Legal Protection of Consumers against Fraud in Products under Algerian Legislation

الحماية القانونية للمستهلك من الغش في المنتجات في التشريع الجزائري

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Abstract: Consumer protection has become a fundamental necessity in modern societies, as harmful practices affecting consumers can only be effectively addressed through legal rules that criminalize acts threatening their health, safety, and economic interests, including in the digital environment. Legislative and regulatory frameworks play a crucial role in combating unlawful commercial practices by establishing monitoring mechanisms over the activities of economic operators and imposing sanctions on violators.

Among the most serious offenses affecting consumers is fraud involving goods, which consists in altering the natural composition of goods, concealing defects, or misrepresenting them in a misleading manner. Such fraud may relate to the nature, characteristics, weight, or measurement of goods, thereby undermining consumer confidence and the integrity of commercial transactions. In light of the widespread nature of this phenomenon, including its extension to electronic contracts, Algerian legislation has established deterrent criminal sanctions aimed at protecting consumers and ensuring transparency and fairness in commercial dealings.

key words: consumer; crime; fraud; product.

الملخص (أضحت حماية المستهلك ضرورة أساسية في المجتمعات الحديثة، إذ لا يمكن مواجهة الممارسات الضارّة التي تمسّ المستهلكين بفعالية إلا من خلال قواعد قانونية تُجرّم الأفعال التي تهدّد صحتهم وسلامتهم ومصالحهم الاقتصادية، بما في ذلك في البيئة الرقمية. وتؤدّي النصوص التشريعية والتنظيمية دورًا محوريًا في مكافحة الممارسات التجارية غير المشروعة، من خلال إرساء آليات رقابية على نشاطات المتعاملين الاقتصاديين وفرض جزاءات على المخالفين. ومن بين أخطر الجرائم التي تمسّ المستهلكين جريمة الغش في السلع، والتي تتمثّل في تغيير التركيب الطبيعي للسلع، أو إخفاء عيوبها، أو تقديمها على نحو مضلّل. وقد يتعلّق هذا الغش بطبيعة السلع أو خصائصها أو وزنها أو كيلها، بما من شأنه أن يُقوّض ثقة المستهلك ويُخلّ بنزاهة المعاملات التجارية. ونظرًا لاتساع نطاق هذه الظاهرة، بما في ذلك امتدادها إلى العقود الإلكترونية، فقد أقرّ المشرّع الجزائري عقوبات جزائية ردعية تهدف إلى حماية المستهلك وضمان الشفافية والنزاهة في المعاملات التجارية.)

الكلمات المفتاحية (المستهلك؛ الجريمة؛ الغش؛ المنتوج)

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Introduction:

Individuals are generally expected to pursue lawful means of earning a living. However, the pursuit of substantial financial gain may lead some to deviate from lawful conduct and resort to the easiest and least demanding means of achieving their objectives.

Such means are often unlawful and may involve deceptive practices, including misrepresentation of facts or distortion of reality, thereby constituting deception. They may also involve acts that alter the nature, characteristics, or utility of a product, thereby amounting to product fraud.

The study of consumer protection against product fraud is of both theoretical and practical significance, as consumer protection constitutes a major concern for the State due to its direct impact on economic, social, and political stability.

Accordingly, this field has been subject to extensive legislative regulation aimed at preventing the marketing of products that may cause serious harm to consumers, as well as establishing mechanisms to restore contractual balance between parties to sales transactions, particularly in light of disparities in knowledge relating to the product, its composition, and its methods of manufacture.

These disparities have become more pronounced in the contemporary era due to the integration of advanced technologies into production processes and the increasing number of actors involved in supply chains as a result of economic liberalization. This has prompted the legislator to criminalize certain unlawful practices and to impose penalties on those who fail to comply with the required standards of quality and safety.

In examining the issue of consumer protection against fraud in products, this study addresses a fundamental question: To what extent has the Algerian legislator ensured effective legal protection for consumers against fraud in products in light of developments in electronic commerce?

This central question gives rise to the following sub-questions:

- ✓ What is meant by fraud in products?
- ✓ What are the constitutive elements of the offense of fraud in products?
- ✓ What penalties are imposed on the manufacturer or economic operator?

