

LEGAL POWERS OF THE HIGH AUTHORITY FOR TRANSPARENCY, PREVENTION, AND CONTROL OF CORRUPTION, STUDY UNDER LAW 22-08 AND THE UNITED NATIONS CONVENTION AGAINST CORRUPTION

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Received: 14/10/2023 acceptance: 20/01/2024 Published: 14/02/2024

Abstract:

In its efforts to establish the rule of law and justice, Algeria had given priority to combating corruption and establishing openness in the conduct of public affairs. Because financial and administrative corruption has found a place in public money.

Law No. 22-08 of 05 May 2022 was promulgated as a step towards establishing the highest authority for transparency and preventing and controlling corruption, which replaced the current national body. It was the result of compliance with the new provisions of the Constitution of 2020, which demonstrated the State's determination to strengthen oversight, to achieve integrity in the management of administrative processes and to ensure proper management of public finances, as well as to follow the global trend in preventing and combating corruption. Represented by the 2003 United Nations Convention against Corruption, ratified by Algeria in 2004.

Keywords: Financial Corruption, Administrative Corruption, Anti-Corruption, Public Money, High Authority for Transparency.

INTRODUCTION:

Corruption is a broad concept that does not contain a universal definition, as practices considered corrupt in a cultural context may not be seen in another context. The narrow criminal law approach links corruption to a limited number of offenses, including bribery. However, corruption can also be perceived as a broader socio-economic problem involving conflict of interest, favoritism, and trading in influence. Such practices can harm States and communities, especially when they prevail. It can occur at all levels of society, and its impact may vary depending on the decision-making power of the corrupt entity. A distinction is often made between daily and political corruption, with the first occurring at the end of policy implementation and the second occurring at high levels where policies and laws are developed (Piotre & Sofija, 2017, p. 5).

Corruption is no longer just a domestic problem; it has taken on considerable dimensions to the point where it has become a phenomenon from which no social or political system can be exempt. The situation in Algeria is not so favorable, as corruption reigns in all spheres without exception. To put in place a global strategy to prevent and combat corruption, international efforts were combined, leading to the creation of the **United Nations Convention** in 2003 (Article 1 of the United Nations Convention Against Corruption, The purposes of this Convention are:

(a) To promote and strengthen measures to prevent and combat corruption more efficiently and effectively;

(b) To promote, facilitate, and support international cooperation and technical assistance in the prevention of and fight against corruption, including in asset recovery;

(c) To promote integrity, accountability, and proper management of public affairs and public property.). Algeria has ratified this Convention with one reservation and is committed to encouraging this trend by adopting a special law based on the Convention, Law 06/01 of 20/02/2006 (Law No 06-01, 2006).

The role of the National Authority for Preventing and Combating Corruption, which changed from an advisory to a supervisory body under the 2020 constitutional amendment (Amendment, 2020),



and was renamed the Supreme Authority for Preventing and Combating Corruption, is based on the creation of a special body to lay the foundations for transparency and governance in the conduct of public affairs. (Law22-08, 2022)

We have been examining the subject of the recent reforms initiated by Algeria, which are focused on establishing the foundations and pillars. This subject is considered one of the most important at the moment. The study aims to demonstrate the State's efforts to contribute to the moralization of public life and to achieve the highest standards of integrity and transparency in the conduct of public affairs. The role played by the constitutional institution overseeing the High authority in terms of transparency, prevention, and the fight against corruption is crucial in achieving these goals (Algeria has ratified the United Nations Convention to combat corruption, and the National Authority for Preventing and Combating Corruption, now known as the Supreme Authority, is focusing on transparency and governance in public affairs.).

We have therefore decided to focus on the following questions: **To what extent does this constitutional institution effectively promote openness, combat corruption, and safeguard public funds?** Drawing on two principal researchers, we will use a descriptive-analytical approach to define concepts and discuss and analyze relevant legal texts to answer this question **The First Theme** focuses on the high Authority's legal system for transparency, prevention, and the fight against corruption and **The second theme** focuses on the effectiveness of the High Authority in implementing the national strategy for preventing and combating corruption

The First Theme is the high Authority's legal system for transparency, prevention, and the fight against corruption.

