



THE SETTLEMENT FINE IN CONSUMER PROTECTION AND ANTI-FRAUD LAW: BALANCING
ENFORCEMENT AND LEGAL CERTAINTY FOR ECONOMIC OPERATORS (LAW NO. 09-03, AS
AMENDED)

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NO. 09-03, AS AMENDED)**

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Abstract:

This paper explores the settlement fine as an innovative legislative mechanism introduced in the amended and supplemented Consumer Protection and Fraud Suppression Law No. 09-03. By enabling more robust safeguards for consumers against commercial fraud perpetrated by economic operators, it simultaneously offers a pathway for these operators to avoid judicial prosecution when non-compliance arises. Under this framework, fraud repression officers are empowered to impose settlement fines for specific offenses that endanger consumer health and safety, particularly fraud-related acts punishable by pecuniary sanctions. Nonetheless, the legislator has deliberately excluded from this scope a range of more serious infractions—especially those subject to custodial sentences.

Keywords: settlement fine, commercial fraud, consumer, economic operator, violations, public prosecution, judicial proceedings.

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Introduction:

The settlement fine is a legislative mechanism introduced under the amended and supplemented Consumer Protection and Fraud Suppression Law No. 09-03¹. It serves a dual purpose: first, to reinforce consumer protection by addressing unlawful commercial practices², and second, to provide economic operators with an alternative to judicial prosecution for specific infractions³.

Notably, the scope of the settlement fine extends beyond cases of fraud covered under this law. The Algerian legislator has also incorporated this mechanism into other legal frameworks, including Law No. 18-05 on Electronic Commerce⁴, thereby strengthening protections for consumers engaged in digital transactions against fraudulent practices. Additionally, *Law No. 04-02*, which regulates commercial practices, as amended and supplemented, addresses this mechanism under Article 61, where it is designated as a “conciliation fine.”⁵

The legal foundation for the settlement fine under the Consumer Protection and Fraud Suppression Law No. 09-03 is set forth in Chapter Five, spanning Articles 86 to 93. This mechanism seeks to balance two fundamental objectives: safeguarding consumers from fraudulent activities perpetrated by economic operators while affording those operators a legal avenue to avoid criminal prosecution by decriminalizing certain violations.

Accordingly, this study raises the following key question: To what extent has the Algerian legislator successfully achieved equilibrium between consumer protection and economic operator safeguards through the settlement fine? Furthermore, how effective was this mechanism in deterring fraudulent commercial practices and upholding consumer rights?

To address these questions, the study is structured as follows:

I. Characteristics of the Settlement Fine under Law No. 09-03

- **Section One:** The Legal Nature of the Settlement Fine
- **Section Two:** Competent Authorities for the Imposition of the Settlement Fine

II. The Implementation of the Settlement Fine under Law No. 09-03

- **Section One:** The Scope of Application and Exceptions to the Settlement Fine
- **Section Two:** Procedural Aspects and Legal Ramifications of the Settlement Fine

THE FIRST TOPIC: CHARACTERISTICS OF THE SETTLEMENT FINE UNDER LAW No. 09-03

The settlement fine, as established under Article 86 of the amended and supplemented Consumer Protection and Fraud Suppression Law No. 09-03, embodies a distinct legal mechanism designed to resolve disputes before they escalate into formal judicial proceedings. It functions as an intermediary measure,



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balancing the interests of consumer protection and regulatory enforcement while providing economic operators with an alternative to criminal prosecution (*Section One*). The law further grants specific enforcement authorities the power to impose this fine on economic operators found in violation of consumer protection regulations (*Section Two*).

SECTION ONE: THE LEGAL NATURE OF THE SETTLEMENT FINE

To fully grasp the legal nature of the settlement fine, it is necessary to first define its scope and function (*Subsection One*) before examining its legal characterization within the broader framework of administrative and criminal law (*Subsection Two*).

1.1. SUBSECTION ONE: DEFINING THE SETTLEMENT FINE

While Consumer Protection and Fraud Suppression Law No. 09-03, as amended and supplemented, outlines the procedural framework, applicable infractions, and enforcement authorities responsible for imposing the settlement fine, it does not explicitly define the concept itself. However, an analysis of its legal provisions allows for a precise formulation of its definition.

