

Digitization as a mechanism to combat administrative corruption in the municipality in Algeria

الرقمنة كآلية لمكافحة الفساد الإداري في البلدية بالجزائر

Abdallah Merahi¹, Rym Merahi²

¹ University of Kasdi Merbah, Ouargla, (Algeria), abdallah.merahi@univ-ouargla.dz

² University of Echahid Cheikh Larbi Tebessi, Tebessa, (Algeria), rym.merahi@univ-tebessa.dz

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الملخص:

تناولنا في هذا البحث كيف تم اعتماد مجال رقمنة الإدارة البلدية لترسيخ مبادئ الشفافية وتعزيز المساءلة الإدارية كأحد متطلبات الحكم الرشيد، فالرقمنة لم تعد مجرد خيار تقني بل أضحت أداة قانونية وتنظيمية لمكافحة الفساد وترشيد التسيير العمومي من خلال تمكين المواطن من الولوج إلى المعلومات والخدمات العمومية بطرق عصرية وضمان خضوع الإدارة لمراقبة فعالة تحقق التوازن بين السلطة والمسؤولية، فدراسة هذا الإطار تقتضي الوقوف على مدى فعاليتها في تكريس ضمانات الشفافية والمساءلة داخل البلدية في الجزائر.

الكلمات المفتاحية: الإدارة الالكترونية، الشفافية، المساواة.

Abstract:

This study examines the adoption of digitization within public institutions and bodies as a means of consolidating the principles of transparency and strengthening administrative accountability, which constitute essential requirements of good governance. Digitization is no longer regarded merely as a technical option but has become a legal and regulatory instrument to combat corruption and promote the rational management of public administration. It achieves this by enabling citizens to access information and public services through modern mechanisms while ensuring that the administration remains subject to effective oversight that maintains a balance between authority and responsibility. Accordingly, the study seeks to assess the extent to which this framework contributes to embedding transparency and accountability guarantees within the Algerian legal system.

Key words: E-Government, Transparency, Accountability.

Introduction:

The implementation of electronic systems entails the digitization of all aspects of administrative operations through data processing, document issuance, and the provision of comprehensive services. This approach aims to ensure speed and accuracy in executing procedures while minimizing direct interaction between employees and citizens.

The use of information and communication technologies, combined with the monitoring and evaluation of public bodies through digital systems, enables the tracking of financial and administrative transactions and the automated detection of unlawful or suspicious activities. These electronic oversight mechanisms contribute to ensuring the effective implementation of programs and plans while achieving predetermined objectives with efficiency and transparency. Through such technologies, the administration can overcome various obstacles to administrative development, particularly those associated with administrative corruption.

This study will examine how digitization can be implemented within municipalities as an effective tool for combating administrative corruption by reinforcing fundamental principles such as transparency, accountability, and continuous oversight of administrative processes.

To address our research topic, we adopted the descriptive method supported by analytical tools, as it is the most appropriate approach for this study.

Based on the foregoing, we raise the following research question: How has the fight against administrative corruption been implemented through the digitization of public institutions in Algeria?

To achieve a comprehensive understanding of the elements of this research question, we have structured the following outline:

- 1- The Realization of the Principle of Transparency within Municipal E-Administration**
- 2- 2- The Elements of the Principle of Transparency**

1- The Realization of the Principle of Transparency within Municipal E-Administration

The principle of transparency, within the framework of electronic administration at the municipal level, is grounded in the free flow and proactive disclosure of administrative information to interested parties. It reflects a set of statutory and procedural obligations incumbent upon public officials, aimed at ensuring openness in decision-making processes. By facilitating access to relevant data through digital platforms, this principle strengthens administrative accountability, fosters public trust, combats corruption, and upholds the foundational values of integrity, equity, and good governance.¹

Based on the foregoing, the concept of the principle of transparency shall be defined, along with the mechanisms for its realization and the safeguards ensuring its effective implementation.

