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New Oversight Bodies as Institutional Mechanisms for Combating Corruption Crimes in Algeria -An Analytical Study of the Effectiveness of the High Authority for Transparency and Corruption Prevention and the Central Office for Corruption Suppression

Delloul Abdenour[1,*], **Delloul Abdelhak**[2]

[1]**University of sfax (Tunis), abdenour20@gmail.com**

[1]**University of sfax (Tunis), abdelhakdelloul93@gmail.com**

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Abstract:

Corruption represents one of the most severe socio-legal maladies affecting contemporary societies, with its detrimental consequences permeating all levels of government administration and state institutions. Within the Algerian context, this phenomenon has emerged as a critical challenge necessitating comprehensive legislative and institutional responses. The Algerian legislator has addressed this challenge by implementing a solid legal framework, Law No. 06-01 was enacted, establishing robust preventive foundations for combating corruption in both public and private sectors. At the institutional level, authorities established the National Authority for Corruption Prevention and Control, which was subsequently elevated through the 2020 constitutional amendment to become the "High Authority for Transparency, Prevention and Fight Against Corruption," functioning as an independent regulatory body. This dual approach demonstrates Algeria's commitment to addressing corruption through coordinated preventive and punitive measures within a structured legal framework.

Keywords: *Institutional mechanisms, combat corruption, supreme authority,central office*.

*delloul abdenour

I. INTRODUCTION

Corruption must be regarded one of the oldest phenomena to arise, since its presence has been related to the creation of political systems, and there is no question that this plague in all its forms and manifestations has spread throughout the world. It is not restricted to one group nor to another, but has evolved into a hazardous worldwide phenomena that undermines national economies and attempts to weakening and collapsing them, it has a detrimental impact on moral principles and destabilizes public confidence, endangers social security and political stability, among other catastrophic consequences.

To tackle it, most governments, including Arab ones, have formed dedicated committees and agencies. To combat this scourge, mechanisms and tactics have been designed and developed in an attempt to minimize corruption tendencies while also researching its bases and causes.

Algeria was one of the countries that ratified the United Nations Convention against Corruption in 2004, resulting in the establishment of a national legal framework for combating corruption (Law No.06/01, as amended by Order No.10/05) and a specific institutional framework, primarily represented by the National Authority for the Prevention and Combating of Corruption and the Central Bureau for the Suppression of Corruption.

As a result, the topic, which deals with the study of the legal structure of these institutional and legal mechanisms and their role in combating corruption in Algerian legislation, is important in shedding light on the strengths and weaknesses, as well as the obstacles that these bodies face that contribute to the failure of the national strategy to reduce this phenomenon, as well as revealing the slippages that occurred. In this sense, the legislature enacted legislation to prevent and combat corruption.

Let ‘s address the following issue, which we feel would clarify the Algerian legislator's policy in regulating these systems: To what extent has Algeria's lawmaker agreed to create institutional preventative measures through the National Authority for the Prevention and Combating of Corruption and the Central Office for the Suppression of Corruption to minimize corruption crimes?

To address this problematic, we will rely on a descriptive approach to describe the ideas related to the subject of the National Authority and the Central Office and their role in combating corruption, as well as an analytical approach to analyze the legal texts related to both of them and reveal the slippages in the articles of Law No.06/01 in this regard.

We shall split the research into two sections.

The first section: The Statutory Framework Regulating the National Anti-Corruption Authority: Jurisdictional Competencies and Enforcement Mechanisms in Prosecuting Corruption Offenses

The second section: The statutory and regulatory framework governing the Central Office for the Suppression of Corruption establishes its institutional mandate, operational jurisdiction, and prosecutorial authority in addressing corruption-related offenses. This legislative architecture delineates the Office's investigative prerogatives, evidentiary standards, and adjudicative functions, while prescribing its coordination mechanisms with judicial and law enforcement entities to ensure effective enforcement of anti-corruption provisions.

The Statutory Framework Regulating the National Anti-Corruption Authority: The statutory and regulatory framework governing the National Anti-Corruption Authority defines its institutional mandate, jurisdictional scope, and prosecutorial powers in addressing corruption-related offenses. This legislative architecture delineates the Authority's investigative prerogatives, evidentiary protocols, and adjudicative functions, while establishing coordination mechanisms with judicial and law enforcement entities to ensure effective enforcement of anti-corruption provisions under applicable domestic and international legal instruments.

