

The impact of commercial crime confidentiality on legal certainty

Mecheri Radia¹, Meguellati Mouna²

¹University of 8 May 1945, Guelma, Laboratory of Environmental Legal Studies (Algeria).

²University of 8 May 1945, Guelma, Laboratory of Environmental Legal Studies (Algeria).

The Author's E-mail: mecheri.radia@univ-guelma.dz¹,

meguellati.mouna@univ-guelma.dz²

Received: 09/09/2024

Published: 18/04/2025

Abstract:

Legal security is one of the most important components of the modern state, based on the principle of the rule of law. This principle requires that public authorities ensure a certain degree of stability in legal relations and a minimum level of stability in legal positions. It is a mechanism that allows the state to express its will precisely through clear and specific texts, allowing individuals to know the limits within which they can operate when carrying out their various activities and transactions with confidence, without being subject to sudden rulings that undermine their legitimate expectations and destabilize their legal status. Clear legal texts are also an essential tool used by the judiciary to achieve legal security. However, the field of criminal business law is characterized by a specific nature, which constitutes a departure from the rules of criminal law, particularly with regard to the precision and clarity of the criminal rule, which is inconsistent with the use of vague, broad, and vague terms, which may require resorting to an expansive interpretation of the criminal text—that is, the principle of criminal legality upon which criminal law is based. This puts the issue of achieving legal security at stake.

Keywords: legal security, business crimes, criminal law, material element.

Introduction

Legal security is one of the most important components of a modern state based on the principle of the rule of law, which requires public authorities to ensure a certain degree of stability in legal relations and a minimum level of stability in legal positions. It is a mechanism that allows the state to express its will precisely through clear and specific texts, allowing individuals to know the limits within which they can operate when carrying out their various activities and transactions with confidence, without being subject to sudden rulings that undermine their legitimate expectations and destabilize their legal status. Clear legal texts are also an essential tool used by the judiciary to achieve legal security. Given the importance of legal security in establishing a state of law, the Algerian legislature has given it constitutional value by explicitly providing for it in the 2020 constitutional amendment, Article 34, last paragraph. Business Criminal Law Business criminal law emerged as a branch of criminal law, as a result of the urgent need to protect new interests resulting from the industrial and economic development achieved by societies, especially after World War II, which is considered the starting point from which most countries of the world began the path of legislative reform by issuing new legislation focused on preserving human value and those new interests by criminalizing and punishing every act that constitutes an assault on them, with the aim of regulating the ethics of dealing when practicing economic, financial, and commercial transactions, thus preserving the economic system as a whole from deviation and fraud. Thus, the intervention of criminal law in the field of business was an inevitable necessity, even if it was not welcomed by all jurisprudence due to the conflict between the nature of the field of business, which is characterized by dynamism, instability, and technology, and the nature of criminal law, whose rules are characterized by precision, clarity, and stability. This resulted in imbuing business criminal law with a character of privacy, which constituted a departure from the rules of criminal law, especially with regard to the precision and clarity of the criminal rule, which is incompatible with the use of vague, broad, and loose expressions that may require resorting to an expanded interpretation of the criminal text, i.e., the principle of criminal legality. On which criminal law is based.

This raises a question about the extent to which the concept of legal security is achieved with the specificity of criminal law for business? This is what we will try to answer by following the analytical and descriptive approach according to the following plan:

Section One: The Concept of Legal Security

Section Two: Manifestations of Infringement of the Principle of Legal Security in Criminal Business Law

Section One: The Concept of Legal Security

Legal security is one of the most widely used concepts in the legal field today, particularly when it comes to evaluating a particular legal system or criticizing the process of establishing legal rules, whether by the legislature or by judicial precedent. To understand the concept of legal security, we will address its definition in the first section, followed by its foundations in the second section.

Requirement One: Definition of Legal Security

The term legal security has not been defined by legislators, as is the case with many legal terms. This leaves this issue to jurisprudence and the judiciary to define. Several jurisprudential trends have emerged. The Algerian legislator referred to this term in the 2020 constitutional amendment in several places, indicating the consecration of this principle. Accordingly, we will attempt to address the definition of legal security, followed by the legislative position on this term.

