



# THE NEWLY ESTABLISHED CONSTITUTIONAL MECHANISM FOR PREVENTION AND COMBATING CORRUPTION IN THE ALGERIAN CONSTITUTION OF 2020 AND LEGAL TEXTS

DAIM NAWAL<sup>1</sup>, DERRAR ABDELHADI<sup>2</sup>

<sup>1</sup>Lecturer at the Faculty of Law and Political Science, University of Abu Bakr Belkaid, Tlemcen, Algeria

Assistant Professor at the Faculty of Law and Political Science, University of Abu Bakr Belkaid, Tlemcen, Algeria

Email: dmnawal@yahoo.fr, derrarm.dz@gmail.com

Received : 22/11/2023 ; Accepted : 24/02/2024 ; Publication : 08/03/2024

## **Abstract :**

*As stated in the preamble of the constitutional amendment for the year 2020, the Algerian state has been and continues to be committed to preventing and combating corruption. To achieve this goal, it has worked on enhancing its efforts in this field and establishing a conducive environment for public life and combating various forms of corruption. This was achieved through the introduction of a new mechanism, in place of the National Authority for the Prevention of Corruption, known as the Supreme Authority for Transparency and Corruption Prevention. This mechanism aligns with the provisions of international agreements ratified by Algeria regarding the prevention and combating of corruption. Subsequently, the legal text regulating this authority was issued, encompassing its various powers and strengthening its essential role in promoting transparency and preventing corruption at both domestic and international levels.*

**Keywords:** 2020 Constitution, mechanism, supreme authority, transparency, corruption, powers, prevention.

## **INTRODUCTION:**

Corruption, in its various forms, is considered a serious phenomenon that has spread within societies. This is a result of flawed political, economic, and social practices followed by governments over the years, as well as the lack of transparency, accountability, and accountability systems. Such practices have created a fertile ground for the growth of corruption<sup>1</sup>.

Considering corruption as a dangerous phenomenon that threatens the stability and security of societies, and hinders their development and prosperity, is crucial. This is due to its negative impact on economic activity and the overall fabric of society. Administrative and financial corruption has become an international problem affecting most countries worldwide. However, it varies from one country to another, depending on the laws, cultures, and political nature of governance in each country<sup>2</sup>. As a result, the spread of corruption has led to the collective efforts of the international community to combat this phenomenon. Combating corruption is the responsibility of all nations<sup>3</sup>, which was emphasized by the United Nations Convention against Corruption in 2003.

Furthermore, Article 6 of the aforementioned Convention, to which Algeria has acceded with reservations, and according to Presidential Decree 04-128 dated April 19, 2004, imposes on member states the obligation to establish one or more bodies responsible for the prevention and combating

---

<sup>1</sup> Mohamed Said Al-Ramlawi, "Financial and Administrative Corruption Provisions in Islamic Criminal Jurisprudence," Dar Al-Fikr Al-Jami'i, Alexandria, Egypt, 2012, p. 5.

<sup>2</sup> Essam Abdel Fattah Matar, "Crimes of Administrative Corruption – A Comparative Legal Analytical Study in Light of International Agreements, Criminal Legislation, and Anti-Corruption Laws in Arab and Foreign Countries," Dar Al-Jami'ah Al-Jadidah, Alexandria, Egypt, 2011, p. 11.

<sup>3</sup> Ahsan Gharbi, "The Supreme Authority for Transparency, Prevention, and Combating Corruption under the Constitutional Amendment of 2020," Research Journal, p. 688.



of corruption. This is precisely what the Algerian state has worked on. However, member states of the United Nations Convention have differed in naming, organizing, and operating these bodies, as well as in the powers granted to them. The Convention grants them freedom in this regard. Nevertheless, they share the same foundation, which is the Convention itself, and the objective of its establishment, which is the prevention and combating of corruption. Among the most important tasks entrusted to these bodies is the protection of public property and funds from all forms of corruption. This can only be achieved through enhancing transparency, integrity, and accountability systems in their management and administration, ensuring respect for the rule of law<sup>4</sup>.

Referring to the constitutional amendment of 2020<sup>5</sup>, specifically in its preamble, we find that the constitutional founder explicitly stated, "Algeria expresses its commitment to work towards the prevention and combating of corruption in accordance with the international agreements to which it has acceded."

