

Recovery of Criminal Proceeds from the Digital Environment: A Study of the Algerian Experience and International Efforts

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Abstract :

The issue of recovering illicit funds from the digital environment is one of the most prominent contemporary hot topics driving international criminal policy. This is because it concerns the transfer, smuggling, or physical recovery of funds from virtual environments, but its impact extends to a range of stages that include tracking the digital trail of financial transactions according to a virtual map that identifies the sources of these funds, their destinations, and the countries through which they pass. This makes it possible to collect digital evidence and to apply the appropriate legal and judicial measures at both the national and international levels under comprehensive international cooperation. In particular, as modern and intelligent technology techniques have increasingly emerged, money-laundering operations have grown in parallel with cybercrimes. Accordingly, it has become necessary to update national and international financial legal systems in order to confront these challenges for the purpose of recovering such funds, and thus to identify the most important mechanisms adopted in this field, which is of great importance in linking national and international coordination to protect national economic security and ensure financial stability.

Keywords : Asset recovery, recovery process, digital environment, money laundering, illicit funds, international cooperation.

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Introduction :

The features of transactions have changed in the modern era as the characteristics of that era itself have changed. Most transactions are now carried out digitally in virtual spaces, which has even extended to financial corruption and has made the recovery of criminal proceeds from the digital environment among the greatest challenges standing as a special barrier to contemporary justice in all countries. Given the shift and transformation that has occurred in crime—particularly corruption crimes, money laundering, and the trading of virtual currencies—the scope of illicit funds being managed by more modern

technological means has expanded beyond regional boundaries and across time intervals, thereby making the recovery of such funds more difficult.

Against this backdrop, there has emerged a practical need to develop a legal, judicial, and digital approach that keeps pace with the new developments in financial crime within the digital environment, while also achieving a balance between the requirements of combating this newly emerging type of crime and the necessity of developing more effective mechanisms that localize the channels and methods of international cooperation. Owing to this importance, the Algerian experience—among others—stands as an example of a pioneering approach to combating financial corruption, based on the idea that the legal and institutional reforms accompanying the fight against corruption have reflected a more progressive direction toward strengthening the tools of freezing and seizure of funds and taking precautionary measures, in line with international legal developments. In addition, the seriousness of the various real financial crimes in the digital environment and the practical legal and judicial problems—and even economic effects—that may result from them are compounded by the complexity of tracking digital assets compared to traditional assets, as a consequence of the speed of technological transfers. Therefore, it is important to examine the role of international efforts in filling or reducing gaps in implementation and loopholes for the laundering of funds, in light of differences in technical capacities among countries.

This study aims to achieve a broad range of objectives, particularly because the subject is of a global nature. These objectives can be summarized in the goal of assessing the reality and future of recovering funds from the digital environment, and identifying the most prominent international efforts and Algerian plans in an attempt to recover what has been stolen, in accordance with the developments of modern technology. In addition, it seeks to evaluate the extent to which the United Nations Convention against Corruption is appropriate to the requirements and methods of money laundering and funds evasion—especially with the emergence and circulation of encrypted digital currencies—as well as to assess how Algerian legislation addresses it, in terms of legal and judicial tools. Accordingly, the study aims to determine the most significant practical issues of implementation with a legal, judicial, and digital dimension that hinder the recovery process. On that basis, it proposes a set of practical recommendations that can contribute to developing this topic and strengthening international cooperation in recovering funds from the digital environment.

This topic raises many questions with national and international legal, judicial, and digital dimensions, which can be summarized in a main problem centered on how to address the issue of recovering funds from the digital environment in light of the Algerian experience and international efforts effectively, between the rapid pace of technological development and the complexities of modern technology, between the development of the legal and judicial system, and the extent to which the international legal framework aligns with the requirements of recovery in the digital age.

The subject of this article will be addressed using an integrated methodological pluralism combining description, analysis, comparison, and conclusion. This is because the international nature of recovering funds from the digital environment requires linking the reality of adopting legal and judicial plans and measures from a global perspective. Thus, the Algerian experience has been taken as a primary model in the study, alongside some

other experiences. Accordingly, the role of technology in recovering funds stolen from digital environments in their various forms will be analyzed, as well as the extent of its impact on the international legal framework and on developments in digital technology. This will allow us to infer the most important gaps from a practical standpoint, and therefore to propose what is necessary in recommendations to enrich and develop the recovery process in line with the ongoing rapid technological developments.

Answering this problem and its various sub-questions will be carried out according to a dual plan based on two main axes. The first addresses the issue of mechanisms of oversight in combating money laundering and recovering criminal proceeds by addressing the legal aspect of funds recovery operations according to the Algerian experience in the context of digitization, as well as settlement mechanisms as an advanced step for integrating decisions of the UN Security Council with developments in the recovery of stolen funds. The second axis will be devoted to studying the international efforts made in recovering funds amid the increasing growth of technological development, by addressing modern methods for recovering illicit funds from the digital environment, and then identifying the most significant issues involved in recovering funds from the digital environment between rigid international legal texts and the rapid pace of technological development.

First : Mechanisms of Oversight in Combating Money Laundering and Reclaiming Criminal Proceeds

The recovery of funds, assets, and property that have been stolen reflects a set of judicial and non-judicial measures, as well as the efforts undertaken by States to retrieve money that was looted from their wealth and resources and that results from corruption operations which were either transferred to foreign countries or remained within the States themselves. This is a process in which these monies are identified, frozen, and returned to the countries that were victims of that corruption. It is a complex, multi-level process and one of the most important anti-corruption measures, particularly in light of digital transformation and the widespread circulation and dealing in virtual currencies in their various forms¹.

Within this harsh digital framework that has overturned the balance of the movement of funds to and from abroad under a criminal, cross-border guise, national efforts come to the forefront in order to confront the threat posed by this criminal phenomenon through mechanisms of oversight and the challenges of facing it.

