

Criminal liability of the commercial company for crimes of illegal speculation

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Abstract:

This study seeks to shed light on the criminal responsibility of the commercial company for crimes of illegal speculation, as the Algerian market has recently witnessed a clear fluctuation in many widely consumed goods and materials, as well as an unjustified rise in their prices, as a result of illegal practices represented by illegal speculation. These behaviors reached their peak during the spread of the Coronavirus Covid19, which prompted the Algerian legislator, like other legislation, to issue Law No. 21-15, related to combating illegal speculation, which came with new substantive and procedural rules.

key words:

Legal person; Commercial company; Illegal speculation; Criminal liability.

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. INTRODUCTION

The industrial and technological progress that human societies have witnessed in recent times has led to the expansion of economic life and the multiplication and development of economic establishments, with which commercial companies have spread in an unprecedented way. Despite the great role that commercial companies play in contributing to the advancement of the economy at the national and international levels, this It does not prevent it from having serious negative effects on the national economy if these companies carry out illegal acts.

Which led many modern criminal legislations to accelerate the adoption of criminal liability for legal persons alongside natural persons, and this is what the Algerian legislator has adopted under the law.04-15 of 11/10/2004, amending and supplementing the Penal Code (adding Part One bis under the title “Penalties Applied to Legal Persons” and adding Article 51 bis, which explicitly stipulates the establishment of criminal liability for a legal entity).

Various legislations have recognized commercial companies as a legal personality to enable them to carry out all the economic activities for which they were established and in order to achieve their goals, and the subsequent legal actions that are recognized for natural persons, such as the right to litigate, the right to own property, conclude contracts, and other rights that the law has drawn up and now recognizes. It is applicable to legal persons as well as natural persons.

The economic prosperity in Algeria, which is based on economic freedom and the market economy system, is considered one of the most important manifestations of globalization. To this end, the legislator gave full protection to the interest of the consumer, which increased commercial activities and the production and promotion of goods with the aim of stimulating the consumer to demand them, by relying on multiple methods that may lead to violations. The general market system and illegal speculation, the latter of which was criminalized by the Algerian legislator under the Algerian Penal Code, Articles172-173-174 before the issuance of Special Law No. 21-15 relating to combating illegal speculation.

The importance of this study lies in clarifying the criminal liability of the commercial company for crimes of illegal speculation under Special Law No.:21-15 related to combating illegal speculation by identifying the elements of the crime of illegal speculation and the penalties prescribed therefor.

The aim of this study is to clarify the concept of illegal speculation and the behaviors and actions that are considered illegal speculation as mentioned by the legislator, in addition to shedding light on the provisions for assigning criminal responsibility to the commercial company and the criminal confrontation of the commercial company committing the crime of illegal speculation.

This is what prompts us to raise the following main problem: How did the Algerian legislator determine the scope of criminal liability towards the commercial company committing the crime of illegal speculation?

In order to answer this problem, we relied on the analytical approach, as we are analyzing new legal texts related to the subject of the study, as well as the comparative approach when comparing the latter with the repealed articles in the amended and supplemented Penal Code.

We divided the subject of the study into two parts. We devoted the first section to studying the provisions for assigning criminal liability to the commercial company, while we devoted the second section to the criminal confrontation of the commercial company committing the crime of illegal speculation. We ended our study with a conclusion in which we discussed the most important results reached through this study and suggestions.

The first axis: Provisions for assigning criminal liability to a commercial company:

We initially try to establish the criminal responsibility of the legal person, and then we explain the conditions adopted as the basis for establishing that responsibility.

The first requirement: The legal reference for assigning criminal liability to a commercial company:

The Algerian legislator has established, pursuant to Law No04-15 dated 11/10/2004 (**04-15, No. 71, issued on 11/10/2004**), which explicitly

includes amending the Penal Code, the principle of establishing criminal liability for legal persons through Article 51 bis, and this matter is considered an innovation in the texts of the Penal Code, keeping in line with the international trend calling for devoting criminal responsibility to these legal persons in light of the increasing phenomenon of criminality for this group of persons, especially cross-border crimes, organized crimes, money laundering, and crimes of terrorism and its financing, which are crimes that often require Such people commit such crimes in view of the capabilities required in such crimes, which were the subject of many international agreements, such as the United Nations Convention against Transnational Organized Crime, approved by the United Nations General Assembly on 11/15/2001 (Belaissawi Muhammad Al-Taher, 2020, p. 185).