According to the recent constitutional amendment, the Supreme Authority for Transparency and Corruption Prevention was established, replacing the National Authority for the Prevention and Combating of Corruption. Now, let's delve into the newly established constitutional mechanism through the 2020 constitutional amendment and explore the extent to which Law 22-08<sup>6</sup>, recently issued, clarifies its composition, independence, detailed powers, and operational procedures. Furthermore, we will examine how this authority intends to combat and prevent corruption.

This will be discussed in two sections:

**Section 1:** The Supreme Authority for Transparency and Corruption Prevention and its Independence.

**Section 2:** The Powers of the Supreme Authority for Transparency and Corruption Prevention and the impact of its work.

**First Section: The Supreme Authority for Transparency, Prevention, and Combating Corruption and its Independence:**

As previously mentioned, the United Nations Convention against Corruption, adopted by the General Assembly of the United Nations, mandates member states to establish a body or bodies tasked with preventing and combating corruption. This is what the Algerian state has implemented by establishing the National Authority for the Prevention of Corruption and its Combating, which was replaced in the recent constitutional amendment by the Supreme Authority for Transparency, Prevention, and Combating Corruption. What is the origin of the name of the latter, and its composition (first requirement), and what is the extent of its independence and the guarantees granted to its members to perform their duties (second requirement)?

**First Requirement: Analysis of the Name of the Supreme Authority for Transparency, Prevention, and Combating Corruption and Its Composition:**

The Supreme Authority for Transparency, Prevention, and Combating Corruption was established to replace the National Authority for the Prevention of Corruption and its Combating, which was included as an advisory institution within the constitutional amendment of 2016<sup>7</sup>, unlike the Supreme Authority for Transparency, Prevention, and Combating Corruption, which has been included within the framework of oversight institutions. Therefore, this requirement will be addressed in two subsections: the first subsection will analyze the name of the Supreme Authority for Transparency, Prevention, and Combating Corruption, and the second subsection will discuss its composition.

---

<sup>4</sup> Haidar Jaloul, "The National Authority for the Prevention and Combating of Corruption and the Protection of Public Funds," Doctoral Thesis in Public Administration Law, Faculty of Law, University of Sidi Bel Abbes, 2020-2021, p. 2.

<sup>5</sup> Presidential Decree No. 20-442 dated December 30, 2020, concerning the issuance of Constitutional Amendment No. 82 of the year 2020.

<sup>6</sup> Law No. 22-08 dated May 5, 2022, regulates the organization of the Supreme Authority for Transparency, Prevention, and Combating Corruption, its formation, and its powers, in Official Gazette No. 32 of 2022.

<sup>7</sup> Law No. 16-01 dated March 6, 2016, includes Constitutional Amendment No. 14 of 2016.



### **First Requirement: Analysis of the Name of the Supreme Authority for Transparency, Prevention, and Combating Corruption**

From an analysis of the constitutional texts, the following observations can be made:

1. The 2020 constitutional amendment replaced the previous 2016 amendment, which categorized the National Authority for the Prevention of Corruption and its Combating as an advisory administrative entity<sup>8</sup>. The 2020 amendment transformed it into an independent institution, although it only vaguely emphasized the principle of independence without explicitly addressing financial and administrative autonomy. However, Article 2 of Law 22-08 firmly establishes the Supreme Authority's moral, financial, and administrative independence.

2. The adoption of the term "Supreme Authority" instead of "National Authority," as previously used in the 2016 amendment, aligns with the extensive powers granted to it by the 2020 constitutional amendment. Moreover, the chosen name emphasizes the importance of transparency. Why transparency?

Transparency, in the context at hand, refers to the absence of concealment<sup>9</sup>. The term "transparency" is explicitly mentioned in various provisions of the 2020 constitutional amendment, including Article 9, as well as Articles 199 and 205. Additionally, international agreements ratified by Algeria in the field of corruption prevention and combating corruption highlight transparency as a fundamental principle and objective. The United Nations Convention against Corruption, ratified by the General Assembly, specifically emphasizes the principles of the rule of law, integrity, and transparency, as outlined in Article 5. Similarly, the African Union Convention on Preventing and Combating Corruption, ratified through Presidential Decree 03-137, and the Arab Convention for Combating Corruption, ratified through Presidential Decree 14-249, both stress the promotion of integrity, transparency, accountability, and the rule of law. Therefore, the chosen name for the Supreme Authority aligns with the constitutional provisions and international conventions ratified by Algeria concerning corruption prevention and combating corruption.

