

Combating The Crime of Illicit Speculation in Accordance with The Provisions of Law no 21-15

Sanef Abdelillah Choukry*

University of Ain Temouchent-Algeria

Submission date: 28-01-2025

Acceptance date: 17-02-2025

Publication date: 01-03-2025

Abstract:

The crime of Illicit speculation is one of the serious offenses that threaten the economy of Algeria and affect the interests of consumers, who are unable to purchase their needs in accordance with their purchasing power, due to price manipulation and the storage of goods and commodities, in order to create disturbances within the markets, by traders who aim to achieve profits.

Faced with the inadequacy of the provisions of the Penal Code in confronting this crime when the Algerian legislator regulated the crime of Illicit speculation under the provisions of the Penal Code through articles 172,173,174 of Law No. 90-15 amended and supplemented by Ordinance No. 156-66 the offence of illicit speculation crime Any person who, directly or through an intermediary, artificially raises or reduces the price of goods, goods or paperwork public or private securities.

In this study we concentrated the position of the Algerian legislator to Combat the crime of Illicit speculation and implementing deterrent penalties; he introduced Law N° 21-15 concerning the fight against Illicit speculation, imposing custodial penalties and financial sanctions, with the aim of deterring traders from committing it, while taking all necessary measures to mitigate the effects of this crime and ensure the necessary protection for consumer.

The most important result in this study Criminalized behaviors under Law No. 21-15 on combating illicit speculation overlap with offenses stipulated in other laws, so we propose to reconsider the formulation of the legal provisions in Law No. 21-15 on combating illicit speculation.

Keywords: Speculation; Illicit; Crime; Combat; Penalties; prices.

*Corresponding author; abdelillah.sanef@univ-temouchent.edu.dz; (Laboratory of Markets, Employment, Legislation and Simulation in the Maghreb Countries - MESLMC).

Introduction:

Traders engage in illegal commercial practices to generate profits, directly affecting vulnerable groups in society and the purchasing power of citizens. This issue has become particularly pressing with the widespread emergence of illicit speculation during the COVID-19 pandemic, which has disrupted the national economy. This disruption stems from the imbalance in the contractual relationship between consumers and economic agents. Economic operators have formed anti-competitive alliances, prioritizing profits over consumer interests.

This led to deliberations on criminalizing certain behaviors aimed at destabilizing markets, coinciding with the economic growth of this era characterized by production, consumption, and advancements in scientific and technological methods.¹ The Algerian legislator has introduced legal mechanisms to curb these unlawful practices, particularly as the constitutional framework guarantees freedom of trade, investment, and entrepreneurship, provided they operate within the law, as stipulated in Article 61 of the 2020 Algerian constitutional amendment.

In response, Law No. 21-15 on combating illicit speculation was enacted,² marking a significant legal milestone. This paper seeks to examine the strategies employed to mitigate the spread of illicit speculation by imposing sanctions on offenders. The key question addressed is: How has the Algerian legislator confronted illicit speculation to protect consumers from threats to their purchasing power?

To address this issue, we employed both descriptive and analytical methodologies to explore relevant legal provisions, highlighting the legislator's focus on criminalizing these illegal practices and implementing deterrent penalties.

This analysis is presented in the following plan:

First: the concept of illicit speculation.

Secondly: Criminalization of Illicit Speculation and Countermeasures.

¹Mohammed Boudali, Consumer Protection in Comparative Law, (Algeria, Dar Kitab El Hadit, 2006), p 10.

²Law No. 21-15 on combating illicit speculation, Official Journal No. 99, dated December 2, 2021.

First: The Concept of Illicit Speculation

The Algerian legislator permits traders to engage in lawful trading activities within the bounds of the law, allowing legitimate speculation. However, issues arise when economic agents abuse this right to achieve exorbitant profits at the expense of customers, who are obligated to pay prices that are disproportionately high relative to the value of goods or services. This imbalance often stems from traders' deliberate intent to commit what is known as the crime of illicit speculation. This section explores the definition of illicit speculation (1), followed by its scope and manifestations (2).