The legislator's acknowledgment of the criminal liability of legal persons appears through the text of the article 51 bis, which states: “With the exception of the state, local communities and legal persons subject to public law, a legal person shall be criminally responsible for crimes committed on its behalf by its agencies or legal representatives when the law stipulates this.

The criminal liability of a legal person does not prevent a natural person from being held accountable as an original perpetrator or accomplice in the same acts.” As stipulated in Articles 18 bis to 18 bis 3 of Law No. 06-23 of 12/20/2006 Penalties prescribed for a legal entity when criminal liability is imposed against it (No 06-23, of 12/20/2006,).

At the same time, Law No 04-14 of November 10, 2004 amending and supplementing the Code of Criminal Procedure (No 04-14, of 11/10/2004,) Through it, it sets the conditions, methods, and procedures that must be followed in the criminal prosecution of a legal entity through the articles 65 bis, 65 bis 1, 65 bis 2, 65 bis 3, 65 bis 4. Thus, the criminal liability of a legal entity is determined for persons that have a legal personality. It excludes persons subject to public law, the state, and local groups. This means that the addressees here are legal persons subject to private law only, whatever their goal, whether for the purpose of earning profit or whether it is charitable (Bousaia, 2016,, p. 275).

Consequently, the Algerian legislator excluded commercial companies that do not have a legal personality from the provisions of the article 51 bis, such as joint ventures and companies in the process of establishing, for crimes committed during the establishment of the company, the criminal liability of the company is excluded because it has not yet acquired legal personality.

The second requirement: Conditions for establishing criminal liability for commercial companies:

Determine the material 51 bis of the Algerian Penal Code mentioned above, the conditions under which the legal person is subject to criminal liability, which are essentially represented in two conditions: the first: relating to the commission of the crime by a natural person who has the capacity to express the will of the legal person, that is, the commission of the crime by an agency or representative of the legal person, and the second: It consists of committing the crime on behalf of a legal entity.

Section One: The crime was committed by one of the company's commercial bodies or its legal representatives:

The article 51 bis of the Algerian Penal Code explicitly stated that the crime attributed to the commercial company must have been committed by one of its agencies or legal representatives, and that other than these, the company is not accountable for the crimes they commit, even if they commit the crime on its behalf, but rather they are personally accountable for it alone (Mohamed Hazit, 2012, p. 118).

Managers of commercial companies are considered among the most prominent people addressed by the provisions of criminal liability in the criminal law for commercial companies. In reality, the manager is either a legal manager who exercises his duties and determines his position under the Companies Law according to the form of the company and its basic law. The company cannot operate except through him in all its stages and relationships. With others, or he is an actual manager exercising management duties without being a legal manager, but in this regard the Supreme Court took legal delegation alone and thus excluded the actual delegation and, as a result, the actual representative or the actual manager

as long as there is no evidence that the basic law authorizes him to delegate representation (**Hossam Bouhajar, 2017, p. 120**).

As for the legal representatives, they mean the natural persons who have the legal or conventional authority to act in the name of the company as a legal person. The legal authority comes directly from the law, while the conventional authority comes from the contract or the company's bylaws.

The second paragraph of the article is known⁶⁵ bis 2 of the Algerian Code of Criminal Procedure: The legal representative is defined as: "The natural person who is authorized by the law or the basic law of the legal person to represent him." That is, he means the natural person or natural persons who have the authority to act in the name of the commercial company and express its will, such as the manager in a joint-liability company and companies. The recommendation, the limited liability company, the Chairman of the Board of Directors or the President General Manager in the case of a joint-stock company with a management style of the Board of Directors, the Chairman of the Board of Directors and a member or members of the Board of Directors in the case of a joint-stock company with a management style of the Board of Directors, the liquidator in the event of dissolution of the company, and the temporary administrative director who obtains A judicial decision to carry out management tasks and represent the company.

