications booklet, with a conformity certificate available to inspectors monitoring quality and fraud suppression. The importer provides a conformity certificate for production units at shipment and delivery,

using control methods or analysis laboratories or national/foreign control bodies.

**Material element:** Occurs when the intervenor fails to legally ensure imported products conform to national and international specifications and standards.

**Mental element:** Represents criminal intent of the intervenor knowingly violating the obligation.

#### **B/2 – Violation of the Warranty Obligation:**

The warranty obligation requires the intervenor to guarantee the product's safety against defects making it unfit for intended use or any inherent risk, effective upon delivery. According to Article 13 of Law 09-03, every consumer acquiring any product, whether device, tool, machine, vehicle, or equipment, benefits from the legal warranty. Warranty conditions include:

- Defect is hidden and impactful.
- Defect is unknown.
- Defect is not due to misuse.
- Defect appears during the warranty period.

This warranty also extends to services, allowing consumers to benefit without additional burden. Any clause negating warranty is void.

The intervenor must guarantee defects during the warranty period, differing by product type: minimum six months for new products and service, three months for used products. The intervenor must provide defect-free products, meeting legitimate consumer desires and

ensuring safety, health, and financial protection.

Article 14 of Law 09-03 states that additional warranties offered for free or for a fee do not cancel the statutory warranty in Article 13, and warranty terms must be included with the product.

According to Article 13/3 of Law 09-03 and Article 12 of Executive Decree No. 13-327 defining warranty implementation for goods and services, the intervenor fulfills warranty obligations in case of defects during the warranty period through one of three options: repair, replacement, or refund of the product, or modification of the service at the intervenor's expense. In case of repeated failure, the product is replaced or refunded according to Article 12 of Executive Decree No. 13-327.

- **Material element:** The material element of the crime of violating the warranty obligation consists of the intervenor's violation of the warranty rules.
- **Mental element:** It consists of criminal intent, meaning the intervenor commits the act intentionally and with full awareness, that is, performing the act knowing it is criminal and with full will.

### **B/3 – Violation of Failure to Execute After-Sales Services:**

After-sales service is an obligation addressed by the legislator for the first time in Law 09-

03. After the expiration of the warranty period determined by regulation or in all cases where the warranty cannot perform its role, the concerned intervenor must ensure maintenance and repair of the product offered in the market, according to Article 16 of Law 09-03. This obligation applies by force of law and includes all services provided after acquiring the product, such as home delivery, installation service, maintenance, and repair service.

- **Material element:** The material element of the violation of the after-sales service obligation consists of failing to provide the after-sales service.
- **Mental element:** It consists of criminal intent, meaning the intervenor commits the violation of executing after-sales service intentionally and with full awareness, that is, performing the act knowing it is criminal and with full will.

### **C – Violation of the Obligation of Information:**

The legislator explicitly stipulated this right and dedicated a special chapter in Law 09-03 under the title of the consumer's right to information. Then the legislator issued a set of legislative texts and regulatory decrees organizing this right, which is considered an obligation on the economic agent or intervenor to inform the consumer. The consumer's right to information is also established in Law 04-02 specifying rules applied to commercial

practices, and in other laws directly or indirectly related to consumer protection. Consumer information must include at least the following:

- The physical and legal condition of the sale.
- Advertising prices and terms of sale.
- Advertising the data related to the sale.

Article 17 of Law 09-03 states: “Every intervenor must inform the consumer of all information related to the product he puts into consumption through labeling or any other appropriate means.” The legislator did not limit information to professionals only but allowed the establishment of bodies whose competence includes informing the consumer, such as the Consumer Protection Association and the National Council for Consumer Protection.

- **Material element:** Committed by omission to inform the consumer about the product, such as failing to label foodstuffs or providing false information.
- **Mental element:** Consists of criminal intent on the part of the intervenor, meaning committing the violation of the information obligation knowingly and voluntarily.

## **2 – Crimes Committed Against the Consumer According to the Algerian Penal Code:**

Some crimes stipulated in the Consumer Protection Law were referred to the Penal

Code to define the punitive aspect. These crimes include fraud and cheating.

### **A – Crime of Fraud:**

Referring to various texts of Algerian law, no definition of fraud is found, requiring reference to jurisprudence to understand its meaning. According to jurisprudence, fraud is: “Giving a matter an appearance contrary to what it really is,” and it is also defined as: “Distorting the truth regarding a fact resulting in error.” Therefore, the crime of fraud can be defined as: “The crime in which the offender deceives the contracting party regarding the nature of the product, its essential properties, composition, proportion of required components, type, source, quantity of delivered goods, or identity.”

From the above definitions, it is clear that the crime of fraud may occur either through positive behavior, such as lying to the consumer about the product or service, or through negative behavior, such as concealment or silence, hiding defects present in the contracted product, whether goods or services.