The settlement fine can be understood as a monetary penalty imposed by judicial police officers and designated regulatory agents on economic operators who commit statutory violations under consumer protection law. It operates as a legally sanctioned alternative to criminal prosecution, allowing the offender to avoid formal judicial proceedings and statutory penalties while extinguishing public prosecution for the offense.

More broadly, it may be described as a financial sanction levied against economic operators involved in the commercial distribution of goods or services, who are found to have breached consumer protection regulations. By opting to pay the fine, the offending party avoids judicial litigation and the potential consequences of a criminal conviction⁶.

At its core, the settlement fine serves as an administrative alternative to prosecution, enabling the resolution of regulatory violations through extrajudicial means. This mechanism ensures that public action is terminated once the fine is paid, effectively concluding the dispute without the imposition of criminal sanctions⁷.

Beyond its procedural function, the settlement fine represents a preventive regulatory tool aimed at alleviating the burden on judicial institutions⁸ while reinforcing market discipline. By incentivizing compliance through financial penalties rather than criminal prosecution, the legislator seeks to deter fraudulent commercial practices that threaten consumer rights and market integrity.



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Ultimately, the settlement fine reflects a consensual agreement between the competent administrative authority—in charge of consumer protection—and the non-compliant economic operator. By opting for this extrajudicial procedure, the operator agrees to pay a prescribed sum in lieu of facing criminal charges⁹.

1.2. SUBSECTION TWO: THE LEGAL CLASSIFICATION OF THE SETTLEMENT FINE

Under the amended and supplemented Consumer Protection and Fraud Suppression Law No. 09-03, the settlement fine stands as a non-judicial mechanism and an administrative means of dispute resolution. It is applied by the competent consumer protection authority in lieu of pursuing court proceedings or initiating public prosecution against the offending economic operator.

From a legal standpoint, this fine functions as a punitive and deterrent sanction levied upon an operator who has committed one of the statutorily defined infractions under the consumer protection framework. In such instances, the operator is compelled to pay a monetary penalty commensurate with the nature of the violation, as outlined in Article 88 of the aforementioned law.

Crucially, the settlement fine under this legislative regime is not intended as a consensual agreement between the operator and the enforcement officers. Rather, it is a legally prescribed measure activated when certain infractions arise. This is evident from the wording of Article 86—which constitutes the statutory basis for the settlement fine—empowering designated officials to “impose a settlement fine on the offender.” The offender is thus presented with the choice of complying with the imposed financial penalty or facing judicial proceedings. Moreover, the enforcement officers themselves exercise discretion as to whether imposing the fine is warranted in each case.

By contrast, the settlement fine mechanism in *Law No. 18-05 on Electronic Commerce* adopts a more consensual posture: under Article 36 of that statute, enforcement officers must formally propose the settlement procedure to electronic service providers who commit offenses¹⁰.

2. SECTION TWO: COMPETENT AUTHORITIES FOR THE IMPOSITION OF THE SETTLEMENT FINE

Under the amended and supplemented Consumer Protection and Fraud Suppression Law No. 09-03, the authority to impose a settlement fine on a non-compliant economic operator resides with the officials enumerated in Article 25. These include judicial police officers, duly authorized agents operating under



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special legislative provisions, and fraud repression agents affiliated with the ministry charged with consumer protection.

Once formally commissioned and sworn in, these fraud repression agents conduct product-conformity inspections. In fulfilling this mandate, they draw on diverse investigative methods, such as examining documentation, interviewing implicated economic operators, making on-site observations (with or without measurement instruments), and collecting samples for subsequent laboratory testing or analytical procedures¹¹.

Upon identifying a supplier's violation, the agents meticulously compile official reports detailing the dates, venues, and findings of their inspections, as well as the corresponding legal infringements and sanctions¹². Armed with these documented findings, the agents specified in Article 25 face a critical decision: they may elect to refer the case for public prosecution by submitting the reports to the competent judicial authorities, or they may opt instead to impose a settlement fine on the offending operator.