As part of attempts to combat corruption, Algerian legislators took the initiative to create a series of laws and develop mechanisms to address its spread, most notably the National Authority for the Prevention and Combating of Corruption.

Article 204 of the Constitutional Amendment (2020) stipulates that the Supreme Authority for Transparency, Prevention, and Combating Corruption shall constitute an independent and autonomous entity.

As a result, the Constitutional Founder revised the Commission's composition, separating it from advisory institutions and including it into Chapter Four of Section Four, which was entitled Oversight Institutions in the new constitutional amendment, providing it particular independence.

1.1. Legal Definition of the National Authority for Preventing and Combating Corruption

The National Authority for the Prevention of Corruption is a statutory body vested with the mandate to prevent, combat, and suppress corrupt practices, as well as to implement and enforce the national anti-corruption policy.(i)

This body is regarded as an observatory and a major body in the fight against rampant corruption, mitigating its origins and delegating its tactics, particularly bribery, which has developed alarmingly in Algerian society. It is in charge of developing the national anti-corruption strategy and performing periodic evaluations of legislative and regulatory texts to identify flaws that might be used in the practice of corruption.(ii)

The Algerian legislator defined it in Law No. 06/01 as "an independent administrative authority endowed with legal personality and financial independence placed with the President of the Republic,"(iii) which is the same definition stipulated in Article 02 of Presidential Decree No. 06/413,(iv) and it was adopted in this manner. The Algerian lawmaker followed the French legislator's lead in establishing an independent administrative body with the goal of ensuring impartiality toward business operators as well as openness in political life and public affairs. This is deemed necessary so that the latter can carry out its tasks and functions properly.

1.2. Legal Characterization of the National Authority for Preventing and Combating Corruption

We can conclude the body's legal nature from the definition provided by Article 18 of Law 06/01 and reinforced by Article 02 of Presidential Decree 06/431, as modified and supplemented.

1.2.1. The Authority is an autonomous administrative authority:

It's an authoritarian tendency.[v] On the one hand, it possesses administrative authority that allows it to wield the powers of public authority; on the other hand, it is an autonomous body that is not subject to presidential or ministerial scrutiny by the executive branch.

1.2.2. The Authority has legal identity and financial independence:

As provided by the Algerian lawmakers under Article 18/01 of Law 06/01. As a result, it has the right to litigate, and its president has the authority to represent it before the courts.[vi]

Although the Authority has financial independence, its budget is integrated into the state's overall budge[t(vii)] and is overseen by the Financial Controller, who is chosen by the Minister of Finance.[viii]

From here, it is obvious that the Authority's financial independence is restricted, since it is resource dependent on the executive authority and subject to financial scrutiny.

1.2.3. The Authority's affiliation to the President of the Republic:

Pursuant to Article 202(1) of the 2016 Constitutional Amendment and Article 18(1) of Law No. 06-01, the Authority maintains its institutional status as an independent administrative entity possessing full legal personality and financial autonomy, notwithstanding its operational linkage to the Office of the President of the Republic. This hybrid governance model ensures executive coordination while preserving the Authority's independent exercise of its statutory anti-corruption mandate, including investigative prerogatives and prosecutorial functions as prescribed under relevant legislation.

1.3. The Authority's structure and organization

Law No. 06/01 did not specify the structure of the body or the conditions required for its members, instead referring to the organization as indicated in Article 18 of Law 06/01, which is considered negligence on the part of the legislator in this regard, as the composition of the body is considered one of the basic matters that can affect the work and independence of this body.[ix]

According to Article 05 of Presidential Decree No.06/413, the Authority includes a Vigilance and Evaluation Council comprised of a president and six (06) members appointed by presidential decree for five (05) years, renewable once, and whose duties expire in the same manner.

We note that the authority's head and six members were appointed by presidential decree in 2010.[x] It was delayed for four years, and the authority's work was halted during this time. Despite the appointment decision, the formation was not officially established until after its members were sworn in before the Algiers Judicial Council in January 2011.[xi]

This inauguration would not have taken place if the President of the Republic's Instruction No.03 of 2009, relating to the activation of anti-corruption mechanisms, had not been issued, which required immediate intervention to install them, especially after corruption had taken over most of Algerian

society in all aspects of social life, as confirmed by former President Bouteflika in a speech on April 27th, 1999, he stated that "Algeria is a corrupt country. It is a sick country in terms of management, with favoritism, nepotism, and arbitrariness... with uncontrolled privileges... with unchecked squandering of public resources."

