

The Penal Protection of the National Economy from Economic and Financial Crimes

الحماية الجزائية للاقتصاد الوطني من الجرائم الاقتصادية والمالية

Taher Zouagri

Abbas Laghrour University, Khenchela
Laboratory of Legal, Political and
Legitimate Research

zouagritahar@univ-khenchela.dz

Maamar Belailia

Abbas Laghrour University, Khenchela
Laboratory of Legal, Political and
Legitimate Research

maamar.belailia@yahoo.fr

Date of submission: 30/04/2025 /Date of final acceptance: 20/09/2025 /Date of publication:September

Abstract:

This research aims to examine and analyze the legal texts scientifically and academically, with the goal of determining the effectiveness of the available legal framework to address economic and financial challenges. This includes exploring how criminal policy can be directed to ensure effective protection of the national economy, focusing on a variety of economic crimes, including those related to the transformation of natural resources into economic resources and those targeting emerging goods and services, in addition to financial crimes related to financial markets and money.

Through this research, it is expected that a thorough analysis of the legal texts and the provision of recommendations will contribute to significant outcomes in light of the outlined problem and the targeted plan to reveal the efforts of the Algerian legislator in achieving penal protection for the national economy from economic crimes targeting emerging goods and services from the process of transforming a natural resource, from a non-exploitable or consumable resource into an economically exploitable or consumable resource, and financial crimes targeting money and financial markets including stocks and bonds.

Keywords: National economy; Economic and financial crimes; Penal legislation.

ملخص:

يهدف هذا البحث إلى فحص وتحليل تلك النصوص بشكل علمي أكاديمي، بهدف تحديد فعالية الإطار القانوني المتاح لمواجهة التحديات الاقتصادية والمالية، حيث يشمل ذلك استكشاف كيفية توجيه السياسة الجنائية لضمان حماية فعالة للاقتصاد الوطني، بالتركيز على مجموعة متنوعة من الجرائم الاقتصادية، بما في ذلك تلك التي تتعلق بتحويل الموارد الطبيعية إلى موارد اقتصادية والتي تستهدف السلع والخدمات الناشئة، بالإضافة إلى الجرائم المالية التي تتعلق بالأسواق المالية والنقود.

من خلال هذا البحث، يتوقع أن يساهم التحليل العميق للنصوص القانونية وتقديم التوصيات في تحقيق نتائج مهمة في ضوء الإشكالية المرسومة والخطة المستهدفة للكشف عن جهود المشرع الجزائري في تحقيق حماية جزائية للاقتصاد الوطني من الجرائم الاقتصادية، والتي تستهدف السلع والخدمات الناشئة من عملية تحويل مورد طبيعي، من مورد غير قابل للاستغلال أو الاستهلاك إلى مورد اقتصادي قابل للاستغلال أو الاستهلاك، والمالية التي تستهدف النقود والأسواق المالية من أسهم وسندات.

الكلمات المفتاحية: الاقتصاد الوطني; الجرائم الاقتصادية والمالية; التشريعات العقابية

Auteur correspondant: Taher Zouagri

Introduction:

In the arena of the national economy, challenges accumulate in various forms and dimensions. Among these challenges, economic and financial crimes stand out as one of the most significant problems threatening the stability and growth of the economy. However, these crimes are not merely a criminal issue; their impacts extend to affecting economic growth, undermining the financial system, and hindering the progress of national development. Given this complex challenge, the role of constitutional and penal protection emerges as vital mechanisms in securing and safeguarding the national economy from these crimes.

By reviewing new legislation, one can understand the steps taken by official bodies to address economic threats and enhance the legal system to combat financial crimes. Analyzing these legal mechanisms can reveal their effectiveness and identify gaps that need to be addressed, contributing to the achievement of the objectives of constitutional and penal protection for the national economy.

Studying the topic of penal protection of the national economy in the Algerian context is of great importance, as it relates to evaluating the efforts of the penal legislator in providing necessary protection against various forms of economic and financial crimes. This evaluation includes an analysis of the relevant legal texts—existing penal legislations within the penal code and specific laws.

Using an inductive approach, this research aims to examine and analyze these texts in a scientific and academic manner, with the goal of determining the effectiveness of the available legal framework to address economic and financial challenges. This includes exploring how criminal policy can be directed to ensure effective protection of the national economy, focusing on a variety of economic crimes, including those related to the transformation of natural resources into economic resources and those targeting emerging goods and services, in addition to financial crimes related to financial markets and money.

Through this research, it is expected that a thorough analysis of the legal texts and the provision of recommendations will contribute to significant outcomes in light of the outlined problem and the targeted plan to reveal the efforts of the Algerian legislator in achieving penal protection for the national economy from economic crimes, targeting emerging goods and services from the process of transforming a natural resource from a non-exploitable or consumable resource into an economically exploitable or consumable resource, and financial crimes targeting money and financial markets including stocks and bonds.

Study problem:

The problem of this study can be formulated in the following main question:

To what extent do Algerian penal and specific legislations contribute to ensuring adequate protection of the national economy from economic and financial crimes?

To answer the study's problem, the study was divided into:

Section I: The Penal Protection of the National Economy within the Framework of Substantive Rules

The legislator has criminalized a set of actions that involve direct and indirect damages to the national economy, both in the Penal Code and the special laws that complement it.

