

Efforts to Prevent and Combat Corruption at the National Level

ESFUERZOS PARA PREVENIR Y COMBATIR LA CORRUPCIÓN EN EL ÁMBITO NACIONAL

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Abstract:

Corruption is a pressing issue on the international and national stage, and its prevention and combating have become among the most significant challenges facing nations. This has prompted the international community to establish preventive strategies to mitigate this phenomenon. These efforts culminated in the adoption of the Convention on the Prevention and Combating of Corruption, which Algeria ratified.

Based on the state's policy of promoting reforms through a range of legal and institutional mechanisms to curb and prevent corruption, the adaptation of the law to the Convention resulted in the enforcement of Law No. 06-01 concerning the prevention and combating of corruption. This law adopts a clear and comprehensive strategy aimed at strengthening integrity and good governance, and upholding the prestige of the state, thus achieving the principle of prevention before deterrence.

Keywords : Corruption, Preventative Policy, Remedial Policy

Resumen:

La corrupción constituye un problema acuciante tanto en el ámbito internacional como en el nacional, y su prevención y lucha se han convertido en uno de los principales desafíos que afrontan los Estados. Esta situación ha impulsado a la comunidad internacional a establecer estrategias preventivas orientadas a reducir este fenómeno. Tales esfuerzos culminaron en la adopción de una convención para prevenir y combatir la corrupción, ratificada por Argelia.

En consonancia con la política estatal de impulsar reformas mediante mecanismos jurídicos e institucionales destinados a prevenir y reducir la corrupción, la adecuación de la legislación nacional a dicha convención dio lugar a la entrada en vigor de la Ley n.º 06-01, relativa a la prevención y la lucha contra la corrupción. Esta ley establece una estrategia clara e integral dirigida a fortalecer la integridad y la buena gobernanza, así como a preservar la autoridad del Estado, dando prioridad a la prevención frente a la represión.

Palabras clave: corrupción; política preventiva; política correctiva.

Introduction

The phenomenon of corruption represents a serious threat to the international community. Corruption affects all international and national levels. It represents a challenge to society that requires confronting it with intensified efforts by states and governments and the participation of civil society in combating it, because corruption in all its forms constitutes one of the obstacles to achieving development and one of the undermining aspects of democracy and good governance and the rule of law, which leads to a decline in the trust index between the government and citizens.

States and governments have joined forces to combat and prevent corruption. The United Nations Convention against Corruption is the fruit of international efforts to provide a comprehensive framework for combating corruption, as it works to establish common standards and policies to support efforts to combat corruption at the level of each country and at the international level by facilitating international cooperation to establish cooperative mechanisms and put in place legal and institutional frameworks to address the fight against corruption.

Algeria is one of these countries that has adopted a policy aimed at strengthening and reforming its legal and institutional system to prevent and combat corruption, in line with the agreements it has ratified with the aim of addressing the phenomenon of administrative and financial corruption.

General framework of the study:

This study included two main axes. The first axis focused on international and national efforts to prevent and combat corruption, firstly touching on international efforts and the most important agreements aimed at combating corruption, and secondly addressing national efforts to prevent and combat corruption, with a focus on the most important legal mechanisms directed in this regard, in accordance with international agreements on the one hand, and with the aim of benefiting from international cooperation to dry up the sources of corruption and recover the criminal proceeds resulting from corruption.

The second axis included the bodies specialized in combating corruption at the national level, where the most important constitutional oversight institutions specialized in combating corruption were addressed, such as the High Authority for Transparency for the Prevention and Combating of Corruption and the Court of Accounts, with a reference to some previous bodies specialized in fighting corruption, such as the Central Office for the Suppression of Corruption and the General Inspectorate of Finance

The problem

To what extent are legal and institutional mechanisms and international agreements effective in addressing the phenomenon of corruption?

Importance of the study

The importance of the study lies in highlighting the most important international agreements aimed at combating corruption, and the extent to which national efforts are adapted to international and regional agreements within the framework of the policy to confront corruption, through adapting legal and institutional mechanisms aimed at establishing a preventive and deterrent policy to curb the phenomenon of corruption.

Study objectives

The study aims to clarify the seriousness of the phenomenon of corruption at the international and national levels, which resulted in a shared conviction of the need to combat the phenomenon, due to its political, economic and social risks

The approach taken

I adopted the descriptive approach with the aim of describing the phenomenon of corruption and its risks, while using the analytical approach through the analysis of legal texts that dealt with the subject of the study

First axis : International and national efforts to prevent and combat corruption

Corruption is currently a transnational problem and a source of concern for various countries, due to the risks and problems it causes to the security and stability of countries. Therefore, it is necessary to unify international , regional and national efforts and coordinate between them to confront the phenomenon of corruption and strengthen efforts among members of the international community to develop a strategy aimed at preventing and reducing corruption

Firstly International and regional efforts.

