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Legal Security as a Guarantee under Law 22/18 and Its Issues in the Field of Criminalizing Business Activities

الأمن القانوني كضمانة في ظل القانون 18/22 واشكالاته في مجال تجريم الأعمال

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Abstract:

The profound economic transformations resulting from globalization and economic openness have led to intense competition among enterprises and even among states over resources and markets.

Algeria, due to its strategic and geographical location and its proximity to many European, Arab, and African markets, has taken the initiative to stimulate investment and support enterprises as the backbone of the economy in order to achieve the desired economic, social, and cultural development. This has been done through reforming the legal framework for investment and encouraging free initiative to attract foreign investors by providing sufficient guarantees stipulated in Law 22/18, including the guarantee of legal security and stability, to instill confidence among investors and ensure the relative stability of legal rules that secure the stability of legal positions. However, the specific nature of business criminal law may hinder the achievement of legal security.

Keywords: Legal security, business crimes, investment, legislative stability.

ملخص:

أدت التحولات الاقتصادية العميقة التي جاءت نتيجة للعولمة وللانفتاح الاقتصادي إلى ظهور منافسة حادة بين المقاولات وحتى بين الدول على الموارد والأسواق.

و الجزائر بموقعها الاستراتيجي و الجغرافي و قربها من عديد الأسواق الأوربية و العربية و الإفريقية، بادرت إلى تحفيز الاستثمار و دعم المقاولات باعتبارها عصب الاقتصاد لأجل تحقيق التنمية الاقتصادية و الاجتماعية و الثقافية المرجوة، و ذلك بإصلاح الإطار القانوني للاستثمار و تشجيع المبادرة الحرة لجلب المستثمرين الأجانب من خلال إعطاء ضمانات كافية نص عليها القانون 18/22، و منها ضمانة الأمن و الاستقرار القانوني لأجل بعث الثقة لدى المستثمرين و ضمان الثبات النسبي للقواعد القانونية الذي يؤمن استقرار المراكز القانونية، إلا أن خصوصية القانون الجنائي للأعمال قد تحول دون الوصول إلى الأمن القانوني.

الكلمات المفتاحية: الأمن القانوني، جرائم الأعمال، الاستثمار، الثبات التشريعي

1. INTRODUCTION

The profound economic transformations resulting from globalization and economic openness have led to intense competition among enterprises and even among states over resources and markets, through the establishment of economic blocs and common markets that facilitate access to resources and the existence of markets for product distribution.

Algeria, due to its geographical and strategic location and its proximity to European, Arab, and African markets, has taken the initiative to stimulate investment and support enterprises as the backbone of the economy in order to achieve the desired economic, social, and cultural development. This has been done by reforming the legal framework for investment and encouraging free initiative to attract Algerian and foreign investors by providing sufficient guarantees as stipulated in Law 22/18 related to investment. Among these enshrined guarantees is legislative stability or legal security, as one of the main pillars upon which the modern state is built. This implies ensuring the relative stability of legal rules that secure the stability of legal positions to foster investor confidence.

Given the importance of legal security in establishing the rule of law, the Algerian legislator has enshrined and explicitly affirmed it as a constitutional principle in Article 34 of the 2020

constitutional amendment. It is also affirmed in Law 22/18 through Article 13, which explicitly stipulates the necessity of legislation characterized by clarity and stability to protect rights and freedoms, and that the effects resulting from amendments to the provisions of this law shall not apply except with the explicit consent of the investor.

While the principle of legal security enshrined in the Constitution for the protection of rights and freedoms can be applied and harmonized with the general rules of criminal law, which are based on respecting these freedoms and rights, the matter differs with regard to business criminal law, due to its particular nature, which involves adapting the rules of criminal law at the level of criminalization and punishment.

Accordingly, the following problem arises:

To what extent is legal security achieved given the particular nature of business criminal law, and what are the obstacles and hindrances that prevent its realization?

To answer this problem, it was necessary to combine both the descriptive and analytical methods. The first was used when addressing doctrinal and legislative definitions, while the second was employed to deconstruct legal texts and juristic opinions. All of this was structured according to a dual plan based on two axes: the first was devoted to the concept of legal security and its relation

to investment, while the second was allocated to the impact of the particularity of business criminal law on legal security.