To answer these questions, the study adopts a descriptive and analytical approach, relying on relevant definitions and on the examination and

interpretation of selected legal provisions. Accordingly, the study is structured around the following main axes:

Chapter One: Criminalization of Fraud in Products

Chapter Two: Constitutive Elements of the Offense of Fraud in Products

Chapter Three: Legal Framework Governing the Repression of Fraud in Products

Chapter One: The Legal Foundations of Product Fraud Criminalization

The concept of consumer protection against fraud in products is not a recent development, nor is it solely the product of modern legislative frameworks. Rather, its origins can be traced back to Islamic law, as reflected in the Qur'anic verses and the noble Hadiths of the Prophet.

Fraud is a multifaceted offense, as it may affect the nature and characteristics of goods, as well as their weight and measurement. Islamic law accordingly emphasizes the obligation of economic operators to refrain from breaching consumer trust, endangering safety, or harming health, while promoting honesty and integrity in commercial transactions. Similarly, modern legal systems have demonstrated significant concern in combating fraud, as economic criminal law regards it as contrary to morality and public order, given that the offender seeks unlawful enrichment.

In order to further develop this analysis, it is necessary to first examine the concept of fraud, followed by an analysis of the offense of fraud in products.

The first requirement: The meaning of fraud.

Some jurists define fraud as a deliberate positive act targeting a commodity in a manner contrary to the rules established by law or by the principles of trade, whereby such act affects its characteristics, utility, or price, provided that the other contracting party is unaware of it" [1].

Others define it as any alteration, modification, or distortion affecting the essence or natural composition of a material or good intended for sale, which is likely to impair its essential characteristics, conceal its defects, or present it in the form or appearance of another good that is in fact different, with the intention of benefiting from the removed characteristics and obtaining a price difference"[2].

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[1]- Abdel, Fattah Murad,(1996), Explanation of Fraud Legislation, Egyptian House of Books and Documents, Egypt, p. 66.

[2]- Ahmed Mohamed, Mahmoud Ali Khalaf,(2005) , Criminal Protection of the Consumer in Egyptian and French Law and Islamic Sharia (A Comparative Study), New University Publishing House, Alexandria, p. 194.

Fraud is committed on the item sold or intended for sale, a concept referred to in French as falsification. This act is not limited to mere deception, which consists of misleading the contracting party; rather, it is carried out through means that affect the item itself and alter its nature, rather than merely influencing the will or perception of the contracting party[1].

The economic operator performs material acts on the item sold or intended for sale, so that it appears different, misleading, yet attractive, with the aim of inducing acceptance by the buyer, regardless of their identity. Accordingly, the consumer is not required to prove that they would not have entered into the contract had they known the truth about the subject matter of the fraud. It is sufficient that fraud constituted one of the reasons for entering into the contract, even if it was not the decisive or principal reason.

Fraud in electronic commercial and industrial products may be defined as any unlawful, unethical, or unauthorized conduct involving the manipulation of products or their characteristics through electronic means, particularly in the context of automated data processing[1].

The second requirement: the subject of the crime of fraud.

Fraud must relate to an area protected by criminal law. In this regard, the Algerian legislator, under Article 431, provides that any person shall be punished by imprisonment and a fine if he fraudulently adulterates substances intended for human or animal consumption, medicinal substances, beverages, or agricultural or natural products intended for consumption; or if he offers, places for sale, or sells substances known to him to be adulterated, spoiled, or poisoned; or offers, places for sale, or sells substances used to adulterate such products; or promotes their use through brochures, leaflets, flyers, posters, advertisements, or any form of instructions[2] .

The legislator has criminalized fraud in movable property, considering it the subject of commercial transactions that can be rapidly transferred from one party to another and whose harmful effects are broader and more widespread, affecting a large number of individuals, whether physically or financially. The law does not require that fraud be committed directly on the goods themselves;

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[1]- Abdel Hakim, Foda, ,(1996), Commercial and Industrial Fraud Crimes under Law 281 of 1994 – An Applied Study in Light of the Court of Cassation Rulings, Al-Maaref Publishing House, Alexandria, p. 44.

[1]- Amir Farag Youssef, Electronic Commercial Crimes and Methods of Combating Them, Al-Wafa Legal Library, Alexandria, Egypt, 2013, p. 106.

