

**Readings on the Legal Framework for General Inspectorates
(The General Inspectorate for State Affairs and Local Communities as a Model)**

قراءة في النظام القانوني للمفتشيات العامة
(المفتشية العامة لمصالح الدولة والجماعات المحلية نموذجا)

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Abstract:

General inspectorates are considered part of the central administrative structures of the state or its external bodies, whether they are regional or local. These inspectorates have various mechanisms granted to them within the framework of the annual program, which falls under the authority of inspection by inspection teams. They also have the authority to prepare various types of reports, which validate field inspections by these teams. As for the mechanisms of oversight of general inspectorates outside the scope of the annual program, they include the authority for administrative investigations and judicial expertise requested by various competent authorities through allocation within a single ministerial sector. This is except for the General Inspectorate for Finance, which reports directly to the Minister of Finance, and the General Inspectorate for State Affairs and Local Communities, which are placed directly under the authority of the President of the Republic, both of which have a broad field of intervention in all ministerial sectors, including economic institutions. They also have the authority to combat corruption in coordination with various anti-corruption bodies.

Keywords: Oversight; Inspectorates; General; Inspection; Reports; Annual Program; Corruption.

ملخص:

تعتبر المفتشيات العامة من ضمن الهياكل الإدارية المركزية للدولة أو من مصالحها الخارجية سواء كانت جهوية أو محلية. و تتمتع المفتشيات بالعديد من الآليات المخولة لها ضمن إطار البرنامج السنوي التي تندرج في صلاحية التفيتيش بواسطة فرق تفتيشية ، وصلاحية إعداد التقارير بمختلف أنواعها التي تثبت المعايينات الميدانية للفرق . أما عن آليات رقابة المفتشيات العامة خارج إطار البرنامج السنوي فتتمثل في صلاحية التحقيقات الادارية والخبرات القضائية التي تطلبها مختلف الجهات المختصة عن طريق التسخير ضمن قطاع وزاري واحد ، ما عدا المفتشية العامة للمالية التي تتبع الوزير المكلف للمالية و المفتشية العامة لمصالح الدولة والجماعات المحلية الموضوعة مباشرة تحت سلطة رئيس الجمهورية اللتان لهما مجال تدخل واسع على جميع القطاعات الوزارية بما فيها المؤسسات الاقتصادية. كما لها صلاحية مكافحة الفساد بالتنسيق مع الهيئات المختلفة في مكافحة الفساد.

الكلمات المفتاحية: الرقابة; المفتشيات; العامة; التفيتيش; التقارير; البرنامج السنوي; الفساد.

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Introduction:

Money represents the backbone of the state and public administration. Therefore, ancient laws were keen to protect it and establish effective means to regulate it in terms of expenditure and revenue. Taxes were imposed, restrictions and records were organized, financial and accounting laws were enacted, local and international regulatory bodies were established, and penalties were imposed on those who violated the laws governing its management. The state became responsible to the people for the proper management and administration of public funds on their behalf.

Due to the public funds' need for financial oversight, which is no less important than administrative oversight, and sometimes precedes it in inception, the Algerian legislator was keen to establish internal and external oversight bodies for public funds. In this research paper, we will focus on external administrative oversight bodies, specifically General Inspectorates and their oversight of public funds.

General Inspectorates are considered internal oversight agencies practiced by the state within the organizational structure, meaning they are a form of self-regulation for the actions emanating from administrative authorities. They follow the authority of administrative hierarchy to which they are subject. This leads us to pose the following main question:

How did the legislator establish the legal framework for General Inspectorates in their various forms to enable them to exercise oversight and protect public funds?

This main question will be addressed in the following sections:

Section I: The Legal Framework for General Inspectorates

A) Definition of General Inspectorates and Their Types:

This section requires defining General Inspectorates (in the first subsection) and then delving into the identification of the types of General Inspectorates (in the second subsection).

1- Definition of General Inspectorates

In Algerian legislation, there is no precise definition of General Inspectorates. Instead, there are references to their powers, central and external structures, and the functional, procedural, and operational methods they employ for conducting the entrusted oversight processes.

The term "General Inspectorate" first appeared in Algeria at the beginning of independence, with the issuance of Decree No. 62-19¹, which categorized the work of the General Inspectorate under the internal control of administration, alongside sequential control².

