



Unfair competition lawsuit as a mechanism to limit restrictive practices

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Abstract ;

The principle of freedom of competition is considered one of the basic pillars that guarantee merchants the right to compete with each other. However, in many cases the matter may amount to a competitor exceeding the limits of freedom of trade, by resorting to fraud and using methods and means that are harmful to the competitor, which results in unfair competition. Which prompted the Algerian legislator to regulate practices restricting competition through Ordinance No. 03-03 relating to competition, amended and supplemented, and also Law No. 04-02 specifying the rules applied to commercial practices, amended and supplemented, where the economic aid was granted the right to resort to the judiciary under a lawsuit, which is a means to which it resorts. A request for compensation for the damage suffered as a result of acts of unfair competition.

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1. Introduction

Trade is based on the principle of freedom of competition. this principle reflects the natural tendency that encourages efforts to achieve excellence, which has emerged as a result of the change in the global economic sector. it is based mainly on the adoption of the principle of freedom in the fields of industry and trade, which is to expand the scope of competition between institutions, whether through the provision of innovative products and services or through increasing productivity and improving the quality of products and services, through compliance with the principles of integrity and justice in competition, and refrain from harmful behaviors that violate the rules of fair competition.

It is important to have a joint effort to promote economic and commercial freedom through the development of laws and legislation that protect the rights of competition and economic aid and ensure the fight against any encroachments or encroachments on these rights. industrial and commercial freedom promotes economic development and contributes to the achievement of progress and prosperity around the world.

The radical changes witnessed in Algeria, represented by the transition from a directed economy system to a market economy system based on the regulation of economic relations, prompted the Algerian legislator to consecrate the principle of freedom of industry and trade enshrined in Article 37 of the constitutional amendment of 1996 for the first time in Algeria¹, to be later amended by Article 43 of the

constitutional amendment of 2016 and replaced by the principle of "freedom of investment and trade", and then the principle of freedom of trade, investment² and entrepreneurship under the constitutional amendment of 2020³

This is stated in order No. 03/03 of July 19, 2003 on competition⁴, which attempted to enshrine the principle of competition and market control while criminalizing unfair competition that harmed competition and the national economy .the Algerian system was subsequently strengthened by Law No. 04-02 of June 23, 2004 on the rules applicable to business practices⁵

From this standpoint, the research problem can be formulated as follows:

How effective is an unfair competition lawsuit in reducing restrictive practices of competition?

The first axis: the concept of unfair competition

Freedom of competition requires allowing economic agents to reach customers by all available marketing means or rules, unless this is based on illegal or illegal methods. Also, if unfair competition meets the conditions for its realization, whoever enters it can be the subject of judicial prosecution through what is Known as an unfair competition lawsuit.

Accordingly, we will discuss the definition of unfair competition, then its form

First: Definition of unfair competition

Trade is based on freedom of competition, which is based on clean and fair trade customs, through which merchants seek to attract customers and promote their products. Competition has the ability to

always drive innovation and act as an effective incentive for creativity in commercial, industrial and service life, achieving the best results and profits.

The term unfair competition may be considered one of the modern terms, and the definitions of unfair competition have varied, including legal definitions, jurisprudential definitions, and judicial definition:

A. Legal definition of unfair competition

There is no definition of unfair competition in Algerian legislation, but the term came under the name of restrictive or anti-competitive practices, and this is in Order No. 03-03 related to competition.

The legislator also stated in Order No. 04-02, which specified the rules applied to commercial practices, which may be either in the form of illegal commercial practices or abusive practices.

B. The jurisprudential definition of unfair competition

Jurisprudence has provided many definitions of unfair competition, including:

Unfair competition is defined as: “the merchant’s use of methods that violate the rules or commercial customs or that are contrary to honesty and honesty when dealing in the field of commerce.”

There is another definition that says: “Unfair competition is competition that violates the law in what it orders or prohibits.”

C. Judicial definition of unfair competition

The Algerian judiciary did not define unfair competition, unlike the Egyptian and

French judiciary, due to the absence of judicial jurisprudence. A definition of this term was developed by looking at jurisprudence, jurists, and comparative legislation. Unfair competition, from the judiciary’s point of view, acquired the character of illegality as a result of the means used in it being illegal to some extent. The same, because unfair competition is inherently unfair if it does not deviate from its legal framework and adopts legal methods with honor, integrity, uprightness and honesty from the competitors among themselves⁶.

