

Fighting illicit speculation: mechanisms established under law 21/15

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Abstract:

Given the surge of some illegal practices; such as hoarding and concealing goods for illegal gain purposes and creating scarcity in the market, caused by some economic operators in the national market, prices have tremendously increased that law articles are no longer able to fight against this crime. Therefore, the legislator issued law 21-15 on 12/28/2021, related to fighting against illegal speculation in order to enforce the legal framework with new mechanisms to deter those who are committing these acts, that constitute a crime, and to impose penal sanctions to eradicate this phenomenon.

Keywords: illegal speculation, fighting against, sanctions, crime, mechanisms

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Introduction:

The national market has witnessed an excessive increase in the prices of many consumer goods, not to mention spreading news about their scarcity. Therefore, consumers rushed to purchase them at higher prices as a result of illegal practices carried out by economic operators such as concealing and stocking goods and then manipulating their prices. This has had a significant impact on the purchasing power of consumers on one hand and on the social security and stability on the other hand.

Despite the legislator's regulation of these acts, which constitute an illegal crime punishable under Articles 172, 173, and 174 of the Penal Code, the legislator realized that these legal texts were not sufficient to protect the consumers' economic rights and deter the perpetrators of this crime. Therefore, the legislator decided to repeal these texts under Article 24 of Law 21-15 related to fighting against illegal speculation, and adopted instead a new form for illegal speculation to more effectively combat these practices.

Therefore, we asked the following research question: **how effective are these new mechanisms in fighting against the crime of illegal speculation?**

We will attempt to answer this research question by adopting a descriptive-analytical approach through describing illegal speculation and studying and analyzing various legal texts. We divided our research into two parts:

Section I: Acts constituting illegal speculation.

Section II: Fighting against illegal speculation under law 21/15.

Section I: Acts constituting illegal speculation

Legitimate speculation is deemed the foundation of economic activity, as it ensures equitable participation, enhances investment, and contributes to economic development through the preservation of market stability. Such stability is safeguarded by refraining from

practices that artificially depress or inflate prices to the detriment of consumer interests. Conversely, unlawful speculation gives rise to adverse consequences within the States, notably the undermining of trust between consumers and professionals, and the obstruction of the economic policy pursued.¹

Accordingly the legislator has been keen on protecting the consumer from all practices that may affect his purchasing power and jeopardize his security and stability within society, the legislator has criminalized all actions that could constitute illegal speculation (A) by causing disruption in the market, such as spreading news about the disappearance of goods and sudden price increases, which have a significant impact on the national economy. This is manifest in several legal texts (B).

A) Acts constituting illegal speculation under law 21/15

The legislator aimed to protect the consumers' economic rights by criminalizing all acts and practices listed as illegal speculation under Article 2 of the new law 21/15 related to illegal speculation. The legislator provided us with forms of the crime, including, for example, the use of "such as" that allows the judge to include various forms of illegal speculation.²

1- Spreading fake news and rumours in order to disrupt prices or profit margins.

"Any hoarding or concealing of goods or commodities with the intent to create scarcity in the market and disrupt supply, as well as any induced increase or decrease in the prices of goods, commodities,

¹ Hassane Tahraoui, Lakhdar Raffaf, the specificity of criminalization in the crime of illicit speculation According to Law n°: 21-15, Vol 06, N°02, journal of legal and political thought, university Omar Teldji of Laghouat, Algeria, 2022, Pp 568-580, P526.

² Hafida Elkai, A Study of The Thematic Part of The Illegal Speculation Crime under Law 21-15: What Penal Protection For The Consumer's Economic Rights? Vol 17, N°02, revue critique de droit et sciences politiques, University Of Mouloud Maameri, Tizi-Ouzou, Algeria, 2022, Pp 355-379, P362.

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or banknotes, directly or indirectly, through intermediaries, or by using electronic means or any other fraudulent methods or means.”