Corruption undermines the rule of law, human rights, and democratic institutions globally. It weakens public authority legitimacy, hinders economic and social development, and improves access to fundamental rights. (Miraillet, 2021, p. 7)

Adopting a comprehensive anti-corruption approach is crucial in building a solid foundation for the Rule of Law and Truth globally. This approach centers on enhancing a country's legal framework by establishing a code of ethics and conduct, particularly in public service sectors. This is in response to the public's demand for effective and accountable governance.

The Supreme Authority for Transparency and Prevention of Corruption was established in this context. The creation of this organization is part of Algeria's effort to amend its internal laws to comply with the objectives of the constitutional founder and the principles and provisions of the conventions. (Corruption undermines the rule of law, human rights, and democratic institutions globally. A comprehensive strategy is needed to combat it, focusing on ethical behaviour in public service industries. Algeria established the Supreme Authority for Transparency and Prevention of Corruption to align domestic legislation with constitutional goals and treaty principles.)

As we have already said, the establishment of this supreme authority for transparency and the prevention and control of corruption has been the application of the provisions of the United Nations Convention against Corruption, where by article 6 of the Convention mandates each State party to establish a preventive body or bodies to combat corruption, implement policies and disseminate knowledge on the prevention of corruption. Such bodies must be granted independence and provided with the necessary resources, staff, and training. States parties must also inform the United Nations Secretary-General of the authorities that can assist other states' parties in developing and implementing specific measures to prevent corruption. (Article 6 of The United Nations Convention Against Corruption)

1. The legal basis for establishing the supreme authority for transparency and for preventing and combating corruption and its composition and authority.

1.1 The Algerian Constitutional Amendment:

The 2020 Algerian constitution (Fadel & Ounnoughi, 2021, p. 1665) led to the establishment of the High Authority for Transparency and Prevention of Corruption (Chergui, 2023, p. 611), a new entity that took over the responsibilities of the National Body for Preventing and Combating Corruption. This amendment not only introduced this new body but also enhanced its powers, aligning them more closely with international legal standards in the fight against corruption. and was a first step



towards Algeria's compliance with its international and regional obligations and its response to new developments on the international scene.

Following the recent state reforms, the constitutional founder was re-established in 2020 as the Supreme Authority for Transparency, Prevention, and Combating Corruption. This independent institution was endowed with innovative tasks and granted extensive powers and mechanisms for impactful intervention (Article 204 of constitutional amendment of 2020 is read as follow: *"La Haute autorité de transparence, de prévention et de lutte contre la corruption est une institution indépendante"*). Its primary objectives are to reduce corruption and favoritism

The Supreme Authority for Transparency, Prevention, and Combating Corruption was established as a replacement for the National Authority for the Prevention and Combating of Corruption, established by the 2020 constitutional amendment. The authority's name emphasizes its importance in oversight structures and its expanded scope of competencies. Its tasks include moralizing public life, promoting transparency, preventing and combating corruption, consolidating good governance requirements, and strengthening civil society's capabilities in combating corruption. However, legal texts are still being prepared, making it difficult to read about its constituent formation and powers (KADRI, 2023, pp. 517-518).

1.2 Law 06/01 of 20 February 2006 on preventing and combating corruption

Algeria's commitment to international conventions and instruments required establishing an independent body to combat corruption. This led to the entry into force of Act No. 06/01 of 20 February 2006, which focuses on preventing and combating corruption. The law gave priority to the establishment of such a body, mainly through the guidelines of Article 17, which recognized the establishment of a national body to prevent and combat corruption to implement the national anti-corruption strategy and which had been recognized as an independent administrative authority before its formal adoption in 2016 and 2022, had been transferred to the highest authority for transparency, prevention and the fight against corruption (Law n°06 - 01 ,Op, Cit Article 17 *"Pour la mise en oeuvre de la stratégie nationale en matière de corruption, il est institué un organe chargé de la prévention et de la lutte contre la corruption"*).