Second: Forms of unfair competition

Unfair competition is every action in the field of trade, industry, finance, services, or other fields carried out by a person that would cause harm to a competing person, or achieve gains upon gains at his own expense, by following legally prohibited means.

With the pace of economic development and the expansion of the scope of competition, this led to the emergence of forms of unfair competition, which in turn was regulated by the Algerian legislator under the title of unfair commercial practices.

1. Acts of confusion between products or projects

Provoking confusion in the mind of the consumer is one of the oldest acts of unfair competition. Thus, it can be defined as every behavior that would cause the consumer to become confused, creating confusion in his mind between a competitor’s establishment and a competing establishment, or between the source of two different goods of the same

category, or between their characteristics due to desire. In order to replace the real competitor, or to present the first product as identical to the second or of the same quality, in order to benefit from its fame and exploit customers' trust in it and divert them from it to achieve unrealized gains at his expense⁷.

It is clear from the above that confusion in the minds of consumers occurs by harming one of the elements of the commercial store that is protected by law, such as industrial and commercial property rights. In this case, what constitutes unfair competition is not the counterfeiting of those rights, but rather the creation of confusion in the minds of customers about that counterfeiting⁸.

A. Imitating or counterfeiting the distinctive trademark of a store or institution:

One of the most important manifestations of unfair competition that affects the principle of integrity on which trade is based is imitation and counterfeiting, which are among the most important methods prohibited by law and criminalized by legislation, including imitation of trademarks.

The legislator also stipulated the imitation of marks, in the text of Article 27 in its second paragraph of Order No. 04/02 relating and specifying the rules applied to commercial practices, by saying: "Imitating the distinctive marks of a competing economic entity or imitating its products or services or the advertising it carries out, with the intention of gaining customers." This helps him plant doubts and illusions in the mind of the consumer."

The trademark is one of the most important intangible elements that make up the commercial store, because consumers search for the trademark and on its basis they judge the product. Its importance may exceed the trade name, as the trademark has basic functions that it performs, which are:

Distinguishing a project's products or services.

Reference to a specific project, i.e. indicating the origin of goods or services.

Indicating the quality of products or services.

Enhancing the marketing and sale of products and the marketing and provision of services, as they must attract the attention of the consumer, arouse his interest, and be a source of trust⁹.

These practices are illegal and harm the economic aid on the one hand and the consumer on the other hand.

B. Imitating the trade name:

Imitating a trade name or attacking it entitles its owner to file an unfair competition lawsuit to protect it. In this regard, the court may decide whatever it deems appropriate to prevent harm. It may also order the addition of any statement or amendment to the trade name so that it does not resemble others, in order to prevent any confusion or confusion between The audience.

So that the trade name is considered part of the commercial store, and this is what is stipulated in Article 79 of the Commercial Code. It is a designation that the merchant uses to distinguish his store from other stores. It has an important practical benefit,

as it is thus a means of communication between the merchant and customers. The Algerian legislator defined it in Article 01. From Order No. 03/06 regarding trademarks by saying: "Trade name: the designation or address that identifies the institution¹⁰."

It is considered unfair competition to exploit a technical or commercial skill without a license from its owner, as the multiplicity of users of this skill does not lead to confusion and confusion in the mind of the consumer¹¹, but it does lead to the displacement of the person who owns the technology, which reflects negatively on the consumer dealing with this person due to his withdrawal. From the market, which reduces the chances of obtaining goods or services, eliminating competition in the market¹².

C- Imitating advertising methods :

The legislator defined, within Order No. 04/02, which specifies the rules applied to commercial practices, advertising by saying: "Every advertisement that aims, directly or indirectly, to promote or sell goods or services, regardless of the place or means of communication used."

According to the definition provided by the legislator; However, he specified each of the goods and services that are the subject of advertising in such a way that it is commercial advertising. In his explanation of advertising, he focused on the goal of promotion, based on the one hand on his expansion of the means of communication that are used in advertising, in addition to his reliance on any place for advertising, and on the other hand. Taking into account the direct or indirect method of advertising¹³.

It is therefore considered an act of unfair competition to imitate advertising methods in such a way that they affect the most important elements of the commercial store, which is the element of communicating with customers¹⁴.