We note from this paragraph that the legislator has determined the illegal form of speculation, which is any hoarding or concealing of goods or commodities with the intent to create scarcity in the market or disrupt supply. This means the quantity of goods or commodities is insufficient to meet the needs of the population due to increased demand and decreased supply¹. It is also associated with any increase or decrease in prices of goods, commodities, or banknotes, whether by economic operators or others, which the legislator referred to by using the term "...intermediary"

On the other hand, we can infer in this paragraph, that the legislator has stipulated that if hoarding or concealing of goods or merchandise is not aimed at creating scarcity in the market, such as storing goods that are not in demand in the market or for export purposes, this is not considered as illegal speculation.²

2- Intentionally spreading false or malicious news among people with the aim of causing disruption in the market and raising prices in a sudden or unjustified manner

This act refers to spreading and circulating false information about the scarcity and shortage of widely consumed goods and commodities.

This makes consumers rush to buy them in an abnormal manner and hoard them in a way that allows economic operators to sell their goods at a higher price than their actual price, which causes unexpected disruptions and fluctuations in the functioning of the market.

The same situation happened in the Algerian market during the COVID-19 pandemic; there was an illegal speculation on many consumer goods such as oil and semolina.

¹ Article 2 of the law 21-15 dated on 12/28/2021, related to fighting against illegal speculation, Official Journal N°99.

² Hafida, Elkai, Op cit, p.362

These practices often occur in the form of conventions between institutions, or stem from arbitrary exploitation of a particular situation. This can be done when dominant institutions spread false news with the aim of increasing the prices of their products¹

3- Making offers in the market in order to cause disruptions in prices or profit margins defined by the law.

As a general principle, each economic operator has the right to offer prices lower than his competitors. However, these practices, if they are fraudulent², may harm consumers if they aim at selling products at arbitrarily low prices with the intention of either eliminating competitors from the market or preventing new competitors from entering the market.

Moreover, we note from this form that the legislator did not limit solely on causing disruptions in profit margins defined by the law.

4- Presenting offers at prices higher than those usually applied by sellers.

This form is manifested when sellers offer goods at prices higher than those available in the market, with the intention of acquiring a larger quantity of them for the purpose of reselling them alone in the market and at prices that suit the seller and make him gain profits.

It is worth noting in this context that offering goods in the market at high prices and monopolizing those products falls within the actions of illegal speculation, even if the actual buying and selling process does not really occur.

5- Accomplishing illegal speculation individually or collectively or through practical conventions in the market aiming

¹ Mounia Ben Bouabdellah, Specifics of Criminalization and Punishment for the Crime of Illegal Speculation under Law No. 21-15, Legal and Political Research Journal, Vol 07, Issue 01, June 2022, Page 532

² Ibid, P. 532

Fighting illicit speculation: mechanisms established under law 21/15—to obtain profit that does not result from the natural application of supply and demand.

This form involves conventions between economic operators of the same market with the aim of obtaining profits outside the scope of supply and demand principles, which affects competition inside the market. For instance, such practices include agreeing to sell products at a fixed price or reduce the prices to undermine other competitors who may not have the capacity to sustain these reductions, thus forcing them to withdraw from the market because of the loss¹.

6- The use of maneuvers aimed at raising or lowering the value of banknotes.

It is anything that goes beyond the scope of competition by raising or lowering the value of traded banknotes in a manner that leads to their instability in accordance with the law of supply and demand. For instance, a company issuing the banknote makes false reports about the trading volume of a banknote in order to deceive traders into buying these banknotes, with the expectation that they will generate profits, intending to increase the trading volume of these banknotes and raise their value.²

This required government intervention to ensure market stability by stabilizing prices and preventing the exploitation of circumstances for unjustified price increases.

In conclusion, we can say that the legislator has placed a significant overall focus on goods and neglected to include services within the framework of illegal speculation crimes.

B) Fighting Against Illegal Speculation in Relevant Laws

The Algerian legislator has addressed the issue of combating illegal speculation through various legal texts in different laws,

¹ Abdul Razzaq Tumi, Mechanisms of fighting illegal Speculation under Law 21/15, Journal of Legal and Social Sciences, Vol 07, Issue 03, September 2022, Page 103

² Ibid, p. 103

including the Penal Code¹, Law n° 04-02 which sets the rules applied to commercial practices², and Order n° 03-03 related to the Competition Law³

1- Fighting illegal speculation under the Penal Code

The legislator stated illegal speculation Articles n° 172-173-174 of the Penal Code. However, it has been repealed under Article 24 of Law n° 21-15, related to fighting against illegal speculation. Article 172 stated: "... Any acts, direct or through an intermediary, that intentionally raise or lower the prices of goods, merchandise, public or private banknotes, or engage in such activities...