### **The Second Branch: Composition of the Supreme Authority for Transparency, Prevention, and Combating Corruption:**

The Supreme Authority consists of two entities<sup>10</sup>: the President of the Supreme Authority<sup>11</sup> and its Council. Based on a thorough analysis of the legal provisions, the following can be deduced:

The Supreme Authority comprises a total of thirteen members, including the President. Concerning the President of the Supreme Authority, they are appointed by the President of the Republic<sup>12</sup> for a non-renewable term of five years, subject to a case of incompatibility between their tenure and any other term, position, or professional activity.

As for the other members who constitute the Council of the Supreme Authority<sup>13</sup>, their number amounts to twelve. It is deemed essential by the legislator that the composition of the Council embodies diversity, specialization, competence, integrity, and expertise in the field of corruption prevention and eradication. In terms of diversity, the Supreme Authority encompasses independent

<sup>8</sup> The National Authority for the Prevention and Combating of Corruption was classified, according to the constitutional amendment of 2016, as an advisory institution, unlike the Supreme Authority for Transparency, which was classified as a regulatory institution under the constitutional amendment of 2020.

<sup>9</sup> (Khalil Al-Jur, "Larousse Modern Arabic Dictionary," Larousse Library, Paris, 1973, p. 716.)

<sup>10</sup> Article 16 of Law 22-08.

<sup>11</sup> Article 21 of the same law.

<sup>12</sup> Salima Mesrati was appointed as the President of the Supreme Authority by virtue of Presidential Decree dated July 17, 2022, which includes the appointment of the President of the Supreme Authority for Transparency, Prevention, and Combating Corruption, in Official Gazette No. 50 of 2022. She is a professor of constitutional law and a former member of the Constitutional Council appointed by the President of the Republic.

<sup>13</sup> Article 23



national figures, in addition to members selected by the three authorities in the state (judicial, legislative, and executive), as well as representatives of civil society.

The distribution of Council members is as follows:

- Three members appointed by the President of the Republic from among independent national figures.
- Three judges, one from the Supreme Court, another from the Council of State, and the last from the Council of Auditors, all selected by the Higher Council of the Judiciary and the Council of Judges of the Council of Auditors.
- Three independent figures chosen by the President of the National Assembly, the President of the National Popular Council, and the Prime Minister or Head of Government, depending on the circumstances<sup>14</sup>.
- Finally, three individuals from civil society appointed by the President of the National Observatory for Civil Society.

It should be noted that the National Observatory for Civil Society is an advisory body to the President of the Republic<sup>15</sup>, serving as a framework for dialogue, consultation, suggestion, analysis, and foresight on all matters related to civil society and the promotion of its performance. The Observatory contributes to enhancing national values, democratic practices, and citizenship. It collaborates with other institutions in achieving national development goals and provides opinions, recommendations, and proposals regarding the situation and concerns of civil society, as well as mechanisms to enhance its role in public life<sup>16</sup>. The President of the Observatory is appointed from among national competencies by presidential decree, and the latter appoints three members to the Supreme Authority for Transparency, Prevention, and Combating Corruption.

The legislator has wisely stipulated that the chosen independent figures should be competent in financial or legal matters, possess integrity, and have expertise in corruption prevention and combating. From civil society, individuals known for their interest in corruption prevention and combating are selected. This is evident in the recently appointed members of the Council of the Supreme Authority for Transparency, Prevention, and Combating Corruption<sup>17</sup>, as the majority of them are professionals and university professors in the fields of economics or law. Alternatively, they have a reputable track record, known for their integrity and competence in the field.

It should be noted that the members are appointed by presidential decree for a non-renewable term of five years, unlike the President whose tenure can be renewed once, as mentioned earlier.

**The second demand: Independence of the Supreme Authority and the guarantees granted to it.**

The Supreme Authority for Transparency, Prevention, and Combating Corruption enjoys independence as stipulated by the constitutional amendment and the relevant law (First Branch). Its members also have guarantees while performing their duties (Second Branch).

**First Branch: Independence of the Supreme Authority for Transparency, Prevention, and Combating Corruption**

In contrast to the National Authority for Prevention of Corruption and Combating Corruption, which the constitution explicitly classified as an advisory body to the President of the Republic, the Supreme Authority for Transparency, Prevention, and Combating Corruption, according to the recent constitutional amendment, is an independent authority. The legislator clarified that it possesses legal personality, financial independence, and administrative independence. It is provided with a dedicated budget by the state and is equipped with all necessary human, financial, and material

<sup>14</sup> It is known that according to the constitutional amendment of 2020, it stipulates the position of both the Prime Minister and the Head of Government simultaneously, as provided for in Article 103 of the constitutional amendment of 2020.