- **Legal element:** According to the principle of legality of crimes and punishments stipulated in Article 1 of the Algerian Penal Code: “No crime and no punishment or security measures except by law,” no one can be punished for an act unless it was criminalized before its occurrence. The criminalization of deceiving the

contracting party is in Article 429 of the Penal Code. According to this article, fraud is cheating or deception or attempting to cheat the contracting party regarding:

- Nature, essential properties, composition, or proportion of components of all goods.
- Type or source.
- Quantity of delivered goods or identity.

According to Article 68 of Law 09-03: “Anyone who deceives or attempts to deceive the consumer regarding:

- Quantity of delivered products,
- Delivery of products other than those previously concerned,
- Usability of the product,
- Date or duration of expected results,
- Methods of use or precautions necessary for use.”
- **Material element:** The legislator did not specify the deceptive means constituting the criminal behavior; it suffices to mention the forms of fraud affecting the consumer that can convict the offender who commits or attempts them to deceive the contracting consumer. According to Article 429 of the Penal Code, these forms include:
  - Fraud in the nature of the product, i.e., the consumer receives a product different from what was contracted.

- Fraud in essential properties.
- Fraud in specifications and required components of the goods.
- Fraud in type or source.
- Fraud in quantity or identity of goods.
- Fraud in usability for the intended purpose and expected results.
- Fraud in expiration date of the product.
- Fraud in information related to product use and necessary precautions.

- **Mental element:** Fraud in Algerian law is an intentional crime, requiring proof of criminal intent in the accused. Therefore, the offender is punished only if intent to deceive is proven. The law does not punish ignorance or error by the seller or trader regarding the other party. Fraud is an intentional crime; good faith negates intent to deceive. Negligence, however serious, does not equal fraud. Fraud is punishable whether complete or attempted; the legislator punishes the attempt even if unachieved. Fraud or attempted fraud exposes the intervenor to criminal liability.

## **B – Crime of Cheating:**

Article 70 of the Consumer Protection and Fraud Suppression Law does not use the term

“cheating” but rather “forgery,” although the legislator intended it as “cheating,” inferred from reference to Article 431 of the Penal Code on cheating. Article 83 of the Consumer Protection and Fraud Suppression Law uses the term cheating leading to illness or inability to work and refers to the punishment in Article 432 of the Penal Code, adapted to consumer protection rules.

Jurisprudence defines cheating as: “Any intentional positive act targeting a particular authority or service that contravenes legislative rules or the nature of goods, if it diminishes their properties, utility, or value without the other party’s knowledge.”

Cheating often results in reducing the quality of goods, hiding defects, or giving a product the appearance of another, e.g., cheating in heating devices or food products. Cheating renders ordinary products dangerous due to the intervenor offering non-compliant products. Cheating applies to all products, consumables, equipment, and services considered products, including products for animal consumption.

Cheating or forgery occurs on products offered for consumption when the legal element (criminalization of cheating under Article 431 Penal Code), material element, and mental element are present.

- **Material element:** According to Article 70 of the Consumer Protection and Fraud Suppression Law, the material acts constituting product cheating include:

- Forging any product intended for human or animal consumption or use.
- Offering, putting for sale, or selling a product knowing it is forged, spoiled, toxic, or dangerous for human or animal use.
- Offering, putting for sale, or selling materials, tools, or devices likely to forge any product for human or animal use.

Cheating, like fraud, does not require consumer harm; the presence of the above elements suffices, making it a crime of risk. Cheating or forgery does not occur if changes in the goods or spoilage result from age or external causes beyond the intervenor’s control. Spoilage due to negligence, e.g., mold in stored grains, counts as cheating.

- **Mental element:** Cheating is an intentional crime requiring criminal intent. The offender must know his conduct constitutes cheating and intend to cheat the consumer. Determining awareness is a factual matter for the judge. Cheating is a risk crime, not a harm crime; harm is not required, only intent to cheat and action toward it. Non-compliance with standards or product expiration constitutes cheating by the intervenor.

### **Third – Penalties Prescribed for Crimes Against the Consumer:**

Criminalization of any act must be met with a deterrent penalty. The legislator prescribed punishments for committing consumer-related crimes as stipulated in the Consumer Protection Law and the Penal Code.

#### **1 – Penalties Prescribed in the Consumer Protection Law:**

The legislator stipulated penalties for violations under the Consumer Protection Law without referring them to the Penal Code, unlike misdemeanors and felonies.

##### **A – Violation of Food Safety and Cleanliness Obligations:**

Articles 71 and 72 of Law 09-03 prescribe:

- Violation of food safety: fine 200,000 DZD to 500,000 DZD.
- Violation of cleanliness and sanitary hygiene: fine 50,000 DZD to 1,000,000 DZD.

##### **B – Violation of Product Safety Obligation:**

Article 73: fine 200,000 DZD to 500,000 DZD.