2. Legal Security and Its Relation to Investment:

Legal security is considered one of the most important principles upon which the rule of law is based, through the establishment of a legal system characterized by relative stability that preserves the rights and freedoms of parties and aligns with the legitimate expectations and aspirations of individuals. This is what the state seeks to achieve in the field of investment by enshrining it in Investment (Law No. 22/18, 2022) through Article 13, which explicitly states: "The effects resulting from the revision and repeal of this law, which may occur in the future, shall not apply to investments carried out under this law unless the investor expressly requests it."

This is in order to attract investors, especially foreign ones, whenever there is stability and relative constancy in the legal rules that predetermine the investor's expectations and hopes based on the provisions of another law in case these current provisions are amended. However, the stability of legal texts in the field of business is hindered by obstacles and impediments that prevent its realization, which necessitates addressing them. But before doing so, it is necessary to first define what is meant by legal security and its foundations, and then address the embodiment of the

requirements of legal security in investment as follows:

2.1 Definition of Legal Security and Its Foundations

Legislative stability plays an important role in building trust among citizens and thus has an effective role in the stability of the state. Therefore, it is necessary to address its meaning, then identify the foundations upon which it is based.

2.1.1 Definition of Legal Security

Various legislations have not addressed the definition of legal security due to its broadness in terms of its dimensions and meanings, leaving it to jurisprudence and the judiciary to define legal security. Although definitions vary due to its multiple forms, meanings, and fields, and depending on the perspective from which it is viewed, several definitions have emerged. Among them are:

Some have defined it based on the broad meaning of security as (Ala Hennan, 2020, p. 10): "The ideal that the law should aim for by issuing a sequence of interconnected and relatively stable rules that are accessible, enabling individuals to form expectations."

Others have defined it based on the intended objectives as (Daïma & Chaabane, 2023, p. 442): "Achieving a degree of relative stability in legal relationships and a minimum level of stability in the various legal positions, with the aim of spreading security and

reassurance among the parties to legal relationships, so that the addressed group can act with confidence and guided by the law and legal systems at the time of performing their actions and arranging their affairs accordingly, without being exposed to surprises or sudden actions by public authorities that could undermine this reassurance."

As for the French Council of State, it has also defined legal security, and this definition is considered one of the most comprehensive and clear definitions. According to the 2006 periodic report, it defined it as follows (Ala Henna, 2020, p. 102): "The principle of legal security requires that the citizen, without having to make unreasonable efforts, be able to determine what is permitted and what is prohibited under the applicable law. To achieve this result, the laws issued must be clear and understandable and not subject over time to excessive, especially unexpected, changes."

From the preceding definitions, it becomes clear that legal security is achieved if the law is characterized by accessibility, clarity, and relative stability for a considerable period, away from excessive and unexpected changes, and thereby ensures the relative stability of legal positions and the expectations of those subject to the law.

2.1.2 Foundations of Legal Security

1- Presidential Decree No. 20/442, on the constitutional amendment. *Official Gazette of the People's Democratic Republic of Algeria*, (82), dated December 30, 2020.

Legal security is one of the fundamental principles adopted by international conventions in order to ensure consistency between legal texts and the constitution. To achieve this consistency, a set of conditions must be met, which are considered fundamental principles that must be observed. Among the most important are:

A. The Principle of Non-Retroactivity of Laws

This principle is one of the most important foundations of legal security in protecting legal positions. It means that new laws do not apply to events that occurred in the past, that is, before the law was issued — also known as the immediate effect of the new law.

This principle is among those recognized in the 2020¹ Constitution through Article 43, which states: "There is no conviction except under a law issued prior to the commission of the criminal act," and it was also adopted by the legislator in Article 2 of the Penal Code², which states: "The law applies only to what occurs in the future and has no retroactive effect."

B. Respect for Acquired Rights

An acquired right is defined as: "A right resulting from a legal act that establishes a legal position." From this definition, it is understood that an acquired right is one that depends on the

2- Ordinance No. 66/156, including the amended and supplemented Penal Code. *Official Gazette*, No. 49, dated June 11, 1966.

stability of legal positions and, consequently, the stability of the actions related to them (Bedoui & Hennan, 2021, p. 09).

Accordingly, respecting acquired rights means that no other party — whether a public authority or a natural person — is permitted to violate or infringe upon a legitimate right established by law, particularly those rights guaranteed constitutionally in various legal texts.

C. The Principle of Legitimate Expectation

This principle implies that neither the legislative authority nor the executive authority — in cases where the Constitution grants them such power — may issue sudden or unexpected laws and regulations that contradict individuals' legitimate expectations based on objective grounds derived from the prevailing legal system (Bedoui & Hennan, 2021, p. 09).