This was proven by several corruption cases, including the Al-Khalifa case in 2003, which was dubbed the scandal of the century, as well as corruption in the construction of the East-West controlled-access highway, which resulted in a significant drain on public funds and budget manipulation for other projects, and don't forget about Sonatrach 01 and 02, which were more corrupt than their predecessors. Many dubious agreements were completed in the sensitive hydrocarbons industry, placing Algeria 112th internationally, according to a Transparency International report released on February 21st, 2018, and 108th in 2016 classification.[(xii)]

The Authority began probing forty bogus bank loans 15 days after taking the oath, and the President of the Republic also asked it to investigate Algeria's greatest corruption cases, which involve sensitive areas like as agriculture, irrigation, trade, international affairs, and banking[(xiii)]... The lineup is as follows:

The Authority's chairman: appointed by the President of the Republic[(xiv)]. He carries out the tasks outlined in Article 09 of Presidential Decree No.06/413, particularly preparing the Authority's work program, implementing measures that fall within the framework of national anti-corruption policy, and representing the Authority before the judiciary. According to Article 21 of the same law, he also prepares the Authority's budget after consulting with the Chairman of the Vigilance and Evaluation Council, and he is also regarded the certifying officer.

Vigilance and Evaluation Board: It is chaired by the Chairman of the National Anti-Corruption Commission, and its members are six (6) independent national personalities who represent civil society and are respected for their expertise and integrity.[(xv)]

Directorate of Analysis and Investigations: The Authority carries out operational field functions, including the receipt and processing of periodic asset declarations submitted by public officials, the analysis and protection of information contained within such declarations, the collection of evidentiary material and investigation of corruption-related offenses, as well as the coordination and monitoring of anti-corruption activities through direct field interventions informed by periodic reports from relevant sectors.[(xvi)]

Pursuant to Article 07 of Decree No. 06/413, the Authority shall be supported by a General Secretariat headed by a Secretary-General, who shall administer its financial and administrative affairs under the supervision of the Authority's Chairman—the latter being appointed by presidential decree. The Authority's organizational structure further comprises specialized departments, including: a Directorate for Documentation, Analysis, and Public Awareness; a Directorate responsible for processing asset declarations; and a Directorate dedicated to international coordination

1.4. Tasks of the National Anti-Corruption Authority

According to the constitutional text: After considering the obstacles that impeded the National Authority's independence from corruption and combating it, the constitutional amendment of 2020 resulted in a qualitative leap in the fight against corruption, expressing the clear political will of the country's highest authorities to eliminate this dangerous phenomenon while addressing the authority's power deficiencies. He repaired it by giving it legal standing and elevating it to the position of an oversight authority, despite the fact that it was merely an advisory body, resulting in years of poor performance and task failure.

The constitutional creator of the Supreme Authority for Transparency and Prevention of Corruption has allocated three fundamental roles:

- Oversee institutional tasks
- Manage control and induction processes
- Advising on all anti-corruption legislation

According to Article 205, "the Supreme Authority for Transparency, Monitoring, and Combating Corruption must conduct the following tasks:

- ✓ Create and implement a national policy to promote transparency, prevent and combat corruption
- ✓ Gather, process, and disseminate information in their field of expertise to relevant agencies.
- ✓ Notifying the Accounting Board and Authority on transparency compliance
- ✓ Consultations to express court opinions on infractions and make instructions to relevant institutions and agencies
- ✓ Supporting civil society and other anti-corruption stakeholders
- ✓ Sharing opinions on pertinent legal texts within their area of expertise
- ✓ Contributed to the creation of anti-corruption agencies' agents[(xvii)]
- ✓ Make ethical contributions to life and career advancement
- ✓ Contribute ethically to life and professional progress

As a result, the constitutional founder enlarged the authority's powers, established its interaction with the Accounting Council, and outlined their relationship with the relevant judicial authorities. He also developed notification mechanisms in this area, allowing for better collaboration among governmental institutions in combatting corruption.

Recognizing civil society as a fundamental partner in combating corruption, the founding legislation has vested the Authority with corresponding responsibilities, pending the amendment of Law No. 06/01 to align with the provisions of the forthcoming constitutional revision, which shall be promulgated imminently.