01_ The Legal Aspect of Money Recovery Operations According to the Algerian Experience Under Digitalization

The Algerian legislator adopted the concept of asset recovery following the ratification of the United Nations Convention against Corruption, and the issuance of Law No. 06-01 dated 20 February 2006, relating to the prevention of corruption and its fight, as amended and supplemented², This law incorporated the most important provisions of the United

¹ Jamal Rahhal, Asset Recovery Mechanisms Within International and National Efforts, Journal of Legal Studies, Volume 09, Issue 02, 2023, p. 06

² Law No. 06-01 dated 20 February 2006 relating to the prevention of corruption and its fight, Official Gazette (J.O.R.A.), Issue 14, issued on 8 March 2006, amended and supplemented by Law No. 22-08 dated 5 May 2022, which specifies the organization of the High Authority for Transparency and the Prevention of Corruption and Its Fight, its composition and powers, J.O.R.A., Issue 32, 2022

Nations Convention against Corruption related to the recovery of proceeds of corruption crimes into domestic law (Chapter Five of Law No. 06-01)³.

Thus, Algeria has consecrated the term “asset recovery,” and it has also enshrined the principle of “broad mutual cooperation” in the field of exchanging information and uncovering, freezing, arresting, and confiscating corruption proceeds in order to return them to their rightful owners. From this it becomes clear that the most important mechanisms adopted by the national State to recover illegal funds—particularly from the digital environment—are:

a_ Reporting Suspicious Financial Operations as an Exploratory Mechanism:

Algerian law provides for this obligation under Article 19 as amended by Order No. 12-02, and Article 20 of Law No. 05-01 as amended by Law No. 23-01 relating to the prevention of money laundering and the financing of terrorism and combating them⁴,

These articles specify the obligated entities regarding the duty to report suspicion, which include financial institutions and non-financial professions that must submit the report in accordance with the provisions specified in Article 20 (which we will address). The persons subject to this requirement must inform the competent authority of all financial operations relating to funds that are suspected to be derived from a crime, or that appear to be intended for money laundering or financing terrorism. This reporting must be carried out immediately upon the existence of the suspicion, even if it is not possible to postpone the execution of those operations or after they have been completed, without prejudice to the provisions of the Criminal Procedure Law.

Within the same context, Article 10 of Regulation No. 12-03 obliges banks to have systems sufficient to detect suspicious operations and to subject them to the suspicious-transaction reporting system. This article has set indicators for identifying suspicious operations, including, for example⁵:

- Operations that do not have a clear economic or commercial justification.
- Excessive movements of capital compared to the account balance.
- Cash amounts that do not relate to the customer’s ordinary transactions.
- Operations carried out in an unusually complex manner.
- Operations that do not appear to have legitimate objectives.
- Operations that exceed the ceilings defined by applicable legislation.

Therefore, these indicators are specifically, by way of example and not limitation, which allows the bank a discretionary power to determine whether suspicion exists or not, based on the wording contained in the provision of the above article: “In particular the following operations...” When the bank confirms the existence of a case of suspicion, it must report

³ Presidential Decree No. 04-128 dated 29 Safar 1425, corresponding to 19 April 2004, which includes—subject to reservations—the ratification of the United Nations Convention against Corruption, adopted by the United Nations General Assembly in New York on 31 October 2003, J.O.R.A., Issue 26.

⁴ It is worth noting that the Algerian legislator has taken a broad step in particular in the field of digital currencies by amending this law through Law No. 25-10 dated 28 Muharram 1447, corresponding to 24 July 2025, J.O.R.A. No. 48, as amended and supplemented to Law No. 05-01 dated 27 Dhu al-Hijjah 1425, corresponding to 6 February 2005, relating to the prevention of money laundering and the financing of terrorism and combating them.

⁵ Regulation No. 14-25 dated 2 Rabi’ II 1447, corresponding to 24 September 2025, which amends and supplements Regulation No. 24-03 dated 18 Muharram 1446, corresponding to 24 July 2024, relating to the prevention of money laundering, the financing of terrorism, and the financing of proliferation of weapons of mass destruction, and combating them.

that operation immediately to the financial intelligence inquiry-processing unit, according to a model specified under Executive Decree No. 06-05 dated 9 January 2006, which includes the form of the report, its contents, and proof of receipt⁶.

b_ Criminalizing Dealing in Virtual Assets:

Under Article 6 bis of the aforementioned Law No. 25-10, virtual assets are prohibited from being issued, purchased, sold, used, possessed, traded in, promoted, or created or operated for their exchange, where they constitute property, proceeds, money, assets, or any other equivalent value:

- as a means of payment or acknowledged as currency;
- as an investment.
- The prohibition also includes activities related to mining virtual currencies.

At this stage, the Algerian legislator attributes, for the purpose of confronting digital crimes connected to the financial aspect—particularly if the criminal activity is linked to the economic side through investment in virtual currencies far removed from centralized oversight.

c_ Establishing parallel financial investigation

This is a financial investigation conducted alongside the criminal investigation in cases of money laundering, terrorist financing, or financing the proliferation of weapons of mass destruction. Precisely, it refers to a simultaneous investigation with any traditional criminal investigation or any case related to money laundering, in situations where suspicious or unlawful financial proceeds are linked to a predicate (underlying) offense. This includes collecting material financial evidence by uncovering the financial dealings of suspects and analyzing financial movements in order to identify the proceeds of the predicate offense and the offense of money laundering. After that, these funds are placed under restraint or frozen. In addition, tracking is carried out and the necessary evidence for the investigation is presented, for purposes of directing charges, as well as for attachment (seizure), and confiscation, in accordance with recommendations of the Financial Action Task Force (FATF)⁷.