2. Actions aimed at harming the merchant's reputation and degrading him

A competitor may distort the image of the other competitor by distorting his personal reputation or his business for the purpose of taking over his customers by accusing him of not being sincere in his work and not being serious, as well as exploiting national and religious feelings. This is intended to distinguish between merchants if there is a foreigner among them, and this practice is considered illegal. Honest in the custom of the profession, so the Algerian legislator prohibited it in Article 27 of Order No. 04/02, which reads: "Commercial practices are considered dishonest within the meaning of the provisions of this law, especially those practices through which economic aid does the following:

Distorting the reputation of a competing economic agent by publishing bad information that affects his person, products or services¹⁵.

The distortion was not limited only to the merchant's person, but went beyond that to distort his products and services. These are considered illegal practices against the merchant, as stipulated in Article 27 of Order 04/02.

3. Actions aimed at causing disturbance in the competing project or the market

Illegal acts result from any action carried out by a competing merchant that causes disturbance in the competing enterprise, whether by inciting his workers to leave work or by disrupting the internal balance of the competing enterprise by means of industrial espionage and broadcasting the merchant's secrets or by conveying how and how he works¹⁶.

Disturbances are also created in the competing project by each economic agent selling a commodity at a price lower than the real cost price, unless these practices deviate from the rules of competition in the market, or can limit them.

The legislator has prohibited the process of manipulating prices. It is not permissible to lower or raise them except by respecting certain conditions, the most important of which is not selling at a price lower than the real cost price. Market developments must also be approved. This was stipulated in Article 172 of the Penal Code by saying: "He is considered to have committed a crime." Illegal speculation is anyone who causes an artificial increase or decrease in prices by deliberately promoting false news among the public..."

The second axis: The role of the ordinary and criminal judiciary in unfair competition lawsuits

The Algerian legislator authorized every economic aid affected by practices restricting competition and illegal commercial practices to file a lawsuit before the civil or commercial judicial authorities for the purpose of invalidating it

and compensating for the damage he suffered, in addition to filing a lawsuit before the criminal judicial authorities against those responsible for these illegal commercial practices.

This is why the role of the judiciary is evident in enforcing the law by limiting unfair competition. Accordingly, through this axis, we touched on the role of the regular judicial authorities, the authority to confront and invalidate practices that restrict competition and commercial practices, as well as compensate those affected by them. Then we return to the role of the criminal judiciary.

First: The role of the civil judiciary in unfair competition lawsuits:

The Algerian legislator stated, through Article 48 of Order No.: 03-03, that every natural or legal person who considers himself harmed as a result of an unlawfully anti-competitive practice has the right to file a lawsuit seeking compensation for the damage he has suffered, as permitted through Article 13 of the same order. The authority to file a lawsuit to nullify acts of unfair competition.

1. Claim for compensation for acts of unfair competition

The civil judge has the discretion to award compensation for damages resulting from practices that restrict competition, and he has the authority to estimate their percentage. Therefore, deciding on a compensation claim is an inherent jurisdiction of the judiciary. Therefore, the Algerian legislator did not authorize the Competition Council, as an economic control authority, to take the decision to order the payment of compensation for

damages resulting from these restrictive practices. To compete, as stipulated in the aforementioned Article 48.

The compensation claim is a mechanism given by the legislator to the injured party, whereby he can redress and compensate for the damages incurred as a result of the violations restricting competition¹⁷.

In order for the civil judge to be able to award compensation in favor of the injured party from an anti-competitive practice, she must ensure that the conditions for tort liability are met, namely for error, damage, and the causal relationship between them. The legislator gave the judge to rule on forms of unfair competition without any difficulty, as there is no civil liability without the presence of damage.

Accordingly, every injured person has the right to claim compensation to compensate for the damage he suffered as a result of the practice of unfair competition, but the Competition Law does not stipulate compensation provisions in this case, so in determining the type of compensation, its foundations and conditions, it refers to the Algerian Civil Code.

2. Suit for invalidation of unfair competition acts

Jurisdiction in this case rests with the civil judge, and therefore, according to what was stipulated in Article 13 of the aforementioned Competition Law, it states that: "Without prejudice to the provisions of Articles 8 and 9 of this order, every obligation, agreement, or contractual condition related to one of the practices prohibited under Articles 6, 7, and 10 shall be void." 11 and 12 above, and therefore it is not sufficient to award compensation in

an unfair competition lawsuit, and a court decision must be issued to stop the unfair competition acts, by taking the necessary measures to prevent the continuation of the illegal situation, such as stopping the production or sale of the product, or stopping providing The service whose provision involves a form of unfair competition, or stopping the broadcast of false or misleading advertising¹⁸.