The General Inspectorate is defined as "an administrative technical body subordinate to the minister or deputy minister, if necessary. It operates under the presidential authority of the minister or deputy minister, if necessary, with the aim of ensuring continuous and regular oversight of the proper functioning of central administrative structures, authorities, institutions, and decentralized public offices belonging to the ministry."³

It should be noted that the term "General Inspectorate" does not imply that all government departments are subject to its oversight. Rather, it signifies that all entities falling under the ministry to which it belongs are within its scope of authority. This is in contrast to the General Inspectorate for Finance and the General Inspectorate for State Affairs and Local Communities, which have a jurisdiction extending to all public administrations in their various forms.⁴

According to Mohamed Sahel, it is an oversight body placed directly under the minister's authority and categorized as a form of subsequent oversight, falling under the category of evaluative investigative oversight⁵. It is also defined as "an administrative structure directly subordinate to the minister, outside the administrative hierarchy compared to the subunits of other departments. Its role is to oversee the actions of administrative entities."⁶

Thus, the General Inspectorate is defined as a permanent administrative structure directly subordinate to the minister, operating independently from the administrative hierarchy when carrying out its duties.⁷

2- Types of General Inspectorates

By examining the texts that govern and regulate the establishment of General Inspectorates in a general sense, we find that there are four (04) types of General Inspectorates, at the central level, at the level of directorates-general within ministries, at the regional level, and at the level of the wilaya (province). We will elaborate on them as follows:

2-1 General Inspectorates at the Ministerial Level

The General Inspectorate is considered a central structure within each ministry and is composed of a group of inspectors responsible for conducting field inspections within the scope of a single ministerial sector. Algeria inherited from France a system related to the organization of ministerial departments. The first regulatory text in this regard was issued on July 6, 1962, which included the organization of the Delegation for Administrative Affairs. This regulatory text, as stated in Article 3, established a General Inspectorate for Administration, following the French model⁸. Following this, Decree No. 62-19 was issued on November 16, 1962, which outlined the central administration of the Ministry of the Interior as per Article 2⁹. This decree served as the initial nucleus for the establishment of the first ministerial General Inspectorate. Most of the ministerial departments in Algeria followed this same pattern after independence¹⁰, such as the Ministry of Post and Telecommunications¹¹, the Ministry of Youth and Sports¹², the Ministry of Mujahideen and War Victims¹³, among others. However, some ministries did not establish General Inspectorates, including the Ministry of Education¹⁴, the Ministry of Justice¹⁵, and the Ministry of Agriculture and Agricultural Reform¹⁶.

This diversity among ministries persisted for two decades, in the absence of a basic regulation that would compel ministries to establish inspection agencies within their central structures. This continued until the issuance of Decree No. 83-129 on February 12, 1983, which outlined the duties of central administrative agencies within the ministerial sector and the basic law for some of its employees¹⁷. This decree explicitly stated, according to Article 1, the establishment of a General Inspectorate within the ministry, in addition to the General Secretariat and the Minister's Office. The General Inspectorate is headed by a Chief Inspector, who is responsible for the regular and orderly functioning of the central and decentralized structures and institutions affiliated with the ministry¹⁸.

This variation and diversity among ministries, with some including the establishment of General Inspectorates and others not, continued until the issuance of Executive Decree No. 90-188, which defined the structures of central administration and its agencies within the ministry. This decree emphasized the necessity of establishing a General Inspectorate in each ministerial department¹⁹. These General Inspectorates are responsible for inspection, oversight, evaluation, and alignment with the goals of the government program. They ensure the application of existing legislation and regulations specific to the sector, as stipulated in Article 17, paragraph 1, which states: "Each

minister is authorized to establish all appropriate inspection and evaluation mechanisms suited to the nature of the assigned objectives within the framework of the government's work program. This is done to ensure the application of the legislation and regulations in force, specific to the sector, and to guarantee the regular and orderly functioning of the structure²⁰."

2-2 General Inspectorates at the Directorate General Level

Examples of this category include the General Inspectorate of Taxes in the Ministry of Finance, which was established and regulated by Executive Decree No. 12-368 dated October 21, 2012, amending and completing Executive Decree No. 98-230 dated July 13, 1998, which defined the powers of the General Inspectorate of Tax Services and its organization²¹. Additionally, there is the General Inspectorate of Budget at the Ministry of Finance, which was organized under a special text by Executive Decree No. 22-200²². This inspectorate operates under the direct authority of the Director-General of Budget. Furthermore, there is the Inspectorate for Public Accounts affiliated with the General Directorate of Public Accounts, which also operates under the authority of the Director-General of Public Accounts. This is in accordance with Executive Decree No. 08-93²³. In this context, and in line with the provisions of Executive Decree No. 21-252, which regulates central administration in the Ministry of Finance²⁴, Executive Decree No. 21-394 dated October 18, 2021, specifying the duties of the General Inspectorate for State Property, Land Survey, and Real Estate, and organizing its operation, was issued²⁵.

This type of inspectorate operates within a limited and defined scope that corresponds to the interests of the central or local directorate. It can be considered as smaller oversight bodies placed under the direct authority of the Director-General.