1.1- The Concept of the Principle of Transparency

The principle of transparency is one of the fundamental principles in law and public administration. It entails the obligation of administrative authorities to enable individuals to access information and disclose adopted policies, decisions, and procedures, thereby ensuring clarity in administrative activity and the possibility of accountability. This principle constitutes a cornerstone of good governance, given its pivotal role in fostering trust in public institutions, promoting integrity, and combating corruption.²⁰

Accordingly, the following section will examine the definition of the principle of transparency and identify its essential elements.

1.1.1- Definition of the Principle of Transparency

The definition of the principle of transparency varies depending on the authority or body undertaking its formulation. Specialized entities tend to adopt narrower definitions aligned with the specific nature of their respective fields, whereas broader definitions emerge when the principle is approached from general perspectives or within wider theoretical frameworks. This variation reflects the flexibility of the concept and its adaptability to the applicable legal or administrative context.³

1.1.1.1- The Narrow Definition

Among the institutions that have sought to define the principle of transparency are the World Bank and the International Monetary Fund. The World Bank defines transparency in the management of public funds as: "the continuous, genuine, and timely flow of economic, political, and social information as it occurs, concerning private sector investors who utilize public loans and credit funds, as well as borrowers. It also includes information related to the financing of public services, the management of fiscal and monetary policy, and the activities of financial institutions".⁴

1.1.1.2- The Broad Definition of the Principle of Transparency

Transparency is defined as: "The availability of information is a manifestation of transparency; however, it remains ineffective unless individuals are aware of its existence and know how to access it. Moreover, if the cost of obtaining such information is high, transparency is stripped of its substance".⁵

The principle of transparency has also been defined as: "An administrative approach based on clarity, openness, and participation, which ensures rational decision-making, teamwork spirit, and the accountability of the administration through the flow of information and the adoption of clear procedures for carrying out tasks both within and beyond the institution".⁶

1.1.2- The Elements of the Principle of Transparency

A number of essential elements can be identified as necessary for an administration to achieve transparency in management, considering it a cornerstone of modern administrative

practice. These elements include:⁷

- Clarity of Mission and Objectives: A precise definition of the administration's vision, strategic goals, and its role within society.
- Simplicity and Clarity of Procedures: Continuous updating of procedures to ensure flexibility and comprehensibility, thereby facilitating the execution of tasks.
- Widespread Dissemination of Information: Making data and guidelines publicly available to enable citizens to monitor administrative work and track progress.
- Avoidance of Suspicious Practices: Promoting transparency and clarity in administrative activities while ensuring equality and equal opportunities.
- Transparency Awareness Programs: Promoting a culture of transparency among employees and the public, while fostering cooperation and respect for rights.
- Updated Electronic Platforms: Providing regularly maintained websites that allow effective communication with the public and the continuous updating of information.
- Strengthening Administrative Oversight: Enhancing the efficiency of oversight mechanisms through procedural and operational clarity.
- Combating Administrative Corruption: Reinforcing institutional capacity to fight corruption and achieve administrative development in line with political and social changes.

1.2- The Implementation of the Principle of Transparency

With technological advancement, the principle of transparency has come to impose a positive obligation on the administration to publish its data and information online. Rather than requiring citizens to seek out information from administrative bodies, it has become the duty of those bodies to proactively provide such information and to involve citizens in the management of public affairs.⁸

Based on the foregoing, it is evident that the transition to e-administration entails the implementation of transparency at the levels of planning, design, and execution. E-administration promotes and reinforces the principle of transparency through the following means:

1.2.1- Simplification and Facilitation of Procedures

Procedures represent the detailed steps undertaken by individuals to achieve the institution's objectives. When overly complex, they increase administrative costs and reinforce bureaucratic rigidity, thereby contributing to the spread of bribery. To overcome these burdensome procedures—which follow laws and regulations and constitute the fundamental step in the completion of administrative tasks—requests are now submitted

electronically, with only essential documents required. This shift significantly contributes to the simplification of processes and the enhancement of transparency within the administration.