According to the law language, the National Authority for Preventing and Combating Corruption performs a series of responsibilities that are typically classified as preventative measures. Despite its name, the National Authority for Preventing and Combating Corruption focuses on prevention rather than control.[(xviii)] (Article 20 of Law No.06/01 states that these responsibilities and authorities were detailed and precisely specified by Decree No.06/413, as revised and supplemented, and dispersed to the several departments.

Presidential Instruction No.03 of 2009 regarding activating the fight against corruption also reorganized the powers of this body and limited them to the preventive aspect at the national level and international cooperation, while another body was created for combating and confronting, and these powers can be divided into:

Consultative competencies:

The Authority's advising powers are as follows:

- Proposing a comprehensive policy to prevent corruption: This is accomplished by developing an action program to prevent corruption on the grounds that if we are able to develop preventive methods that prevent the occurrence of corruption crimes, there will be no need for punitive legislation because the crime will not occur in the first place, emphasizing the critical importance of this policy.
- Providing advice and suggesting anti-corruption actions.
- Planning awareness campaigns.
- Research legislation, regulations, processes, and different administrative practices to collect and use any information that might help identify acts of corruption.
- Implementing tools and processes for combating corruption.

Competencies requiring administrative decision-making: The National Authority for the Prevention and Combating of Corruption, like other administrative bodies, has been entrusted with some powers that necessitate administrative decisions, such as property declaration, in which the Authority receives property declarations from public employees on a regular basis, studies and exploits the information contained therein, and ensures their preservation. The lawmaker has limited the number of workers who must register their possessions to the Commission, including the heads and members of elected local assemblies.[(xix)]

The statutory framework expressly exempts designated high-ranking public officials from mandatory asset disclosure requirements, including: the President of the Republic, parliamentary members, the President and members of the Constitutional Council, the Prime Minister and ministerial appointees, the President of the Supreme Audit Institution, the Central Bank Governor, ambassadorial and consular personnel, regional governors, and judicial officers. Notably, disciplinary jurisdiction over

members of the judiciary remains exclusively vested in the First President of the Supreme Judicial Council, as prescribed under. [(xx)]

The Authority's correspondence with the judicial authority: When the authorities come up with criminal facts, it may inform the appropriate judicial authorities. This is according to what the Minister of Justice, as a representative of executive power, in the courts considers suitable. Paragraph 07 of Article 20 of Law No.06/01 further permits the Authority to seek help from the Public Prosecution in collecting evidence and conducting investigations in Corruption-related occurrences.

1.5. The extent to which the National Authority for Preventing and Combating Corruption is independent

From an organic standpoint: Despite the legislator's eagerness to enshrine the Commission's independence and describe it as an independent administrative authority on the part of the constitutional founder, there are obstacles that limit and reduce the degree of independence, the most important of which are:

The President's monopoly on appointment power: The constitutional and statutory framework confers upon the President of the Republic the sole and non-delegable power to appoint all members of the Authority, including its presiding officer, without prejudice to or shared jurisdiction with any other state organ or administrative entity. This exclusive appointing authority, as enshrined in [Relevant Constitutional Provision/Law], establishes a centralized governance mechanism while maintaining the Authority's functional independence in the exercise of its mandated competencies[(xxi)] . is a retreat from an important principle that increases the independence of any body, which is the pluralism in choosing the member parties, and therefore it would have been better if the legislator distributed the power to appoint members of the body among the three authorities in the state, because the president's monopoly on appointment power gives him the exclusive authority over its directors and subjects the members to him, reducing their independence and the body's independence.

Membership renewing possibility: The enabling legislation provides for a single presidential renewal of the terms of office for members of the Authority. This renewable mandate mechanism carries inherent risks to institutional independence, particularly where renewal decisions are made without objective criteria or through politically influenced processes. The temporal duration of appointments alone cannot sufficiently safeguard the Authority's impartiality unless accompanied by an absolute non-renewability clause. A fixed, non-renewable term establishes definitive temporal boundaries that both delineate the exercise of powers and create necessary incentives for officeholders to discharge their duties with maximum efficacy during the prescribed tenure period.[(xxii)]

Chairman's and Members' membership discontinuation: Pursuant to Article 05 of amended and supplemented Decree 06/413, the termination of Commission members' mandates follows identical procedural requirements as their initial appointment, specifically through presidential decree, following completion of the five-year tenure. This unilateral executive prerogative, while constitutionally prescribed, raises substantive concerns regarding potential arbitrary exercise, particularly given the legislative omission of defined grounds for premature termination (e.g., grave misconduct or force majeure). The absence of objective dismissal criteria creates legal uncertainty that may compromise the Commission's operational independence vis-à-vis executive oversight.[(xxiii)]

From a functional standpoint: Despite being granted independence, the authority is subject to several constraints. After studying the authority's competencies, we may conclude:

The Authority's functions are primarily preventative and advising: The Authority's mission is primarily preventative rather than controlling, as evidenced by the many responsibilities allocated to it, such as publishing reports, expressing opinions, developing awareness campaigns, and so on.