The parallel financial investigation particularly targets the following crimes:

- Organized crimes and cross-border crimes, especially terrorist and sabotage crimes.
- Human trafficking crimes and crimes involving organs, including trafficking in children and exploiting them.
- Smuggling of migrants crimes and sexual exploitation.
- Drug trafficking and trafficking in psychotropic substances.
- Arms trafficking crimes and corruption.
- Money laundering crimes, fraud, and swindling, as well as forgery and counterfeiting of currency.

⁶ Executive Decree No. 06-05 dated 9 Dhu al-Hijjah 1426, corresponding to 9 January 2006, which includes the form of the suspicious-transaction report, its model, its contents, and the receipt slip, J.O.R.A., Issue 02

⁷ Bouaziz Mohand Akli, Proactive and Parallel Financial Investigation : Constraints and Techniques, an article published on the website of the Central Office for the Repression of Corruption, November 2021, visited at www.ocrc.gov.dz/ar , visit date 01_12_2025.

- Imitation and piracy crimes.
- Environmental crimes, crimes of murder and kidnapping, hostage-taking, and acts of robbery.
- Smuggling crimes and tax evasion, as well as extortion and speculation crimes.

In all cases, it is necessary to link and analyze unlawful transfers and financial flows, and determine their connections to the criminal activity and the criminal network, in light of modern developments and the repercussions of digitalization, as a prelude to attachment and confiscation procedures in accordance with FATF recommendations and the Law No. 05-01 as amended and supplemented by Law No. 25-10, which kept pace with the digital reality. Accordingly, the objectives and importance of the parallel financial investigation lie in⁸:

- determining the scope of criminal networks and the level of their seriousness;
- tracking criminal proceeds and freezing, attaching, and confiscating them;
- developing the evidence that can be submitted in criminal proceedings;
- achieving speed in taking control of unlawful funds and property as a prelude to their confiscation;
- enabling judicial authorities and law-enforcement actors to precisely search for the financial aspects related to financing serious crimes;
- achieving deterrence in economic and serious crimes by depriving offenders of their property;
- enabling governmental and non-governmental entities to recover looted resources;
- facilitating confiscation and asset recovery procedures in corruption crimes, money laundering crimes, and terrorist financing crimes.

At the end of the parallel financial investigation, the results must be collected, analyzed, and integrated, and their relationship to money laundering and predicate (underlying) crimes must be clarified, with identification of the type of assets and property discovered, their size, and their value—supported by descriptive summaries and graphical tables in accordance with the requirements of digitalization and legal texts. It is therefore necessary to document their location, whether virtual or geographic, and to support them with images and technical reports in order to understand the circumstances surrounding financial transactions and the movement of unlawful proceeds in the digital or real business environment. Thus, recording the results of the financial investigation becomes an essential step for clearly identifying unlawful assets and proceeds and accurately identifying the perpetrators involved in those crimes, supported by strong evidence that justifies directing the suspicion toward persons and property, and doing so quickly⁹.

It should be noted that investigators must follow the highest levels of accuracy and professionalism during the conduct of these investigations, including resorting to experts in banking, financial, and accounting fields, to facilitate subsequent procedures for freezing, attachment (seizure), and confiscation.

⁸ Chaouch Naim, Allali Nawal, *Parallel Financial Investigation in the Light of the Law on Prevention of Money Laundering and Terrorist Financing and Their Combating*, Department of Research, Studies, Legal and Political, Volume 09, Issue 01, 2025, pp. 29–31

⁹ Ibid, p. 37

d_ Creating a financial intelligence inquiry cell

The financial intelligence inquiry cell is the sole authority responsible for receiving notifications related to suspicions regarding potential money laundering operations, pursuant to Executive Decree No. 02-127, which sets out its establishment and organization. This cell, which has legal personality and financial independence, is based in Algeria. It is tasked with combating terrorist financing and money laundering, and it has been organized based on recommendations from the international Financial Action Task Force and the International Monetary Fund¹⁰.

In light of the new legal situation, it became necessary to amend the decree that created the cell, which led to the issuance of Executive Decree No. 13-157, amending and supplementing the text of Article 2 of the previous decree to confirm that “the cell is an independent administrative authority with legal personality and financial independence, and it reports to the Minister responsible for finance.” The Algerian legislator also confirmed the cell’s tasks through several articles in the decree, where it was assigned to receive and analyze suspicion reports and to use them in order to identify the sources and destinations of suspected funds¹¹.

In general, this procedure covers all operations regardless of the size of the amounts concerned, since information is used for these purposes only to combat money laundering and terrorist financing. The cell’s members are required to observe restraint and confidentiality even vis-à-vis their original administration, which strengthens legal cooperation between the cell and banking institutions. This therefore contributes to protecting the banking system from money laundering, and as a result, the cell’s cooperation in the exchange of information extends to other bodies such as the National Authority for Prevention of Corruption and the Banking Commission. It also receives urgent reports from the General Inspectorate of Finance, the tax authorities, customs, and others when funds or operations are discovered that are suspected to result from crimes, or that appear to be intended for money laundering and/or terrorist financing or financing weapons of mass destruction¹².

The cell may seek assistance from any qualified person to help it in its tasks, and it has the authority to request the documents and information needed pursuant to the amended decree regarding judicial authorities. It may also send files to the competent public prosecutor’s office if follow-up-viable evidence is available. It may also object to the execution of banking operations related to strong suspicions for a maximum period of 72 hours. The cell’s work does not stop at requests for information from national authorities only; it may also request support from any similar international body under cooperation and information-exchange protocols¹³.

¹⁰ Executive Decree No. 02-127 dated 24 Muharram 1423, corresponding to 7 April 2002, regarding the establishment, organization, and functioning of a financial intelligence inquiry cell, J.O.R.A., Issue 23.