A) Penal protection under the Penal Code:

The forms of criminalization can be summarized as follows:

- The felony of colluding with a foreign state to harm the national economy: Article 65, as amended by Order No. 75-47 dated June 17, 1975, amending the Penal Code¹.
- The felony of espionage with agents of a foreign state that damages economic interests: Stipulated in Article 71, Section 3.
- Crimes related to industry, trade, and public bidding: Concerns Articles 170 and 175, and 175 bis (the crime of breaching regulations related to products prepared for export, the crime of interfering with the freedom of bidding).
- Money laundering crimes: Provided for in Articles from 389 bis to 389 bis⁷.
- The felony of demolishing economic facilities or threatening to do so: Stipulated in Articles 401 (if done by mine or explosive materials) and 405 (with respect to the threat), while Article 406 criminalizes the act of demolishing or sabotaging those facilities by any means.
- The crime of destroying goods, materials, or devices used in industry: Stipulated in Article 412.
- Crimes of fraud and deception in the sale of goods: Stipulated in Articles from 429 to 435 bis.

B) Penal Protection under the Law for the Prevention of Corruption and its Combat:

In addition to criminalizing all forms of trading in public office (including those directly related to the operation of the national economy), Law No. 06-01 dated February 20, 2006, concerning the prevention of corruption and its combat (amended and supplemented)³, broadened the definition of "public official" (more accurately "public agent" as referred to in the French version of this law). According to Article 2, this definition now also applies to anyone who temporarily holds a paid or unpaid position or agency and contributes in this capacity to the service of a public body or institution, or any other institution owned wholly or partly by the state. This definition encompasses employees at public economic institutions and public commercial and industrial institutions active in the economic sector. These individuals can be held accountable for acts of embezzlement, destruction, or misappropriation of public or private funds entrusted to them, or their illegal use (Article 29), acts of bribery (Articles 25 and 27), obtaining unjustified privileges in public contracts (Article 26), influence peddling (Article 32), abuse of office (Article 33), and illegally obtaining benefits (Article 35). This law also criminalizes acts of bribery and embezzlement in the private sector (Articles 40 and 41); in addition, it contains special rules not found in other laws that enhance its effectiveness, such as the protection of witnesses, experts, informants, and victims by criminalizing all forms of pressure or assault against them (Article 45), criminalizing the failure to report corruption crimes even if they are misdemeanors (Article 47), and the possibility of recovering embezzled assets or benefits obtained, even if the property has been transferred to the convicted person's parents, children, spouse, or in-laws, or even if it has been converted into other gains (Article 51, paragraph 3). It establishes that both the public lawsuit and the penalties do not expire by statute of limitations if the criminal proceeds are transferred abroad (Article 54, paragraph 1). This law also grants the penal judge overseeing the public lawsuit the power to nullify all contracts, deals, privileges, or licenses obtained through corruption (Article 55), with specific rules regarding the prevention, detection, and transfer of criminal proceeds (Article 58).

C) Penal protection under the law against forgery and the use of forged documents⁴:

It should initially be noted that the new orientation of the Algerian state within the framework of the project to moralize social, political, and economic life has resulted in the enactment of a special law against forgery and its use this current year (2024). This goal is clearly evident from the text of the first article of this law, which states that its objectives include "contributing to the moralization of public life and enhancing public trust," as well as "the profound and deterrent treatment of all societal imbalances resulting from forgery and the use of forged materials, aiming to embody transparency and establish fair competition in all areas."

Since money is the foundation upon which commercial and financial transactions among various actors in the economic sphere are based, and protecting it from any compromise to its credibility is a fundamental condition for its stability and for enhancing trust in it as an indispensable payment method at all stages of the economic chain from production, storage, transportation, distribution to making the product or service available to the consumer, the legislator has provided it with special criminal protection that largely meets its economic importance.

The most important aspects of the special criminal protection for money under the law against forgery and its use can be summarized as follows:

- Classifying actions related to the imitation, forgery, or counterfeiting of money as the most severe category within the tripartite division of crimes (under Articles 5 and 27 of the Penal Code), all of which are considered "felonies." The same classification is adopted regarding actions contributing to the issuance, distribution, or sale of counterfeit or forged money, or introducing it into the national territory.
- Establishing a life imprisonment penalty for the aforementioned actions, which is ranked second in terms of severity on the original penalty scale determined by Algerian legislation⁵.
- Other criminal effects resulting from the criminal description of the aforementioned actions, particularly the mandatory ancillary penalties, represented by the legal ban (imposed obligatorily according to Article 9 repeated of the Penal Code)⁶, which entails "deprivation of the convicted person from exercising their financial rights during the execution of the original penalty," in addition to the obligatory deprivation of the convicted person in one of the crimes of money forgery, selling, and distribution from exercising at least one of the national, civil, or familial rights⁷.
- Criminalizing mere incitement to commit crimes involving money without requiring that such incitement be associated with a specific means (Article 76 of the law against forgery and its use), which represents a departure from the general rule adopted by the Algerian legislator in the provisions of criminal participation, which stipulates that an inciter to a crime is not punishable unless their incitement is associated with one of the following means: gift, promise, threat, misuse of authority or mandate, deceit, or criminal fraud⁸.
- If the perpetrator of crimes involving money is a foreigner, then the criminal court (after conviction) rules to prohibit their residence within the national territory either permanently or for a period not exceeding ten years (Article 79 of the law against forgery and its use).
- The creation of a special criminal record for forgery crimes, in which all convictions for one of the forgery crimes, including money forgery, are registered (Article 77 of the law against forgery and its use).