Algeria's Anti-Corruption Law (Law 06-01) aims to prevent and control corruption, promote integrity, responsibility, and transparency in public and private sectors, and facilitates international cooperation. It establishes the National Authority for Prevention and Combating Corruption, mandates property declaration for elected public sector employees, and promotes transparency in public dealings. The law has been amended twice, creating the Central Office for Corruption and imposing penalties for violations of public procurement provisions (Belatel, 2021, p. 63).

1.3 Law No. 22-08 of 5 May 2022 fixing the organization, composition, and powers of the High Authority for Transparency, Prevention, and Fight against Corruption

This draft resolution was endorsed and strengthened by the Government through the enactment of Act No. 22/08 on 05/05/2022, which consists of 40 articles. This law is further elaborated in a detailed explanation of the structure, membership, and authority of the Council, which has more exceptional powers than the national authority. It is equipped with all the necessary legal tools and mechanisms for oversight, evaluation, and effective responsibility in the management of public funds. Under Article 16 of Act No. 22/08, the Higher Authority for Transparency, Anti-Corruption, and Prevention is constituted by the President of the Supreme Authority and the Council of the Supreme Authority. (Law n° 22-08 , Op, Cit Article 16. *" La Haute autorité est composée des organes suivants : le président de la Haute autorité , le conseil de la Haute autorité."*), Article 39 repeals all provisions contrary to the 2006 law, including articles 17 to 24 of law number 06-01, relating to corruption prevention and fighting.

The provisions of Act No. 22-08 abolish articles 17 to 24 of Act No. 01-06 on preventing and controlling corruption. These articles are those established by the so-called National Anti-Corruption Authority, which continued until the Higher Authority for Transparency, Prevention and Control of Corruption was established. The designation of the Higher Authority for Transparency, Prevention, and Control of Corruption from the date of publication in the Official Gazette replaces

the designation of the National Authority for the Prevention and Control of Corruption in all legislative and regulatory instruments in force. (Ibid , articles 39, 40, 41, 42.)

The concept of the High Authority, as defined in the 2020 law 22-08, is an independent institution with moral personality and financial and administrative autonomy. Its seat is in Alger. The law emphasizes the autonomy of the High Authority, unlike the one mentioned in the 2020 law. The only difference is that the law needs to acknowledge the President's responsibilities for corruption prevention and combat. The French law also identifies the National Authority as an independent entity, aiming to ensure neutrality with public agents or economic operators. The French law also emphasizes the importance of transparency and accountability in corruption prevention. Transparency means that all government activities and actions are publicly available to the public and that systems are equipped to provide knowledge and accountability. This law ensures trust and accountability in detecting and preventing corruption, as well as credibility for the state and its organizations. Some define the High Authority as an independent institution responsible for ensuring transparency in public life and combating corruption (Drici, 2022, pp. 1370-1371).

2- High Authority for Transparency and Prevention and Combating Corruption from an International Perspective:

Corruption undermines the rule of law, human rights, and democratic institutions globally. It weakens public authority legitimacy, hinders economic and social development, and improves access to fundamental rights. The fight against corruption requires close international cooperation. This requires the implementation of a comprehensive strategy to combat this situation, through Recognising the Establishment of the National Authority for Preventing and Combating Corruption.

2.1 United Nations Convention against Corruption: Article 06 of United Nations Convention against (Mouzaoui, Baar, & Boras, 2022, p. 124), which was adopted by the General Assembly on 31 October 2003, (Résolution n° 04-58 du 31 octobre 2003), stipulates that each signatory country to the Convention shall ensure the existence of one or more bodies, as appropriate, to combat corruption, by its fundamental legal principles.

The High Authority for Transparency, Prevention, and Combating Corruption was established in compliance with the United Nations Convention against Corruption. This was formalized through Presidential Decree No. 04-128, dated 19 April 2004. This establishment aligns with the principles of the International Convention on the Elimination of All Forms of Corruption. It represents a significant move towards eradicating corruption within the national framework of the Algerian State and enforces the provisions of the International Convention on the Elimination of All Forms of Corruption (Loi n° 22-08, Op, Cit . Vu la convention des Nations Unies contre la corruption, adoptée par l'assemblée générale des Nations unies à New York le 31 octobre 2003, ratifiée, avec réserve, par le décret présidentiel n° 04-128 du 19 avril 2004.).