2.1. SUBSECTION ONE: JUDICIAL POLICE OFFICERS

Under Article 15 of the amended and supplemented Algerian Code of Criminal Procedure, the legislator delineates the category of judicial police officers, the designation of judicial police officer applies to the following individuals:

- Presidents of Municipal Popular Assemblies (Présidents des Assemblées Populaires Communales).
- Officers of the National Gendarmerie.
- Members of specialized oversight bodies, including police inspectors, commissioners, and national security officers.
- Non-commissioned officers (NCOs) of the National Gendarmerie, provided they have served for a minimum of three years and have been formally appointed through a joint decree issued by the Minister of Justice, Keeper of the Seals, and the Minister of National Defense, upon approval by a designated special committee.
- Officials within the National Security forces, including inspectors, wardens, and police agents who have completed at least three years of service. Their appointment is formalized by a joint decree issued by the Minister of Justice and the Minister of the Interior and Local Authorities, subject to prior approval by a specialized committee.
- Officers and NCOs assigned to military security services, specifically designated through a joint decree by the Minister of National Defense and the Minister of Justice.

2.2. SUBSECTION TWO: AGENTS AUTHORIZED UNDER SPECIALIZED LEGISLATIVE TEXTS



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In recognition of the particular nature of commercial fraud offenses, the Algerian legislator has delegated the task of detecting such offenses to certain categories of officials and administrative bodies. This delegation aligns with their expertise in fields pertinent to the offense¹³. Consequently, these specialized entities are responsible for overseeing the implementation of the *Consumer Protection and Fraud Suppression Law* through the investigation and verification of violations enumerated therein¹⁴.

Among these authorized agents are:

- **Customs officers**, who are empowered to carry out these duties under the *Customs Law*¹⁵.
- **Veterinary monitoring officers**, vested with broad powers regarding animal-based products under the legislation governing veterinary activities and the protection of animal health¹⁶.
- **Port inspection officers**, whose jurisdiction is defined by *Executive Decree No. 97-481*, as amended and supplemented.¹⁷

2.3. SUBSECTION THREE: FRAUD REPRESSION AGENTS UNDER THE MINISTRY RESPONSIBLE FOR CONSUMER PROTECTION

Under Executive Decree No. 09-415, the Algerian legislator has established a structured framework for fraud repression agents operating within the ministry responsible for consumer protection. These agents are divided into two specialized divisions, each tasked with distinct enforcement responsibilities. The first is the Fraud Repression Division, which comprises Fraud Repression Controllers (a category in the process of being phased out), Fraud Repression Investigators, and Fraud Repression Inspectors. The second is the Competition and Economic Investigations Division, which includes Competition and Economic Investigations Controllers (also being phased out), Competition and Economic Investigations Investigators, and Competition and Economic Investigations Inspectors¹⁸.

The Fraud Repression Controllers Corps consists of a single rank—Fraud Repression Controller—whose primary function is to detect and investigate violations of consumer protection and fraud suppression laws.

In addition to controllers, the Fraud Repression Investigators Corps is structured into three hierarchical ranks: Fraud Repression Investigator, Senior Fraud Repression Investigator, and Chief Senior Fraud Repression Investigator. Similarly, the Fraud Repression Inspectors Corps consists of three ranks: Senior Fraud Repression Inspector, Chief Senior Fraud Repression Inspector, and Principal Fraud Repression Inspector¹⁹.



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II. THE IMPLEMENTATION OF THE SETTLEMENT FINE UNDER LAW NO. 09-03

The enforcement of a settlement fine against non-compliant economic operators is subject to a set of legal constraints established under the amended and supplemented Consumer Protection and Fraud Suppression Law No. 09-03. Fraud repression agents entrusted with this enforcement power do not possess unfettered discretion in determining its application. Instead, their authority is strictly delineated by two key legal parameters: first, the scope of application set forth by the legislator (*Section One*), and second, the procedural safeguards that must be observed to ensure the fine produces its intended legal effects (*Section Two*).

1. SECTION ONE: THE SCOPE OF APPLICATION AND EXCEPTIONS TO THE SETTLEMENT FINE

Fraud repression agents are empowered to impose a settlement fine on an economic operator found to have committed a violation punishable under the amended and supplemented Consumer Protection and Fraud Suppression Law No. 09-03. However, this power is not absolute. The imposition of a settlement fine is confined to specific infractions explicitly enumerated in Article 88 of the law, which, as a general rule, prescribe monetary penalties as the primary form of sanction.