- Establishing the criminal liability of the legal entity for all forgery crimes, including money forgery (Article 80 of the law against forgery and its use).

And regarding the forms of criminalization introduced by the law against forgery and its use, they can be summarized as follows:

1- Crimes involving money, bonds, notes, or shares issued by the public treasury:

This includes counterfeiting, falsifying, or forging them (Article 44, Sections 1, 2, and 3), or issuing, distributing, or selling them (Article 44, paragraphs 2 and 3), or coloring legal tender money with the intention of deceiving about the type of metal or its issuance or bringing it into the national territory (Article 45), or putting counterfeit money into circulation despite discovering its flaws (Article 46, paragraph 2), or manufacturing, issuing, distributing, or selling currency signs intended to replace legal tender money (Article 47), possession or manufacturing of materials prepared for forging or counterfeiting money or public loan bonds, keeping, or transferring them (Article 48)⁹.

2- Misdemeanor of deviation in executing state accounts and budgets:

Stipulated in Article 28 of the aforementioned law against forgery and the use of forged documents¹⁰.

Given the importance of money in the economic sphere—as previously outlined at the beginning of this paragraph—and the severity of forgery crimes involving it, being the most common in practical reality compared to other forms of criminalization, it is appropriate to present a series of observations regarding the scope of criminal protection for money, in light of the aforementioned texts:

- Firstly, it is essential to explain the rationale behind the legislator's strictness in deterring crimes involving money, especially those related to its forgery. This wisdom is evident in that the issuance of money is exclusively by the Central Bank (Bank of Algeria) under a legal delegation from the state, as explicitly stated in Article 2 of the Monetary and Banking Law¹¹; money is the entity that the law alone has granted legal tender status (in its forms: paper, cash, and digital)¹², in addition to its having unlimited acquitting power¹³, and the prohibition of its issuance or circulation in an unlawful manner, as well as the prevention of its imitation or forgery¹⁴. The search for the rationale behind this strictness in facing currency forgery crimes is closely linked to the subject of the legal interest protected in this type of crime. Besides its significant economic value, some scholars believe that the interest attacked in these crimes is the general financial integrity of the state, while others see the protected interest as a private matter related to the individual who accepted the counterfeit currency in good faith and did not discover its defects. Another view is that currency forgery and imitation crimes actually violate two interests, public and private. The private interest is represented in the harm suffered by someone who accepts the counterfeit currency without knowledge of its flaws (as previously explained), while the public interest lies in individuals' trust in the integrity of the currency issued by the state and its suitability to perform its function, and that any breach of this trust leads to economic disruption in the state and undermines public credit. This latter is seen as an international interest, not merely a national interest limited to the state of the currency, given that currency forgery has an international dimension involving a breach of the exchange tool, affecting international economic cooperation¹⁵. Securing trust in money as the primary tool for transactions among people is what led to the state's monopoly on minting currency and criminalizing its forgery, and deciding the harshest penalties for those tampering with that trust¹⁶.

- The scope of criminal protection for money no longer is limited only to paper and cash currencies, but has expanded to also include digital currencies¹⁷.
- The scope of criminal protection is not limited to the national currency alone, but extends to include all foreign currencies that have legal tender status in the territory in which they were issued. This is clearly stated in the first part of Article 44 of the law against forgery and its use, which states: "... 1 - Either as metal coins or banknotes with legal tender in the national territory or abroad, 2 - Or as a digital currency with legal tender."
- The scope of criminalization in relation to combating forgery crimes that may affect money has been expanded, and this is evident through the multiplicity of criminalized behaviors. The first paragraph of Article 44 of the law against forgery and its use addresses these forms: imitation, forgery, and counterfeiting; and we briefly discuss each as follows:
 - ✓ **The form of imitation:** This is the most common in practice and focuses on both metal and paper currencies. Imitation, in its general legal sense, is the creation of something from nothing, making it similar to an original item, and imitating money is "creating something unreal resembling genuine currency."¹⁸ It does not require perfection; it is sufficient that it reaches a reasonable extent that could deceive the general public in their transactions, and this matter refers to the standard of the ordinary man in estimating the likelihood of acceptance of the imitated money¹⁹.
 - ✓ **The form of forgery:** In this form, forgery occurs on an originally genuine currency, such as altering the drawings, relations, or numbers that the currency includes so that it appears to be more valuable. Currency forgery also occurs by deleting or adding details or numbers or replacing the phrase "Algerian Dinar" with a phrase indicating another currency to benefit from the price difference between the two currencies. Thus, the difference between money forgery and imitation is clear: the former occurs on originally genuine money, while the latter involves creating papers or metal pieces that mimic the form of genuine money.
 - ✓ **The form of counterfeiting:** A segment of Arab jurisprudence defines counterfeiting as reducing the weight of metal currency by filing it or disguising ordinary currency with a coating that makes it resemble a more valuable currency²⁰. Thus, counterfeiting, according to this concept, is conceived to occur only on metal money, although this form may no longer be significant in our era, given the changing compositional nature of cash currencies.