Accordingly, the Court of Justice of the European Union defined legitimate expectation as: "Any existing situation, unless otherwise determined, is evaluated in light of the applicable legal rules, and the law must be clear and precise so that the individual can know his rights and duties and adopt a position accordingly (Hilali, 1999, p. 104)."

As for the meaning of legitimacy: "Commitment to and compliance with the provisions of the law in both its form and general content; it aims to establish a

fundamental and serious guarantee to protect individuals' personal freedoms and rights against abuse of power, in order to safeguard the social order and, equally, to provide similar protection to the individual himself."

D. The Principle of Restricting the Retroactive Effect of a Ruling of Unconstitutionality

A ruling that a law is unconstitutional after a certain period of time is considered a violation of legal security, as declaring the law null and void results in harm to the legal positions and acquired rights established under that law, which is subsequently annulled by the judiciary.

Accordingly, some jurists have emphasized the necessity of placing restrictions on rulings of unconstitutionality of legal provisions to ensure the protection of individuals' rights and to uphold the principle of legal security (Daïma & Chaabane, 2023, p. 445).

2.2 Embodiment of the Foundations of Legal Security in Foreign Investment

The creation of a suitable environment to achieve economic development has led the legislator to introduce numerous amendments to the Investment Law in order to align with the requirements of the legal system. This has resulted in an inflation of legal texts and a lack of confidence and assurance among investors, as these texts may contain surprises that were not within their

expectations.

This made it necessary to embody legal security within the Investment Law, which the legislator explicitly stipulated in Article 38 of Law 22/18 related to investment. Accordingly, it is necessary to address here, first, access to the law as one of the requirements of legal security for attracting investment, and secondly, the principle of legislative stability and its role in attracting investment.

2.2.1 Access to the Law as a Basis for Legal Security to Attract Investment

In order for legal security to be achieved, legal rules must be clear and understandable. This reduces the multiplicity of interpretations that could strip the legal rule of its content and result in surprises for individuals who acted with others based on a certain interpretation.

Moreover, the establishment of legal security requires the state to ensure that the law is known to those it addresses, both in a material and moral sense.

Material knowledge of the legal rule in Algeria is achieved through publication and codification. Publication is the final stage that legal texts undergo, and it takes place in the Official Gazette, as stipulated in Article 4, paragraph 2 of the Civil Code, which states: "...It shall come into effect in Algiers after one full day from the date of its publication, and in other regions, within each district, after one full day from the date the Official Gazette reaches the district headquarters, as

evidenced by the date stamp placed on the Gazette by the district office."

Given the technological developments, electronic publication has come to play a significant role in informing individuals about newly issued legal texts. While the French legislator has resolved this issue and recognized electronic publication under Ordinance 2004/164 as a valid means of informing individuals of the law — even admissible before the courts — (Ala Hennan, 2020, p. 134), the Algerian legislator has remained silent on this matter, despite the state's orientation toward what is known as e-government, aimed at improving its services to citizens.

The second method by which individuals become aware of legal texts is codification, which refers to the compilation of legal texts related to a particular branch of law issued by the legislative authority into a single code.

Legal security is achieved through codification by facilitating access to legal texts, which are compiled into one code. This makes it easier to develop the substance of the legal rule by choosing appropriate terminology, introducing legal corrections, and addressing the issues of scattered legal texts. This is a particular issue in the field of business in Algeria, which is regulated by a collection of scattered legal texts. This negatively affects the investor and even the host state of the investment. Additionally, the complexity of legal texts has led to what is known as legislative inflation.

From the moral perspective, access to the legal rule is achieved through its clarity and simplicity for readers and those addressed by it, which is accomplished by using clear, simple, non-complicated, specific, and precise terms. This allows for the identification of the rights and obligations that arise from it, as well as the legal positions it creates — all of which motivate investors to engage in the field of investment.

2.2.2 Legislative Stability and Its Role in Attracting Investment

In order to ensure investor confidence — investors who seek the kind of stability that enables them to acquire rights and legal positions through the continued application of legal provisions in effect at the time they began their investment activities — the Algerian legislator resorted to including such guarantees in Investment Law 22/18 through Article 38, as well as in prior laws. However, this restriction on the non-applicability of new laws to investors does not limit the state's rights nor divest it of its powers.