2-3 Regional Inspectorates

This type of inspectorate operates at the level of a group of provinces, contributing alongside ministerial-level General Inspectorates or directorate-level General Inspectorates within ministries to carry out inspections at the regional level. The scope of their jurisdiction is determined by the executive decree that establishes them²⁶. Examples of such inspectorates include the Regional Inspectorate of Customs, established by Executive Decree No. 08-64 dated February 24, 2008, which defines the organization and powers of the General Inspectorate of Customs, specifically stating in Article 5 that regional customs inspectorates shall be established. These inspectorates are established by a decision issued by the Minister of Finance and are tasked with exercising the functions specified in Article 3 of the decree at the non-centralized offices of the Customs Administration²⁷.

Moreover, there is the Regional Inspectorate of Construction and Urban Planning, established by Executive Decree No. 10-284, which amended and supplemented Executive Decree No. 08-389, specifying the duties of the General Inspectorate at the Ministry of Housing and Urban Development and regulating its work. Article 2 of the decree stipulates that "the regional inspectorate in each province under its regional jurisdiction, under the authority of the General Inspectorate for Urban Planning and Construction, shall be responsible for all inspection and monitoring activities in the field of urban planning, construction, and the protection of the built environment."²⁸

2-4 Local Level Inspectorates

This type of inspectorate is represented by the General Inspectorate of the Province. The latter was established under Executive Decree No. 94-215, which defines the agencies of general

administration in the province and its structures. Article 2 of this decree states that the general administration under the authority of the governor includes the following²⁹:

- General Directorate
- General Inspectorate
- Office
- District Chief.

In accordance with the provisions of Article 6 of Executive Decree No. 94-215, which stipulates the establishment of the General Inspectorate of the Province by a separate text, Executive Decree No. 94-216 concerning the General Inspectorate in the Province was issued. This inspectorate operates under the supervision of the Minister of the Interior and Local Authorities and functions under the direct authority of the governor³⁰.

From the above, it is evident that the four categories of General Inspectorates share a common goal, which is to monitor the activities and operations of administrative authorities, whether at the central level and their affiliated services or at the local level and the public institutions under their jurisdiction. Their scope of activity and intervention does not extend beyond the ministry to which they are affiliated, in contrast to the General Inspectorate of Finance and the Inspectorate for State Services and Local Authorities, which have broader areas of activity and intervention.

B) The Operation of General Inspectorates:

1 - Work Mechanisms of General Inspectorates

The general rule is that General Inspectorates intervene based on an annual program or outside of it. However, in cases of urgent necessity, they may intervene promptly to conduct investigative tasks requested by various government departments or to perform judicial expertise requested by the judicial authorities.

1-1 Intervention Based on an Annual Program or Outside It

The interventions of the General Inspectorates are carried out based on a pre-prepared annual program or in urgent tasks that fall outside the scope of the annual program and require immediate execution.

1-1-1 Intervention Based on an Annual Program

The regulatory texts have specified how General Inspectorates carry out their tasks by establishing mechanisms through which they operate. Their interventions are typically based on an annual program for assessment and monitoring. This program is prepared by the Chief Inspectors and Assistant Inspectors, taking into account previous interventions of the General Inspectorates, complaints and reports received by the ministers, and the available resources of the General Inspectorate. The draft program is presented to the relevant minister for examination and approval, or to the President of the Republic depending on the situation, with any necessary adjustments made³¹. An example of this is seen in the provisions of Executive Decree No. 20-286, which regulates the General Inspectorate for National Education and its operations. Article 7 of the decree states that, "The General Inspectorate carries out its tasks based on an annual work program prepared and presented to the Minister responsible for National Education for approval."³²

In addition to the planned annual interventions, surprise inspections can also be conducted at the request of the relevant sector minister. For example, Executive Decree No. 20-84, which regulates

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the General Inspectorate for Maritime Fisheries and Mining, states, "...it can carry out surprise inspections at the request of the minister."³³

Therefore, most General Inspectorates primarily operate based on a pre-prepared annual program, with occasional surprise inspections in specific cases³⁴. The General Inspectorates for Finance, for instance, prepare the annual program by seeking input and proposals from the heads of regional General Inspectorates, who, in turn, collect and analyze these proposals, taking into consideration the following priorities³⁵:

- Missions that were not completed in the previous year's annual program.
- Missions requested by ministries to be included in the upcoming annual program, if related to the General Inspectorate for Finance.
- New missions to be included in the annual program.

1-1-2 Intervention Outside the Annual Program

In addition to interventions within the framework of the annual program, all General Inspectorates have the authority to intervene in administrative investigation missions at the request of the minister responsible for their respective sectors. However, the General Inspectorate for Finance and the Inspectorate for State Affairs and Local Authorities may intervene outside the annual program in all other ministerial sectors upon the request of the relevant minister. This is stipulated in Article 13 of Executive Decree No. 28-272, which states: "Operations outside the annual program can be carried out at the request of the authorities mentioned in the above paragraph." Consequently, operations involving the oversight of various ministerial departments must be based on a request from the relevant sector minister.