Limited administrative independence: The Authority's constrained administrative autonomy is evidenced by Article 08 of amended Presidential Decree No. 06/413, which subjects its internal organizational structure to joint determination by the relevant public service authority and the Finance Minister, in conjunction with Article 02 of said decree and Article 202 of the 2016 constitutional amendment.

The relativity of financial independence: The statutory guarantee of the Authority's financial autonomy remains circumscribed by the State's continued fiscal control, as manifested primarily through its provision of budgetary subsidies to the Authority. This funding mechanism inherently creates dependency relationships that may compromise the institution's operational independence, as stipulated in the first paragraph of Article 22 of Decree 06/413.[(xxiv)]

On the other hand, we discover that the Authority is subject to financial oversight by a financial controller appointed by the Minister in Charge of Finance, which is subject to the Ministry of Finance's presidential authority, and that this oversight applies to all administrative financial operations. As a result, the Authority is funded by the state via subsidies, and it is overseen by a financial controller selected by the executive authority. All of these reasons restrict the Authority's financial independence.[(xxv)]

Submission of the annual report to the President of the Republic: Pursuant to Article 24 of Law No. 06/01, the Authority is mandated to submit an annual report to the President of the Republic. While framed as an institutional power, this obligation effectively constrains the Authority's operational autonomy by subjecting its activities to ex post executive oversight, thereby creating inherent limitations on its independent functioning.

The legislature's failure to prescribe the disposition of the report following its submission to the President of the Republic, coupled with the absence of mandatory publication requirements, constitutes a violation of fundamental good governance principles—particularly the principle of transparency—as it prevents public accountability and oversight of the Authority's findings and recommendations,[(xxvi)] especially since non-publication raises doubts and interpretations despite the report's realism and objectivity.

Restriction of the Authority's interaction with the judiciary: Where criminal conduct is substantiated through investigation, the Authority is legally required to submit evidentiary materials exclusively to the Minister of Justice (in their capacity as Keeper of the Seals) for onward transmission to the competent Public Prosecutor, as prescribed under [Relevant Law/Article]. This mandatory referral mechanism—precluding direct judicial filing by the Authority—establishes an executive oversight filter that: (i) constrains prosecutorial independence by interposing ministerial discretion; and (ii) creates structural dependence on executive branch intermediation, thereby potentially compromising the Authority's operational autonomy in corruption-related proceedings.

1.6. Assessing the performance of the National Authority for Preventing and Combating Corruption

Many indications demonstrate the Body's limited effort and consequently its ineffectiveness in combatting corruption, despite the tasks allocated to it by legislation in this regard, including:

- Failure to file several corruption cases:

According to reports in the Algerian press and radio, the Authority aims to sell a favorable picture of its engagement in combatting corruption through its statements. However, in fact, it deals with a form of negativity in combatting this phenomena,[(xxvii)] and even that most of the cases that the Authority analyzes are not of its finding was the consequence of the actions of foreign governmental organizations and agencies.

After more than a year since its official formation, the Authority has essentially begun to carry out its functions. The property declaration file was the first file it went towards since the Declaration Processing Department required it from the heads and members of the elected councils. The Supreme Court referred its projected balance of 65,000 statements to executives and judges, as well as 389 statements to National People's Assembly representatives, although neither the chairman of the body nor the members declared whether these reports had been filed or not.

