



Exploring Paulo Freire's Critical Theory: Teaching History as a Tool for Liberation and Social Justice

Fatima Zahra Amraoui*

University of Sidi Bel Abbès (algeria)

fz.amraoui@univ-djelfa.dz

Nouredine Guerroudj

University of Sidi Bel Abbès (algeria)

guerroudjnouredine@gmail.com

Abstract ;

Teaching history is an intricate and gratifying endeavor, offering students a vision into the past to comprehend the present and frame the future. The preeminent role of history as a subject in university education resides in the fact that it provides a foundation for understanding the development of societies, cultures, and civilizations over time. It also incites students to grasp the complexities of past events, movements, and decisions that have shaped the present world. The contact between students and past civilizations prompts the foundation of bridges that connect peoples' histories, reconcile the past with the present and anticipate possible future conflicts. This process would eventually lead to an elevated state of humanity and better understanding of the world. Teaching history involves a collection of approaches and strategies from traditional chronological narratives to modern and innovative methods. In order to profit fully from the potentials of this subject, we can teach it applying Paulo Freire's 'Critical Theory'. His groundbreaking theory affords an opportunity to use education as a tool for liberation, critical consciousness, and social transformation. Given the functions of this theory, if it applied to teaching history, this course can be used as a tool for freeing the oppressed and achieving social justice. Teachers would rely on world events, wars, economic and political crises, ancient and contemporary societies in order to foster students' critical thinking and lead them to be active citizens in their society. Thanks to the course's topics and objectives, it can efficiently achieve the aspirations of critical theory. Henceforth, history teachers are highly advised to adopt Freire's theory in their courses in order to maximize and enhance the quality of their teaching and best serve the intentions of the course which align with those of 'the critical theory'.

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* Corresponding author



Introduction:

Corruption, an endemic issue, transcends national borders, manifesting in countries across the spectrum of development and integrity levels. The magnitude and characteristics of corruption differ significantly across nations, contingent upon the robustness of each country's anti-corruption apparatus, the integrity of political and legal institutions, and the effectiveness of regulatory agencies. In response, international law has increasingly focused on curbing corruption-related offenses, leading to the formulation and adoption of a multitude of agreements and conventions. A landmark in this regard is the United Nations Convention against Corruption (UNCAC), which stands as the first comprehensive international treaty dedicated to addressing the issue of corruption, setting a precedent for subsequent initiatives.

In line with these international endeavors, Algeria has actively engaged in the global fight against corruption. This commitment was substantiated through Algeria's ratification of the UNCAC under Presidential Decree No. 04-128. **(Presidential Decree No. 04-128, 2004)** Following this, Algeria embarked on strengthening its domestic legal framework against corruption, culminating in the enactment of Law 06/01. **(Law No. 06-01, 2006)**, This law was instrumental in establishing the National Authority for the Prevention and Combating of Corruption, a significant step in the nation's anti-corruption efforts.

Notwithstanding these developments, Algeria recognized the need for further

enhancement of its anti-corruption framework. This recognition led to a constitutional amendment in 2016, followed by a substantial reorganization of the constitutional authority in 2020 **(Presidential Decree No. 20-445)**. This reformation resulted in the renaming of the institution to the Supreme Authority for Transparency, Prevention, and Combating Corruption, signifying a renewed focus on the oversight of public finances and strengthening of governance.

In this evolving context, Law 22/08 **(Law No. 22-08, 2022)**, was promulgated to delineate the operational parameters of this supreme authority. A notable aspect of this law is Article 39, which renders null and void any conflicting provisions, particularly Articles 17 to 24, until the enactment of new regulations pursuant to the amended law.

Given the above context, this research paper seeks to address the following problem:

- What is the conceptual framework of corruption, and what are the newly established competencies of the Supreme Authority for Transparency, Prevention, and Combating Corruption, as per Law 22/08, for the purpose of combating corruption?

To answer this problem, the topic is divided into the following axes:

- **Axis One:** The Conceptual Framework of Corruption.
- **Axis Two:** The Competencies of the Supreme Authority for Transparency, Prevention, and Combating Corruption.