Given that corruption is a transnational phenomenon affecting many countries, some international and regional bodies have taken the initiative to find a strategy that may help reduce corruption

1- United Nations initiative :

The United Nations has initiated several agreements aimed at combating corruption. Perhaps the most important agreement adopted by the General Assembly by Resolution No .58-04 dated October 31, 2003, entered into force on December 14, 2005, which contained 71 articles classified into 8 chapters aimed at preventing and combating corruption in the States Parties to the Convention .¹ It defined forms of corruption crimes and set means for detecting and investigating them, protecting witnesses, victims and experts, as well as defining the procedural rules for international judicial cooperation in the field of seizing and recovering proceeds obtained from corruption crimes, how to extradite criminals, and the field of judicial assistance.

World Bank initiative :

The World Bank's initiative was represented by its adoption of a plan to help countries combat corruption since 1996, and the plan included 3 basic elements

- A. Diagnosing the phenomenon of corruption , its causes and consequences.
- B. Introducing reforms to the state's legislative, economic , and administrative systems.
- C. Involving NGOs, the media, and civil society organizations in combating corruption. The World Bank also adopted steps, perhaps the most important of which is the so-called Institutional Integrity Management, which was entrusted with investigating corruption claims in projects funded by the World Bank . In 2007, it also launched a cooperation plan with the United Nations Office on Drugs and Crime to recover illicit assets.²

2- Transparency International.

It is a non-governmental organization established in 1993, headquartered in Berlin, Germany . Its role is to assist countries and individuals wishing to reduce and limit manifestations of corruption. Its tasks include preparing statistics, studies ,and special tables, and classifying countries in terms of the spread of the phenomenon of corruption. Its representation is concentrated in most countries of the world³

3- At the European level.

Several agreements have been concluded at the European level aimed at combating corruption , including the Criminal Convention on Corruption, which was signed by its parties in 1999 in the city of Strasbourg, and the Additional Protocol attached to it on May 15 ,2003 ,whose provisions were substantive and procedural for

¹ -Kousser Othmania , Abdelkrim Tafrouet , Judicial Independence as a Mechanism for Combating Corruption and National Legislation, Journal of Law and Political Science, University of Khenchela, Issue 07, January 2017, p. 84.

² - Nawaf Salem Kanaan, Administrative and Financial Corruption: Its Causes, Effects, and Means of Combating It, Journal of Sharia and Law, United Arab Emirates University, Issue 33, January 2008, pp . 84, 85.

³ - Bilal Khalaf Al-Sakarna , Work Ethics, Dar Al-Masira for Publishing and Distribution, Amman, 9th Edition, 2019, p. 288.

combating corruption, in addition to the Civil Convention on Corruption signed in Strasbourg on November 4, 1999. This convention was distinguished by expanding the scope of combating corruption from its civil aspects, as it is concerned with compensating victims of corruption.

4- **At the African level.**

African states adopted a convention to prevent and combat corruption on July 11 2003 , in Maputo, which Algeria ratified by Presidential Decree 06-137 .This agreement included combating corruption in the public ⁴ and private sectors, by criminalizing a range of corrupt acts and provisions for prevention, mutual legal assistance and regional cooperation . This agreement focuses on encouraging and promoting measures aimed at preventing corruption in Africa and ways to combat it⁵

secondly : National efforts to combat corruption.

The Penal Code, when it was first issued in 1966, included in its articles 119 to 134 the criminalization of a number of practices that limit corruption crimes ,such as the crime of embezzlement of public property by a public official ,especially what was stipulated in Article 119 of it, and the crime of bribing a public official through Articles 126 and 129 of the aforementioned Penal Code .As for the penalty prescribed for the crime of embezzlement, according to the value of the embezzled items, which amounts to ten million Algerian dinars, up to life imprisonment

Following Algeria's ratification of the United Nations Convention against Corruption in 2003, with reservations, on April 19 ,2004 , by Presidential Decree 04-128 ,⁶ the state adapted its domestic legislation to conform with this convention .This was achieved through the enactment of Law 06-01 on the Prevention and Combating of Corruption ,⁷ which repealed Articles 119, 119 bis, and 121 to 134 of the Penal Code. These articles criminalized several corruption offenses and were addressed in Articles 25 to 27, 29 to 32, and 35 of the same law. Articles 119 bis and 120 of the Penal Code remained in effect. All corruption offenses are now classified as misdemeanors, with a maximum penalty of 10 years' imprisonment .However, this penalty can be increased to 20 years' imprisonment for the categories stipulated in Article 48 of Law 06-01 on the Prevention and Combating of Corruption, such as... An employee who holds a senior position in the state, or a judge , or a public officer, or a police officer, or a judge⁸

The purpose of enacting a law specifically for preventing and combating corruption was as follows :

- Supporting measures aimed at preventing and combating corruption.
- Promoting integrity, transparency and accountability in the management of the public and private sectors.
- Facilitating and supporting international cooperation and technical assistance with the aim of achieving measures to prevent and combat corruption, as well as recovering criminal proceeds.