It is worth noting that the General Inspectorate for Finance, unlike other inspectorates with broad intervention scopes across all ministerial sectors, extends its oversight even to economic enterprises. These interventions may take place outside its annual program and are conducted on an ad hoc basis, with the specific purpose of³⁶:

- Assessing the operational reality of the sector on the ground by the General Inspectorate for Finance and the Inspectorate for State Affairs and Local Authorities.
- Evaluating the management of certain heads and directors of administrative institutions, as a prelude to their promotion or removal, following the submission of the report to the presidential authority or the minister responsible for the sector.
- Conducting investigations based on complaints received by the relevant minister or anonymous letters to verify the validity of the complaint.
- Pursuing criminal cases against institution managers in cases where the report identifies financial irregularities that may constitute a criminal offense under the penal code.

It should be noted that the investigations conducted by the General Inspectorates are of an administrative nature and differ from their roles in judicial investigations, which will be discussed in the following section.

1-2 Intervention Based on Judicial Investigations and Preparation of Judicial Expertise

In addition to the annual program carried out by the General Inspectorates every year, which is prepared in advance for their interventions, the General Inspectorate for Finance has further responsibilities related to judicial investigations or the preparation of civil or criminal judicial

expertise in accordance with the provisions of the Civil and Administrative Procedure Law³⁷, as well as the Criminal Procedure Law³⁸.

1-2-1 Regarding Judicial Investigations

Regardless of the administrative investigations that can be conducted upon request from the competent authorities, the General Inspectorate may participate in judicial investigations either through a direct summons from the security services, in accordance with Article 49 of the Criminal Procedure Law, which addresses investigations in the case of apprehension. This article states: "If it is necessary to conduct inspections that cannot be delayed, the judicial police officer may seek the assistance of qualified individuals for this purpose," in order to provide technical assistance or furnish them with prepared reports following tasks previously undertaken by the General Inspectorate. It should be noted that these reports can serve as evidence in accordance with the provisions of Article 214 of the aforementioned law, which states: "The record or report shall only have probative force if it is accurate in form, has been drawn up by its author during the performance of his duties, and contains information within the scope of his competence, based on what he has seen, heard, or personally examined."

1-2-2 Regarding Judicial Expertise

In our examination of this element, we will focus on the General Inspectorate for Finance, as it possesses significant expertise in preparing judicial expertise in technical matters through studies and technical analyses to assist the judiciary, whether in civil or criminal judicial expertise³⁹.

➤ Judicial Civil Expertise

The legal basis for judicial expertise, as assigned, is Article 125 of the Civil and Administrative Procedures Law in civil cases. We will now discuss the practical and procedural stages of preparing judicial expertise conducted by inspectors from the General Inspectorate for Finance as follows:

- **Appointment of the Expert Inspector:** When presented with a technical issue, investigating authorities or the judiciary may appoint an expert inspector from the General Inspectorate for Finance upon the proposal of one of its employed inspectors. Subsequently, the court will summon the expert inspector proposed by the General Inspectorate. In each judicial expertise, the expert inspector must take an oath in accordance with the wording of Article 131 of the Civil and Administrative Procedures Law as follows: "I swear by Almighty God to carry out my duties as an expert with utmost honesty, impartiality, and independence." The expert inspector then signs the oath record, and a copy is placed in the case file before the court.
- **Limits of Judicial Expertise:** According to Article 128 of the Civil and Administrative Procedures Law, the judgment ordering expertise by the expert inspector includes the following:
 - The reasons justifying the need for expertise.
 - The name, title, and address of the expert inspector with a specification of their specialization.
 - Precise definition of the expert inspector's mission.
 - The date of depositing the report with the court's registry.
- **Conduct of Judicial Expertise:** All observations and findings obtained during the expertise should be accurately documented in a signed and sealed report, along with all

supporting documents and attachments. The expert inspector must then submit this to the court's registry along with the receipt of deposit.

➤ **Criminal Expertise**

Criminal judicial expertise entrusted to the inspectors of the General Inspectorate for Finance is based on Article 143 of the Criminal Procedures Law. In the case of preparing criminal expertise by the expert inspector, the following steps must be followed:

- The completion and preparation of the expertise report by the expert inspector, with their signature. In cases where multiple expert inspectors are involved and their opinions differ, each inspector must justify and provide reasons for their opinion in the expertise report.\
- Precisely define the operations conducted during the expertise without exceeding the limits of the expertise requested by the judiciary in the judgment ordering the expertise.
- The results of the expertise prepared by the expert inspector(s) must be formulated clearly.
- The attachments and documents confirming the results of the expertise should be deposited in a sealed envelope with the court's registry, in a special pouch.
- During the judicial investigation phase, and to maintain the confidentiality of the expertise prepared by the expert inspector, the expertise should be handed over to the competent civilian authority, which will retain it until a judicial judgment with the force of *res judicata* is issued in the criminal case for which the expertise was ordered by that authority.
- In this regard, the expert inspector must adhere to specifying the tasks outlined in the judgment ordering the expertise, as emphasized by Article 146 of the Criminal Procedures Law, which states: "The experts' mission, which should exclusively involve examining technical issues, must always be specified in the expert appointment decision." These missions aim to:
 - Determine responsibilities.
 - Evaluate damage.