[2] - Ordinance No. 66-156 of the Penal Code, dated June 8, 1966, Official Gazette No. 49, dated June 11, 1966, as amended and supplemented.

rather, it may affect one of their elements or components, such as colorants added to foodstuffs or materials used in their manufacture, preservation, or composition.[3].

Chapter Two: The Elements of the Crime of Fraud

Fraud in consumer products is an intentional offense which, like other criminal acts, is constituted by specific elements. Accordingly, this research paper examines these elements by dedicating the first section to the material element and the second section to the moral element.

The first requirement: The material element.

For a crime to be established, its elements must be present in accordance with general rules. Since fraud crimes not only affect consumer safety and health but also undermine the foundations of the national economy by weakening the trust on which commercial transactions are based, they are established when the perpetrator commits positive material acts consisting of deception[1].

The material element of the offense of fraud consists of positive or negative acts carried out by the economic operator, in either the physical or electronic sphere, in violation of the applicable legislative provisions governing commercial practices, consumer protection, and the suppression of fraud[4].

The material element of commercial and industrial fraud is established by any act committed by the economic operator concerning foodstuffs intended for human or animal consumption, medicinal products, beverages, or agricultural or natural products, which results in the alteration of their nature, characteristics, composition, or intended utility. This applies whether the act relates to the substances used in their manufacture or to the rules to be observed during the production process, which ensure that the product complies with the legally prescribed standards in order to preserve its qualities, characteristics, and beneficial components[2].

The material acts constituting the material element of the offense of fraud in commercial and industrial products, particularly in the context of electronic commerce, include the production of adulterated goods intended for sale or actually offered for sale. They also encompass the display, offering for sale,

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[3] - Abdel Hakim, Foda, Commercial and Industrial Fraud Crimes, op. cit., p. 31.

[1] - Ali Abdelkader, Al-Qahouji, (2000), Penal Law (Theory of Crime – General Part – Criminal Responsibility), Vol. 2, Al-Jamia Publishing House, Beirut, pp. 307–308.

[4]- Abdelhalim Benbada and Abdelhamid Maattallah, "The Criminal Protection of the Electronic Consumer from the Offences of Fraud and Commercial and Industrial Deception in Electronic Contracts," Journal of Legal Reading, March 2021, p. 193.

[2] - Roussem Atiya Moussa, Criminal Protection of the Consumer against Fraud in Commercial Transactions – A Comparative Study, University Publications House, Alexandria, Egypt, 2014, p. 98.

sale, or online marketing of adulterated or spoiled goods via the Internet, which are subsequently made available to consumers[3].

These material acts further extend to incitement to use substances employed in commercial and industrial fraud, including through websites, social media platforms, brochures, publications, bulletins, posters, advertisements, or any form of instructions. Advertising through such digital means may, in itself, constitute a criminal offense where it promotes or facilitates fraudulent practices[4].

Therefore, the crime does not occur if the fraud is for personal consumption or if the buyer is aware of the truth about the goods and accepts to purchase them in exchange for a reduced price. Fraud is achieved by changing the composition of the item, and it does not matter whether the change affects the nature or characteristics of the item, as any physical change that occurs to the item and causes it to lose its nature or weakens its characteristics constitutes fraud as referred to in Article 431 of the Penal Code.

There are two types of change: change due to the passage of time and change due to human action. Change due to the passage of time is decay that spoils and alters the composition of food and beverages. Decay is not punishable, even if it occurs due to the owner's negligence in preserving the items.

However, if the owner offers or sells the aforementioned goods, he deceives the buyer by selling him what he knew to be spoiled as if it were good. Therefore, Article 431-2 of the Q.E.G. stipulates that "anyone who displays, offers for sale or sells materials suitable for human or animal consumption ... knowing that they are adulterated, spoiled or poisoned" shall be punished[1].

As for human-induced change, it is required that the perpetrator, whether a seller or a professional, carry it out, and it is achieved as soon as the goods are acquired or offered for sale, even if no one comes forward to purchase them[2].