What is noted from the text of Article 13 is that it came in general terms and did not specify the specialized bodies that invalidate these practices. Thus, invalidation of any of the obligations, contracts or conditions related to a practice that is anti-competitive is within the jurisdiction of all civil judicial courts, and the invalidation request is made at The level of the court and not the level of the Algerian Judicial Council, because the issue is not related to the appeal, but rather to the request to invalidate the contract, agreement, clause, or obligation arising from the prohibited agreement, whether the person is a legal or natural person, in accordance with what was stated in Article 48 of the previous Order No. 03/03. Mentioned, every interested party, even if he is not a party to the agreement, obligation, or arbitrary condition, has the right to resort to the judiciary, as the Competition Council and the Minister in charge of trade can order the invalidation of every obligation or condition that causes the practice of restricting competition, as long as they have an interest in that, which is to preserve On the general economic system¹⁹.

Whatever the case may be, and given that Article 13 does not specify the authority

competent to consider the invalidation claim, the civil court remains competent²⁰.

Filing an unfair competition lawsuit is not limited to compensating only the damage caused by the perpetrator of the illegal act. The law has permitted every interested party to take some precautionary measures in order to stop infringement on freedom of competition, such as stopping trademark infringement or stopping selling at low prices, which are practices that The judiciary can stop it before or during harm to others or the interested party²¹.

Precautionary measures may be filed before or during the compensation claim. The interested party may submit a request to the competent court to take the following measures:

Stopping the practice of this illegal competition, such as stopping reward sales.

Precautionary seizure of materials and products bearing the mark wherever they are found (such as seizure of counterfeit goods.)

Preserving evidence related to competition infringement.

If the interested party proves that a violation of his rights has become imminent, the competent authority shall decide on the issue of infringement of rights and order any action it deems appropriate when necessary. The purpose of making a precautionary seizure in an unfair competition lawsuit is to stop acts of unfair competition or prevent the concealment of objects that have been violated in order to present them as evidence in the lawsuit²².

A request to stop acts of unfair competition can be through stopping the production of

a product that carries a counterfeit trademark, stopping its sale, stopping providing a service that involves a form of unfair competition, or stopping the broadcast of false or misleading advertising. In addition to the compensation that the judge may award in the context of an unfair competition lawsuit, the defendant and the one who caused the damage can be sentenced to force him to stop practicing the act of unfair competition against the plaintiff. This is due to its specific nature, as is the case with potential damage, so that the damage does not continue²³.

3. Civil penalties in unfair competition lawsuit

Since unfree competition increases economic efficiency and profit generation, it does not prevent some economic operators, due to their ambitions, from engaging in some practices or activities that violate commercial laws and customs, which prompted the legislator to intervene in order to confront all similar behavior that may result in harms to competition.

In order to limit these practices, the Algerian legislator has permitted the economic operator and anyone harmed by them to resort to the judiciary to compensate for the damage he has suffered as a result of these practices. Here we differentiate between the part of stopping competition activities and the compensation penalty in an unfair competition lawsuit:

A- Penalty for stopping acts of unfair competition:

Suspension of work differs from compensation because the penalty in this

case is issued by stopping the works and practices by a ruling issued by the court to remove what is unlawful and in violation of general rules and the law. The ruling issued by stopping those works also aims to avoid falling into harm resulting from those works. The interested party submits a request to the court. competent to take any of the following actions:

1stopping the practice of such unfair competition, such as stopping reward sales.

2 Precautionary seizure of materials and products bearing the mark wherever they are found (such as seizure of counterfeit goods.)

3 Preserving evidence related to competition infringement²⁴

The goal of making this precautionary seizure in an unfair competition lawsuit is to stop all of the unfair competition acts or prevent the concealment of the objects that have been violated with the aim of submitting them as evidence in the lawsuit.