Axis One: The Conceptual Framework of Corruption

Corruption is a criminal phenomenon that transcends national boundaries, being prevalent in both advanced and developing countries. Due to its significance, this research paper will examine the efforts made to define corruption.

1. Linguistic Definition of Corruption:

Linguistically, the term "corruption" connotes the process of tainting or compromising something initially sound or virtuous. It implies an act leading to spoilage or invalidation, often associated with decay, degradation, or a departure from an originally pure state. In essence, it stands antithetical to principles of integrity and moderation, symbolizing a deviation from an accepted or ideal state.

2. Legal and Ethical Definition of Corruption:

The term "corruption" appears in the Quran fifty times and is used to mean a deviation from righteousness and soundness. It encompasses destruction, ruin, murder, and various other meanings that fall under the umbrella of corruption.

The Quran addresses multiple aspects of corruption, including the commission of sins, as indicated in Surah Al-A'raf: **"Do not corrupt the earth after its reformation,"** which refers to manipulating balances and cheating in measurements, as highlighted in Surah Hud: **"O my people, fulfill the measure and weight and do not deprive people of their due, and do not commit abuse on the earth, spreading corruption."**

Additionally, it includes disbelief in Allah, as in Surah An-Nahl: **"Those who disbelieved and averted from the way of Allah - We will increase them in punishment over punishment for what corruption they were causing."** Furthermore, it encompasses hypocrisy, as indicated in Surah Al-Baqarah: **"And when it is said to them, 'Do not cause corruption on the earth,' they say, 'We are but reformers.'"** In this context, "corruption" also denotes arrogance, as mentioned in Surah An-Naml: **"But they denied it, and they were destroyed for their wrongdoing. Then look at the end of the corrupters."**

The Quran's usage of the term "corruption" is comprehensive, encompassing all forms and manifestations of corruption. It refers to deviating from the straight path, which includes all sinful actions.

This comprehensive understanding of corruption in Quranic terms includes any deviation from righteousness and ethical standards, making it a multifaceted concept that covers various aspects of human behavior. (Naaman Al-Jebouri, 2012, p.43)

3. Juridical Definition of Corruption:

The concept of corruption, as understood within the legal field, lacks a singular, universally accepted definition. Jurists have proposed various definitions, each marked by distinct content, perspectives, and underlying philosophies. Broadly speaking, corruption is characterized as the wrongful use of legally granted authority to advance personal self-interests beyond the intended scope of that authority.

Corruption may be articulated as the deviation from the legitimate exercise of authorized powers by both natural and legal individuals operating within a legal institutional framework, which prescribes specific boundaries for the exercise of such powers. The discretionary latitude afforded to individuals in positions of authority, coupled with inadequate accountability and oversight mechanisms, frequently leads to the misuse of these conferred powers to secure personal benefits and interests that extend beyond the original purview of their roles.

From an administrative vantage point, corruption is identified as the "inappropriate utilization of public office for personal gain, whether in material or moral terms, while disregarding official legal regulations". **(Daghmach, 2017, p .262).**

Distinguished proponents of this perspective include legal scholars such as Clapham and Kuper, who perceive corruption as the abuse of public office to attain illegitimate advantages. **(Hassan Said ,2019, p.18).**

In the realm of political science, public corruption is characterized by the misconduct of a public official who strays from established ethical standards to pursue their personal interests and objectives. This concept finds its roots in the work of the renowned American political scientist, Samuel Huntington.

Looking at it from a legal standpoint, public corruption pertains to actions that run afoul of the official legal regulations set forth by a nation's political

system. Scholars like Mannheim align with this perspective, defining corruption as behavior that deviates from the prescribed responsibilities and regulations, all in the pursuit of personal or familial benefits—whether they be financial or non-financial in nature **(Sharehan, 2018, p.7).**

Furthermore, it can be elucidated as the deliberate utilization of a public position, accompanied by its inherent prestige, influence, and authority, for the purpose of attaining personal gains—be they financial or non-financial—in a manner that contradicts the established law and official protocols. **(Al-Khathran, 2003, p.21).**