However, the Penal Code does not punish intentions unless they are manifested in reality as harmful acts. Therefore, it punishes intentions if they are manifested in a material act, since criminal intent accompanied by a material act does not produce an effect that justifies criminalisation, whether materially by

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[3] - Moulay Zakaria, Consumer Protection against Commercial Fraud, Master's thesis submitted for the degree of Master's, Faculty of Law, University of Algiers 1, 2015–2016, p. 85.

[4] - Abdelhalim Benbada and Abdelhamid Maattallah, Op.cit, p.195. Jamah Malika, Protection of the Information Consumer, Doctoral Thesis submitted for the award of a PhD, Faculty of Law and Political Science, Djillali Liabes University of Sidi Bel Abbès, 2017–2018, p. 135.

[1] - CALAIS AULOY, Jean et STEINMTZ, (1996), Frank, Droit de la consommation, 4ème édition, Dalloz, 1996, Pp207 ,208.

[2] - Ibid, P.208

causing a change in external circumstances or legally by affecting a right or interest protected by the Penal Code from being endangered[3].

If the intention of the actions taken by the perpetrator is to make the buyer believe, contrary to the truth, the nature, type, characteristics or source of the item, and the aim of these actions is to offer it for sale in its current state, which distorts the truth. i.e. the perpetrator must take deliberate and positive action to achieve the criminal intent[4].

The second requirement: The moral element of product fraud.

Fraud and related offenses are intentional crimes that require the presence of a moral element (criminal intent), namely the perpetrator's intention to commit the criminal act with knowledge that its constitutive elements are present in reality and that such conduct is punishable under the law[1].

However, proving criminal intent in fraud offenses is often difficult, which may raise concerns regarding the effectiveness of the law due to the challenges associated with establishing such intent. The French Court of Cassation has held that it is for the trial judges to determine criminal intent based on any relevant circumstances, in particular where the economic operator failed to monitor the quality of the product or verify its authenticity before offering it for sale.

Nevertheless, judicial practice has not transformed fraud and forgery offenses into offenses committed through negligence or carelessness, as they remain, in principle, intentional crimes requiring proof of intent[2].

The Court of Cassation has held that the head of an undertaking may be held liable for the offense of fraud where he fails to take the necessary measures to prevent its commission. However, such negligence does not, in principle, give rise to a presumption of criminal intent.

Rather, in its case law, the Court of Cassation has frequently upheld convictions for fraud on the basis of criminal intent inferred from factual circumstances, in particular the manufacturer's failure to ensure the authenticity of his goods and their compliance with the required specifications.

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[3] - Abdelhalim Benbada and Abdelhamid Maattallah, Op.cit, p.195. Jamah Malika, Protection of the Information Consumer, Doctoral Thesis submitted for the award of a PhD, Faculty of Law and Political Science, Djillali Liabes University of Sidi Bel Abbès, 2017–2018, p. 135.

[4] - Lahcène, Ben Cheikh, (2000), Principles of General Criminal Law: General Theory of Crime, Penalties and Security Measures, Houma Publishing House for Printing, Publishing, and Distribution, Algeria, p. 61.

[1] - Lahcène Ben Cheikh, op. cit., p. 63

[2] - MARIE, MEFFRE Jean,(2000),CHRISTOPHE GRALL Jean et COISPEAU Bertrand, Guide pratique de la répression des fraudes- Editions Litec, Paris, P199.

Fraud offenses are also considered instantaneous offenses, which are consummated as soon as the fraudulent act is committed or the fraudulent materials are used. Accordingly, criminal intent must exist at the time of commission of the act. By contrast, offenses relating to offering or displaying goods for sale are regarded as continuing offenses; therefore, criminal intent must persist throughout the entire period during which the unlawful situation continues.

If the offender was unaware of the fraud or adulteration at its inception, i.e., at the time of the initial acts, and subsequently becomes aware of it, criminal intent is established only from the moment of such awareness onwards.

Knowledge of the fraud, adulteration, or defective nature of the goods constituting the subject matter of the offense is a question of fact falling within the discretionary power of the trial judge. Accordingly, the court must state in its judgment the existence of criminal intent and the evidence upon which it based such a finding; otherwise, its decision will be deemed deficient and subject to reversal.