2- General Inspectorate's Jurisdiction

General inspectorates exercise their jurisdiction in general based on the legal texts that establish and define their tasks and authorities. They operate in accordance with the interests they oversee and the ministries in which they are created. Therefore, we will address the general jurisdiction of general inspectorates first, and then we will delve into their specific jurisdictions.

2-1- General Jurisdiction Executive

Decree No. 90-188, which defines the central structure and its units in ministries, specified the general framework for the intervention of general inspectorates⁴⁰. Article 17, paragraph 2, of Executive Decree 90-188 states that: Inspection, control, and evaluation units, through their work, should contribute specifically to the following:

- Preventing types of misconduct in managing public interests and their operations.
- Guiding managers and advising them to enable them to fulfill their responsibilities properly while complying with the applicable laws and regulations.
- Ensuring the optimal use of the means and resources placed under the ministry's authority and its affiliated bodies.
- Ensuring the strict enforcement of work organization.

Examples of this can be found in specific texts that regulate the General Inspectorate for Higher Education and Scientific Research within the Ministry of Higher Education and Scientific Research,

as per Executive Decree No. 21-135, where it is assigned the task of monitoring the application of legislation and regulations related to higher education and scientific research in accordance with the provisions of Executive Decree 90-188⁴¹.

Similar provisions exist for the General Inspectorate of the Ministry of Communication as outlined in Executive Decree 11-218. Article 2 of this decree stipulates that in accordance with the provisions of Executive Decree No. 90-188 dated July 23, 1990, the General Inspectorate, as part of its general mission, is tasked with monitoring the application of legislation and regulations pertaining to the sector and regulating the functioning of central structures, bodies, and institutions placed under the Ministry of Communication⁴².

The same provisions are included in Executive Decree No. 13-136, which regulates the General Inspectorate of the Ministry of National Solidarity, Family, and the Status of Women. Article 2 assigns them the responsibility of monitoring the application of legislation and regulations in the field of national solidarity, family, and women's issues and regulating the operation of central and non-central structures and institutions under the Ministry of National Solidarity, Family, and the Status of Women⁴³.

2-2- Special Jurisdictions

The last paragraph of Article 17 of Executive Decree No. 90-188 allows for the inclusion of areas of intervention that are appropriate for the nature of each ministerial sector. Examples of these special jurisdictions include⁴⁴:

2-2-1 Jurisdiction of the General Inspectorate at the Ministry of Water Resources and Hydraulic Safety:

The General Inspectorate at this ministry is responsible for inspection and monitoring in the following areas⁴⁵:

- The application of legislation and regulations, especially those governing the water sector.
- Monitoring and evaluating public water services.
- Evaluating the national policy in the field of hydraulic safety.
- Ensuring the rational and optimal use of resources under the ministry's authority.
- Implementing ministerial decisions and directives.
- Overseeing the central administration and affiliated structures.

2-2-2 Jurisdiction of the General Inspectorate at the Ministry of Public Works and Transport:

The General Inspectorate at this ministry is responsible for inspection and monitoring in the following areas⁴⁶:

- Ensuring the application of relevant legislation, regulations, technical standards, and sector-specific regulations.
- Verifying the implementation of ministerial decisions and directives.
- Overseeing the rational and optimal use of resources and assets under the ministry's authority.
- Evaluating the structure of the central and non-central administrations and proposing necessary amendments.
- Conducting any investigation or task within its jurisdiction.

2-2-3 Jurisdiction of the General Inspectorate at the Ministry of Agriculture, Rural Development, and Fisheries:

The General Inspectorate at the Ministry of Agriculture is tasked with⁴⁷:

- Ensuring the application of legislation and regulations, especially those governing the fishing sector and fisheries products.
- Verifying the implementation of decisions and directives issued by the Minister of Maritime Fisheries and Fisheries Products.
- Ensuring the proper functioning of central and non-central administrative structures, institutions, and bodies under the ministry's jurisdiction, and ensuring the preservation of the resources placed under their authority and their rational use.
- Evaluating the structures of central and non-central administration and proposing necessary amendments.
- Activating inspection programs and coordinating them in collaboration with relevant bodies.
- Providing assistance to the heads of structures and institutions to enable them to exercise their powers in compliance with the applicable laws and regulations.