D) Penal protection under customs legislation:

This primarily concerns various forms of smuggling, whether it be actual smuggling or deemed smuggling as defined by the amended and supplemented customs law, or by Order No. 05-06 dated August 23, 2005²¹, concerning the fight against smuggling²² (amended and supplemented). This law includes special and unusual legal rules that are designed to provide the necessary legal protection for the national economy in the customs sector.

E) Penal protection under the legislation concerning foreign exchange and the movement of capital:

This involves the criminalization of several types of actions related to the non-compliance with legislative and regulatory rules concerning foreign exchange and the movement of capital in and out of the country by any means, under Order No. 96-22 dated July 9, 1996²³ (amended and supplemented) (Articles 1, 1 bis, 2, 3, 4, and 5), as published in the Official Gazette, Issue No. 43 of 1996.

F) Penal protection under the law against illegal speculation:

This protection is embodied through Law No. 21-15 dated December 28, 2021, concerning the combat against illegal speculation²⁴. The legislator has graded the severity of penalties from the misdemeanor of simple illegal speculation (Article 12), to the misdemeanor involving essential consumer goods such as grains, legumes, milk, and pharmaceuticals (Article 13), to the felony of illegal speculation committed during exceptional circumstances (stipulated in Article 14, when the crime is committed during exceptional situations or during health crises, pandemics, or disasters), to the felony of illegal speculation committed within an organized criminal group, involving the aforementioned essential consumer goods (Article 15).

G) Penal protection under the legislation related to intellectual property protection:

This protection ensures stability in the area of protecting intellectual property rights associated with the development of industries in the national economy. It involves suppressing infringement of exclusive rights derived from "trademarks" (misdemeanor of counterfeiting trademarks, Article 32 of Order No. 03-06 dated July 19, 2003, related to trademarks)²⁵, suppressing infringement of exclusive rights related to patents (misdemeanor of infringing on patent rights in various forms, Article 61 of Order No. 03-07 dated 07/19/2003 related to patents)²⁶, and suppressing infringement of exclusive rights derived from the protection of layout designs of integrated circuits (misdemeanor of infringing on the rights associated with layout designs of integrated circuits in various forms, Article 36 of Order No. 03-08 dated July 19, 2003, related to the protection of layout designs for integrated circuits)²⁷.

H) Penal protection under the legislation related to currency and credit:

This protection derives its importance from the nature of the interests it aims to safeguard, namely ensuring the stability of various financial institutions and the proper functioning of banking operations (especially receiving funds from the public, providing payment methods to customers, and managing these methods). These interests are directly linked to the smooth functioning of the national economy, considering the significant role of financial institutions in managing commercial and economic transactions, whether in the realm of national transactions or international trade contracts. The forms of penal protection for the aforementioned economic interests, within the framework of the legislation related to credit and currency, include criminalizing the following actions: conducting operations related to banks and financial institutions unlawfully (Article 151 of the Monetary and Banking Law)²⁸, non-compliance with information requests from the Banking Commission or obstructing its supervisory duties or providing it with false information (Article 152 of the same law), obstructing the duties of account auditors (Article 153 of the same law), failing to observe obligations related to inventory and annual accounts or providing the Bank of Algeria with incorrect information (Article 153, paragraphs 2 and 3 of the same law), violating legislative and regulatory provisions related to financial movements abroad (Article 154 of the same law).

I) Penal protection under the legislation related to consumer protection and the suppression of fraud:

This involves the legislator criminalizing a range of actions that could infringe upon consumer rights, which is a form of protecting the national economy. The national economy cannot thrive without effective legal protection for consumers, especially since the protection rules within civil law (notably Article 140 bis of the Civil Code, introduced by Article 42 of Law No. 05-10 dated June 20, 2005²⁹, which amended and supplemented the Civil Code) are insufficient alone to achieve this protection. Thus, this protection was reinforced through Law No. 09-03 dated February 25,

2009, concerning consumer protection and the suppression of fraud³⁰, which criminalizes various forms of actions that harm consumer rights and the integrity of the supply process, as outlined in Articles 68 to 85.

J) Penal protection under the legislation related to the rules of conducting business activities:

This concerns the criminalization by the legislator of several actions that directly and indirectly affect commercial practices³¹, which in turn impacts the smooth functioning and stability of the national economy. This criminalization is included in: Law No. 04/02 dated June 23, 2004, which defines the rules applicable to business practices (in Articles 31 to 38), and Law No. 04/08 dated August 14, 2004, concerning the conditions of conducting business activities (in Articles 31 to 41)³².

K) Penal protection under the legislation related to commercial competition rules:

This relates to the criminalization by the legislator of various forms of actions that infringe upon the rules governing market competition, related to production, distribution, and service activities. These actions ensure the limitation of dominance and economic dependency and combat practices that restrict competition. In this regard, Order No. 03/03 dated July 19, 2003, related to competition³³, was issued, which prescribes criminalization in Articles 56, 57, and 61.

L) Penal protection under commercial law:

This pertains to the criminalization by the legislator of various forms of actions that can be committed within the framework of limited liability companies (in Articles 800 to 805 of the amended and supplemented Commercial Law)³⁴, or in the context of establishing joint-stock companies, whether it concerns their formation stage (Articles 806 to 810), their management and operation (Articles 811 to 813), their shareholders' meetings (Articles 814 to 821), amendments to their capital (Articles 822 to 827), their oversight (Articles 828 to 831), or their dissolution (Article 832), as well as some specific violations related to this type of company (Articles 833 and 834) and those related to shares (Articles 835 and 836); it also involves crimes common among various types of companies (Articles 837 to 840).

