



BOYCOTTING PRODUCTS: A DETERRENT APPROACH BY CONSUMER PROTECTION ASSOCIATIONS

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ARTICLE INFO

Article History:

Received 04.05.2024
Accepted 21.05.2024
Published 30.06.2024

Keywords:

Boycott, Consumer Protection Association, Consumer, Intervener, Deterrence, Legitimacy, Legal Considerations, Economic Considerations, Social Considerations

ABSTRACT

Boycott is considered one of the most important means employed by consumer protection associations to deter interveners in product presentation for consumption and halt their illegitimate practices against consumers. It involves systematic refusal and voluntary abstention from consuming the products of a company or a country to pressure or compel them to respond to specific demands by urging consumers to boycott purchasing a certain product, using a particular service, or boycotting paying its price. Despite the importance and effectiveness of this method, there is a noticeable absence of regulation that precisely defines the powers of consumer protection associations to resort to it, thus its legitimacy remains a subject of debate between opponents due to social, economic, and legal considerations, and supporters for the same reasons.

Based on this premise, this study aims to investigate how consumer protection associations intervene within their deterrent role framework by advocating for boycotts to maintain a balance between consumer interests and protecting interveners, considering the economic harm that this method may inflict on their interests.

INTRODUCTION

The evolution witnessed in the social, industrial, and technological fields has led to increased consumer fever, especially in the face of excessive advertising that has contributed to changing consumption patterns and values. Despite the benefits this evolution brings to consumers regarding comfort and life facilitation, it has not been without some drawbacks for them. Therefore, there is an urgent need for protection, which consumers cannot achieve on their own but rather by resorting to consumer protection associations as a regulatory mechanism. Algerian legislation has recognized these associations under Article 21 of Law No. 09-03 concerning consumer protection and the suppression of fraud.¹ These associations are established according to the law and aim to ensure consumer protection through informing, raising awareness, and guiding them. They are also granted public utility status as well as legal personality and civil capacity upon establishment, in accordance with the provisions of Article 07 of Law No. 12-06 concerning associations,² which regulates their establishment and operation.

Consumer protection associations have the authority to take proactive measures to prevent interference with consumers' material and moral interests. These measures aim to enhance their fundamental rights, particularly the right to awareness-raising, to educate and inform them about their rights. This is intended to guide and rationalize their consumption behaviour and prepare them to face potential risks. On the one hand, they work towards educating consumers and guiding their consumption behaviour, while on the other hand, they monitor market prices to ensure consumers can access goods and services that combine quality with reasonable pricing.

However, practical reality has shown the inadequacy and inefficiency of preventive measures in ensuring sufficient consumer protection against

interveners who may abuse their strong position. Therefore, consumer protection associations are left with no choice but to resort to bolder mechanisms and means to defend the rights and interests of consumers.

Boycotting is considered the most important deterrent method employed by consumer protection associations in facing interveners, urging them to halt their unlawful practices against consumers. It involves a systematic refusal and voluntary abstention from consuming the products of a particular company or state to pressure them or compel them to respond to specific demands. Despite its effectiveness in curbing the defiance of professionals, it's notable that Algerian legislation does not explicitly address it.

In light of this legislative deficiency, the importance of researching the mechanism of boycott in detail becomes evident. Understanding the limits of resorting to boycott is essential to ensure its legitimacy. Therefore, the research topic raises the following problem: To what extent is it possible for consumer protection associations, within their deterrent role, to resort to the boycott method, and how can they ensure maintaining a balance between consumer interests and protecting interveners? This includes mitigating the potential economic harm this tool may inflict on their interests.

The study relied on both analytical and descriptive methodologies. The analytical approach allowed for analyzing facts and the legal texts regulating the subject, highlighting the areas of deficiency and voids. Meanwhile, the descriptive approach involved including some definitions whenever necessary, based on a plan divided into two sections as follows:

1. Boycott as an Acknowledgment of Consumer Authority in Regulating Intervener Behavior.
2. The Ongoing Debate Regarding the Viability of Resorting to the Boycott Method.

1 Law No. 09-03 of February 25, 2. (s.d.). Relating to consumer protection and the suppression of fraud. JORA No15, issued on March 8, 2009, amended and supplemented by Law No 18-09 of June 10, 2018, JORA No 35, issued on June 13, 2018.