⁴ Presidential Decree 06-137, relating to the African Union Convention on Combating Corruption, Official Gazette No. 24, dated 16-04-2006.

⁵ .Muhammad Ali Sweilem, Procedural Aspects in Combating Corruption and Prosecuting Corrupt Individuals, A Comparative Study, 1st Edition, Egyptian Publishing and Distribution, Cairo, Egypt, 35.

⁶ -Presidential Decree No. 04-128 , dated 29 Safar 1425, corresponding to 19 April 2009, which includes the ratification with reservations of the United Nations Convention against Corruption, adopted by the United Nations General Assembly in New York on 31 October 2003.

⁷ -Law 06-01 dated February 20 , 2006, relating to the prevention and combating of corruption ,Official Gazette No. 14 dated 08-03-2006.

⁸ .Khalil bin Masoud, Corruption Crimes under Law 06-01, Research Journal, Volume 08, Issue .2023 ,01 p. 232.

It is noteworthy that most corruption-related crimes are characterized by their connection to individuals who possess the status of an employee or someone considered as such, referred to in the Law on the Prevention and Combating of Corruption as a public employee. Traditional crimes that were stipulated in the Penal Code have been included in the Law on the Prevention and Combating of Corruption, such as the crime of embezzlement of public property by a public employee⁹, which was stipulated in Article 119 of Law 06-01,¹⁰ and the crime of bribery of a public employee, which was stipulated in Articles 126 and 129 of the Penal Code, and which has become punishable under Article 25¹¹ of Law 06-01. It should be noted that the new Law 06-01 included new forms of corruption crimes and stipulated the punishment prescribed for each according to its description.

Among the newly introduced crimes in this law, we can mention the crime of abuse of office punishable under Article 33¹² of Law 06-01, the crime of receiving undue advantages punishable under Article 38,¹³ the crime of illicit enrichment punishable under Article 37¹⁴, the crime of bribing foreign officials and international organizations punishable under Article 28,¹⁵ the crime of embezzling state property in the private sector punishable under Article 41,¹⁶ and the crime of a public official failing to report a conflict of interest stipulated in Article 36¹⁷. Article¹⁸ 39 punishes the crime of secret financing of political parties.

As for the objectives of Law 06-01, it included a special section on preventive measures in the public sector related to how to hire and declare assets, while establishing procedures in the field of public procurement based on the principle of transparency, equality and freedom of access to public procurement.

It also stressed preventing the private sector from engaging in corruption and money laundering, and encouraged the contribution of civil society in participating in the prevention and combating of corruption.¹⁹ As for the bodies specialized in addressing corruption, the legislator established bodies that specialize in combating corruption, including, for example, the National Office for the Suppression of Corruption, the High Authority for the Prevention and Combating of Corruption, and some other departments affiliated with various security formations.

Law 06-01 also included deterrent mechanisms represented in the inclusion of special penalties for some acts that are considered criminal acts in the view of this law, whether they are traditional crimes or forms of newly created crimes, and what is related to the special procedures that the competent judicial authorities can resort

⁹ -Bouzbara Souhila, The Status of the Public Employee in Corruption Crimes in the Public Sector, Journal of Legal and Political Thought, University of Jijel, Volume 07, Issue, 2023, 01 p. 691.

¹⁰ -Article 29 of Law.01-06

¹¹ -Article 25, same reference.

¹² -Article 33, same reference.

¹³ -Article 38, same reference.

¹⁴ -Article 37, same reference.

¹⁵ -Article 28, same reference.

¹⁶ -Article 41 of Law.01-06

¹⁷ -Article 36, same reference.

¹⁸ -Article 39, same reference.

¹⁹ -Hayat Amraoui, The Role of Civil Society in Combating Corruption, Journal of Law and Political Science, University of Khenchela, Volume 09, Issue 02.

to in corruption crimes and the possibility of using the specialized criminal poles, in addition to seizing and freezing the illicit proceeds resulting from one of the forms of corruption crimes .²⁰

As for the mechanisms of international cooperation, Law 06-01 included provisions related to international cooperation in the field of corruption and the recovery of assets related to it ²¹.

It should be noted that the Algerian judicial system has strengthened its structures by establishing a national criminal hub at the Sidi M'hamed court in the capital, which specializes in investigating and prosecuting complex economic and financial crimes and has jurisdiction over the entire national territory .²²

Second axis : Specialized bodies for combating corruption at the national level.