1. Definition of Illicit Speculation

First and foremost, it is essential to define the crime of unlawful speculation from both terminological and legal perspectives, in order to deduce the key fundamental differences between lawful and unlawful speculation, which we will present below:

A. Terminological Definition of Illicit Speculation

Illicit speculation, often referred to as negative speculation, involves sudden price fluctuations in goods aimed at generating extraordinary profits.¹ This concept closely aligns with the idea of monopoly, a hallmark of modern commerce,² wherein goods, products, or services are hoarded, and their market availability is restricted by economic agents. By blocking new competitors from entering the market who often withdraw due to their inability to compete with monopolists³ demand for these goods or services artificially increases, leading to significant and unreasonable price hikes. This situation stifles competition, reduces innovation, and limits economic progress.⁴

¹Taibi Wahiba, "Concept of the term legitimate speculation between jurisprudence and banking law", *Academic Journal of Legal Research*, vol. 5, no 1, (Abderrahmane Mira-Béjaia University 2011), p 111.

²Mohammed Ahmed Abu Al-Sayed Ahmed, *Consumer Protection in Islamic Jurisprudence*, (Lebanon, Dar Al Kotob Al Ilmiyah, 1st edition, 2004), p121

³Sehout Djahid, *Consumer and market protection in light of law 15/21 provisions relating to illegal speculation*, *The Jurisprudence review*, vol. 14, no 30, (Biskra University 2022), pp 240- 241.

⁴Nasrin Abdel Hamid, *Economic Crimes*, (Egypt, Almaktab al - jamai el hadith), 2009, p 431.

In contrast, lawful speculation involves earning profits through legitimate means, adhering to the rules and regulations governing trading activities, and relying on accurate forecasting of price fluctuations. Unlike lawful practices, illicit speculation relies on unethical methods during transactions to maximize profits.¹

B. Legal Definition of Illicit Speculation

The Algerian legislator defines illicit speculation under Article 2 of Law No. 21-15 as any act of storing or concealing goods to create market scarcity or disrupt supply chains, as well as any artificial inflation or deflation of prices for goods, products, or securities.

This definition highlights the legislator's precision in categorizing all deliberate behaviors as speculative crimes. These behaviors, committed by either individuals or corporate entities, aim to manipulate the market and distort the supply-demand equilibrium, misleading consumers. Such deceptive practices induce abnormal market fluctuations, allowing offenders to exploit new circumstances for personal financial gain.²

2. Scope and Manifestations of Illicit Speculation

The subject of illicit speculation encompasses both unlawful commercial practices and anti-competitive behaviors, as elaborated in the following subsections:

A. Scope of Illicit Speculation

Illicit speculation primarily involves goods, products, and financial securities, as outlined in Article 2 of Law No. 21-15, consistent with Article 172 of the Algerian Penal Code. These provisions criminalize the storage or concealment of goods to create market scarcity or supply

¹Sofiane Archoche, "The Crime of Illegal Speculation Through The Law 21-15, The Journal of Rights and Freedoms", vol. 10, no 1, (University of Biskra 2022), Algeria, pp 808-809.

²Kamel kadi, "The legal criminalization of illegal speculation and monopolistic commercial practices in Algerian legislation", Journal of Legal Studies, vol. 10, no 1, (University Yahia Fares of Medea 2023), p 192.

disruptions and the artificial inflation or deflation of prices for goods, products, or financial instruments.¹

The legislator's focus on consumer goods, particularly strategic commodities experiencing unprecedented shortages and price hikes, has disproportionately affected low-income consumers.² However, the legislator has overlooked services in comparison to goods, despite the latter forming the basis of most commercial transactions. To address this gap, the legislator must extend the scope of illicit speculation to encompass services alongside goods and financial securities.