B- Compensation penalty in an unfair competition lawsuit:

The estimation of compensation rests with the discretionary authority of the judge, in accordance with what is stipulated in Article 131 of the Algerian Civil Code. The judge determines the method of compensation, taking into account the circumstances. Compensation for damage, as stipulated in Article 132 of the Algerian Civil Code, is in cash depending on the circumstances. Compensation can also be awarded for the damage resulting from the illegal act. Compensation for acts of unfair competition includes any damage, whether material or moral.

Moral compensation, as stipulated in Article 182 bis of the Algerian Civil Code, includes harming the merchant's reputation and honor, and harming freedom is moral harm that requires compensation for that harm²⁵.

Second: The role of the criminal judiciary in unfair competition lawsuits

The Algerian legislator intended to limit illegal practices that harm competition and impose penalties to deter and eliminate them, by strengthening the role of the criminal judge to protect competition from illegal practices and follow up on violations that harm competition in accordance with the application of the Algerian Code of Criminal Procedure and the Penal Code, provided that the act is legally criminal.

1. Initiating a public lawsuit in an unfair competition lawsuit:

The public lawsuit shall be initiated and initiated in accordance with the general rules of the Algerian Criminal Procedure Code by the Public Prosecution, and it may also be initiated by the aggrieved party, and this is in accordance with what was stated in Article 1 of the Criminal Procedure, which stipulates the following: "The public lawsuit for the application of penalties shall be initiated and conducted by men." The judiciary or the employees entrusted to them under this law, and the injured party may also file this lawsuit in accordance with the conditions specified in this law.

The application of the provisions of the law is based on its responsibility to preserve public economic order. Consumer protection associations and professional associations established in accordance with

the law have the right to file a lawsuit before justice against every economic aid that violates the provisions of this law. They can also establish themselves as a civil party in lawsuits to obtain compensation for the damage they have suffered. A natural person may file a public lawsuit based on a complaint accompanied by a civil claim in accordance with what is stipulated in Article 72 of the Criminal Procedure Code.

An unfair competition lawsuit is a commercial lawsuit that is decided by the civil judiciary. However, the acts of unfair competition may go beyond and are determined to be crimes subject to judicial prosecution that affect the interests of society. These crimes may cause damage to the national economy as a whole, which necessitates the Public Prosecution, being the representative of society, to Public lawsuits are brought before the criminal courts with the aim of combating illegal practices. They can also be brought by the person harmed by these crimes.

2. Criminal penalties in an unfair competition lawsuit:

The Algerian legislator, through Order No. 03-03 relating to competition and Order 04-02 relating to determining the rules applicable to commercial practices, as well as the law relating to consumer protection and suppression of fraud, as well as the commercial law and some other laws, imposed penalties on those who commit anti-competitive acts in order to give The economic movement is more flexible across all stages that the product passes through, in addition to protecting competitors on the one hand and protecting the consumer on the other hand.

the Algerian legislator stipulated in Article 31 of Law No. 04-02 relating to the rules applied to commercial practices, the penalty for failure to inform of prices and tariffs in violation of the provisions of Articles 04, 06 and 07 of this law, is a penalty of a financial fine estimated at five thousand dinars (50,000) to one hundred dinars. One thousand Algerian dinars (100,000). (

As for the illegal commercial practices stipulated in Articles 15 to 20 in the first chapter of Chapter Three, they shall be punished with a fine from one hundred thousand dinars (100,000) DZD to three million dinars (30,000,000) DZD, as stipulated in Article 35 of the order. Himself.

Likewise, for illegal pricing practices that are punishable in accordance with Article 36 of the same order with a fine from twenty thousand dinars (20,000) DZD to two hundred thousand dinars (200,000) DZD, which are:

_Selling goods or providing services that are not subject to the price freedom system.

_Practices that aim to make false statements about cost prices with the aim of influencing the prices of goods and services that are not subject to the price freedom system, or any practice that aims to illegally increase prices.

In addition to the case of fraudulent practices stipulated in Article 37 of the previous order, its penalty was estimated at a fine ranging from three hundred thousand dinars (300,000) DZD to ten million dinars (10,000,000) DZD.

Article 38 of the aforementioned order also stipulates arbitrary contractual

practices, the penalty for which is a fine of fifty thousand (50,000) DZD to five million (50,000,000) DZD. It is clear that Law No. 04-02 relating to the rules applied to commercial practices stipulated penalties of financial fines for practices, as it increased the value of the fine whenever the practices constituted greater harm to the consumer and the economic market, and this is not compatible with the system proposed by the general rules because it does not mention the penalty. Civilian on these practices.