In the context of electronic commerce, this element is established through the professional's knowledge—who intervenes in the process of offering the product for consumption via websites—of the fraudulent nature inherent in the product or in the practices carried out in the course of their professional activity, with the intent to deceive the consumer[1].

In this regard, within electronic contracting, it is difficult to conceive of ignorance on the part of the economic operator, service provider, or supplier of the product regarding the defects affecting the goods at the time of contracting[2].

Chapter Three: Penalties imposed on the producer.

The broadening of criminalization in the economic sphere has made it necessary to seek effective means of putting an end to violations of legal rules governing economic activity and aimed at protecting consumers. Criminal sanctions have played an effective role in fostering a sense of security among individuals who feel protected against abusive practices.

They have also contributed to combating crime in general and economic crime in particular, given the deterrent effect of the threat of punishment, which discourages many individuals from engaging in criminal behavior and prevents recidivism among offenders. Punishment is therefore necessary, especially

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[1] - Aksoum Elam Rachida, The Legal Status of the Electronic Consumer, Doctoral thesis submitted for the award of a PhD degree, Faculty of Law and Political Science, Mouloud Mammeri University, Tizi Ouzou, 2017–2018, p. 396.

[2] - Abdelhalim Benbada and Abdelhamid Maattallah, Op.cit, p.196.

where products affect the foundations of the national economy and consumer safety.

For this reason, various criminal and non-criminal sanctions exist for violations of economic legislation. On this basis, the penalties prescribed for the aforementioned offenses may be examined under two main headings: penalties for violations of product safety and security requirements, and penalties prescribed for the offense of fraud in products or product adulteration.

The first requirement: Penalties for product safety and security violations.

The penalties for the above offences, all of which are classified as misdemeanours, consist of imprisonment and fines, in addition to supplementary penalties for certain offences only, which we will discuss in turn:

First section: Penalties for product safety violations.

Article 73 of Law 09-03 provides that any person who violates the product safety requirements set out in Article 10 of the Law shall be punished by a fine ranging from 200,000 to 500,000 DZD. Accordingly, this offense is classified as a misdemeanor punishable by a principal penalty consisting of a fine ranging from 200,000 DZD to 500,000 DZD. In addition, any person who violates the obligations set out in Article 10 of the same Law shall be subject to an additional penalty consisting of the confiscation of the products, tools, and any other means used in the commission of the offense[1].

Second Section :Penalties for the offence of obstructing the exercise of supervisory functions.

According to Article 84 of Law 09-03, any person who commits the offense of obstructing the exercise of supervisory functions shall be punished, in accordance with Article 435 of the Penal Code, by imprisonment for a term ranging from two months to two years and a fine ranging from 20,000 to 100,000 DZD. This is without prejudice to the penalties provided for under Article 183 et seq. of the Penal Code, as amended and supplemented, relating to the offense of disobedience, including the obstruction of judicial police officers and agents, or officials legally authorized to investigate violations, such as refusing access to industrial premises, storage facilities, sales outlets, or any other relevant premises[2] .

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[1] - Law 09-03 on the Law on Consumer Protection and Suppression of Fraud, of February 25, 2009, Official Gazette No. 15, of March 8, 2009.

[2] - Mohamed, Boudali,(2005), Explanation of Fraud Crimes in the Sale of Goods and Deception in Food and Medical Products, Al-Fajr Publishing House, Cairo, p. 53.

Third Section: Penalties for mandatory product conformity violations.

The offense of failure to comply with mandatory product conformity requirements is classified as a misdemeanor punishable by a fine ranging from 50,000 to 500,000 DZD. It applies to any person who violates the obligation of prior verification of the product with regard to its nature, type, origin, essential characteristics, composition, proportion of necessary components, identity, quantity, usability, and the risks arising from its use.

Fourth Section: Penalties for violating mandatory warranty requirements and failure to provide after-sales services.

Both the offense of violating the warranty obligation and the offense of failing to provide after-sales services constitute punishable offenses. The first is punishable by a fine of 100,000 to 500,000 dinars. The second, namely failure to provide after-sales services, is punishable by a fine ranging from 50,000 to 1,000,000 dinars for anyone who breaches the obligation to provide after-sales services as described above[1].

Fifth Section: Penalties for violating administrative measures.