##### **C – Violation of Conformity Control Obligation:**

Article 74: fine 50,000 DZD to 500,000 DZD.

##### **D – Violation of Warranty or Execution of Product Warranty:**

Article 75: fine 100,000 DZD to 500,000 DZD.

##### **E – Violation of Information Obligation:**

Article 78: anyone who deceives or attempts to deceive the consumer by any means is punished according to Article 429 of the Penal Code. Amended by Article 7 of Law 18-09:

“Fine 100,000 DZD to 1,000,000 DZD for violating the consumer information obligation under Articles 17 and 18.”

Inserting an unfair clause in the consumer contract: Article 38 of Law 04-02: professional inserting such clause is fined 50,000 DZD to 5,000,000 DZD.

#### **2 – Penalties Prescribed in the Penal Code:**

The legislator distinguished between penalties for natural persons and legal persons.

##### **A – Penalties for Natural Persons:**

Penalties for natural persons for cheating and deception crimes include principal and complementary penalties.

**A-1/ Principal Penalties:** Article 4/2 of the Penal Code: punishable without additional penalties.

- **Custodial penalties:** deprivation of freedom permanently or for a period determined by the judicial ruling, e.g., fraud, cheating, possession of adulterated materials.

For fraud: Article 68 of the Consumer Protection Law refers offenders of any fraud attempt to the Penal Code:

- Without aggravating circumstances: imprisonment 2 months to 3 years; fine 20,000 to 100,000 DZD (Article 429 Penal Code).
- With aggravating circumstances (Article 69 Consumer Law, Article 430 Penal Code): fraud by weight, measures, falsified tools, misleading methods, false claims, brochures, etc.,

imprisonment up to 5 years, fine up to 500,000 DZD.

The same penalty applies for complete or attempted crime to ensure consumer protection.

For cheating:

- Without aggravating circumstances: classified as misdemeanor, imprisonment 2–5 years, fine 20,000–100,000 DZD.
- With aggravating circumstances: classified as felony according to Article 432 Penal Code.
- If the adulterated or spoiled food or medical products cause illness or incapacity to work for the person who consumed them, the perpetrator of the fraud, knowing that the materials are adulterated or poisoned, is punished with imprisonment from five to ten years and a fine from 500,000 to 1,000,000 DZD.
- If the adulterated materials cause an incurable disease, loss of a body part, or permanent disability, the perpetrator of the fraud is punished with temporary imprisonment from ten to twenty years and a fine from 1,000,000 to 2,000,000 DZD.
- If those adulterated materials cause the death of the person who consumed them, the perpetrator of the fraud is punished with life imprisonment.

From Articles 431 and 432 of the Penal Code, it is clear that the legislator criminalized acts targeting the goods themselves under contract, such as adulteration of materials mentioned in Article 431 of the Penal Code, or selling adulterated materials or those used in fraud. The legislator did not differentiate between human food or animal feed, including both under criminal protection in Article 431 of the Penal Code. The same applies to other materials used by humans in daily life. The legislator intensified the penalty under Article 432 of the Penal Code for the crime of fraud, up to the level of felony due to the seriousness of the damage caused by circulating or consuming these adulterated materials, thus doubling the prescribed penalty to protect consumer health and ensure bodily and life safety.

Regarding the crime of possession of adulterated materials: imprisonment is prescribed under Article 433 of the Penal Code for a period from two months to three years and a fine from 20,000 to 100,000 DZD for anyone who possesses without lawful reason adulterated food, medical, or agricultural materials, or scales, measures, or any other instruments used in weighing or measuring.

Article 435 of the Penal Code prescribes imprisonment from two months to two years and a fine from 20,000 to 100,000 DZD for anyone who refuses to allow officers, judicial police assistants, and authorized employees to enter industrial, storage, or sales premises for

inspection. The legislator also punishes the intervenor who obstructs monitoring to investigate violations or detect any fraud that may harm the consumer.

It should be noted that the legislator attempted to exploit the importance of financial penalties as a deterrent for crime perpetrators by raising the maximum fine following the amendment of the Penal Code by Law No. 23-06 dated December 20, 2006, to provide effective criminal protection for the consumer and prevent the offender from achieving the illicit profit intended by defrauding the consumer.

The legislator made fines concomitant with imprisonment or incarceration mandatory, obliging the judge to impose the fine in the crime of fraud and possession without lawful reason.

For the crime of fraud, combining fines with imprisonment is optional, giving the judge discretion to impose both the fine and imprisonment, or only one of these penalties.

#### **A-2 / Complementary Penalties:**

These are additional penalties consisting of depriving the convicted person of certain rights that accompany a principal penalty in a felony or misdemeanor. Complementary penalties cannot be imposed independently of a principal penalty except in cases expressly stated by law. They may be mandatory or discretionary.