The first section - The jurisprudential definition of legal security

Jurisprudence has agreed that the concept of legal security is a vague concept that is difficult to define and define its scope. It varies from one society to another, from one environment to another, and from one era to another. Therefore, comparative jurisprudence remains the subject. The difficulty of defining this principle in a comprehensive and exhaustive manner is due to the fact that legal security has multiple manifestations, diverse connotations, and many dimensions, in addition to its presence in many fields. Despite the difficulties in arriving at a comprehensive definition, the matter has not been without attempts. In defining its meaning, we present some examples of jurisprudence.

Some jurisprudence defines it as the right of every individual to feel secure in the law and legal rules, and their right to their stability and protection from sudden changes¹.

Some have argued that it is any guarantee aimed at ensuring the proper implementation of obligations and avoiding uncertainty in the application of the law, thus ensuring individuals' right to security.²

Others have defined it as the concept of legitimate trust, which refers to any situation in reality that is inferred from the clarity and precision of the rules of the applicable law, enabling individuals to understand their rights and obligations and take a position accordingly.³

The French Council of State also defined legal security as a principle that requires citizens to effortlessly determine what is permitted and prohibited by the applicable law in order to arrive at a satisfactory conclusion. The established rules must be clear and understandable, and not subject to frequent or unexpected changes over time.⁴

Through the aforementioned definitions, they agree that the goal of legal security is for members of society to feel secure and stable regarding legal texts.

Section Two - The Algerian Legislative Definition of Legal Security

In the Algerian constitutional amendment of 2016, the legislator did not explicitly stipulate the principle of legal security, although it did stipulate its components, including what is stated in various texts, stating: "The law punishes abuse of power, meaning that anyone with authority, whether executive, legislative, or judicial, has no right to exploit it improperly or use it against individuals. Therefore, individuals may resort to the judiciary to protect themselves from such abuse by referring to the law. It also stipulated: "The impartiality of the administration is guaranteed by law," and: "All citizens are equal before the law

¹ Definition: Quoted from Fahd bin Mohammed Al-Shaqha, National Vision: A Comprehensive Vision, First Edition, Center for Studies and Research, Naif Arab Academy for Science, Technology and Maritime Transport, Riyadh, 2004, p. 14.

² Definition: Quoted from Muhammad Salim Karim, The Role of the Constitutional Judiciary in Achieving Legal Justice, Al-Qadisiyah University for Law and Political Science / Issue Two, Volume Eight, December 2017, pp. 318, 220.

³ Fahd bin Muhammad Al-Shaqha, the previous reference, p. 14

⁴ Quoted from: Abdel Majeed Ghameija, The Principle of Legal Security and the Necessity of Judicial Security, Judicial Supplement Magazine, Morocco, Issue 42, 2008, p. 8

and may not invoke any discrimination based on birth, race, gender, opinion, or any other condition or circumstance, whether personal or social." It also stipulated that "the law protects the litigant from any arbitrariness or deviation on the part of the judge." These are, in general, matters that embody legal security in the dimensions of its objectives.

However, the Algerian legislator, in the 2020¹ constitutional amendment, particularly Article 34, referred to this principle without specifying the purpose. Its definition has been mentioned and the state seeks to achieve it by enacting laws that do not affect the principle of legal security by ensuring ease of access to them, their clarity and stability. The preamble to the constitution also referred to this principle by stating that the constitution guarantees the separation of powers and the balance between them, the independence of justice, legal protection, oversight of the work of public authorities and the guarantee of legal security and democratic safety.