Nevertheless, despite Algeria's enshrinement of the principle of legislative stability in many legal texts and in agreements concluded with agencies, it has deviated from this principle. For example, it invoked the right of preemption in the Djezzy case, as stipulated in the Supplementary Finance

Law of 2009³, even though the Djezzy investment was established under Legislative Decree 93/12⁴ on investment promotion. Article 39 of that decree explicitly stated that revisions and repeals affecting investment shall not apply unless the investor expressly requests it (Ala Hennan, 2020, p. 134).

Conditions for legislative stability may take the form of either a contractual clause or a statutory condition at the domestic level. This stability may also be stipulated in international agreements, especially bilateral ones.

2.2.3 Legitimate Expectation

Although legitimate expectation is considered one of the requirements of legal security, as previously explained — and though it shares with legal security the same goal of legal stability and is based on common justifications — the two differ in several ways. The main distinction lies in the fact that the principle of legal security is a general objective constraint on all authorities, including the legislative authority. In other words, the constraint is imposed automatically by constitutional rules and does not require a law or administrative decision to support it.

In contrast, legitimate expectation arises only as a result of an administrative decision or an act by the administration. It applies only to specific relationships governed by that act and to particular

3- Ordinance No. 09/01, concerning the Supplementary Finance Law for the year 2009. Official Gazette, No. 44, dated July 26, 2009.

4- Legislative Decree No. 93/12, concerning the promotion of investment. Official Gazette, No. 60, dated October 10, 1993.

individuals who held a legitimate expectation based on the administration's conduct. If the administration later changes its approach in a way that contradicts those individuals' expectations — without sufficient justification dictated by urgent public interest — then legitimate expectation is violated.

Accordingly, legal security serves as the general framework, while legitimate expectation pertains to the individuals addressed by it, making it a part that completes the whole — the "legal principle" (Bouab & Hennan, 2020, p. 69).

In light of the foregoing, the continuity of legal conditions applies specifically to the investor who chose to establish projects within the territory of the state based on the incentives, information, and promises provided — all of which constitute the motivating factors for investment. Therefore, these expectations must be protected, as disregarding them could result in harm to the local or foreign investor.

3. The Impact of the Specificity of Business Criminal Law on Legal Security

Technological, industrial, and economic development has led to the emergence of new interests worthy of protection. This prompted most legislations to enact laws aimed at preserving human dignity and protecting these interests by criminalizing any act that constitutes an assault on them. The

goal is to regulate transactions, especially economic ones, and, more generally, to safeguard the economic system as a whole from deviation and fraud.

Due to the nature of the business field and its constant dynamism and instability, the application of criminal law rules — which are characterized by precision, clarity, and stability — has been met with objections from some jurists. However, the necessity of applying criminal law rules to offenses that may affect economic, financial, and commercial transactions in order to protect the economic system has resulted in business criminal law acquiring a particular specificity, deviating from the general rules of criminal law — especially the precision and clarity of legal rules. This deviation includes the use of vague, broad, and loose terms that require wide interpretation, which conflicts with the principle of legality and, in itself, undermines one of the requirements of legal security.

In light of the above, this section must address the impact of the specificity of business criminal law on legal security, as well as the effect of legislative inflation, as follows:

3.1 The Impact of the Specificity of Criminalization on Legal Security

It is well known that a crime is only established when its three elements — legal, material, and moral — are fulfilled, and these are determined by the legislative authority through legal texts. However, the specificity of business

criminal law has led the legislator to abandon this legal structure and resort to referring to authorities other than the legislative authority through what is known as legislative delegation. This is in addition to the vagueness of the material element and the weakness of the moral element. Accordingly, it is necessary to address these specific features affecting the elements of the crime, which represent a departure from general rules and to examine their impact on legal security as follows:

3.1.1 Legislative Delegation

Criminal laws have consistently upheld the principle of legality, which means that there is no crime and no punishment without a legal text. A person cannot be held accountable for an act that the law has not previously criminalized.

Accordingly, the most important consequences of this principle are:

- The sole source is the penal rule — that is, the legislative text only, excluding all other sources.
- The non-retroactivity of penal rules.
- The strict interpretation of the Penal Code provisions.