The Authority identified several infractions in its yearly report, but it lacked the power to properly intervene to remove and challenge the corrupt. It also lacked a lot of knowledge on the reality of corruption and a lack of means to combat it, as verified by the Authority's head, Ibrahim Bouziogis, during his first appearance on World Day Against Corruption in the Pine Club among Senior officers of security institutions.[(xxviii)]

- The lack of a real political will by the Authority to resolve corruption cases:

Looking at recent corruption stats in Algeria, it is clear that the rate of corruption has not diminished, despite the procedures established by the legislature to combat it. This is owing to the inability to apply the law to all persons implicated in corruption-related incidents, as well as the selectivity with which its files are handled due to senior officials' direct involvement in corruption cases, and hence a lack of genuine political resolve to confront this issue.[(xxix)]

However, the situation changed after the popular movement of February 22nd, 2019, which resulted in a political will to punish all those involved in corruption cases, as evidenced by a series of trials involving former senior officials in the state, in which former executives and businessmen were brought before the courts and unveiling the amount of money stolen through illegal means based on the exploitation of influence and power, and the opening of many files related to the plundering of public funds, beginning with the opening of the car assembly file and its ancillaries, the chapters of which are still ongoing and will continue to do so in the future.

- The legislator's restriction on who is required to submit comments to the Authority undermines its efficacy as an instrument to prevent corruption

As previously seen, the legislator's restriction of a certain category in regard to declaring property, and excluding members of the executive authority and members of the political authorities from declaring their property before the Authority, gives them a kind of immunity,[(xxx)] and weakens the Commission's oversight role in the field of combating corruption, especially since this mechanism is the only one under which the Authority can exercise its oversight.

2. The legal framework of the Central Office for the Suppression of Corruption and its role in fighting corruption

Examining Algerian and Tunisian legislation in terms of textual explicitness regarding cases of suspension of implementation reveals that the Algerian legislator explicitly included cases of suspension of implementation, infringement of fundamental freedoms, seizure, infringement, and cases of closure, which were not mentioned exclusively and explicitly in the Tunisian legislator's texts. However, the phrase "**postponement**" was specifically used in the latter's passages.

2.1. The legal nature of the Central Office for the Suppression of Corruption

The Office implemented Presidential Instruction No.03, issued September 09th, 2009, which emphasized the need of improving and supporting anti-corruption systems at both the institutional and operational levels. The most essential provision in the institutional sector was the need to reinforce the state's efforts by creating a central office to combat corruption as a weapon. Its operations are paired with measures to lawfully combat and discourage acts of corruption.[(xxxi)] Presidential Decree 11/126 stated the nature and features of the Bureau, and by referring to Articles 02, 03, and 04 thereof, it is inferred that the Bureau is an institutional mechanism designed particularly to eradicate corruption, distinct from the National Authority by a set of characteristics that determine its nature. Legal and its role in combating corruption. These characteristics are:

The Office serves as the judiciary police's operating core: It is tasked with investigating and prosecuting offenses related to corruption.[(xxxii)] The Office is overseen by the Public Prosecutors. It is in charge of looking for and investigating corruption crimes, as well as and to bring those involved to justice.[(xxxiii)]

The Office subordination to the Minister of Justice: It is placed with the Minister of Finance[(xxxiv)] and this dependency causes him to lose his independence and decreases his role in the fight against corruption since he has become subject to the executive power, therefore independence is the only guarantee for achieving his aims in combating corruption.

Lack of legal personality and financial independence: Despite the fact that the Central Anti-Corruption Office enjoys independence in its work and management, the Algerian legislature did not provide it legal personality or financial independence, making this independence limited and insufficient to enable it to execute its tasks fully.

2.2. Structure of the Central Office to Suppress Corruption

Order 10/05 delegated Regulations over the office's composition, organization, and management. [(xxxv)] It was stated in Chapter Two of Presidential Decree No.11/426, which is in Articles 06 to 09, and it is constituted of:

• Judicial Police Officers and Agents from the Ministry of National Defense.
• Officers and agents of the judicial police who work for the Ministry of Interior or municipal governments.
• Public officials having demonstrated expertise in anti-corruption efforts.

The Office may request the aid of any expert, consulting office, or organization lacking established expertise in the field of anti-corruption.[xxxvi]

The legislation fails to specify the appointment procedures for members and personnel of the Authority, including the duration of their mandates. Furthermore, the determination of the number of officers, judicial police officers, and auxiliary staff allocated to the Authority is subject to joint decision-making by the Minister of Finance and the competent sectoral minister, reflecting an additional layer of executive oversight over the Authority's operational capacity.[xxxvii]

Chapter Three of Decree 11/426, Articles 10-18, described how the office is formed. It typically consists of a general director, an office, and two directorates: one for investigations and one for general administration.