Furthermore, the General Inspectorates, based on their tasks, can propose and recommend measures aimed at improving and organizing the work of the departments and institutions they have inspected⁴⁸, as outlined in Article 4 of Executive Decree No. 20-84: "The General Inspectorate, following its tasks, proposes recommendations or measures aimed at contributing to the improvement and strengthening of the work and organization of the departments and institutions that have been inspected."⁴⁹

At the regional level, regional inspectorates have their assigned tasks defined by the establishing texts. For example, the regional inspectorates of the General Inspectorate for Finance are empowered to propose control actions for inclusion in the annual program of the General Inspectorate. They are responsible for preparing and coordinating mission tasks and may suggest methodological notes for the execution of tasks, which require their approval. They also enjoy broad powers in assessing the facts observed and taking precautionary measures as stipulated in the applicable regulations. The regional inspector is responsible for the quality of inspection work and may examine reports prepared by operational units and approve them. They ensure the coordination of their activities with the central services concerning on-site interventions, and they periodically transmit reports and summaries related to the activities of the regional inspectorate⁵⁰.

In conclusion, the role of the General Inspectorates has evolved significantly from their traditional role of ensuring administrative compliance with the law and its legitimacy to a more specialized role focused on assessing how administrative work is carried out and the results achieved compared to predefined objectives. This transition has made the General Inspectorates an effective tool used by ministers in various administrative areas to conduct investigations, provide guidance, evaluation, coordination, and participation in the continuous training programs for employees to develop their capacities in the effective management of units under their authority and to ensure the implementation of the ministry's public policy⁵¹.

Section II: The General Inspectorate for State Services and Local Authorities (as a Model)

After discussing the legal framework of the General Inspectorates in general, we will now delve into the details of one of the newly established General Inspectorates by President Abdelmadjid

Tebboune, which is the General Inspectorate for State Services and Local Authorities. This Inspectorate has been granted significant powers in combating corruption in Algeria.

A) Organization of the General Inspectorate for State Services and Local Authorities and Its Scope of Intervention

The law has provided the General Inspectorate for State Services and Local Authorities with a specific and significant organization that is commensurate with the tasks assigned to it in the fight against corruption in Algeria. This organization is directly linked to the authority of the President of the Republic.

1- Organization of the General Inspectorate for State Services and Local Authorities

After President Abdelmadjid Tebboune assumed office at the end of 2019, he revived the idea of the General Inspectorate for the Prime Minister's Office, which had previously been abolished⁵². However, this time it falls directly under the purview of the Presidency of the Republic, as per Presidential Decree 21-540 dated December 28, 2021⁵³. Despite its newness and practical challenges, this move is considered a significant asset to the state⁵⁴. The General Inspectorate for State Services and Local Authorities is tasked with inspection and oversight responsibilities directly under the authority of the President of the Republic. It is headed by a Chief Inspector with the rank of Presidential Advisor. Its organization includes⁵⁵:

- Administrative and technical secretariat.
- Department for monitoring the President's instructions and ensuring compliance with laws and regulations.
- Department for monitoring the functioning and performance quality of public institutions, entities, and local communities.
- Financial and economic monitoring department.
- Public procurement monitoring department.
- Department for monitoring the execution of nationally significant investment projects.
- Department for regulation, methodology, inspection, and oversight mechanisms.

2- Scope of Intervention of the General Inspectorate for State Services and Local Authorities

Article 2 of Presidential Decree 21-540 defines the scope of intervention of the General Inspectorate for State Services and Local Authorities. It is tasked with the following inspection and oversight duties⁵⁶:

- Ensuring the implementation of legislation and regulations governing the operation of state entities, particularly public institutions and local communities.
- Overseeing public institutions and entities authorized with the mission of general interest and any entity benefiting from state financial contributions.
- Monitoring the conditions for executing nationally significant investment projects and overseeing their implementation and operation.
- Evaluating the quality of services provided by various state services and local communities, in line with the public service standards for beneficiaries and citizens.

What distinguishes the General Inspectorate for State Services and Local Authorities is its ability to intervene in inspection and oversight duties, which can be either spontaneous or publicly announced.

B) Legal Mechanisms for Coordination and Integration of the General Inspectorate for State Services and Local Authorities with General Inspectorates in Combating Corruption in Algeria

In the context of combating corruption, both Presidential Decree 21-540 and various texts related to the General Inspectorates have defined the scope of coordination and integration among these inspectorates to combat this issue.

1- Authority of Mobilization

Article 12 of Presidential Decree 21-540 establishes the relationship between the General Inspectorate for State Services and Local Authorities and the General Inspectorate, stating: "The General Inspectorate relies on the assistance and cooperation of inspection and oversight agencies, as well as central and local structures of the relevant administrations."