Second Requirement: Foundations of Legal Security

Legal security is one of the fundamental concepts in international laws and agreements. To achieve it, a set of requirements must be agreed upon, which are considered fundamental principles, as follows:

First Section - The Principle of Non-Retroactivity: The Legal Rule

Generally speaking, non-retroactivity means that new legislation does not apply to what occurred prior to its entry into force. It is not possible to review past actions under old legislation in legal positions, nor does it have a direct impact on facts that occurred and were decided upon prior to its entry into force. This rule essentially takes on the value of ordinary legislation.²

Second Section: The Principle of Respect for Acquired Rights

An acquired right can be defined as "that right arising from a legal act that creates a legal position." The concept of an acquired right is based on the idea of the

¹ Presidential Decree 20-442, dated December 30, 2020, promulgating the amendment to the Algerian Constitution, Official Gazette 82, dated November 1, 2020.

² Badawi Hanan Ali, The Concept of the Principle of Legal Security and Its Requirements, Journal of Studies in Public Service, Issue 8, June 2021, p. 8

necessity of the stability of legal positions and, consequently, the stability of actions related to them.¹

As a result, no third party, whether a public authority, regardless of its influence within the state, or another natural person, may violate or infringe upon any of the legitimate rights of individuals, whether legally recognized or based on a final decision or judgment, especially when it concerns fundamental rights and freedoms stipulated in the constitution, such as the right to property and the right to freedom of association. Nationality... etc.²

Section Three: The Principle of Legitimate Trust

The principle of legitimate trust is closely linked to the concept of legal security, and is considered a form of it. It means that abstract general rules issued by the legislative authority in the form of laws or issued by the executive authority in the form of administrative regulations must not be issued suddenly or abruptly, thus clashing with the legitimate expectations of individuals. These expectations are based on objective foundations derived from systems based on these official policies announced by public authorities and the promises and assurances issued by them.³ The Court of Justice of the European Community has defined legitimate trust as: "Any situation in reality, unless otherwise determined, that is assessed in the light of the rules of applicable law, and that the law is clear and precise, enabling the individual to understand his or her rights and duties and to take appropriate action."⁴

Section Four: The Principle of Limiting the Retroactivity of Rulings of Unconstitutionality

This refers to the knowledge that the effect of a legal rule extends to the past and is limited to rulings on the facts that are enforceable. This means that the temporal validity of a new law has two aspects: a negative aspect, namely the lack of retroactive effect, and a positive aspect, namely its direct effect. The law cannot

¹ Mohamed Boukmach, Kholoud Kalash, The Principle of Legal Security and the Extent of Its Enshrinement in Administrative Judiciary, Journal of Research and Studies, Issue 24, Year 14, 2017, p. 150

² Wali Abdel Latif - Boubayya Kamal, Legal Mandate in Algerian Criminal Legislation, Journal of Legal and Political Research, Volume 03, Issue 02, 2021, p. 332.

³ Wali Abdel Latif - Bouaya Kamal, the previous reference, p. 323.

⁴ Alaa Abdel-Moatal, The Principle of Retroactivity and Its Limits in Administrative Decisions, Dar Al-Nahda Al-Arabiya, Cairo, 2004, p. 17

govern facts that occurred prior to its entry into force. It does not have the power to review the establishment or expiration of a legal status established under the old law, the availability of certain elements of such establishment or expiration, or the effects of certain legal statuses.

A ruling that a law issued during a specific period of time is unconstitutional, and considering it as if it never existed, after a period of time has passed since its issuance, could harm the acquired rights of individuals or the legal statuses they acquired under the repealed law. Consequently, it violates the principle of legal security for individuals. Given the seriousness of the resulting harm, some thinkers have emphasized the need to establish a set of controls and restrictions to determine the retroactive effect of rulings of unconstitutionality, to guarantee individual rights and uphold the principle of legal security.¹

Section Two: Manifestations of Infringement on the Principle of Legal Security in Business Crimes

Given the specificity of business crimes, whether related to criminalization or punishment, this has led to infringement on the principle of legal security. We will attempt to apply this to the rules of business criminal law in terms of specificity, both substantive and procedural.

Requirement One: Infringement on the Principle of Legal Security in the Field of Criminalization

The basic principle is that the sources of criminal law are the written text and legislative control as the basis for criminalization. However, due to the specificity of business criminal law due to the state's shift from its position in the economic sphere, the legislator abandoned this structure and turned to legislation and the predominance of legislative delegation, in addition to the ambiguity of the material element and the weakness of the moral element.