2 Law No 12-06 of January 12, 2012R relating to associations. JORA No 02, issued on January 15, 2012.

1. BOYCOTT AS AN ACKNOWLEDGMENT OF CONSUMER AUTHORITY IN REGULATING INTERVENER BEHAVIOR

Boycott is considered an effective deterrent weapon in facing interveners and an efficient tool for influencing their will due to the economic harm it can inflict upon them, such as decreased sales volume and exports, which may lead to bankruptcy. This necessitates investigating its content (1.1) and highlighting its manifestations (1.2).

1.1. The Content of the Boycott Method

Boycott is considered an effective deterrent method against the negative practices of interveners (1.1.1), It requires public mobilization against such behaviour and care from consumer protection associations (1.1.2).

1.1.1. Boycott as a Deterrent Method against the Negative Practices of Intervenors

A Boycott is a systematic refusal and voluntary abstention from consuming specific products to pressure interveners into offering products for consumption, compelling them to respond to specific demands. Therefore, it is considered a popular regulatory behaviour and a legitimate reaction that a large segment of consumers exercise whenever necessary. Through boycotts, consumers demonstrate their authority in regulating the negative practices of interveners. It serves as a method to control and prevent transgressions that may harm consumer interests, such as monopolization, speculation, and price gouging without any regulations. It is one of the strongest forms of protest and often yields results, sometimes leading interveners to apologize to consumers or reduce prices lower than they were before the increase.³

For boycotts to be fruitful, consumers must

have alternative products or services to replace the boycotted ones, allowing them to satisfy their needs. Therefore, boycotts express a universal right, the right to choose for the consumer. This enables market regulation as consumers, when mature and aware, evaluate and choose products, making them active participants in the economic cycle.

It is noteworthy that Algerian legislation does not explicitly address the legality of this method. Hence, its legitimacy is assumed, provided it is not arbitrarily used. It becomes legitimate when it is the only remaining means after consumer protection associations have exhausted all other avenues to protect consumers.

1.1.2. Boycott as a Means of Public Mobilization by Consumer Protection Associations

The effectiveness of a boycott depends on the level of interaction and the strength of public mobilization by consumer protection associations. This is achieved by exposing the risks of goods or services to raise awareness and encourage consumers to say “no” to producer, distributor, and trader misconduct, utilizing various available media and communication channels.⁴

It should be noted that the right of consumer protection associations to call for boycotting certain products is limited to ensuring their harm to the health and safety of consumers or their overpricing, poor quality, and inferiority. Thus, any boycott campaign must be based on well-founded arguments and justifications, not arbitrary ones, to ensure the response of all segments of society. Additionally, transparency requirements dictate that these associations disclose their identity to the public on their websites, for example, to enhance their credibility and prevent misuse. For instance, a company may intentionally launch a campaign against its competitors, presenting it as popular. Therefore, to ensure objectivity, boycotters must publicly disclose their identity and agenda alongside their call for boycott. Based on this, consumers make their own decisions.⁵

3 Mbani, N. O., & Issawi, A. L. (2021). Consumer Awareness and the Culture of Boycott in Society – Media and Social Dimensions. *Journal of Media and Society*. Volume 05, (01), p. 13.

4 Bouchnaf, S. A., & Ben mihoub, A. M. (2020). The role of Algerian consumer protection associations in confronting misleading marketing practices – a study of a group of consumer protection associations in Algeria. *Ertiqaa Journal of Economic Research and Studies*, Volume 01, (01), p. 57.

5 Beck, V. A. (2024). Consumer Boycotts as Tools for

1.2. Forms of Boycott

Boycotting can take the form of encouraging consumers to boycott the purchase of a specific product or the use of a particular service (1.2.1) or boycotting the payment for it (1.2.2).