<sup>15</sup> Article 213 of the constitutional amendment of 2020.

<sup>16</sup> Refer to Presidential Decree 21-139 dated April 12, 2021, concerning the National Observatory for Civil Society, in Official Gazette No. 29 of 2021.

<sup>17</sup> The presidential decree dated July 17, 2022, includes the appointment of members of the Council of the Supreme Authority for Transparency, Prevention, and Combating Corruption, in Official Gazette No. 50 of 2022.



resources to carry out its operations<sup>18</sup>. Additionally, as the Supreme Authority replaces the National Authority for Prevention of Corruption and Combating Corruption, the legislator emphasized the transfer of employees, immovable and movable properties, obligations, rights, files, and archives from the former authority to the Supreme Authority<sup>19</sup>.

**Second Branch: Guarantees granted to the President, members, and their obligations.**

- The utilization of facilities provided to them during their tenure to facilitate their work.
- State protection during the performance of their duties and/or on occasion, protecting them from defamation, threats, or any form of assault.
- Entitlement to compensation for the performance of their duties, as specified by regulations, and their independence in carrying out their work, free from pressure from other institutions in the state, allowing them to fulfill their entrusted responsibilities without constraints.

However, members and employees of the Supreme Authority must adhere to professional confidentiality even after the termination of their professional relationship with the Authority<sup>20</sup>. Additionally, no member of the Council can engage in any matter related to their relatives, in-laws, direct or indirect personal interests, or any previous case for a period of five years preceding the deliberations<sup>21</sup>. This explicitly ensures the neutrality of the members. Another guarantee is the collective decisions made by the Council, which are taken by a majority of the attending members<sup>22</sup>. To ensure the smooth functioning and continuity of the Council's work, the legislator has mandated the attendance of members at meetings under the penalty of losing their status. This means that members can be excluded from the Supreme Authority if they are absent without a valid reason from three consecutive Council meetings. Furthermore, if a member engages in serious actions or behaviors that contradict their obligations, it can also result in the loss of their status. In both of these cases, a decision to revoke their status is issued by an absolute majority of the members<sup>23</sup>.

**The second Section: Powers of the Supreme Authority for Transparency, Prevention, and Combating Corruption and its impact on its work.**

The constitutional amendment of 2020 and Law 22-08 have granted the Supreme Authority for Transparency, Prevention, and Combating Corruption extensive powers and authorities in the field of transparency, prevention, and combating corruption. These powers are outlined in Article 205 of the constitution, as well as in additional powers and authorities specified by Law 22-08, which regulates the organization, powers, and formation of the Supreme Authority, while also defining its relationship with other authorities in the same field. The following two requests will clarify and explain the aforementioned points: Request One: Powers of the Supreme Authority for Transparency, Prevention, and Combating Corruption, and Request Two: The mechanism of the Supreme Authority's work and its impact.

**First Requirement: Powers of the Supreme Authority for Transparency, Prevention, and Combating Corruption**

The powers and authorities of the Supreme Authority for Transparency, Prevention, and Combating Corruption will be addressed, taking into account the constitutional amendment of 2020 (First Branch), as well as the powers of the Supreme Authority based on Law 22-08 (Second Branch).

**First Branch: Powers of the Supreme Authority in the Algerian Constitution**

---

<sup>18</sup> Article 36 of Law 22-08 aforementioned.

<sup>19</sup> Article 41.

<sup>20</sup> Article 27.

<sup>21</sup> Article 33.

<sup>22</sup> Article 34.

<sup>23</sup> Article 26, paragraph 2.



Upon examining the text of Article 205, the Supreme Authority for Transparency, Prevention, and Combating Corruption is entrusted with a set of tasks and powers in the context of promoting transparency and working towards the prevention and combating of corruption. It carries out the following:

1. Developing a strategy for transparency, prevention, and combating corruption and ensuring its implementation and monitoring: The National Strategy for Transparency, Prevention, and Combating Corruption serves as a guide to activate international and national anti-corruption standards within institutions, public administrations, and the economic sector. The aim is to enhance and strengthen measures related to transparency, prevention, and combating corruption effectively<sup>24</sup>, with the ultimate goal of embodying the principles of the rule of law, promoting public life, and advancing participatory democracy.