As a result of the law's requirement that the natural person who committed the crime be present on behalf of the company, this condition logically leads to the lack of criminal accountability for the commercial company in Algerian law when the crime is committed by someone other than one of these agencies or these legal representatives, such as wage-earners, including the directors of its units and agencies. When it becomes clear that the company's basic law does not grant them authorization to represent it.

It can also be said that the second paragraph of Article⁵¹ bis of the Algerian Penal Code included the principle of double criminal liability between the natural person and the legal person by saying, "The criminal liability of the legal person does not prevent the natural person from being

held accountable as an original perpetrator or as a partner in the same act.” The natural person cannot make the legal person a cover to evade responsibility. Therefore, when it is proven that he committed the criminal act committed by the crime, or it is proven that he participated in its commission by one of the means of participation, he will be held criminally liable as an original perpetrator or as an accomplice, and it is equal to the fact that he has engaged in positive behavior or omission, whether the act was intentional or unintentional.

Section Two: Committing the crime on behalf of the commercial company:

In order for the commercial company to be held criminally liable, the criminal act must have been committed on behalf of the latter, which is what is included in Article 51 bis of the Algerian Penal Code: “...a legal entity shall be criminally responsible for crimes committed on its behalf...” and Article 121-2 of the new French Penal Code. Meaning that the crime was committed by the natural person - the legal representative - on behalf of the commercial company, and therefore it is not possible to talk about this responsibility in the absence of this condition. The commercial company cannot be held accountable if the natural person commits the criminal act on his own account or if the purpose of that is to inflict Damage to the commercial company to which he belongs.

The phrase “for the account of the legal person” means that the crime was committed with the aim of achieving an interest for the legal person, such as achieving a profit or avoiding harm to it. It is also the case that the interest is material or moral, direct or indirect, realized or potential, that is, it is sufficient to commit these criminal acts with the aim of ensuring the organization of Or the proper conduct of the business of the legal person or the achievement of its objectives, even if this benefit is not achieved. The phrase “for the account of the legal person” refers to the benefits, profits, interests or advantages that will accrue to the company as a legal person from committing the crime (**Mohamed Hazit, 2012, p. 126**).

Therefore, the company is not responsible for the actions committed by its legal representatives or one of its agencies during the exercise of their

duties, which are for their personal account, to achieve a personal interest, or with the intention of harming the company, because in this case the company is considered a victim by the perpetrator of the criminal acts (Zadi Safia, 2015).

The second axis: The criminal confrontation of the commercial company committing the crime of illegal speculation:

When the legal elements required in the criminal act are complete, we are faced with a crime, and in order for the company to be held responsible for the crime of illegal speculation, the elements that we will explain through the first requirement must be present. As for the second requirement, we will allocate it to the punishment prescribed for the perpetrator of that crime.

The first requirement: Elements of the crime of illegal speculation:

All the legally required elements must be present in order for us to confront the crime of illegal speculation that is punishable by law, which are the legal element, the material element, and the moral element.

Section One: The Sharia Pillar:

What is meant is the legal text that criminalizes an act and punishes its commission. In the crime of illegal speculation, the legal text criminalizing and punishing is the articles 172, 173 and 174 of the Algerian Penal Code, which were repealed pursuant to Article 24 of the new Special Law 21-15 relating to combating illegal speculation, this law whose articles and provisions consider the legality of criminalization and punishment, especially Article 02 and Articles 12 to 23 thereof, which define the acts that The law criminalizes it and punishes its perpetrators (21-15, of 28/112/2021).