- Spreading false or malicious news or information intentionally among the public.
- Offering products or services in the market with the intention of causing price disruptions.
- Providing offers at prices different from those requested by sellers.
- Engaging individually or through unions or collaborations in the market with the intention to gain profit that is not a result of natural application of supply and demand
- Or by any fraudulent ways or means

It is worth noting from this article that these criminal actions under the Penal Code are the same actions outlined in Article 2 of the Law 21-15 related to fighting against speculation. As for Articles 173 and 174, they affirm the sanctions imposed on those involved in the illegal speculation crime, which comprise imprisonment, fines,

¹Order No. 66-156, dated June 8, 1966, containing the Penal Code, amended and completed, Official Journal No. 49,

²Law No. 04-02, dated June 23, 2004, which specifies the rules applied to commercial practices, Official Journal No. 41.

³Order No. 03-03, dated July 19, 2003, related to competition, Official Journal No. 49, amended and completed

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residence restrictions, institution closure, and publication of the conviction verdict.

2- Fighting Against Illegal Speculation under Law n°04-02

The legislator in Law n°04-02, which defines rules applicable to commercial practices in Articles 22, 22 bis, and 23, stipulates engaging in unlawful pricing practices involving products subject to regulated pricing systems, and which are conducted in a manner that aligns with the economic interest of the economic operator by selling them at the desired price; raising or lowering prices, making false declarations about cost prices, maneuvers and practices aimed at concealing, increasing, or decreasing prices.

The text is general and this means that the violation concerns both lowering and raising prices; any price that does not align with the regulated price is considered an indirect practice of illegal pricing¹. We may also find an indirect way of engaging in illegal pricing practices, which involves making false declarations about cost prices.

In case there is no prior deposit of the prices of goods and services, or if there is manipulation of the prices of goods and services.²

3- Fighting against illegal speculation under Order 03-03

The legislator in Law n°03-03, bearing the Competition Law modified and completed in the text of Article Five, stipulates the following "...exceptional measures can be taken to curb price increases or to set prices in cases of excessive increase due to serious market disruption, disaster, chronic supply difficulties within a specific sector of activity, in a specific geographical area, or in cases of natural monopolies

¹Ghazali, Nasira, and Imran, Aisha, engaging in illegal practices under Law No. 04-02 completed and amended, The Academic Journal of Legal and Political Researches, Vol 05, N° 02, pp. 1426-1441-1429

²Ibid, p. 1429

It can be noted that there are situations that require state intervention to set prices in order to curb the illegal speculation practiced by some economic operators through two methods: the direct method, which is done by imposing a maximum price to protect consumers, and the indirect method, in which the State relinquishes or leaves the determination of prices according to market rules while setting profit margins.

We can also note that the legislator in Order 03-03 has prohibited activities falling under illegal speculation, as stated in Article 6: "Practices, deliberate acts, and explicit or implicit conventions are prohibited when they aim or can aim to obstruct or limit competition, or disrupt it in the same market or in a substantial part of it, especially when they intend to:

- Limit entry into the market or engage in commercial activities within it,
- Reduce or monitor production, marketing outlets, investments, or technological development,
- Share markets or sources of supply,
- Obstruct the determination of prices according to market rules by intentionally encouraging price increases or decreases,
- Apply unfair conditions for the same services towards business partners, which deprives them of the benefits of competition,
- Subject the conclusion of contracts with partners to their acceptance of additional services irrelevant to the subject of these contracts, either regarding their nature or according to commercial practices, Article 6 of Order 03-03.