1.2.1. Purchase Boycott

Consumer protection associations sometimes resort to issuing orders or notices urging the public to refrain from purchasing certain goods or engaging with a specific project. This method is expressed through boycotting or abstaining from purchasing,⁶ either for reasons related to consumer safety and interests if their danger to health is confirmed, as was the case with mineral water that the National Organization for Consumer Protection called for boycotting. This came after it was revealed through analysis that it did not comply with microbiological standards due to coliform and *Pseudomonas* bacteria.⁷

The call for a boycott may also be in response to unjustified price hikes. Boycotting products has become a potent weapon in the hands of consumers when prices cross certain thresholds, reacting to speculation and hoarding by professionals even during times of crisis. This was evident during the COVID-19 pandemic, where some food prices surged, leading to panic buying fueled by rumours of shortages, such as the case with semolina in Algeria, a staple food whose price reached 1700 DZD instead of 1200 DZD.⁸

Similar incidents occurred in France, where consumers boycotted buying meat following a boycott campaign launched by consumer protection associations against producers, leading them to refrain from using estrogen in livestock feed.⁹

Additionally, boycott calls may be based on political or humanitarian considerations due to cooperation or collusion with illegitimate political regimes. Examples include boycotts by Islamic and Arab nations of products from countries hostile to Muslims, those disrespectful to Islam or its sanctities, such as boycotting Chinese products due to reports of mistreatment of Muslim Uyghur minorities,¹⁰ or the boycott of Denmark and the widespread boycott campaign against French goods over the continued publication of offensive cartoons of the Prophet Muhammad,¹¹ as well as the Canadian boycott of American products in response to provocative and hostile rhetoric from President Donald Trump towards Canada and its Prime Minister, including trade threats with high tariffs on steel and aluminium imports from Canada,¹² in addition to the boycott campaign against many American and Western companies due to their direct support or alignment with Israel in its aggression against Gaza.¹³

In such cases, a boycott becomes a double-edged sword, serving as a form of protest and voluntary abstention from consuming products of a certain company or country while also expressing refusal to engage in any economic relationship or trade exchange with them, to pressure them to change their policies towards a specific issue or cause.¹⁴

1.2.2. Payment Boycott

Consumer protection associations may request consumers to refrain from paying for a product or

Structural Change. valentin.beck@fu-berlin.de. [Last accessed: 10 February, 2024].

6 Sayyad, A. L. (2013). Consumer Protection in Light of the New Law No. 09/03 Concerning Consumer Protection and Suppression of Fraud, Faculty of Law, University of Constantine 1, Algeria, p. 140.

7 Salmi, A. B. (2020). Consumer Protection Organization publishes official documents warning against the marketing of non-conforming mineral water. www.ennaharon-line.com [Last accessed: 16 November, 2020].

8 Hamza, K. A. (2023). Algeria: The boycott revives local drinks and cosmetics www.alaraby.co.uk/econom [Last accessed: 11 Aout, 2023].

9 Calais-auloy, J. E., & Steinmetz, F. R. (2006). Steinmetz, F. Droit de la consommation, Dalloz, Paris, (éd. 7). Paris: Dal-

loz, p. 653.

10 Buklikha, A. I. (2022). Chinese policies towards the Uyghur minority/Xinjiang region. *Journal of Science and Knowledge Horizons*, 1(2), p. 74.

11 Yousfi, M. U. (2016). Boycott of European Goods in Light of International Trade Law and Islamic Legislation, A Case Study of Cartoons Insulting to the Messenger, may God bless him and grant him peace. *Studies in Development and Society*, 3(3), p. 160.

12 Xiaojun, L. I., & Adam, Y. (2021). What drives consumer activism during trade disputes? Experimental evidence from Canada? www.ncbi.nlm.nih.gov/pmc/articles/PMC8041440/ [Last accessed: 15 November, 2024].

13 Qamas, M. U. (2024). Boycotting Israel hurts supporters... billions in losses for American brands. alaraby.co.uk/economy [Last accessed: 10 April, 2024].

14 Al-Shafi'i, A. D. (2024). Billions in losses to the Israeli economy...the boycott weapon strikes hard. gate.ahram.org.eg/News/4693834.aspx [Last accessed: 13 April, 2024].

service they have obtained from a specific project, known as a “payment strike” or “payment refusal”. The resort to payment boycott assumes the presence of several consumers indebted with similar amounts to a single creditor, such as tenants in their relationship with a single landlord or subscribers to a telephone service. The goal of delaying payment of these debts is to pressure the creditor to reduce the amount owed or compel the intermediary to improve the quality of the product or service, or at least improve its performance.¹⁵

Consumer protection associations can resort to this method voluntarily or based on consumer complaints in poor or inconsistent service quality cases. This is particularly evident in services such as non-paying electricity, gas, or water bills.