Section II: Penal protection within the procedural rules for the national economy.

It can generally be divided as follows:

A) Establishment of specialized penal judicial authorities to combat a range of crimes, including those closely related to the national economy:

One of the manifestations of penal protection for the national economy is the legislator's establishment of a set of special procedural rules that govern the conduct of public prosecutions arising from certain crimes (of an economic nature), through the creation of specialized penal judicial authorities for this type of crime. These authorities are:

1- Judicial authorities with expanded jurisdiction:

These were established by amending the Criminal Procedures Law in 2004 through Law No. 04-14 dated November 10, 2004³⁵. This law extended the territorial jurisdiction of some courts (public prosecutors, investigating judges, and misdemeanor judges) to encompass a geographical area beyond their usual jurisdiction, and the characteristics of these judicial authorities with expanded jurisdiction include:

- Their scope of jurisdiction focuses on one of the five crimes listed exhaustively in Articles 37, 40, and 329 of the Criminal Procedures Law, which are: drug crimes, organized crime across national borders, crimes affecting automated data processing systems, money laundering crimes, terrorism, and crimes related to the special foreign exchange legislation (among these crimes, some are related to the national economy).
- The geographical scope of jurisdiction of these judicial authorities is determined by regulation; and it is noteworthy that in this regard, Executive Decree No. 06-348 dated October 5, 2006, was issued concerning the extension of the local jurisdiction of some courts, public prosecutors, and investigating judges³⁶.

2- The Economic and Financial Penal Hub:

It was established under Article 3 of Order No. 20-04 dated August 30, 2020, which amended and supplemented the Criminal Procedures Law³⁷. The provisions of this hub are organized in Articles 211 bis to 211 bis21 of the Criminal Procedures Law (introduced by this amendment). It is located at the court headquarters of the Algiers Judicial Council, and its local jurisdiction extends to the entire national territory (Article 211 bis1). This hub shares jurisdiction with the previously mentioned judicial authorities with expanded jurisdiction. In addition to its jurisdiction over the investigation and adjudication of the following crimes and related crimes: - Crimes of gross negligence leading to damage to property (as provided in Article 119 bis of the Penal Code), corruption crimes as stipulated in Law No. 06-01, crimes involving the movement of capital in and out of the country, and smuggling crimes.

The criterion adopted by the legislator for this judicial hub to have jurisdiction over these crimes, as opposed to other judicial authorities (including those with expanded jurisdiction), is "the greater complexity of the crime" (Article 211 bis3). This criterion and its scope are detailed in Article 211 bis3, paragraph 2 of the Criminal Procedures Law³⁸.

B) Introduction of specialized investigation and inquiry methods to effectively address this type of crime:

These are special procedures introduced by Law No. 06-22 dated December 20, 2006, which amended and supplemented the Criminal Procedures Law³⁹. These methods can be utilized for investigating and inquiring into a range of crimes, including those of an economic nature (organized crime across borders, money laundering, crimes related to special foreign exchange legislation, corruption crimes). These special methods include: interception of communications, recording of sounds, and capturing images (Articles from 65 bis5 to 65 bis10 of the Criminal Procedures Law), infiltration (Articles from 65 bis11 to 65 bis18 of the same law). Additionally, some other special laws have introduced similar methods, such as Order No. 05-06 dated August 23, 2005, concerning the combat against smuggling⁴⁰, and Law No. 06/01 dated February 20, 2006, related to the prevention of corruption and its combat⁴¹.

C) Introduction of protective measures for witnesses, experts, and victims in a range of crimes including those related to the national economy:

These measures relate to organized crime, terrorism, and corruption crimes, and were introduced by Article 10 of Order No. 15-02 dated July 23, 2015, which amended and supplemented the Criminal Procedures Law⁴². These divide into non-procedural measures (specified in Article 65 bis20 of the Criminal Procedures Law), such as: concealing identity-related information, ensuring close physical protection, and changing the residence; and procedural measures (specified in Article

65 bis²³ of the same law), such as: concealing identity in proceedings or assigning a pseudonym, and not disclosing the correct address in the records.

D) The role of the National People's Army in protecting the national economy as part of its noble constitutional tasks in combating various forms of crime affecting the national economy:

In this context, it is worth recalling the significant contribution of the units of the National People's Army stationed at the borders in combating various forms of crime that affect the national economy, within the framework of their constitutional duties as stipulated in paragraph four of Article 30 of the Constitution (in its amended form). This considers the state's economic interests as part of the vital and strategic interests defined by this constitutional provision. It is notable that such contributions either originate from the units of the National Gendarmerie, which serve as border guards (whose officers have judicial police powers according to Article 15 of the Criminal Procedures Law), or from other army units. In such cases, the incident is recorded, and the perpetrators, crime tools, and proceeds are handed over to the competent regional units of the National Gendarmerie to follow up on preliminary investigation procedures under the Criminal Procedures Law. It is also worth noting the expansion of the jurisdiction of the Central Judicial Police Service of the Army Security, which now includes "serious" smuggling crimes, as per Article 1 of the Presidential Decree No. 21-284 dated July 13, 2021, which amended Article 3 of the Presidential Decree No. 19-179 dated June 18, 2019, concerning the establishment, tasks, and organization of the Central Service of the Judicial Police for Army Security⁴³.