**2. Contributing to the dissemination of a culture of transparency through:**

a) Strengthening the capacities of civil society and other stakeholders in the field of anti-corruption. It is important to emphasize what is stated in Articles 9 and 10 of the constitutional amendment of 2020, which affirm that "the people choose institutions aiming to achieve the following" ... "ensuring transparency in the management of public affairs."

- Protecting the national economy from any form of manipulation, embezzlement, bribery, illegal trade, arbitrary actions, seizure, unlawful confiscation, or money laundering.
- The 10th article affirms that the state ensures the activation of the role of civil society in managing public affairs.
- Contributing to fostering public life and promoting the principles of transparency, good governance, prevention, and combating corruption.
- Monitoring, implementing, and disseminating the culture of transparency, prevention, and combating corruption.
- Strengthening the capacities of civil society is considered a pillar for its preventive role and establishing principles of transparency and social justice through<sup>25</sup>:
  - Supporting and training various sectors of civil society in the fields of media and administration.
  - Establishing a tool for interaction and communication to confront financial and administrative corruption in Algeria.
  - Extending the activities of civil society organizations to adopt studies and reforms within the public and private sectors through the preparation of studies and designing specific programs for mechanisms to receive reports and complaints.
  - Relying on scientific and logical foundations in monitoring corruption.

Thirdly, in its relationship with other entities:

- The Supreme Authority for Transparency, Prevention, and Combating Corruption has the authority to:

1. Notify both the Court of Accounts and the competent judicial authority whenever it detects violations.
2. Issue orders, when necessary, to relevant institutions and bodies.
3. Collect, process, and report information related to its field of expertise and make it available to the competent authorities.

Fourthly: In addition to its advisory role, the Supreme Authority for Transparency, Prevention, and Combating Corruption possesses other powers, as follows:

- Improving the performance of personnel in the agencies responsible for transparency, prevention, and anti-corruption through their participation in training programs.
- The Supreme Authority for Transparency plays an advisory role by providing opinions on legal texts related to its area of expertise.

<sup>24</sup> The National Strategy for Transparency, Prevention, and Combating Corruption 2023-2027.

<sup>25</sup> Youssef Maqrin, "Constitutional Compatibility of the 2020 Authority for Civil Society Activity in Preventing and Combating Corruption," *Legal Studies Journal*, Volume 7, Issue 1, 2021, p. 1632.





## Second branch: Powers of the Authority under Law 22-08

The Algerian legislator granted the Supreme Authority for Transparency, Prevention, and Combating Corruption extensive and diverse powers through Law 22-08.

### Firstly: Jurisdictions at the national level

- Collecting, centralizing, utilizing, and disseminating any information and recommendations that can assist public administrations and any natural or legal person in preventing and exposing corruption<sup>26</sup>.

In this regard, the Supreme Authority monitors the extent to which public administrations and local authorities comply with the adherence to transparency, prevention, and anti-corruption systems<sup>27</sup>.

This monitoring includes verifying the existence, quality, effectiveness, and suitability of transparency, prevention, and anti-corruption systems, and the implementation of their measures.

The Supreme Authority in this field has an advisory role that involves providing recommendations aimed at assisting in the development of appropriate measures and procedures for each relevant institution or organization.

- Regular organization of legal tools related to transparency, prevention, and anti-corruption, as well as administrative measures and their effectiveness in the field of transparency, and proposing suitable mechanisms for improvement.

- Receiving property declarations and ensuring their processing and monitoring<sup>28</sup>. This is because any public official is obligated to declare their assets in order to ensure transparency in political and public life, protect public property, and uphold the integrity of individuals entrusted with public service<sup>29</sup>.

Property declaration is defined as a mechanism that seeks to monitor the financial integrity of public officials in order to verify any changes that may occur during their career path and to put an end to any practices that may lead to rapid enrichment, which could be a cause for involvement in corruption crimes<sup>30</sup>.

Therefore, property declaration is considered one of the preventive mechanisms through which the legislator seeks to uncover and limit the phenomenon of corruption<sup>31</sup>.

Furthermore, the Supreme Authority also conducts administrative and financial investigations into instances of illicit enrichment by public officials who cannot justify a significant increase in their financial assets<sup>32</sup>.

In this context, the Supreme Authority has the power to conduct investigations that may involve any person who may be involved in concealing the unexplained wealth of a public official if it is found that they are the beneficiary. The Authority may request clarifications from the public official or the relevant person, and these requests can be oral or in writing.