From a legal standpoint, corruption involves the transgression of official legal regulations mandated by a state's political system. According to this viewpoint, corruption constitutes the act of surpassing and violating the legal provisions established by the state's political framework. It is worth noting that some argue against exclusively characterizing corruption as a departure from prevailing legal rules within a state, as the legal system itself may indirectly and illegitimately condone corrupt practices **(Anwar, 2001, p.140).**

Sociologists, on the other hand, interpret corruption as behavior that deviates from a state's laws, customs, and traditions, with the aim of pursuing personal benefits at the expense of the public interest. Dr. Abdel Basset Abdel Mati regards it as a method of social exploitation through which individuals amass influence and power within administrative organizations, often

exploiting those who lack power and political authority(Bouadi,2001,p.19) .

The American Encyclopedia of Social Sciences characterizes corruption as the wrongful utilization of public influence and the exploitation of less powerful parties to secure private gains.

In summary, the diverse definitions of corruption provided by linguistic, ethical, legal, and sociological perspectives all converge on the central theme of the misuse of authority, power, or public office for personal gains and interests, in contravention of established legal, ethical, and societal norms.

4. Definitions of Corruption by International Institutions and Organizations:

International institutions and organizations have also attempted to define corruption, contributing to the ongoing discourse on this complex issue.

The World Bank characterizes corruption as the misuse of public office for personal gain. This takes place when individuals in positions of authority receive, request, or extort bribes to expedite specific tasks, transactions, or processes. Additionally, corruption can occur when corporate representatives or intermediaries offer bribes to gain advantages over competitors, resulting in personal profits that fall outside the purview of applicable laws. Corruption may also manifest when public officials abuse their positions, even in the absence of bribery, engaging in practices such as nepotism, embezzlement of state funds, or misappropriation.

The International Monetary Fund (IMF) in 1997 defines administrative corruption as the improper use of administrative power by public officials to pursue personal interests. This form of corruption can occur when public officials solicit bribes while abusing their authority. The misuse of public authority for personal gain, even without the involvement of bribery, can manifest through nepotism, endorsements, embezzlement of state resources, or their misappropriation.(Al-Subei ,2010,p.10).

Transparency International, an organization founded in 1992 with the mission of combating all forms of corruption, defines corruption as any action or behavior that entails the misuse and manipulation of public positions in employment to achieve personal interests, whether individually or collectively. This organization considers corruption a global issue that transcends national boundaries.

5. Definitions of Corruption in International Agreements:

Several comprehensive international agreements address corruption, with the United Nations Convention against Corruption being one of the most prominent. Ratified by 170 countries, this convention does not provide a specific definition of corruption(Gillian and Mary ,2014,p.9). Instead, it identifies various forms of corruption, including abuse of power, money laundering, bribery in the private sector, bribery of public officials, misuse of public office, unjust enrichment, embezzlement of private sector property, and obstruction of justice. This diversity in defining corruption in the UN Convention underscores the notion that

corruption is a phenomenon that affects all societies and economies, necessitating international cooperation for its prevention and combat.

In the African Union Convention on Preventing and Combating Corruption, the scope of corruption encompasses actions and practices, including crimes, that have been criminalized by the agreement. Algeria ratified this convention in 2006. **(Presidential Decree No. 06-137, 2006)**

The Arab Convention against Corruption of 2010, although not providing a specific definition of corruption, lists certain actions in Article 4 that member states should criminalize. Member states also have the flexibility to criminalize additional acts related to corruption if deemed necessary **(Presidential Decree No. 14-249).**

In summary, international institutions and organizations, including the World Bank, IMF, Transparency International, and various international agreements, approach corruption by highlighting its diverse manifestations and actions rather than proposing a single, universally applicable definition. These agreements underscore the imperative of international collaboration to combat corruption, recognizing its global reach and impact.

6. Definitions of Corruption in Domestic Legislation:

- **Algeria:**

Algeria's legislative approach to combating corruption mirrors that of the United Nations, as it refrains from

providing an explicit definition but rather emphasizes the criminalization and punishment of various forms of corruption.

