

**University Of Abdelhafid Boussouf- Mila**

**Faculty of law & political sciences**

**Department of Law**

**Lecture two: Criminal business law**



**Addressed to Master 2 criminal Law Students-Semester 1**

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## **What is Criminal Business Law? (ما هو القانون الجنائي للأعمال؟)**

Criminal business law involves the legal framework for prosecuting crimes that occur within a business context. These crimes can be committed by individuals (such as employees, managers, or owners) or by the business entity itself. The law ensures that businesses operate fairly, transparently, and legally, and it punishes those who engage in illegal conduct, whether for personal gain or to the detriment of others.

## **Key Areas of Criminal Business Law (المجالات الرئيسية للقانون الجنائي للأعمال)**

**Corporate Fraud (الاحتيال المؤسسي):** Corporate fraud refers to the illegal acts of deception, misrepresentation, or concealment of information that misleads investors, customers, or other stakeholders. Examples include falsifying financial statements or embezzling company funds.

**Bribery and Corruption (الرشوة والفساد):** Bribery and corruption involve offering, giving, receiving, or soliciting something of value to influence the actions of others, especially public officials or business partners, in order to gain unfair advantages.

**Money Laundering (غسيل الأموال):** Money laundering is the process of concealing the origins of illegally obtained money, typically by passing it through a complex sequence of banking transfers or commercial transactions.

**Insider Trading (التداول من الداخل):** Insider trading occurs when someone uses confidential information about a company to trade its stocks or securities for financial gain. This is illegal because it undermines the fairness of financial markets.

**Tax Evasion (التهرب الضريبي):** Tax evasion involves the illegal act of deliberately avoiding paying taxes owed to the government through misreporting income or expenses, underreporting financial gains, or using deceptive accounting practices.

**Antitrust Violations (انتهاكات قوانين مكافحة الاحتكار):** Antitrust violations occur when businesses engage in unfair competition, such as price-fixing, market-sharing, or creating monopolies, which can harm consumers and reduce competition in the marketplace.

**Intellectual Property Crimes (الجرائم المتعلقة بالملكية الفكرية):** These crimes involve the illegal use, theft, or infringement of intellectual property, such as patents, trademarks, copyrights, and trade secrets.

**Environmental Crimes (الجرائم البيئية):** Businesses that violate environmental laws, such as dumping toxic waste or violating emission standards, can face criminal penalties for endangering public health and the environment.

**Theft and Embezzlement (السرقية والاختلاس):** These crimes occur when an employee or business partner steals company property or misappropriates company funds for personal use.

### **Penalties for Business-Related Crimes (العقوبات المرتبطة بالجرائم التجارية)**

The penalties for committing criminal acts in business depend on the severity of the offense, the harm caused, and the jurisdiction. Penalties can include:

#### **Fines (الغرامات):**

Businesses or individuals may be required to pay significant fines as punishment for criminal activity.

#### **Imprisonment (السجن):**

Individuals found guilty of serious business crimes, such as fraud or bribery, can face jail time.

#### **Disqualification from Business Activities (منع من مزاولة الأنشطة التجارية):**

Individuals found guilty of business crimes may be barred from managing a company or serving in a business capacity for a set period of time.

#### **Restitution (التعويضات):**

Offenders may be required to compensate victims for their losses, particularly in cases of embezzlement or fraud.

#### **Forfeiture of Assets (مصادرة الأصول):**

In some cases, the government may seize assets that were obtained through criminal activity, such as money from money laundering or proceeds from fraudulent transactions.

## **The Role of Compliance and Corporate Governance (دور الامتثال وحوكمة الشركات)**

In order to prevent criminal activity within businesses, many companies implement compliance programs that establish clear rules, procedures, and training for employees to follow ethical practices. Effective corporate governance structures are also important for ensuring transparency and accountability at all levels of the organization.

**Compliance Programs (برامج الامتثال):** These programs help businesses adhere to laws and regulations, including anti-bribery laws, antitrust regulations, and financial reporting standards.

**Corporate Governance (حوكمة الشركات):** Corporate governance involves the structures, policies, and procedures that ensure that a company is run transparently, ethically, and in accordance with the law.

## **Criminal Business Law and International Standards (القانون الجنائي للأعمال (والمعايير الدولية)**

Criminal business law is not limited to national borders. Many international treaties and agreements focus on ensuring fair business practices globally, such as:

**The Foreign Corrupt Practices Act (قانون ممارسات الفساد الأجنبية):** A U.S. law that prohibits businesses from bribing foreign officials for business advantages.

**The OECD Anti-Bribery Convention (اتفاقية منظمة التعاون الاقتصادي والتنمية لمكافحة الرشوة):** An international agreement designed to combat bribery in business transactions between countries.

**The UN Convention Against Corruption (اتفاقية الأمم المتحدة لمكافحة الفساد):** This treaty encourages global efforts to prevent and criminalize corruption in both the public and private sectors.

## **Terminology**

- Criminal Business Law - القانون الجنائي للأعمال
- Fraud - الاحتيال
- Bribery - الرشوة

- Embezzlement - الاختلاس
- Money Laundering - غسيل الأموال
- Insider Trading - التداول من الداخل
- Tax Evasion - التهرب الضريبي
- Antitrust Law - قانون مكافحة الاحتكار
- Corporate Crime - الجريمة المؤسسية
- Corruption - الفساد
- Intellectual Property Theft - سرقة الملكية الفكرية
- Market Manipulation - التلاعب بالسوق
- False Advertising - الإعلانات الكاذبة
- Environmental Crimes - الجرائم البيئية
- Whistleblower - المُبلغ عن المخالفات
- Corporate Governance - حوكمة الشركات
- Regulatory Compliance - الامتثال التنظيمي
- Public Corruption - الفساد العام
- Legal Liability - المسؤولية القانونية
- Criminal Liability - المسؤولية الجنائية