Section Two: The Material Pillar:

The material element of the crime of illegal speculation is based on three components that are interconnected with each other to form the external appearance of this crime:

First - Criminal behavior: I counted the material², Paragraph 1 of Law 21-15, the acts and practices that, if carried out by the perpetrator (the

company's manager or its legal representative), are considered illegal speculation, and they are as follows:

- Any storage or concealment of goods or merchandise aimed at causing scarcity in the market or disruption in supply.
- Any artificial increase or decrease in the prices of goods, goods or securities, directly or indirectly, or through an intermediary, or the use of electronic means or any other fraudulent methods or means.
- Deliberately promoting false or biased news or information among the public for the purpose of causing market disturbance and raising prices in a sudden and unjustified manner.
- Introducing offers in the market for the purpose of causing a disturbance in the legally determined prices or profit margins.
- Making offers at prices higher than those normally applied by sellers.
- Carrying out, individually or collectively, or based on agreements, a market operation for the purpose of obtaining a profit that does not result from the normal application of supply and demand.
- Using maneuvers aimed at raising or lowering the value of securities.

It is clear from this that the wording in the first paragraph of Article 2 of this law confirms that the forms of material behavior in the crime of illegal speculation were mentioned, but not limited to them, and this opens the way for criminalizing other means that may appear in the future (**Abdel Karim Saadeh, Volume 10, Issue 01, 2022,**) This allows the subject judge a wide scope for discretion and to impose his discretion in whether or not the behavior is considered criminal, informed by the rules and principles of competition and the market system (**Jean-Jacques Biolay, 2009**).

Second - the criminal result: It is legally established that criminal behavior alone is not sufficient to establish the material element of the crime as a general rule - with the exception of formal crimes -, but rather it must be coupled with the criminal result, and the latter has two meanings: a legal meaning represented by the assault on the legally protected interest, and a material meaning represented by the material damage that affects The

victim (**Abdullah Ouhaibia, 2015, p. 245**), which is achieved in the crime of illegal speculation in violating the rules of the general market order and threatening the interest of consumers.

Third - Causal relationship: The causal relationship constitutes the link that connects the criminal act and the criminal result, through the availability of a relationship between one of the actions mentioned in Article 02 and the damage resulting from it, and deciding whether or not a causal relationship exists is subject to the discretion of the judge of the matter (**Salma Lousfan, Vol.13, No. 28, 2021, p. 521**). Therefore, if this bond is broken, the criminal liability ceases.

Section Three: The Moral Pillar:

For a crime to occur, it is not sufficient to commit a physical act that is stipulated and punished. Rather, this material act must come from the will of the offender, and this relationship that links the physical act to the perpetrator constitutes what is called the moral element (Bousaia, 2016,, p. 142).

The crime of illegal speculation is an economic crime, and the applicable rule in economic crimes is that the moral element is presumed and occurs as soon as the offender violates the law. This is equivalent to his intentionally committing the act or it was the result of his negligence, lack of precaution, recklessness, or failure to observe the regulations. This is why most modern legislation Including the Algerian legislator, it contented itself with unintentional error in the formation of economic crimes and made responsibility for it merely by committing the physical act without the need to investigate the amount of the error, and it contented itself with the error of violating the law (**Thabet Doniazad, Volume 15, Issue 02, 2022**).

But referring to what the law stipulates²¹⁻¹⁵ Especially as stated in the text of Article 2 in its definition of the crime of illegal speculation and specifying its forms, we conclude that the crime of illegal speculation is an intentional crime whose occurrence requires the presence of criminal intent (21-15, of 28/112/2021). This is achieved by the perpetrator's knowledge of the actions he commits in violation of the law, and yet his will is directed

toward causing the criminal result, which is expressed by general criminal intent.

However, for the crime of illegal speculation to occur, it is also necessary to have a special criminal intent, which appears through the direction of the offender's will behind the use of the methods and means mentioned in Article Two of the law.21-15 related to combating illegal speculation, to cause disturbance in the market and raise or lower prices or value of securities or profit margins specified by law, or the purpose of these actions is to obtain a profit not resulting from the normal application of supply and demand.