¹¹ Article 2 of Executive Decree No. 13-157 dated 15 April 2013, J.O.R.A., Issue 23 issued on 28 April 2013, amending and supplementing Executive Decree No. 02-127 regarding the establishment, organization, and operation of a financial intelligence inquiry cell.

¹² See Article 21 of Order No. 12-02 as amended by Article 10 of Law No. 23-01 relating to prevention of money laundering and terrorist financing and their combating, as amended and supplemented, op cit

¹³ See Article 6 of Executive Decree No. 02-127 regarding the establishment, organization, and operation of the financial intelligence inquiry cell, as amended and supplemented, op cit

This strengthens the role of this cell in the attempt to recover funds in the era of digital transformation by proposing a comprehensive anti-corruption prevention policy, providing guidance related to anti-corruption prevention, and collecting and exploiting information contributing to uncovering corruption.

02_ Settlement mechanisms as an advanced step for integrating decisions of the Security Council with developments in the recovery of stolen funds.

In light of the intensification of the phenomenon of money being smuggled from one country to another through various methods—especially with the emergence of virtual currency trading—international efforts have multiplied through decisions of the Security Council and initiatives concerning the limitation, or at least the reduction, of the expansion of this phenomenon in accordance with the requirements of the modern era.

A_ International initiatives and Security Council resolutions concerning the recovery of funds

Recognizing the seriousness of money laundering and its close connection to criminal activities—particularly international terrorism, which constitutes a direct threat to international peace and security and undermines the stability of the global system—the Security Council issued a series of binding resolutions to Member States under Chapter VII of the United Nations Charter. These resolutions aim to establish an international financial system that achieves security stability. Among them, the most important are¹⁴:

- Resolution No. 1267 (1999): issued to freeze the assets of extremist entities in Afghanistan.
- Resolution No. 1373 (2001): issued following the attacks of September 11, 2001, to criminalize and punish the collection and receipt of funds intended to finance or support terrorism.
- Resolution No. 1483 (2003): concerns Iraq; the Council approved the freezing of the assets of the former regime (Saddam Hussein) and work toward recovering them, and transferring them to the Iraq Development Fund.
- Resolutions Nos. 1988 and 1989 (2011): included the imposition of punitive measures against specific terrorist entities.
- Resolutions Nos. 2253 and 2255 (2015): imposed sanctions on terrorist entities in Iraq.
- Resolution 1452 (2002), amended by Resolution 1735 (2006): which allows the Security Council's sanctions committee to issue exemptions from asset freezes to permit the payment of essential expenses (food, rent, medical care) or exceptional expenses, which constitutes a partial and restricted form of recovery.
- Security Council Resolution No. 1452 (2002), amended by Resolution 1735 (2006).
- Security Council Resolution No. 2734 (2024): paragraph 11 and paragraphs 87–89.

In addition, the Security Council urged States to implement the recommendations of the Financial Action Task Force (FATF) and to incorporate them into their national plans and financial measures. This is intended to provide a legal international basis that activates

¹⁴ Nabil Mahmoud Hassan, Money laundering crime and the use of artificial intelligence technology in facing it, *Journal of Governance, Prevention of Corruption and its Combat*, Volume Two – First Year, March 2025, p. 32

the necessary economic measures to combat terrorism and its financing through the proceeds of illicit funds. In this framework, many initiatives were adopted, the most important of which are:

- **The Stolen Asset Recovery (StAR) Initiative**

Established in 2007, it is a partnership between the World Bank and the United Nations Office on Drugs and Crime. The StAR initiative's work is based on Chapter V of the United Nations Convention against Corruption, which sets out the objectives and measures for the recovery of stolen assets. This Convention, which has been ratified to date by 189 States Parties, is considered a fundamental basis for the recovery of stolen assets, because StAR works with developing countries and financial centers to strengthen asset recovery efforts by improving the legal framework, providing training, guidance, and practical assistance. It also provides practical advice on asset recovery effort strategies and their management, and enables a platform for dialogue and cooperation on specific issues. It further plays a facilitative role in bringing together the participating judicial authorities in asset recovery efforts¹⁵.

- **The Arab Forum for the Recovery of Assets**

The Arab Forum was established as an independent initiative to support the efforts of Arab countries undergoing a transition phase to recover their looted funds, in 2012. This Forum constitutes a platform that brings together Arab countries with the G8 and the Deauville Partnership. It receives continuous support from several international entities, including the StAR initiative, which shares with it in organization and management. The Arab Forum works to overcome difficulties in recovering criminal proceeds in Arab countries through¹⁶:

- _ identifying the needs of countries wishing to recover their looted assets;
- _ providing regional training and discussing best practices in the field of recovery;
- _ raising local and international awareness about the most effective measures to recover funds;
- _ contributing to progress in asset recovery cases by facilitating dialogue _ directly between countries and the relevant officials.

B_ Settlement agreements

Many States, as parties to the United Nations Convention against Corruption in its various forms, moved to adapt their legislation to include preventive forms that allow control over corruption proceeds and prevent their transfer abroad. Among the most prominent of these forms is amicable settlement, which takes several forms in light of developments in contemporary criminal policy¹⁷.

¹⁵ Mostafa Muhammad Said Mahmoud, Experiences and Practices of States in the Field of Recovering Assets Looted through Corruption, *Al-Bahith Al-Arabi Journal*, Volume 02, Issue 03, 2021, p. 212

¹⁶ Harshaw Miftah, A Reading of the Reality of Recovering Criminal Proceeds : Between International Initiatives and National Efforts, *Journal of Legal and Social Sciences*, Volume 8, Issue 4, 2023, p 496

¹⁷ Yasmine Al Eid, The Problem of Recovering Criminal Proceeds, *Al-Jazairia Journal of Law and Justice*, Volume 07, Issue 01, 2021, pp. 99–100

- **Deferred Prosecution Agreement**

This model began to be applied in the United States in 1997. It is based on an agreement between the public prosecution and the concerned company under specified conditions, including:

- _ acknowledgement of the basic facts and cooperation to identify those involved;
- _ payment of financial fines and compensation to civil plaintiffs, with the possibility of confiscating the seized funds;
- _ a probation period typically ranging from two to 5 years during which the company undertakes corrective measures to prevent repetition of violations;
- _ its legal effect: the public prosecution's agreement to keep the file is halted if the conditions are complied with; however, if there is a breach, judicial prosecution procedures are initiated.