2.2 African Union on the Prevention and Fight against Corruption: Article 5 of the African Union Convention, dated June 11, 2003, mandates member states to create and fortify autonomous national bodies for anti-corruption. This requirement aligns with the African Union Convention on Preventing and Combating Corruption, formalized in Maputo on 11 July 2003, and endorsed through Presidential Decrees No. 06-137 on April 10, 2006. Following these guidelines, Algeria instituted the Supreme Authority for Transparency and the Fight against Corruption, adhering to the fundamental principles outlined in the African Convention against Corruption (Loi n° 22-08 , Op, Cit . Vu la convention de l'Union africaine sur la prévention et la lutte contre la corruption adoptée à Maputo, le 11 juillet 2003, ratifiée par le décret présidentiel n° 06-137 du 10 avril 2006)

2.3 Arab Convention for the Prevention and Combating of Corruption of 21 December 2010, article 10 of which calls on Member States to adopt national bodies and centers to combat corruption, With consideration of the Arab Convention against Corruption, held in Cairo on 21 December 2010, which was ratified by Presidential Decree No. 14-249 of 8 September 2014, the Arab Convention was adopted to establish the supreme authority for transparency and the prevention of corruption. This is evident in the preamble to Act No. 22-08, which shows this

ultimate authority (Ibid, Vu la convention arabe contre la corruption, faite au Caire, le 21 décembre 2010, ratifiée par le décret présidentiel n° 14-249 du 8 septembre 2014).

The second theme: The effectiveness of the High Authority in implementing the national strategy for preventing and combating corruption

Financial corruption is characterized by illicit financial activities that breach legal and regulatory norms, including tax evasion and treason. This form of corruption encompasses a range of malpractices such as creating financial disorder, breaching collective responsibilities, pursuing illicit profits, scheming corrupt activities, deceiving authorities, and conflicting interests between one's public duties and private dealings. It typically involves multiple parties, flouting common obligations, chasing unlawful gains, duping government bodies, and disregarding the principles and duties of accountability (Mouzaoui, Baar, & Boras, 2022, pp. 119-120).

Corruption was an important issue that posed a threat to the national economy. In response, the Constitutional Legislature was given new powers of Authority in 2020, focusing on transparency and the fight against corruption. Subsequently, Act No. 22-08, which further extended the powers of the Authority (Law No 22-08, Op, Cit, Article 4 " La Haute autorité vise à atteindre les indicateurs les plus élevés d'intégrité et de transparence dans la gestion des affaires publiques. Elle exerce, outre les attributions prévues à l'article 205 de la Constitution..."), was enacted. We will analyze these powers in the context of the 2020 constitutional amendment and Law 2022 and compare them with the requirements contained in the interpretation of the United Nations Convention against Corruption:

1.Conformity between the Authority's constitutional powers and the United Nations Convention:

1.1 Independence of the High Authority

The United Nations Convention against Corruption mandates that member states create independent anti-corruption agencies. These agencies are tasked with developing and coordinating anti-corruption policies and enhancing knowledge to prevent corruption. They must operate independently to carry out their duties effectively without external interference. Additionally, these bodies require adequate resources and specialized staff. Member states must also report to the UN Secretary-General about the authorities aiding other member states in formulating and implementing specific anti-corruption measures (Article 6 of the United Nations Convention Against Corruption,, Op, Cit.).

In line with this, the Algerian constitutional authorities have established a supreme body for transparency, prevention, and fighting corruption. This institution operates independently (Article 204 Constitution amendment of 2020) in its functions. Therefore, the Algerian Constitution of 2020 aligns with the requirements of the United Nations Convention, which necessitates that member states set up national bodies to prevent and combat corruption autonomously.

Thus, the Supreme Authority for Transparency and the Prevention and Combating of Corruption is an independent constitutional oversight body established under article 204 of the 2020 Constitutional Amendment. Its independence enables it to operate independently and without external influence. The highest authority can define national strategies for transparency, prevention, and the fight against corruption. The appointment of the President of the High Authority shall be renewable for five years (MOUKHNACHE, 2022, p. 814).