Conclusion:

Based on the foregoing analysis accompanied by an explanation of the constitutional and criminal rules embodied in protecting the national economy from economic and financial crimes, the following results are achieved:

- Appreciation of the efforts of the Algerian state in making progress in providing protection for the national economy against economic and financial crimes, through punitive judicial measures achieved by specialized justice bodies that extend to collaborate and integrate with the efforts of the National Gendarmerie Border Guard units, which enjoy judicial control status, or through the Central Judicial Police Department for Army Security.
- Legislative interest in the subject of protecting the national economy from economic and financial crimes is evident through the array of laws mentioned, studied, and analyzed.
- Necessity of including this subject in the training curriculum, considering it essential in theoretical and practical courses for stakeholders in the field of combating economic crimes, including judicial police officers and judges, with a branch and inclusivity for all institutionally-established elements in the study, to train specialists deeply qualified to perform their duties rigorously and competently.
- Support for judicial control and ordinary judicial bodies, as well as those with expanded jurisdiction and the economic and financial judicial pole, with specialized frameworks in combating economic and financial crimes to achieve more effective protection for the national economy, especially in crimes where legal descriptions are varied and require specialists for investigation and resolution.
- Adoption of some modern methods emerging in some countries to confront economic and financial crimes, and focus on training specialists to implement these methods, especially in

amendments affecting legislation related to banking, movement of capital, cash, and loans, and combating financial corruption, such as the Blockchain technology as a new and important mechanism to ensure the highest possible level of protection, especially in the field of electronic financial transactions, contributing to combating crimes related to electronic financial corruption.

- Dissemination of community and institutional security culture through various educational, pedagogical, and university educational means at the present stage, especially to fortify and continuously raise awareness among the Algerian society regarding the danger of crimes committed against the national economy, which touch on the vital interests of the Algerian nation's security, and encourage participation and engagement in protecting the national economy according to available mechanisms.

Citations:

- 1- Published in the Official Gazette, Issue No. 53, 1975, pp. 751-760.
- 2- These texts were introduced by Law No. 04-15, which amended and supplemented the Penal Code (published in the Official Gazette, Issue No. 71, 2004, pp. 8-12).
- 3- Published in the Official Gazette, Issue No. 14, 2006, pp. 4-15.
- 4- Law No. 24-02, Official Gazette, Issue No. 15, 2024, pp. 4-14.
- 5- See Article 5 of the Penal Code.
- 6- This provision was introduced by Article 4 of Law No. 06/23, which amended and supplemented the Penal Code, published in the Official Gazette No. 84, 2006.
- 7- See Article 9 of the Penal Code, which was also introduced pursuant to Article 4 of Law No. 06/23.
- 8- See Article 41 of the Penal Code, which provides the legal basis for the theory of the original actor (both material and moral) in the Algerian Penal Code.
- 9- These texts are taken from Articles 197, 198, 200, 201 paragraph 2, 202, and 203 of the Penal Code, which were repealed by Article 83 of the aforementioned Law No. 24-02.
- 10- This text is taken from Article 228 bis of the Penal Code, which was repealed by Article 83 of the mentioned Law No. 24-02; and for reference, the aforementioned Article 228 bis was initially introduced by Law No. 01-09, which amended and supplemented the Penal Code (published in the Official Gazette, Issue No. 34, 2001, pp. 15-19).
- 11- Issued under Law No. 23/09, published in the Official Gazette No. 43, 2023, this law replaced Decree No. 03/11, concerning currency and credit, 2003.
- 12- Article 2 of the Monetary and Banking Law stipulates this physical division of money in terms of its material form.
- 13- This is what Article 4 of the Monetary and Banking Law states.
- 14- See Articles 7 and 8 of the Monetary and Banking Law.
- 15- Ahmed Fathy Sorour, *The Mediator in Penal Law (Special Section)*, Dar Al-Nahda Al-Arabiya, Cairo, 2016, pp. 355-356.
- 16- Ahsan Bouskia, *Concise in Special Criminal Law, Part Two (Crimes of Corruption, Financial Crimes, Forgery Crimes)*, Dar Houma for Printing, Publishing, and Distribution, Algeria, 2014, p. 379.
- 17- The real importance of the legal protection scope for digital currency will become apparent if digital currency emerges in Algeria and its usage becomes widespread.
- 18- Wahiba Braz, *The Elements of the Felony of Imitating, Forging, or Counterfeiting Currency from the Perspective of Algerian Law*, *Journal of Studies on the Effectiveness of the Legal Rule*, Volume 6, Issue 1, 2022, p. 79.

19- Malika Driad, The Crime of Forged Notes, Criminal Journal for Legal and Political Sciences, Volume 52, Number 3, 2015, p. 90.

20- It appears that this definition mentioned by many who have researched currency counterfeiting crimes is derived from the second paragraph of Article 202 of the Egyptian Penal Code (which criminalizes acts of currency forgery), which states: "Counterfeiting includes reducing something from the metal of the currency or coating it with a paint that makes it resemble another currency of higher value." However, there is a view that the act of coating currency does not fall under the Algerian criminal provision that punishes currency counterfeiting, because the Algerian legislator has specified a special text for that form, which is Article 200 of the Penal Code (currently its provision has been transferred to Article 45 of the Law Against Forgery and Its Use), which punishes the act of "coloring legally priced money," and it is considered a misdemeanor, not a felony.