- **Public-Interest Judicial Agreement**

Introduced by French law issued in 2016 in accordance with Article 41-1-2 of the Criminal Code, it is a tool of negotiated justice inspired by the Anglo-American system. It is presented by the public prosecution to legal persons in corruption crimes, tax evasion, and money laundering before initiating public proceedings. It is based on paying a financial fine that may reach 30% of the company's turnover. The agreement is submitted to the judge in a public hearing, and it is published together with the approval decision on the website of the competent agency, which halts the procedures of prosecution.

- **Non-Prosecution Agreement**

This is a measure inspired by the American system applied in countries that adopt a discretionary approach to prosecution. Under it, the public prosecution refrains from initiating prosecution procedures for a specified period in exchange for the company's compliance with its obligations. The procedure ends with definitively closing the file upon the expiry of the period and fulfillment of the obligations.

- **Amicable settlement in Algeria as a developing experience in combating financial corruption:**

Algeria proposed the issue of amicable settlement within the government's work plan, through adopting methods to retrieve looted funds from businessmen and officials in exchange for amicable settlements that return the funds to the public treasury. However, this initiative sparked significant controversy and questions about:

- _ mechanisms of implementation and the absence of a clear formula for the process;
- _ the extent of the effectiveness of these settlements in achieving deterrence;
- _ concerns that the negotiation procedures may encourage corruption and entrench a policy of impunity.

In contrast, under the new Criminal Procedure Law No. 25-14, the powers of the public prosecutor were expanded, where alternative mechanisms for managing cases were introduced, and new powers for investigating the funds and property of suspects and the unlawful proceeds in crimes specified under Article 50 of this Law were granted¹⁸.

The legislator also allowed the adoption of precautionary measures against such property, such as total or partial attachment or freezing where strong indications exist favoring the

¹⁸ Law No. 25-14 dated 8 Safar 1447, corresponding to 3 August 2025, containing the Criminal Procedure Law, J.O.R.A., Issue 54.

unlawfulness of its source. This is subject to compliance with the legal procedures established. The purpose is to block access to proceeds of crime or their use in the commission of other criminal activities. In parallel, the legislator guaranteed that the owner of the attached property has the right to request a review or to challenge it if the property's lawfulness and source are proven, during the stages of initial investigations or judicial investigation. As for the trial stage, the court with jurisdiction over the merits decides the fate of the attached property by ordering its return to its owner, confiscation, or destruction¹⁹.

In contrast, the legislator limited the application of these precautionary measures to the crimes exclusively provided for in Article 50 of Law No. 25-14, which include: drug and psychotropic substance crimes, smuggling, trafficking in human beings and organs, smuggling of migrants, kidnapping, unlawful speculation, money laundering, financing terrorism and financing the proliferation of weapons of mass destruction, corruption crimes, violation of exchange legislation and movement of funds, violation of the monetary and banking law, tax evasion and tax fraud, terrorism crimes, and crimes related to information and communication technologies. Based on this, it is not permissible to take these measures for crimes other than those outside this list. It is also noted that other serious crimes, such as aggravated theft, fraud, and swindling, were excluded from the freezing and attachment system during the investigation stage, which may lead to the laundering of those funds before the case is referred to the examining magistrate.

Second: International efforts in the recovery of funds in light of the growing development of technology

Considering that the recovery of assets is one of the most important international objectives agreed upon for cooperation among all States Parties to anti-corruption conventions, international efforts to recover funds have evolved in line with developments in contemporary criminal policy and the emergence of digital systems. As a result, the tracking, freezing, and recovery of stolen funds have become part of a legitimate international legal framework, which contributes to preserving financial, legal, and judicial stability through more modern methods, and in light of different challenges.

01_ Modern methods for recovering illicit funds from the digital environment

In keeping with the digital revolution and the new developments in the current situation experienced by States, marked by a tremendous advance in digital technology, this has given rise to an increasing wave of money smuggling to and from abroad by various means. For this reason, the international community has sought to develop mechanisms for recovering illicit funds from the digital environment in accordance with these changes.

a_ Information exchange

International instruments have recognized the principle of international cooperation as a fundamental pillar in the field of recovering illicit funds from the digital environment, owing to its technical nature that aligns with the nature of cyberspace—particularly in the exchange of information and data carried on electronic media and storage devices.

¹⁹ Benyamina Amina, Innovative Procedures for Dealing with Criminal Proceeds under the New Criminal Procedure Law 25-14, *Journal of Judicial Reasoning*, Volume 18, Issue 01, 2026, p. 149

Therefore, this measure is considered one of the oldest mechanisms adopted and also among the most developed. The 1971 Convention on Psychotropic Substances began by requiring States Parties to share all details related to legislative and regulatory amendments concerning those materials, in addition to notifying the Secretary-General of substantive developments linked to their misuse or illegal trafficking within their territories. The Secretary-General then, in turn, makes this information available to all Member States in order to strengthen international cooperation and its comprehensiveness across the various States Parties²⁰.

In contrast, the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances further strengthened the obligation of States Parties to provide the fullest extent of mutual legal assistance at all stages of investigation, prosecution, and judicial proceedings—particularly in the financial and administrative fields and in various corruption-related acts that result in the smuggling of funds. This includes requests to provide information and evidence in a precise manner. Notably, the exchange of information was presented as the first decision that emerged from the United Nations conference responsible for adopting that Convention²¹.