B. Anti-Competitive Practices and Trade-Restraining Activities

The main forms of illicit speculation can be summarized as follows:

a. Trade-Restraining Activities

Trade-restraining activities involve abnormal trading behaviors that negatively impact consumers. Key examples include:

-Unjustified Refusal to Sell

Refusing to contract or sell goods without a valid justification falls under the prohibited acts outlined in Article 15 of Law No. 04-02, amended and supplemented, establishing the rules applicable to commercial practices.³ According to this provision, any good displayed for public sale must not be withheld without a legitimate reason. This ensures equal access for consumers to acquire goods or services.

The legislator's inclusion of services in the second paragraph of Article 15 underscores the importance of addressing unjustified refusal to

¹Tabet Douniazed, "Illegal offences speculative in Algerian legislation -Study in the light of Law 21-15 on combating illegal speculation", *Journal of law and humanities Sciences*, vol. 15, no 2, (Djelfa University 2022), p 703.

²Hafida EL-Kobi, "A reading in the substantial part of the crime of illicit speculation in the light of law No 21-15, what penal protection is devoted to the economic rights of the consumer?", *The critical journal of law and political science*, vol. 17, no 2, (University of Mouloud Maamri of Tizi Ouzou 2022), p 361.

³Law No. 04-02 of 23 June 2004 establishing the rules applicable to business practices, JR No. 41 of 27 June 2004, amended and supplemented by Law No. 10-06 of 23 June 2004, JO. No. 46, 18 Aug 2010.

contract beyond goods, emphasizing the need to extend the scope of Law No. 21-15 to include services within the framework of combating illicit speculation.

- Conditional Sales Requiring Minimum Quantities

The economic interest of the consumer demands freedom of choice in the market, allowing them to select goods according to their specific needs and desired quantities, without coercion from traders. Conditional sales practices—where traders impose the purchase of a specific quantity of goods, whether excessive or insufficient—are prohibited by Algerian legislation. This prohibition is enshrined in Article 17, Paragraph 1, of Ordinance No. 04-02, which establishes the rules applicable to commercial practices. The article defines conditional sales as those requiring the purchase of one product alongside another, a practice commonly referred to as "tie-in sales arrangements."

This regulation ensures that consumers are not forced to purchase goods beyond their requirements or coerced into accepting additional services as a prerequisite for obtaining their desired goods or services. This measure safeguards against traders' attempts to offload unsellable goods or products with declining demand, which serves their own interests through illegitimate speculative practices.¹

- Unlawful Pricing Practices

Traders often exploit consumers by inflating prices through various deceptive mechanisms, such as concealing illegal price increases and submitting false declarations of cost. These practices have a direct impact on the pricing of goods and services, particularly those not subject to free-market dynamics. This is addressed in Article 23 of Ordinance No. 04-02, which outlines the rules applicable to commercial practices.

Recognizing these threats, the Algerian legislator has criminalized actions that destabilize market prices and violate supply-and-demand principles. Price manipulation disproportionately affects consumers, who are typically the weaker party in commercial contracts. To protect

¹Adel Amirat, "Protecting Consumer Satisfaction During Contracting", National scientific seminar on 'Consumer Protection with Economic openness', Institute of Legal and Administrative Sciences, University Center El-Oued, 13 and 14 April 2008, p 186.

consumer interests, the state may intervene to regulate the prices of goods and services, as provided by Executive Decree No. 21-383, which specifies maximum consumer prices and profit margins.¹

b. Anti-Competitive Practices

The promotion of the principle of free competition is one of the most critical factors in fostering a competitive environment aimed at satisfying consumers by offering products at reasonable prices and with superior quality.² This objective can only be achieved by adhering to the principles of fair competition. However, economic operators often resort to illicit speculation to create an environment of unfair competition among traders. Their aim is to strengthen their economic power in the market by employing methods that violate the rules of free competition, seeking to reduce or exclude competitors from the market through unlawful means.³