The High Authority for Transparency and the Prevention and Control of Corruption is an independent public body that combines management and oversight functions. Unlike the former National Authority for Preventing and Combating Corruption, they are not subject to the executive branch. The highest authority is independent of ministerial or government departments, parliament, or the judiciary. However, it relies indirectly on the executive branch, even if it is not under its chairmanship. The Supreme Authority has a particular budget that is included in the general budget of the State, with the President as the budgetary authority. However, the financial dependence of the financial authority on the executive branch, including its budget in the general budget and its submission to the general accounting rules, may affect its financial and operational

independence. The legal nature of the High Authority for Transparency, Prevention, and Control of Corruption is evident through its new constitutional institution, which undertakes new missions and advisory missions to the National Authority. The legislature has given the institution natural powers, some supervisory and others executive, making it an excellent oversight body to prevent Corruption and to establish transparency, integrity, and a sense of responsibility (Drici, 2022, pp. 1372-1373).

1.2 Powers of High Authority Based on the Constitution

The High Authority for Transparency, Prevention, and Combating Corruption is responsible for crafting a national strategy focused on transparency, prevention, and the fight against corruption. This authority gathers and analyzes relevant information, forwards cases of offences to the judicial system, aids in strengthening the capabilities of civil society organizations, and promotes a culture of transparency and anti-corruption through monitoring and dissemination efforts (Article 205 of the Constitution amendment, Op, Cit.).

On the other hand, the United Nations Convention obliged State parties to develop and support solid anti-corruption strategies that promote community participation and adhere to the principles of law, efficient management, honesty, openness, and responsibility. It is also mandated to develop and promote approaches to preventing corruption. This includes regular assessments of legal frameworks and administrative procedures and working with global and regional bodies to promote and advance these initiatives (Article 5 of the United Nations Convention Against Corruption, Op, Cit.).

As a reflection of the preceding, this comparison between the 2020 Constitutional Amendment and the provisions of the United Nations Convention against Corruption has focused on developing a strategy to prevent and combat corruption in various legal ways. This is enshrined in the Constitutional Legislature in laying the groundwork for establishing the Supreme Authority for Transparency and the Prevention and Fight against Corruption.

1.3 Development of an anti-corruption law

The constitutional amendment specified that the law must outline the framework, composition, and extended responsibilities of the Supreme Body for Transparency and Prevention and the Fight against Corruption. Essentially, the Constitution delegates the authority to the law to further define the Supreme Authority's additional roles. This endows the Supreme Authority with constitutional legitimacy, classifying it as one of the state's paramount institutions. It is mandated to be an independent entity of the highest significance, as the Constitution prescribes (Article 205 of the Constitution amendment, Op, Cit" ...La loi fixe l'organisation, la composition ainsi que les autres attributions de la Haute autorité de transparence, de prévention et de lutte contre la corruption"). On the other hand, The seventh article, fourth paragraph, of the United Nations Convention against Corruption states that every Member State should strive, by its legal system's core principles, to establish, support, and enhance processes that foster transparency and prevent conflicts of interest.

The constitutional amendment, which establishes a supreme authority for transparency and for preventing and combating corruption, is fully in line with the 2003 United Nations Convention against Corruption. Such harmonization is important because the United Nations Convention is a comprehensive framework that calls for using legal standards and judicial bodies to effectively reduce and combat corruption.

By incorporating principles similar to those contained in the United Nations Convention, the constitutional amendment demonstrated the commitment to a strong and law-based approach to corruption. This includes the establishment of institutions dedicated to transparency, the fight against corruption, the strengthening of legal frameworks, and possibly the development of cooperation measures. Such harmonization not only enhances domestic anti-corruption efforts but also aligns them with international standards, thus enhancing the potential for global cooperation in the fight against corruption.