2. ONGOING DEBATE REGARDING THE VIABILITY OF RESORTING TO THE BOYCOTT CALL METHOD

The absence of legal texts defining the authority of consumer protection associations to resort to the boycott call method has sparked a debate about its legitimacy between opponents (2.1) and supporters (2.2).

2.1. Opposing the boycott advocacy approach

The call for boycott did not pass without objection due to economic (2.1.1), social (2.1.2), and legal considerations (2.1.3).

2.1.1. Economic considerations for rejecting the boycott advocacy approach

The economic considerations for rejecting the boycott approach revolve around the risk this action poses to the economic interests of the boycotted entities. This includes potential negative publicity for the company or its products, creating unfavourable impressions among consumers who

15 Boudali, M. U. (2006). Consumer Protection in Comparative Law, A Comparative Study with French Law. Algeria: Dar Al-Kitab Al-Hadith, p. 685.

may subsequently prefer to purchase competitors’ products. Additionally, there’s the risk of significant financial losses, potentially leading to bankruptcy.¹⁶

2.1.2. Social considerations for rejecting the boycott advocacy approach

Social considerations used to justify the illegitimacy of the boycott approach stem from consumers’ inability to do without certain essential products, particularly if there are no competitive alternatives available in terms of price and quality, such as medication.¹⁷ Moreover, the boycott could yield adverse outcomes if competitors exploit the situation to increase prices of alternative products.

2.1.3. Legal considerations for rejecting the boycott advocacy approach

Opponents of the boycott approach argue that it violates the law and infringes upon an important principle: the contractual principle, as outlined in Article 106 of the Civil Law.¹⁸ This principle mandates that contracting parties adhere to the terms of their agreement, which cannot be modified or annulled without their mutual consent.

Additionally, if consumers refuse to pay, creditors can insist on payment without resorting to legal action, as per Article 123 of the Civil Law. Failure by the creditor to fulfil contractual obligations is a prerequisite for resorting to such measures.

2.2. Advocating for the boycott approach

If the previous trend opposes resorting to the boycott approach, another trend supports this method for the same economic (2.2.1), social (2.2.2), and legal considerations (2.2.3).

16 Kimosh, I. M. (2020). 1,100 juice and beverage production factories disappear from the market. www.google.com/search?q= [Last accessed: 10 Aout, 2023].

17 Nayel Al-Majali, Nh. (2024). Confronting Monopoly and Exploitation!!! alanbatnews.net/article/233732 [Last accessed: 10 April, 2024].

18 Order N°. 75-58 of September 26, 1975, on the Civil Code, JORA N°. 78, issued on September 30, 1975, amended and supplemented.

2.2.1. The economic considerations of the legitimacy of advocating for the boycott approach

The economic considerations that make advocating for the boycott approach legitimate lie in its economic benefits, the most prominent of which is breaking free from the economic dependency and dominance of economic agents over the market. Consumer recourse to boycott will impact the market and compel companies to reduce prices, as seen in the case of the largest boycott operation in Algeria concerning the automobile market. This market experienced widespread abuses and significant price manipulation by car dealers in the country, which ended with accredited brands in Algeria succumbing to the pressure of the campaign, reducing their prices after a significant decline in citizens' purchasing, especially after the state revealed the true prices, exceeding by 25% the prices declared to the government.

Boycotting foreign products also encourages local industry. For example, by boycotting detergents like "Ariel", dozens of national companies emerged producing similar and alternative detergents. Regardless of any complaints about quality weaknesses, the high demand for these products will compel them to improve quality and satisfy the consumers and other industries.

2.2.2. The social considerations for the legitimacy of advocating for the boycott approach

As for the social benefits of boycotting, they lie in protecting public health in society, as seen in the American boycott of some products that are very harmful to health, such as boycotting cigarette products (Marlboro, Merit, LM), which are marketed to minors.