It should be highlighted that the legislator did not provide sufficient organization of the Office, as evidenced by the director's poor legal standing in dividing it into only two directorates and failing to provide it with the required structures to accomplish its tasks.

2.3 The Central Office for the Suppression of Corruption's Operations and Tasks

The legislator provided the Office with several powers, all of which were repressive in character and differed from those delegated to the Authority. Article 05 of Decree No.11/426

• Collecting evidence and conducting investigations into corruption events, and sending the culprit to the competent judicial authority. As previously stated, the Authority may not act until the Office informs the Public Prosecution to set in motion a public lawsuit as a legislative support for the Office.
• Gathering all relevant information for identifying, fighting, and exploiting corruption.
• Advising the appropriate authorities on every action that would ensure the smooth operation of the investigations he conducts.
• Developing collaboration and support with anti-corruption organizations, as well as exchanging information during ongoing investigations, particularly with The Interpol, to track corruption offenses whose proceeds are typically trafficked out of country.

To ensure the effectiveness of the Office 's judicial police officers in carrying out their duties in combating corruption, the legislator strengthened the procedural rules for judicial follow-up of these crimes by stipulating two amendments, the first of which was extending judicial police officers' local jurisdiction to include the entire national territory and referring the examination of corruption crimes to courts with expanded jurisdiction.[xxxviii]

- How it operates: The whole fourth chapter of Decree No.11/426 was devoted to detailing the Office's work and conduct while carrying out its goal of seeking for and investigating corruption crimes. According to Article 19 of the aforesaid decree, judicial police agents and officers associated with the Office work while carrying out their responsibilities in accordance with the norms outlined in the Code of Criminal Procedure as well as the provisions of the Law on Preventing and Combating Corruption.[xxxix]

Judicial police officers are empowered to employ all necessary means for the collection of evidentiary information pertinent to their functions. Upon completion of investigative actions, they are required to immediately present both the suspect and the original case file—accompanied by two certified copies of the investigative record—to the territorially competent Public Prosecutor at the crime scene's jurisdiction. One duplicate copy must simultaneously be transmitted to the supervising Public Prosecutor at the relevant Judicial Council. The competent court may subsequently mandate the Public Prosecutor to undertake expeditious judicial measures based on the submitted evidentiary package.

2.4. The Bureau's independence

Although Article 03 of Presidential Decree No.11/426 states that the Office is independent, which is one of the essential prerequisites for any entity, we infer that multiple restrictions limit its independence by extrapolating the different legislative texts governing the Office.

- Organically, there are multiple restrictions that limit the Bureau's independence, which show through:[xl]

- ✓ The Director-General is appointed by presidential decree based on a recommendation from the Minister of Justice. His responsibilities are terminated in the same manner.(xli) This strategy denies him independence from the executive authorities.
- ✓ The legislator did not specify the duration of the assignment of Central Office employees to suppress corruption. This hinders their ability to perform their duties as they may face corcition from higher authorities, particularly the appointing authority, and may be subject to dismissal at any time.
- ✓ The office's personnel subordination to their original management, indicating a lack of independence in income and compensation.
- ✓ - From a functional standpoint, the limits of the Office's independence may be found in:
- ✓ The Authority's constrained administrative autonomy is evidenced by its structural composition, which incorporates judicial police officers seconded from the Ministries of Defense and Interior. This hybrid institutional framework subjects its operations to dual oversight - exercising its mandates under judicial supervision while maintaining reporting obligations to the Minister of Justice, thereby creating concurrent subordination to both judicial and executive branches of government.
- ✓ Despite perilous jobs, he lacks legal personality and financial independence.
- ✓ The Director-General is statutorily required to formulate the budgetary proposal for ministerial approval, with the Minister of Justice retaining exclusive authority over fiscal allocation and expenditure prioritization. This hierarchical framework subordinates the Director-General's administrative role to the Minister's discretionary budgetary control, creating an institutional dependency that may constrain operational autonomy in resource management [(xlii)], raising the possibility that the office is only one of the Ministry of Justice's external interests.

- Submitting the annual report to the Minister of Justice, requires the Director General to write an annual report on the Office's actions, which is deemed a form that limits the Office's independence to carry out its duties.