Law No. 06-01 on the Prevention and Combating of Corruption, when it was issued, included a special chapter containing legal texts dedicated to efforts aimed at preventing corruption and strengthening mechanisms aimed at preserving public funds. This was embodied through the provision for the establishment of a national body tasked with preventing and combating corruption. In 2010, the legislator amended this law by Order No 10-05 . dated August 26 , 2010 ,²³ whereby a third chapter was included that included the provision for the establishment of the National Office for the Suppression of Corruption, which has the tasks of investigating and prosecuting corruption crimes.

In addition to the two bodies, the legislator stipulated the establishment of a body to combat money laundering, represented by the automated inquiry processing unit.

As for the constitutional amendment of 2020 ,²⁴ it stipulated a new oversight body under the text of Article 204 ,²⁵ represented by the High Authority for Transparency, Prevention and Combating of Corruption .Article 205 added²⁶ to its powers with a reference to the law regarding the organization, formation and powers of the body stipulated under the title of the Authority to replace the first body. As a result, Law No. 22-08²⁷ dated May 5, 2022 was issued, specifying the organization of the High Authority for Transparency and Prevention of Corruption in terms of formation and powers.

First : The Supreme Authority for Transparency, Prevention and Combating of Corruption.

The Algerian legislator established the High Authority for Transparency and Prevention of Corruption as part of continuing to strengthen preventive and deterrent mechanisms to combat corruption and cut off its sources.

²⁰ -Farid Rouabah , Criminal Procedures Applied to Corruption Crimes, Professor Researcher Journal for Legal and Political Studies, Volume 04, Issue 02, 2019, p. 2228.

²¹ -Ahsan Bousqia , The Concise Guide to Special Criminal Law, Crimes of Corruption, Financial and Business Crimes and Crimes of Forgery, 7th Edition, revised and amended in light of Law 20-02-2006, relating to corruption, Dar Houma, 2008, p. 33.

²² -The same reference, p. 2229.

²³ Order No. 10-05 dated August 26 , 2010, supplementing Law No. 06-01 dated February 20, 2006 relating to the prevention and combating of corruption, Official Gazette No. 50 dated September 1, 2010.

²⁴ -Presidential Decree No. 20-442 dated 15 Jumada al-Ula 1442 corresponding to 30 December 2020 containing the constitutional amendment approved in the referendum of 1 November 2020, Official Gazette of the People's Democratic Republic of Algeria ,No. 82, issued on 30 December 2020.

²⁵ -Article 204 of the 2020 constitutional amendment.

²⁶ -Article 205 of the 2020 constitutional amendment.

²⁷ -Law 22-08, which includes the organization, formation, and powers of the High Authority for Transparency, Prevention and Combating of Corruption , Official Gazette, No.32 issued on 14-05-2022.

These reforms are also in line with the international commitments that Algeria has made related to combating the phenomenon of corruption .²⁸

It should be noted that this body is not the only body tasked with investigating and combating the sources of corruption. It was preceded by the National Observatory for Monitoring and Preventing Bribery ,which was established in 1996 under Presidential Decree 96-233 and²⁹ was dissolved in 2000, and the National Authority for the Prevention and Combating of Corruption was created in accordance with Law 06-01 relating to the prevention and combating of corruption, which was replaced by the High Authority for Transparency, Prevention and Combating of Corruption, supported by Law 22-08.

1- The legal nature of the Supreme Authority for Transparency, Prevention and Combating of Corruption .

The Algerian legislator defined the authority through Article 02 of Law 22-08 as the supreme authority ,an independent institution that enjoys legal personality and financial and administrative independence. It was also defined in Article 18 of Law 06-01 with regard to the National Authority for the Prevention and Combating of Corruption ,which was abolished by the 2020 constitutional amendment, particularly Article 204 thereof.

As for the constitutional amendment of 2016, it included it under Article 202, paragraphs one and two ,and defined it as an independent administrative authority placed with the President of the Republic. The body enjoys administrative and financial independence, as it included it under the title of advisory institutions in Chapter Three of Part Four .³⁰

It should be noted that the Supreme Authority for Transparency, Prevention and Combating of Corruption is an independent constitutional institution not subject to any entity whatsoever, including the President of the Republic, unlike the previous body which was subordinate to the President of the Republic.

2- The composition of the Supreme Authority for Transparency, Prevention and Combating of Corruption and its regulation.

The legislator stipulated the formation and organization of the authority in Law 22-08, particularly Article 16³¹ and Article 23 thereof, that the Supreme Authority and the Supreme Authority Council, as well as Article 17³² thereof stipulated enabling the authority to have a specialized structure for financial and administrative investigation into the illicit enrichment of the public employee.

The head of the supreme authority is appointed by the President of the Republic for a term of 5 years ,renewable once, in accordance with the text of Article 21 of Law 22-08.³³

Article 23³⁴ of the same law added that the head of the Supreme Authority shall preside over the Supreme Authority Council, which consists of the following members.