Section II: Fighting against illegal speculation under Law 21-15

The legislator intervenes to tackle the phenomenon of illegal speculation that has spread in the aftermath of the COVID-19 pandemic and has become easy to commit through hoarding goods and spreading news about their scarcity to impact the country's

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economic conditions. This has led the legislator to intervene so as to impose a policy of providing goods in the market, dedicating sales points, and prohibiting unjustified hoarding by criminalizing the aforementioned actions. Decisions have been taken to establish mechanisms aiming at preserving consumers' purchasing power and limiting any exploitation of circumstances to unjustifiably increase prices through intensifying qualified bodies and agents (A) and imposing sanctions on any act constituting an illegal speculative crime (B).

A) Fighting against illegal speculation under Law 21-15

The Algerian legislator aims to combat the crime of illegal speculation under Law 21-15 by establishing mechanisms to ensure and activate the rules related to the market. These mechanisms varied between the external services of the Ministry of Commerce and the tax administration's agents to ensure the abundance of widely consumed goods.

Other mechanisms were allowed by the legislator to intervene, directly or indirectly, each according to its role to fight against illegal speculation. This includes local communities as well as consumer protection associations.

1- The Role of External Services of the Ministry of Commerce and the Tax Administration Agents in Fighting Against Illegal Speculation

According to Article 7 of Law 21-15 “in addition to officers and agents of the judicial police, are qualified to investigate the crimes stipulated in this law:

- Qualified agents affiliated to the special surveillance units under the Administration of Commerce,
- Qualified agents affiliated to the tax administration services.

First, the role of qualified agents affiliated to the Ministry of Commerce in combating illegal speculation: the Executive Decree 11-

09, bearing regulation of the external services within the Ministry of Commerce, their prerogatives and functions. The external services of the Ministry of Commerce are organized as provincial directorates of commerce and regional directorates of commerce.¹

* Provincial Directorates of Commerce: The tasks of the provincial directorate of commerce consist in implementing the national policy in the fields of foreign trade, competition, quality, and consumer protection as well as the regulation of commercial activities, regulated professions, economic surveillance, and counteracting fraud². In this capacity, the provincial directorate of commerce is entrusted with many tasks outlined in Article 3 of the Decree n° 11-09 in which the provincial director of commerce takes in charge the coordination between various institutions and entities under the commerce sector and representing them at the local level³. Provincial Directorates of Commerce also rely on inspection teams led by team leaders and get organized in five services.

- Service of market surveillance and economic Information,
- Service of Monitoring Trade Practices and Anti-Competitive Practices,
- Service of Consumer Protection and countering Fraud,
- Service of disputes and legal affairs,
- Service of Administration and Resources, each service comprises at most three (3) offices⁴

Additionally, the provincial directorate may need regional branches or inspectorates for quality control and countering fraud as needed. This is done through a joint decision between the Minister responsible for Commerce, the Minister responsible for finance, and

¹Executive Decree N°11-09, dated on 01/20/2011, bearing regulation of the external services within the Ministry of Commerce, their prerogatives and functions, Official Journal N°04, p07

²Article 3 of the same Decree

³Article 4 of the same Decree

⁴Article 5 of the same Decree

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the authority responsible for public service, as stated in Article 6 of Executive Decree 11-09

*** Provincial directorates of commerce**

The Regional Directorate of Commerce takes in charge the liaison with the central structures of the Ministry of Commerce, supervising and evaluating the activities of the provincial directorates of commerce within its regional jurisdiction, as well as organizing and/or conducting all economic investigations related to competition, foreign trade, quality, consumer protection, and product safety. Additionally, it is entrusted with various tasks as stated in Article 10 of the Executive Decree 11-09, including:

- Developing control programs in coordination with the central administration and provincial directorates, and ensuring their implementation,
- When necessary, conducting specialized investigations in its area of expertise related to competition, trade practices, quality, consumer protection, and product safety,
- Taking the initiative to inspect the departments of provincial commerce under its regional jurisdiction.

Furthermore, Article 7 of Law 21-15 emphasizes the authority of the surveillance agents affiliated with commercial services to identify all crimes related to illegal speculation. This grants them the power to access, during the day or night, including holidays, commercial premises, offices, attachments, shipping and storage facilities, etc., in order to investigate any form of illegal speculation.¹

Qualified agents affiliated to the tax administration services.