It should be noted that the G-20 endorsed the High-level Guidelines on Preventing and Combating Emergency Corruption in 2021, Italy, where G20 countries focus on preventing and combating



corruption in emergencies, aiming to enhance legislation, administrative, and financial rules for crisis preparedness and maintenance. They will implement obligations outlined in global anti-corruption agreements, establish a solid legal, administrative, and regulatory framework, and lead by example by promoting laws and regulations that effectively prevent corruption. The public sector faces increased risks of corruption and fraud during crises and emergencies, and G20 countries will review and strengthen existing public integrity systems, implement risk assessments, adopt codes of conduct, enhance transparency, and ensure the independence and resources of bodies competent in preventing and combating corruption (G20 High-Level Principles on Preventing and Combating Corruption in Emergencies, G20 italia, 2021.).

2. Conformity of the Authority's legal powers with the United Nations Convention:

In addition to constitutional powers, the Supreme Authority for Transparency, Prevention, and Combating Corruption has legal powers provided for in Law 22-08, which we will address in comparison with what is contained in the United Nations Convention and whether there is a breach of United Nations rules or there is a consensus between them.

2. 1 Achieving the highest indicators of integrity and transparency in the conduct of public affairs

The High Authority is dedicated to upholding the highest standards of integrity and transparency in managing public affairs. Its role includes gathering, centralizing, analyzing, and disseminating information to assist public entities and individuals in preventing and identifying corrupt activities. The authority regularly reviews and assesses the effectiveness of legal tools aimed at ensuring transparency and fighting corruption, and suggests improvements where necessary. It is responsible for receiving and managing declarations of assets, ensuring their proper processing and control in line with current laws.

Additionally, the authority coordinates and monitors efforts to prevent and fight corruption, drawing insights from regular and statutory reports. It has established an interactive network to engage civil society in its mission of promoting transparency, prevention, and the eradication of corruption. The High Authority also upholds principles of transparency and integrity in organizing charitable, cultural, and sports events and in public and private sector operations. It works in collaboration with regional and international bodies focused on preventing and combating corruption. The authority not only prepares periodic reports on the implementation of its measures and procedures but also actively shares information with similar organizations and compiles an annual report for the President of the Republic (Article 4 de Loi n° 22-08 , Op, Cit.).

The principle of transparency in the fight against corruption has been a significant focus for public administrations since the post-independence period. This model prioritized efficiency over transparency, leading to heavy, opaque, and inefficient management of the administrative apparatus. Algeria, having ratified international conventions aimed at prevention and combating corruption, has introduced transparency as an essential element in the reform of public policies. Transparency promotes a better government, allowing for the implementation of principles and values that are the foundation of good public action (AIT ELDJOURI, 2020, p. 1745).

When comparing Act No. 22-08's transparency principle to the 2003 United Nations Convention against Corruption, the latter seeks to enhance and enhance efforts in preventing and fighting corruption, promote international collaboration and support in the prevention and combatting of corruption, including the recovery of assets, and encourage the values of integrity, accountability, and effective governance in public affairs and the management of public assets (Article 1 of United Nations Convention Against Corruption , Op, Cit.).

2.2 Administrative and financial investigations are carried out by the High Authority

The High Authority is responsible for administrative and financial investigations into the illicit enrichment of public agents who cannot justify substantial increases in their wealth. These investigations can identify anyone involved in the dissimulation of the unjustified wealth of a public agent, provided they are the true beneficiaries according to current legislation. The High Authority



can request written or verbal clarifications from the agent or concerned person. Professional or bank secrets are not opposable (Article 5 of Law No 22-08 , Op, Cit.).

2.3 Reporting or notification to the Supreme Authority by any natural person or legal person

Anyone with information or evidence related to corruption can alert or complain to the High Authority. Complainants must write, sign, and include relevant information and sufficient evidence to determine their identity. Protection of complainants is done by current legislation (Ibid, Article 6).

Compared with the UNCAC, States Parties should call for the active participation of civil society, non-governmental organizations, and community-based organizations in the fight against corruption to be encouraged. Such participation should be enhanced through increased transparency, effective access to information, public education programs, and respect for the freedom to seek, receive, disseminate, and disseminate information on corruption. Restrictions may be necessary to protect the rights, national security, public health, or morals of others. State parties must also ensure that the public knows the truth and has access to anti-corruption bodies to report incidents (Article 13 of the United Nations Convention Against Corruption, Op, Cit .).