²⁸ Algeria has ratified various international agreements related to combating corruption ,particularly those concerning It is linked to the United Nations Convention against Corruption, pursuant to Presidential Decree 04-128 dated 19-04-2004 ,and the African Union Convention against Corruption ratified pursuant to Presidential Decree No. 06-137 dated 10-04-2006.

²⁹ -Presidential Decree No. 96-233 , dated July 2, 1996, establishing the National Observatory for Monitoring and Preventing Bribery, G.Z. , No. 41, issued on July 3, 1996.

³⁰ -Law No. 16-01 dated 06 March 2016 includes the constitutional amendment, Official Gazette ,No. 14, dated 07 March 2016.

³¹ -Article 16 of Law.08-12

³² -Article 23 of Law.08-22

³³ -Article 17 of Law.08-22

³⁴ -Article 21 of Law.08-22

- Three members are chosen by the President of the Republic from among independent national figures.

- Three judges, one from the State Council and one from the Court of Accounts, are chosen by the Supreme Judicial Council, the Council of Judges and the Court of Accounts.

- Three independent figures chosen based on their competence in financial or legal matters, their integrity and experience in the field of corruption prevention, the Speaker of the National People's Assembly, and the Prime Minister or Head of Government, as the case may be.

- Three figures from civil society, chosen from among people known for their interest in issues related to corruption and combating it, are selected by the head of the National Observatory for Civil Society.

The members of the council are appointed for a non-renewable term of 5 years, and their duties end in accordance with the principle of parallelism of forms pursuant to Article 24³⁵ of the same law.

It is noteworthy that the feature that appeared in the formation of the council is the multiplicity of bodies that are responsible for choosing the members, which makes it represent several bodies that are related to its specialization and which combines the judicial and non-judicial formation, which makes its performance more rigorous and effective compared to the previous body whose members were all appointed by the President of the Republic.

3- Duties of the head of the supreme authority.

Article 19³⁶ of Law 22-08 defines the duties and powers of the head of the Supreme Authority ,who is its legal representative.

- Preparing the draft national strategy for transparency, prevention and combating corruption, and ensuring its implementation and follow-up.

- Preparing a draft action plan for the supreme authority.

- Preparing a draft of the internal regulations for the supreme authority.

- Practice peacefulness with users.

- Preparing the annual budget proposal.

- Preparing the work of the Supreme Authority Council.

- Preparing the basic project for users of the highest authority.

- Preparing the draft annual report of the Supreme Authority and sending it to the President of the Republic after the Council approves it.

- Files containing incidents that carry a criminal description are referred to the regionally competent public prosecutor, and those that constitute a breach in management are referred to the head of the Court of Accounts.

- Developing cooperation between anti-corruption bodies at the regional and international levels and exchanging information with them.

- The council shall be informed periodically of all notifications received and all measures taken in relation to them.

³⁵ .Article 24 of Law 22-08.

³⁶ .Article 19 of Law 22-08.

4- **The tasks of the Supreme Authority Council.**

Article 26 of Law 22-08 included³⁷ the tasks of the council formed by the head of the supreme authority and 12 members concerned in accordance with Article 20³⁸ of the same law.

- Approval of the Supreme Authority's draft budget.
- Approval of the internal regulations of the supreme authority.
- Issuing orders to the relevant institutions and agencies in the event of a breach of integrity.
- Studying and approving the draft work plan of the Supreme Authority ,which is presented to him by the head of the Supreme Authority.
- Studying and approving the national strategy for transparency, oversight of corruption, combating it.
- Expressing an opinion on matters presented by the government ,parliament, or any other body or institution to the supreme authority relevant to its jurisdiction.
- Approval of the annual report on the activities of the Supreme Authority.
- Expressing opinions on anti-corruption projects with international bodies and organizations.

Article 27³⁹ of the same law stipulates the possibility of establishing a special committee to assist the head of the supreme authority in performing his duties in accordance with the conditions and procedures specified in the internal law of the authority, after a proposal from the head.

Article 28 stipulates that the council shall meet in a regular session at least once every three months , upon the summons of its chairman.

It can also meet in extraordinary sessions whenever necessary, upon the summons of its chairman or upon the request of at least 1/2 of its members .

5- **Powers of the Supreme Authority for Transparency, Prevention and Combating of Corruption.**

Under Law 22-08, the Supreme Authority has powers of a preventive nature and powers of a supervisory nature.