To facilitate the work of the Supreme Authority, professional secrecy or banking confidentiality is not considered valid grounds for refusal. The Authority must be provided with all the information it requests, which assists in conducting its investigations into instances of illicit enrichment by public officials.

- Ensuring coordination and monitoring of activities and efforts related to the prevention and combating of corruption, based on regular and periodic reports supported by statistics and analyses provided by the relevant sectors and stakeholders<sup>33</sup>.

---

<sup>26</sup> Article 4, Clause 1.

<sup>27</sup> Article 7, First Paragraph.

<sup>28</sup> Article 4, Clause 3.

<sup>29</sup> Article 4 of Law 06-01, which includes the amended and supplemented Anti-Corruption and Combating Law.

<sup>30</sup> Hamza Ashash, Hamza Khedri, "Asset Declaration as a Preventive Mechanism to Combat Corruption," Algerian Journal of Business Law, Issue 2, December 2020, p. 94.

<sup>31</sup> For more details: Amal Yaish Tamam, "Asset Declaration as a Preventive Mechanism to Combat Administrative Corruption in Algeria," Journal of Rights and Liberties, Issue 2, March 2016, p. 504.

<sup>32</sup> Article 5, Paragraph 1.

<sup>33</sup> Article 4, Clause 4.



- Engaging civil society by establishing an interactive network aimed at unifying and enhancing its activities in the field of transparency, prevention, and combating of corruption.
- Regarding charitable, religious, cultural, and sports activities in public and private institutions, the Supreme Authority works to strengthen transparency and integrity rules in the organization of these activities by implementing appropriate systems for preventing and combating corruption.
- Additionally, the Authority monitors the extent to which public institutions, economic institutions, associations, and other organizations comply with the adherence to transparency, prevention, and anti-corruption systems<sup>34</sup>.

#### **Secondly: International Cooperation:**

In accordance with the concluded agreements<sup>35</sup>, the Supreme Authority is responsible for developing cooperation with regional and international bodies and organizations specialized in the prevention and combating of corruption. It also prepares regular reports on the implementation of transparency, prevention, and anti-corruption measures and procedures in accordance with the provisions of these agreements. Furthermore, within the framework of international cooperation, the Supreme Authority proactively establishes a systematic and methodological approach for exchanging information with its counterparts at the international level, as well as with agencies and entities involved in combating corruption<sup>36</sup>.

The President of the Supreme Authority, representing the organization, works on information exchange and enhancing cooperation with international bodies involved in the prevention and combating of corruption<sup>37</sup>. The Council of the Supreme Authority has the authority to express its opinion on cooperation projects in the field of prevention and combating of corruption with international bodies and organizations<sup>38</sup>.

#### **The second Requirement: The mechanism of the Supreme Authority's work and its impact:**

This request will be addressed in two subsections: the first subsection will cover the mechanism of the Supreme Authority's work for transparency, prevention, and combating of corruption, while the second subsection will address the impact of the Supreme Authority's work for transparency, prevention, and combating of corruption.

##### **First subsection: The mechanism of the Supreme Authority's work for transparency, prevention, and combating of corruption.**

The work of the Supreme Authority for transparency, prevention, and combating of corruption can either be initiated by the Authority itself or through reporting or notification. This occurs in the following cases:

Firstly, in the presence of information, data, or evidence related to corrupt practices:

Any natural or legal person who possesses information, data, or evidence related to corrupt practices is permitted to report or notify the Supreme Authority. However, reporting or notification must adhere to certain guidelines and conditions, including:

1. Written communication and signature: The legislator stipulates that the report or notification must be in writing and signed by the reporter or notifier. Any oral reporting or notification, for example, is not considered valid.
2. Specifying the elements related to corrupt practices.

---

<sup>34</sup> Article 7.

<sup>35</sup> These are three agreements: the United Nations Convention against Corruption adopted by the United Nations General Assembly in New York on October 31, 2003, ratified with reservations by Presidential Decree No. 04-128, the African Union Convention on Preventing and Combating Corruption adopted in Maputo on July 11, 2003, ratified by Presidential Decree No. 06-137, and finally, the Arab Convention against Corruption drafted in Cairo on December 21, 2010, ratified by Presidential Decree No. 14-249, as previously mentioned.

<sup>36</sup> Article 4, Clauses 7, 8, 9.

<sup>37</sup> Article 22, Clause 10.