21- Issued under Law No. 79/07, published in the Official Gazette, Issue No. 30, 1979.

22- Published in the Official Gazette, Issue No. 59, 2005, pp. 3-8, and approved under Law No. 05-17 (published in the Official Gazette, Issue No. 2, 2006, p. 3).

23- Published in the Official Gazette, Issue No. 43, 1996, pp. 10-13. This order was amended and supplemented, respectively, by Order No. 03-01 (approved by Law No. 03-08 dated June 14, 2003) and Order No. 10-03 (approved by Law No. 10-09, 2010).

24- Published in the Official Gazette, Issue No. 99, 2021, pp. 6-8. This law repealed (under Article 24) Articles 172, 173, and 174 of the Penal Code and reorganized the penal rules related to the combat against illegal speculation.

25- Published in the Official Gazette, Issue No. 44, 2003, pp. 22-27 (approved under Law No 03/18, 2003).

26- Published in the Official Gazette, Issue No. 99, 2021, pp. 27-35 (approved under Law No 03/19, 2003).

27- Published in the Official Gazette, Issue No. 99, 2021, pp. 35-40 (approved under Law No. 03/20, 2003).

28- Issued under Law No. 23/09, Official Gazette, Issue No. 43, 2023, this law repealed Order No. 03-11, 2003, which was in effect previously.

29- Published in the Official Gazette, Issue No. 44, 2005, pp. 17-25.

30- Published in the Official Gazette, Issue No. 15, 2009, pp. 12-23 (amended and supplemented under Law No. 18/09, 2018).

31- Published in the Official Gazette, Issue No. 41, 2004, pp. 3-11 (amended and supplemented by Law No. 10-06, 2010, and several fiscal laws and supplementary fiscal laws).

32- Published in the Official Gazette, Issue No. 41, 2004, pp 4-9 (amended and supplemented by Law No. 13/06, 2013, and several fiscal laws and supplementary fiscal laws).

33- Published in the Official Gazette, Issue No. 43, 2003, pp. 25-33 (approved under Law No. 03/12, 2003), amended and supplemented by Laws No. 08-12, 2008, and No. 10/05, 2010.

34- This law was issued under Order No. 75/59, 1975 (published in the Official Gazette, Issue No. 101, 1975), and it has been amended and supplemented accordingly.

35- Published in the Official Gazette, Issue No. 71, 2004, pp. 4-8.

36- Published in the Official Gazette, Issue No. 63, 2006, pp. 29-30 (amended and supplemented under Executive Decree No. 16/267, 2016). This executive decree extended the territorial jurisdiction of five courts: Sidi M'Hamed Court, Constantine Court, Ouargla Court, and Oran Court.

37- Published in the Official Gazette, Issue No. 51, 2020, pp. 9-13 (approved under Law No. 20/14, 2020).

38- One of the following criteria suffices: the involvement of multiple actors or partners or affected parties, the extensive geographical area in which the crime was committed, the severity of the damage resulting from it, its organized nature or transnational scope, the use of information and communication technology in its commission, or if the investigation and inquiry require special methods, specialized technical expertise, or international judicial cooperation.

39- Published in the Official Gazette, Issue No. 84, 2006, pp. 4-11.

40- This order introduced the procedure of controlled delivery (Article 40).

41- This law stipulated the procedures of controlled delivery and penetration and introduced electronic surveillance measures (Article 56).

42- Published in the Official Gazette, Issue No. 40, 2015, pp. 28-45 (approved under Law No. 15/17, 2015).

43- Presidential Decree No. 19/179, published in the Official Gazette, Issue No. 40, 2019, pp. 9-10. As for Presidential Decree No. 21-284, which amends and supplements Presidential Decree No. 19/179, it is published in the Official Gazette, Issue No. 56, 2021, p. 6.

Bibliography:

Books:

- Ahmed Fathy Sorour, *The Mediator in Penal Law*, Dar Al-Nahda Al-Arabiya, Cairo, 2016.
- Ahsan Bouskia, *Concise in Special Criminal Law, Part Two (Crimes of Corruption, Financial Crimes, Forgery Crimes)*, Dar Houma for Printing, Publishing, and Distribution, Algeria, 2014.

Journals:

- Wahiba Braz, *The Elements of the Felony of Imitating, Forging, or Counterfeiting Currency from the Perspective of Algerian Law*, *Journal of Studies on the Effectiveness of the Legal Rule*, Volume 6, Issue 1, 2022.
- Malika Driad, *The Crime of Forged Notes*, *Criminal Journal for Legal and Political Sciences*, Volume 52, Number 3, 2015.

Laws:

- Algerian Penal Code, amended and supplemented by Law No. 01/09, published in Official Gazette No. 34, 2001.
- Algerian Code of Criminal Procedure, Order 66-155, including the amended and supplemented Code of Criminal Procedure, 1966.
- Presidential Decree No. 21/284, (published in Official Gazette No. 56, 2021), amending and supplementing Presidential Decree No. 19/179 establishing the Central Judicial Police Department for Army Security, its functions, and organization, (published in Official Gazette No. 40, 2019).
- Presidential Decree No. 95/377, defining the internal regulations of the Council of Audit (published in Official Gazette No. 72, 1995), supplemented by Presidential Decree No. 98/415 (published in Official Gazette No. 93, 1998).
- Presidential Decree 93/225, establishing the Economic, Social, and Environmental Council, published in Official Gazette No. 64, 1993.
- Presidential Decree No. 21/37, establishing the composition and functioning of the Economic, Social, and Environmental Council, published in Official Gazette No. 3, 2021.