Section One: Legislative Delegation in Business Crimes

If the principle is that criminalization of any action can only be accomplished by a law issued by the legislative authority, and based on this principle and the principle of separation of powers, the executive authority does not have the right to criminalize or permit a particular act. However, exceptional circumstances may

¹ Badawi Abdel Jalil, Hanan Ali, the previous reference, p. 9.

arise that may justify a departure from this principle. These exceptional circumstances may justify a departure from this principle, especially the economic and political conditions of the state. The executive authority then enjoys the powers of the legislative authority. Delegation is sometimes resorted to in normal circumstances, and all decisions, decrees, and regulations issued by it fall within the framework of legislative delegation from the legislative authority, provided that they do not infringe upon or restrict the personal freedom of individuals.¹

Legislative delegation is defined as the legislative authority's relinquishment of some of the legal powers granted to the executive authority. This is limited to certain areas, which are defined in the delegation law. For its validity, the following conditions must be met:

- Form of delegation: Decisions, regulations, and orders must be issued by the executive authority in accordance with the specified forms, just as a ministerial decision is expressed in a specific form.
- Subject of delegation: The delegation must specify the subject to be covered by the delegation regulations. It must also be partial, i.e., a specific subject, as a total waiver is not permissible.
- Adherence to the original text: A new law may not create a new crime under the name of delegation law.²

Legislative delegation mostly concerns business crimes, such as customs, consumer, monetary, and credit crimes, etc. For example, regarding customs crimes, Article 30³ of the Customs Law states that "the territorial scope fee shall be determined by a decision of the Minister of Finance."

In addition, the law itself, under Article 226, authorizes the determination of smuggled goods by a joint decision between the Ministers of Finance and Trade.

Article 8 of Law 09-03 on Consumer Protection also stipulates that "food additives intended for human and animal consumption may be incorporated by

¹ Mohamed Khamkhim, *The Special Nature of Economic Crime in Algerian Legislation*, Master's Thesis in Criminal Law and Criminology, University of Algiers, Faculty of Law, Ben Aknoun, 2011, p. 27

² Ocean Boulerias Leila, *Specifics of Criminalization Rules in the Criminal Business Law*, National Forum on Business Crimes, Said Hamdine University, November 10, 2022, p. 58.

³ Law 17-04 of February 16, 2017, amending and supplementing Law No. 79/07 of July 21, 1979, containing the Customs Code, Official Gazette, No. 11

specifying their conditions and methods of use, as well as the maximum permitted limits, through regulation."

Accordingly, with regard to Article 266 of the Customs Code, the territorial scope may be narrowed or expanded according to the Minister of Finance. Furthermore, smuggled goods vary in quantity and quality depending on the two ministers in charge. Article 8 of the aforementioned Law 09-03¹ also referred to the possibility of incorporating food additives through regulation. The above examples demonstrate a clear violation of the principle of legal security through the referral to regulation, which impinges on the inherent jurisdiction of the legislative authority.²

Section Two: The Ambiguity and Imprecision of the Material Element of Business Crimes:

The drafting of legislative texts within the criminal law of business has been influenced by the phenomenon of legislative delegation, which, within the framework of legislative referrals through regulation, is characterized by ambiguity. This is primarily due to the failure to respect precision in drafting and the use of vague terms that allow for analogy and broad interpretation of the text. This is what jurisprudence calls an adaptation of the rule of clear and precise drafting of criminalization texts within the framework of business crimes.

There is no doubt that drafting legal texts is an art in its own right, linked to a set of controls. The most important of these is its good formulation and structure, and its ease of access. However, the specificity of criminal law for business, in terms of its departure from the principle of legality, the referral of legislation, and the voluminousness of legal texts, has prevented the development of sound legal formulations in the field of business crimes, even for specialists. This is not to mention the weakness of those charged with legislation. All of this negatively impacts those responsible for implementing the law, who are guaranteed by the

¹ Order 09/03 of February 15, 2009 relating to consumer protection and the suppression of fraud, Official Gazette, dated March 8, 2009, p. 15.

