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Combating Corruption at The international and Internal Levels

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Abstract :

To reflect international commitments and Algeria's endeavour to combat and prevent corruption, it has ratified a series of international Texts and conventions to combat corruption, such as the United Nations Convention against Corruption, the Arab Convention against Corruption and the African Union Convention on the Prevention and Combating of Corruption.

at the internal level it sought to improve the means and tools for preventing this criminal phenomenon, especially in the constitutional amendment ,2020Establishment of the High Authority for Transparency, Prevention and Control of Corruption as a supervisory body.

institution and the creation of penal poles dealing with corruption cases and activating the investigative aspect was highlighted.

Keywords: Corruption, international conventions, High Transparency Commission .

Introduction :

Corruption is defined as the abuse of public authority or resources for personal or social gain at the expense of the public interest. As a global and large-scale phenomenon, corruption can occur in the private and public sectors.

range of immoral and illegal activities such as bribery, embezzlement, unjustified privileges for money-laundering and extortion... resulting in the depletion of the State's financial resources, impeding development, widespread social phenomena such as injusticeInequality, which leads to social instability and the rule of law.

The desire of Governments and, in particular, Algeria to eradicate the phenomenon of corruption is demonstrated by its elaboration of a set of laws derived from the international community, reflected in the State's political will to eliminate corruption offences that could affect sectors of the State and diminish its development indicators, thereby not serving the community in particular.

In this paper, we will highlight the international and internal mechanisms adopted by Algerian legislation to combat corruption.

1- International and regional conventions and their role in the fight against corruption:

The fight against corruption at the international level is reflected in international and regional conventions and a range of international and regional organizations.

1.1 United Nations Convention against Corruption: adopted in New York on 31 October 2003 . comprising 145 States, ratified by Algeria by Presidential Decree No. 04/189 of 19 April 2004, it is important in the fight against corruption by adopting measures to reflect international will.

and mechanisms for monitoring, implementation and judicial cooperation between the States Parties and provide a comprehensive and coherent framework for local, regional and international action to combat the phenomenon of corruption.

This International Convention obliges Member States to establish a body for the prevention of corruption and to grant it the necessary independence to enable it to carry out its functions effectively and without any pressure or influence, as stated in article 6 of paragraph 1 of the Convention. This Convention is based on four main pillars:

- Preventive standards.
- Criminalization and application of the law.
- Cooperation among States

One of the objectives of the Convention is to mention

- Strengthen measures to prevent and combat corruption.
- Support for international cooperation and technical assistance.

With regard to international cooperation, the Convention provides that:

- Mutual legal assistance and arrest of offenders.
- Transfer of criminal proceedings.
- Use of special investigative methods. Conduct joint investigations.

1.2 African Union Convention on preventing and combating Corruption:

Held in Ma Bhutto on 11 July 2003, ratified by Algeria, by Presidential Decree No. 06/137 of 10 April 2006.

1.3- Arab Convention on combating Corruption:

Done in Cairo on 21/12/2010 ratified by Algeria under Presidential Decree No. 14/249 dated 8 September 2014, the agreement aims to:

- Strengthening Arab cooperation in preventing, combating and detecting corruption and recovering assets.

Encourage civil society to contribute to preventing and combating corruption.

The Convention includes the criminalization of acts falling within the framework of corruption, such as trafficking in influence, bribery in employment, illicit enrichment and embezzlement.

Cooperate in the fight against corruption by exchanging information on methods of committing corruption offences and investigations on the identity of persons involved in crimes.

2- International organizations to Combat Corruption:

to fight corruption is also embodied at the international level through international and regional organizations, and we mention the most important of these organizations:

2.1- Interpol: In view of the need for international organizations to fight international criminals and the need for Exchange of views and means among the police services of the world's countries, where INTERPOL was established at the First Judicial Police Conference held in Monaco from 14 to 18 April 1994.

The International Police Organization aims to:

- To deepen awareness and Understanding the methods and implications of corruption.

- Application of anti-corruption laws
- Activating and activating international cooperation.