Nevertheless, the legislator has expressly excluded certain offenses from the settlement fine mechanism. Under Article 87, specific infractions are deemed too severe to be resolved through administrative conciliation, thereby requiring formal judicial proceedings.

1.1. SUBSECTION ONE: THE SCOPE OF APPLICATION OF THE SETTLEMENT FINE

The settlement fine may be imposed for the following offenses²⁰:

a. Lack of Food Safety

Among the foremost obligations imposed on economic operators under the Consumer Protection and Fraud Suppression Law is the requirement to ensure both the hygiene and health safety of food products. A breach of this statutory duty carries a monetary penalty ranging from 200,000 DZD to 500,000 DZD²¹.

Accordingly, any operator placing food products on the market must guarantee their safety and prevent any risk to consumer health. In particular, the operator must ensure that products are free from toxic contaminants in harmful quantities that could endanger human or animal well-being²².

b. Lack of Hygiene and Sanitary Standards for Food Products

Operators are not only obliged to maintain the safety of food products offered for consumption but must also uphold the hygiene and sanitary conditions of their staff, facilities, manufacturing or processing premises, and storage areas.



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Furthermore, they must ensure that vehicles used to transport these products comply with hygiene standards and that such products are neither spoiled by biological, chemical, or physical agents nor compromised by any equipment, utensils, or machinery meant to come into contact with food²³.

Failure to fulfill these hygiene-related obligations renders the negligent operator liable to a monetary penalty ranging from 50,000 DZD to 1,000,000 DZD²⁴.

c. Lack of Product Safety

Noncompliance with the requirement to ensure product safety also subjects the operator to a settlement fine. Article 73 of the Consumer Protection and Fraud Suppression Law imposes a monetary penalty ranging from 200,000 DZD to 500,000 DZD on operators who violate product safety standards.

Pursuant to the amended Law No. 09-03, the operator must guarantee the safety of products placed on the market in accordance with their intended and lawful use, ensuring they do not harm consumers' health, safety, or interests. In particular, this duty encompasses:

- The product's characteristics, composition, packaging, assembly, and maintenance;
- The likely interaction of the product with other items when used in combination;
- The product's labeling, presentation, any usage or disposal instructions, and all additional information provided by the manufacturer; and
- The heightened risk certain consumer categories, notably children, might face upon using the product²⁵.

d. Absence of Prior Conformity Control

Before introducing products into the market, operators are legally required to verify conformity so as to meet consumers' legitimate expectations regarding the product's nature, category, origin, essential characteristics, composition, requisite components, identity, quantity, suitability for use, associated risks, source, intended effects, and regulatory attributes—such as the date of manufacture, expiry date, or storage conditions²⁶.

Failure to conduct these preliminary checks constitutes an omission offense, arising the moment an operator neglects to undertake the prescribed inspections and testing at the various stages of production prior to commercialization. Establishing harm is unnecessary for the offense to materialize; mere noncompliance jeopardizes consumer interests and infringes upon their rights²⁷.

Under Article 74 of the amended *Law No. 09-03*, violators face a monetary penalty ranging from 50,000 DZD to 500,000 DZD. Consequently, a noncompliant operator must choose between undergoing judicial proceedings and paying the statutory fine, or opting for the settlement fine as provided for in Paragraph 4 of Article 88 of the same law.



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e. Absence of Warranty or Failure to Honor It

An operator's omission of a warranty or failure to honor it, where applicable, constitutes one of the infractions eligible for the settlement fine. By operation of law, all goods and services offered for sale are deemed warrantied. Accordingly, for the duration of the warranty period, the operator is required either to replace the defective product, refund its price, or repair it if a flaw emerges. The operator must also rectify any deficiencies in service at its own expense, without imposing additional costs upon the consumer²⁸.