Since the General Inspectorate for any ministry operates within the central structures of inspection and oversight agencies, placing it in a subordinate relationship with the highest central administrative authority in the state, the General Inspectorate for State Services and Local Authorities, under the Presidency of the Republic, can be harnessed at any time to carry out oversight tasks.

In this regard, the General Inspectorate for State Services and Local Authorities can deploy inspectors from various types of inspectorates or any employee under its purview, chosen based on their responsibilities or specialization, to carry out inspection tasks either spontaneously or with prior announcement. This includes tasks assigned by the President of the Republic for investigation or inquiry into specific, exceptional matters⁵⁷.

The General Inspectorate for State Services and Local Authorities can also seek the assistance of General Inspectorates when conducting inspections on entities within its scope of intervention.

2- Exchange of Reports Among Inspectorates

Article 12, paragraph 2, of Presidential Decree 21-540 stipulates that "the General Inspectorate receives annual programs for inspection or oversight from various oversight agencies for central administrations and local communities. It may request any report prepared by the General Inspectorates."

The General Inspectorate for State Services and Local Authorities conducts urgent investigations, as requested by the President of the Republic. In this context, the General Inspectorate for State Services and Local Authorities is authorized to request any report or judicial expertise conducted by General Inspectorates, in accordance with the provisions of Article 12, paragraph 2, of Presidential Decree 21-540. This is done to avoid duplication of oversight on entities subject to inspection and to gather necessary information regarding entities under its oversight, which typically involve urgent tasks, as per Article 2 of Presidential Decree 21-540.

Despite the legislature's stipulation of the relationship between the General Inspectorate for State Services and Local Authorities and General Inspectorates in coordination to enhance leadership in intervention programs, this coordination and integration have yet to reach the desired level in the fight against corruption. These efforts are essential for combating corrupt individuals and those manipulating public funds.

3- Promoting Good Governance and Combating Corruption

The Algerian News Agency reported on March 3, 2022, during the official inauguration of the General Inspectorate for State Services and Local Authorities, that this Inspectorate is part of the commitments made by President Abdelmadjid Tebboune in 2019 during his election campaign. These commitments are aimed at building a new Algeria that restores citizens' trust through monitoring the work of officials, promoting good governance, and combating corruption. This initiative opens up significant opportunities to enhance transparency and regain the confidence of citizens in their country. The General Inspectorate plays a vital role in monitoring the work of officials, implementing the instructions and directives of the President, which focus on organizing and improving the management of state services and local communities. Additionally, it aims to improve the quality of services provided by these entities, considering the needs and aspirations of citizens⁵⁸.

Conclusion:

In conclusion of this research paper, we have reached the following results and recommendations:

Results:

- The General Inspectorate for State Services and Local Authorities was established by Presidential Decree 21-540 to intervene and inspect urgent tasks to combat corruption and prevent the misappropriation of public funds.
- Article 12 of Presidential Decree 21-540 allowed for coordination and integration between the two Inspectorates to combat corruption through the mechanisms of mobilization and exchange of reports.
- The General Inspectorate for State Services and Local Authorities operates under the authority of the President of the Republic, while the General Inspectorates are under the direct authority of the Minister, establishing a presidential relationship.
- Inspectors from both Inspectorates are tasked with intervening in non-routine tasks, falling under investigations and anti-corruption efforts, enabling them to perform research and inquiry tasks to substantiate findings before initiating public prosecution by the head of the judiciary.

Recommendations:

- Grant inspectors from the General Inspectorate for State Services and Local Authorities and inspectors from the General Inspectorates special investigative powers in the field of combating financial crimes as defined in criminal law, anti-corruption laws, and relevant specialized legislation to further combat this issue.
- Ensure coordination and integration among the General Inspectorates through the organization of training days dedicated to anti-corruption efforts.
- The General Inspectorate for State Services and Local Authorities should leverage the expertise of the General Inspectorates, particularly the General Inspectorate for Finance, in the field of anti-corruption. The latter was established in 1980 and has valuable experience in combating corruption.