² Muhammad Bin Da'ima - Samir Shaaban, Establishing the Principle of Legal Security in Light of the Specificity of Criminal Law for Business, Al-Baheth Journal for Academic Studies, Volume 10, Issue 2, June 2023, p. 447.

Constitution to have clear legal texts to avoid misinterpretation and protect security.¹

Some examples of the specificity of the material element include:

1- The predominance of negative behavior over positive behavior. It is legally recognized that the elements of the material element are: behavior, result, and causal relationship. However, in the field of business crimes, the legislator has neglected all of these elements, and criminalization has mostly focused on serious and potentially serious consequences. Therefore, these crimes have come to be called "crimes of danger" or "pure material crimes." Examples of negative behavior include Article 801 of the Commercial Code², which stipulates that managers' failure to prepare an inventory, general operating account, results and budget, and a report on the fiscal year's operations, each fiscal year, is a violation of the Consumer Protection Act. In the area of consumer protection, we cite Article 77 of Law 09/03 on Consumer Protection, which states: "Anyone who violates the mandatory implementation of after-sales service stipulated in Article 16 shall be punished."

Therefore, the basis of criminalization is to address the risk and prevent harm that could harm the economic interest entrusted with protection.

- They are crimes of risk: Business crimes are crimes of risk, meaning they do not have a consequence in the strict sense as an element of the material element. Many business crimes are positive crimes that are criminalized despite the lack of certainty of harm, but they are criminalized due to their seriousness. The purpose of this is that the legislator has followed a preventative rather than deterrent policy. The reason for this is that the crimes here relate to money and are difficult to prove, even if the crime is committed.³

* It was necessary to return to the origins of legislation by studying criminal behavior and its relationship to the outcome, in order to preserve the legal security of individuals, especially their legal status.

¹ - Muhammad bin Duaima - Samir Shaaban, previous reference, p. 448

² Muhammad Khamikhim, the previous reference, p. 35.

³ Order 96/22 of July 9, 1996, relating to the suppression of violations of legislation and regulations relating to exchange and the movement of capital to and from abroad, Official Gazette 43, issued on July 10, as amended and supplemented.

* The expansion of the scope of criminal participation in business crimes. Business crimes are committed by a principal perpetrator or by a secondary perpetrator or accomplice. However, they deviate from the general rules that consider the criminal intent of the accomplice. Business crimes do not take into account the intent at the time of committing the crime. An example is the provision of Article 4 of Order 96/22¹, which stipulates that measures shall be taken against anyone who participated in the operation, whether or not they knew about the counterfeiting of currency. Therefore, the accomplice shall be punished whether or not they knew. This constitutes a departure from the general rules and affects the legal security of individuals.

Third Section: The Weakness of the Mental Element in Business Crimes:

According to the general rules, a crime is only established by the presence of the elements of knowledge and management. However, in business crimes, the mental element is diminished. The mental element has been weakened by equating intention with negligence, just as intentional and unintentional errors are equally valid. Thus, the moral element has become weak, which has confused the Algerian legislator through numerous contradictions in the legislation of the Business Code between elimination and criminalization, as the presumption of innocence guaranteed by the Constitution is not invoked in most areas of criminalization in the Criminal Business Code. Therefore, most business crimes are punished without the presence of the moral element, on the basis of presumed criminal liability, which is based on mere management error, by shifting the burden of proving the moral element from the prosecuting authority - a departure from the norm - to the accused, assuming his will was directed towards achieving the criminal result. Criminal intent may be completely absent. Examples of this include Article 1, last paragraph, of Ordinance 96-22, which states: "The violator shall not be excused for his good faith." Similarly, Article 281 of the Algerian Customs Code states: "The judge may not acquit violators on the basis of their intent or reduce tax fines." Accordingly, we conclude that adopting the presumption of conviction in the criminal law of business, especially in the customs law, is considered an infringement of the principle of legal security, which establishes judicial security, which in turn requires the judge to refer to his conscience when ruling on the cases brought before him, in violation of that and

¹ Muhammad bin Duaima - Samir Shaaban, the previous reference, p. 449.

ruling on the accused based on what the law requires of him, in violation of his conviction of innocence due to the absence of criminal intent, which was weakened by the criminal law of business.¹

The second requirement: Deviation from the principles of punishment in business crimes.