The Algerian legislator, under Article 6 of Ordinance No. 03-03 dated July 1, 2003, on competition (as amended and supplemented), identifies several instances of anti-competitive practices. According to this provision, coordinated practices, arrangements, explicit or implicit agreements are prohibited if their purpose, or potential effect, is to obstruct, restrict, or distort free competition within the same market or a substantial part of it. These include:

- **Restricting Market Entry or Commercial Activities:** Actions aimed at hindering new entrants to the market or impeding the commercial activities of existing players.
- **Controlling Production, Marketing Channels, or Investments:** Measures taken to limit or regulate production levels, marketing outlets, or investment opportunities, as well as stifling technological advancement.

¹Executive Decree No. 21-383 of 5 October 2021 sets the maximum price at consumption as well as margins Profit, JO No. 77, dated October 10, 2021.

²Kada Chehida, *The civil Liability of producer Comparative Study*, (Egypt, Dar Jamia El Jadida, 1st edition, 2007), p 73.

³Nabil Nasseri, "Consumer protection against restrictive competition practices", National Forum on Consumer Protection under Economic Openness, Institute of Legal and Administrative Sciences, University Center El- Oued, 13 and 14 April 2008, p 159, 160.

- Market Division or Resource Allocation: Dividing markets or sources of supply among traders to eliminate competitive pressure.
- Distorting Price Determination: Manipulating prices artificially to increase or decrease them, thereby disrupting their natural determination based on market forces.

To address such practices, it becomes necessary to regulate margins, prices of goods and services, or homologated categories of similar products and services, potentially setting ceilings or validating them through regulatory mechanisms.¹

Secondly: Criminalization of Illicit Speculation and Countermeasures

Due to the detrimental effects of illicit speculation, which is now classified as a crime punishable by law once its legal, material, and moral elements are established, exploring countermeasures to mitigate its risks becomes imperative. discusses the criminalization of illicit speculation (1), while examines the penalties imposed by the Algerian legislator on perpetrators (2).

1.Criminalization of Illicit Speculation

The classification of illicit speculation has shifted from a felony to a misdemeanor under Articles 14 and 15 of Law No. 21-15 on combating illicit speculation. This requires the presence of three components: the legal, material, and moral elements.

A. The Legal Element

In accordance with the principle that "there is no crime, penalty, or security measure without a legal provision," the legal element serves as the foundation for any criminal behavior committed by either a natural or legal person. It refers to the legal text that criminalizes the act, as illustrated by:

- Ordinance No. 03-03 on competition (as amended and supplemented).

¹Refer to:Article 1/5 of Ordinance No. 03-03 dated July 1, 2003 on competition, JO No. 43, dated July 20, 2003, (as amended and supplemented).

- Law No. 04-02, which sets the rules governing commercial practices.
- Articles 172, 173, and 174 of the Algerian Penal Code.
- Law No. 21-15, specifically enacted to combat illicit speculation.

Article 24 of Law No. 21-15 repealed previous provisions and established both punitive and preventive measures. It emphasizes that commercial activities must not be conducted with the intent of speculative gains at the consumer's expense. Instead, legal frameworks are essential to regulate trade practices.¹

The objective of criminalizing illicit speculation under Law No. 21-15 is to protect consumers from exploitation, unlawful profits, and monopolistic practices. Article 1 explicitly states that the law aims to combat illicit speculation in response to increased demand for consumer goods. The law is divided into five chapters, addressing criminalization, countermeasures, procedural rules, penalties, and concluding provisions.