f. Failure to Allow Product Testing

Under the Consumer Protection and Fraud Suppression Law, an operator is obligated to permit the consumer to test any acquired device, tool, machine, piece of equipment, vehicle, or other item prior to finalizing the purchase. Refusal to do so constitutes a violation of Article 15, whereby the consumer's right to test the product is deemed fundamental. Failure to comply attracts a monetary penalty²⁹ specified in Article 76, ranging from 50,000 DZD to 100,000 DZD, thereby engaging the operator's criminal liability.

g. Failure to Provide After-Sales Service

Furthermore, the Algerian legislator imposes an additional duty on the operator under the Consumer Protection and Fraud Suppression Law: the obligation to furnish after-sales service. This duty aims to shield consumers from fraud and latent defects that may surface during normal use, particularly once the warranty period has elapsed. Consequently, the operator must maintain and repair any product placed on the market³⁰.

After-sales service encompasses various supplementary undertakings beyond the mandatory warranty, rendered by the operator for the consumer's benefit. It typically involves maintaining or repairing the product pursuant to a separate contract, ensuring its continued functionality throughout its normal service life. Thus, consumers may continue to benefit from the product's use as long as it remains serviceable and repairable, provided that such maintenance occurs once the warranty has expired or in circumstances where the warranty is otherwise inapplicable. Consumers pay a fee for this service, which is distinct from the product's purchase price³¹.

h. Absence of Product Labeling Information

Lastly, the settlement fine also applies to offenses arising from the failure to inform consumers about all essential product information via labeling, branding, or any other appropriate means, ensuring that such information is visibly displayed, legible, and indelible.

Notably, the legislator mandates the use of the Arabic language as the primary medium for labeling, usage instructions, user manuals, and any additional legally



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required information. However, one or more supplementary languages may be used, provided they are readily understandable to consumers³².

1.2. SUBSECTION TWO: EXCEPTIONS TO THE APPLICATION OF THE SETTLEMENT FINE

Article 87 of the amended and supplemented *Consumer Protection and Fraud Suppression Law No. 09-03* delineates specific circumstances under which the settlement fine cannot be imposed.

a. Serious Violations

The settlement fine is inapplicable where the offense in question is of such gravity that it warrants more severe penalties, including custodial sentences. The rationale behind this exception is clear: in cases where consumer safety is significantly jeopardized, public prosecution must be pursued, and the economic operator should not be allowed to evade judicial scrutiny through conciliation.

Crucially, this exception covers infractions that expose consumers to substantial harm, including illnesses, incurable conditions, permanent disability, loss of organ function, or incapacity for work. It similarly extends to situations resulting in the death of one or more individuals³³. Moreover, any violation that harms individuals or property, thereby giving rise to compensable damage, falls within this exception.

b. Multiple Violations Where At least One Falls Outside the Scope of the Settlement Fine

For the settlement fine to be available in cases of multiple concurrent offenses, all such violations must lie within its ambit. Should at least one of these offenses be exempted from this mechanism under Article 87, the fine cannot be imposed at all.

Such exemptions often arise in scenarios involving recidivism, custodial penalties, or claims for compensation arising from harm to persons or property. In these circumstances, the case must proceed through judicial channels, precluding any reliance on the settlement fine framework.

c. Recidivism

Under the Consumer Protection and Fraud Suppression Law, recidivism occurs if, within five years of completing a sentence for a previous offense, an economic operator commits another violation related to the same professional activity³⁴. By casting a wide net in defining recidivism, the Algerian legislator bolsters consumer protection, ensuring that repeat offenders do not escape stringent sanctions through administrative conciliation. Moreover, an individual may be deemed a recidivist even if the subsequent infraction differs from the initial one, provided both offenses arise from the same professional sphere³⁵.



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2. SECTION TWO: PROCEDURAL ASPECTS AND LEGAL RAMIFICATIONS OF THE SETTLEMENT FINE

A settlement fine is capable of producing its intended legal consequences under the Consumer Protection and Fraud Suppression Law only if it is imposed in strict accordance with the statutory procedures.

2.1. SUBSECTION ONE: PROCEDURES FOR THE APPLICATION OF THE SETTLEMENT FINE

In the course of their supervisory duties, fraud repression agents investigate and detect violations prescribed under the Consumer Protection and Fraud Suppression Law. Upon establishing such an infraction, they draw up an official report, which details the dates and locations of the inspections, the infractions identified, and the corresponding sanctions. The offender is subsequently notified of these recorded violations through a formal warning, dispatched via registered mail with acknowledgment of receipt within seven (7) days from the date the official report is issued.