1.2.2- The Implementation of the Principle of Neutrality

The emerging digital reality in public service delivery plays a significant role in ensuring justice and equality among all concerned parties. In this context, favoritism or bias toward any entity, party, or individual is prohibited. E-administration relies on pre-established guidelines and instructions embedded within the electronic system, which cannot be manipulated. This guarantees that all transactions follow uniform and pre-agreed rules, thereby reinforcing the principle of neutrality in administrative conduct.⁹

This system contributes positively to the enforcement of the principle of transparency, as it prevents any individual from influencing transaction outcomes or granting undue advantages. As a result, it strengthens the credibility of the system and builds trust between the administration and citizens. E-administration promotes equality and fairness among individuals, enhances transparency, and reduces opportunities for corruption or favoritism in service delivery. Bureaucratic procedures are often considered the main obstacle to administrative efficiency, as they foster corruption, bribery, and nepotism, thereby increasing administrative costs and becoming a central focus of administrative reform.¹⁰

1.2.3- E-Government as an Effective Means of Securing Notifications

The digitization of procedures contributes to accelerating transactions within a transparent environment. Transparency is achieved by making information related to decisions and procedures simultaneously and equally accessible to citizens and organizations, thereby ensuring equal opportunities in administrative dealings.¹¹

Transparency in public administration refers to the openness of decision-making and the non-concealment of information from concerned parties. It enhances the credibility of the administration before public opinion, the government, and the private sector, and guarantees the citizen's right to access and review information freely.¹²

1.3- Safeguards for the Realization of the Principle of Transparency within Municipal E-Governance

The realization of the principle of transparency in public administration requires that the legal framework include a set of safeguards and technical mechanisms to ensure its effective implementation.

1.3.1- Legal Safeguards for Ensuring Transparency at the Municipal Level

Legal systems and regulatory frameworks often constitute a significant obstacle to change and innovation in administrative work. Therefore, they must be restructured to keep pace with technological advancements and contribute to enhancing the quality of public administrative services. At the same time, it is essential to ensure information security and to establish mechanisms for updating legislation in line with technological progress. These include¹³:

- Safeguarding the public employee's right to share information related to their duties, in accordance with legally established conditions.
- Regulating electronic archiving to ensure the lawful preservation and retrieval of official documents.
- Establishing short and binding deadlines for processing requests and issuing appropriate administrative decisions.
- Obligating relevant authorities to continuously and regularly publish their information and procedures online, while ensuring data protection.
- Ensuring the legal validity of electronic systems in procurement processes, with adequate information security and enforcement of bids within specified timelines.
- Recognizing electronic documents as valid alternatives to paper-based records in courts, with guaranteed ease of transfer between institutions.
- Imposing strict penalties for violations of transparency laws and guaranteeing the right to judicial appeal.
- Establishing an effective periodic reporting system to assess the implementation of freedom of information laws and the principle of transparency.

1.3.2- Technical Mechanisms for the Implementation of the Principle of Transparency

E-administration relies on advanced technological tools to ensure transparency and democratic participation in administrative management, as well as to achieve administrative and financial oversight through the use of currently available and future technological means. These include ¹⁴:

- **Electronic Mail :** It is defined as the process of sending and receiving messages and documents from one connected device to another through a communication network whether local, national, or global. Electronic message exchange is carried out using a file transfer protocol. Under this procedure, transactions are conducted, and the required electronic documents are generated, encrypted, and then transmitted via email over the Internet to various companies or individual citizens.
- **The Internet :** The Internet is a vast network that connects millions of computers through thousands of interconnected local and wide area networks. It consists of a continuously growing number of devices, whether linked through local, international, or independent networks. Through the interaction of various components hardware, software, and human input-using specialized technologies, communication is established, and data and information flow seamlessly. To benefit from its advantages, which include the following¹⁵:
 - Utilization of certain email functionalities.
 - Interactive trading of goods and services.
 - Access to selected information and communication technology services.
 - Rapid and efficient distribution of files.

2- The Elements of the Principle of Transparency

The principle of equality is a fundamental principle derived from natural law, human

rights declarations, and divine religions, upon which the rules of law are established. It serves as a binding norm for the administrative authorities of the State¹⁶. This raises the question: what is meant by the principle of equality before electronic administration?

In this context, we shall address the concept of the principle of equality before electronic administration, followed by an examination of its manifestations and the role of electronic administration in the implementation of this principle.