In Algerian legal texts, corruption encompasses all crimes specified in the fourth chapter of the law. These crimes include money laundering, concealment, abuse of power, unjustified privileges in public contracts, bribery in public procurement, bribery in the private sector, accepting gifts, bribery of foreign public officials and international organization employees, embezzlement of assets by a public employee, misuse or illegal consumption of these assets, betrayal, unauthorized tax exemptions or reductions, false reporting or withholding of assets, unjust enrichment, hidden financing of political parties, embezzlement of private sector assets, obstruction of justice, protection of witnesses and informants, and victims (as per various Algerian legal sources).

- **Tunisia:**

Tunisia's Basic Law No. 10 of 2017, which pertains to reporting corruption and protecting whistleblowers, defines corruption as any act contrary to the law and regulations governing work that harms or has the potential to harm the public interest. This definition encompasses various forms of corruption in both the public and private sectors, including bribery, embezzlement of public and private funds, and abuse of power.

- **Palestine:**

In the context of anti-corruption efforts, Palestine established an Independent Commission for Integrity and

Anti-Corruption through Law No. 37 of 2018, amending Law No. 1 of 2005 on combating corruption. While the law does not provide a specific definition of corruption, it does list crimes that constitute corruption, such as bribery, illicit gain, obstruction of justice, forgery, and embezzlement (as per Palestinian legal sources).

- **Lebanon:**

Lebanon established the National Anti-Corruption Commission through Law No. 175, issued on May 8, 2020. According to Article 1 of this law, corruption is defined as the exploitation of authority, position, or work related to public funds with the aim of achieving unlawful gains and benefits for oneself or others, whether directly or indirectly.

Acts of corruption include crimes against public administration, as specified in the first chapter of the third section of the second book of the Penal Code, except for the fourth paragraph, as well as unjust enrichment and acts of corruption covered by international agreements and treaties related to anti-corruption efforts (as per Lebanese legal sources).

These examples from domestic legislation in Algeria, Tunisia, Palestine, and Lebanon illustrate that these countries define corruption by enumerating specific corrupt acts and behaviors rather than providing a single comprehensive definition. This approach enables them to address various manifestations of corruption within their legal frameworks and aligns with their obligations under international agreements related to anti-corruption efforts.

Axis Two: Powers of the High Authority for Transparency, Prevention, and Combatting Corruption

In a concerted effort to strengthen the battle against corruption, this institution has been enshrined within the constitutional framework, residing prominently in the fourth section of the fourth chapter, spanning Articles 204 and 205. Furthermore, its organizational structure and formidable powers have been meticulously defined by law. Under the legal provisions, it is referred to as the High Authority—an autonomous entity vested with legal identity, fiscal autonomy, and administrative independence, adhering strictly to the Constitution and statutory laws. In this section, we shall delve into the intricacies of the High Authority's structure, organization, and formidable powers.

1: Structure and Organization of the High Authority

The High Authority comprises two fundamental components: the President of the High Authority and the Council of the High Authority.

- **The President of the High Authority:**

The President of the High Authority is appointed by the President of the Republic, serving a term of five years, with the possibility of one renewal. Throughout their tenure, they are prohibited from engaging in any electoral, occupational, or other professional activities.

The President assumes the role of the legal representative of the High Authority and wields a comprehensive set

of powers. These powers include formulating the national strategy for transparency, prevention, and combating corruption, overseeing its meticulous execution, and crafting the operational agenda for the High Authority. They are also responsible for developing and enacting the internal regulations governing the High Authority's activities, exercising authoritative oversight over all personnel employed by the High Authority, and proposing foundational legislation for the benefit of High Authority personnel.

In addition to these responsibilities, the President presides over the deliberations of the Council of the High Authority, spearheads the preparation of the annual budget, and compiles an annual report on the High Authority's undertakings. This report is subject to the Council's ratification and is submitted to the President of the Republic.

Furthermore, the President plays a crucial role in transmitting pertinent documents containing criminal evidence to the respective regional Prosecutor General and those that could obstruct operations to the President of the Council of Auditors. They also engage in information exchange and foster collaboration with international anti-corruption and prevention entities.

Lastly, one of the President's ongoing duties is to consistently apprise the Council of all received complaints or notifications and the implemented remedies. This organization into paragraphs enhances the clarity and structure of the provided information. If you have any further requests or questions, please feel free to let me know.