This warning must include specific information required by Article 90 of Law No. 09-03, including the violator's place of residence, as well as the date, location, and nature of the infraction. It must also reference the relevant legal provisions and specify the amount of the settlement fine, which is determined by the type of violation, in accordance with Article 88 of the same law. Furthermore, the warning should indicate both the timeframe and the procedural modalities for payment³⁶.

Notably, the Algerian legislator does not grant the offender the right to appeal the decision establishing the amount of the settlement fine. Instead, the violator is obligated to pay the prescribed fine on pain of judicial prosecution.

The fine levied against the non-compliant supplier varies according to the nature of the offense and ranges from 50,000 DZD to 300,000 DZD. For instance, the fine for failing to allow product testing—an offense punishable under Article 76 of Law No. 09-03—is set at 50,000 DZD, while the fine imposed for violations involving hygiene and sanitary requirements or the absence of product labeling information stands at 200,000 DZD. The amount increases to 300,000 DZD in cases of product safety infractions or failure to conduct prior conformity control, particularly where the safety of food products is at stake.

In cases of non-compliance with after-sales service obligations, the legislator has refrained from setting a fixed amount. Instead, the fine is calculated as 10% of the purchase price of the item in question³⁷. This approach reflects the legislator's prioritization of consumer safety and product security over purely economic interests: fines pertaining to infractions endangering consumer well-being are markedly higher than those affecting only material or financial concerns³⁸.



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Moreover, when multiple offenses have been committed, the supplier is required to pay a cumulative settlement fine, encompassing all applicable individual fines rather than a single lump sum³⁹.

Under Article 92 of Law No. 09-03, the offender must remit the settlement fine in one installment to the tax collector's office in the location of either the offender's residence or the place where the offense was committed. The legislator mandates a thirty (30)-day payment deadline from the date of the warning. Once the payment is received, the tax collector is obliged to inform the competent consumer protection and fraud suppression authorities within ten (10) days.

2.2. SUBSECTION ONE: PROCEDURES FOR THE APPLICATION OF THE SETTLEMENT FINE

Once the offender pays the settlement fine in full compliance with the requirements set out in Article 92 of Law No. 09-03, the public prosecution is extinguished⁴⁰, thereby exempting the economic operator from judicial proceedings. To achieve this legal effect, however, the law mandates adherence to specific conditions, including payment within ten (10) days of receiving the warning, paying in the designated jurisdiction (either where the offender resides or where the infraction occurred), and remitting the fine in a single installment.

Failure to satisfy these conditions prompts the initiation of public prosecution. In such cases, the consumer protection and fraud suppression authorities may refer the violation report to the territorially competent judicial body if, within forty-five (45) days from the date of the warning, they have not received formal confirmation of payment⁴¹.

CONCLUSION

The legislator conceived the settlement fine as a procedural alternative aimed, on the one hand, at protecting consumers from commercial fraud by economic operators, and on the other, at shielding non-compliant operators from judicial proceedings.

Contrary to a consensual agreement negotiated between fraud repression officers and the offender, the settlement fine is an administrative sanction unilaterally imposed on economic operators for specific infractions. Consequently, its application does not hinge upon the offender's approval or negotiation.

The settlement fine occupies a middle ground in the penalty spectrum. It levies a monetary sanction on the offender—thus safeguarding consumers by deterring commercial fraud—while simultaneously sparing the operator from the ordeal of criminal prosecution.

The power to impose the settlement fine rests with the consumer protection administration. By employing permissive language in Article 86 of Law No. 09-



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03—namely, “the designated officers may impose a settlement fine...”—the legislator vests fraud repression agents with substantial latitude.

The settlement fine’s applicability is narrowly circumscribed. Under Article 88 of the amended and supplemented *Consumer Protection and Fraud Suppression Law No. 09-03*, it is confined to offenses for which the prescribed penalty is pecuniary in nature. In contrast, Article 87 excludes from this mechanism any offenses carrying a higher degree of severity, particularly those subject to custodial sanctions or otherwise capable of inflicting serious harm on consumers.