According to the second paragraph of Article 7 of Law 21-15, which defines the jurisdiction of these agents as a category contributing to combating illegal speculation, and in accordance with

¹Article 34 of Law 09-03, dated 02/25/2009, related to consumer protection and combating fraud, Official Journal N°15, modified and completed.

the text of Article 41 of the Executive Decree n° 10-299, bearing the basic law for employees affiliated to the special bodies of the Tax Administration¹, this category includes tax inspectors and heads of investigation or evaluation teams. Through this, the legislator aims to provide the necessary mechanisms to protect both the consumer and the economic operator.

2- The role of local authorities and consumer protection associations in combating illegal speculation

The illegal Speculation Law 21-15 emphasizes the role and importance of local authorities as well as consumer protection associations in combating illegal speculation given their proximity to the consumer, which enables them to protect the economic rights of consumers and strengthen the national market surveillance system.

First: the role of local communities in fighting against illegal speculation

Local communities contribute in the fight against illegal speculation through:

- Allocating sale points of essential goods or widely consumed items at prices that are suit low-income individuals, especially during holidays, feasts, and exceptional circumstances which usually witness an increase in prices,
- Early detection of all forms of scarcity in goods and commodities at the local level, especially essential or widely consumed items
- Studying and analyzing the status of the local market and as well as analyzing prices

The *Wali* (governor) is responsible for taking necessary measures to defend the interests of consumers within his region, and the president of the municipal council also plays a role in protecting

¹Executive Decree No. 10-299, dated 02/29/2010, bearing the basic law for employees affiliated to the special bodies of the Tax Administration, Official Journal No. 74.

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consumers and making appropriate decisions in case of any crimes that affect consumers.

Second: The role of civil society in combating illegal speculation:

Law 21-15 highlighted that the most important institutions of civil society find national associations active in the field of consumer protection, as article 21 of Law 09-03 related to consumer protection and prevention of fraud states: “A consumer protection association is any association established in accordance with the law, and aims to ensure the protection of consumers by informing, raising awareness, guiding, and representing them”

Article 9 of the illegal Speculation Law affirms that national associations that are active in the field of consumer protection, or any affected person, can file a complaint before the judicial authorities and to establish themselves as civil parties in the crimes stipulated in this law.

It is worth noting from these two articles that the roles performed by associations are diverse and can be categorized into two types of tasks aiming to combat illegal speculation.

*** The tasks of information, raising awareness and guidance**

The role of associations consists in raising consumers’ awareness about the risks that threaten their safety, health, and wealth; this task serves as a practical solution to overcome the lack of consumer awareness and the reluctance of consumers to defend their interests by informing the relevant official authorities in charge of consumer protection or by guiding consumers towards optimal behavior to safeguard their material and moral interests¹, relying on various means of communication. This can include organizing informational and awareness campaigns, conducting radio and television sessions, supervising consumer awareness sections in

¹Grimes, Abdelhak, Consumer Protection Associations: Duties and Responsibilities, Journal of Judicial Dedication, Issue 14 – April 2017, page 522

newspapers, and creating specialized web pages and websites dedicated to consumer protection.¹

They also endeavor to uncover the truth about the goods offered to the consumer and may coincide with a call for consumers to refrain from purchasing them, as a precaution against harm. At the same time, there can be a call for boycotting and withdrawing the product under the legal penalties in force.

*** The task of representing consumers**

The legislator granted associations the important task of representing consumers, whether before judicial authorities as stipulated in Article 23 of Law n°03-09, amended and completed, which states: "When a consumer or several consumers endure individual damages caused by the same intervening party and with a common origin, consumer protection associations can be established as a civil party" or before non-judicial authorities, which include the National Council for Consumer Protection, the Competition Council and the National Council for Standardization.

B-The penalties prescribed for the crime of illegal speculation under Law 21/15

In many legal texts, such as Penal Code and the Law of Commercial Practices, the legislator has stipulated specific penalties to deter those who commit the crime of illegal speculation. However, these penalties are no longer sufficient due to the increasing demands relied upon by economic operators to achieve their goals.