4. Conclusion

It is clear from the above that the Algerian legislator devoted the unfair competition lawsuit to protect economic aid from anti-competitive practices. In fact, the legislator did well in regulating its rules by prohibiting every practice that would restrict competition in the market to protect the market through Order No. 03-03, which attempted to During which it comprehended various practices that would restrict competition, in addition to the law related to the rules applied to commercial practices No. 04-02, which specified all practices that fall within the framework of illegality, with the imposition of strict penalties by imposing fines up to their maximum limit.

Through this study we reached the following results:

1_We found that the Algerian legislator, through Ordinance No. 03-03 relating to competition and Law No. 04-02 relating to the rules applied to commercial practices, stipulated civil penalties, through which it established the penalty of imprisonment in the event of recidivism only, but they are

insufficient in deterring anti-competitive practices

2_The scarcity of judicial jurisprudence in the field of competition, as well as the absence of judges specialized in the field of competition, in addition to the lack of cultural awareness among economic operators in practicing commercial activities in accordance with the principle of freedom of competition without exceeding it to illegal and anti-competitive practices.

After we have presented the most important results reached, we will address the recommendations that represent two pillars of this study as follows:

1_The ambiguity must be removed and the legal gaps and deficiencies that the texts of Algerian legislation suffer from are filled, especially the two new laws, namely the Competition Law 03/03 and the Commercial Practices Law 04/02, and the legal void related to civil penalties for violations stipulated in the Commercial Practices Law 04/02 must be filled with a penalty determination. Imprisonment as an original punishment instead of being imposed in the case of recidivism only, as it is a tool of deterrence and a complement to legal protection.

2_Researching specialization by granting some courts the jurisdiction to look into anti-competitive practices and not others, and providing them with competent specialized judges to avoid conflicts with the rulings issued within the framework on the one hand and to encourage judicial jurisprudence in the matter of competition and commercial practices on the other hand, as well as working to spread a legal culture. Competitiveness to achieve

freedom and transparency of competition and to be convinced of the role of the competent authorities in the field of competition in addressing and not obstructing it.

First: Legal Texts

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- 3- Constitutional Amendment of 2020, issued by Presidential Decree No. 20-442 dated December 30, 2020, approved in the referendum on November 1, 2020, Vol. R, No. 82, dated December 30, 2020.
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- 5- Order No. 04-02 dated June 23, 2004, determining the rules applicable to commercial practices, Official Gazette, No. 41, issued in 2004, as amended.

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² Constitutional Amendment of 2016, issued pursuant to Law No. 16-01, dated: March 6, 2016, Volume R, Number 14, dated March 7, 2016

³ Constitutional Amendment of 2020, issued pursuant to Presidential Decree No. 20-442, dated December 30, 2020, approved in the referendum on November 1, 2020, Volume R, Number 82, dated December 30, 2020.

⁴ Order No. 03/03 dated July 19, 2003, concerning competition, Official Gazette, Number 43 dated July 20, 2003, as amended and supplemented.

⁵ Law No. 04-02 dated June 23, 2004, which establishes the rules applicable to commercial practices, Official Gazette, Number 41, issued in 2004, as amended and supplemented.

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⁷ Saleha Al-Omari, "Forms of Unfair Competition according to the Paris Convention for the Protection of Industrial Property Rights and its Legal Framework in Algerian Legislation," Journal of Legal and Political Sciences, Issue 17, Algeria, 2018, p. 305.

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¹⁵ Miftah Brahmi, op. cit., p. 22

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¹⁷ Boujemil Adel, "The Liability of the Economic Agent for Restrictive Practices of Competition in Algerian Law," Master's thesis in Law, Faculty of Law and Political Science

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²² Ferial Boukhalkhal, Ayoub Zidane, op. cit., pp. 75.

²³ -Ferial Boukhalkhal, Ayoub Zidane, op. cit., pp. 75-76.

²⁴ -Article 650 of the Code of Civil and Administrative Procedures states: "Any person who has a registered and legally protected invention or production may, provisionally, seize a sample of the goods or models of the imitated products."

²⁵ Article 182 bis of the Algerian Civil Code: "Moral compensation encompasses any infringement upon freedom, honor, or reputation."