The second requirement: Penalties imposed on the commercial company committing the crime of illegal speculation:

Enter The article has been stated¹⁹ of the new law 21-15 stipulates that: "A legal person who commits one of the crimes stipulated in the law shall be punished with the penalties stipulated in the Penal Code." On this basis, the commission of this crime results in the criminal liability of the commercial company as a legal person, as stipulated in Article 51. bis and Articles 18 and 18 bis of the Penal Code, and are therefore subject to original and supplementary penalties as follows:

Section One: Fine as an original penalty:

The fine is considered the original penalty The only thing that can be imposed against a commercial company is a financial penalty, since it has the utmost importance from a punitive standpoint in deterring economic crimes, as it affects the financial liability of the commercial company and weakens it (Belas liouiza, 2014, p. 264). It can be defined as: "obliging the convict to pay the state treasury an amount estimated in the ruling." **(Mahmoud Daoud Yaqoub, first edition, 2008, p. 322).**

The Algerian legislator has adopted a system of specific fines, in which the law specifies its minimum and maximum limits. It cannot be exceeded as long as the amount of the fine is not less than a certain limit, and it is specified as a general rule in the Algerian Penal Code at once (1) to five (5) times the maximum fine applicable to a natural person.

When the law does not stipulate the penalty of a fine for natural persons, whether in felonies or misdemeanors, the criminal liability of the legal person is established in accordance with the provisions of Article 51 bis, the maximum fine calculated to apply the legal rates prescribed for the penalty with respect to a legal entity is as follows:

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

-1,000,000 DZD when the felony is punishable by temporary imprisonment.

-500,000 DZD for a misdemeanor.

However, by referring to the penal provisions stipulated in the Unlawful Speculation Law, we find that the Algerian legislator imposed on the natural person, in addition to the penalty of imprisonment, the penalty of a fine, as Article 3 stipulated: 12 of it stating: “Illegal speculation shall be punished by imprisonment from three to ten years and a fine of 1,000,000 DZD to 2,000,000 DZD.” (21-15, of 28/112/2021). Therefore, if this crime is committed in the name of the company and for its account, the penalty of a fine for the company as a legal entity shall be once (1) To five (5) times the maximum limit of this fine, i.e. from 2,000,000 DZD to 10,000,000 DZD, and the penalty is increased by raising the financial fine to be from 10,000,000 DZD to 50,000,000 DZD, in the event that a crime occurs. Illegal speculation in grains and their derivatives, dry legumes, milk, vegetables, fruits, oil, sugar, coffee, fuel materials, or pharmaceutical materials.

However, if the manager or legal representative of the company commits the crime of illegal speculation in the name of the company and for its account during exceptional cases, the emergence of an emergency health crisis, the outbreak of an epidemic, or the occurrence of a disaster. In these cases, the fine penalty shall be severe, provided that it is of 20,000,000 DZD to 100,000,000 DZD.

Section Two: Supplementary Penalties:

The article stated 18 bis of the amended and supplemented Algerian Penal Code on the supplementary penalties applied to the commercial company as a legal person. These penalties are as follows:

First - Dissolution of the company: Dissolving a company means preventing it from continuing to carry out its activity for which it was created. It is a penalty corresponding to the death penalty for a natural person, and this results in the liquidation of its funds while preserving the rights of others. The penalty for dissolution for commercial companies is a critical penalty for their existence and life, and it is the most serious and effective criminal penalty. Therefore, the Algerian legislator explicitly made it complementary in the text of the article 18 bis of the Algerian Penal Code.

Second: Closing the company or one of its branches: The Algerian legislator stipulates the penalty for closing the institution or one of its branches in Article 18 bis of the Penal Code as one of the types of supplementary penalties that are applied to a commercial company as a legal entity for committing the crime of illegal speculation. It is a temporary penalty, with its duration set at five (5) years at most. It is the punitive penalty that corresponds to the penalty of deprivation of liberty for a natural person, whether imprisonment or imprisonment. Imprisonment.

The judicial authority that ruled to convict the company of the crime of illegal speculation may also order the closure of the store used to commit this crime and prevent it from being exploited for a maximum period of one year (1) One (21-15, of 28/112/2021).

Third: Exclusion from public contracts: This penalty is intended to prevent the convicted company from participating directly or indirectly in any public transaction. Accordingly, the commercial company that is subject to this penalty is prohibited from participating in all transactions opened by public administrations and institutions, such as regional groups or public institutions of an administrative nature and other bodies stipulated in Article 6 of the Public Procurement Law (15-247, of 09/16/2015).