B. The Material Element

The material element comprises the factual and tangible aspects outlined in the legal text criminalizing illicit speculation. Examples cited in Article 2 of Law No. 21-15 include, but are not limited to:

-Consumer Deception through False Advertising

This involves disseminating false information or advertisements about goods or services, often using digital platforms to commit economic crimes.²

-Unjustified Hoarding of Goods

The practice of withholding goods (e.g., food products) from the market and unjustifiably storing them creates scarcity. Unlike justified and lawful storage, this type of hoarding leads to shortages, supply chain

¹Sofiane Archoche, *Op.Cit.* p 813.

²Hassane Tahraoui/ Reffaf Lakhdar, "The specificity of criminalization in the crime of illicit speculation According to law n°:21-15", *The Journal of Legal and Political*, vol. 6, no 2, (University of Laghouat, 2022), p 525.

disruptions, and price instability. As a result, prices of goods, products, or securities may rise or fall artificially, either directly, through intermediaries, or via electronic or other fraudulent means, as stipulated in Article 2/2 of Law No. 21-15.

Artificial price increases violate the true value of goods, particularly those subject to free-market dynamics. Free-market goods, governed by supply and demand, differ from price-controlled goods, which have predefined profit margins at production or distribution levels. The motive for such crimes often extends beyond market disruption to maximizing profit margins. The Supreme Court ruling of January 27, 1999, affirmed that illicit speculation applies to free-market goods rather than price-controlled ones.¹

This is stipulated in Article 25 of Law No. 04-02, which defines the rules governing commercial practices. The law prohibits any actions aimed at stockpiling products to unjustifiably stimulate price increases, or storing products unrelated to their legitimate trade for the purpose of resale. It also prohibits artificial price reductions through traditional or electronic means, as well as sales requiring the purchase of additional quantities of goods, known as conditional sales. These practices lead to merchants monopolizing goods, reselling them at their discretion, manipulating prices freely, burdening consumers, and depriving them of meeting their needs for goods and services due to the lack of transparency in commercial practices.

From the above, it is observed that the Algerian legislator expanded the scope of criminal acts under Law No. 21-15, which addresses the fight against unlawful speculation, compared to the Algerian Penal Code. This aligns closely with the criminalization set out in the provisions of Law No. 04-02 governing commercial practices. It also considers the manipulation of the value of securities, influenced by the state's political circumstances, as a form of unlawful speculation, such as spreading false information."

¹Decision of the Supreme Court of the Criminal Chamber dated January 27, 1999; file No. 132423, unpublished decision, refer to: Tabet Douniazed, op. cit., p. 703.

C. The Moral Element

The establishment of illicit speculation, classified as a deliberate crime, relies on the perpetrator's knowledge that their actions contradict commercial regulations. These actions disrupt free competition and violate the principles of supply and demand. This necessitates the presence of criminal intent, with the perpetrator's will directed toward committing unlawful acts aimed at disturbing the normal functioning of the market. These acts include creating a scarcity of goods in the market and disrupting supply chains to serve their interests at the expense of others, without any coercion or external pressure. This is explicitly affirmed in Article 2 of Law No. 21-15.

Although illicit speculation is considered a business-related crime, it requires specific intent to perform actions criminalized by law to achieve personal gain. However, the field of illicit speculation excludes the lawful activities of economic agents who store goods for legitimate purposes, even if it involves causing temporary scarcity or supply chain disruptions, as long as these goods are not resold with the intent of market manipulation.¹

2.Strengthening Penalties for Illicit Speculation and Preventive Measures

The Algerian legislator has emphasized combating illicit speculation by imposing penalties on offenders while encouraging the adoption of preventive measures to mitigate its risks, as detailed below:

A. Imposing Penalties on Perpetrators of Illicit Speculation Under Law No. 21-15

Offenders of illicit speculation are subject to both principal and complementary penalties, as follows:

¹Khelfi Houssemmedine/ Azzedine Tebache, "Illegal Speculation: a model of the economic crime of the Economic Crime (a study on the objective aspects of the illegal speculation crime", *The Journal of Rights and Freedoms*, vol. 10, no 2, (University of Biskra, 2022) p 10.