- **The Council of the High Authority:**

The Council of the High Authority is presided over by the President of the High Authority and comprises the following members, each playing a crucial role in ensuring the effective functioning of the organization:

Presidential Nominees: The Council includes three individuals nominated by the President of the Republic. These nominees are carefully selected from a pool of eminent national figures known for their independence and integrity.

Judicial Representation: Three judges also form part of the Council, with one judge each hailing from the State Council, the Council of Auditors, and the judiciary. Their presence ensures that legal expertise is integral to the decision-making process.

Independent Experts: To further bolster the Council's capabilities, three independent individuals are meticulously chosen for their expertise in financial and legal matters, impartiality, and competence in the sphere of anti-corruption. These members are appointed by either the President of the Council of the Nation, the President of the National People's Congress, or the Prime Minister, depending on the circumstances.

Members of the Council are appointed by presidential decree, securing a non-renewable five-year term, accompanied by safeguards during their tenure. The Council holds regular sessions, summoned at the President's behest, with a minimum frequency of once every three months. Extraordinary sessions can be

convened at the President's request or upon petition by a minimum of half its members. Decisions are rendered valid through a majority vote, and in cases of a tie, the President exercises the deciding vote.

In addition to the President of the Council, the law provides for the Council's Secretariat, overseen by the Secretary-General of the High Authority. The Secretary-General plays a vital role in coordinating the Council's activities and ensuring the smooth functioning of the High Authority. Among their duties are:

Budget Approval: The Council's Secretariat plays a key role in approving the budget of the High Authority, ensuring that resources are allocated efficiently to support anti-corruption initiatives.

Regulation Oversight: They are responsible for approving the internal regulations of the High Authority, ensuring that the organization operates in accordance with established guidelines.

Integrity Enforcement: In cases of integrity rule violations by civil entities, the Secretariat has the authority to issue orders to address these breaches.

International Cooperation: The Secretariat contributes opinions on cooperation files in the field of combating corruption with international bodies and organizations, promoting collaboration on a global scale.

Strategy Development: They are involved in framing and approving the national strategy for transparency, prevention, and combating corruption, a

pivotal aspect of the High Authority's work.

Work Plan Formulation: The Secretariat assists in framing the work plan of the High Authority, which is then presented to the President of the High Authority for approval.

Corruption Examination: They examine files referred by the President of the High Authority that may contain evidence of corrupt activities, contributing to the High Authority's investigative efforts.

Advisory Role: The Secretariat provides opinions on matters referred by the executive branch, parliament, or any other relevant institution within its jurisdiction.

Annual Activity Approval: They have a role in approving the annual activities of the High Authority, ensuring that planned initiatives align with the organization's objectives.

The Secretary-General's role clearly reflects the extent of the powers vested in the position, combining advisory and reporting functions to effectively represent the High Authority in its anti-corruption efforts. This comprehensive structure of the Council and its Secretariat ensures a multi-faceted approach to combating corruption and promoting transparency.

2- The Powers of the High Authority

The battle against corruption requires the development of a comprehensive plan that encompasses immediate, all-encompassing, and resolute measures for

its effective implementation. Any negative phenomenon, when left unchecked, can evolve into a highly perilous threat.

Recognizing that corruption represents a severe scourge with far-reaching implications for both the state and society at large, it is imperative to establish a robust strategy for its eradication, necessitating collaborative efforts. The fight against corruption cannot be unilateral; rather, it is a shared responsibility encompassing citizens and official authorities alike, as delineated by the powers enshrined in both the constitution and the law.

- **Constitutionally Mandated Powers:**

The High Authority for Combating Corruption wields a comprehensive set of constitutionally mandated powers, firmly integrated into the nation's constitutional framework. As a vital supervisory institution, it holds the pivotal role of ensuring compliance with legislative and regulatory provisions, safeguarding the prudent management of public funds, and cultivating a culture of transparency and anti-corruption.

Its constitutional purview extends to reporting relevant information to authorities, facilitating personnel training, issuing directives in cases of violations, formulating and overseeing the implementation of a national plan for anti-corruption efforts, enhancing the capacities of civil society and anti-corruption entities, offering opinions on relevant legal texts, and actively engaging with the public to promote the principles of good governance, transparency, prevention, and the fight against corruption.