In addition to the specificity of the Labor Penal Code with regard to criminalization provisions, which has had an impact on the legal system, we will address the manifestations of the violation of this principle through deviation from the principles of punishment, namely the lack of clarity in its criminal policy regarding the decriminalization or non-decriminalization, and the effects of the proliferation of business crime legislation.

Section One: The Contradiction of Criminalization Policy in the Business Sector

The Algerian legislator, through its business legislation, and in the face of the expansionist trend of economic penal legislation, amidst the crystallization of several ideas calling for the right to non-criminal sanctions in the field of business law—whether criminalization is eliminated or not—ensures the protection of the legal status of economic agents, on the one hand, and, on the other hand, the decriminalization of management actions to revitalize the national economy by restoring confidence in managers and encouraging them to develop a spirit of initiative. However, by examining Algerian business legislation, we note the legislator's contradiction between criminalization on one hand and decriminalization on the other. This undermines the foundations of stability, particularly legal status, due to the contradiction within the legislation itself, which is one of the foundations of legal security. Examples of this include the amendment of the Code of Criminal Procedure by Order 15-02, with the aim of protecting managers of economic institutions and stimulating the economy. This includes the requirement for a complaint stipulated in Article 6 bis, which states: "With the aim of protecting managers of economic institutions and stimulating the economy by requiring the complaint stipulated in Article 6 bis." This restricts the automaticity enjoyed by the Public Prosecutor's Office in initiating public

¹ Mohamed Bakrarshouch, Commentary on the Text of Article 6 of the Algerian Code of Criminal Procedure, Journal of Political and Legal Notebooks, University of Kasdi Merbah, Ouargla, Volume 2, Issue 1, 2020, p. 369.

prosecutions. This is also intended to alleviate pressure on managers, who have long complained about the lack of guarantees protecting them from the risk of malicious prosecutions. It also contradicts Article 29 of the same law, as well as Law 06-01 on the Prevention and Combating of Corruption in its Sources, Paragraph 7, which granted the Public Prosecutor the discretion to initiate public prosecutions. The Algerian legislator then repealed this provision again with the aim of protecting public funds, thereby destabilizing legal positions.¹ The contradiction and instability continue with the repeal of Article 6 bis by virtue of Article 3 of Law 19-10 of December 11, 2019,² followed by Presidential Instruction No. 02-2021 dated August 28, 2021³, and related to the protection of local officials, by decriminalizing management actions with the aim of supporting the economy. The President of the Republic requested the preparation of a draft law to decriminalize management errors, with the need to limit its content to considering the extent to which the manager or one of his family members benefited from suspicious management actions only. The problem also appears in the application of Article 119 bis of the Penal Code, given the legislator's silence on defining management errors that fall under the category of clear negligence, which refers to a failure to exercise caution and care to preserve public funds, which exceeds the control and diligence of the average person. So, what is the fate of this crime in light of the aforementioned instruction? This was followed by Instruction 05/2021, dated August 19, 2021⁴, regarding the suspension of anonymous letters to prosecute managers. This constitutes a blatant violation of the principle of legal security, as it conflicts with Article 17 of the Code of Criminal Procedure, which authorizes police officers to receive complaints and reports⁵. Given the legislator's contradiction in criminalization or its removal, this policy could lead to legal security confusion. The legislator should have adopted a predetermined criminal policy to ensure legal security in the business sector.