Within the same context, the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption—within the framework of combating money laundering—emphasize the need to ensure that administrative and oversight bodies, law enforcement agencies, and judicial authorities (in accordance with each State’s domestic legislation and respect for sovereignty) are able to exchange information and cooperate domestically and internationally within the limits of domestic law. They also encourage States to consider establishing national financial intelligence units responsible for collecting and analyzing information related to potential money-laundering crimes²².

The international exchange of information—particularly digitally—extends today to include counterpart agencies and competent bodies tasked with combating financial and administrative corruption. This is one form of international cooperation based on bilateral and multilateral agreements in which Algeria, for example, is a Party, or through the application of the principle of reciprocity. This measure is an essential tool in combating human trafficking crimes among countries of origin, transit, and destination. The scope of information exchange also includes tax evasion crimes, as part of funds circulated in a digital context. Following the gaps in bilateral agreements aimed at avoiding double taxation, the Organisation for Economic Co-operation and Development—based on those gaps—initiated the signing of the “Convention on Mutual Administrative Assistance in Tax Matters,” which entered into force on 1 June 2011. It drew its provisions mainly from U.S. tax law, focusing primarily on defining the scope of exchange of tax information. In the same context, the Algerian legislator, for example, has consecrated this international cooperation by allowing the provision of information available with domestic competent

²⁰ Article 16, paragraph 1.2 of the United Nations Convention on Psychotropic Substances signed on 11 January 1971.

²¹ Article 7, paragraph 1.2 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances signed on 19 December 1988 in Vienna.

²² Article 18 of the United Nations Convention against Transnational Organized Crime of 2000 signed on 15 December 2000 provides for mutual legal assistance, while Article 27 of the same Convention provides for cooperation in law enforcement.

authorities to foreign competent authorities, for the purpose of recovering proceeds of administrative corruption crimes. The legal framework enables States Parties to be notified of information about criminal proceeds without a prior request, when it is shown that this will assist the concerned State or enable it to submit a request for confiscation. Police officers also play a key role in this exchange by providing international organizations—above all Interpol—with information related to crimes of theft, arms trafficking, illicit trafficking in narcotics and in human beings, as well as serious financial crimes²³.

In this field, and from a practical standpoint, we find—among leading international experiences—the information exchange used to recover proceeds of criminal activity from the digital environment, particularly in the fight against money laundering. The following country experiences are notable²⁴:

- **The Nigerian experience:** Considered among the most successful models for recovering criminal proceeds. After the death of the former President “Sani Abacha,” successive governments launched extensive investigations to recover funds smuggled abroad, using Swiss authorities to track them through information exchange. This resulted in the recovery of more than half a billion dollars between 2005 and 2006, then 1.9 billion dollars after six years of investigation. Efforts to recover the entire assets are ongoing.
- **The Peruvian experience:** Peru succeeded in recovering part of the funds looted during the tenure of President “Alberto Fujimori.” The investigations that began in September 2000 revealed unlawful assets amounting to nearly two billion dollars. Through information exchange with the Swiss authorities, 48 million dollars were frozen. Cayman Islands returned nearly 33 million dollars in March 2001, and Switzerland returned about 77.5 million dollars in 2002. In 2004, Peru recovered an additional 20 million dollars after signing an agreement with the United States of America.
- **The Philippine experience:** The Philippines succeeded in recovering part of its looted funds during the tenure of President “Ferdinand Marcos,” estimated at around 10 billion dollars. Persistent efforts over 18 years, combined with information-based cooperation with Swiss authorities, led to the recovery of approximately 624 million dollars in 2004.

b_ Methods for using artificial intelligence to combat financial corruption

Artificial intelligence has become one of the most important mechanisms relied upon in recovering illicit funds from the digital environment, due to the convergence in nature

²³ Hadja Abdelali, *Legal Mechanisms for Combating Administrative Corruption in Algeria*, Doctoral Thesis in Law, Public Law Specialization, Faculty of Law and Political Science, Department of Law, Mohamed Khider University of Biskra, Algeria, 2012/2013, p. 304

Georges Levasseur, Albert Chavanne Jean Montreuil, Bernard Bouloc, *Droit Pénal général et procédure pénal* ; DAL-LOZ, Paris 13 ; édition, 1999, p. 165.

²⁴ Mouazza Meryem, “Information exchange and its role in the recovery of criminal proceeds in light of international conventions and domestic law,” *Journal of Law and Human Sciences*, Volume 11, Issue 01, 2018, p. 322.

between them. Modern technology techniques in this field vary according to different approaches, the most important of which are²⁵:

- **Machine learning approach**

This approach relies on enabling artificial intelligence systems to learn and develop autonomously through experience. Software is provided with the ability to access and process data without external intervention. The process begins with collecting data—whether text files, spreadsheets, images, or audio recordings—then classifying it. The accuracy of the machine in identifying patterns and making sound decisions in the future is central, particularly when confronting financial and administrative corruption crimes based on the quality of the input data.

- **Big data approach**

This refers to very large sets of data and information characterized by complexity that cannot be processed through conventional systems. They are compiled from diverse sources such as the Internet, social media networks, and sensor devices, and then stored for analysis in order to reveal connections between independent data. This helps predict trends, combat crime, and trace the path of smuggled money across different countries and across various stages of the digital space, including digital banks. This field is linked to information security, which represents a fundamental challenge in protecting sensitive information and privacy from cyber threats.

- **Deep learning approach**

It is based on training machines and computers to perform various tasks and to simulate human performance. It is characterized by being deeper and more advanced than traditional machine learning approaches. Accordingly, it can penetrate further into information and data related to financial criminal operations, trace them, understand many aspects about them, and can also help stop them at an early stage.