These constitutionally enshrined powers empower the High Authority to play a significant role in combating corruption and upholding ethical standards within the nation.

- **Powers as Defined by the Law:**

The High Authority for Combating Corruption derives its powers not only from the constitution but also from the law, which further enhances its authority in the fight against corruption.

These additional powers encompass reinforcing transparency and integrity in various domains, such as charitable, religious, cultural, and sports activities, ensuring the continuity of anti-corruption efforts based on reports from relevant institutions, disseminating valuable information and recommendations to entities involved in anti-corruption activities, establishing international collaboration for information exchange, evaluating and proposing solutions for corruption prevention within the legal framework, overseeing asset declarations, engaging civil society in anti-corruption initiatives, fostering regional and international partnerships in the anti-corruption sphere, compiling reports on transparency and anti-corruption measures, and annually reporting its activities to the President of the Republic while promoting transparency by sharing the report's contents with the public.

These legal powers empower the High Authority to effectively combat corruption and promote ethical practices across various sectors of society.

Furthermore, the High Authority assumes the responsibility for conducting all administrative and financial investigations related to instances of unjust enrichment by public officials. Importantly, it is noteworthy that no claims of professional or banking secrecy can be invoked against this authority. Additionally, any individual or entity in possession of information or data related to corruption is empowered to report it to the High Authority, as stipulated in Article 6.

The High Authority also conducts oversight to ensure compliance with transparency and corruption prevention regulations by public administrations, local governments, public and economic institutions, and other entities.

Moreover, the High Authority wields extensive powers in the realm of corruption prevention. Functioning as a supervisory body, it fulfills a crucial preventive role, enabling the timely implementation of appropriate measures. It boasts advisory, reporting, regulatory, and executive powers, collectively reinforcing its pivotal role in the fight against corruption.

Conclusion:

The fight against corruption stands as a paramount priority for both the state and all stakeholders within the government. The repercussions of unchecked corrupt practices are far-reaching and can pose a significant threat to the very foundation upon which the state's social fabric is constructed. Corrupt individuals and entities undermine the fundamental interests that underpin the state's integrity.

Corruption is a crime that cannot and must not be tolerated, and it is imperative that the powers vested in the High Authority are rigorously enforced. The hope rests with this authority to confront corruption proactively, preventing it from gaining further strength and becoming uncontrollable.

To ensure the High Authority's effectiveness in its anti-corruption mission, we recommend the following measures:

- Strengthening international and regional cooperation in the battle against corruption, recognizing that this is a global issue that requires collective action.
- Equipping both public and private administrations with robust internal control systems to prevent and detect corruption.
- Accelerating the digitization of public administrations and institutions, as modern technology can enhance transparency and accountability.
- Establishing comprehensive codes of conduct for public employees tailored to the unique nature of each institution and the services they provide.
- Reinforcing the principle of the separation of powers to prevent undue influence and interference in anti-corruption efforts.
- Ensuring transparent investigations into corruption allegations against officials and refraining from granting immunity to those accused of corruption crimes.
- Implementing mechanisms that actively involve civil society in anti-corruption initiatives, recognizing their crucial role as watchdogs.

- Upholding transparency principles, including public disclosure by the judiciary in corruption cases, to maintain public trust in the judicial process.
- Preventing politicians from holding positions within anti-corruption agencies and bodies to maintain their impartiality and integrity.
- Enforcing strict rules and regulations to prevent conflicts of interest between public office and commercial activities, safeguarding public funds from abuse.
- Collaborating across sectors to conduct continuous awareness seminars on corruption prevention and combat, fostering a culture of integrity and accountability.

In the pursuit of the noble goal of combating corruption and building upon the ongoing efforts, the High Authority has recently introduced an electronic application called "Narakum." This digital platform empowers civil society to report all forms of corruption, underscoring the importance of collective action in curbing this grave societal menace. Combating corruption can only be achieved through cooperation, and it is incumbent upon every member of society to take an active role in reporting corruption and contributing to the broader effort to root out this deeply detrimental practice.

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