Where an offender violates any administrative measure, such as selling a product that has been sealed, placed under conformity control, temporarily withdrawn from sale, or subject to a temporary suspension of activity, he shall be punished by imprisonment for a term ranging from six months to three years and a fine ranging from 500,000 to 2,000,000 DZD, or by either of these penalties. This offense is classified as a misdemeanor.

In addition, a supplementary penalty may be imposed, consisting of the payment to the Public Treasury of the proceeds derived from the sale of the products involved in the offense, calculated on the basis of the price applied by the offender or, where applicable, the prevailing market price.

Sixth Section: Penalties for violating consumer health safety rules.

The principal penalties for the above-mentioned offenses relating to violations of consumer health and safety rules, whether classified as misdemeanors or felonies, range from imprisonment to fixed-term imprisonment and financial penalties, to which supplementary penalties may be added in certain cases.

The offense of violating mandatory health and safety requirements for foodstuffs is classified as a misdemeanor punishable by a principal fine ranging from 200,000 to 500,000 DZD for any person who breaches the food safety requirements set out in Articles 4 and 5 of Law 09-03. In addition, a supplementary penalty of confiscation applies to the products, tools, and any

[1] - Law 09-03 on the Law on Consumer Protection and Suppression of Fraud.

other means used in the commission of the offenses provided for by the Law. The same applies to any person who violates the hygiene and sanitation requirements stipulated in Articles 6 and 7 of Law 09-03.

Seventh Section: Penalties for violating the obligation to inform consumers.

This offense is also classified as a misdemeanor punishable by a fine ranging from 100,000 to 1,000,000 DZD for any person who violates the product labeling requirements set out above. In addition, Article 82 of the Consumer Protection and Fraud Prevention Law provides for a supplementary penalty consisting of the confiscation of the products, tools, and any other means used in the commission of the offense[2].

Referring to Law 18-05 on electronic commerce, it is noted that the Algerian legislator has criminalized these acts, in particular deception in electronic commerce, under Article 39, which provides that:" Any electronic supplier who violates any of the obligations set out in Articles 11 and 12 of this Law shall be punished by a fine ranging from 50,000 DZD to 500,000 DZD. The judicial authority before which the case is brought may also order the suspension of access to all electronic payment platforms for a period not exceeding six (06) months"[1].

The second requirement: Penalty prescribed for the crime of fraud or forgery of products.

Fraud or forgery of products intended for consumption or use is classified as a misdemean or under Article 431 of the Penal Code. Offenders face imprisonment ranging from two to five years and a fine of ten thousand (10,000) dinars to fifty thousand (50,000) dinars, in addition to the penalties stipulated in Article 82 of Law 09-03, which include confiscation of products, tools, and all means used in committing the violation. Neither Article 07 of Law 09-03 nor Article 431 addresses attempted forgery or fraud, which should be addressed to enhance consumer protection[2].

If counterfeit or forged products cause illness, incapacity for work, or violate mandatory product safety, Article 83 of Law 09-03 mandates harsher penalties. Offenders may face imprisonment from five (5) to ten (10) years and a fine ranging from five hundred thousand (500,000) dinars to one million (1,000,000) dinars under paragraph 1 of Article 432 of the Penal Code. The penalty increases to temporary imprisonment from ten (10) to twenty (20) years

[2] - Law 09-03 on the Law on Consumer Protection and Suppression of Fraud.

[1] - Law No. 18-05 of 10 May 2018 on electronic commerce, Official Gazette, No. 28, issued on 16 May 2018.

[2] - Law 09-03 on the Law on Consumer Protection and Suppression of Fraud.

and a fine from one million (1,000,000) dinars to two million (2,000,000) dinars if the adulterated product causes an incurable disease, loss of organ function, or permanent disability. Life imprisonment may apply if such a disease results in the death of one or more persons.

It's important to note that Algerian legislation does not specifically address incitement or resulting impunity concerning fraud, which remains a concern for many violators[3].

Article 35 of Law 18-05 on electronic commerce provides that: "The electronic supplier shall be subject to the legislation and regulations in force applicable to commercial activities and consumer protection." This provision means that the general rules governing commercial and industrial fraud also apply within the electronic sphere[1].