The article has been specified 18 bis of the Algerian Penal Code, the duration of this penalty, which must not exceed five (5) years.

Fourth: Prohibition from practicing the activity: With regard to commercial companies, this penalty means preventing them from practicing their commercial or industrial activity, that is, depriving the convicted company of the right to practice the commercial or industrial activity for which it was established (**Mohamed Hazit, 2012, p. 205**). It is clear from the text of the article 18 bis of the Penal Code that the Algerian legislator has made the penalty of prohibition from practicing the activity either a final penalty or a temporary penalty not exceeding five (5) years. It may either affect one activity only or several activities if the subject of its activity includes On several activities, this prohibition may be either direct or indirect.

Referring to the law of illegal speculation, we find that the Algerian legislator granted the competent judicial authority the right to order the cancellation of the commercial register of the perpetrator of the crime of illegal speculation, and it may order the expedited enforcement of this penalty in addition to preventing the practice of commercial activity (21-15, of 28/112/2021).

Fifth: Confiscation: Confiscation is considered a penalty of a concrete nature, as it focuses on the confiscation of the thing that was used in the commission of the crime or resulted from it.

In the same context, we find that the Law on Combating Illegal Speculation gives the judicial authority the right to rule, in the event of a conviction for one of the crimes of illegal speculation, to confiscate the place of the crime, the means used to commit it, and the funds obtained from it (21-15, of 28/112/2021). Confiscation represents the transfer of ownership of a thing from the convict to the state treasury.

Sixth: Publishing and commenting on the conviction: The company's reputation has a major impact on its future and activity before others. If it is subject to a penalty for publishing the ruling condemning it, this will have a major impact on its reputation and commercial strength. The goal of this penalty is to reveal its truth and inform the public about the dangers of its criminal actions that led to its conviction. .

The Algerian legislator stipulated this penalty in Article 16 Paragraph 3 of the Law on Combating Illicit Speculation, the application of which the legislator referred to Article 18 of the Penal Code. The period of publication is set to not exceed one month, and the ruling is published in one or more newspapers or by posting it in the places indicated by the ruling itself, all at the expense of the convicted person.

Seventh: Placing the company under judicial supervision: This penalty means placing the company as a legal entity under judicial supervision for a specific period, with the aim of preventing it from committing the crime again. Article 18 bis of the Algerian Penal Code, the scope of application of this penalty, as the supervision is focused on practicing the activity that led to the commission of the crime or on the occasion of which the crime was committed, provided that the duration of this supervision does not exceed five (5) years.

4. CONCLUSION

At the conclusion of this modest study on the subject of the criminal liability of the commercial company for crimes of illegal speculation, it can be said that the Algerian legislator has better appreciated the seriousness of the crime of illegal speculation and the negative effects resulting from it on purchasing power and individual income, which made him intervene and create a special, more deterrent law that regulates this. The crime includes a set of substantive and procedural provisions to combat it, and this was right by establishing the criminal liability of the commercial company as a legal entity in the event that its manager or its legal representatives commit this crime in its name and for its account, which has witnessed a significant increase in the recent period since the Corona pandemic to the present day, every... This is in order to protect the interest of consumers on the one hand and not prejudice the general market order on the other hand.

Through this study, we extracted a number of results and a set of recommendations as follows:

A- Results:

- The new law No 21-15 includes provisions that, in our opinion, are sufficient to combat the crime of illegal speculation. This is evident by

tightening the penalties for misdemeanors, tightening some other behaviors and descriptions of this crime, and considering it a felony in the cases stipulated in Articles 14 and 15 thereof.

- The Algerian legislator explicitly acknowledges the criminal liability of commercial companies as a legal entity when one of their bodies or legal representatives commits the crime of illegal speculation, and it turns out that this crime was committed with the aim of achieving an interest or benefit for it.