However, these fundamental principles of criminal legality have seen a decline in the field of business criminal law, where the executive authority now plays a role in criminal legislation. This is referred to as the phenomenon of legislative delegation, one of the most

prominent mechanisms introduced in the economic domain. It is among the greatest violations of legal security, as it involves the legislative authority relinquishing part of its constitutionally assigned powers to the executive authority — powers that belong to it exclusively, except in specifically enumerated cases.

Thus, it becomes clear that legal security is undermined by the ambiguity surrounding penal legal rules in business criminal law, which grants the judge discretionary power in interpreting them. This deviates from the original principle of applying the law most favorable to the accused.

As mentioned earlier, one of the most important foundations and requirements of legal security is the clarity and simplicity that legal rules must possess so individuals can determine what is permitted and what is prohibited — without being subjected over time to excessive or unexpected changes. This is particularly critical considering the possibility of judges resorting to broad interpretation, which may not align with the expectations of the parties involved and may affect legal positions, resulting in harm. This ultimately deters investors.

3.1.2 The Specificity of the Material Element and Its Impact on Legal Security

According to general rules, the material element of a crime is based on three components: the criminal behavior, the criminal result, and the causal link between them. However, in business

crimes, most of which are considered serious offenses, the occurrence of a criminal result is not required. This has led jurists to divide business criminal law into two types: material crimes, which require the occurrence of a result, such as fraud; and formal or conduct-based crimes, where the material element does not require a result, such as forgery, money laundering, and also the crime of illicit speculation as stipulated in (Law No. 21/15, 2021). In this last case, the basis of criminalization was to counter potential danger and prevent harm that may affect the economic interest. Thus, criminalization in the field of business is characterized by a preventive aspect, which affects legal security — a concept that requires, in order to protect individuals and their legal positions, a return to the fundamentals of legislation through the study of criminal behavior and its relation to the criminal result.

Additionally, the resort to legislative delegation has had a negative effect on the quality of legal drafting, leading to the use of vague terminology that allows for analogy and broad interpretation, or the use of terms that are unclear and legally undefined. This is the case, for example, with the crime of abuse of company funds — an act defined and punishable under Article 811 of the Commercial Code⁵ — which contains ambiguous and legally unbounded terminology. This represents a breach of legal security. Furthermore, legislative delegation adopted in business

crimes has led to legislative inflation due to the abundance of scattered legal texts, which has prevented the establishment of sound legal drafting in business crimes, even for experts. This is compounded by the weakness of those tasked with legislation, which contradicts the legal security enshrined in the Constitution for the purpose of protecting individuals subject to the law through clarity of legal texts to avoid interpretation or broad construction.

3.1.3 The Specificity of the Moral Element and Its Impact on Legal Security

For a crime to be established, its moral element must be present — that is, the presence of knowledge and intent, whether in intentional or unintentional crimes. In traditional crimes, motives may include revenge, retaliation, or financial harm only. However, in business crimes, the legislator equated intent with negligence, and thereby equated intentional fault with unintentional fault. This has caused the legislator to fall into contradictions between decriminalization and criminalization, sometimes excluding the moral element and at other times presuming it. As a result, the burden of proof shifts from the public prosecution to the accused. This constitutes a departure from the basic rule that the moral element must be present in all crimes, whether intentional (criminal intent) or

5- Ordinance No. 75/59, including the amended and supplemented Commercial Code. Official Gazette, No. 78, dated September 30, 1975.

unintentional (criminal negligence).

Accordingly, presuming guilt in business criminal law — as in Article 281⁶ of the Customs Code, which states: "Offenders may not be acquitted based on their intention, nor may tax penalties be reduced" — is a violation of the principle of legal security, which underpins judicial security. Judicial security is based on the principle of the personal conviction of the criminal judge and the principle of the presumption of innocence, one consequence of which is that doubt is interpreted in favor of the accused. A judgment must be passed on the accused only in accordance with what the law requires, and the moral element must not be disregarded.

3.2 Legislative Inflation

The legislator's effort to keep pace with developments and newly emerging crimes in all fields, including the business sector, and the desire to promote the economic sector and achieve economic development, led to an overproduction of legal texts, especially criminal ones. This resulted in the negative phenomenon known as criminal legislative inflation, which is defined jurisprudentially as: "The increase of criminal rules to the extent that they become unmanageable by specialists and impossible to fully comprehend, even for ordinary individuals, due to the abundance of legal texts which have branched into special

legal provisions (Drou Malouh Al-Taie & Kazem Saud, 2022, p. 46)."