2.2 The World Bank: an international organization also called the International Bank for Reconstruction and Development .

organization based in Washington established to help Europe and Japan after World War II and in the sixties after the liberation of colonial countries, it has an additional goal: to encourage developing countries and on the path of growth in the construction of their economic projects.

It is the most international party concerned with the fight against corruption and provides assistance to developing countries that fight corruption, where it develops strategies that include:

- Granting all forms of fraud and corruption in projects financed by the Bank.
- The fight against corruption is a prerequisite for lending standards.
- Providing assistance and support to international efforts to combat corruption.

2.3 Arab Organization for combating Corruption:

It is an independent Arab regional concerned with combating the phenomenon of corruption in the Arab countries and works to promote integrity in society and the establishment of a good society, was established in 2005 in Beirut as an independent institution and then was granted It was then granted the status of a charity and aims to:

- Raising awareness of the fight against corruption and the protection of public interests and public money.
- Sensitize citizens and civil society to the importance of fighting corruption.
- Support transparency and freedom of circulation.

2. Algerian legislator's internal anti-corruption mechanisms:

2.1 High Authority for Transparency, Anti-Corruption and prevention:

Article 06 of the United Nations Convention against Corruption

With regard to all States parties under their control the need to establish one or more bodies to prevent and combat corruption and with regard to the fight against corruption, Act No. 06/01 on combating corruption provides for the establishment of the National Authority for Preventing and Combating Corruption, as well as strengthening mechanisms for preserving public funds, given the preventive role of the authority in preventing and combating corruption under the Corruption Prevention and Control Act.

promulgation of 10/05 supplementing the Law on the Prevention and Combating of Corruption, under which a second organ, the National Bureau for the Suppression of Corruption, was established as an operational tool for searching and reviewing corruption offences.

The National Authority for the Prevention and Combating of Corruption has been abolished by its previous counterpart.

The **High Authority for Transparency, Anti-Corruption and prevention** is an independent institution, article 204 institution 2020 . It enjoys moral personality and financial and administrative independence. (Article 2 of 22/08 Law 14.202022 establishing the Authority's organization, composition and authority).

It aims to :

- Access in the management of public affairs to the highest indicators of integrity and transparency.

- Follow-up and support for development.

in all its forms and establishing the foundations of good governance by fighting and preventing corruption.

The functions and powers set out in article 205 of the Constitutional Amendment 2020:

- Ensure and implement the national strategy to combat corruption and ensure transparency.

- Collect, process and communicate information relating to its area of competence and make it accessible to the competent organs.

- To issue orders, where appropriate, to the relevant institutions and agencies whenever they see irregularities and notify the Accounting Board and the competent judicial authority.

- Contribute to strengthening the capacity of civil society and other actors in the fight against corruption.
- Monitoring, implementation and dissemination of a culture of transparency, prevention and combating corruption.
- To express an opinion on the legal texts relevant to its area of competence;
- Participation in the formation of bodies responsible for achieving transparency and preventing and combating corruption.
- Contribute to the morality of public life and promote the principles of transparency, good governance, prevention and combating corruption.

It also has the powers specified in the Act 22/08 chapter II in articles 04 to the 15.

Receives property declarations and ensures that they are processed and controlled on the occasion of his assumption of senior positions and functions in the State.

- Support cooperation with regional and international organizations to prevent and combat corruption.
- Research and investigation into illicit enrichment (increase in a public official's financial position after taking office, so that it is not commensurate with his or her resources or incomes that cannot prove their source of business.

Specialized penal poles and investigative methods to combat corruption offences:

Penal poles have been established and their jurisdiction determined by articles 37, 40 and 329 of the Code of Criminal Procedure, which include most of the offences except corruption offences listed in 2010 under Ordinance No. 10/05 of 26 August 2010. Article 24 bis of Ordinance No. 05/10 stipulates that the offences provided for in this Act shall be subject to the jurisdiction of the jurisdictional authorities distributed under Act No Penal Court by Sidi Mohammed, Algeria. s Court ", Algerian Pole Court of Constantine, Oran Court, Court and Court. The National Penal Economic and Financial Pole was established by Order No. 20/04, which specializes in the consideration of economic and financial crimes and is based in the Algiers Judicial Council.

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