The sum of the settlement fine fluctuates according to the gravity of the violation and the degree to which it compromises consumer health and safety.

Although intended to deter infractions and protect consumers, the settlement fine may, in practice, deviate from this objective. Its discretionary nature and the relatively modest statutory amounts risk diminishing its deterrent effect, potentially transforming it into a convenient mechanism for offenders to avoid judicial prosecution. Should the fines prove insufficiently punitive, operators may be incentivized to persist in unlawful practices, undermining both consumer interests and the law’s preventative ambition.

Recommendations

1. A reexamination of Article 86 is warranted to introduce mandatory language obliging enforcement officers to impose the settlement fine in all qualifying cases. Such an amendment would enhance transparency, foster consistency in enforcement, and mitigate the risk of subjective or arbitrary decision-making by fraud repression agents.
2. The current financial penalties stipulated in Article 88 of the amended and supplemented Law No. 09-03 should be revised upward to ensure that the fine operates as both a deterrent and a punitive measure.
3. Given the existence of multiple legal provisions regulating the settlement fine in different legislative instruments—including the Consumer Protection and Fraud Suppression Law No. 09-03, the Electronic Commerce Law No. 18-05, and the Law No. 04-02 on Commercial Practices—it is imperative to consolidate these provisions into a single, coherent regulatory framework. A dedicated legislative text governing all forms of the settlement fine would standardize its implementation across various commercial sectors.



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Bibliography

- ¹ Law No. 09-03 of February 25, 2009, on Consumer Protection and Fraud Suppression, Official Gazette No. 15, March 8, 2009, as amended and supplemented by Law No. 18-09 of June 10, 2018, Official Gazette No. 35, June 13, 2018.
- ² Consumer Protection and Fraud Suppression Law No. 09-03, as amended and supplemented, Article 3: "A consumer is any natural or legal person who, for consideration or free of charge, acquires a good or service intended for final use, either to meet their own needs, those of another person, or an animal under their care."
- ³ Consumer Protection and Fraud Suppression Law No. 09-03, as amended and supplemented, defines an economic operator as: "Any natural or legal person involved in the process of offering products for consumption."
- ⁴ Law No. 18-05 of May 10, 2018, on Electronic Commerce, Official Gazette No. 28, May 16, 2018.
- ⁵ Law No. 04-02 of June 23, 2004, establishing the rules applicable to commercial practices, Official Gazette No. 41, June 27, 2004, as amended and supplemented by Law No. 10-06 of June 23, 2010, Official Gazette No. 46, August 18, 2010.
- ⁶ Abdelmounaïm Naïmi, *An Analysis of the Provisions of the Settlement Fine as a Mechanism for Consumer Protection under the Consumer Protection and Fraud Suppression Law No. 09-03*, *Al-Baheth Journal for Academic Studies*, No. 7, September 2015, pp. 224–242, at p. 228.
- ⁷ Ibid
- ⁸ Mahdi Allouache, *The Settlement Fine: A Relative Obscuration of the Penal Nature in Consumer Offenses*, *Journal of Research in Contracts and Business Law*, Vol. 7, No. 2 (2022), pp. 98–113, at pp. 100–101.
- ⁹ Rania Dekhir, *The Specific Nature of the Settlement Fine in the Consumer Protection and Fraud Suppression Law*, *Journal of International Law and Development*, Vol. 7, No. 1 (June 2019), pp. 44–57, at p. 47.
- ¹⁰ Refer to Article 45 of the aforementioned *Law No. 18-05*.
- ¹¹ Refer to Article 30 of the amended and supplemented *Law No. 09-03*.
- ¹² Refer to Article 31(1) of the same law.
- ¹³ Amina Boutaleb, *Mechanisms of Prosecution in Commercial Fraud Offenses under Algerian Legislation*, *El Ustadh Al-Baheth Journal for Legal and Political Studies*, Vol. 6, No. 2 (December 2021), pp. 2876–2890, at p. 2880.
- ¹⁴ Rabeh Thamer and Ben Nasser Wahiba, *Conformity Control in the Framework of the Effectiveness and Implementation of the Conformity Obligation*, *El Ustadh Al-Baheth Journal for Legal and Political Studies*, Vol. 4, No. 2 (2019), pp. 1186–1215, at p. 1203.
- ¹⁵ *Customs Law No. 97-07 of July 21, 1997*, as amended and supplemented by *Law No. 17-04 of February 16, 2017*, Official Gazette No. 11, February 19, 2017.
- ¹⁶ *Law No. 88-08 of January 26, 1988, on Veterinary Activities and Animal Health Protection*, as amended and supplemented by *Law No. 19-03 of July 17, 2019*, Official Gazette No. 46, July 21, 2019.
- ¹⁷ *Executive Decree No. 97-481 of December 15, 1997*, establishing a permanent committee tasked with inspecting and assessing damaged or long-stored goods at commercial ports, Official Gazette No. 83, December 17, 1997, as amended and supplemented by *Executive Decree No. 10-94 of March 17, 2010*, Official Gazette No. 19, March 21, 2010.
- ¹⁸ Refer to Articles 3, 4, and 5 of *Executive Decree No. 09-415 of December 16, 2009*, establishing the special status applicable to employees belonging to the specialized corps of the administration in charge of commerce, Official Gazette No. 75, December 20, 2009.
- ¹⁹ Refer to Articles 28 to 42 of the aforementioned *Executive Decree No. 09-415*.
- ²⁰ Refer to Article 88 of the amended and supplemented *Law No. 09-03*.
- ²¹ Refer to Article 71 of the amended and supplemented *Law No. 09-03*.