- Principal Penalties

The perpetrator of illicit speculation, when classified as a misdemeanor, is punished with imprisonment ranging from three (3) to ten (10) years and a fine of 1,000,000 DZD to 2,000,000 DZD, as per Article 12 of Law No. 21-15 on combating illicit speculation.

The Algerian legislator has intensified penalties under Article 13 of the same law, treating illicit speculation as a felony when it involves certain goods such as grains and derivatives, dried legumes, milk, vegetables, fruits, oil, sugar, dairy products, fuel, or pharmaceutical products. The punishment for such offenses is imprisonment ranging from ten (10) to twenty (20) years and fines of 2,000,000 DZD to 10,000,000 DZD.

If these offenses occur during exceptional circumstances such as a health crisis, epidemic outbreak, or disaster, the punishment increases to temporary imprisonment of twenty (20) to thirty (30) years and fines ranging from 10,000,000 DZD to 20,000,000 DZD. If the offense is committed by an organized criminal group, the penalty is life imprisonment.¹

The legislator has significantly raised the limits of both custodial and financial penalties compared to previous legislation, granting judges wider discretion. However, it has not specified the criteria for determining appropriate penalties. The introduction of a new sentencing scale ranging from twenty (20) to thirty (30) years reflects amendments to the maximum penalties for felonies under Article 2 of Law No. 21-14, dated December 28, 2021, amending the Algerian Penal Code.²

Additionally, victims of illicit speculation may seek compensation for damages under Article 48 of Ordinance No. 03-03 on competition (as amended and supplemented).

¹Article 14 -15 of Law No. 21-15 on combating illicit speculation.

²Law No. 21-14 of December 28, 2021, containing the Algerian Penal Code, JO No. 99, promulgated Dated December 29, 2021, amended and supplemented by Ordinance No. 66-156 dated June 8, 1966.

- Complementary Penalties

Complementary penalties under Article 16 of Law No. 21-15 include a ban on residence for two (2) to five (5) years and the prohibition of exercising one or more rights specified in Article 9 bis 1 of the Penal Code.

The court may also order the publication and posting of the conviction at the offender's expense. Convicted offenders may be removed from the commercial registry and banned from engaging in commercial activities.¹ Immediate enforcement of these penalties is also permissible.

Commercial establishments involved in these offenses may be closed for up to one (1) year, with measures ensuring the rights of good-faith third parties. Courts may confiscate the premises, tools, and proceeds of the crime, a measure referred to as partial asset confiscation under Article 18 of the same law.

The legislator also highlights the need to regulate online commercial activities, proposing the closure of websites proven to facilitate illicit speculation.

These penalties apply to both natural and legal persons. Companies, institutions, and other entities often perpetrate illicit speculation crimes. Under Article 19 of Law No. 21-15, legal entities committing such crimes are subject to penalties outlined in the Algerian Penal Code. Legal entities must pay fines stipulated in Articles 12, 13, and 14 of Law No. 21-15. Complementary penalties may include the dissolution of the legal entity or the closure of the business or its branches for up to five (5) years and a ban on engaging in activities for a similar period.

Under Article 20 of Law No. 21-15, attempted offenses are punishable with the same penalties as completed crimes. It is sufficient to demonstrate criminal conduct with a causal link between the unlawful act

¹In accordance with article 20 of Executive Decree No. 15-111 of May 3, 2015, Qualifications for registration, amendment and deletion in the commercial registry, JONo. 24, dated May 13, 2015.

and its harmful outcome, which constitutes an assault on protected rights, subject to the discretion of the trial judge.

B. Combating Illicit Speculation Through a Specialized Punitive System

Unlike the provisions of the Penal Code, the Algerian legislator has introduced a specialized punitive system to mitigate the adverse effects of illicit speculation by limiting the application of mitigating circumstances and implementing a security period.