2.1- The Concept of the Principle of Equality before Electronic Administration

In this regard, we shall address the definition of the principle of equality before electronic administration, as well as the legal basis underpinning this principle.

2.1.1- Definition of the Principle of Equality before Electronic Administration

The principle of equality before electronic administration may be defined as: "The absence of discrimination among members of the same group where their legal positions are identical."¹⁷

It is also defined as: "The obligation of the public utility to provide services to beneficiaries without any unjustified discrimination."¹⁸

This means that the public utility must adhere to equality in dealing with its users, ensuring that those in identical legal positions enjoy equal access to its services and bear the costs of such access, regardless of any differences between them that are unrelated to the conditions of service provision.

Accordingly, the principle of equality before electronic administration entails that a public utility must treat all applicants for its services on an equal footing when their legal positions are the same.

Equality constitutes a fundamental principle for the operation and credibility of electronic administration, as all users are treated equally, without distinction, given that the system does not recognize individuals personally but interacts with codes and secure identifiers.

Electronic administration operates by facilitating and simplifying the delivery of electronic public services to all beneficiaries equally, provided that they meet the prescribed requirements. It prohibits discrimination, favoritism, and nepotism in service delivery, as service requests are processed directly via computers or smart devices through dedicated electronic portals for each utility, without the need for a human intermediary who might otherwise engage in favoritism or nepotism.

Therefore, the principle of equality before electronic administration signifies that all individuals seeking to benefit from electronic public services must be treated equally in the fulfillment of their requests or in bearing the associated costs, without discrimination based on lineage, religion, opinion, or gender.

Public services are thus delivered objectively and with high efficiency through the availability of electronic portals and websites accessible to all beneficiaries with ease, as the electronic system in public utilities has effectively eliminated the queues of applicants for

such services.¹⁹

2.1.2- The Legal Basis of the Principle of Equality Before Electronic Administration

The principle of equality in public utility services finds its legal basis at the domestic level in the provisions of the Constitution and legislative texts. Equality among public service users constitutes one of the manifestations of the general principle of equality, which the administration must consistently observe.

The Algerian legislator has enshrined this principle through various legal provisions, including Article 27 of the General Statute of the Civil Service of 2006.²⁰

2.2- Manifestations of the Principle of Equality and the Role of Electronic Administration in its Implementation

In this context, we shall address the manifestations of the principle of equality and the role of electronic administration in the realization of this principle.

2.2.1- Manifestations of the Principle of Equality before Electronic Administration

Public institutions, as entities established to serve the public interest, are bound to provide their services to all individuals on an equal basis, thereby embodying the principle of equality as enshrined in the Constitution and the laws. Article 37 of the 2020 Constitution stipulates that: “All citizens are equal before the law and are entitled to equal protection. No discrimination may be invoked on the basis of birth, race, gender, opinion, or any other personal or social condition or circumstance.”²¹

The most significant applications of the principle of equality before public institutions include:

2.2.1.1- Equality of Beneficiaries before Public Institutions

This principle is founded on the obligation of the authorities responsible for managing a public institution to provide its services to all members of the public who meet the conditions for benefiting from them, without any discrimination on the basis of gender, color, language, religion, or social or economic status. The requirements of equality among beneficiaries of public services entail that the conditions for accessing such services must be met by those requesting them, and that individuals must be in the legal position prescribed by the law and the specific rules governing access to these services. Consequently, they are entitled to equal treatment both in benefiting from the services and in bearing the burdens associated with such benefit.²²

This principle does not conflict with the authority of the public institution to impose certain conditions required by laws and regulations, such as those relating to the payment of fees, the observance of specific procedures, or the submission of certain documents.

2.2.1.2- Equality in Access to Public Employment

Article 74 of Ordinance No. 06-03 stipulates that: “Recruitment shall be subject to the principle of equality in access to public employment.” However, this principle is subject to certain limitations and exceptions in its application, such as the requirement of nationality, among others.