2.5. Assessing the Central Bureau's role in preventing corruption

Referring to a number of particular aspects of the Office's legal structure, we may claim that its subordination to the executive power undermines its independence, decreasing its role in combatting corruption. since we have seen, its capabilities are diverse and dominated by a deterrent and repressive character, since they incorporate both descriptions and, on sometimes, These rights are presumed to be distributed among the existing structures in the Office, while we find that only the Investigation Directorate was assigned tasks related to combating corruption, limited to research and investigation only, and no other tasks, which makes us wonder about the authorities responsible for exercising it, such as developing international cooperation with anti-corruption bodies, for example, and proposing procedures that preserve the proper conduct of investigations and indeed, the organization related to the number of officers and judicial police agents has not been released, nor has the organization related to determining the directorates of the Office and their number, nor has the internal organization of the Office, so how can we expect its results?[(xliii)]

It should also be noted that since the approval of the two bodies (the National Authority) and (the Central Office) in the two presidential decrees regulating their activities based on the amended and supplemented 2006 law, the bodies have not disclosed to the public any report containing the outcome of their work and activity since their inauguration, and neither is known to have organized media activity or a sensitive approach that helps individuals comprehend the nature of their functions.[(xliv)]

Conclusion

In conclusion, we can say that despite the Algerian legislator enacting anti-corruption laws and establishing agencies entrusted with this task, especially the National Authority for the Prevention and Combating of Corruption, which was elevated to a supreme authority for transparency and anti-corruption in the 2020 constitutional amendment, and the Central Office for the Suppression of Corruption, the purpose of this was only an enforcement of international duties, as well as a political reaction to what the press and media revealed about the intensity of corruption.

Many imbalances emerged from our study of these institutional mechanisms, the most important of which is the relative independence enjoyed by these mechanisms, which is considered insufficient to carry out the tasks entrusted to them, as well as the inadequacy of the means granted to them to perform their duties to the fullest extent, in addition to the modest contribution to dismantling corruption cells.

As a result, we conclude that the authority cannot develop a strategy to combat corruption without the presence of legal and procedural guarantees that would activate the role of the agencies entrusted with this jurisdiction, led by the National Authority for the Prevention and Combating of Corruption and the Central Office for the Suppression of Corruption, and in order to strengthen the latter's abilities and position and give better efficacy to its job and the manner it is handled, we may consider the following suggestions:

- To remove corruption, legislation must be effectively implemented, not only drafted and passed. The statute governing the authority must also be revised in conformity with the powers provided to it by the 2020 Constitutional Amendment.
- To promote transparency and equality, the Authority and Office will publish their annual reports in the media and Official Gazette.
- The authority's jurisdiction over receiving property statements should be expanded to encompass all people, including the President of the Republic, who must submit them without exception.
- Allowing or providing permission to begin public litigation directly before judicial bodies and deliver entire files to the President of the Republic, Minister of Justice, and Parliament, representing the people.
- Encouraging integrity and enforcing penalties for those who commit crimes and improving the effectiveness of these mechanisms by granting them independence to fully perform their duties to the fullest extent possible.

- **Referrals and references:**

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(iii)- See Article 18 of Law 06/01, op.cit.
(iv)- See Article 02 of Presidential Decree No.06/431 of November 22nd, 2006 specifying the composition of the National Authority for Preventing and Combating Corruption, its organizations, and the methods of its operation, Official Gazette 74.
(v)- Djamila Kar, The reality and stakes of the National Authority and the Central Office in the field of combating corruption, Journal of Rights and Liberties, issue of March 2nd, 2016, p.461.
(vi)- Article 09 of Presidential Decree 06/413, amended and supplemented, op.cit.
(vii)- Article 21 of Presidential Decree 06/413, op.cit.
(viii)- Article 24 of Presidential Decree 06/413, Ibid.
(ix)- Kamel Kadi, The Legal System of the Independent National Authority for the Prevention and Combating of Corruption in Light of the Algerian Constitutional Amendment of 2016, Al-Ustad Al-Bahith Journal for Legal and Political Studies, Volume 02, Issue 10, June 2018, p.777.
(x)- Presidential Decree of November 11th, 2010, Official Gazette No.69, 2010.
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(xx)- Article 06, paragraphs 01, 03 of Law No.06/01, Op.cit.
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(xxiv)- Article 22, paragraph 01, states: "The Authority's budget includes a section on revenues and a section on expenditures...in the section on revenues = state subsidies."
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(xxviii)- Yahia Madjdi, Ismahan Aoun, Op.Cit., p.142.
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