Article 09 specifies the complementary penalties as follows:

- Legal guardianship.

- Deprivation of exercising national, civil, and family rights.
- Residence restriction.
- Prohibition from residing.
- Partial confiscation of assets.
- Temporary prohibition from practicing a profession or activity.
- Closing of the institution.
- Exclusion from public contracts.
- Prohibition from issuing checks and/or using payment cards.
- Suspension, revocation, or cancellation of driving license with prohibition from obtaining a new one.
- Passport withdrawal.
- Publication or posting of conviction or judgment.

Article 4/3 of the Penal Code states that complementary penalties can be optional or mandatory. Therefore, the judge must impose complementary penalties in felonies. Referring to consumer law, fraud is classified as a felony if adulterated or spoiled material causes an incurable disease, loss of function, permanent disability, or death.

Mandatory complementary penalties for felony fraud, in addition to the principal penalty, include:

- **Legal guardianship:** depriving the convicted person of exercising civil rights during execution of the principal penalty, which lapses upon completion of the principal penalty.

- **Deprivation of national, civil, and family rights:** deprives the convicted person of certain rights affecting their moral and economic status in society. Article 09 bis 1 of the Penal Code lists these rights, with a maximum deprivation period of ten years from completion of the principal penalty or release.
- **Confiscation:** removing ownership of one or more assets and adding them to state property without compensation. In fraud, this includes confiscation of adulterated materials sold or offered, which caused serious harm to the consumer. Judges may not order confiscation in misdemeanors or violations except by explicit law (Article 15 bis 1 Penal Code).

Thus, complementary penalties are imposed in addition to principal penalties if the fraud caused the consumer an incurable disease, permanent disability, or death. Some consumer laws stipulate complementary penalties, such as confiscation of adulterated materials, returning illegitimate profits, closing the institution, exclusion from public contracts, and deletion from the commercial register, etc.

## **2 / Penalties Prescribed for Legal Persons:**

Article 435 bis of the Penal Code stipulates criminal liability for legal persons regarding consumer-related crimes, specifically, according to Article 51 bis. Fines apply to legal persons under Articles 18 bis and 18 bis 2, and

complementary penalties under Article 18 bis may also apply.

Article 18 bis states: “Penalties applied to legal persons for felonies and misdemeanors are:

1- Fine from one to five times the maximum fine prescribed for a natural person for the same crime.

2- One or more of the following complementary penalties:

- Dissolution of the legal person.
- Closure of the institution or one of its branches for up to five years.
- Exclusion from public contracts for up to five years.
- Prohibition from practicing one or more professional or social activities directly or indirectly, permanently or for up to five years.
- Confiscation of the thing used to commit the crime or resulting from it.
- Publication or posting of the conviction.
- Judicial supervision for up to five years, covering the activity leading to or related to the crime.”

Article 18 bis 2 states: “When the law does not stipulate fines for natural persons for felonies or misdemeanors, and legal person liability applies under Article 51 bis, the maximum fine for legal persons is as follows:

- 2,000,000 DZD if the felony is punishable by death or life imprisonment.

- 1,000,000 DZD if the felony is punishable by temporary imprisonment.
- 500,000 DZD for misdemeanors.”

Criminal liability of the legal person does not preclude liability of natural persons as principal actors or accomplices under Article 51 bis for the same acts causing the legal person’s liability.

Article 434 of the Penal Code prescribes maximum penalties for any manager or accountant who committed fraud on materials under their supervision, monitoring, or distribution, including adulterated, spoiled, or poisoned materials, regardless of whether the manager or accountant is a legal representative of the legal person.

### **Conclusion:**

Through this study on crimes against the consumer, we attempted to clarify these crimes regarding their elements, liability, and penalties for violating obligations under the Consumer Protection Law or Penal Code.

It can be concluded that the legislator is keen to protect consumer health and interest, providing a set of legal and regulatory texts for this protection, amending them when necessary. Despite any shortcomings in enacting consumer protection laws, achieving the goal depends not only on legislation but on its strict and serious enforcement.

Answering the research question, the legislator has largely succeeded in protecting consumers through criminalization and strict penalties for

consumer-related crimes. The remaining task is ensuring law enforcement through all legal means.

Some proposals to enhance consumer protection include:

- Strengthening inspection procedures for imported goods at border points by equipping them with approved laboratories and advanced equipment for quality control, ensuring product quality, and combating black markets, tax, and customs fraud.
- Activating and developing quality control and anti-fraud teams at provincial directorates, providing advanced tools to detect fraud, especially in weighing equipment used by traders.
- Seeking new, effective mechanisms for market monitoring to verify goods and services’ compliance with national standards and legal regulations.
- Encouraging consumer protection associations to educate consumers on potential risks and damages from using certain consumer products, supported by provincial directorates and media.

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