**THE SETTLEMENT FINE IN CONSUMER PROTECTION AND ANTI-FRAUD LAW: BALANCING
ENFORCEMENT AND LEGAL CERTAINTY FOR ECONOMIC OPERATORS (LAW NO. 09-03, AS
AMENDED)**

²² Refer to Articles 4 and 5 of the same law.

²³ Refer to Articles 6, 7, and 72 of the same law.

²⁴ Refer to Articles 6, 7, and 72 of the same law.

²⁵ Refer to Articles 9 and 10 of the amended and supplemented *Law No. 09-03*.

²⁶ Refer to Articles 11 and 12 of the same law.

²⁷ Djilali Bouriach, *The Commercial Interests of the Consumer and Mechanisms for Their Protection: A Comparative Study*, New University House, Alexandria, 2024, pp. 526–527.

²⁸ Refer to Article 13 of the amended and supplemented *Law No. 09-03*.

²⁹ Djilali Bouriach, *op. cit.*, p. 529.

³⁰ Refer to Article 16 of the amended and supplemented *Law No. 09-03*.

³¹ Djilali Bouriach, *op. cit.*, pp. 229–233.

³² Refer to Articles 17 and 18 of the amended and supplemented *Law No. 09-03*.

³³ If adulterated, counterfeit, or spoiled food or medical products cause illness or incapacity to the consumer, the perpetrator of the fraud, as well as any person who knowingly offers, places for sale, or sells such a product, shall be punished with imprisonment ranging from five to ten years. The penalty increases to ten to twenty years if the product results in an incurable disease, loss of organ function, or a permanent disability. If the fraudulent product leads to death, the offenders shall be sentenced to life imprisonment (*Refer to Article 432 of the Algerian Penal Code*, enacted under *Ordinance No. 69-74 of July 19, 1969*, as amended and supplemented, and *Article 83 of the amended and supplemented Law No. 09-03*).

³⁴ Refer to Article 85 of the amended and supplemented *Law No. 09-03*.

³⁵ Rania Dekhir, *op. cit.*, p. 52.

³⁶ Refer to Article 90 of the amended and supplemented *Law No. 09-03*.

³⁷ Refer to Article 88 of the amended and supplemented *Law No. 09-03*.

³⁸ Mehdi Allouache, *op. cit.*, p. 105.

³⁹ Refer to Article 89 of the amended and supplemented *Law No. 09-03*.

⁴⁰ Refer to Article 93 of the amended and supplemented *Law No. 09-03*.

⁴¹ Refer to Article 86, Paragraph 2, of the amended and supplemented *Law No. 09-03*.