This led the legislator to enact a special law to combat the illegal speculation crime, known as Law 21-15, which considers illegal speculation as "any storage or hoarding of goods or commodities, and any raising or lowering of the prices of goods or commodities..." Consequently, it contains penalties that can impact the economic operator's financial liability, activity and person.

¹Ibid, p.523

1- Sanctions Applied to the Financial Liability of the Economic operator

It consists in a sanction that affects the financial liability of the economic operator in terms of confiscating a part of his funds as compensation for the committed act. This sanction can take various forms, including financial fines, confiscation, or seizure of goods

First, **the Financial Fine**: It is an amount of money imposed by the administrative authority according to a legal text on the one who commits illegal speculation. This latter is obligated to pay this amount to the general treasury.

The legislator has stipulated in Articles 12, 13, and 14 of the Speculation Law a financial fine ranging from 1,000,000 DZD to 2,000,000 DZD. This sanction can be toughened further in cases involving grains and their derivatives, dried legumes, milk, vegetables, fruits, oil, sugar, coffee, fuel materials, or pharmaceutical substances, in which the fine goes from 2,000,000 DZD to 10,000,000 DZD.¹

In case the aforementioned actions stipulated in Article 13, are committed during exceptional circumstances, the emergence of an urgent health crisis, an epidemic outbreak, or a disaster, the fine is toughened and ranges from 10,000,000 DZD to 20,000,000 DZD. We can say that this is the most appropriate sanction for this type of crime.

Second: **Confiscation**: The legislator in Article 18 of the Speculation Law stipulates that the judicial authority shall rule on the confiscation of the shop in which the crime was committed, the means used and the funds obtained from it. It is evident that the essence of the sanction is the presence of a sentence applied to the offender. It is also allowed to confiscate the shop in which the crime was committed and the means used, i.e., they definitively belong to the State, be it a specific property or specific funds, or their equivalent when necessary

¹Article 13 of Law 21-15

in the case the defendant is found guilty¹. This is because the perpetrator of illegal speculation crime is not allowed to benefit from the proceeds of goods and money, as well as the tools used in the crime, since confiscation is one of the mandatory supplementary sanctions.

2- Sanctions imposed on the economic operator's activity and person

Specific sanctions may be imposed on the economic operator, because of committing the crime of illegal speculation, which may affect his activity and person.

First: sanctions imposed on the economic operator's activity

The legislator restricted the movement and activities of the economic operator and deprived him of certain rights.

*** Deletion from the Trade Register:** The judicial authority may, in case of a conviction of one of the offenses stipulated in the Speculation Law, rule the deletion of the offender from the trade register and prohibit him from engaging in commercial activities² if it is proven to the judicial authorities that the committed crime is directly related to this activity. The judicial authority also has the power to rule with the expedited entry of this sanction into force.

The judicial authority can also order the closure of the shop used to commit the crime and prohibit its exploitation for a maximum period of one year.

***Closure of the shop and prohibition from engaging in commercial activities**

The legislator emphasized in Article 17, paragraph three, on the closure as a security measure that can be applied by the judicial authorities to prevent the commission of illegal speculation or to prevent the recurrence of such a crime. It also aims to prevent the

¹Article 15 of the Order 66-156

²Article 21 of Law 21-15

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offender from exploiting his shop for a maximum period of one year until a balance is restored between institutions engaged in similar activities.

Second: Sanctions imposed on the person of the economic operator

The legislator, in Law 21-15, has stipulated specific sanctions that affect the person who commits the crime of illegal speculation, including:

*Imprisonment: illegal speculation is punishable with three (3) to ten (10) years in prison. This means that the legislator has toughened the sanction of the crime of illegal speculation, which used to be under the Penal Code with imprisonment for a period ranging from six (6) months to five (5) years; the maximum sanction has become ten years.