<sup>38</sup> Article 29, Clause 9.





3. Sufficient identification of the reporter or notifier's identity. Any report from an anonymous source is not considered valid.

In return, the notifier or reporter is protected by the state, providing assurance to anyone wishing to report the existence of corrupt practices.

Firstly, The impact of the Supreme Authority's work for transparency, prevention, and combating of corruption.

When the Supreme Authority, either through its own observation or after being notified of violations of the quality and effectiveness of the implemented measures related to the prevention and detection of corrupt practices within public bodies, associations, and institutions, it issues recommendations to rectify these violations within a specified timeframe.

In this regard, three scenarios can be distinguished:

1. When the Supreme Authority issues its recommendations, the relevant institutions and bodies are required to submit a report to the Supreme Authority regarding their compliance with these recommendations.

2. If, by chance, the institutions or bodies fail to respond or demonstrate deficiencies, the Supreme Authority issues an order compelling them to implement the recommendations within a maximum period of one year.

3. In the event of non-compliance, the Supreme Authority for transparency, prevention, and combating of corruption notifies the designated competent authorities, as specified by the regulations, to take appropriate actions in response.

Thirdly, in the case of breaching transparency requirements.

Measures taken in case of breach of integrity conditions:

The Supreme Authority, either on its own initiative or after being notified of a breach of integrity conditions and related rules, can take several measures, such as issuing warnings to the concerned individuals and notifying the competent Public Prosecutor in the case of failure to disclose assets or providing false declarations.

1. Warning the concerned individual: In the event of a breach of integrity rules, the Supreme Authority issues a warning to the individual responsible for the breach if the answers provided are deemed unsatisfactory.

2. Issuing orders: This occurs when any delays occur in submitting declarations, deficiencies or inaccuracies in their content, or failure to respond to clarification requests.

3. Notifying the Public Prosecutor: If the concerned individual fails to disclose assets after receiving a warning or provides false declarations, the Supreme Authority notifies the relevant Regional Public Prosecutor.

Fourthly, Availability of serious elements confirming the presence of unjustified enrichment of a public official.

In such cases, the Supreme Authority can provide the Deputy Prosecutor at the Sidi M'Hamed Court with a report aimed at issuing precautionary measures to freeze bank transactions or seize assets for a period of three months through a court order issued by the court president. The precautionary order is then communicated to the authorities responsible for its implementation in accordance with the law.

Fifthly, Cases that may be described as criminal offenses.

Within the framework of the relationship between the Supreme Authority, the judiciary, and the Court of Auditors, if the Supreme Authority becomes aware of circumstances that may constitute a criminal offense, it notifies the relevant Regional Public Prosecutor. It also informs the Court of Auditors if it discovers actions falling within its jurisdiction. The Supreme Authority is obligated to provide the notifying entity with all relevant documents and information related to the subject of the notification. To facilitate the work of the Supreme Authority, the legislator has mandated public



institutions and bodies, as well as individuals and legal entities, to cooperate by providing the requested information and documents necessary for the fulfillment of its duties<sup>39</sup>.

**Second subsection: The impact of the Supreme Authority's work for transparency, prevention, and combating of corruption.**

First and foremost, it is important to note that the decisions of the Supreme Authority for transparency, prevention, and combating of corruption are subject to judicial appeal. On the other hand, the Supreme Authority prepares an annual report on its activities. The draft of the annual report is prepared by the President of the Supreme Authority and presented to the Council of the Authority for approval and endorsement before being submitted only to the President of the Republic. It is not presented to other entities such as the Parliament, the government, or any other judicial body. This signifies the independence of the Supreme Authority from these entities. Furthermore, the content and substance of the annual report are made public to inform the public opinion and shed light on the work of the Supreme Authority and its contribution to curbing corruption within the state, which has long been a concern for public opinion.

**CONCLUSION:**

The establishment of the Supreme Authority for Transparency, Prevention, and Combating Corruption as a constitutional mechanism and supervisory institution under the constitutional amendment of 2020 represents a dedication to the constitutional endeavor undertaken by the state to prevent and combat corruption. After the issuance of Law 22-08, which defines the organization, formation, and powers of the Supreme Authority for Transparency, Prevention, and Combating Corruption, certain aspects that were subject to inquiry have become clear. In terms of the composition and formation of the Supreme Authority, the legislator deserves credit for ensuring diversity, specialization, competence, integrity, and expertise in the field of corruption prevention and combating. This demonstrates a clear effort to grant the Supreme Authority significant effectiveness in this field and independence in carrying out its assigned tasks.