2.4 Action taken in case of violation of the rules on transparency and impartiality

If the High Authority discovers or is informed about any violations of integrity rules, it can take action. These actions include addressing the concerned party if the data responses are insufficient, issuing injunctions if there are delays in the submission of statements, insufficiencies or inexactitudes in their content, or failure to respond to a request for an explanation. The High Authority's president can also issue the same injunctions to the institution or concerned organization and submit the actions taken during the session's session.

2.5 Case of Proven Illicit Enrichment

In cases of serious evidence confirming the unjust enrichment of a public agent, the High Authority can submit a report to the Public Prosecutor in the Sidi M'Hamed Tribunal for conservatory measures for three months. The order can be challenged or appealed, and the public department notifies it. The president of the tribunal decides whether to lift or prorogate the conservatory measures. If prescription or death ceases the public action, the Republic's Prosecutor can inform the Treasury's Justice Agent to initiate a civil action for confiscation of goods or provision of seizure, with the rights of the third party. The High Authority must provide all necessary documents and information to the accused. Institutions, public bodies, and anybody or any moral person are required to cooperate with the High Authority and provide necessary information and assistance for its missions. Decisions of the High Authority are subject to legal recourse (Ibid, Articles 11-12-13-14-15 .).

In contrast, the United Nations Convention against Corruption had called upon States Parties to adopt legislative and other measures to criminalize illicit enrichment, indicating a significant increase in the assets of public officials that could not reasonably be interpreted concerning their legitimate income, subject to the fundamental principles of their Constitution and legal system (Articles 20 of United Nations, Convention Against Corruption, Op , Cit).

2.6 Recovery of property from abroad

The Convention emphasizes the principle of asset return and requires States Parties to cooperate in this regard. Article 52 mandates financial institutions to verify customer identities, identify beneficial owners of funds, and scrutinize accounts maintained by prominent public figures and their family members. State parties should issue advisories on account types, transaction types, and record-keeping measures. They should prevent the establishment of banks without a physical presence or affiliation with regulated financial groups. They should establish financial disclosure systems for public officials and provide sanctions for non-compliance. They must also provide mutual legal assistance with confiscation, freezing, and seizure orders (Articles 51 , 52 , 53, 54 of the Convention Against Corruption Of United Nations, Op , Cit .).

The United Nations Convention on Corruption is considered a qualitative shift in the field of reclaiming criminality products, with Chapter V, "Recouvrement d'Ivoire," being classified as a



"complete convention relative to recouvrement" due to its importance in prevention and combating corruption and its potential as a pioneer in the field (Touil, 2023, p. 43).

The United Nations Convention on Crime and Crime Prevention outlines international cooperation in confiscation mechanisms for the recovery of property acquired through or involved in an offense. Each state party must take measures to allow its competent authorities to give effect to orders of confiscation issued by another state party or order the confiscation of foreign-originating property by adjudication of an offense. If the offender cannot be prosecuted due to death, flight, or absence, the competent authorities may allow the confiscation of property without a criminal conviction. States must also permit their competent authorities to freeze or seize property upon a freezing or seizure order issued by a court or competent authority of a requesting state party. If sufficient evidence is not provided or the property is of a de minimis value, states may refuse cooperation under this article or lift provisional measures (Articles 54, 55, 56, 57, 58, 59 of the Convention Against Corruption of United Nations, Op, Cit).

Conclusion:

Algeria has enacted Law 22-08, which outlines the structure and functions of the High Authority for Transparency and Prevention of Corruption. This law empowers the authority with broad capabilities to regulate and maintain the integrity of public officials, ensure efficient management of public funds, and promote transparency. The authority is authorized to issue directives to various public, administrative, economic, and social entities if they neglect to provide necessary declarations. In cases of minor offenses, the High Authority is accountable to the territorially competent prosecutor. Its composition includes representatives from the three branches of the state and incorporates figures from civil society. The law mandates the authority to impose deterrent sanctions on administrative and economic bodies and ensures its financial autonomy by exempting it from the state's general budget and external independent oversight. The primary goal of the law is to develop a comprehensive national strategy to prevent and fight corruption.

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