- **Algorithms approach**

This consists of a series of specified operations that map machine learning to solve a particular problem or achieve a specific objective. It is based on supervised learning, in which humans guide algorithms to produce specific outputs based on known inputs, enabling them to predict correct responses later. In addition, there is unsupervised learning, which is a more independent approach: the machine discovers complex patterns, derives results, and predicts the future without continuous human guidance.

02_ Issues surrounding the recovery of funds from the digital environment between rigid international legal texts and the rapid pace of technological development

With the evolution of international efforts to combat the smuggling of money to and from abroad, and with the strengthening of these efforts in a manner consistent with modern technology in the recovery of funds, challenges and issues of a particular nature have emerged. Some of these relate to the ease of applying the provisions of the international anti-corruption convention, while others are linked to the digital environment itself.

²⁵ Nabil Mahmoud Hassan, op cit , p 49–40.

a_ The problem of applying Article 57 of the United Nations Convention against Corruption

The second paragraph of Article 57 of the United Nations Convention against Corruption states that each State Party, in accordance with the fundamental principles of its domestic law, shall adopt such legislative and other measures as may be necessary to enable its competent authorities, when acting on a request made by another State Party, to return confiscated property in accordance with the provisions of this Article, while taking into account the rights of third parties acting in good faith. Despite the clarity of this text, its implementation raises many legal and practical issues. Indeed, its third paragraph emphasizes the requirement to return confiscated property to the requesting State. In cases of misappropriation of public funds or money laundering of their proceeds, and based on a final judgment issued in the requesting State, the confiscated property must be returned to it. The same applies to the proceeds of any other offense covered by this Convention. This obligation to return confiscated property to its rightful owners constitutes an important achievement at the level of international law²⁶.

In practice, however, applying Article 57 of this Convention poses a set of challenges related to the credibility of the requesting State and the level of trust in the new governments. This is because, in many cases, the proceeds of embezzlement are recovered by governments formed after the overthrow of regimes described as dictatorial and corrupt—such as in Tunisia, Egypt, and Libya. Given the seriousness of the risk that the recovered funds may be embezzled again and transferred to accounts in foreign countries, the text referred to the need for more effective measures in recovering corruption proceeds, while emphasizing the necessity of establishing financial intelligence units to ensure the effectiveness of the asset recovery mechanism and its protection.²⁷

From another legal and technological perspective, Article 57 requires and imposes judicial cooperation between States in order to preserve the lawfulness of the money and recover what has been stolen from it, without focusing on the role of digital technology in this context. Yet technology requires rapid and immediate technical cooperation, such as immediately freezing digital accounts before judgments are issued. Among the most important issues branching from this problem are:

- **Procedural overlap with domestic law, especially when applying paragraph two of Article 57:**

This grants States limited—rather than absolute—flexibility, because it requires that the process of recovering funds be carried out according to the requirements of the fundamental principles of the domestic law of the State that holds the money. This gives sovereignty by applying the law of that State, not the law of the State to which the money was smuggled. As a result, the question arises as to whether this national legislation is consistent with the provisions of the Convention, and also whether its domestic procedures align with the required standards in the foreign State.

²⁶ Article 57 of the United Nations Convention against Corruption

²⁷ Mouri Sufian, The extent of the effectiveness of the international cooperation mechanism in the recovery of corruption proceeds between the provisions of the United Nations Convention against Corruption and Algerian legislation, *Algerian Journal of Law and Justice*, Volume 07, Issue 01, 2021, pp. 119–120.

- **Financial and judicial burdens according to paragraph five of Article 57:**

This paragraph provides that the requesting State bears the costs of recovery, not the shelter State, unless the States concerned agree otherwise. Legally, this means that developing and less-developed States may face a major financial obstacle when requesting their looted funds—particularly regarding the appointment of lawyers, experts, official translation work, and the various court procedures in “safe haven” countries, which in total may exceed the value of the recovered assets.

- **The emergence of virtual currencies and the speed of money movement to and from abroad versus the slowness of judicial and legal procedures:**

In general, Article 57 requires, for the recovery of funds, final rulings and lengthy judicial procedures by referring to Article 55 in order to verify, request, and respond. However, given the rapid changes in the world of corruption and the development of financial transactions—especially with the emergence of artificial intelligence, which has facilitated the circulation of virtual currencies—digital assets make it possible to transfer them, divide them, and conceal their features and traces and their path within seconds. Therefore, waiting for the issuance and execution of a final judgment required by Article 57 becomes ineffective in light of the developments and stakes of advanced technology, because the assets may have disappeared into a digital environment that is difficult to trace. This is reflected in the recovery process for funds. Moreover, Article 57 lacks mechanisms and strategies for dealing with this type of money, which is complex in legal terms.

b_ Hiding criminal proceeds and the identity of those involved

Offshore areas, such as Singapore, Bahrain, Luxembourg, Cyprus, Switzerland, Monaco, the Cayman Islands, and the Bahamas, are considered places to conceal criminal proceeds. These areas are characterized by the presence of banks that maintain a high level of banking secrecy, making it difficult to identify account holders. They also offer tax exemptions to attract non-resident clients. Among these banks are Eurodollar markets, which are considered global financial centers that are subject to no specific laws. As a result, individuals involved in corruption have relationships with influential public figures, which makes it easier for them to conceal and invest their criminal proceeds. Corruption defendants often refrain from cooperating with legal proceedings; they exercise their right to challenge orders and decisions issued against them, which leads to delays in confiscation procedures. For example, Tunisia faced this issue when asset recovery procedures began: the family of former President Zine El Abidine Ben Ali challenged, before foreign courts, decisions related to the Tunisian authorities’ request for banking documents concerning their suspicious financial transactions²⁸.

The challenges include the difficulty of determining the perpetrator’s identity in digital crimes, where an IP address can be used in ways that mislead investigations. In addition, other people’s computer systems may be hacked in order to carry out the crimes.