Regarding its broad powers and commitment to transparency and improving public life, this is evident in practice. Recently, a framework agreement was signed between the Supreme Authority for Transparency, Prevention, and Combating Corruption and the Ministry of Higher Education and Scientific Research. The Minister of Higher Education stated that the aim of the agreement is to enhance public life in Algeria, particularly in the social and economic spheres.

On the other hand, Law 22-08 ensures that there is no interference between the powers of the Supreme Authority and the judiciary or the Court of Auditors, as they also possess authorities in the field of corruption prevention and combating. In practical terms and on the international level, the Supreme Authority for Transparency, Prevention, and Combating Corruption has participated in the working group meetings of the United Nations Convention against Corruption, focusing on asset recovery and reviewing the implementation of the convention's provisions. This was clarified by the Supreme Authority in a statement. This reflects the expansion of the scope of work of this authority at both the domestic and international levels.

**REFERENCES**

[1] **Dictionaries:**

- Khalil Al-Jur, "Larousse Modern Arabic Dictionary," Larousse Library, Paris, 1973.

[2] **Publications:**

- Essam Abdel Fattah Matar, "Crimes of Administrative Corruption - A Comparative Legal Analytical Study in Light of International Agreements, Criminal Legislation, and Anti-Corruption Laws in Arab and Foreign Countries," Dar Al-Jami'ah Al-Jadidah, Alexandria, Egypt, 2011.
- Mohamed Said Al-Ramlawi, "Financial and Administrative Corruption Provisions in Islamic Criminal Jurisprudence," Dar Al-Fikr Al-Jami'i, Alexandria, Egypt, 2012.

---

<sup>39</sup> Article 13

**[3] Doctoral Theses:**

- Haidor Jaloul, "The National Authority for the Prevention and Combating of Corruption and the Protection of Public Funds," Doctoral Thesis in Public Administration Law, Faculty of Law, University of Sidi Bel Abbes, 2020-2021.

**[4] Articles:**

- Ahsan Gharbi, "The Supreme Authority for Transparency, Prevention, and Combating Corruption under the Constitutional Amendment of 2020," Research Journal, Volume 6, Issue 1, 2021.
- Amal Yaish Tamam, "Asset Declaration as a Preventive Mechanism to Combat Administrative Corruption in Algeria," Journal of Rights and Liberties, Issue 2, March 2016.
- Hamza Ashash, Hamza Khedri, "Asset Declaration as a Preventive Mechanism to Combat Corruption," Algerian Journal of Business Law, Issue 2, December 2020.
- Youssef Maqrin, "Constitutional Compatibility of the 2020 Authority for Civil Society Activity in Preventing and Combating Corruption," Legal Studies Journal, Volume 7, Issue 1, 2021.

**[5] Legal Texts:**

- Law No. 16-01 dated March 6, 2016, including Constitutional Amendment No. 14 of 2016.
- Presidential Decree No. 20-442 dated December 30, 2020, concerning the issuance of Constitutional Amendment No. 82 of 2020.
- United Nations Convention against Corruption adopted by the United Nations General Assembly in New York on October 31, 2003, ratified with reservations by Presidential Decree No. 04-128, Official Gazette No. of 2004.
- African Union Convention on Preventing and Combating Corruption adopted in Maputo on July 11, 2003, ratified by Presidential Decree No. 06-137, Official Gazette No. of 2006.
- Arab Convention against Corruption drafted in Cairo on December 21, 2010, ratified by Presidential Decree No. 14-249, Official Gazette No. of 2014.
- Law No. 06-01 concerning the amended and supplemented Anti-Corruption and Combating Law.
- Law No. 22-08 dated May 5, 2022, regulating the organization of the Supreme Authority for Transparency, Prevention, and Combating Corruption, its formation, and its powers, Official Gazette No. 32 of 2022.
- Presidential Decree No. 21-139 dated April 12, 2021, concerning the National Observatory for Civil Society, Official Gazette No. 29 of 2021.
- Presidential Decree dated July 17, 2022, includes the appointment of the President of the Supreme Authority for Transparency, Prevention, and Combating Corruption, Official Gazette No. 50 of 2022.
- Presidential Decree dated July 17, 2022, includes the appointment of members of the Council of the Supreme Authority for Transparency, Prevention, and Combating Corruption, Official Gazette No. 50 of 2022.