-Limitation of Mitigating Circumstances

Judges are granted discretionary power to reduce penalties below the minimum prescribed by law or impose an alternative, lesser penalty. However, Article 22 of Law No. 21-15 on combating illicit speculation specifies that offenders convicted of misdemeanors outlined in this law may benefit from mitigating circumstances under Article 53 of the amended Penal Code only to a maximum reduction of one-third (1/3) of the prescribed penalty. This limitation serves as a specific deterrent against offenders and all accomplices involved in committing illicit speculation.

This approach demonstrates that the Algerian legislator has restricted the application of mitigating circumstances under Article 53 of the amended Penal Code by the provisions of Article 22 of Law No. 21-15, which are typically associated with the material facts of the crime or the offender's profile.

-The Security Period

The security period, as defined in Article 23 of Law No. 21-15, is a measure applied to the enforcement of penalties to achieve both general and specific deterrence, rehabilitate offenders, and remove them from the sphere of criminal risk.¹ During this period, the convicted individual is deprived of certain measures, such as temporary suspension of penalty enforcement, placement in external workshops or open environments, temporary leave, partial freedom, or conditional release for the duration

¹Farida Benyounes, "The Security Period as a Mechanism to Consecrate the Power of Criminal Governance in Accordance with Algerian Legislation", *Journal of Legal Studies and Researches*, vol. 6, no. 2, (University of Msila, 2021), p 302.

specified in this article or as determined by the judicial authority, in accordance with Article 60 bis, Paragraph 1 of the Algerian Penal Code.¹

The security period is calculated as half the duration of the imposed sentence and can reach up to twenty (20) years for life imprisonment. Under no circumstances may the security period exceed two-thirds (2/3) of the imposed sentence or twenty (20) years for life imprisonment, as stipulated in Article 60 bis 1 of the same code.

Conclusion:

In conclusion, the crime of illicit speculation is one of the most serious business crimes with a significant impact on the national economy. Its commission is no longer limited to exceptional circumstances but extends to normal conditions as well. This necessitates intensified efforts to mitigate its dangers, enforce modern legal provisions, and activate all relevant laws to regulate the behavior of economic agents and enable consumers to meet their needs in line with their purchasing power.

The key findings of this study can be summarized as follows:

- The expansion of behaviors constituting illicit speculation, classified as both misdemeanors and felonies, is evidenced by the intensification of principal and complementary penalties imposed on offenders, reaching up to thirty (30) years of imprisonment or life imprisonment.
- The Algerian legislator ensures the imposition of penalties on both natural and legal persons.
- Criminalized behaviors under Law No. 21-15 on combating illicit speculation overlap with offenses stipulated in Ordinance No. 03-03 on competition, Law No. 04-02 on commercial practices, and Law No. 03-09 on consumer protection and fraud suppression.

¹Law No. 14-01 of February 4, 2014, containing the Algerian Penal Code, JO No. 7, Dated February 16, 2014.

- The legislator introduced, under Article 2 of Law No. 21-15, the criminalization of unjustified storage and concealment of goods to create market scarcity and disrupt supply chains.

- The mitigation circumstances provided under Article 53 of the Algerian Penal Code are restricted by the provisions of Article 22 of Law No. 21-15 on combating illicit speculation.

- The need for intervention by the state, local authorities, and civil society to limit the effects of illicit speculation.

The main recommendations proposed are as follows:

- Reconsider the formulation of the legal provisions in Law No. 21-15 on combating illicit speculation to reflect the modernity of the crime's criminalization under its procedural and preventive aspects, as opposed to the Penal Code provisions.

- Define the forms of illicit speculation under Law No. 21-15 exhaustively rather than illustratively.

- Extend the scope of illicit speculation to include services in addition to goods, products, and financial instruments.

- Impose strict periodic monitoring by specialized commercial authorities within retail establishments and storage facilities.

- Promote consumer cultural awareness among Algerian citizens to align with their purchasing power.