Applying this definition to the rules of business criminal law, we find it fits perfectly. The dispersion, fragmentation, and abundance of legal texts — characterized by vague, imprecise, and loosely drafted terminology due to legislative delegation — have resulted in specialists being unable to fully grasp or understand them in a consistent manner, due to the potential for multiple interpretations of the same text. Furthermore, the scattering and fragmentation of legal texts regulating the business field, especially the criminal framework, across general laws such as the Penal Code and the Commercial Code — which deviates from the norm — as well as special laws like the Consumer Law, the Currency and Credit Law, the Competition Law, the Investment Law, and other laws governing specific issues in the business domain, have made it so that those charged with their application and those subject to them are unaware of all these texts. This constitutes legislative inflation that clearly undermines legal security, its requirements, and its previously mentioned foundations.

Accordingly, legislative inflation has a clear impact on one of the pillars of legal security. The excessive proliferation of legal texts negatively affects access to legal rules, both materially and morally. The inability to access the law is caused

6- Law No. 79/07, including the amended and supplemented Customs Code. Official Gazette, No. 30, dated July 24, 1979.

by legislative inflation, which obstructs it and contradicts the necessary clarity of laws due to the existence of conflicts and contradictions between some legal texts. This has a direct impact on investment in Algeria by deterring both local and foreign investors.

Legislative inflation also affects the principle of legitimate expectation, especially in the absence of a defined standard for determining whether the new law contradicts or surprises individuals' expectations. This occurs when criminal legislation intervenes unjustifiably, thus undermining this principle by making expectations impossible due to the abundance of laws and amendments. To avoid this, the legislator must refrain from making sudden changes to legal rules so as not to undermine individuals' trust in the law (Drou Malouh Al-Taie & Kazem Saud, 2022, pp. 60-61).

As for legal stability, successive amendments to legal texts without a significant time interval should be avoided, as this affects the legal positions upon which legal security is based.

The use of flexible legal drafting also compromises legal security, as it allows for broad interpretation of legal texts by judges, which can lead to a departure from the legislator's original intent. This underscores the need to adopt rigid (precise and fixed) legal drafting, which is more suitable for maintaining legal security and, consequently, for attracting investment and both local and foreign investors.

4. CONCLUSION

Legal security, as one of the constitutionally enshrined principles confirmed by Law 22/18 on investment, plays an important role in attracting local and foreign investors when the foundations and requirements on which it is based are realized. These lead to the stability of individuals' legal positions, which grants them confidence and reassurance.

However, the substantive and procedural particularities of business criminal law have clearly affected legal security. These challenges and obstacles must be overcome in order to seriously and effectively promote economic development.

Through this study, we have reached the following results and recommendations:

4.1 Results

- Legal security is one of the principles enshrined in the 2020 Constitution through Article 34 and confirmed by the legislator in Law 22/18 on investment through Article 13. This was done to preserve legal positions and foster confidence and reassurance among investors.
- Legal security is based on foundations and requirements that are essentially reflected in the clarity and accessibility of legal rules, as well as in the principle of non-retroactivity of new legal texts on facts and legal positions established under previous laws.

This ensures legislative stability, which is a key factor in attracting investment and investors.

- The specificity of business criminal law and its deviation from the fundamental rules of criminal law — particularly through the adaptation of criminal law in the business field, especially in relation to criminal legality — by the legislative authority relinquishing some of its powers to the executive authority (known as legislative delegation), has resulted in legal texts containing vague, imprecise, and undefined terminology, which contradicts the principle of legal security.
- Legislative inflation in the business field has led to the creation of legal texts that lack sound legal drafting due to delegation of legislation to non-legislative bodies, in addition to the conflict and inconsistency that may arise between certain legal texts. This has had a clear impact on legal security.

4.2 Recommendations:

Based on these results, we have reached a set of recommendations:

- Avoid legislative delegation and maintain legislation as the exclusive competence of the legislative authority, except in cases explicitly permitted by the Constitution, in order to protect

rights and freedoms.

- The adaptation of criminal law in the business field requires legislative delegation to bodies composed of specialists to draft legal texts in a clear, simple, and specific manner, and with high-quality formulation to achieve legal security, thereby reducing excessive criminal legislation and its resulting negative effects.
- The necessity of compiling legal texts governing business crimes into a single code to facilitate access to the law and preserve harmony and consistency among legal texts, thus avoiding the conflicts and contradictions that may affect some legal provisions and contradict the principle of legal security.

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