1- **Protective powers.**⁴⁰

- Collecting, centralizing ,utilizing and disseminating any information and recommendations that may help public administrations and any natural or legal person in preventing and detecting corruption.
- Periodic evaluation of legal instruments related to transparency and administrative measures and their effectiveness in combating corruption, and proposing appropriate mechanisms to improve them.
- Ensuring ,coordinating, and monitoring activities and work related to the prevention and combating of corruption that have been carried out based on periodic and regular reports supported by statistics and analyses sent to it by the relevant sectors and stakeholders.

³⁷ -Article 28 of Law.08-22

³⁸ -Article 20 of Law.08-22

³⁹ -Article 27 of Law.08-22

⁴⁰ -Qumari Hamidiya ,The Effectiveness of Anti-Corruption Mechanisms in Algeria (National Anti-Corruption Authority, National Office for the Suppression of Fraud ,(Al-Bibane Journal of Legal and Political Studies, Volume 07, Issue 01, June ,2022 p. 193.

- Establishing an interactive network aimed at engaging civil society and unifying and promoting activities related to transparency, corruption prevention and combating.
- Strengthening the rules of transparency and integrity in organizing religious, cultural ,sports and charitable activities in public and private institutions, by preparing and implementing appropriate systems for preventing and combating corruption.
- Proactively cooperating in establishing a systematic method for exchanging information with relevant international bodies.
- Preparing periodic reports on the implementation of transparency measures and procedures for preventing and combating corruption in accordance with the provisions of the agreements.

بـ **Supervisory powers.**

The Supreme Authority exercises supervisory powers to effectively combat corruption in order to achieve the goal for which it was established. In order for it to be able to perform its supervisory role ,the legislator has obligated all public institutions and bodies, as well as any natural or legal person, public or private, to cooperate with the Supreme Authority and provide it with the information and documents it requests in order to carry out its duties, under penalty of the punishments prescribed for the crime of obstructing the proper course of justice

⁴¹

With reference to the supervisory powers stipulated in Law 22-08, they are as follows :

- Receiving ,processing, and monitoring declarations of assets, as public employees are obligated to declare their assets in order to ensure transparency in political life and public affairs, protect public property, and preserve the integrity of persons entrusted with public service .⁴²

However, not every public employee, as defined in Article 02 of Law 06-01, submits a declaration of their assets to the High Authority. When it comes to the President of the Republic, members of Parliament, the Prime Minister, members of the Constitutional Government, the President of the Court of Accounts, the Governor of the Bank of Algeria ,judges, and governors, this category submits a declaration of their assets to the First President of the Supreme Court. As for the High Authority, its role is limited to monitoring the declaration of assets of the heads and members of local elected councils, as stipulated in Article 02 of Law 06-01. However , after the inclusion of the High Authority in the 2020 constitutional amendment as a constitutional oversight institution, it would have been more appropriate for the legislator to abolish the exception and subject the categories mentioned in Article 06 of Law 06-01 to the declaration of assets of every public employee before the High Authority.⁴³

The legislator stipulated that the declaration of assets must be correct and meet all legal requirements, and that the public employee must not have committed the crime of not declaring assets or making a false declaration after the higher authority has determined that the declaration is incomplete or false .⁴⁴

⁴¹ -Article 13 of Law.08-22

⁴² -Article 04 of Law.01-06

⁴³ -Haidour Jalloul, National Authority for the Prevention and Combating of Corruption and the Protection of Public Property and Funds, PhD Thesis , University of Bel Abbes 2020-2021, p. 15.

⁴⁴ -Bousqia Ahsan ,The Concise Guide to Special Criminal Law, Crimes of Corruption, Money and Business, and Crimes of Forgery, Part 02, 9th Edition, Dar Houma for Printing ,Publishing and Distribution, Algeria, 2008, p. 142.

– The Supreme Authority undertakes administrative and financial investigations into manifestations of illicit enrichment by a public employee who cannot justify the significant increase in his financial assets.

– Monitoring the extent to which public administrations, local authorities, public and economic institutions and associations comply with the commitment to comply with transparency, corruption prevention and combating systems.

– Examining violations of the quality and effectiveness of procedures applied within public bodies, administrations, associations and institutions related to the prevention and detection of acts of corruption, by directing recommendations for taking measures that would put an end to the violations within the timeframe specified by law.⁴⁵

– The Supreme Authority exercises all powers on its own initiative or after being notified or informed by natural or legal persons who have data, information or evidence relating to acts of corruption. The legislator stipulated in Article 06 of Law 22-08 that for notification or information to be accepted, it must be written, signed and contain all elements relating to corruption. If the Authority observes a violation of the rules of integrity and transparency, it may notify the competent regional public prosecutor, after taking the procedures specified in Article 10 of Law 22-08. It may also submit a report to the Public Prosecutor at the Sidi M'hamed Court in order to issue precautionary measures to renew banking transactions or seize assets for a period of three months by means of a judicial order issued by the President of the same court, in the event that there are serious elements confirming the existence of unjustified wealth for a public official.⁴⁶

Therefore, it can be said that the supreme authority can inform the public prosecutor of facts and actions that carry a criminal characterization, after the role of the National Authority for the Prevention and Combating of Corruption was limited to notifying the Minister of Justice of the violations it observed, which is what determines the appropriateness of prosecution, and this restricts its authority to initiate public prosecution⁴⁷. Contrary to the powers of the supreme authority, which has been given free rein with regard to inspections and the initiation of public prosecutions, this gives an effective work character in the field of curbing the corrupt, especially with regard to the corruption of the public employee.