The toughness of sanctions in Law 21-15 concerns the cases mentioned in Article thirteen (13), fourteen (14), and fifteen (15), which are as follows:

- If the crime occurs in a place related to the crime,
- Illegal speculation on grains and their derivatives, dried legumes, milk, vegetables, fruits, oil, sugar, dairy products, fuel materials, or pharmaceuticals, the sanction ranges from ten (10) to twenty (20) years.
- A circumstance related to the timing of the crime; actions leading to the crime are committed under exceptional circumstances, during the emergence of a health crisis, the outbreak of an epidemic, or the occurrence of a disaster, the sanction will be temporary imprisonment for a period ranging from twenty (20) to thirty (30) years.
- If illegal speculation activities are committed by organized criminal groups, the sanction is life imprisonment, due to the conspiracy aiming primarily at destabilizing the state.

* Publishing the Conviction Verdict: It is a legal means aimed at alerting and warning consumers as well as economic operators about crimes they may be unaware of committing; it is also as a precaution and a notice that should be taken into account when dealing with individuals subjected to this procedure.¹

The judge must order the publication and affixation of his verdict in accordance with the provisions of Article 18 of the Penal Code². The publication of the verdict is carried by affixing the content of the verdict on the facade of the commercial or industrial shop in clear writing.³

It should be noted that the sanction of publishing the conviction verdict cannot be imposed unless the law explicitly stipulates it, as it directly affects the economic operator's reputation and commercial position.

*** Banishment and prohibition from exercising some rights**

In the case of a conviction for one of the crimes stipulated in this law, it is allowed to punish the offender with banishment for a period ranging from two (2) to five (5) years. Hence, that the economic operator or the convicted individual is prohibited from being present in certain places.

The judge may also order the prohibition of exercising one or more of the rights mentioned in Article 9, Bis 1, of the Penal Code.

Finally, judicial authorities across the country recorded criminal proceedings against 58 defendants for committing illegal speculation during the period from 13 to 17 November 2022, and they were referred to courts in accordance with the immediate appearance procedures, while judicial investigations were opened in 06 cases. This is due to the enforcement of the anti-speculation law and giving orders to the concerned authorities and agencies to mobilise all resources to ensure the effective implementation of the anti-speculation law.

¹Ghazali Nassira & Omrane Aicha, p. 1436

²Penal Code

³³Ghazali Nassira & Omrane Aicha, p. 1437

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Convictions and prison sentences were handed down against (22) defendants for periods ranging from 3 years to 15 years imprisonment, and fines ranging from 10,000 to 10 million dinars in several courts in the following states: Biskra, Blida, Tamanrasset, Tebessa, Tlemcen, Tiaret, Djelfa, Skikda, Mascara, Bordj Bou Arreridj, Khenchela, Souk Ahras.¹

Conclusion

The strategy adopted by the legislator in fighting against illegal speculation, as reflected in our research about the crime of illegal speculation under Law 21-15 by tackling actions considered as illegal speculation, provides us with an overview of the provisions that stipulate the fight against this crime. This has led the legislator to enact Law 21-15, related to illegal speculation in order to enhance consumer protection by adopting various mechanisms to combat illegal speculation at the central and local levels, highlighting the role of consumer protection associations and imposing sanctions for this crime. Through our study, we reached a set of results;

-We notice that such mechanisms have greatly contributed to the current stability in the national market.

- The legislator has decisively settled the matter of the actions that constitute illegal speculation
- Some authorities have been granted expanded powers to combat illegal speculation
- Stricter sanctions have been imposed on actions constituting illegal speculation in order to curb this phenomenon

The following measures are requested in order to yield better results we propose some recommendations:

-Strictly follow up on pricing processes by intensifying controls and applying stricter penalties and measures to violators.

-Allocating sales points for widely consumed items to ensure the availability of goods and commodities.

¹ -Results of judicial prosecutions to fight against illegal speculation on this website:

<https://www.mjustice.dz/ar/5>, on 14/04/2024, at 18:30.

- Promoting a culture of reporting speculators to assist the entrusted authorities in charge of fighting illegal speculation.
- Enabling control officers to fulfil their functions and creating special financial incentives as a reward for their fight against illegal speculation.

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- 4- Order No. 03-03, dated July 19, 2003, related to competition, Official Journal No. 49, amended and completed.
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