The Algerian legislator's acknowledgment of the criminal liability of commercial companies as legal persons is considered an effective means in combating crimes of illegal speculation, especially after the increase in their activity as the source of many economic crimes, as they have criminal capabilities that far exceed those of natural persons.

B- Recommendations:

- The necessary oversight must be activated to ensure the implementation of mechanisms to combat illegal speculation crimes on the one hand, and the proper functioning of commercial companies under the guardianship of the state on the other hand.

We also believe that the article should be amended⁵¹ bis of the Penal Code, whereby the category of persons for whom the company is liable as a legal entity for the crime of illegal speculation committed on its behalf must be expanded to include all its employees, including its ordinary workers, so that it becomes forced to respect all the obligations and duties imposed on it by law.

5. Bibliography List :

- 1- Abdel Karim Saadeh) .Volume 10, Issue 01, 2022 .(*Combating the crime of illegal speculation under Algerian legislation - in light of the law15-21* .,Algeria :Journal of Rights and Liberties, University of Biskra.,
- 2- Abdullah Ouhaibia .(2015) .*Explanation of the Algerian Penal Code - General Section* .,- Algeria: Movem Publishing.,

- 3- Ahsan Bousaia .(2016) *.The brief one General Penal Law .*, Algeria,: Dar Houma.,
- 4- Belaissawi Muhammad Al-Taher .(2020) *.Responsibility of Commercial Company Managers - A Comparative Study .*, Algeria,2020 :,Dar Houma for Printing, Publishing and Distribution.,
- 5- Belas liouiza .(2014) *.Criminal Liability of a Legal Person for Economic Crime, PhD thesis .*,Algeria: Faculty of Law and Political Science, University of Tizi Ouzou.,
- 6- Faisal Boukhalfa, Salma Lousfan) .Vol.13, No. 28, 2021 *.(The criminal liability of directors of commercial companies for crimes of illegal speculation in Algerian legislation in the time of Corona .*, Algeria :Journal of Jurisprudence, University of Biskra.,
- 7- Hossam Bouhajar .(2017) *.Criminal Protection of Commercial Companies in Algerian and Comparative Legislation, PhD thesis .*, Algeria :Faculty of Law and Political Science, University of Batna.1.,
- 8- Jean-Jacques Biolay .(2009) *.Ttravel history and pratiques relatives aux prix: action prohibées on the prix village .*,Paris: Juris, classeur commercial concurrence consommation, 2009, FASC.
- 9- Law No 04-15) .No. 71, issued on 11/10/2004 *.(amends and supplements Order No 66-156, containing the Penal Code .*Official journal.
- 10- Law No04-14) .of 11/10/2004 *.(,amends and supplements Order No. 66-155, containing the Code of Criminal Procedure .*,official journal, No. 71, issued on 11/10/2004.
- 11- Law No06-23) .of 12/20/2006 *.(,amends and supplements Order No. 66-156, containing the Penal Code .*,official journal., No. 84, issued on 12/24/2006.
- 12- Mahmoud Daoud Yaqoub) .first edition, 2008 *.(Liability in Economic Criminal Law .*,Al-Halabi Legal Publications.,

- 13- Mohamed Hazit .(2012) .*PhD thesis, Criminal Liability of Commercial Companies in Algerian and Comparative Legislation .*, Algeria,: Faculty of Law, University of Blida.,
- 14- Subject06 of Presidential Decree No. 15-247) .of 09/16/2015 .(*Including the organization of public transactions and public utility authorizations* .,Official journal, No: 50, issued on 09/20/2015.
- 15- Subject18 Paragraph 3 of Law No. 21-15) .of 28/112/2021 .(*relating to combating illegal speculation, referred to previously* .,official journal, No 99,issued on 29/12/2021.
- 16- Thabet Doniazad) .Volume 15, Issue 02, 2022 .(*Crimes of illegal speculation in Algerian legislation - a study in light of the law21-15 regarding combating illegal speculation .* - Algeria: Journal of Law and Human Sciences, University of Djelfa. ,
- 17- Zadi Safia .(2015) .*Corporate Crimes, Master* .Algeria :Faculty of Law and Political Sciences, University of Setif2.,