Second : The Central Bureau for Combating Corruption.

It was established by Order 10-05⁴⁸ and is a central operational service of the judicial police, following the instruction of the President of the Republic No. 03⁴⁹ dated December 13, 2009.

Its primary role is focused on researching and investigating corruption crimes, and its work is based on Presidential Decree No. 11-426⁵⁰. It has several characteristics, including:

⁴⁵ -Articles 5, 7, 9, of Law 22-08.

⁴⁶ -Article 11 of Law 08-22

⁴⁷ -Zuzu Zuleikha, Public Procurement Crimes and Mechanisms for Combating Them under the Law relating to Corruption, Master's Thesis in Law, University of Ouargla, 2012-2011, pp. 188, 189.

⁴⁸ Order No. 10-05 dated 16 Ramadan 1431 corresponding to 26 August 2010, supplementing Law No 01-06, dated 21 Muharram 1427 corresponding to 20 February 2006, relating to the prevention and combating of corruption, Official Gazette No. 50 issued on 1 September 2010.

⁴⁹ -Presidential Instruction No. 03 concerning the activation of the fight against corruption, dated December 13, 2009.

⁵⁰ -Presidential Decree No. 11-426 dated 13 Muharram 1433 corresponding to 8 December 2011, which defines the composition, organization and operation of the Central Office for Combating Corruption, Official Gazette No. 08 dated December 2011.

1- **Characteristics of the Central Bureau for Combating Corruption.**

- The Bureau is a central operational structure specializing in the judicial police, where the majority of its members are officers and agents of the judicial police who are affiliated with the Ministry of the Interior and the Ministry of Defense, in accordance with Decree 11-426 in its second article 02.
- does not have financial independence and legal personality, as stated in Article 03 of the same decree, which stipulates that the Director General is secondarily responsible for the disbursement of the budget, and the first and last decision rests with the Minister of Finance. Members of the office are subject to the follow-up of the Minister of Finance and the supervision of the judiciary on the other hand.

This article was amended by Presidential Decree⁵¹ 209-14 amending Presidential Decree No. 11-426, which defines the composition, organization ,and operation of the Central Office for Combating Corruption. The amended Article 3 stipulates that the Office shall be placed under the Minister of Justice, Keeper of the Seals, and shall enjoy independence in its work and operation.

2- **The tasks assigned to the Central Bureau for Combating Corruption.**

The Central Bureau is entrusted with the tasks assigned to it under the applicable legislation, in particular the following.⁵²

- Gathering all information that allows for the detection, combating, centralizing, and exploiting of acts of corruption.
- Gathering evidence and conducting investigations into corruption incidents and referring the perpetrators to the competent judicial authorities.
- Proposing any measure that would ensure the proper conduct of the investigations carried out by the competent authorities.
- Developing cooperation and support with anti-corruption bodies and exchanging information in connection with ongoing investigations.

3- **The Central Anti-Corruption Commission's formation.**

The Diwan consists of⁵³

- Officers and agents of the judicial police affiliated with the Ministry of National Defense.
- Officers and assistants of the judicial police affiliated with the Ministry of the Interior and Local Authorities.
- Public officials with proven expertise in the field of combating corruption.

Third : The Audit Board.

The Court of Accounts exists within the institutional structure of most countries as the supreme body for financial oversight of public funds. Its name, organization, and authority vary from one country to another. In most countries, this oversight body is granted the necessary independence to pursue its legal oversight, and it is also

⁵¹ -Presidential Decree No. 14-209 dated 25 Ramadan 1435, corresponding to 23 July 2014 ,amending Presidential Decree No. 11-426 dated 13 Muharram 1433, corresponding to 08 December 2011, which defines the composition, organization and operating procedures of the Central Office for Combating Corruption, Official Gazette ,No. 46, dated 31 July 2014.

⁵² -Article 05 of Presidential Decree No. 11-426.

⁵³ -Article 06 of Presidential Decree No. 11_426.

granted broad powers and authorities in order to carry out effective oversight of the management of public funds. In Algeria, this body is represented by the Court of Accounts.

The 2020 constitutional amendment affirmed the independence of the Court of Accounts in Article 199,⁵⁴ which states that the Court of Accounts is a supreme independent institution for the oversight of public assets and funds, tasked with post-audit oversight of the funds of the State, local authorities, public facilities, and commercial capital belonging to the State.