It should be noted in this regard that the same provisions applicable to traditional commercial contracts also apply to electronic commerce contracts. This is because Algerian legislation has not established specific rules governing electronic commerce contracts; consequently, reference must be made to the general rules governing commercial transactions as a whole.

However, the difficulty lies in the fact that these general rules are often insufficient to fully address electronic commerce contracts, as fraud in such transactions is typically discovered only after the consumer has received the goods or services. Moreover, most electronic commerce contracts concluded are of an international nature, which raises issues concerning the application of criminal law, particularly with regard to territorial jurisdiction over the offender.

Conclusion:

The issue of consumer protection is a vital one that affects not only consumers but also economic development. In the context of the transition towards a market-oriented economy, increased internal and external competition—often characterized by an excessive focus on profit—may run counter to consumer interests due to the multiplicity and diversity of goods and services offered, as well as the prevalence of fraudulent and deceptive practices carried out by economic operators.

In this regard, consumer protection against fraud in products has become even more complex in the era of electronic commerce, where transactions are conducted remotely and rapidly, increasing the risk of deceptive practices affecting consumer health and safety.

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[3] - Mohamed Boudali, op. cit., p. 56.

[1] - Law No. 18-05 on electronic commerce.

It may be concluded that the mechanisms introduced by the Algerian legislator have achieved a certain degree of effectiveness in light of the economic and social development witnessed today, particularly through the supervision of product safety by both administrative and judicial authorities. The legislator has provided a relatively comprehensive framework of protection by establishing criminal, technical, and administrative sanctions for violations of consumer safety guarantees.

However, this regulatory framework is further complemented by civil sanctions, including the nullity of the legal act as provided for in Article 96 of the Civil Code. The effect of this sanction is to deprive the offender of the legal benefit sought from the unlawful act; moreover, where such conduct causes harm, the injured party may claim compensation.

It should also be noted that the same provisions applicable to traditional commercial contracts also apply to electronic commerce contracts. This is because Algerian legislation has not established specific rules governing electronic commerce contracts; consequently, reference must be made to the general rules governing commercial transactions as a whole.

However, the difficulty lies in the fact that these general rules are often insufficient to fully address electronic commerce contracts, particularly as fraud in such transactions is typically discovered only after the consumer has received the goods or services. Moreover, most electronic commerce contracts are of an international nature, which raises issues concerning the application of criminal law, especially with regard to territorial jurisdiction over the offender.Finally, the following recommendations were reached:

- ✓ The absence of independent and specific legislative provisions criminalizing fraud and deception in products offered for consumption within the electronic commerce sphere is noteworthy. Instead, a set of general penal provisions exists within the broader framework of consumer protection, governing the offense of fraud in products in a comprehensive manner.
- ✓ It is recommended to enhance consumer awareness campaigns regarding the risks associated with fraud in products, particularly in the context of electronic commerce, as well as the methods for identifying defective or non-compliant goods. This would enable consumers to make informed purchasing decisions and better protect their health and safety against increasingly sophisticated digital commercial practices.

- ✓ It is also essential to develop and strengthen monitoring and inspection mechanisms to cover all categories of products, including those traded through electronic platforms and digital services. In this regard, both administrative and judicial control systems should be modernized and adapted to the specificities of electronic commerce, in order to ensure compliance by economic operators and to effectively combat fraudulent and deceptive practices in the digital environment.
- ✓ Moreover, it is necessary to impose more dissuasive sanctions on offenders, encompassing criminal, administrative, and civil liability, so as to reinforce deterrence and ensure comprehensive consumer protection in both traditional and electronic commerce. This should also guarantee the right of affected consumers to obtain adequate compensation for any damage resulting from fraud, deception, or other unlawful practices.
- ✓ Finally, the current legal framework, particularly its criminal and punitive components, remains insufficient to keep pace with the rapid development and expansion of electronic commerce. Accordingly, the Algerian legislator should undertake a comprehensive reform aimed at establishing a coherent and specialized legal framework for electronic commerce, addressing both its regulatory dimension and its criminal and sanctioning mechanisms. Such reform is essential to strengthen legal certainty and enhance consumer trust in digital transactions, which are frequently undermined by fraud in products, deception, forgery, and other fraudulent practices in the electronic environment.

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