2.2.3. The legal considerations for the legitimacy of advocating for the boycott approach

The legal considerations for the legitimacy of advocating for the boycott approach stem from it being an inevitable result of legal evolution, which allows for accommodating this method as a last resort if consumers are in a weak position and have no other means than a collective refusal to

pay amounts until their demands are met.¹⁹

Given the silence of the Algerian legislature regarding this approach, its legitimacy is assumed. However, caution is necessary in carrying out this role due to the potential effects it could have on institutions due to the rejection of their products and services. This requires ensuring certain conditions before resorting to it, considering the significant consequences it may entail for the parties involved, whose fate depends on the extent of consumers' response to the matter.²⁰

In this regard, the French judiciary has adopted a moderate stance, where the boycott is not considered wrongful unless the association abuses its use.²¹ Some have stipulated two conditions for its legitimacy: that it aims to protect the consumer from the involved interveners and that the reasons are justified, legitimate, and serious.²²

Therefore, it is necessary to address the boycott method, whether from the perspective of consumer protection and fraud suppression laws or competition law. It is more appropriate to enact a legal provision explicitly recognizing this action for consumer protection associations, along with its regulation, such as the obligation to notify the Competition Council before engaging in boycotting a product or economic aid, as well as specifying a certain period granted to the aid recipient who has been proven to violate either fair competition rules or consumer protection laws to cease their violation. This approach should only be resorted to as a last resort.²³

19 Nasri, F. (2004). Consumer Protection Associations, a dissertation to obtain a master's degree, specializing in contracts and liability, Faculty of Law, Ben Youssef Ben Khedda University, Algeria, p. 81.

20 Hamdaoui, N. O. (2019). Measures taken to reduce misleading advertising, intervention at the National Forum on: Misleading advertising and its effects on the consumer and the market, held at the Faculty of Law. M'hamed Bougara Boumerdes University, Algeria, p. 5.

21 Guyon, Y. V. (2003). Droit des affaires (éd. 12). Paris: economica, p. 109.

22 Ferrier, F. E. (1996). La protection des consommateurs. Paris: Dalloz, p. 67.

23 Zoubir, A. R. (2011). Consumer Protection under Free Competition, thesis for a master's degree in law, Professional Responsibility Branch. Faculty of Law and Political Science, Mouloud Mammeri University, Tizi Ouzou, Algeria, p. 67.

CONCLUSION

The bloc within the framework of associations is considered the most important means of consumer protection, which adopts deterrent defensive means for this purpose, constituting what is known as the deterrent role of consumer protection associations, the most important of which is the boycott approach. Through this study, the following results were reached:

The boycott approach reflects consumer sophistication, awareness, and personal commitment, which extends to others without noise or crowds solely through the transmission of information through awareness-raising media campaigns.

The boycott approach is a pressure tactic that follows deterrent methods against interveners who violate market regulations and fair competition. However, practically, these associations face difficulties in achieving their goals as desired, which can be summarized as follows:

The legislature's silence on explicitly stating the legality of resorting to it deprives it of the necessary freedom to be adopted.

In addition, the varying levels of knowledge among consumers, who are unaware of the protection guaranteed to them by the law and lack consumer culture, make them indifferent to the efforts and activities of these associations and the advertising campaigns they launch against non-compliant products and call for their boycott.

Therefore, it is necessary to strengthen the legal system in the field of consumer protection with additional measures that enhance the deterrent role of consumer protection associations. To achieve this, the following suggestions can be made:

Explicitly state the right of consumer protection associations to resort to boycott advertising and precisely specify the conditions for its adoption and the procedures followed to give it the necessary legitimacy when resorted to. This grants them freedom and credibility and protects interveners from arbitrary use of this right.

Make various state-owned communication channels accessible to associations to convey information to the largest possible number of people.