The Court of Accounts contributes to promoting good governance and transparency in the management of public funds and the filing of accounts.

The President of the Republic appoints the President of the Court of Accounts for a five-year term, renewable once.

The Court of Accounts prepares an annual report which it submits to the President of the Republic, and the President of the Council is responsible for publishing it.

Fourth : The General Inspectorate of Finance.

The General Inspectorate of Finance is a permanent financial control body established by Decree No. 80-53,⁵⁵ which includes the establishment of a General Inspectorate of Finance. Article⁵⁶ 1 of the decree stipulates that a control body shall be established, placed under the direct authority of the Minister of Finance, called the General Inspectorate of Finance. Article 2⁵⁷ of the decree stipulates that the General Inspectorate of Finance shall monitor the financial and accounting management in the state services, decentralized public groups, and the following bodies.

- Public institutions of an administrative nature.
- Socialist institutions, their units and branches, and the social services affiliated with them.
- The sector's distinct autonomy.
- Social security funds, family grants, pensions, insurance, and cooperatives, and in general all bodies of a social nature, can be applied to any legal person who receives financial assistance from the state, or from a local community or public body, in the form of participation, aid, loan, or guarantee.

The General Inspectorate of Finance's mission also includes combating corruption through its oversight role as stipulated in Articles 2, 3, and 4 of Executive Decree No. 08-272.⁵⁸ The General Inspectorate of Finance's interventions consist of oversight, auditing, classification, investigation, or expert assessment, which, depending on the case, are based particularly on the following⁵⁹:

- process and the effectiveness of internal investigation structures.

⁵⁴ -Article 199 of the 2020 constitutional amendment.

⁵⁵ -Decree No. 80-53 dated 14 Rabi' al-Thani 1400 corresponding to 01 March 1980, which includes the establishment of a General Inspectorate of Finance, Official Gazette, No.10.dated 04 March 1980.

⁵⁶ -Article 01 of Decree 80-53.

⁵⁷ -Article 02 of Decree 80-53.

⁵⁸ -Executive Decree No. 08-272 dated 6 Ramadan 1429 corresponding to 6 September 2008, which includes the organization of the central structures of the General Inspectorate of Finance, Official Gazette No. 50 dated 7 September 2008.

⁵⁹ -Text of Article 05 of Executive Decree 08-272.

- Conditions for applying financial and accounting legislation.
- Financial and accounting management and property management.
- Concluding and executing public contracts and orders.
- Accuracy, honesty, and regularity of accounting.
- Level of achievements compared to the goals.
- Conditions for mobilizing financial resources.
- Managing budget allocations and using transportation methods.
- Condition for granting and using aid and subsidies provided by the State, regional groups, and public bodies and institutions.
- The expenses paid match the objectives pursued in the public donation request.
- Supervision of fund management and examination of funds, bonds and assets of any kind held by managers or accountants.
- Access to records and data in whatever form they may be.
- Submitting any request for information, either orally or in writing.
- Performing an examination of the accuracy and completeness of the accounting records for financial management activities.

The inspection process carried out by the General Inspectorate of Finance is done suddenly without any notification to the body subject to oversight. The rule of suddenness was stipulated in Article 14 of Executive Decree No. 08-272, which states that the interventions of the General Inspectorate of Finance are carried out on the spot and on the documents, and the examinations and investigations are sudden.

conclusion.

In conclusion, this study can be said that administrative and financial corruption crimes are among the most prominent factors that lead to a decline in the state's prestige in the eyes of the citizen and cause economic collapse as a result of the misappropriation of public funds. This necessitates confronting the phenomenon of corruption with all available mechanisms to reduce it. At that time, the state must address the phenomenon by strengthening and intensifying efforts aimed at preventing and combating corruption and adopting legal and institutional mechanisms in the constitutional and legislative system within the framework of embodying the state's policy aimed at cutting off the sources of corruption, combating it and preventing it.

In this regard, the following suggestions can be made.

- 1- Providing a degree of transparency in the various laws and regulations is necessary to limit the spread of corruption and provide solutions to it.
- 2- Effectively implement oversight and accountability systems, punish all those found guilty of corruption crimes with severe penalties, and seize and track all criminal proceeds held by others.
- 3- The need to spread an international database under the supervision of the Ministry of Justice, which is concerned with preparing international lists that include those convicted of corruption crimes of all kinds, in addition to repeat offenders and suspects.
- 4- The electronic declaration of assets is mandatory, and the declaration is available to all public employees, including senior officials, before the Supreme Authority for Transparency for the Prevention and Combating of Corruption, as a constitutional oversight body.

5- are required to report any suspected corruption crimes, and penalties will be imposed if they are covered up.

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