- Presidential Decree No. 21/71, regulating the administrative and technical services of the Economic, Social, and Environmental Council, published in Official Gazette No. 12, 2021.
- Law No. 16/01, published in Official Gazette No. 14, 2016.
- Law No. 06/01 dated, concerning the prevention and combating of corruption, published in Official Gazette No. 14, 2006.
- Order No. 10/05, supplementing the Law on Prevention and Combating Corruption, published in Official Gazette No. 50, 2010.
- Law No. 10/11, amending and supplementing the Law on Prevention and Combating Corruption, published in Official Gazette No. 66, 2010.
- Order No. 95/20, (published in Official Gazette No. 39, 1995), amended and supplemented pursuant to Article 52 of Order No. 10/01, (published in Official Gazette No. 49, 2010), approved by Law No. 10/07, (published in Official Gazette No. 66, 2010), establishing the Council of Audit.
- Decision of the President of the Council of Audit, defining the areas of intervention of the Council's chambers and regulating their division into branches, published in Official Gazette No. 6, 1996.
- Decision of the President of the Council of Audit, specifying the internal organization of the technical departments and administrative services of the Council and the distribution of tasks within them, published in Official Gazette No. 7, 2020.
- Joint Ministerial Order, regarding the organization of the sub-directorates of the Economic, Social, and Environmental Council into bureaus, published in Official Gazette No. 78, 2021.
- Decree No. 75/47, concerning the crime of conspiracy with a foreign state to harm the national economy, published in Official Gazette No. 53, 1975.
- Law No. 04/15, concerning money laundering crimes, published in Official Gazette No. 71, 2004.
- Law No. 79/07, concerning customs law, published in Official Gazette No. 30, 1979.
- Order No. 05/06, concerning combating smuggling, published in Official Gazette No. 59, 2005.
- Law No. 05/17, amended and supplemented, concerning the protection of the national economy from smuggling crimes, 2005.
- Order No. 96/22 dated, amended and supplemented, concerning the protection of the national economy from currency exchange and movement of funds to and from abroad, published in Official Gazette No. 43, 1996.
- Order No. 03/06, concerning trademarks (published in Official Gazette No. 44, 2003), approved by Law No. 03/18, concerning trademarks, published in Official Gazette No. 67, 2003.
- Order No. 03/07, concerning patents (published in Official Gazette No. 44, 2003), approved by Law No. 03/19, concerning patents, published in Official Gazette No. 67, 2003.
- Order No. 03/08, concerning the protection of integrated circuit designs (published in Official Gazette No. 44, 2003), approved by Law No. 03/20, concerning integrated circuit designs, published in Official Gazette No. 67, 2003.
- Executive Order No. 03/11, regarding cash and loans, published in Official Gazette No. 52, 2003.
- Law No. 03/15, amended and supplemented several times through financial laws and complementary financial laws, published in Official Gazette No. 64, 2003.
- Law No. 05/10 dated 20/06/2005 amending and supplementing the Civil Code.
- Law No. 09/03, concerning consumer protection and fraud suppression (published in Official Gazette No. 15, 2009), amended and supplemented by Law No. 18/09, 2018.

- Law No. 04/02, which establishes the rules applicable to commercial practices, amended and supplemented by several financial laws and complementary financial laws, published in Official Gazette No. 41, 2004.
- Law No. 04/08, concerning the conditions of commercial activities (published in Official Gazette No. 41, 2004), amended and supplemented by Law No. 13/06 and several financial laws and complementary financial laws, 2013.
- Executive Order No. 03/03, concerning competition (published in Official Gazette No. 43, 2003), approved by Law No. 03/12, published in Official Gazette No. 64, 2003, amended and supplemented by Law No. 08/12, 2008 and Law No. 10/05, 2010.
- Law No. 04/14, concerning the establishment of courts with expanded jurisdiction, published in Official Gazette No. 71, 2004.
- Executive Decree No. 06/348, extending the local jurisdiction of certain courts, public prosecutors, and investigating judges (published in Official Gazette No. 63, 2006), amended and supplemented by Executive Decree No. 16/267, published in Official Gazette No. 62, 2016.
- Executive Order No. 20/04 dated 30/08/2020 establishing the economic and financial pole, amended and supplemented to the Code of Criminal Procedure, published in Official Gazette No. 51, 2020, approved by Law No., 2020.
- Law No. 06/22, establishing special measures to combat serious crimes, including economic crimes, amended and supplemented to the Code of Criminal Procedure, published in Official Gazette No. 84, 2006.
- Executive Order No. 15/02, establishing measures to protect witnesses, experts, and victims in a range of crimes, including those related to the national economy, amended and supplemented to the Code of Criminal Procedure, published in Official Gazette No. 40, 2015.
- Law No. 23/09, published in Official Gazette No. 43, 2023, which repealed Executive Order No. 03-11, 2003.
- Law No. 24/02, concerning the fight against forgery and the use of counterfeit documents, published in Official Gazette No. 15, 2024.