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- 3- Amar Awabdi, "Administrative Law," University Publications Council, Algeria, 1990, page 234.
- 4- Souikat Ahmed, op. cit., page 205.
- 5- Mohamed Sahel, "Public Finance," First Edition, Jusoor Publishing and Distribution, Algeria, 2017, page 282.
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- 7- Souikat Ahmed, op. cit., page 205.
- 8- Decision dated July 6, 1962, organizing the Delegation for Administrative Affairs, Official Gazette number 01, issued on July 6, 1962.
- 9- Article 2 of Decree 62-19 dated November 16, 1962, organizing the central administration of the Ministry of Interior, Official Gazette number 04, issued on November 16, 1962.
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- 11- Article 1 of Decree No. 63-119 dated April 18, 1963, organizing the Ministry of Posts and Telecommunications, Official Gazette, number 24, issued on April 23, 1963.
- 12- Article 3 of Decree No. 63-73 dated March 4, 1963, organizing the Ministry of Youth and Tourism, Official Gazette, number 13, issued on March 15, 1963.
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- 18- Article 11 of Decree 85-119 dated May 21, 1985, specifying the general tasks of the structures of all central administration and its departments in ministries, Official Gazette, number 22, issued on May 22, 1985.
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- 20- Article 17, paragraph 01 of Decree 90-188 dated June 23, 1988, specifying the structures of central administration and agencies in the ministry, Official Gazette number 26, issued on June 27, 1990.
- 21- Executive Decree 12-368 dated October 21, 2012, amending and completing Executive Decree 98-230 dated July 13, 1998, specifying the powers of the General Inspectorate of Tax Affairs and organizing it, Official Gazette number 59, issued on October 28, 2012.
- 22- Executive Decree 22-200 dated May 25, 2022, specifying the tasks of the General Inspectorate for Budget and Evaluation Affairs and organizing its operation, Official Gazette number 3, issued on May 25, 2022.
- 23 - Executive Decree 08-93 dated March 10, 2008, amended by Executive Decree 95-198, specifying the responsibilities of the Inspectorate of Public Accounting and organizing it, Official Gazette number 14, issued on March 12, 2012.

- 24- Executive Decree 21-252 dated June 6, 2021, specifying the organization of the central administration in the Ministry of Finance, Official Gazette number 47, issued on June 25, 2021.
- 25- Executive Decree 21-394 dated October 18, 2021, specifying the duties of the Inspectorate of State Property, Land Survey, and Real Estate Preservation, and its powers, Official Gazette number 80, issued on October 20, 2021.
- 26- Souikat Ahmed, op. cit., page 207.
- 27- Article 05 of Executive Decree No. 08-64 dated February 24, 2008, defines the organization of the General Inspectorate of Customs and its powers, Official Gazette number 11, issued on March 2, 2008.
- 28- Article 2 of Executive Decree No. 10-284, amending and completing Executive Decree 08-389 dated November 14, 2010, establishing the Regional Inspectorate of Urban Planning and Construction, and defining its tasks and work, Official Gazette number 70, issued on November 21, 2010.
- 29 - Article 02 of Executive Decree No. 94-215 dated July 23, 1994, specifies the general administration bodies in the province and its structures, Official Gazette number 48, issued on July 27, 1994.
- 30- Article 2 of Executive Decree No. 94-216 dated July 23, 1994, related to the General Inspectorate in the province, Official Gazette number 48, issued on July 27, 1994. For your information, this decree was recently amended by Executive Decree 23-65 dated February 5, 2023, related to the Provincial General Inspectorate, Official Gazette number 7, issued on February 5, 2023.
- 31- Souikat Ahmed, op. cit., page 207.
- 32 - Article 7 of Executive Decree No. 20-286 dated October 10, 2020, which specifies the organization and operation of the General Inspectorate of National Education, Official Gazette number 61, issued on October 12, 2020.
- 33- Article 6 of Executive Decree No. 20-84 dated April 1, 2020.
- 34- Souikat Ahmed, op. cit., page 207.
- 35- Fateh Meziti, Oversight of the General Inspectorate of Finance on the General Administration, without edition, Dar Al-Huda, Ain M'lila, Algeria, 2023, page 95.
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44 - Fateh Meziti, op. cit, page 154-155.

45- Article 2 of Executive Decree 22-137 dated March 30, 2022, specifying the tasks of the General Inspectorate of the Ministry of Water Resources and Water Security, its organization, and its operation, Official Gazette, Issue No. 23, dated April 6, 2022.

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48- Souikat Ahmed, op. cit., page 216.

49- Article 4 of Executive Decree No. 20-84.

50- Article 8 of Executive Decree 08-274 dated September 6, 2008, as amended and supplemented by Executive Decree 11-207 dated May 31, 2008, specifying the organization of the General Inspectorates of Finance and their powers, Official Gazette, Issue No. 50, dated September 7, 2008.

51- Souikat Ahmed, op. cit., page 217.

52- The General Inspectorate of the Ministry of the Prime Minister was established by virtue of Executive Decree 17-205 dated June 28, 2017, establishing a General Inspectorate within the Office of the Prime Minister and defining its duties and organization (Official Gazette, Issue No. 38, dated June 29, 2017). However, it did not last long and was abolished after two months of its establishment by Executive Decree 17-244 dated August 22, 2017, which abolished the General Inspectorate within the Office of the Prime Minister (Official Gazette, Issue No. 50, dated August 27, 2017).

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