Section Two: Legislative Overload in the Field of Business Crimes

Legislative overload refers to the existence of a large number of similar laws with undefined legal wording, which courts interpret differently in similar cases. Based

¹ Article 03 of Law 19/10 of December 11, 2019, amending and supplementing Decree 66-155 of June 8, 1966, containing the Code of Criminal Procedure, Law No. 78

² Presidential Instruction No. 2021/02 dated 08/28/2021, including the protection of local officials.

³ Boubayya Kamal - Wali Abdel Latif, the previous reference, p. 336.

⁴ Presidential Instruction 2021-05 of August 19, 2021, regarding the processing of anonymous messages

⁵ Muhammad bin Duaima - Samir Shaaban, the previous reference, p. 4509.

on this, legislative pluralism in general, and criminal business legislation in particular, is experiencing a significant proliferation of texts, a phenomenon that has become widely recognized, including jurists, academics, judges, lawyers, and others. This almost undermines the purpose of criminal law by establishing punishment for minor crimes, thus interfering in the criminal law at the minimum level, thus further restricting individual freedom¹. It can be said that the phenomenon of legislative inflation has recently begun to spread significantly, coinciding with the social and political turmoil currently taking place in the world, including Algeria, where the legal system in the field of business has witnessed what some have described as a punitive frenzy in the field of business². The causes of legislative inflation are numerous, and we summarize them as follows: - It may be caused by the prevailing criminal policy in the state, which is punitive and deterrent; - The lack of a precise definition of the meaning of criminal law for business. Rather, there are criminal texts included in laws related to business, such as the Commercial Code, the Consumer Protection Law, the Monetary and Credit Law, or scattered texts in the Penal Code; - Inadequate legislative and legal formulation, not based on the European Court three-pronged rule in criminalization techniques, namely specificity, anticipation, and accessibility.³

The inflation of texts leads to the instability of the legal basis, and as a result of this inflation, the principle of legal security is affected, as the analysis and understanding of texts has become impossible today, even for specialists in terms of the principle of clarity, precision and stability of the criminal text, especially in the field of consumerism, and the multiplicity and overlap of concepts, the crowding of adaptations, the large number of references that affect the principle of legality, the large number of amendments, as well as the succession of amendments with other amendments and the increase of laws, all of which may be an obstacle to achieving economic security.

Conclusion

¹ Boubayya Kamal - Wali Abdel Latif, the previous reference, p. 335.

² Rachid Ben Freha, *The Specificity of Criminalization and Punishment in Business Criminal Law - Corporate Crimes as a Model*, PhD Thesis, Private Law, Faculty of Law and Political Science, Boubaker Belkaid University, Tlemcen, Algeria, 2017, p. 52

³ Boubayya Kamal - Wali Abdel Latif, the previous reference, p. 336.

Because the principle of legal security is a fundamental foundation of the rule of law, its stability, and its constancy, it ensures stability and steadfastness in the legal system, which can only be achieved by establishing a guarantee of accessibility, clarity, and stability, thus ensuring stable legal positions for individuals. This intervention has demonstrated that achieving legal security remains a relative matter in the field of criminal business law, given its unique characteristics, both in terms of criminalization and punishment and in terms of procedure. The manifestations of infringement on this principle in this area have multiplied, and this infringement can only be mitigated by adopting a clear legislative policy in the field of criminal business law. Consequently, we have reached the following **results**:

- The difficulty of achieving legal security in criminal business law is due to the existence of a conflict between the foundations of the principle of legal security and the specificity of criminal business law, which must be taken into account when drafting the legal text. This is due to the necessity of ensuring accessibility, clarity, and stability, while countering dispersion, fragmentation, ambiguity, and numerous references.
- Achieving legal security is a relative matter in criminal business law, given the specificity of this field at both the substantive and procedural levels.

There fore, We propose the following:

- Care should be taken when texts relate to the criminal field of business, by drafting them well and avoiding ambiguity that could affect individuals' legal status, by involving academics and specialists.
- The necessity of adopting a clear criminal policy in the field of legislation for labor crimes to ensure legal security by concentrating the authority of criminalization and punishment in the legislative authority.