²⁸ Yasmine Al Eid, *op cit*, p 107–108.

c_ Obstacles related to the States from which the money was smuggled “requesting States”

International experiences have shown that the failure of many States to recover their smuggled criminal proceeds—whether in the digital environment or in the traditional sphere—stems from the State’s own errors and obstacles, including the following²⁹:

- Weak technical expertise and lack of sufficient technical knowledge, and lack of familiarity with the receiving States’ legal systems.
- Lack of resources and States’ inability to provide the financial capacity necessary to trace criminal proceeds and determine where they are.
- Weak stability and credibility, through doubts about the independence and integrity of the judiciary and authority in the requesting State, which leads receiving States to refuse cooperation. This occurred in 2013, when Swiss courts rejected requests by Egyptian authorities due to concerns about the subordination of the asset recovery committee to the executive authority.
- Fluctuating political will, by submitting requests for assistance under public or international pressure, then withdrawing from following them up later, as occurred in the Tunisian case with Switzerland.
- Absence of planning and evidence, which leads to rushing requests for legal assistance without conducting in-depth investigations or providing sufficient evidence. This hinders asset recovery and sometimes results in annulment of freezing decisions (as in Libya and Egypt). The inability to provide proof leads to long durations of precautionary measures without outcome.

d_ Obstacles related to the receiving States “shelter States”

Requesting States face difficulties imposed by States where the money is located, including³⁰:

- Absence of political will, which is considered a strong and highly influential factor, leading to hesitation in cooperation for fear of negative impact on the receiving State’s domestic economy.
- Refusal or silence, by refusing assistance requests without justification or by ignoring responses, taking advantage of the absence of a binding international legal framework. Tunisia, for example, suffered from not receiving responses to dozens of judicial requests.
- The existence of a set of burdensome conditions, such as requiring the issuance of a final conviction judgment, or proving that investigations are underway according to international standards (“fair trial”), or requesting detailed and precise evidence linking the money to the offense. This was faced by Egypt and Tunisia in their dealings with the United Kingdom, the United States, and the European Union.
- Non-recognition of the legal authority/reference, leading some States to refuse to rely on the United Nations Convention against Corruption as a sufficient basis for requesting assistance, despite being a Party to it.

²⁹ Transparency International, Anti-Corruption Helpdesk, “Asset recovery in Egypt, Libya, and Tunisia : Lessons to draw,” 2014, p. 6.

³⁰ Transparency International, *op. cit.*, p. 3.

Conclusion:

In conclusion, it can be said that the recovery of funds from the digital environment has become a real cross-border struggle in light of technological development. Indeed, it is no longer merely a legal issue or problem; rather, it has become a digital battle shaped by the changes in modern technology and the ability of those involved in corruption to exploit financial and administrative wrongdoing. For the geographical borders, time intervals, and even traditional banking systems no longer represent the only obstacle to international justice when seeking the recovery of illicit funds. The Algerian experience presented in this article serves as a main model of money laundering, which is among the most serious predicate crimes under the concept of dual criminality. Thanks to modern technology, virtual currencies have been exploited to cover criminal activities, which has made legal and judicial intervention at both international and national levels necessary in order to curb the increasing rate of this phenomenon through a set of efforts and mechanisms, by enabling the interaction of the legislator with international policies and by developing the international and national legal and judicial dimensions.

Results of the study:

- This study has shown a set of results, the most important of which are: modern technology in the field of funds recovery is indeed a double-edged weapon. To the extent that it has facilitated the commission of financial crimes especially the concealment of legitimate financial transactions under the cover of virtual currencies it has, in turn, provided advanced mechanisms for coping with and addressing those operations.
- The Algerian experience in combating financial corruption is one of the leading international experiences in this field, particularly after the issuance of the new Code of Criminal Procedure Law No. 25-14, which reorganized many matters having an international dimension, including the issue of the seizure of funds and the adoption of precautionary measures, in light of the expansion of the powers of the Public Prosecutor.
- The convergence of international efforts to recover funds looted from digital environments constitutes an effective preventive and deterrent legal weapon to confront the crime of money laundering and contributes to the recovery of illicit funds from this special-type environment.
- The presence of certain gaps and problems in the implementation of the Convention provisions, and in attempts to recover funds, between the rigidity of international legal texts and developments in digital technology especially what relates to Article 57 of the United Nations Convention against Corruption despite its importance and usefulness in achieving this presentation, it collides in the modern era with a digital technical reality that goes beyond the concept of traditional property and funds to a new term concerning the recovery of digital assets.

Recommendations of the study:

- Strengthen international cooperation in light of the increasing technological development in the area of modern financial technology, by expanding digital international efforts in the recovery of illicit funds through faster and more efficient information exchange, and by concluding collective agreements with legal, judicial, and digital dimensions.

- Work on training the judge in the digital field, by organizing training courses and specialized workshops on the recovery of funds from the digital environment, covering all actors involved in the administration of justice.
- Work on developing technological infrastructure and continuing efforts to implement strict cybersecurity measures to protect the financial system from various digital crimes. This can be done through awareness programs for financial institutions on how to deal with cyber risks and how to detect and prevent cyberattacks.
- It is better to develop, or move toward developing, a technical-legal-judicial international cooperation protocol as an annex to the United Nations Convention against Corruption, addressing the most important legal and judicial issues related to the recovery of digital assets in the digital environment among the States Parties, particularly in cases where a suspicion of digital financial corruption is established.
- It is recommended to create a specialized national unit for the recovery of funds from the digital environment under INTERPOL, combining judicial investigators and qualified financial and technical experts in advanced technology. Its role should not be limited to financial criminal investigation only; rather, it should include tracking the path of the funds, identifying their locations and traces according to a digital map, in coordination with other countries.

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