2.2.1.3- The Principle of Equality in Bearing Public Burdens

The principle of equality in bearing public burdens is recognized as one of the general

legal principles. Among its manifestations is equality in contributing to public charges, whereby taxes are paid by each individual according to their capacity, in accordance with the principle of tax justice. Another manifestation is equality in performing compulsory military service.²³

2.2.2- The Role of Electronic Administration in Enforcing the Principle of Equality

Electronic administration—defined as the use of information and communication technologies in the delivery of administrative services—plays a significant role in reinforcing the principle of equality among citizens. It achieves this by ensuring universal access to services without discrimination based on time or location, reducing human bias or favoritism in administrative transactions, and streamlining procedures through standardized criteria for all individuals. This approach minimizes disparities in treatment and promotes transparency and clarity in administrative processes, thereby granting equal opportunities for all individuals to benefit from rights and services. This will be further examined through:

2.2.2.1- Ensuring the Neutrality of Public Services through Electronic Means:

The principle of neutrality in public services prohibits any form of discrimination among individuals based on gender, religion, opinion, or personal relationships. The implementation of an electronic administration system helps overcome bureaucratic inefficiencies and address the phenomenon of administrative corruption. Favoritism, commonly referred to as “wasta,” represents a deeply rooted social ailment that individuals often seek to exploit before engaging with public administrations or services.²⁴

Similarly, nepotism has contributed to the decline of public administration or public services, following the spread of administrative corruption and associated practices such as bribery. Discrimination among individuals in accessing benefits stands in direct contradiction to the principles of equality, neutrality, and objectivity, and constitutes a violation of individual rights.

2.2.2.2- Assisting the State in Guaranteeing Equality

The State seeks to assist individuals who lack access to computers or who are unable to operate them in benefiting from public services. This is achieved by providing internet connectivity and computer equipment for use within their residences, as well as by ensuring that applicants for public services can access such resources. To this end, the establishment of facilities equipped with the necessary technological infrastructure is essential.²⁵

2.2.2.3- Sanctions for Violating the Principle of Equality Among Beneficiaries of Public Services

As a general rule, public authorities establish public services unilaterally when they identify a public need requiring the creation of such a facility. They exercise discretionary power in establishing optional public services, and individuals cannot compel them to create a public service. Likewise, beneficiaries have no authority to oblige the administration to organize or manage a public service in a specific manner.

The administration establishes public services as mandated by the legislature and is

responsible for organizing them in a way that ensures their continuous and orderly operation to achieve the public interest. In fulfilling its obligation to maintain the regular functioning of public services, the administration is equally bound to guarantee equality among all beneficiaries of such services without any form of discrimination.²⁶

A breach of the principle of equality among beneficiaries of public services entails the imposition of sanctions, which may include the following:

- **Annulment Action:** An administrative decision that violates the principle of equality in access to public services may be annulled through an annulment action, which can be initiated by the individual against whom such a decision has been issued.
- **Compensation Claim:** An individual harmed by an administrative decision that violates the principle of equality may seek judicial redress by filing a claim for compensation, in accordance with the established rules governing administrative liability, whether in its tortious or contractual form.²⁷

Conclusion:

Through the examination of our topic, it becomes evident that electronic administration within municipalities has significantly contributed to eliminating various challenges associated with traditional administrative practices. This is primarily due to its features that enhance and modernize the management of public services, ensuring that citizens can access them without complexity or discrimination.

Moreover, electronic administration in municipalities has, to some extent, mitigated the complications arising from administrative corruption, including bureaucracy and bribery. The integration of modern technological tools in municipal administrative operations has further improved the efficiency of service delivery and fostered a degree of development and reform at the municipal level.

Based on the above, the study concludes with the following recommendations:

- Consolidation of the principles of transparency and accountability, activation of electronic oversight, and ensuring neutrality and equality.
- Generalization of digitalization to detect any unlawful administrative deviations or irregularities, thereby creating a sense of trust among the public in their dealings with the administration.
- Utilizing electronic administration in managing public utilities to contribute to achieving equality in the delivery of services to the public.
- Training administrators to provide services with speed, accuracy, and lower financial costs compared to traditional administration.
- Expanding the use of electronic platforms in public institutions to deliver administrative services without requiring citizens to engage in any negotiations, thereby preventing any extortion or potential misconduct.

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