BIBLIOGRAPHY

Journal Articles

1. Bouchnaf, S. A., & Ben mihoub, A. M. (2020). The role of Algerian consumer protection associations in confronting misleading marketing practices – a study of a group of consumer protection associations in Algeria. *Ertiqaa Journal of Economic Research and Studie, Volume 01, (01)*.
2. Buklikha, A. I. (2022). Chinese policies towards the Uyghur minority/Xinjiang region. *Journal of Science and Knowledge Horizons, 1(2)*.
3. Mbani, N. O., & Issawi, A. L. (2021). Consumer Awareness and the Culture of Boycott in Society – Media and Social Dimensions. *Journal of Media and Society. Volume 05, (01)*.
4. Yousfi, M. U. (2016). Boycott of European Goods in Light of International Trade Law and Islamic Legislation, A Case Study of Cartoons Insulting to the Messenger, may God bless him and grant him peace. *Studies in Development and Society, 3(3)*.

Books

1. Boudali, M. U. (2006). Consumer Protection in Comparative Law, A Comparative Study with French Law. Algeria: Dar Al-Kitab Al-Hadith.
2. Calais-auoy, J. E., & STEINMETZ, F. R. (2006). Steinmetz, F., Droit de la consommation, Dalloz, Paris, (éd. 7). Paris: Dalloz.
3. Ferrier, F. E. (1996). La protection des consommateurs. Paris: Dalloz.
4. Guyon, Y. V. (2003). Droit des affaires (éd. 12). Paris: economica.

Webpages

1. Al-Majali, N. H. (2024). *Confronting Monopoly and Exploitation!!!* <alanbatnews.net/article/23373> [Last accessed: 10 April, 2024].
2. Al-Shafi'i, A. D. (2024). *Billions in losses to the Israeli economy...the boycott weapon strikes hard.* <gate.ahram.org.eg/News/4693834.aspx> [Last accessed: 13 April, 2024].
3. Beck, V. A. (2024). *Consumer Boycotts as Tools for Structural Change.* valentin.beck@fu-berlin.de. [Last accessed: 10 February, 2024].
4. Hamza, K. A. (2023). *Algeria: The boycott revives local drinks and cosmetics.* <www.alaraby.co.uk/econom> [Last accessed: 11 Aout, 2023].
5. Kimosh, I. M. (2020). *1,100 juice and beverage production factories disappear from the market.* <[www.google.com/search?q=>](https://www.google.com/search?q=) [Last accessed: 10 Aout, 2023].
6. Qamas, M. U. (2024). *Boycotting Israel hurts supporters... billions in losses for American brands.* <alaraby.co.uk/economy> [Last accessed: 10 April, 2024].
7. Salmi, A. B. (2020). *Consumer Protection Organization publishes official documents warning against the marketing of non-conforming mineral water.* <www.ennaharonline.com> [Last accessed: 16 November, 2020].
8. Xiaojun, L. I., & Adam, Y. (2021). *What drives consumer activism during trade disputes? Experimental evidence from Canada?* <www.ncbi.nlm.nih.gov/pmc/articles/PMC8041440/> [Last accessed: 15 November, 2024].

Theses and memories

1. Hamdaoui, N. O. (2019). Measures taken to reduce misleading advertising, intervention at the National Forum on: "Misleading advertising and its effects on the consumer and the market", held at the Faculty of Law. M'hamed Bougara Boumerdes University, Algeria.
2. Nasri, F. (2004). Consumer Protection Associations, a dissertation to obtain a master's degree, specializing in contracts and liability. Faculty of Law, Ben Youssef Ben Khedda University, Algeria.
3. Sayyad, A. L. (2013). Consumer Protection in Light of the New Law No. 09/03 Concerning Consumer Protection and Suppression of Fraud, Faculty of Law, University of Constantine 1, Algeria.
4. Zoubir, A. R. (2011). Consumer Protection under Free Competition, thesis for a master's degree in law, Professional Responsibility Branch. Faculty of Law and Political Science, Mouloud Mammeri University, Tizi Ouzou, Algeria.

Legal Acts

1. Order N° 75-58 of September 26, 1975. (s.d.). *On the Civil Code.* JORA N° 78, issued on September 30, 1975, amended and supplemented.
2. Law N° 09-03 of February 25, 2. (s.d.). *Relating to consumer protection and the suppression of fraud.* JORA N°15, issued on March 8, 2009, amended and supplemented by Law No 18-09 of June 10, 2018, JORA No 35, issued on June 13, 2018.
3. Law N° 12-06 of January 12, 2. (s.d.). *Relating to associations.* JORA N° 02, issued on January 15, 2012.